Managing Medium Density Housing Development
A Municipal Case Study

Submitted by

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Abstract

This thesis presents research into the process of medium density housing development and its management by state and local governments. The issue is an important one considering the contemporary form and structure of Australian cities. For at least thirty years, issues and policies concerning what has been known in Australia as “urban consolidation” have been hotly debated. While these ideas are frequently linked in State urban policies to the need for higher density housing, the problems and issues pertaining to its actual provision suggest that most likely it has more to do with market factors than planning policy. A case study of how medium density housing development has occurred and been managed in an inner/middle ring Melbourne municipality is used to examine the process of multi-unit development and residential consolidation: what it means for the community, the problems for government in managing the process, and the outcomes.

Investigated at local government level, the provision of medium density housing raises important issues concerning the management of sustainable and democratic local communities; yet does so in a context where the pressure of globalisation upon urban economies and city governance (with which medium density housing provision seems intimately bound) makes this increasingly difficult. Looking beyond traditional debates about appropriate urban form and density and into the process of medium density housing development in an urban municipality, we are quickly moved to consider questions of citizenship, democratic participation and the contemporary roles of planning and local government in the Australian urban context. The question of medium density housing provision and the problems raised in managing its development thus provide a unique means to examine the intersections and relationships between several important themes of relevance to contemporary Australian cities and their governance.
To Nell
and our sons
Cormac and Hugo

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Declaration by Candidate

This thesis

• contains no material which has been accepted for the award of any other degree or diploma;

• to the best of my knowledge contains no material previously published or written by another person except where due reference is made in the text of the thesis.

Signed

Tom Alves

Date
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Chapter 1

Introduction

This thesis concerns one of the most contentious local planning issues in Australian cities today: the development of medium density housing in established suburbs. The impact of such development upon the built environments and the communities in which it occurs is significant and worthy of closer inquiry in itself, but the issue reaches much further than that. The process by which medium density housing development is occurring also provides insight into several key aspects of Australian urban society, raising important questions about urban governance, local democracy, environmental and social sustainability, and the processes and drivers of urban development.

Research Background

Medium and high density housing\(^1\) has not been a major feature of the traditional urban landscape in Australia. Except for the nineteenth century terrace houses still extant in the inner suburbs of the former colonial capitals, the dominant form of housing in Australia has for a century or more been the detached, suburban, family house (Clarke and King 1970: 3.57; Paris 1993: 84). For most of the twentieth century and to the present, population growth in Australia’s cities has been accommodated chiefly through the on-going subdivision of land for this type of housing (Forster 1995: 72). Such medium or high density housing development as has occurred during the period has generally taken the form of redevelopment or infill within established areas, typically those with greater proximity to the city centre or the coast (Paris 1993: 85).

\(^1\) A basic definition of medium density housing is any attached housing not requiring lifts. High density housing is effectively synonymous with high-rise apartment buildings. A more detailed definition of medium density housing (and housing densities generally) is given in the next chapter.
This predominance of detached housing, indicated in Figure 1.1, is largely responsible for Australia’s metropolitan regions (and Melbourne in particular) having some of the lowest densities of any cities in the world (Frost 1991). Recently, these urban regions have faced increasing pressures to consolidate. Along with the voices of environmentalists and urbanists who have long argued in favour of this trend (Judd and Dean 1983; Newman and Kenworthy 1989), development pressure fuelled by economic restructuring and the effects of globalisation upon housing markets is having a significant impact upon Australia’s urban environments. Such substantial changes to the large metropolitan regions which house around half the nation’s population are, obviously, complex and difficult to manage; and in some quarters these transformations are also, and not surprisingly, meeting with considerable opposition. How urban change can or should be managed in this context is one of the biggest issues confronting State Governments and urban councils and one which this thesis hopes to go at least some way towards addressing.

**Figure 1.1: Dwelling Structure, Melbourne Statistical Division, 2001**

Source: ABS Census of Population and Housing, 2001

Urban residential development generally, and in particular the form of housing built by the private sector, has not traditionally been an important area of government policy in Australia. That said, the proliferation of detached
Chapter 1 - Introduction

housing and the relative scarcity of more dense housing forms is not entirely unrelated to the policies and actions of governments. The State Governments, like the colonial administrations they succeeded, have always taken a role in the planning and development in Australia’s cities (Ashton 1993). It was not until after the second world war, however, that State Governments began to engage in urban planning as we think of it today (McLoughlin 1992). From relatively early in the post-war period, medium density housing provision has figured in urban and planning policy, with the chief concern being how to encourage more of it (MMBW 1954: 34). The promotion of higher urban densities has also been a priority in Australian capital cities since at least the early 1980s (MMBW 1981), and yet the effect upon the planning system of the recent boom in medium density housing construction — or more particularly community opposition to it — has been to engender a sense of crisis and instability which has led to the frequent overhaul of planning policies and constant refinement of planning regulations.

Local residents have reacted defensively to the perceived attack that medium density housing symbolises upon not only their own quality of life and residential amenity, but on the very essence of the suburban ethos that has been so central to Australian identity (Davison 1993;Stretton 1989). The levels of political engagement, media attention, and sheer angst medium density housing development has brought to local communities (Lewis 1999) has served to raise to broader public awareness (what has always been) the highly political nature of urban planning. This has created substantial problems for both state and local governments in managing the process of urban (re)development which in turn has made development outcomes unpredictable, adding further costs and delays to what is an already risk-prone industry (RAIA 2003).

The difficulties surrounding medium density housing provision have also placed considerable pressure upon urban councils who administer an increasingly complex planning system. Local councils are frequently caught at the centre of political conflict surrounding the consolidation of the urban environment, being both the locus of representative democracy at the
neighbourhood level and the implementing authority for planning policies initiated by the State, from whom they derive statutory authority. Local action groups have mobilised to lobby councils to oppose specific developments and have influenced the outcomes of municipal elections contested over such issues (The Age, 14.11.04: News 11). Meanwhile local governments have been forced to go through the appropriate legal channels in their attempts to stop developments they deem contravene the provisions or intent of planning legislation.

In short, medium density housing developments have become a substantial political and regulatory dilemma for both local and state governments. Managing the process of residential consolidation involves balancing the multiple and often conflicting interests of established and prospective residents, property owners and developers, while simultaneously engaging in the pursuit of broader policy objectives. It requires trade-offs be made between values of economic development, conservation and democratic process; between property and citizenship rights; and between the interests of local communities and broader notions of the public interest. These competing issues and the conflicts they engender raise important concerns about the contemporary roles of both urban planning and local government.

**Research Questions**

The problems just articulated are the impetus for the investigations to follow. Put simply, this thesis seeks to explore the range of the planning, management and political problems posed by the provision of medium density housing in urban Australia, using metropolitan Melbourne as a case in point. This can be restated in the form of a question: “*Why has providing more medium density housing in Australia’s metropolitan regions been so hard to achieve?*”

Before we proceed any further, a brief comment needs to be made about terminology, in particular the use of the word “provision”. This is a technical
term referencing a particular approach to the study of housing issues originally developed by Michael Ball (Ball 1982). The “structures of housing provision” approach, as it became known within the field of housing studies (Ball and Harloe 1992), has as its focus the social relations which exist between different agents (individual and institutional) engaged in all aspects of particular “housing systems”. Such systems are the “structures”, usually confined within national boundaries (Ball 1983), which encompass the range of processes involved with housing “provision”. These processes include the production, consumption, exchange and management of housing within a system. The notion of housing “provision”, therefore, differs from concepts which appear similar, such as “production” or “supply”, but which are not, in fact, interchangeable. “Supply” is a market economics term, while “production” refers to the process by which new housing is provided. Although these terms will be used from time to time in the course of this thesis, this will only be with reference to their specific meanings. The term “provision” is generally preferred because it captures the institutional arrangements that are a part of housing production and also moves beyond an explicit market context, placing a greater emphasis upon specific social relations. The idea of medium density housing provision is also helpful for identifying and bearing in mind the range of individual and institutional actors it involves, and for locating the structural processes within a broader context of social, economic, political and demographic change.

To answer the primary research question just articulated will require first that we raise several additional questions which together build a picture that enables us to grasp its full import. The first such question is, “Why has managing medium density housing development become such a topical and important aspect of the governance of Australian cities during the last ten years?” That it has is fairly well accepted as we shall further demonstrate directly. Several differing visions regarding why the provision of medium density housing in Australian cities is such an important concern emerge. Some of these, to which we have already alluded, include: concern for the impact cities have on both the natural environment and the quality of life of their inhabitants; the desire to realise the benefits of economic growth and
development (and to profit directly from these); as well as the desire to protect established environments and ways of life that are perceived to be ‘threatened’ by the proliferation of this type of development. We shall refer to and comment fairly extensively upon relevant research and policy in these areas as we proceed. Related to this first question then is another more specific one: “What is driving the increased political significance of the issue of medium density housing provision?” Is it concern for the sustainability of urban environments or a response to some perceived housing problem? Or is it the workings of the housing market and the reaction to this of established interests? Given that it is most likely to be a combination of these and other variables, it is important to establish the relationship between these various factors.

The point of asking these questions is to understand the dynamics of medium density housing provision and hence the basis of government policies to facilitate and/ or manage its development. We propose that one of the main reasons why managing medium density housing development has been so contentious is that it is deemed a key vehicle for achieving several diverse and sometimes conflicting visions for the future of Australian cities. Medium density housing development is sometimes even used as an indicator of success in achieving such visions. Reasons to facilitate medium density housing development include achieving urban consolidation, providing greater choice to consumers in the housing market, promoting economic growth, enhancing standards of urban design, providing more affordable housing options and managing perceived housing and urban crises. To others, medium density housing represents a direct challenge to their vision of the Australian city, either in itself or by the manner of its implementation (Troy 1996; Lewis 1999; Birrell; O’Connor; Rapson, and Healy 2005). Thus, policies for the management of medium density development have, in addition to trying get properties on the ground, variously aimed to protect property rights, enhance local democracy, streamline development, and resolve conflict. Furthermore, the aims which underpin policies about managing medium density housing development, while sometimes explicit, often need to be read ‘between the lines’ of policy documents and from the management processes observed in policy implementation.
The matrix of issues which cohere around the issue of medium density housing provision is therefore complex. This raises a third question which concerns how medium density housing development is managed, and asks, “Why has the process of medium density housing development been so contested?” Answering this question constitutes the bulk of the research done for this thesis. As local government is primarily responsible for the administration of State policies related to medium density housing provision, while also representing the community level at which the impact of these policies is most keenly felt, this research has taken the form of a municipal case study. This approach will be outlined in more detail subsequently, but it will suffice to mention here that this thesis will focus upon the process by which residential areas in the Australian metropolis are being consolidated in order to assess the impact at the local level and to identify the problems faced by government in managing the process. This raises important questions about the role of local government in the planning and development of Australian cities. What role can or should local government be expected to take in these matters? What is the precise nature of local government’s role within the urban governance system and how does this impact upon the rights of local citizens and local democratic participation? More broadly, what does local community and identity actually mean in a context where the economic and cultural forces shaping metropolitan planning are part of a truly global system? Such questions concerning the administrative, management and political challenges facing most urban councils in Australia are especially pertinent given the substantial local government reforms that have occurred in most States during the last ten to fifteen years.

The results of our investigation into how medium density development is managed will allow us to segue into a consideration of the outcomes and effects of this process. The results obtained through answering our third sub-question will also enable us to compare the various ‘visions’ for managing the provision of medium density housing (discussed above) with the reality of medium density housing provision in a particular (real) location. What are the real environmental, social and economic costs and benefits that have been
conferred upon local communities, the metropolitan region, or the State through pursuing a policy of urban consolidation? How does the provision of medium density housing relate to changes in the Melbourne housing market and the interplay between its various sub-markets? Do housing consumers really have greater choices as a result and what have been the effects on local democracy? Finally then, in addition to the important questions of why managing medium density housing provision has become so central to the governance of Australia’s cities and yet been so vexatious, we must ask the more pragmatic questions, “Is planning for medium density housing provision working?” “What have been the results of the way implementation of this policy has been managed?” And given the diverse interests already identified to be at stake, these questions must be qualified immediately by another of equal relevance: “for whom?” When we have answered these questions we shall be in a position to say something about how medium density housing provision is working in Australia (or not) and can then return to our bigger question of why it is so hard to achieve.

Thesis Outline

Having now presented the problem under investigation in this thesis, and defined the questions which have guided our research into it, the remainder of this introduction will be devoted to presenting a basic outline of the chapters to follow and how they will build the thesis. The research, as mentioned, consisted of a municipal case study of the management of medium density housing development within an inner/ middle ring municipality of Melbourne. The next chapter (Chapter Two) will describe and explain this approach and the methodology which was followed in attempting to answer the research questions.

Chapter Three will tackle the problem of defining “medium density housing” and discuss the nature and relevance of debates about housing density, before presenting a survey of the literature that has focused on this type of housing and its provision. The purpose of this chapter is to present the
conceptual and policy settings for the research questions we have framed. As we shall argue, the relationship between the academic literature and the housing or urban issues it discusses is two-way: the literature both reflects and has influenced policy debates. In this chapter, as in those which follow, the emphasis will be upon the debates that have taken place about Australian cities. International literature and the contours of the global debates in which it is produced are not, of course, irrelevant and will be included when and as the need arises; but our research questions call for a very thorough presentation and analysis of how the issues have been conceived and debated locally. In this context, medium density housing provision has been closely linked to the concept of “urban consolidation” and associated debates about appropriate urban form. Accordingly, Chapter Three will also include a review of the literature on this subject before concluding with an assessment of the frameworks for analysis that have been used in the major and most recent studies of both medium density housing provision and urban consolidation.

In Chapter Four we shall present the conceptual frameworks which have informed our own research and which will be used to develop the theoretical propositions that will be guiding the way we approach the investigation of our case study. This step is important for case study research (as we shall discuss in Chapter Two), because it provides important guidance through an otherwise vast array of potential data. In Chapter Four we particularly look at conceptualisations of the development process in order to find a framework for understanding the particular process of medium density housing development in Melbourne — a task which has not been attempted previously. Given that the focus of our research is upon the management of medium density development, it is this aspect of the development process — and specifically urban planning and governance — that will be the focus of much of this chapter. An important emphasis of Chapter Four is the inherently political nature of any development process, and so space is also devoted to understanding the politics of urban development, and of medium density development in particular.
Chapter 1 – Introduction

In Chapter Five, we begin to apply this framework to the investigation of our research questions when we turn our attention to the management (largely through the planning system) of medium density development in Melbourne and the particular role played by our local authority. Because urban planning and local government are matters of State jurisdiction, this chapter will place considerable emphasis upon the context in which the case study is situated. In addition to providing a description of the planning system and its processes, including how these have changed over the last ten to fifteen years at both State and local levels, the chapter will also chart the history of urban development and planning policies for metropolitan Melbourne and the role that medium density housing provision has played in their implementation. Once again this will be interpreted in the light of our research questions.

The Sixth chapter will describe and comment upon the demography and housing stock of Boroondara and the municipality’s housing market. The resultant profiles will then be located within the wider metropolitan context. We shall then use data obtained from the Australian Bureau of Statistics and the council planning department to relate these profiles to recent provision of medium density housing and offer a reading of what this might mean in relation to the research questions we have posed.

Chapters Seven and Eight will narrow the focus of inquiry to concentrate on telling and analysing the stories associated with two particular medium density developments. These chapters introduce the people and events associated with each development and present the perspectives of all parties engaged in both processes. Both chapters then relate these narratives to how the process was managed and administered by the local and State authorities in each instance. It is from an analysis of this data that we begin to answer our research questions. This is achieved in two steps: first, by relating the embedded case developments to what we have learnt about the municipality as a whole, to present the completed the municipal case study; and secondly, by assessing the case study within its context using the framework and propositions developed in Chapter Four. We will then be in a place to answer
the questions which have driven the research and draw some conclusions. This will occur in Chapter Nine.
Chapter 2

Methodology

Seeking answers to the research questions outlined in our Introduction has led to certain methodological considerations informing the research conducted. The research consisted primarily of a municipal case study within the Victorian State capital and Australia’s second-largest city, Melbourne. The municipality investigated, the City of Boroondara, was an “industry partner” in this research project and in that role agreed to provide in-kind support and access to information.

Why use a case study?

What characterises the specific research questions we are asking is that they are highly contingent, contemporary and complex. This, according to Yin (Yin 2003), would seem to fit exactly the scenario in which one would choose to employ a case study as the over-arching research strategy. As Yin has described it in his definitive book on the topic, “A case study is an empirical inquiry that:

• investigates a contemporary phenomenon within its real-life context, especially when
• the boundaries between phenomenon and context are not clearly evident.” (Yin 2003: 13)

Each of these conditions clearly applies to the research questions we have stated above.

Yin has further proposed that three basic conditions inform all research; but it is the precise nature and combination of these conditions which enables decisions to be made about which of five basic research strategies (experiment, survey, archival analysis, history, case study) to adopt (Yin 2003: 5). “The three conditions,” as Yin presents them, “consist of (a) the type of
research question posed, (b) the extent of control an investigator has over actual behavioral (sir.) events, and (c) the degree of focus on contemporary as opposed to historical events.” (Yin 2003: 5). Considering each of these conditions in the light of the broad research task we have set ourselves, it should be fairly obvious that: (a) we are wanting to know “why” and “how” certain things are the way they are (not just “who,” “what,” “where,” “when” and “to what extent,” although we will need to have such answers along the way), (b) we have no control over the behaviour of the relevant actors in our research, and (c) while we are concerned with both past and current events our focus is on the contemporary situation.

The complex relationship between the issue under investigation and its context, and the subsequent impossibility of controlling the behaviour of any of the actors involved, rules out immediately any form of controlled experiment as the basic research approach. The sorts of questions we are asking also are too complex for a survey or archival research alone to suffice. To answer our research questions in any acceptable way will instead require something more akin to historical analysis, which enables a nuanced investigation of issues that are inherently inextricable from within their temporal and socio-cultural contexts. But as the focus of our interest also concerns a very ‘present’ quandary about the role of government in urban development and housing provision, and the management of urban change, it does not fall precisely within the typical ‘past-time’ realm of historical research. Given this, the most appropriate research strategy is therefore to conduct a case study.2

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2 The use of the case study as a primary research strategy in the investigation of human society and its affairs was recently the subject of a sustained defence by Bent Flyvbjerg (Flyvbjerg 2001), whose own investigation into the operations of power within urban planning and development processes had also consisted of a case study (Flyvbjerg 1998). Flyvbjerg argued that the case study is not only a legitimate method of research, on a par with more ‘scientific’ methods; but that, for the study of human affairs, it offers precisely the type of context-dependent knowledge which is necessary for the advancement of understanding within the social sciences (Flyvbjerg 2001: 71-73).
What type of case study?

The case study presented in this thesis is, according to Yin’s classification, a single, embedded case study (Yin 2003: 40). This means that research was conducted on one significant case (within its context) but that this case comprised multiple “units of analysis”, owing to the complex nature of the case involved. The research questions we have asked clearly point us towards a study which focuses at the local level. We have observed how our intention to explore the range of planning, management and political issues associated with medium density housing provision necessitates a study which deals extensively with local government and the local community. What we propose to do, therefore, is take one municipality where all the issues under investigation clearly pertain, and examine them within that context in considerable detail.

Essentially, this is to investigate empirically at the local level issues which, when examined and discussed at a more generalised or macro level, tend to become slightly abstracted and disengaged from the lived experience of urban life. The broader perspective does not cease to be relevant to such an investigation, however, but forms the context within which the case study must be conducted and interpreted. Specifically, some of our research questions, like What is driving the increased political significance of medium density housing provision? Is planning for medium density housing provision working? and What have been the results of the way implementation of this policy has been managed? could be answered more broadly, although greater detail is possible with the finer grain of a municipal case study. Other questions, like Why has the management of medium density housing development recently become such an important aspect of the governance of Australian cities? Why has the process of medium density housing provision become so contested? and, ultimately, Why has providing it been so hard to achieve in Australian cities? can only be answered through a local level case study.

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3 It is also the case that the dearth of current research available on medium density housing at the local scale has been highlighted in one of the few such studies that have appeared in recent years (Buxton and Tieman 2004: ii).
study where the specific experiences of a local authority and a local community in a particular built environment can be examined.

This explains why we consider a local municipality the appropriate type of case for this thesis. We must now say something about why we have opted for a single case study (of one municipality) as opposed to a multiple case study (comparing several municipalities). As the context would remain constant for all the municipalities in a multiple case study, the only possible reason for comparison would be to highlight differences between the cases themselves. While a multiple case study which compares the issues across several local government areas would certainly have some value, many of the reasons for making such comparisons can still be covered with the single case, making the very substantial additional effort (or else the sacrifice in the depth of investigation carried out for each case) unjustifiable. For example, a demographic profile of who lives in medium density housing compared to the occupants of detached housing within the City of Boroondara is important for the case study but may be unique to that municipality. However, comparing the demographic profile of the residents of multi-unit housing in other areas that have experienced high levels of development for this type of dwelling will make the Boroondara data more useful for our research without having to conduct a full case study of other areas. Other reasons for using a single case will become more apparent when the features of the case itself are described in the next section.

We also mentioned that ours is an embedded case study, meaning there are multiple units of analysis “embedded” within the single case (Yin 2003: 42-45). In such cases, each unit of analysis may require a different research method (or methods) be used when conducting that part of the investigation. We shall now briefly identify the units of analysis embedded within our municipal case study, together with how and why they were investigated. There are three units of analysis associated with the municipality as a whole: the resident population, the built environment, and the local authority, including the council’s planning department and its systems; or the social, spatial and governance aspects of the municipality. The relationship between
Chapter 2 – Methodology

the first of these and medium density housing provision within Boroondara can be investigated through secondary data analysis, primarily obtained from the Australian Bureau of Statistics’ Census of Population and Housing. The spatial aspect can also be investigated in this way and to a large extent already has been (Buxton and Tieman 2004), but this will be supplemented with more detailed data, obtained directly from the local authority, which more closely relates the built outcomes to planning and development processes. The governance or administration of medium density housing provision within Boroondara, on the other hand, can only be investigated using qualitative methods, including interviews with participants in the process, direct observation of the functioning of the institution and its systems, and archival analysis.

To investigate, in relation to medium density housing provision, the operational interaction between the social, spatial and governance aspects of the municipal case study just identified (which is an even longer way of saying “the process of medium density housing development within the City of Boroondara” – the focus of this thesis), requires that specific instances of this interaction be singled out for analysis. This was done by selecting, for more thorough investigation, several particular, completed medium density developments. The selection of these intermediate “embedded units” and the methods employed for their analysis will be explained shortly, after we have justified the selection of our particular municipal case study. Before then, we will discuss briefly the importance of — or more specifically, the theoretical basis for — conducting a detailed investigation into concrete instances of the interaction between different actors in an urban (re)development process.

While the ‘structures of provision’ approach provides useful insight as to one side of the context, it underplays the role of individual actors in shaping such structures. Thus, the study of this particular urban development issue (medium density housing provision) required an approach that took account of the interaction between the broader structures of provision and the particular actors in the processes under investigation as part of the case study. In other words, this was to be an approach which took account of the
relevance of both ‘structure’ and ‘agency’ for understanding the development process, and which also explored how the two interact.

**Structure and Agency**

‘Agency’ describes the way in which actors within a given process – in this case the urban development process – think about and carry out their various roles within that process. Some of the ‘agents’ we will be concerned with include land owners, home owners (especially owner-occupiers), property developers, built environment professionals (for example, planners and architects), and elected representatives of the local community. The way they engage with the process of medium density housing development is their ‘agency’. ‘Structure’ refers to the societal context within which individual and institutional actors operate, and by which such actors are constrained and influenced. The structure of a society includes the cultural, economic, social and political frameworks that shape and define individual action. A range of views for understanding structure exist and these tend to emphasise different aspects of the societal framework to explain how and why different actors in a society act the way they do. Some of these views, for instance the traditional Marxist position, emphasise the role of structure in constraining action; others meanwhile, like the perspective of neoclassical economics, highlight the relative ‘freedom’ of individual actors who make decisions within a market framework that is assumed to be always tending towards equilibrium between supply and demand.

In relation to the urban development process, ‘structuralist’ (and particularly Marxist) approaches, which dominated the academic literature until the late 1980s, were important in drawing attention to the flows of capital and resources that are a strong influence on development activity; but have been seen as less adequate in explaining the actions of individuals and organisations (Healey and Barrett 1990). Likewise the assumptions, derived from neo-classical economics, which underpin the usual approach to managing the urban development process in market economies like Australia — that actors in the process behave rationally and with relative freedom in
response to market signals — have also been challenged by empirical studies which have examined the behaviours of actors involved in the development process (Fainstein 1994). An appropriate framework for our analysis of the process of medium density housing development must make a place for the continuous interaction between both structure and agency.

Previous literature which has examined the process of urban development has had to grapple with the way structure and agency interact in society, and for this task the theoretical work of Anthony Giddens (Giddens 1984) has often been pressed into service, especially in the UK. Healey and Barett were influential in this regard by proposing a way in which Giddens’ work might be adapted specifically for research into development processes (Healey and Barrett 1990). They suggested that the best way in which the inter-relationship between structure and agency might be observed when researching aspects of the urban development process was to examine the activities of individuals, organisations, and so forth “in relation to the rules they acknowledge, the resources they draw upon and seek to accumulate, and the ideas and ideology they assert in determining and justifying their strategies.” (Healey and Barrett 1990: 97-98, emphasis in original). This was a direct adaptation of Giddens’ categories: “resources”, “sanctioning rules” and “rules of meaning” which were then applied to the relevant aspects of the land and property development process. The approach developed by Healey and Barrett was later used for an investigation of the relationship between urban planning and the development process in the UK (Adams 1994), where “resources” were taken to be development finance, “rules” to be development control through the planning system, and “ideas” were identified as cultural values about what should be built. Adams was attempting to develop a theoretical framework for understanding the role of local area planning within the wider process of land development in a market society and hence we shall revisit his work in Chapter Four.

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4 There is a very extensive literature about the interaction between structure and agency in social analysis that is outside the scope of this thesis. We will only examine the literature that relates directly to urban development issues.
Another British study of property redevelopment processes that sought to investigate the interaction between structure and agency within the urban context (Jacobs 1999) was able to present a somewhat more nuanced analysis by doing so in the context of a particular case study, rather than attempting to describe the interaction of abstract systems as Adams had done. This is more strictly in keeping with Giddens’ theory of *structuration* (Giddens 1984) which sees particular instances of interaction between ‘structured’ agents as the sites where both structure and agency are made manifest. Jacobs (Jacobs 1999: 18) highlights, therefore, that the appropriate place for understanding structural influences upon development processes (the ‘rules’ and ‘resources’ in Giddens’ schema) is not in the abstract but in what Giddens terms “systems of interaction”: the ‘performed’, ‘structured’ interactions that occur between agents and hence have temporal and spatial specificity. Jacobs also draws attention to Giddens’ complication of ‘agency’ with the idea of ‘power’ (Jacobs 1999: 18). This recognises that actors have differing capacities and capabilities for intervention in particular events. Once again, as agents interact within ‘systems of interaction’ their *agency* is revealed in their power (i.e. their ability to get things done (Giddens 1984: 283)) in that particular spatial and temporal context.

The spatial dimension of such ‘systems of interaction’ are known in Giddens’ opus as ‘locales’, and this idea is of particular importance for our case study. Our research focuses on one particular ‘system of interaction’ — the local provision of medium density housing — through the close observation of particular manifestations of such interaction that are afforded by individual housing developments. In this ‘system of interaction’, ‘locale’ is a very significant factor. This point is underscored by Margo Huxley (Huxley 2001), whose own research into conflict surrounding the provision of medium density housing in Boroondara relies heavily on parallel concepts from the sociology of Pierre Bourdieu. ‘Practice’ is the term Bourdieu uses to describe the contingent and particular interactions that occur in his own conception of the inter-relationships between structure and agency, and which therefore roughly corresponds to ‘systems of interaction’ in Giddens’ thought. Huxley uses her reading of the ‘practice’ of community protest against medium
density housing development in Boroondara “to suggest the importance of location, place and built form” for understanding the relationship between individual actors in the development process and the broader societal context.

The Australian precedents of the type of research which pulls together the planning, economic, cultural, governance and political issues that constitute the development process and then takes that process itself as its focus have, like Huxley’s, been less reliant on Giddens when developing their research frameworks, but general approaches for dealing with the interaction between structure and agency have been similar. Leonie Sandercock’s seminal book about the politics of planning and urban development in Australia (Sandercock 1977) predates Giddens by almost ten years and was internationally influential. Much more recently, a study by Kim Dovey of the redevelopment of Melbourne’s urban waterfront (Dovey 2005)\(^5\) has similarly looked at the development process in several particular instances, taking an approach which explores the activities of specific actors in specific situations in relation to wider cultural, economic and political processes. Once again, little reference is made to Giddens or to any other explicit theory for relating structure and agency; and yet, in each case of waterfront redevelopment studied, the behaviour of key actors is systematically explored in relation to their involvement in changing patterns of investment in development, planning processes, and cultural change — contextual categories which bear a close resemblance to the ‘resources, rules and ideas’ derived from Giddens’ work and discussed above. Dovey’s discussion of this material in terms of “flows”: flows of capital, flows of ideas, flows of power, and flows of desire gives a more poetic turn to the usual categories of *structuration* theory, particularly given that his case studies are all developments in which proximity to water is the key unifying feature.

What all of the above precedents have in common is their use of case studies as the means for understanding complex processes of urban development. The ‘problem’ of medium density housing development in metropolitan Australia

\(^5\)Interestingly, Leonie Sandercock contributes to one of the chapters.
calls out for a similar analysis. Only by taking such an approach will the several and various aspects of the issue (housing provision, urban governance, planning, local democracy, NIMBYism, property values and housing markets) — hitherto analysed in isolation — be able to be brought together so that a way forward might be found for state and local governments to better manage the process.

**How was the particular case selected?**

Having defended the use of a single municipal case study for achieving the aims of our research, it remains to explain why the City of Boroondara in particular has been selected for this purpose. In brief, it is the equally high and sustained levels of both medium density construction starts (Buxton and Tieman 1999) and resident opposition to development (Lewis 1999) that make the City of Boroondara an important case study for how the process of medium density housing development is impacting upon a local community and being managed by government. There are, however, several other significant and interesting aspects to the municipality which make it the ideal choice for the type of research we set out to conduct.

In some ways Boroondara is a representative case for the sort of issues we wish to investigate. Its demographic profile, position within the urban geography of the Melbourne metropolitan region, and the nature of its built environment make it something of a microcosm of the region as a whole. We shall examine this in much finer detail in Chapter Six but a few points of relevance to the selection of Boroondara as a case study need to be made here. Currently, the age structure and composition of households within the City of Boroondara is very close to that of the whole metropolis. An analysis of what relationship (if any) exists between medium density housing provision and household structure and formation might thus be ascertained by comparing results for Boroondara with those for the metropolitan area.

The City of Boroondara also has a central place in Melbourne’s urban geography. It straddles the division between what are generally considered the
inner and middle ring suburbs of metropolitan Melbourne, meaning it has sometimes been included among inner municipalities and other times among middle ring municipalities in studies of the metropolitan region. It thus brings together attributes from both these zones. Being located to the east of the City of Melbourne, the municipality also lies fairly close to the demographic centre of the metropolis. More favourable climatic and topographical conditions to the east of Melbourne’s CBD have led to development favouring land in this area, distorting the city’s concentric pattern of growth to produce a lopsided metropolitan form. This is not especially relevant here in itself but does mean that Boroondara is in some ways representative of the urban form of the city region, encapsulating important aspects of the history of its development.

In particular, Boroondara is characterised by a predominantly residential environment that spans the range of suburban development from the earliest Victorian examples to post-war subdivisions of the 1950s. It has also been affected by all periods and types of higher density residential redevelopment (with the notable exception of high-rise apartments) from the interwar period to the present. In all this it is typical of other municipalities that lie within five to fifteen kilometres of the CBD (Darebin and Moreland for instance) but the consistently higher property values in most areas of Boroondara has kept out other land uses and meant that it has often been considered the apogee of most of these periods or types of suburban development and redevelopment. In these and in all the other ways we have just mentioned, Boroondara typifies or expresses the quintessence of Melbourne suburban life. In several other important respects, however, it is an exceptional case.

The Australian Bureau of Statistics (ABS) ranks Boroondara as having the most advantaged population of any municipality in the state, judged according to a range of socio-economic indicators, a point that will be more fully documented in Chapter Six. Not surprisingly therefore, development activity within the municipality has been consistently among the highest in the state in terms of both the volume and value of work done. Not unrelated to this, Boroondara was rated second among Victoria’s “most distressed councils” for planning assessment processes by a Royal Australian Institute of Architects
survey of its members. Only the (neighbouring) inner-urban City of Yarra fared worse (RAIA 2003). The City of Boroondara also recorded the most appeals to the Victorian Civil and Administrative Tribunal (VCAT) against local government planning decisions (827 out of 3702 decisions were appealed) of all municipalities in Victoria for the 2003/04 financial year (The Age, 20.8.04: 1). Each of these exceptional aspects of Boroondara demonstrate it to be a location in which strong market pressure for redevelopment encounters strong and organised opposition to it. When combined with the ways in which Boroondara typifies suburban Melbourne, this makes it the most interesting municipality within the metropolitan region in which to study the way medium density housing development is occurring and being managed by the local authority.

This point is further corroborated by the fact that a number of studies of issues associated with medium density housing development have already been conducted within the municipality. This in turn provides an additional reason for choosing Boroondara as a case study, in that it offers the opportunity to build upon an existing body of research. There is a survey of residents’ and neighbours’ attitudes to medium density housing (King 1999), and a study of the location and size of medium density development within the municipality (Buxton and Tieman 1999). The latter study is a particularly rich source of data as it was recently brought up-to-date, allowing observations to be made concerning changes which have occurred in the last five years (Buxton and Tieman 2004). Resident opposition to medium density development in Boroondara is another area to have attracted considerable academic interest. There is a history of the movement (Lewis 1999) and a sociological interpretation of its activities (Huxley 2002). Our own research has a slightly different focus to each of these prior studies, but their existence enables us to give a deeper and more layered analysis by building upon their findings.
How were the embedded cases selected?

As discussed earlier, specific medium density housing developments within the municipality, completed either during or just prior to the research period, were selected for closer analysis. These constitute *embedded* cases within the wider municipal case study, which both allow a fine-grained analysis and ground the case study in particular examples of medium density housing development within the City. The purpose of this approach was to provide deeper insight into the provision and management of medium density housing at the local level — the broader objective of our municipal case study — by examining the relevant issues as they were raised by a particular case, with its own particular contexts and other contingencies. The alternative to this approach would have been to engage in a more general discussion about the provision and management of medium density housing as it occurs within the municipality, and how this is experienced at the local level (Hillier 2002). The problem of doing this would have been the need to rely on anecdotal evidence which had been disengaged from the particular contexts that are so vital for understanding it (Fischler 2004).

The first development selected is fairly typical of the recent medium density redevelopment to have occurred in the early-to-mid twentieth century residential suburbs in the eastern part of Boroondara. A single-storey, detached, timber house on a large allotment was replaced by three two-storey, attached, brick-veneer ‘town houses’. There had been substantial opposition from neighbours to the original proposal for four dwellings; but, after a protracted process which involved an appeal to the State Government tribunal (VCAT) and a complete redesign of the buildings, the development went ahead. This case was significant due to the opportunity it presented to examine the ‘usual’ range of problems associated with medium density housing provision and its management within Boroondara. This is particularly interesting, as most parties involved regarded the outcome as having been a success.
This development (in Durham Road, Surrey Hills) was one of several cases initially selected to illustrate the typical process involved with the market provision of medium density housing in Boroondara. It had been one of several developments suggested by Council’s strategic planning in response to a request for potential case studies to assist with the research for this thesis. Specific requirements for several types of case study development to be investigated were stipulated in a document included as Appendix 1 to this thesis. We note here that Council was unable to suggest developments meeting exactly all of the criteria outlined in Appendix 1, and growing familiarity with the planning department and its typical experiences in the management of medium density development revealed that the reality of planning experience within the municipality did not fit well with the hypothetical categories imagined. Of the developments suggested by Council in response to this request, the Durham Road property was singled out because it appeared from a preliminary examination of around thirty files relating to potential case studies to be fairly representative of the issues involved across the range of cases and to have been a fairly typical in terms of the form of development it represented. In addition to this, the planning staff
who prepared the list of possible cases for investigation had singled out the Durham Road development in particular as having achieved an exemplary built outcome. This seemed especially interesting given that a cursory assessment of the file indicated the development had been highly contentious, and this forms another reason for its inclusion in the study.

Durham Road was originally one of three cases selected in consultation with strategic planning staff. For a variety of reasons, investigations into the other two did not elicit the same comprehensive range of findings and faltered before much data had been collected. This was usually because various of the key parties involved preferred not to be interviewed or else could not be contacted. A development in Glen Iris where two units had been added at the rear of an existing house on a corner allotment was initially put forward by Council as a particularly bad example of medium density development within the municipality, and one where the process was seen to have failed.

A drive past the site revealed a development that in itself did not seem inherently worse than others but which was in a neighbourhood where almost no other medium density housing could be seen in the vicinity. There was also clearly substantial overlooking of private outdoor areas on the neighbouring properties. Subsequent to my selection of this as one of the developments for investigation, I was informed by one of the strategic planning staff that the developments selected would now need to be approved by the manager of the statutory planning department before I could continue further with my investigations. I was then subsequently informed that I would not be able to
investigate the Glen Iris development, despite it having been drawn to my attention by Council in the first place. No reason was given for this change of attitude, but Council sensitivity to the topic and its research highlights the importance of our research questions.

Another development selected was a pair of semi-detached dwellings (in Abercrombie Street, Balwyn) that Council deemed successful but which had also been highly contentious. As well as representing a different type of medium density development, this case was also potentially interesting because the street it was in contained a diverse collection of dwellings, including a number of other medium density housing developments, many of which had been constructed in recent times. The problem encountered in this
instance was a lack of response to requests for interviews with the relevant parties. Neither the developers (in this case two sisters who had inherited the property with its original detached house and built the two new dwellings for their own use) nor any of the neighbours responded to requests to be interviewed about the development process. Only the designer of the houses agreed to an interview and, while this interview transpired to be very interesting in terms of providing anecdotal evidence about medium density development in the Boroondara area over the last twenty-five years, the case itself had to be abandoned. Another development, by the same designer and also in Balwyn, was selected as a substitute for Abercrombie Street but suffered a similar lack of response.

These medium density developments in the Boroondara suburb of Balwyn were both designed by the same building design company which had operated in the local area for over twenty-five years. The development process in these cases could not be investigated due to an insufficient response to requests for interviews.

The other development to be investigated fully was a medium density community housing project (in Peel Street, Kew), which sought to provide housing for people who had been long-term residents of the area but were now
unable to find affordable accommodation within the municipality. This development raises several important aspects of the medium density debate not covered by the previous example and was selected to explore the process involved with the non-market provision of medium density housing, as encouraged by local government, as a means to provide more affordable housing within an area of otherwise low housing affordability. The development is near ‘Kew Junction’ (a retail precinct at the junction of two tram routes) which has been designated a “Major Activity Centre” in the State Government’s planning policy, *Melbourne 2030*. This is important for two reasons: first, because it is a stated policy of the Victorian Government to increase residential densities precisely to take advantage of the facilities, services and amenity to be found at such activity centres (and to this end Boroondara Council has also been developing a policy to concentrate new housing development in just such locations); and secondly, because the provision of more affordable and accessible housing in high amenity areas has been named as an important aspect of this policy. Given that the promotion of medium density housing development as a policy tool to achieve greater housing affordability has been subjected to compelling critique (Burke 1991), this case is of interest to see how and if this could be achieved satisfactorily in an area of such low housing affordability.

*Left: View of the development from Peel Street; Right: View of the internal courtyard looking north. (Source: Melbourne Affordable Housing website).*

Despite being located in a streetscape already dominated by older forms of medium density housing, the development was still the subject of substantial resident opposition. The site for this development was excised from a larger
property (the remainder being sold to a private developer), and two unsuccessful attempts to develop private medium density housing on the other portion of land make an interesting counterpoint to the community housing project and are discussed by way of comparison.

**What research methods were employed and why?**

The research methods chosen clearly had to fit the broad design of the case study (as a single, embedded case) and the specific units of analysis identified. Returning again to Yin, “The case study inquiry:

- copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result
- relies on multiple sources of evidence […], and as another result
- benefits from the prior development of theoretical propositions to guide data collection and analysis.” (Yin 2003: 13-14)

Given the variety of sources needed to build up a comprehensive local picture of medium density housing provision and its management, our municipal case study utilised a number of research methods as appropriate to each. The bulk of the primary research consisted of qualitative fieldwork - especially in-depth interviews and archival analysis - relating to the embedded cases and to the general processes for managing medium density development at the local level. An investigation of the conceptual issues and policy contexts, using both primary documents and secondary literature; and the analysis of secondary data relating to Boroondara’s resident population, housing market, and housing stock were also significant elements of the research. The latter was hampered, however, by inadequacies in the data, which are discussed in Chapter Five.

Our survey (in Chapter Three) of the Australian (and some New Zealand) literature relating to medium density housing specifically — and, more broadly, to the process of urban residential consolidation — discovered that the frameworks used for analysis of the issues varied considerably. No attempt had been made to develop a coherent framework for analysis that
Chapter 2 - Methodology

either took account of all relevant issues or at least highlighted the gaps or
deficiencies in the frameworks employed. Furthermore, our attempts to
understand the implicit conceptual frameworks informing much of this
otherwise sound research found that these were often confused, hindering the
clarity of the findings or analysis. In order to analyse the results of our own
research, and establish its parameters, we first had to generate a clear
conceptual framework that most importantly took account of the inter-
disciplinary nature of the research concerning such a complex issue as
medium density housing provision. The results of this enterprise are
contained in Chapter Four.

It also became apparent, in the course of our research, that the history of the
State’s planning policies relating to medium density housing provision in
metropolitan Melbourne — an important contextual issue — was under-
researched and had not before been assembled in a manner appropriate to the
research questions we were asking. A detailed survey of the form and content
of Victorian planning policy since the Second World War as it pertains to
medium density housing provision was therefore conducted, involving
analysis of the primary sources and engagement with secondary literature.
This forms the first half of Chapter Five.

We also investigated the history of planning and building controls governing
the construction of medium density dwellings and local attempts to manage
this development process. Once again, this was based, where possible, upon
the primary sources and supplemented by contemporary secondary analyses.
This approach worked well for investigating the relevant State legislation but
proved difficult with respect to local development controls used prior to the
creation of the ‘City of Boroondara’ itself, in 1994. During the amalgamation of

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6 In the same year that research for this thesis was completed, two publications did
appear which also contained historical surveys of Victorian planning policies for
metropolitan Melbourne (Birrell; O’Connor; Rapson, and Healy 2005; Buxton and
Scheurer 2005). Neither is as extensive as that contained here (Chapter Five) and
Buxton and Scheurer’s account has a different focus (managing outer urban growth).
Birrell et al, in writing their planning history, had a similar purpose to our own, but
we take a slightly different perspective on the issue as will be outlined in Chapter Five.
the three former Councils in the Boroondara area (which involved the physical relocation or reorganisation of the property and archives of the three amalgamated authorities) the documented history of development controls and the prior management of medium density development has either been lost or become much harder to access; and very substantial staff turnover both during and since the amalgamation process means knowledge of such history is almost entirely non-existent within the organisation. Without the sort of thorough sifting of local archives or attempts to locate and interview former Councillors or employees from the defunct authorities, that in itself would constitute sufficient primary research for another thesis, we were entirely reliant on secondary sources for this information. Only for the City of Camberwell (Read 1981) had the control of multi-unit development in the period since the Second World War been documented in this way (and that only up until the late-1970s), so particular local responses to managing medium density development in Kew and Hawthorn (the other former municipal areas that now form part of the City of Boroondara) are absent from our account, as are the local responses to State policies from the 1980s.

The same is not the case for medium density housing policies and controls developed or adopted by the City of Boroondara, and primary research and analysis in relation to this subject constitutes an important part of our case study of the management of medium density housing development within the municipality. In addition to the analysis of primary documentary evidence, and to gain a deeper appreciation of contemporary practices, time was spent within the council planning department, observing procedures, reviewing the files for recent medium density developments, and eliciting the views and experiences of planning staff. The results of this research may be found in the second part of Chapter Five.

For each of the embedded cases, attempts were made to interview all the key people involved in the development process: the developer, the architect or designer, the neighbouring residents, council planning staff, planning consultants, and any other relevant parties. Most of these interviews took place in the home or workplace of the interviewee. They were tape recorded
with their consent\(^7\) and later transcribed. For each case, contact was made successfully with eight key participants in the process, but only six full interviews resulted for each. The response rate was particularly poor from neighbouring residents and objectors. In the first case, fourteen residents were approached but only two responded to requests for an interview. As these were the key organisers of the opposition to the development, this result was good given our main objective was to interview the key participants in the process. However, their views were probably not representative of all objectors to the development. In the second case, however, only one objector responded from among the thirty-eight approached. All the interviews were intended initially to be quite structured, with separate interview templates developed for each of the respective key roles in the development process. Early and pilot interviews soon revealed, however, that this was a hindrance to participants sharing information, and that better results were obtained if people were simply allowed to ‘tell the story’ from their perspective. The development of the interview templates (included as Appendix 2) had been helpful in thinking through the range of roles in the development process, and the issues relevant to each, and they were of use in the unstructured interviews for ensuring that the salient points had been covered.

Access was also obtained to the Boroondara planning department files pertaining to these and other medium density developments, which documented the (frequently lengthy) planning approval process. The contents of the Council files included material associated with the application itself (forms, drawings, planning analyses, etc.), objections received, file notes recording telephone conversations and other discussions held, internal memoranda, copies of all correspondence between Council and other parties, copies of official documents such as permits or notices issued by Council, and Orders from the State Government Appeals Tribunal. Where appropriate these documents were supplemented by other information provided by Council, such as sale price data relating to the properties. The other primary source for this part of the research was obviously the developments themselves. In

\(^7\) Only one interviewee refused permission to record the interview.
analysing these, the more standard approach of reading the buildings from an architectural or urban design perspective\textsuperscript{8} was supplemented by an interest in how the particular built outcomes may have been shaped through the development process; by the institutional structure of that sector of the construction industry; by the nature of the housing market (either real or perceived); and by the politics of the planning process (as distinct from statutory planning requirements).

The results obtained by examining all the above sources, and especially the embedded cases, was used to assess the process of medium density housing development in Boroondara. The emphasis upon the process was important for several reasons. First, it enabled a deeper assessment of the impact upon the community than could be obtained from the attitudinal surveys which already exist (King 1999), allowing important propositions developed in Chapter Four to be tested. For instance, might the experience of opposition to medium density development have enhanced local democratic participation (Saunders 1990); and does local opposition to development point to something more than the simple assertion of selfish, ‘NIMBY’ interests (Huxley 2002)? Secondly, studying the process also serves to highlight problems faced by government in its management; locating the points of tension within the institutional structures relating to the planning and governance of urban development. We have already signalled the urban planning role of local government as being of particular interest to our study, a role which has become deeply problematised in Australia’s contemporary urban environment. Thirdly, this qualitative aspect of the case study will enable investigation of how development itself, both as process and outcome, is shaped by the complex interplay of significant competing interests: economic development, democratic participation, professional planning, private property ownership, citizenship and local community.

\textsuperscript{8} The author was formerly employed as an architect over a period of more than ten years.
Before exploring any of this, however, the relevance and significance of this research needs to be established by placing it within a conceptual and policy context. The next chapter will therefore discuss the housing and planning policy significance of medium density housing provision in Australia and outline the various debates to have taken place around the issue over the last thirty years.
Chapter 3

Locating the Debate: The Conceptual & Policy Context

Having described in the preceding chapters what it is this thesis seeks to investigate and the methods by which it will go about doing so, we must now place the proposed research into its context. In this chapter of the thesis, therefore, we present an outline of the academic and policy debates which form a necessary background to any study of the provision of medium density housing in urban Australia. This will involve a review of debates about housing and urban policy which have occurred over at least three decades, along with the research which has informed them. The purpose of this chapter is both to illustrate the contours of the debate about medium density housing in this country and to demonstrate that it has been carried out in such a way as to leave our research questions largely unanswered.

Medium Density Housing

Classifying the Literature

An analysis of the academic and policy literature would suggest that the provision of medium density housing in urban Australia can be understood in two ways: as a policy response to certain housing-related problems; or as a means of achieving certain urban (planning) policy objectives. These understandings relate to whether medium density housing itself is viewed in isolation as a housing type (with various attributes) or in its urban context as contributing to the overall urban form (and the attributes which may pertain there). This dual meaning can be grasped by simple consideration of the use of the term “medium density housing” itself. It is typically used to refer to certain housing types;9 and yet it clearly makes reference to the notion of

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9 Debates concerning the definition of medium density housing will be reviewed next.
housing density. While an individual house might be described as being of a particular type, the idea of houses having density (medium or otherwise) necessarily refers to the broader urban context. This crucial distinction is almost never explicitly made by the relevant literature, but we suggest it is necessary for making sense of the otherwise confusing policy debates.

Government policies which have attempted to encourage the provision of medium density housing have often lacked clarity about whether their purpose has been to alleviate identified housing problems (affordability, appropriateness, lack of choice, etc.) or, by functioning as tools in the management of urban growth and development, to help solve what might (not unproblematically) be described as ‘planning problems’ (infrastructure provision, environmental degradation, access to services, etc.). This confusion about policy focus relates to the failure to distinguish between the attributes of housing typology and the attributes of housing density, and the relevance of each to either housing or urban issues. As will become apparent in the course of this chapter, it is impossible to quarantine the literature about medium density housing from that which concentrates on the urban debates with which it has been associated; but we do wish to maintain this distinction in our analysis. Another point to note is that the Australian debates about medium density housing have always been strongly policy-driven, with very few studies investigating the issues for their own sake. Similarly, much of the relevant research has also been commissioned or sponsored by government, while the majority of independent, academic publications tend to comprise critiques of government policies.

The Australian debates about medium density housing – whether policy-related or more strictly academic – range across a number of issues, variously related to housing policy, planning or urban policy. Some of the literature focuses specifically on housing concerns and tends to explore the provision of medium density housing either in relation to issues of housing consumption (including preferences, location, market demand, and the relationship between these and household formation) or housing production (including the structure of that sector of the building and development industry, the
subdivision of land, and the impact of planning controls). Other parts of the Australian literature dealing with medium density housing do so in relation to urban management and planning concerns. This literature covers the range of environmental, economic and social matters raised with respect to urban development and planning, and considers the current and potential impact of medium density housing in these regards. Here, the literature is mostly concerned with the extensive debate surrounding a particular planning policy, known in Australia as ‘urban consolidation’. We will discuss this policy in detail later in the chapter, but it is important to make the point here that ‘urban consolidation’ as it has been debated in Australia is primarily a policy about medium density housing provision (or at least that medium density housing provision is seen as the chief means of its implementation). More recently, this branch of the literature has attempted to link medium density housing provision to the broader question of the ‘sustainability’ of the urban environment. Behind all these debates about the relationship between medium density housing and urban and housing policy concerns in Australia lies an extensive theoretical literature about housing types and appropriate urban form. This literature is part of a long-running international debate in which Australian authors and concerns have figured from time to time.

We propose to approach our review of the literature and debates about medium density housing provision in Australia in the following way. We shall begin by first attempting to define “medium density housing”, to provide an understanding of the use of the term in this context. Once this groundwork is established, we shall then present a general history of the research that has been conducted on medium density housing in urban Australia and identify the changing contours of the debate. Because medium density housing provision has been so closely linked to the policy of ‘urban consolidation’ (as we have just suggested), the next step will be to define this concept and discuss the specific urban issues with which it has been associated. Following this, two major studies of medium density housing provision whose focus, scope and methods render them more significant precedents to the present thesis will be singled out for closer analysis. The fruit of this exercise will be shown to be a deeper grasp of the problems associated with the investigation
of such a complex urban issue as the provision of medium density housing. We shall, therefore, end the chapter with a critique of the parameters of the debate itself, and this will prepare the ground for Chapter Three.

**Definitions**

Definitions of medium density housing can vary considerably but are always a factor of the housing type, the nature of the subdivision, or the relationship between the two. When referring to housing type, the term “medium density” is applied to anything on the spectrum between the single detached house and multi-storey high-rise apartments, which are designated ‘low’ and ‘high’ density respectively. One of the earliest studies of medium density housing undertaken in Australia, a 1975 survey of “users” of medium density housing in Sydney, chose a definition based on dwelling type, which included walk-up flats, duplexes, historical terraces, town houses, and semi-detached houses (Thorne 1983: 51). A 1990 study of medium density housing in Melbourne worked with effectively the same definition but had distilled its basic principle: “attached, no lifts.” (Tract Consultants; Swinburne Centre for Urban and Social Research, and Sarkissian Associates Planners 1990: i).10 These two definitions cover the usual range of options for the identification of medium density housing by reference to housing type. Quite often, however, ‘medium’ and ‘high’ density housing are grouped together and labelled “multi-unit” housing. This itself is indicative of the overwhelming dominance of low density detached housing in the Australian built environment, in that the multiplicity of alternative dwelling forms are simply defined by their ‘otherness’ to this norm.

It must be noted that definitions of medium density housing by dwelling type are imprecise. Attached housing does not necessarily mean smaller houses or lots, and conversely a detached house can not be assumed to be large, or to sit on a large lot. This is especially true of parts of Boroondara, where some

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10 Buildings greater than three storeys high are legally required to have lifts, but a small number of pre-war walk-up apartments of four and even five storeys exist and would also be classified as medium density.
attached “terrace” or semi-detached houses can be among the biggest dwellings in their vicinity and sited on lots of equal or greater size than their detached neighbours. Similarly, single-fronted, timber “workers’ cottages” from the Victorian era, although detached, can be very small, consisting of just a few rooms even though they stand on their own allotment. Furthermore, housing that by common consensus would be designated “medium density” is sometimes achieved (quite frequently in Boroondara) by siting multiple detached dwellings on a single lot within a low density subdivision. Often this will be just two dwellings on the original lot, forming a “dual occupancy”, but it may be more and in some cases even a mix of attached and detached housing. These types of dwellings do not fit the classification “attached, no lifts,” but in such cases potential confusion over the definition of these developments can easily be resolved by reference to the type of subdivision used.

In terms of subdivision, “medium density” is applied to various forms of strata titling, as well as “small lot subdivision,” where a conventional approach to subdivision into single lots is modified to provide lot sizes of smaller than usual dimensions, typically requiring a different approach to housing design. The typical “low density” subdivision has been defined in the Australian literature as having lots of greater than 650m² in area (Burke 1991: 157; Tract Consultants and others 1990: 2), while lot sizes which have been designated “medium density” range between 300 m² and 450m² (Gutjahr 1991: 35). Attempts have been made to provide a more abstract and transferable definition on the basis of lot sizes, using the measure dwellings per hectare. Looking again at just the Australian literature, this has been variously defined as around 20 dwellings/ha (Tract Consultants and others 1990: 2), 15-18 dwellings/ha (Gutjahr 1991: 35) and 15-17 dwellings/ha (Woodhead 1991: 30). The benefit of this approach is that it focuses on the resultant overall urban form rather than the individual house or lot, and it allows easy

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11 The ABS distinguishes “separate house” [i.e. detached house] from other classes of dwelling in the Census of Population and Housing. The ambiguity of this classification in precisely these cases quite probably leads to inaccuracies in the data collected on
comparison with overseas (especially US and British) literature where this measure is commonly used. In Australia, this approach can be problematic because medium density development rarely occurs consistently across large areas\(^{12}\) but tends to be piecemeal and sporadic. This is most likely a result both of piecemeal land ownership and the overwhelming dominance of detached housing in Australian cities. Either way, it makes a definition of medium density development based on urban density largely academic and perhaps even misleading.

Having explored the definitional problems which beset the debate about medium density housing, we now need, given the focus of our research, to have some sense of how the term is used in policy and planning documents. Despite frequent reference to “medium density housing” in Victorian Government publications since the 1980s, an ‘official’ definition of the term did not appear in any of these until 1998, when it was described as “more than one house on an ordinary block, or any form of attached housing, such as townhouses, apartments or flats” (Department of Infrastructure 1998: 9). In relation to the preceding discussion, this can be seen as quite a good working definition, although the line between medium and high density housing is unclear. Since 2000,\(^ {13}\) the term “medium density” has been largely absent from policy documents, where the more general terms “multi-unit” or “higher density” housing now seem the preferred vocabulary. This is basically shorthand for all residential development other than traditional detached (“low density”) houses and its take-up in recent years may in part be a factor of the greater than usual levels of high-rise residential development to have occurred in Melbourne since that time. “Higher-density housing” is the phrase used in the Victorian Government’s current metropolitan planning strategy, Melbourne 2030, where this is defined as: “Housing units on a given area of land that are multi-unit housing. The other potential classification would be “townhouse” (in the category “semi-detached/ row or terrace house/ townhouse”).

\(^{12}\) The exception being the nineteenth century, inner-city suburbs dominated by traditional terrace houses.

\(^{13}\) A “Background Paper” put out by the Victorian Department of Infrastructure on housing in Melbourne (DoI 2000) is the last document we can find which makes consistent reference to “medium density housing”.

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Tom Alves’ PhD
more numerous than the average in the surrounding locality.” This definition is so vague as to be almost completely meaningless.

History of the Debate

We shall now outline the general contours of the Australian debate about medium density housing, with a particular focus on metropolitan Melbourne. It must first be noted (again) that the academic literature specific to medium density housing in Australia is not extensive and the bulk of research has been strongly oriented to policy. This has not been the case internationally, and a greater amount has been written about medium density housing in those places where it has played a more significant role in both urban renewal and expansion. This is especially true in North America, but we do not intend to examine this literature in any detail because the very different context precludes straightforward comparison. We will, however, refer to some of the debates which have occurred in North America and the U.K. insofar as they have influenced Australian ideas and policies. Later in this chapter we shall also engage closely with a recent academic study from New Zealand. In this case, not only is the similarity of context sufficient to make comparison meaningful but the study itself begins from a similar premise to our own research. There has of course been quite substantial work under the rubric of urban consolidation, and this is reviewed in the next section.

Discussion in Australia about different housing types dates back to the early twentieth century, where it was part of a wider debate — sparked by the newly-emerged ‘garden suburbs’ movement — about the merits of different forms of urban development. This debate, in which Professor Leslie Wilkinson and his followers at the University of Sydney defended ‘urban’ values and housing types against the growing popularity of new suburban ideas, largely took place between design professionals and has been dismissed as “elitist” (Clarke and King 1970). The first serious empirical studies of medium density housing in the Australian context appeared in the period following the unusually high levels of residential flat construction (in the 1960s) that had been part of the post-war housing boom (e.g. Neutze 1971). These studies
tended to focus upon issues of housing consumption, such as who lived in medium density housing, their tenure arrangements, and the market for this housing type (Archer 1980). Other literature from the 1970s (Paterson; Yencken, and Gunn 1976, for instance) was concerned with the investigation of impediments to the production of medium density housing, often attributing these to the planning system.

In the early 1980s, two significant studies appeared which took a different approach to looking at medium density housing in Australian cities. One was a thorough study of residents’ attitudes conducted in Sydney when the first wave of inner suburban gentrification was transforming attitudes to traditional medium density housing forms (Thorne 1983). This was the first substantial piece of social research to look at the topic of medium density housing in Australia and seems to have influenced the approach of subsequent studies over the ensuing decade. The other study (Judd and Dean 1983) looked at the issues and potentials of medium density housing from a design point of view and provided an overview of the nature and role of this housing type in Australian cities.

As has been noted and will be discussed in more detail shortly, Government at all levels became very interested in the 1980s in the need for urban consolidation in the state capital cities and commissioned a number of reports investigating the potential for achieving this (Travers Morgan Pty Ltd 1986). While the ostensible problem being addressed was the question of how best to manage the development and growth of Australia’s already large metropolitan areas, the way in which it had been problematised (suburban sprawl) meant that what was being sought was a housing solution. The studies conducted, therefore, were interested in how more medium density housing could be built, what form it should take and how attitudes to it might be changed. At this time too, interest started to develop in the adaptive re-use of redundant non-residential buildings in inner urban locations for multi-unit housing (Victorian Government 1987: 45). A study of the potential for
See the strategic planning document "Metropolitan Strategy Implementation" (MMBW 1981) for the relevant policy for metropolitan Melbourne.
redevelopment as housing of buildings in inner Melbourne (City of Melbourne 1985) was among the first in the country and inspired other studies interstate. It was in this context that the next phase of social research to focus on medium density housing also took place. A study of who lives in medium density housing in Melbourne was published in 1990 (Tract Consultants and others 1990), and a similar study of Brisbane in the following year (Loder & Bayly Consulting Group; Centre for Urban and Regional Development (Q.U.T.), and Centre for Urban and Social Research (Swinburne) 1991). These studies were concerned to know how recent developments had been received and what issues might be constraining the successful implementation of urban consolidation policies in the state capital cities. It must be noted that these studies were conducted in the midst of economic recession and before the substantial increase in higher density development that was to follow.

As the 1990s progressed, significant changes in urban housing markets had already begun to emerge, even before the nation came out of recession. An increase in demand for inner urban residential properties and Melbourne’s relative undersupply of them were likely to have implications for medium density housing development in the city and two studies assessing the trends in market demand for this type of housing in inner Melbourne confirmed the fact (Rogers Milne & Associates Pty Ltd 1993; Swinburne University of Technology Centre for Housing and Planning and Tract Consultants Pty Ltd Planners and Landscape Architects 1993). Both studies used a combination of building commencement and sales data to confirm and explain the significant housing market shifts which had begun in 1992, Rogers Milne augmenting this with a small survey of residents. The Rogers Milne report, commissioned by the Victorian Department of Planning and Development, was the more thorough study of the two in analysing developments in Melbourne’s inner urban medium density housing market during the early 1990s but also the more conservative and noncommittal in its prediction of future trends. The strength of the Swinburne/ Tract report lay in its placing an otherwise similar market analysis within a broader historical context and in comparison with the housing markets of other cities. This allowed the report to conclude that the recently increased rate of medium density development in Melbourne was
still substantially lower than for comparable cities elsewhere (including Sydney) and thus had much potential for growth. It also noted that the apparently high rate of medium density development in the early 1990s scarcely compared with the 1960s\textsuperscript{15} but was exciting attention because the developments were of a substantially different form. The report attributed the increased scale of specific developments compared to the earlier boom to factors associated with economic recession, and predicted a decline in the affordability of medium density housing with an upturn in the economy, rather than a decline in the market for medium density housing *per se*.

Given the policy focus of much research into medium density housing from this era, it is interesting that little mention is actually made in such studies of the role of the state in achieving its development. The Swinburne/ Tract report is unusual in commenting upon the potential role of government policy in stimulating demand, but prefers to ascribe a certain inevitability to the trend of urban consolidation, due instead to global economic factors. Acknowledgement was made, however, of the fact that housing policy alone cannot be an adequate solution to urban problems but requires complementary commercial, industrial and transport policies to see that a positive impact is made on the urban environment (Swinburne University of Technology Centre for Housing and Planning and Tract Consultants Pty Ltd Planners and Landscape Architects 1993: 2). This was commensurate with findings from a study of medium density housing development in California, carried out at around this time to assess its possible relevance to the Australian context (Burke, 1991).

The confident predictions of medium density growth in the Swinburne/ Tract report were themselves exceeded by the late 1990s, and the focus of research into medium density housing shifted from understanding the market and stimulating development, to understanding the substantial resident backlash being exhibited in established (often low density) suburbs (Planning Workshop

\textsuperscript{15} The 1960s flat boom is discussed in Chapter Six.
This phenomenon had been presaged in the late 1980s by strong resident opposition in middle class suburbs of Perth to the content of urban consolidation policy, and led to the West Australian government backing down from implementing urban density targets across the metropolis (Hillier; Yiftachel, and Betham 1991: 79-80). In the 1990s the City of Boroondara became the centre of similar controversy, but this time it was occasioned by actual and widespread development of medium density housing (Lewis 1999). Resident opposition to urban consolidation and medium density development stimulated further social research into community attitudes. At the height of opposition to medium density development in Victoria, residents were surveyed from five inner and middle ring municipalities of Melbourne, including Boroondara (King 1999).

Kings’ study – for the Australian Housing and Urban Research Institute (AHURI) and the Housing Industry Association of Australia (HIA) – was concerned to understand who lives in medium density housing and how they differ from or are perceived by their neighbours in lower density dwellings. The study concluded that medium density housing dwellers had more in common with their neighbours than otherwise and that, in general, medium density housing catered for people at a particular stage of their life-cycle in these areas. Despite this, there was a strong negative perception of medium density development noted from the occupants of adjacent lower density dwellings (King 1999: 47), in contrast to high levels of satisfaction expressed by the residents of medium density themselves (King 1999: 44). This study provides valuable background data to our own research but lacks critical reflection upon the particular planning instrument then being used to control medium density development in Victoria, The Good Design Guide For Medium Density Housing, which had been cited as the impetus for the study (King 1999: 1).

16 An early example of such research had already been conducted in Queensland prior to widespread medium density development (Conner 1991).
More recently, another wave of studies has attempted to offer something by way of a review of policy outcomes to date (Buxton and Tieman 1999; Urban Frontiers Program 2001; Urban Frontiers Program 2001). These focus upon particular local government areas (LGA’s) in the major cities and review the way that urban consolidation has been manifested in the built environment, with the aim of offering some assessment of its social and environmental impact and whether the aims of the policy have been met. The Melbourne study undertaken by Buxton and Tieman is of the extent of medium density housing development in four municipalities (including Boroondara) and the effect of this upon population density and the utilisation of public transport infrastructure. The study was revisited in 2003-2004 (Buxton and Tieman 2004) and given that it directly relates to our own research, sharing a common case study location, we shall offer a more comprehensive review of its methodology and findings later in this chapter.

The other study was Sydney-based and aimed to be more comprehensive in the scope of its analysis. It consisted of three municipal case studies which together sought to assess the local impact of the policy of urban consolidation being used by the New South Wales Government to manage metropolitan growth in Sydney. In addition to the extent and location of medium and high density housing developed under the auspices of the policy, it sought to understand the social impacts of this, including the nature of ensuing population change (i.e. the housing sub-markets such development catered for) and the responses of local communities. As the study was primarily concerned with how a State Government policy was being realised in different local government areas, it was also interested in whether the stated objectives of that policy were being achieved at the local level. Concentrating upon just three of its key objectives: infrastructure cost savings, housing affordability and transport accessibility; the study’s findings were inconclusive but suggested the relationship between these issues and the provision of medium density housing was uncertain and highly contingent.

To summarise the relevance of the background literature on medium density housing development to the present case study, their respective foci: market
demand, resident responses, and the role of medium density development in the implementation of urban consolidation policies; are all important factors in understanding medium density housing provision. We hope in this thesis to add to the insights they provide an analysis of the process of provision itself, and an attempt to interpret the significance of this for understanding urban planning within the context of the whole urban governance framework.

Urban Consolidation

**Definition and History of the Debate**

We identify three broad phases within the Australian debate pertaining to questions of urban form and residential density. The initial phase dates from the mid-1960s and continued well into the 1970s. The focus of this period was the subject of “urban containment” and was fuelled by both international (especially US and UK) concerns about “urban sprawl” and the recent experience of rapid post-war suburban expansion in Australian cities. In the late-1970s, the emphasis shifted from urban containment to “urban consolidation”, a concept which managed to encompass a disparate array of environmental, social and economic concerns and the debates which surrounded them. This lengthy phase of the debate (about twenty years) proved particularly fierce and intractable, owing to the diversity of concerns it brought together and the considerable number of unknowns in the equation. From the mid-1990s the urban consolidation debate was gradually transformed as it became re-situated within broader discourses of “globalisation” into the on-going debate about “sustainability” and the built environment. Despite the re-badging and a real shift in the meta-context, this is still essentially the same policy debate that began in the late-1970s.

Medium density housing provision has been an integral aspect of the debate since it began.

The term “urban consolidation” describes the process (or the policies to encourage it) whereby the intensity of land use (particularly residential land
use) in an urban area is increased, with the objective that this will reduce expansion of the urban fringe (“urban sprawl”). Attempts to provide a more precise and measurable definition than this one have used the associated concept of “urban density” (Commonwealth of Australia 1995). Debate has occurred over whether urban density should refer to residential density (net or gross)\(^\text{17}\) or the density of the overall urban area, and whether the unit of measure should be households, dwellings or persons per unit area.\(^\text{18}\) All these measures focus on the residential component of an urban area, despite findings from early on in the Australian debate about urban containment that the density of residential areas becomes increasingly less significant to the overall urban density (persons per unit area) the larger the total population of a city becomes (Harrison 1970). Despite a further recapitulation of this argument based on new research twenty years later (McLoughlin 1991), the connection between “urban density” and the non-spatial aims of urban consolidation policy continues to be made (Urban Design Advisory Service 1998: 2-3).

It is important, however, to draw a distinction between the concept of urban consolidation and the measurable phenomenon of urban density. Even if we take McLaughlin and Harrison’s critiques of the ability of urban consolidation to control urban sprawl as sufficiently damning to completely discredit the effectiveness of the policy in achieving this original objective, the term does not thereby become devoid of all currency. As outlined above, debates about appropriate urban form and residential density within Australia have gone through several stages. When this debate began to shift in focus from containment to consolidation, “urban consolidation” was soon defined as, “accommodating population growth in the established urban area rather than in new suburbs at the urban-fringe.” (Archer 1979: v). This describes the basic intention behind urban consolidation as \textit{policy} without making specific

\(^{17}\) The gross residential area includes the land occupied by facilities which service a residential population (including schools, parks, shops, churches, etc) while the nett residential area is just land used for dwellings and residential streets.

\(^{18}\) See McLoughlin (McLoughlin 1991: 150-151) for a detailed discussion of the relevant concepts involved in measuring urban density and their relationship to the
Chapter 3 – Locating the Debate

Reference to urban density. For this reason it was the definition preferred by the authors of a 1991 overview of the Australian urban consolidation debate, who could engage in a meaningful discussion of the policy yet at the same time acknowledge, “no Australian city has yet achieved an increase in the gross density of its urban population.” (Hillier and others 1991: 78). Although the misguided assumption that a policy of urban consolidation can be used to substantially retard urban expansion continues to reappear in State publications, it has come to have several other objectives that are not explicitly tied to this outcome. These will now be explored.

The espoused benefits or goals of urban consolidation are usually categorised according to various economic, environmental, and social objectives (Hillier and others 1991; Troy 1996a). Briefly, the principal economic argument centres on supposed capital savings on the provision of urban infrastructure, although economies of scale in housing provision also formed part of the argument in the early period of the debate. Both of these arguments were used to propose that higher density development could thus make housing more affordable to the consumer. The main environmental benefit is usually perceived to be reduced air pollution due to an anticipated fall in automobile dependence occasioned by increased public transport usage. The previously discussed alleged reduction in the consumption of land at the urban fringe also constitutes part of the environmental argument. The suggested social benefits of urban consolidation were always the most controversial and concerned questions of equity in accessing urban services. There was for a long time a lamented absence of good empirical evidence to support any of the above claims, but by the 1990s this was beginning to be addressed (Adrian; Hughes Trueman Ludlow, and Dwyer Leslie Pty Ltd 1991). However, the difficulty in obtaining such evidence and the inherent complexity of the issues

Policy of urban consolidation. The Australian Model Code for Residential Development (AMCORD) also contains definitions of these urban density measures.

19 In Victoria, “urban intensification policies” continue to be linked with the objective to significantly change Melbourne’s urban growth patterns and deliver a more sustainable urban form” (Department of Sustainability and Environment 2003: 22). It must be noted, however, that in this instance an urban consolidation policy is coupled with the application of an “urban growth boundary” – some recognition that consolidation alone will not be sufficient to achieve the desired outcome.
involved has led to every claim made about the alleged benefits of consolidation policy being challenged to such an extent that McLoughlin could even speak of the process of urban consolidation potentially being associated with “considerable social, economic and environmental costs.” (McLoughlin 1991: 155). We shall use this breakdown (economic, environmental, social) in our own discussion of the debates about this policy, noting of course that the categories are artificial and that a substantial inter-relationship between these three objectives exists.

**Economic Objectives**

*a.) Infrastructure Cost Savings*

One objective of urban consolidation policy is to make greater use of existing infrastructure and services by accessing their spare capacity through the location of more households in already developed and well-serviced areas, thus reducing demand for new provision and large capital outlays. The potential public sector cost savings associated with the provision of service infrastructure (water, sewerage, drainage, electricity, gas, and telecommunications) to new dwellings in established urban areas, as opposed to new estates on the urban fringe, were suggested in one of the few studies on this subject to be quite substantial (Adrian and others 1991). This was based on an investigation of four case study areas in the Sydney metropolitan region which found that cost savings for servicing land varied between $17,000 and $18,900 per lot when green field subdivisions with average lot sizes of 450m² were compared with residential densities of eighteen and fifty dwellings per hectare respectively. The savings were even greater (up to $30,700 per lot) when comparison was made with larger lot sizes (840m²) in the greenfield subdivisions. The positive findings of this study must immediately be qualified by the fact that it defined urban consolidation as an increase in the total number of dwellings in an established urban area and did not account for population increase. At that time, such urban consolidation as

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20 450m² is a small lot for detached house subdivisions and would classify as a medium density subdivision according to some definitions (Gutjahr 1991).
had occurred had barely been able to offset the trend of population decline in inner urban areas (Braby 1989) and hence, the demand placed upon existing infrastructure may have experienced minimal increase and no need for renewal. Furthermore, the subsequent, extensive privatisation of “public” services (especially in Victoria) means then the actual savings enjoyed by the public purse are likely to be minimal. No studies have since been done to test whether savings actually have accrued as a result of consolidation.

Research which looks into potential cost benefits in the provision of so-called ‘social infrastructure’ (education, health and community services) through urban consolidation is even more scarce. One contribution to the literature that has considered efficiencies in the provision and accessibility of schools has been very disparaging of the role this hypothesis played in the formulation of urban consolidation policy in Victoria (Troy 1996b). The Hughes Trueman Ludlow study was careful to exclude social infrastructure from its investigation, along with “private costs” and other “intangible factors that would be involved in a full comparison between consolidation and fringe development” (Adrian and others 1991: 18). This lack of data did not prevent the Commonwealth (Department of Health, Housing and Community Services 1993) or Victorian governments (Victorian Government 1987) being positive about the potential benefits in more efficient use of infrastructure to be gained by building at higher densities.

On the other side of the coin, it has also been claimed that medium density development in established urban areas actually places a strain on existing infrastructure. A recent Auditor General’s report on the joint management of stormwater flooding risks by the statutory authority (Melbourne Water) and metropolitan local governments (which included the City of Boroondara) asserts that, “increasing high-density development has reduced the porous surface areas that soak up stormwater, and reduced the number of above-ground pathways for the passage of stormwater into the drainage system.” (Auditor General Victoria 2005: 19). No evidence was supplied to justify this claim and so the assumption that urban consolidation places excessive stress upon pre-existing infrastructure remains unsubstantiated despite this audit.
This is unfortunate given its apparent premise was to assess the management of flooding risks in “five inner suburban councils” whose ageing drainage infrastructure was presumed to be under additional stress due, in large part, to higher density housing development (Auditor General Victoria 2005: 4). One of the five LGA’s audited, the City of Glen Eira, responded to this assumption in the report with the contention that, “These type of developments [i.e. those requiring planning approval] only contribute to a proportion of the increased run-off.” While this claim also lacks evidence, it is consonant with our own findings for Boroondara that a large amount of redevelopment in these areas is not medium density but new detached housing (not requiring planning approval — see Chapter Five), and this may well be contributing as much to increased strain on existing infrastructure capacity as higher density developments.

Infrastructure cost savings are not of course the whole of the economic argument put forward in favour of urban consolidation and, according to one commentator, do not even represent a sufficiently large element of the economic equation to be particularly useful for assessing the “optimality” of urban consolidation policy (Braby 1989: 153). At the beginning of the 1990s it had been suggested in a study produced for the Victorian Department of Planning and Urban Growth (Burke and Hayward 1990) that for the Victorian Government’s policy of urban consolidation to have any real impact in reducing demand for new infrastructure (as it hoped to do), there would need to be a return to rates of medium density construction not seen in Melbourne since the late 1960s (Burke and Hayward 1990: 45). The authors had been sceptical this would occur, citing the opposite process (the conversion of former apartment blocks into single houses) as the more likely trend for inner/ middle ring suburbs in which, “It is highly implausible that urban consolidation could achieve such an outcome without simultaneously unleashing the sort of community backlash that accompanied the medium density boom of the late ‘60’s” (Burke and Hayward 1990: 45). The LGA’s that now comprise the City of Boroondara (Camberwell, Hawthorn and Kew) were named as strong cases in point (Burke and Hayward 1990: 46).
b.) Construction Cost Savings

Despite early optimism that multi-unit housing could improve housing choice and affordability through economies of scale in dwelling construction (Victorian Government 1987: 44-46), the significantly higher construction costs associated with medium density housing were soon noted (Department of Health, Housing and Community Services 1993). Woodhead, who had cited construction cost as one of the main factors mitigating against medium density housing development in Adelaide (Woodhead 1991), identified the issues which made medium density housing construction more expensive than conventional low density development as: more complicated procedures required for obtaining planning approval; the need to change land titling arrangements; more time and expertise required for design; unconventional construction techniques; council levies on multi-unit developments; and the increased likelihood of delays (Woodhead 1994). It must be noted that these are all costs associated with the design and planning approval process for medium density housing. An attempt to quantify this component of the development cost for medium density housing was later made by the Royal Australian Institute of Architects (RAIA 2003b: 6). Using data collected from the State Real Estate Institutes and a survey of their own membership (RAIA 2003a), the RAIA identified the additional cost per dwelling unit which can be attributed to planning-related factors for each of the Australian States for the period 2000-2003:

<table>
<thead>
<tr>
<th>State</th>
<th>Additional Cost per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>$14,200</td>
</tr>
<tr>
<td>Victoria</td>
<td>$17,800</td>
</tr>
<tr>
<td>Queensland</td>
<td>$9,500</td>
</tr>
<tr>
<td>Western Australia</td>
<td>$7,900</td>
</tr>
<tr>
<td>South Australia</td>
<td>$7,400</td>
</tr>
<tr>
<td>Tasmania</td>
<td>$5,400</td>
</tr>
</tbody>
</table>

Source: (RAIA 2003b: 6).
The effect of such impediments in Adelaide at the time Woodhead was writing was to remove any incentives for developers to build housing at higher densities. The situation was different, however, in most inner and middle ring suburbs of Melbourne and Sydney where the higher value of land meant that (in the residential market at least) nothing but higher density development could realise sufficient returns to make developments viable. In this environment the higher construction costs noted by Woodhead are relevant only at the urban fringe, where the detached house is indeed still king.

From these observations it might be said that the peculiar nature of the housing construction industry in Australia (dominated by a multiplicity of small building firms), as well as the fortunes of the residential property market relative to other markets (commercial development for instance), are the more significant factors that were mitigating against medium density housing development in Adelaide in the mid-1990s (compared to Melbourne) than those noted by Woodhead above. With this in place, we can see that it is not higher construction costs per se but the whole way that medium density housing provision has been structured in Australia that tends either to prevent its construction or else to facilitate it in such a way that it works against another of the alleged benefits of urban consolidation: housing affordability.

c.) Housing Market Effects

At the time when the impediments to medium density housing development in Australia were being discussed, the relevance of the U.S. literature to the Australian context was summarized in an academic study (Burke 1991). Burke examined medium density housing provision in the State of California to ascertain how the espoused benefits of medium density development (here comparable to the aims of urban consolidation policy); namely, housing affordability, infrastructure savings, housing appropriateness, and environmental sustainability, had been borne out in reality. Burke showed himself particularly concerned with the question of how medium density
housing had affected housing affordability and concluded that planning controls ensuring greater housing densities were not sufficient of themselves to improve the affordability of homes but required a favourable financial, demographic and industrial environment, or else direct regulatory intervention, to have any role in this outcome. It must be noted that the provision of higher density dwellings within an established suburban context was outside the scope of Burke’s study of California, where much medium density development has occurred on the urban fringe and on a scale far greater than in Australia.

The issue of housing affordability is, however, only one aspect of the housing market impacts of medium density housing development in established low density suburbs (or urban consolidation). One of the chief fears held by established residents concerning the economic impact of urban consolidation is that it will reduce house prices in their suburbs (King 1999: 55). A survey conducted in Adelaide into the effect of medium density housing upon the value of adjacent properties discovered that it was negligible (Babbage 1993). The exception to this was the effect exerted upon property prices by blocks of 1960s walk-up flats, which could reduce neighbouring house prices by up to twelve per cent. It would seem from the findings noted about the survey that any negative effects on property values were not related to density per se, but other amenity factors frequently associated with (but not exclusive to) medium density housing, particularly loss of privacy.21 Another factor, not noted in Babbage’s findings, is that most 1960s walk-up flats are more “affordable” than surrounding dwellings, whereas new medium density housing often is not. Together, these facts would suggest a negative corollary between the effect of medium density development upon the value of adjacent properties and housing affordability.

21 Loss of privacy was another of the primary concerns expressed by residents in established areas of Melbourne about the effect of urban consolidation upon their ‘residential amenity’ (King 1999).
Environmental Benefits

The key environmental concerns that policies of urban consolidation claim to address are: pollution caused by increasing motor vehicle use and; the destruction of sensitive ecosystems and bushland due to urban sprawl. We have already discussed the Australian literature on the relationship between residential development and urban sprawl; in this section we concentrate on the question of urban consolidation and automobile use.

Arguments which suggest greater urban densities can assist in limiting automobile dependence and, as a result, reduce air pollution and land consumption, have been one of the main planks upon which urban consolidation policies have been premised. In their highly influential study, Newman and Kenworthy argued that there was a strong and positive correlation between the urban density and decreased automobile dependence (Newman and Kenworthy 1989). Patrick Troy (Commonwealth Environment Protection Agency 1993: 25-26) and Richard Kirwan (Kirwan 1992) have been critical of the Newman-Kenworthy thesis and the more than tacit support it lends to urban consolidation policy (both authors have been strongly opposed to the policy on other grounds), and Newman himself has subsequently stressed that forced increases in urban density will do nothing to ameliorate the negative impacts of excessive car usage unless considerable effort is expended upon the improvement of the long-neglected public transport systems of Australia’s largest cities (Commonwealth Environment Protection Agency 1993: 16). Despite the claims of the Victorian Government that a policy of urban consolidation was supposed to bring significant environmental and social benefits to the community (Department of Infrastructure 1998: 9), the residents of established middle class suburbs in Melbourne cited adverse environmental and social impacts associated with motor vehicle use as their greatest single concern about new medium density housing development (King 1999: 54-55). Some of the particular concerns expressed were increased motor vehicle traffic, parking problems, noise pollution, and the adverse impact of parking arrangements upon the appearance of local streetscapes or the character of urban neighbourhoods. It has also been suggested by
opponents of consolidation that residential infill increases congestion to unacceptable levels and degrades suburban environments through the loss of established vegetation (Birrell; O’Connor; Rapson, and Healy 2005b).

Another of the arguments put forward by proponents of consolidation is that concentrating density increases in inner and middle suburbs where good public transport infrastructure is already in place (especially adjacent to railway stations) will help to encourage public transport usage and reduce car ownership. Little research has been carried out to assess whether public transport use has in fact increased as a direct result of this policy, but the study of the impact of urban consolidation in three Sydney LGA’s did find that a significantly greater proportion of residents of medium density housing did not own a car, compared to residents of detached housing (Urban Frontiers Program 2001: 147). However, the same report also found that accessibility of higher density housing to railway stations had decreased between 1981 and 1996 (Urban Frontiers Program 2001: 247), suggesting that the findings regarding car ownership may have already pertained before urban consolidation became a state policy. The implications of this are particularly worrying for the Campbelltown LGA where car ownership has decreased the most but accessibility to public transport is the worst (Urban Frontiers Program 2001: 142). Given that a greater proportion of medium density development in this LGA is low cost housing (Campbelltown has a high proportion of public housing), the trend towards lower levels of motor vehicle use may actually indicate an increasing level of social disadvantage in the area, contradicting another of the policy’s principal objectives.

**Social Benefits**

As already mentioned, the social costs and benefits of urban consolidation are more complicated and difficult to assess. Two of the recurrent themes in the housing literature are the choice and affordability of housing. We have already noted Burke’s conclusions, drawn from observations on the American medium density housing market, that affordability is not achieved by the provision of medium density housing alone, without other mechanisms for protecting
vulnerable sectors of the market being in place (Burke 1991). Similar observations were also made by the authors of a Canadian study (Alexander and Tomalty 2002: 405). There is no evidence that urban consolidation policies have made Australian housing markets more accessible to lower income groups and increasing evidence of the contrary (Healy and Birrell 2005). Critics of urban consolidation have tended to be most scathing of this aspect of the policy, none more so than Richard Kirwan who says, “The notion that a new supply of medium density housing in inner areas will lower the cost of the more land intensive forms of inner area housing simply flies in the face of all we know about the economics of housing markets.” (Commonwealth Environment Protection Agency 1993: 25). The fact that urban consolidation has not yet managed to reduce housing costs to any significant degree means that the greater choice of housing types which it has made possible is only available to those who could already afford to participate freely in the housing market (Yates 2001: 516).

The housing choice argument, which has long been a significant aspect of consolidation policies for metropolitan Melbourne (Victorian Government 1987; Government of Victoria 1995) has, in the latest planning policy, Melbourne 2030, been specifically linked to demographic change. Several demographic trends have been identified as affecting the consumption of housing in the Melbourne metropolitan region over the next twenty-five years and used as the basis of planning for appropriate housing supply. The three most significant of these — and the ones singled out in Melbourne 2030 as having the greatest impact on housing need — are total population growth, the general ageing of the population and changes in household structure. The population of Melbourne is projected to increase by 925,000 (Department of Infrastructure 2002b: 6); but the proportion of the total population aged over sixty is expected to increase from seventeen to twenty-seven per cent by the year 2030, while the proportion of those under fifteen declines from twenty to fifteen per cent (Department of Infrastructure 2002b: 3). More significant for housing than population changes are changes in household types and the rate of household formation. In addition to the general ageing of the population, the household trends which have been observed for Melbourne are the
decreasing importance of the conventional nuclear family and the sustained growth of single person, childless couple, and single parent households (Burke and Hayward 2001: 83). Such trends are anticipated to continue, the growth of one and two-person households precipitating a decline in the average household size in Melbourne from 2.6 to 2.25 over the period (Department of Infrastructure 2002b: 3).

The Victorian Government claims that these demographic forecasts require the creation of “a more compact city” through the provision of more medium to high density housing, especially in designated “activity centres” that combine housing with other compatible land uses and with existing transport infrastructure (Department of Infrastructure 2002b: 6). Others have challenged this view, using research which suggests that the expressed preferences of the growth households will result in continued demand for detached housing and (scattered) medium density infill developments but a drop in the demand for units and apartments (Birrell; O’Connor; Rapson, and Healy 2005a). The majority of flats and apartments which have been built in the inner urban area are predominantly serving one and two person households from younger age cohorts (Department of Infrastructure 1998: 6; Metropolis Research Pty Ltd 2005: 11; King 1999: 14). Birrell et al. (Birrell and others 2005a: 6-7) therefore argue that the apartment boom of the 1990s was the result of the largest age cohort in Melbourne (children of baby boomers, now aged in their mid-30s) moving into independent living and hence will not be repeated. This is based on the assumption that as they age, this cohort (who will be the sixty-year-olds of 2030) will express similar housing preferences to previous generations in the post-war era, moving out of apartments and into detached housing. In contrast to this view, the greater variety of medium and high density housing forms built in Melbourne over the past ten years or so — compared to the 1960s flat boom which accommodated the baby boom generation as they entered independent living (Archer 1980) — has been taken to signify that the market for these housing types is now more complex and differentiated than previously, and may therefore be seen as “heralding a permanent structural change in Melbourne’s housing market” (Burke and Hayward 2001: 79).
Within the broad analysis of housing market change across a metropolitan region like Melbourne there will be considerable local variation. In considering the provision of such a spatially dependent product as housing, this finer grain of analysis is especially important and has not been given sufficient attention in Melbourne 2030. Reference is made to the spatial effects of housing market changes in a section which discusses changes in housing affordability (Department of Infrastructure 2002b, p. 5). Here it is observed that house prices and rents are high in inner areas of the metropolis and hence are unaffordable to people on lower incomes. Properties in outer Melbourne are more affordable but less well serviced; plus, spatial differences in house price inflation (which contribute to differences of affordability in the first place) favour areas that are already less affordable and consequently further exacerbate the uneven distribution of wealth. The polarising effect of this problem upon the urban population is noted (p. 6) but its relationship to issues of housing provision is not fleshed out.

Other social arguments in favour of urban consolidation have centred on the less tangible notions of ‘community’ and ‘liveability’ that have been attributed to more compact urban environments by those associated with the San Francisco-based Congress of the New Urbanism. The new urbanist critique of car-based suburban expansion (“urban sprawl”) in North America (Langdon 1994) has often centred on the social costs of this type of development (Morris 2005). The proposed solution is the “urban village” which attempts to create “community” through integrated, mixed use development and encourage healthier lifestyles by being pedestrian-friendly. Intended to be of a scale comparable to the traditional village, yet within the boundaries of a larger city, “urban villages” have higher densities than the traditional suburb, with most housing of a medium density form. New urbanist ideas have been taken up by Australian promoters of medium density housing (Kenworthy 1991) and have influenced the medium density codes and “activity centres” policy of the Victorian State Government (Department of Planning and Development 1993;Department of Infrastructure 2002a).
We do not intend to engage in a thorough discussion of debates about urban villages and the new urbanism in this thesis, but do note that the new urbanism has been criticised for its failure to address issues of social inequality and difference (Graham and Marvin 2001: 415). Likewise, urban villages are subject to criticism for not integrating well with the rest of the urban fabric, and for creating semi-public spaces between dwellings which (whether or not they help to create the experience of community promised for residents) exacerbate social segregation and exclusion in the broader geographical context (Biddulph 2000). It is questionable whether a true urban village plan has ever been realised in Australia, but there have been some larger-scale medium density housing developments built with conscious reference to new urbanist ideas and marketed as complete lifestyle packages. Such developments, like ‘Beacon Cove’ in inner Melbourne, have been subjected to similar criticisms (Dovey 2005: 223-227).

**General Policy Criticisms**

Given that urban consolidation policy had been unable to achieve the initial objective of slowing outer urban expansion, McLoughlin (McLoughlin 1991) has suggested that the shift in the focus of the debate from containing “urban sprawl” to realising supposed inherent benefits of denser urban environments was motivated by a political desire to win the votes from the disenfranchised residents of poorly serviced outer-urban areas. McLoughlin argued that the enduring prominence of urban consolidation in urban policy (into the second phase of the debate) had a political subtext and has led to urban policy being confused. Patrick Troy has also questioned just how relevant or compelling each of the economic, environmental and social arguments put forward in favour of consolidation really are (Troy 1992). Troy’s thesis is that the real impetus for urban consolidation is the fiscal crisis of Federal and State governments: governments have simply not kept pace with urban population

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22 Specifically, McLaughlin attributes the intervention of the Commonwealth into the urban consolidation debate to the Hawke Labor Government’s experience of electoral defeat in outer metropolitan electorates during the 1990 federal election (McLoughlin 1991: 149).
growth by providing the necessary public infrastructure for cities to function well. Urban consolidation is thus, according to Troy, the solution governments have seized upon to take the pressure off their budgets by reducing the demand for capital works. Such cynicism appears to some extent to have been justified by the Commonwealth Government’s admission that, “from a Commonwealth perspective it appears that the urban consolidation program offers the opportunity to bring a number of urban issues, previously addressed separately, together under the one policy.” (The Parliament of the Commonwealth of Australia 1992: 79).

More recently, Glen Searle has maintained this cynical analysis of government motives for the policy of urban consolidation in New South Wales (Searle 1999). Searle argues that a succession of New South Wales State Governments since the early 1980s, instead of pursuing appropriate solutions to specific urban problems, have adopted the “planning doctrine” of urban consolidation to operate as an effective smokescreen for the failure to address adequately any of the successive problems that have come onto the political agenda. In this analysis, the policy was adopted initially in an attempt to curb the high infrastructure costs of housing provision in the face of fiscal austerity caused by decreased Commonwealth funding to the states (Troy’s argument) and the redirection of capital funds into mining infrastructure, while at the same time satisfying increased housing demand precipitated by population growth and a reduction in the size of the average household. Then, when Sydney house prices began to rise rapidly in the late 1980s urban consolidation was touted as the best way to improve housing affordability.

23 Searle is Director of the Planning Program at the Faculty of Design, Architecture and Building, University of Technology, Sydney. His critical attitude towards government policy in this 1999 paper is not entirely consonant with a prior paper on the “Successes and Failures of Urban Consolidation in Sydney” (Searle 1991), written when he was Acting Manager of the Metropolitan and Regional Management Branch of the NSW Department of Planning. In this earlier paper, Searle had concluded that “urban consolidation policies in Sydney have had more successes than failures” (Searle 1991: 29) in their attempt “to reduce costly low density growth on the urban fringe, [...] accommodate the community’s more varied, smaller households, [...] and provide more affordable housing.” (Searle 1991: 23).

24 Searle borrows the concept of “planning doctrine” from Dutch planner Andreas Faludi who defined it as embedded modes of thought which lead to consensus within the professional discourse of planning.
Later, disturbing reports on air and water pollution in Sydney’s western suburbs were also to be dealt with by a further push to consolidate in established areas rather than continuing urban growth on the fringe. Strong resident opposition to this policy in the targeted areas was partly avoided by shifting the focus of consolidation to the redevelopment of brownfield, ex-industrial sites near the inner city, which has enabled the government to largely meet its stated objectives without substantial redevelopment of existing residential land. The implication of Searle’s thesis is that throughout each of these stages in the history of urban consolidation policy for Sydney, the NSW State Government appeared to be taking an active role in solving urban problems, while the ‘real’ problems of providing urban infrastructure (particularly transport and social infrastructure) and affordable housing, reducing pollution, and maintaining a positive role for local participatory democracy in a new urban context actually remained unsolved.

**Sustainability**

In the preceding section we have argued that, up until the late-1990s, the key focus of debates about urban consolidation concerned the environmental, social, and economic effects of “urban sprawl” compared with more compact urban environments (Hillier and others 1991; Government of Victoria 1991; The Parliament of the Commonwealth of Australia 1992; Department of Health, Housing and Community Services 1993; Commonwealth Environment Protection Agency 1993). This itself represented a slight shift in focus from the earlier question of how to service or reduce the demand for new housing at the urban fringe (Harrison 1970; MMBW 1979). Recently, discussion has centred on the more general (and perhaps more comprehensive and integrated) notion of the “sustainability” of city regions (Department of Infrastructure 2002a; House of Representatives Standing Committee on Environment and Heritage 2003). This is reflective of shifts in international debates about urban governance and planning (Burton; Williams, and Jenks 1996) and refers not just to sustainability in terms of resources and the environment, but also to the sustainability of urban economies and communities.
The sustainable city concept has been closely, but perhaps uncritically, linked with the ideal of the compact city in a way that often fails to take account of the historical contingencies in the debate (Breheny 1996). Breheny actually describes the present focus on the sustainability of cities as the return of the “big idea” to planning visions, filling the lacuna which followed in the wake of failed modernist utopias. While some good, comprehensive research has recently been done demonstrating the sustainable nature of compact urban environments in the Australian context (Perkins 2003), little attention has been given to the process of achieving compact (sustainable) urban form where it doesn’t presently exist (Williams; Burton, and Jenks 1996). Australian critics of this new chapter in the urban consolidation debate have argued that it continues to be a covert means of implementing a neo-liberal “anti-planning agenda” (Gleeson 2000).

Situating the Problem

In this chapter so far we have looked at medium density housing provision as it has been discussed in relation to certain housing problems and urban development objectives. These debates are obviously important background to this thesis but our focus is the process of provision itself. While further research into the relationship between medium density housing provision and the various housing and urban issues described here is clearly still required, the actual provision process has received very little academic attention to date. Two recent studies of medium density housing development in Melbourne and Auckland stand out as having gone some way towards problematising the issues in a way which has the potential to broaden the scope of the debate. We shall now give attention to these.

The first is a study of medium density housing development in Melbourne which seeks to contextualise the actual provision of medium density housing over the last ten to fifteen years in the light of urban consolidation policy as it has been presented in metropolitan strategic planning documents. The second is a case study of a particular medium density housing development in
Auckland, New Zealand which focuses on the way the development process is managed and the implications of this for the provision of this type of housing. Both of these studies form important precedents to the present thesis; the first because of the similar study location and attempt to relate medium density housing provision to broader questions of urban governance and the role in this of planning; the second due to its comparable qualitative methodology and consideration of how the development process is managed by government, and local government in particular.

**Medium Density Housing in Melbourne**

By far the most significant piece of academic research on medium density housing development and urban consolidation to have been conducted in Melbourne is a study by Michael Buxton and George Tieman (Buxton and Tieman 1999;Buxton and Tieman 2004), the findings of which are particularly pertinent to this thesis because one of four Melbourne municipalities it investigated was the City of Boroondara. Buxton and Tieman compared changes in the quantity, scale and location (relative to public transport) of medium density dwellings approved within each of four municipalities for two different time periods (1997-1998 and 2002-2003). To do this they used data from the ABS, the Building Commission of Victoria and the municipalities they had chosen as case studies (Boroondara, Port Phillip, Stonnington and Yarra). Buxton and Tieman’s initial study, published in 1999, examined this data for the period July 1995 to June 1998. This study was later revisited to compare medium density housing approval data for 2002-2003 with the last year from the previous study (1997-1998), and a new publication was released in 2004. There was also a slight change in emphasis between the two stages of the study. The earlier publication, *Medium Density Housing in Melbourne: A Case Study of Four Municipalities*, focused on the fact of medium density housing development and in so doing demonstrated a particular interest in its relationship to the planning instruments used to control its provision. While there was no methodological change to the second phase of research (other than comparing two points in time separated by five years, rather than changes across a three-year time period) the focus of the later report, *Urban*
Consolidation in Melbourne 1988-2003: The Policy and the Practice, had shifted to the consideration of metropolitan planning policy and the assessment of urban consolidation policy in particular.

The result is a very interesting set of data which plots changing trends in the development of medium density housing for the four municipalities and locates these within the broader metropolitan context. For the City of Boroondara, the findings indicate the continuing growth of medium density housing as a proportion of all new dwellings constructed (Buxton and Tieman 2004: 35-6), representing the steady growth of both population and total dwelling stock (just under 5% for each) (Buxton and Tieman 2004: 28-29). Throughout the study period, the dominant form of medium density development in Boroondara was dual occupancies (Buxton and Tieman 2004: 36-37), and the number of new, single, detached dwellings constructed was also higher in Boroondara than for the other municipalities. The result is small-scale, incremental consolidation of the urban fabric. Substantially higher numbers of residential demolitions approved in the municipality compared to Buxton and Tieman’s other case studies (Buxton and Tieman 2004: 40) also suggest that Boroondara has experienced more extensive redevelopment of the existing residential environment rather than an expansion of residential use into previously non-residential areas.

The authors identify three ways in which consolidation may occur: by intensive development at established activity centres near public transport nodes; by incremental redevelopment anywhere in the city; and by more dense greenfield development at the urban fringe. Each of the three consolidation scenarios identified implies a mechanism by which the process might actually be achieved. The first and third are described as requiring government planning while the second is designated a “market-led” approach. The Victorian State Government’s metropolitan strategy plan, Melbourne 2030, is cited as evidence that the current government is opting for planned redevelopment at designated locations within established areas of the city; and the urban growth boundary is nominated as the instrument by which this is to be realised (Buxton and Tieman 2004: 8). While Buxton and Tieman
identify this as a planning approach, the failure of previous policies to concentrate development in particular locations within the Melbourne metropolitan area has been documented (McLoughlin 1992) and would suggest that stronger planning controls are required if other than incremental, market-led consolidation is to be achieved (Buxton and Tieman 2004: 52).

Even with a legislated growth boundary, there is currently no mechanism to ensure that development favours activity centres over the proposed growth corridors or other areas of the existing built environment.25

Buxton and Tieman argue that “models of governance” are a key factor in making choices between the three consolidation options outlined (Buxton and Tieman 2003: 3), although they mention only one broad model: neo-liberalism. This model is identified with the Government of Victoria under Liberal premier, Jeff Kennett (1992-1999), and linked by Buxton and Tieman to their “option two” for urban consolidation in Melbourne (ad hoc intensification anywhere in the city). A neo-liberal agenda was indeed most explicit in the policies of the Kennett government (Buxton and Tieman 1999) whose planning ministry did deregulate planning and building controls and dismantle local government, with the effect of allowing higher-density residential development wherever the market dictated (Kiss 1999). It does not follow, however, that this way of managing residential redevelopment (or not managing it as the case may be) would always result in urban consolidation, nor is it the only option open to a government pursuing a neo-liberal agenda. According to Kiss (Kiss 1999: 119), deregulation of the planning system allowed free reign to the interests of property developers, investors and agents; but that this state of affairs resulted in the construction of residential buildings – and specifically of medium density housing – was the result of other (market) factors, not the desire to implement a policy of urban consolidation, for whatever reason. The intersection of development interests with the implementation of urban consolidation policy (in some locations) provides a convenient means to justify

25 Indeed, a speech by then Victorian Planning Minister, Mary Delahunty, at the same conference where Buxton and Tieman presented a paper on their research (Buxton and Tieman 2003) took pains to point out that the urban growth boundary was not so impermeable as some might think.
the neo-liberal policy agenda (Searle 1999) but the coincidence remains highly contingent.

The main point that Buxton and Tieman draw from their study is that observed “patterns of urban consolidation” (Buxton and Tieman 2005) demonstrate a strong and continued reliance on the market for the provision of medium density housing; and that this is in conflict with the stated objectives of the state government’s metropolitan planning policy, which will require more direct planning intervention by the state if they are to be achieved. The principal such objective is the creation of a multi-nodal city through concentrating medium density development around identified “activity centres”, well serviced by public transport, to foster a more sustainable and equitable city while at the same time accommodating substantial population growth. Leaving this process to the market, it is argued, will result in high rise development in inner urban areas, continued low density sprawl at the urban fringe and *ad hoc*, incremental consolidation in the intervening areas (Buxton and Tieman 2004: 52) — the very trends which are observed in this study.

**An Auckland Case Study**

An in-depth study by Jennifer Dixon and AnnDupuis of a significant medium density housing development in Auckland, New Zealand has resulted in several publications exploring the issues raised in that context by this type of development (Dupuis and Dixon 2002; Dixon and Dupuis 2003). Rapid population growth and concerns regarding the long-term sustainability of previous forms of urban growth (labelled “urban sprawl”) had prompted the Auckland Regional Council26 to pursue a policy of urban consolidation27 through the joint strategies of regional urban containment and encouraging the development of medium density housing in urban municipalities. The

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26 This body is comprised of elected representatives from each of Auckland’s local government areas and was created to manage issues of wider concern to the Auckland region.
27 Dupuis and Dixon actually use the term “intensification”. This is synonymous with urban consolidation and is the term used in the British literature on the topic.
detail is lacking in the published material to come out of Dupuis and Dixon’s study, but their comment that “urban sprawl” has resulted in “concerns over environmental sustainability, inadequate or failing infrastructure, and the need for a wider mix of housing options” (Dupuis and Dixon 2002: 415) suggests that the justifications given for the policy have been the same in New Zealand as Australia (and elsewhere). Interestingly, Dupuis and Dixon highlight the primary cause of the deleterious effects of urban sprawl as “a disjuncture between transport and land use planning” – a relationship suggested by several Australian commentators (Gleeson 2000; Mees 2000) but which so far has resulted in little by way of serious attempts to rectify this root problem through better planning co-ordination.

The broader context for the growth of medium density housing in Auckland also seems not dissimilar to the Australian experience. The authors identify a period of neo-liberal reform by the national government, beginning in the mid-1980s. Through the 1990s, this agenda began to be felt locally with extensive local government reform, characterised by amalgamations and the privatisation of service provision. This occurred simultaneous to substantial reforms of the planning system, involving deregulation and the move to performance-based methods of implementation (Dupuis and Dixon 2002: 417). Prior to these reforms, all planning and infrastructure development in the Auckland region had been overseen by a large statutory authority (the Auckland Regional Authority). Whatever the benefits of reform may have been, Dupuis and Dixon report that by the time of their study this planning environment was “now resulting in demands by communities and professionals for more intervention [by local government authorities] to address issues of inadequate urban design and the poor quality of residential developments.” (Dupuis and Dixon 2002: 417). In response to this backlash, and with population growth projections estimating the need for 200 000 extra dwellings in the next fifty years, the Auckland Regional Growth Strategy was prepared, and released in 1999. The Strategy is premised on the need for urban consolidation and calls for a massive seventy per cent of new development – housing between twenty-five and thirty per cent of the
How medium density housing is received and its development managed is thus clearly an important issue for Auckland and was the focus of Dupuis and Dixon’s research. Their research consisted of a case study of an extensive brownfield redevelopment in Waitakere City, “Ambrico Place”, which comprises around 300 new medium density dwellings. The methodology was to interview key stakeholders in the development, namely residents, neighbours, developers, Council staff, retailers and body corporate managers. Several key findings emerged. Housing consumers, especially “resident owners” (owner-occupiers), expressed concerns about the development process and reported negative experiences regarding the availability of information (and hence level of certainty) about the built outcomes at the time of purchase, especially regarding subsequent development on the site (Dupuis and Dixon 2002: 420). This represents the trade off between developer interests, wishing to maximise flexibility to ensure profitability, and neighbours and residents wanting certainty and predictability of outcomes (Dupuis and Dixon 2002: 421). The other key finding was widespread concern about poor construction quality (Dupuis and Dixon 2002: 422); again, developers want to maximise profitability, residents want quality. Both these problems (and a third: inadequate regulation of bodies corporate) concern issues of management and governance. The lack of certainty regarding the way development unfolded across the whole site suggests a lack of master planning and administrative oversight for the broader project (Dixon and Dupuis 2003: 362). Dupuis and Dixon describe this as a “mandate gap” between the role of Councils as consent authorities and bodies corporate who manage individual properties (Dupuis and Dixon 2002: 425). Who is responsible for oversight of the neighbourhood effects of intensification?

While Dixon and Dupuis clearly identify some of the key questions medium density development raises about urban governance and the management of

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28 This area includes a large amount of undeveloped, greenfield land.
urban development, one of the chief omissions from the study is any attempt to relate its findings to the operations of the housing market. Nowhere in the published literature on the Ambrico Place development do Dupuis and Dixon discuss construction costs, house prices and related affordability issues, or the operations of either the housing market or the development industry. This seems something of an oversight, as both the successful management of the development process and the quality of the built environment (the two main issues raised by the research findings) are intimately linked to the economics of housing development. Furthermore, the very success of the Auckland Regional Strategy will depend strongly upon its being able to maintain the profitability of higher density housing construction while ensuring its supply in adequate quantity, distribution, quality and levels of affordability. The Australian experience to date suggests this is no easy task. We make comment elsewhere on the work of Burke and Hayward concerning the connection between multi-unit housing construction and decreasing affordability (Burke and Hayward 2001), yet Dixon and Dupuis suggest, “Medium density housing appears to be a rational, innovative approach to addressing issues of housing affordability and preference.” (Dixon and Dupuis 2003: 356). The lack of a framework for relating the governance of medium density development to the operations of the housing market means Dupuis and Dixon have no way of connecting the two key findings to come out of their research — the uncertainty of the process and the perception (at least) of poor quality design and construction — with any specific recommendations relating to the broader policy issues they raise.

This criticism aside, the research by Dupuis and Dixon on medium density housing provision in Auckland is clearly an important precedent to our own study of the management of this type of housing development in Australia’s second city. The background issues and governance context are similar (although not identical), as is the methodology of a case study involving interviews with stakeholders in a recent development project. There are several differences, however, in the key research findings and how these are interpreted. Opposition to medium density housing in Auckland seems to some considerable extent to be based on perceptions of its generally inferior
quality, combined with a deep-seated cultural preference for detached housing. While Australians share the preference, there does not appear to be such concern about medium density housing being consistently of inferior quality. The process of medium density redevelopment in traditional low density residential environments raises important questions about property rights and the role of local government in planning implementation with which the study does not specifically engage. At the same time, many of the stated objectives of policies which aim to encourage higher residential densities fail at the point of implementation due to the economics of higher density development and this is scarcely mentioned in the papers emanating from the New Zealand study.

**Conclusion**

In this chapter we have presented the Australian literature that has considered medium density housing in the light of its relevance to housing and urban policy objectives. Our own municipal case study of Boroondara is to some extent part of the same project. We also are attempting to link State and local policy frameworks through the analysis of a local government case study within its metropolitan context but the focus of the present study is not to know the local outcomes of a state policy, or how successfully that policy (urban consolidation) has been achieved but, by investigating higher density development and how it is managed, to consider the implications of the process itself. From this we intend not to comment so much upon the success or failure of a particular policy but what this means for the local community and the role of local government in planning and managing metropolitan growth, *vis-à-vis* its other role in encouraging participatory democracy.

Previous research, so far as we are aware, has not attempted to understand medium density housing provision with respect to the whole urban governance or housing system. Where Australian research into medium density housing development exists, it typically has focused upon one or more key housing or urban policy issue to examine how or whether provision of this
form of housing has been beneficial in that regard. Through the research presented in this thesis we hope to be able to say something not only about how medium density housing provision has occurred in Australian cities to date, but also about how this compares with the governance objectives that have been tied to its provision. By providing greater clarity about the relationship between the governmental objectives for medium density housing provision and the actual provision process we will then be in a place to offer some reflection upon what prospects exist for achieving these objectives with current development processes.

It must be noted, finally, that the bulk of literature reviewed in this chapter is concerned primarily with the built reality or spatial effects of medium density housing. Even those studies whose main interests are social or economic are still grounded upon the material outcomes in the built environment. This is not a criticism so much as a simple observation. There are other studies which focus instead upon the governance of the urban environment as opposed to the attributes and impacts of the environment itself. Still others focus on the people who reside in and shape these environments. The task of linking medium density housing provision to these other fields of research has only more recently begun to be attempted. This literature will be reviewed as part of Chapter Four, where we begin to set out the basis for our own research and the framework in which its results will be analysed. Some studies, like the two to which we gave special attention at the end of this chapter, have begun the complex task of integrating these otherwise separate spheres.
Chapter 4

Urban Development, Planning and Politics

Introduction

In the previous chapter we looked at the Australian literature about medium density housing and noted that, not only was it largely associated with wider debates concerning housing and urban issues, but that the physical attributes and spatial manifestations of medium density housing had been the focus of such debate. The chapter ended with an examination of some recent studies which have begun to investigate the relationship between development outcomes and the way cities are governed; spatial outcomes in the case of Buxton and Tieman’s study of medium density housing provision in Melbourne, and a specific built outcome in the case of Dupuis and Dixon’s Auckland case study. The present chapter will begin to bring together elements of the planning and housing policy literature about medium density residential development (reviewed in the previous chapter) with academic literature about urban politics, urban governance, and urban planning and development processes, to understand better the relationship between the process of residential redevelopment and the major administrative, management and political issues confronting urban municipalities in the current social and economic context. To put this another way: the previous chapter defined medium density housing and described the rationale behind its provision; this chapter considers the issues raised by the provision of medium density housing and seeks to understand what these mean for the residents of communities in which it is occurring.

A further purpose of the present chapter is to develop a framework in which the research for this thesis may be understood. We have already contended in Chapter One that medium density housing developments have become a substantial political and regulatory problem for Australia’s state governments
and urban municipalities. The present chapter seeks to understand the conflicts which surround this type of development by shifting the focus from the planning and housing policy concerns which occupied our attention in the previous chapter to the underlying sources of social and political conflict in the urban context and the governance issues raised. This will involve consideration of other bodies of research, which have been more concerned with the politics of the process whereby development occurs (or doesn't) than with the actual physical outcomes of that process — although the importance of the spatial dimension is a significant area of debate within the field. The result will be an understanding of the social and political dimensions of the development process that will be used to assess and inform the issues of its governance and management.

The chapter will begin with a general consideration of the development process: what it is and what are the key issues. International literature in this field will be discussed briefly, before its significance to the Australian context is considered in the light of these questions. In keeping with the general focus of this thesis, the emphasis will be upon how the development process is governed or managed. This will be followed by an examination of the role that urban planning plays as a tool of urban governance and the different ways this has been theorised. This will lead to a general discussion of the current debates concerning urban governance and some of the issues raised in the large body of literature on this topic. In particular, the role of Australian local governments in the governance of urban environments will be singled out for specific consideration. The politics of urban development will be considered next, with a particular emphasis on the politics of housing development. Finally, an understanding of the politics of medium density housing development in Australian cities will be offered in the light of these considerations about urban governance, local politics and planning practices.
The Development Process

‘Development’ describes the process by which works are carried out on a parcel of land to prepare it for a particular use, to change its use or to adapt it for more intensive use. The development of land is a physical process; but in a market economy, such as operates in Australia, the production of the built environment through land development is driven and controlled by the market. Fundamentally, therefore, development is best understood as an economic process; but because it is impelled by land and property markets, it is place-specific and hence is strongly affected by socio-spatial factors. The role of the state within this process, in addition to setting the legislative framework for development (e.g. property ownership), is primarily one of regulating the activities of the market, although it will also occasionally intervene more directly through owning or developing land itself. ‘Planning’ is one of the principal means by which the state seeks to regulate and/or influence market-driven development processes. Because development is market-driven, it is very sensitive to changes in the broader economy, making it a fairly volatile process. The state will tend, therefore, to adjust the extent and nature of its intervention in, say, the housing market in order to temper the effects that the volatility inherent in the development process may be having upon the location, type and quantity of housing being built. The degree of such adjustment is of course also influenced by a particular government’s ideological position concerning the need for market regulation. Development is also, therefore, a highly political process.

Several issues emerge from this brief description of the development process that are very relevant to our examination of the development of medium density housing in Boroondara and how this is managed by government. To be properly understood, the development processes occurring within a particular location, such as the City of Boroondara, must be set within the broader economic, political and social contexts. Furthermore, the particular process associated with each individual development is part of development processes which are occurring at the local, metropolitan, state and even national levels. What is required therefore is an approach to the study of this
particular urban development issue (medium density housing provision) that accounts for the interaction between the broader contexts and the particular actors in the processes to be investigated as part of our case study. In other words, we require an approach to understanding the development process which takes account of the interactions between 'structure' and 'agency', as outlined in Chapter Two.

Urban Planning

In Chapter Five we shall consider the particular planning policies and practices that operate within Melbourne and Boroondara in relation to medium density housing and explore their historical development. At this point in the development of our thesis we need to provide a more general discussion of how the operations of the planning system might be understood in relation to a development process such as the provision of medium density housing; and especially the politics of that process and the governance issues thereby raised. In light of the foregoing discussion of the development process: in a market economy, urban planning can be seen to be a tool at the disposal of government by which development processes are to some extent and for a variety of reasons directed, regulated, encouraged or curtailed. Planning itself is therefore a process that is both political and contested. There is no ideal planning scheme or system, but a constant process of negotiation between land and property markets, some notion of the public good, and the basic human need for shelter. Shifts in the housing market therefore tend to put pressure on the planning system, as the process of urban development interacts with the needs and preferences of local communities.

This is not the way planning has always been understood, even within market economies like Australia's. For a long time planning, both as a practice and as an academic discipline, represented itself and was widely understood to be a rational system of urban management and decision-making. Whether the emphasis was on civic design or the improvement of urban systems, the general belief was that urban problems could be identified and solved by
professional planners through the application of various enlightened principles. Such a view of planning does not give adequate attention to the political dimension engendered by the uneven valuation and private ownership of land. This earlier view has been so soundly and repeatedly critiqued on so many occasions and in such a wide variety of contexts (Huxley 1994; Flyvbjerg 1998; Sandercock 1998) that the arguments scarcely need repeating. Such studies have demonstrated a complex relationship between professional planning and political power that has undermined the appeals to rationality which nonetheless continue to be made within planning discourses.

The very persistence of such appeals, however, suggests that the need for the regulation of urban development processes is real and on-going. Only by such intervention can the negative externalities that result from the market provision of property goods (including housing) be mitigated, and the production of a greater range of social goods ensured. For this reason, some commentators have decried the fact that post-structural and post-modern critiques of urban planning have allowed a resurgence of ‘free-market’ or ‘neo-liberal’ approaches to the governance of urban development (Gleeson 2000; Gleeson and Low 2000). In light of the critiques of ‘rational’ planning mentioned above, planning intervention in the development process since the 1980s has sought a new theoretical basis in the re-appraisal of rationality and modernity afforded by Habermas’ theory of ‘communicative action’ (Habermas 1979) and Beck’s ‘reflexive modernisation’ thesis (Beck 1994). The former has long been a rich source for such thinking (Forester 1989; Healey 1995; Healey 1997; Hillier 2002; March and Low 2002), although others have criticised the so-called ‘communicative’ approach for being too focused on ‘insider’ views of planning practice (Yiftachel 2001) and, “draw[ing] attention away from the underlying material and political processes which shape cities and regions” (Yiftachel and Huxley 2000, p. 907). The ‘reflexive modernisation’ thesis of Ulrich Beck has only more recently been applied to the field of urban planning (Gleeson 2000; Gleeson and Low 2000, p. 146), but despite its potential to provide a critique of planning within a broader societal analysis of the urban development process, its advocates have tended to return to ‘communicative
planning’ ideas when arguing for more inclusive and democratic planning systems and processes (Gleeson 2000, p. 133; March and Low 2002).

In an environment of competing property interests, urban planning is an important and powerful governance tool; but, as not all political and pecuniary interests are related to property, such spatial governance is only one part of the bigger systems and processes involved in governing cities. These also have important implications for understanding the range of the planning, management and political issues surrounding medium density housing development in the Australian urban context. Since the late 1980s, there has been a growing consensus among urban scholars that the Western metropolis has entered a new phase of global convergence. Described variously as the ‘post-modern’, ‘post-industrial’ or ‘post-Fordist’ city, it is categorised spatially by a revitalised city centre, sleek high-rise towers, signature waterfront redevelopments and ‘high-tech’ transportation nodes (Hall 2001; Thorns 2002). Accompanying the changing yet convergent appearance of Western cities has been a similarly convergent alteration in the way cities are governed (Hubbard and Hall 1998). Hubbard and Hall describe the characteristics of the resultant ‘New Urban Politics’ as, “firstly, a political prioritisation of pro-growth local economic development and, secondly, an associated organisational and institutional shift from urban government to urban governance.” (Hubbard and Hall 1998: 164, original emphasis).

**Urban Governance**

‘Urban governance’ is an important concept, not least because it has become ubiquitous in the literature about urban politics and management (Mayer 1995; Jessop 2002; Hambleton 2004; Lawson and Gleeson 2005). Definitions vary but the basic concept is that, in contrast to ‘government’ which refers to the legal and administrative apparatus of the state and its application, ‘governance’ (which includes the activities of government) describes the whole system of actors and processes by which outcomes are achieved within a particular jurisdiction. *Urban* governance, then, describes the structures and
processes involved in the governance of a city or urban region. This usually will include the activities of more than one level of government, in addition to the less formalised processes of engagement with a range of public and private sector agencies, non-profit organisations and private citizens. The unifying aspect of such activity is its focus on achieving place-specific goals (Hambleton 2004; Lawson and Gleeson 2005). The ‘urban governance’ concept also has been widely used in relation to geographic areas smaller than entire urban regions, notably local neighbourhoods or ‘communities’, and at this level the term ‘local governance’ is frequently substituted (often interchangeably) (Smyth; Reddel, and Jones 2005).

The term ‘urban governance’ can be applied retrospectively (and has been) to systems of government which predate its use. Gleeson and Low (Gleeson and Low 2000), for instance, in their discussion of Australian urban planning, talk of ‘colonial bureaucratic’, ‘social democratic managerialist’ and ‘corporate liberal’ approaches to ‘urban governance’ when making the point that urban planning has taken a different role within each governance system. This application of the term might seem anachronistic, but the approach taken by Gleeson and Low in their analysis of urban planning in Australia is one where the relationship between government (in their case State Governments) and urban outcomes is understood to involve a range of other actors, interests, agencies and levels of government, and in this sense is a ‘governance’ perspective. The term is mainly used, however, to describe what are generally considered to be new approaches to government that have focused particularly on the promotion of cities and urban regions. There is often an emphasis on strong city leadership (Judd 2000) and an orientation toward goals or outcomes which bespeaks an overarching “entrepreneurial” outlook (Hubbard and Hall 1998). Consequently, the move towards governance has typically been associated with the managerialist reform of state agencies and a greater involvement of the private sector in the provision of many urban services.

Another important factor in the emergence and sudden popularity of the idea of urban governance in the 1990s is that it is somehow related to the
contemporaneous concept of ‘globalisation’, with all its ambiguity and complexity. It has been widely claimed that globalisation, which is both an economic and a social process, has both weakened the significance of the nation state while enhancing the importance of key cities and urban regions (Sassen 1991). Within cities, the so-called ‘forces of globalisation’ which are a result of the increasing integration of the world’s economies have put pressure on local authorities to be more ‘efficient’ and ‘effective’ as they pursue competitive advantage in this new environment. It is also asserted that the emergent importance of the ‘global’ has had the concomitant effect of increasing the relative significance of the ‘local’ (Hamel; Lustiger-Thaler, and Mayer 2000). Thus there has been increased interest in the importance of local citizenship and greater efforts to enhance local democracy. According to Hambleton, the tensions which urban regimes feel: caught as they are between global pressures to be more competitive and efficient and the demands from local communities that development processes be more democratic; “lie at the heart of debates about urban governance and local democracy in all countries.” (Hambleton 2004: 5).

Part of the confusion around the use of the term ‘urban governance’ lies in the fact that it describes both an approach to governing, and the analysis and critical appraisal of recent trends in government. The literature therefore divides into two broad camps: critical analysis of recent trends in government (or the processes of decision-making in urban contexts and their outcomes) on the one hand; and literature which by and large accepts this new context and

29 New understandings about the operations of power in the urban context, which have emerged since the 1970s have benefited significantly from the development of ‘regime theory’ in the work of Clarence Stone (Stone 1989). There has since been lively debate about the applicability of lessons learnt in the US to other contexts (Davies 2003) and, given the unique position of local government in Australia and its place within the urban governance system, further caution needs to be exercised. The broad lessons from regime theory about the operations of power in particular (especially urban) contexts and the significance of alliances between governments, agencies and private capital are clearly of relevance here and not at all unrelated to the issues of urban governance currently under discussion (see Stoker 1998: 122ff.); but as we already cover many of these issues in different guises it seems unnecessary, given the institutional differences just mentioned, to introduce another (albeit important) body of thought other than to recognise the influence of regime theory upon the urban governance literature.
concerns itself instead with how particular governments might best operate within the new framework. The former strand of the literature tends to include critique of neo-liberal reforms of government in the 1990s and understands the influence of the so-called New Public Management (or ‘new managerialism’) as the initial move in public policy and service provision away from government and towards governance as a driving ethos. Hallmark trends of new managerialist reform included the privatisation and commercialisation of public sector infrastructure and service provision, and an increased focus on economic competition. The nature of these changes and their impact upon Australian local government are explored in the next section.

Such reforms of public services had been premised on the pursuit of ‘efficiency’ and ‘effectiveness’, renewed interest in which had emanated from particular views about the actual or appropriate role of governments in a contemporary and increasingly globalised environment (Osborne and Gaebler 1992). While some have been critical of the intellectual and philosophical bases for what was effectively a market-led approach to the reform of public services (Considine 1996; Considine 1997; Patterson 1998), others were happy to embrace the values of efficiency and effectiveness yet remained critical of the managerialist project as a whole (Alford 1998). The criticisms of this latter group have tended to focus instead on two main issues: the sidelining of local community participation in decision making (Burns 2000) and the need to make place outcomes a particular focus (Mant 2000).

In addition, then, to describing a process which has included managerialist reform of government, the emergence of the urban governance concept also has been, in part, a response to issues that have arisen as a result of the reform of government and its agencies during the late-1980s and 1990s (Lawson and Gleeson 2005: 82); and it is this response, with its concern for ‘community empowerment’, ‘citizen engagement’, and a strong spatial emphasis (particularly on the ‘local’), that constitutes the second strand of the literature. Proponents of this approach argue that to manage the complex issues which confront cities in the contemporary world requires that local authorities move “beyond New Public Management” (Hambleton 2004) and
empower the communities they govern to better influence the impacts of economic actors upon their localities. Despite the existence of very different inter-governmental relations in Australian cities, these ideas have gained currency here, especially through the idea of ‘policy networks’ and the related concept of ‘network governance’ which is posited as an alternative both to hierarchical government bureaucracy and the extension of markets (Wallis 2003). The ways in which ideas about urban governance have impacted upon Australian local and State governments, and especially upon the roles played by local government in urban planning and development processes in Australian municipalities — a primary concern of this thesis — will now be explored.

**Local Government**

Local government in Australia is very much the third tier of government within a federal system (Parkin 1982). In comparison to most other nations, Australian local governments are very weak; and Australian cities, with the exception of Brisbane, are unusual in having no metropolitan level of government. Local government is not recognised within the Australian Constitution; and in each of the States, local governments are quite tightly controlled by the various State Governments which dictate the nature of their role and delimit the scope of their activities. Even in other federated countries where local government lacks constitutional recognition, such as the USA, local authorities have greater autonomy and responsibility (McNeill 1997: 21) and, in the major cities, can wield considerable power. A great deal of caution is therefore required when seeking to engage the overseas literature on the local state or to borrow uncritically from international ideas about appropriate approaches to the governance of cities and urban regions.

**Issues in Australian Local Government**

The comparative weakness of Australian local governments in international perspective (and hence their relative ineffectuality in achieving urban
governance or housing objectives) is the first and the most basic of several issues in local government that are of great relevance to the concerns of this thesis. While this quite obvious fact is acknowledged in at least some of the more recent literature specific to local government in Australia (Dollery and Marshall 1997; Dollery; Marshall, and Worthington 2003), the issue itself receives little attention in public debate (Mowbray 1997) or in relation to matters of urban planning and management, such as the provision of medium density housing. In the literature which discusses local government in relation to local and urban ‘governance’ (Smyth and others 2005) the issue is frequently ignored, and (not surprisingly) it is also greatly underplayed in the metropolitan planning and governance policies developed by the State Governments.

This raises a second relevant issue about local government in Australia: its capacity to deal with the regional (and hence metropolitan) significance of certain issues in which it plays a role. This fact is of particular concern to us in relation to the management and administration of planning matters, including of course the provision of medium density housing. While the State Governments have regard to metropolitan planning issues, including housing provision, the implementation of metropolitan planning policies and the day-to-day management of urban development, including housing development, is by and large devolved to local Councils. These, understandably (and perhaps even appropriately), have a greater concern for local planning issues and a greater interest in the local impacts of housing development than for matters of broader concern. The capacity of local government to manage the metropolitan-level impacts of housing provision is therefore limited. One attempt which has been made to address this problem in some instances, and to a limited extent, has been to organise regionally-based co-operation between Councils.30 This has sometimes been locally initiated, as in the case of the Western Sydney Regional Organisation of Councils (WSROC), but this is not always so: such inter-council co-ordination within the Melbourne

30 This has also occurred in New Zealand in the case of the Auckland Regional Council, as was mentioned in Chapter Three in relation to Dupuis and Dixon’s study of the process of medium density housing development.
metropolitan region has both been required and had its terms dictated by the State Government. Both examples serve to highlight our earlier point about the weakness of local government in relation to the States, and the challenge that faces urban municipalities in managing issues that also have a wider metropolitan significance. In the first case, local governments have sought co-operation in order to better lobby the State and to counteract the perceived localised failure of State policies; while in the second, local government functions as little more than an administrative tool through which State policy is implemented at local and regional level.

A third aspect of local government which we need to consider for the purposes of this thesis concerns the status of local citizenship and strength of local democracy. In relation to our previous point, which highlighted the tension between state and local powers and interests, these questions of citizenship and democratic participation are highly apposite (Aulich 1999). Aulich contends that, during the local government managerial reform programmes enacted in all Australian States during the 1990s, differing regard for the value of local democracy emerged as a key point of divergence between the State systems, dividing them into two broad camps. New South Wales, Queensland and Western Australia “continue to work collaboratively with local government and retain a high commitment to local democracy,” whereas, in Victoria, South Australia and Tasmania, “economic efficiency has supplanted local democracy as a key value.” (Aulich 1999: 17). In Victoria more than any of the other States, these reforms were specifically linked by the Minister for Local Government with the urban development process, being justified on the basis that they would generate employment, streamline planning approval processes and provide greater capacity for “strategic decision-making”; but where local government functions chiefly as an administrator of State legislation, and in its planning role is primarily an implementer of State policy, then the value of local democracy is necessarily downplayed (Kiss 1999).

Without a constitutional basis, the idea of local citizenship is not well founded and hence vulnerable in a reform agenda initiated by higher levels of government. Kiss argues that in Victoria, as the civic foundations of local government have been eroded, the far more nebulous idea of “community” has
come to replace more concrete notions of representative democracy (Kiss 2003). An undeveloped concept of local citizenship, scarcely discussed in the Australian local government or citizenship literature, leaves property ownership and its attendant rights as the only ‘real’ basis for engagement in the local political arena.

This leads directly to a final relevant point about Australian local government that needs to be highlighted: its close association with property-related issues. Democratic franchise in local government was initially, as with all other levels of government, dependent upon property ownership. Rosemary Kiss points out that democratic reform towards universal adult franchise at State and Federal levels was never fully carried through at the local level of government (Kiss 2003). The rationale for this she associates with the fact that property rates form a substantial proportion of local government income (Kiss 2003: 112). The point Kiss seeks to draw from this is simply that in the absence of a proper democratic franchise for local government, the recent emphasis upon ‘community consultation’ and ‘participation’ in local decision making can only serve the interests of the State Governments; she does not attempt, however, to explore the particular significance for the local community and to local decision making of the fact that it is property ownership per se which trumps other ideals of citizenship. The point was made but not explored by Martin Mowbray who considered the issue to be “of particular importance in understanding the role of local government.” He notes,

Whilst local government may have a minor place in the overall government income and expenditure stakes, especially compared with other western countries, when one considers the extent to which wealth in Australia is tied to property, its centrality to the maintenance and enhancement of property values makes it much more significant. (Mowbray 1997: 254).

Mowbray’s agenda was simply to draw attention to significant gaps in the then (1997) recent Australian literature on local government, but more recent literature has continued to ignore this important issue. The significance of local governance in the development of property wealth, and hence of
economic prosperity more generally, has not been missed by higher levels of government or the lobby groups that seek to influence their policies.

McInerney has argued that the strategic significance of the control of local area planning has been one of the key drivers of the legislative reform of local government (McInerney 1998), and that industry lobby groups such as the Property Council of Australia have played no small part in setting the agenda for this process (McInerney 1998: 144). In this context, Victoria’s strategic planning framework which integrates State planning objectives into Municipal Strategic Statements (MSS), along with the standardisation of statutory planning in the “new format planning schemes”, is hailed as the blueprint for other States to emulate (McInerney 1998: 146).

**Local Government in Victoria**

Having now made some general comments about the place of local government in the Australian urban governance system and drawn out the particular aspects of it that seem the most relevant to the issues dealt with in this thesis, we shall now briefly discuss the peculiarities of local government in Victoria as this is obviously of direct relevance for our case study. As we have mentioned, during the 1990s local government in all the Australian states underwent a period of significant reform, driven by the Commonwealth’s wider microeconomic reform agenda (Aulich 1999: 16).

Aulich identifies two phases to the reform process: the first, characterised by legislative reform, in which the local government systems in each State tended to converge around the ideals of ‘the new public management’ (Tucker 1997); and the second in which the state systems again diverged as they differed in their approach to implementing the Federal Government’s ‘National Competition Policy’. In Victoria, the reform process clearly fits with Aulich’s two-stage model but was somewhat more extreme than in the other Australian States (Aulich 1999: 17).

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31 A policy adopted in 1995 by all Australian Governments (State and Federal), which aims to promote national economic growth and increased productivity through the encouragement of greater business competition.
The first phase of the reform process in Victoria occurred under a Labor State Government and involved the introduction of a new \textit{Local Government Act} in 1989. In common with other States, a key incentive for this legislative reform had been the State's desire to reduce its financial responsibilities to local government by enabling the latter to become more self-sufficient (Dalton 1992). This involved granting local government much greater autonomy and hence the capacity to manage strategically their operations and resources.\textsuperscript{32} It was also believed this would be conducive to more participatory democracy and help reinforce the civic value of local government (Marshall and Sproats 2000); but in Dalton’s view, and despite the apparent intent of the \textit{Act}, the State Government in fact became more interventionist in the operations of local governments (Dalton 1992: 222). It was the next phase of reform, however, under the Liberal-National Coalition government led by Jeff Kennett (1992-1999) that has been the most remarkable (Kiss 1999). All but one of Victoria’s 210 former local government areas experienced amalgamation, with the total number of local authorities reduced to seventy-eight. Rate revenues were capped, budgets cut and more than fifty \textit{per cent} of local government services put out to compulsory competitive tender. Extensive as the content of these changes were, it was the implementation process of local government reform in Victoria that was its most controversial aspect. With basically no community consultation or education, elected Councils were summarily dismissed and most of the reforms implemented at great speed by State-appointed Commissioners (Kiss 1999: 113). Since the reinstatement of local government, the appointed Council CEO now has a more powerful role alongside the elected Council.

\textsuperscript{32} Victoria was in fact the first State to reform its local government Act during this period in which States across Australia granted “general competence powers” to local government. Legislative reform in other States and Territories occurred in 1990 (South Australia), 1993 (Queensland, New South Wales, Tasmania, Northern Territory) and 1995 (Western Australia). The coincidence of legislative reform activity across the States and Northern Territory was unprecedented and, in Aulich’s view, “represents a nationalisation of the local government reform process.” (Aulich 1999: 15).
That these drastic changes were much more about microeconomic reform than strengthening local democracy is evident from a speech, entitled _1995: The Most Significant Year for Local Government_, given by then Minister for Local Government, Mr Hallam, immediately after they were implemented. “Councillors are now in a position to broaden the State’s economic base through local and regional development,” he claimed. “They now have the resources and the leverage to compete seriously for national and international investment.” (Office of the Minister for Local Government 1996). Local democracy and the civic functions of local government are not once mentioned in the speech, or even alluded to. Even after democracy was ‘restored’ to most municipalities in 1996-1997, the now extended powers of the Minister for Local Government were used to greatly circumscribe local autonomy by capping rate revenue and in some instances again dismissing Councils that were viewed as uncooperative (Kiss 1999: 116-117). Since a change of State Government in 1999, Victorian local government has settled into a new _status quo_ in which the threat of capricious ministerial intervention seems to have subsided. Local governments are having increasing input into the implementation of planning and housing policies but their capacity to influence the content of such policies remains highly circumscribed. There has been, therefore, a return of local variation in policy implementation (though not to the extent evident before the amalgamations) without a serious return of local powers.

**The Place of Local Government in Urban Governance**

The low relative status of local government within Australia’s federal system has led to it typically being ignored (or quickly written off) in the literature about Australia’s system of urban governance. Two papers written at the turn of the century, in which some of Australia’s leading urban scholars considered the implications of Australia’s multi-level governance system in relation to both urban planning (Gleeson 2001) and urban development (Stilwell and Troy 2000), express this pessimistic view of the role local government plays in the governance of Australian cities. Both papers are based upon the understanding that since the 1970s, local government has had increasingly
less control over local planning decisions and less influence upon the development process (Stein 1999). But does the weak position of local government within the Australian federal system necessarily preclude it from a significant governance role in relation to urban issues? Is there something about the nature of cities — especially in a new global context where cities participate in an increasingly globalised urban network — that opens up new governance problems for urban Australia and hence new possibilities for local government (Mayer 1995, p. 233)?

Graham Sansom (Sansom 2002) has drawn attention to two instances in which local government’s subordinate status disguises real ways in which he believes it is already playing a key role within the Australian urban governance system. First, despite lacking a constitutional base, local government has in recent years gained a more prominent role in national inter-governmental forums, including the Council of Australian Governments (COAG); and second, despite being legally subsidiary to State powers and a minor player in terms of public sector revenue, the local government sector is in fact financially more self-sufficient than the States who depend heavily and increasingly on transfers from the Federal Government. Sansom therefore prefers to draw a distinction between what he calls the “constitutional fiction” of the entirely subsidiary status of local government within Australia’s federal system, and the “realpolitik” in which local government can (and in his opinion increasingly does) play a far more pivotal role (Sansom 2002: 3). Although Sansom does not specifically comment upon the significance of these observations for urban governance, his linking of these phenomena to the increasing dominance of the Federal Government in all areas of policy does raise the possibility that local government might (and perhaps already does) play a significant role in urban governance, as its strategic importance in this regard comes to outweigh the otherwise substantial restrictions upon its powers. Changes in the broader social and political environment in which complex and rapidly evolving problems “involving numerous stakeholders and with many variables that are at best only partly understood” (Sansom 2002: 2) greatly enhance the relevance of local government for maintaining local community cohesion in a globalising world. What Sansom does not account
for is the fact that the changes he claims have strengthened the governance role of local government have all been aspects of the corporate liberal reform of government at all levels and which has greatly curtailed the independence of local administrations (Gleeson and Low 2000: 102ff.).

The significance of these questions for the present municipal case study of medium density housing provision cannot be emphasised too much. Whether one accepts Sansom’s suggestion that the realpolitik of inter-governmental relations in Australia is giving local government greater strategic importance, or inclines towards the more traditional view that local government continues to play a very limited role in urban governance within this country, the provision of medium density housing is clearly one of those problems which (in Sansom’s view) create the possibility that local government could play a more significant part than perhaps it currently does. One of the objectives of our case study then must be to assess whether local government is hampered by its inferior legal status or empowered by its enhanced strategic significance when dealing with the issues raised by medium density housing development. The question is particularly important in the light of our foregoing discussion of local government reform, and the particularly extreme nature of those reforms as they were carried out in Victoria. Such reforms were predicated on government (both State and local) being able to manage issues like urban development (including medium density housing) more strategically. Has this in fact been the case and, if so, what have been the impacts upon local democracy?

**Administering the Planning System**

One of the roles of local government in Victoria is the administration of the planning system. The extent to which the States delegate matters relating to the planning and development of the capital cities to local government has been an issue since metropolitan urban planning began in Australia. In Chapter Five we cover the history of the changing role that local government has played in the planning system in Victoria. What we discuss here is how the issues raised in this section of the thesis impact upon planning, and what
the implications of this are for local government and urban governance. Bringing our earlier discussion of the role of planning in a market economy into conversation with the present focus on Australian local government, it must first be noted that the broader Commonwealth and State policy context (of which the reform of local government across Australia has been identified as an integral part) offers a profound challenge to the very notion of urban planning (Gleeson and Low 2000). It has also been claimed that many of the policy changes specific to Victoria have further challenged local government’s role (Dore 1997). With the standardisation of both land-use zoning and local planning controls that was introduced through the “new format planning schemes”, it may well be argued that local authorities in Victoria are simply agents of the state government, marshalling local development to fulfil the State’s objectives. This led the CEO of one regional Victorian Council to ask, “will there still be a need for local government or simply an administrative body contracted to carry out decisions and policies of the state?” (Dore 1997, p. 161). And if the planning role of local government is already purely an administrative one, to what extent is this not de facto the case?

At the beginning of this section we identified several key issues for local government in Australia. These were: its subordinate status; its atomising tendency with respect to issues of wider significance; the fragile and ill-defined nature of local democracy and citizenship; and the key role property plays in local politics. The subordinate status of local government means that the goals and objectives (the policy) of the planning system are set by the State. Local governments have a limited role in developing policies for specific sites or localities; but often such places have been identified by the State planning department in the first instance and plan preparation is simply delegated to the local authority. In such cases, but especially where local planners have initiated planning interventions themselves, any plan has to be approved centrally prior to its incorporation into the planning scheme. Centralised departmental control of local area planning certainly has the appearance of assisting with the achievement of metropolitan-wide objectives; for instance, objectives about housing provision, and mitigating uneven development. This might help achieve co-ordinated plan making, but as the housing market itself
is not controlled centrally, substantial localised variation in housing markets means the realisation of plans is by no means so even. The opportunity for and management of public participation in such exercises is also complicated. Is it just about evening up the balance of power between competing interests (i.e. property developers and ‘the local community’) or is some more progressive and enlightened outcome being pursued? If so, how is this to be arrived at beyond the conflict between property interests?

With these questions we are starting to touch upon the issue, raised at the beginning of this chapter, of the very political nature of the urban (re)development process. So far we have mainly considered the role of the state in this process: developing frameworks for understanding this in relation to planning and governance; and looking at the particular institutional arrangements of the urban governance and planning systems that exist in contemporary Australia. The next part of this chapter will focus on the ways in which the political conflict surrounding urban redevelopment has been theorised and apply these to the particular issue of medium density housing development in the suburban context of the Australian metropolis.

Urban Politics

Once new forms of medium density housing began appearing in Melbourne and other Australian cities during the 1990s, there was very quickly a strong reaction from existing residents, especially those living in low density suburbs. Because those suburbs in which redevelopment pressures were strongest were in established middle class or thoroughly gentrified localities, affected residents have been sufficiently articulate and able to exert enough political influence to seriously hamper the process of urban consolidation (Lewis 1999; Hillier; Yiftachel, and Betham 1991: 79-80). One of the most organised and sustained of such opposition groups has been “Save Our Suburbs” (SOS), a coalition of residents concerned about the redevelopment of established suburban environments for higher density housing. SOS is a Melbourne-based group that was formed initially in response to the sudden
increase in medium density housing development that took place due to changed conditions in certain sectors of the Melbourne housing market (Burke and Hayward 2001: 61). The substantial deregulation of the planning system in Victoria under the Kennett government and the centralisation of planning administration and control brought about by the dismissal of local government authorities meant that the ensuing spate of higher density housing development impacted the more affluent residential areas in a way that had not been seen since the apartment boom of the 1960s. A survey of the residential addresses of SOS members published in Miles Lewis’ insider account of “the battle for the world’s most liveable city” not only confirms this but also shows Boroondara to be the real as well as the symbolic heartland of such opposition (Lewis 1999: 243). A public meeting attended by over one thousand SOS supporters and held in Boroondara in 1998 has been described as “one of the largest public meetings about planning issues in Melbourne since the heady days of the anti-freeway, anti-high-rise protests of the early 1970s,” (Huxley 2001).

**Urban Protest & Social Movements**

Resident action in response to government planning and development policies in Australia’s cities has a vibrant history reaching back to the late-1960s. Prior to that time, planning and the provision of urban services had been dominated by quasi-autonomous government-appointed bodies whose staff of expert professionals brought what is now generally seen to be a technocratic perspective to the resolution of urban problems (McLoughlin 1992: 39ff; 128ff). Increasing unease about the extensive powers conferred upon these large bureaucracies, along with their top-down approach to planning, precipitated some of the more extreme forms of urban protest to have taken place in Australian cities and led ultimately to the development of ‘public participation’ as an aspect of the planning process (Kilmartin; Thorns, and Burke 1985: 168-9). Reaction to the implementation of massive infrastructure projects stimulated a high degree of grass-roots political engagement and brought about a new era of urban social protest in Australia. The construction of the Warringa expressway through Sydney’s lower North Shore as the first
stage of the contentious radial freeway plan (Spearritt 2000: 152), and the Housing Commission flats built in the ‘slum clearance’ areas of Melbourne’s inner north (McLoughlin 1992: 78), gave residents of other areas scheduled for similarly drastic remodelling an awareness of what the actual cost might be. The fact that major freeway construction and inner-urban redevelopment projects coincided with the onset of the gentrification of inner-urban Victorian-era suburbs brought about the unlikely coalition of middle and working class residents intent on saving their home environments, and trade unions who were keen to use the situation to gain leverage with the Liberal State Governments implementing the process. In Sydney, the resultant ‘green bans’ were able to put a stop to many contentious projects, including much of the proposed radial freeway network (e.g. Ball 1996) and the redevelopment plans for areas of inner-suburban terrace housing. Such activity in Melbourne was not quite so widespread, but there was significant opposition to high-rise housing redevelopment projects and the construction of that portion of Melbourne’s eastern freeway planned to pass through Fitzroy and Carlton (Davison 2004).

The study of urban protest and social action movements became a discrete field of urban sociology in the 1970s with the most influential work being done by neo-Marxist writers like Manuel Castells (Castells 1977). Australian authors were quick to interpret the ‘green ban’ movements of the early 1970s according to Castells’ categories, citing them as antipodean examples of his ‘urban social movements’ (Jakubowicz 1984). Castells’ later work on urban conflict and protest was less staunchly Marxist (Castells 1983), but from across the range of Castells’ opus Frank Stilwell (Stilwell 1993) discerns five defining features of urban protest groups that might enable, within the Australian context, a distinction to be drawn between truly reformist urban protest and parochial or reactionary NIMBY (not-in-my-back-yard) groups. These five characteristics of protest groups are: their focus on a particular urban place; their concern with the goods of ‘collective consumption’; their challenge to the social reproduction of the established order; their confrontation with the state; and their highly politicised nature (Stilwell 1993: 235). It will be important to consider how the protest groups elicited by the
most recent phase of urban redevelopment – urban consolidation characterised by market-led medium density housing development – fit within Stilwell’s five Castellian categories to understand the extent to which they are capable of effecting reform or social change. Resident action groups opposed to medium density (re)development in Australia’s cities (most notably the SOS coalition) are certainly focused upon particular spatial localities, are very politically astute, and are unafraid to confront both local and state governments; but their principal concern would appear to be with the goods of private consumption (real estate) and as such pose little threat to the reproduction of the established social order whose economic and social values they largely share. This last point is more complex than it might at first appear, however, and we shall return to this discussion directly.

One area of Castells’ analysis which was shown to require greater theoretical clarity and which he developed in a later work (Castells 1983) was the complexity of the relationship between class solidarity and locality-based community. The principal question was whether these represented alternative or complementary bases for social organisation and conflict in the urban context. Kilmartin, Thorns and Burke highlighted this question as particularly salient for the Australian context (Kilmartin and others 1985: 175) and argued for a complex level of interaction between class and community which allows for locality and space to play significant roles in shaping the types and outcomes of urban action. They arrived at an alternative classification system for urban social action which distinguishes three types of action, representing different levels of social consciousness and leading to three different categories of effects. From this they concluded that urban protest in Australia was likely to be either locality and class based, leading to systemic reform, or simply locally based and leading to the defence or advancement of a particular community over against others. On this basis, SOS and other such groups opposing medium density housing in established suburbs appear to be of the latter type and not in the tradition of Australia’s ‘green bans’ which were able to change government policy and ultimately the structure of Australian planning systems. Again, this is a position that we will need to revisit in light
of more recent developments in the study of local opposition to urban development processes.

In at least one instance, local social action associated with State Government urban consolidation policy has been interpreted as being within the tradition of urban protests from the ‘green bans’ era. The so-called “battle for Balmain” (Bonyhady 1995), which was fought in the inner-Sydney suburb in the early 1990s, began when industrial sites that had ceased operating in the 1980s became a focus of the NSW Government’s policy to encourage the redevelopment of disused industrial sites to reach targets set for urban consolidation. What began as a “conflict between powerful private interests” (the sites’ developers and the middle class residents), “gained a public dimension partly because each side had its cause taken up by government.” (Bonyhady 1995: 115). The outcome was two unprecedented victories for Balmain’s resident action group (The Balmain Development Trust) and Leichhardt City Council against the NSW State Government at the Court of Appeal. The achievements of The Balmain Development Trust differ from SOS activity in Boroondara in that they fit more readily within Stilwell’s definition of a Castellian ‘urban protest movement’. Not only are place specificity, political activity and confrontation with the state to be observed in the Balmain conflict but, as key issues of contention were the provision of open space, public access to the waterfront, and low-cost and public housing, goods of collective consumption also featured prominently in the debate. Likewise, most residents involved in the two court actions stood to gain little (and lose much) compared to the government and big business interests they contested; and their challenge (although local) presented a broader threat to the social reproduction of the established order when Justice Kirby’s rulings at the Court of Appeal effectively restored a greater level of democratic participation and consultation to the development process. Whatever residents’ motives when they initiated proceedings, the judicial outcomes had implications for planning and local government throughout Sydney, as evidenced by the astonishing level of support from other local councils as the case progressed through the courts (Bonyhady 1995: 138) and resulted in
changes to state planning procedures in the direction of greater public participation.33

**Housing Classes?**

It must be noted that the politics of the provision and development of medium density housing in Melbourne’s suburbs, and any conflict associated with it, is conflict that specifically concerns housing and residential environments. Within the broader field of the study of urban politics there has long been particular interest in conflict that is specific to housing and especially the politics associated with owner occupation. It will be important then, before we look in greater detail at the activities of SOS and of conflicts associated with particular planning interventions and specific medium density developments, to briefly outline the way housing-related conflict and the political effects of home ownership have been theorised by others who have studied them. The pioneering work in this field was Rex and Moore’s 1967 study of race relations and housing conflict in part of inner Birmingham. Rex and Moore hypothesised that this conflict could be understood as a struggle for scarce housing resources between different tenure-based ‘housing classes’ (Rex and Moore 1967: 36) and should be analysed as an instance of class struggle over the distribution of life chances played out spatially within the city (Rex and Moore 1967: 273). The failure of the existing housing system to provide housing for West Indian immigrants through the established market and bureaucratic modes of housing provision and allocation resulted in alternative means of provision (sub-let and over-crowded lodging houses) operating outside the socially sanctioned system (Rex and Moore 1967: 40-41). Unable to eradicate this type of housing (because it existed due to the failure of officially-sanctioned means of housing provision), the city authorities responded by attempting to contain it geographically, thereby intensifying

33 A study of community participation and conflict resolution within the planning process that investigated seven case study redevelopment sites (including one of the contentious Balmain sites and, in the Melbourne context, a government-owned site in St Kilda) found that policies for urban consolidation have a greater chance of effectively being implemented when there is transparency and community involvement in the planning process for medium density development (Planning Workshop 1996).
conflict (Rex and Moore 1967: 24). Important for Rex and Moore’s novel thesis that class interests could be formed around tenure distinctions was the identification of a set of shared values (housing aspirations) (Rex and Moore 1967: 9), deduced from the housing mobility of residents and observed in the competition for the scarce resource of (specifically) detached suburban housing.

The issue of defining housing classes became the most problematic aspect of Rex and Moore’s work and was the main subject of a damning critique (Haddon 1970) that led to the theoretical potential of the housing class model being abandoned for more than a decade (Hayward 1992: 73). The analysis of housing classes was reintroduced to the study of urban society by Peter Saunders (Saunders 1980) who was interested in how very high rates of home ownership in Great Britain had developed so quickly in the first half of the twentieth century. Saunders was sceptical about the applicability in Britain of continental theories of urban social conflict (notably the work of Castells) because the empirical studies from which they had been developed concerned cities characterised by fundamentally different political and tenure structures to those in Britain, where urban conflicts seemed to him to centre on issues of housing consumption (Saunders 1980: 17). Saunders’ principal contribution to the housing class debate was to point out that, because home ownership can function as a significant means of capital accumulation (Saunders 1980: 84-93), not only do owner-occupiers share a common interest through their potential power in a market situation, but the likelihood of capital gains makes owner-occupation a sound basis for property class formation. His housing class model therefore differs from Rex and Moore’s in that (inter alia) “it emphasises the process of real wealth accumulation as a necessary criterion of analysis, [and] it rests on an objective assessment of class interests rather than on any assumption of shared values” (Saunders 1980: 94). Saunders ‘housing classes’ are, therefore, not tenure-based but defined in relation to the process of capital accumulation (Saunders 1980: 94-96). To the typically Marxist split between those engaged in the supply of housing and those who simply consume it, Saunders adds a third class of ’owner-occupiers’ who simultaneously consume housing and benefit from it as a
means of capital accumulation; and whose class interests therefore lie in protecting property values.

In Saunders’ later work on home ownership and class formation (Saunders 1990), his inability to reconcile the relationship between domestic property classes and acquisition classes (those defined by the labour market) soon led to his complete disenchantment with the explanatory power of a Weberian notion of housing classes. However, it is arguable from the way Saunders analysed housing classes and the questions he thereby sought to address that he strayed significantly from the Weberian concept introduced by Rex and Moore and returned to a Marxist notion of class instead (Pratt 1982: 488). Although it has been demonstrated that inequalities in the housing market often simply reinforce and perpetuate social inequalities seen in the labour market (Thorns 1981), a Weberian perspective does posit the independent theoretical significance of property classes vis-à-vis acquisition classes – a fact Saunders’ critics say he was too quick to dismiss (Pratt 1982: 493; Winter 1994: 55-6). Geraldine Pratt (Pratt 1989) argued for the significance of home ownership in the formation of social groups and hence a more nuanced understanding of its effects upon social structures. Like Saunders, she was interested in the relationship between home ownership and class formation, but specifically wanted to test the “incorporation thesis”: that widespread owner-occupation diminishes the potential for radical social critique and action among those with a stake in the housing market. She argued that the “social control metaphor” implicit in incorporation theory over-simplifies the social effects of home ownership by only considering them in relation to the class structures defined pre-eminently by labour relations (Pratt 1989: 298);

34 Saunders’ concluded that home ownership does not substantially affect a person’s class position, as principally defined by the labour market, in either real or perceived terms (Saunders 1990: 327-8).
35 Ian Winter later argued that, in accepting a number of Saunders’ premises, Pratt also slips from using a Weberian notion of class, just as she accuses Saunders of doing (Winter 1994: 56).
36 An Australian study (Burbidge 2000) looking at capital gains enjoyed by home owners in Sydney, Melbourne and Adelaide during the 1980s reached a similar conclusion that, while the financial benefits of owner occupation were fairly evenly spread across various income groups, they generally served to entrench existing social inequalities.
thereby missing the opportunity to see other forms of social resistance, such as “conflicts around the communal living space” (Cox 1981), as potentially progressive. Pratt suggests, on the basis of her own research into the political impact of widespread home ownership in Vancouver, Canada, that “the integrative effects of home ownership may cause communities of home owners, especially in white-collar neighbourhoods, to find political solutions through consumption issues, and may thus influence the content of local politics in some communities.” (Pratt 1989: 310, original emphasis).

Ian Winter was similarly interested in the independent social effects of home ownership when he conducted a Weberian analysis of its relationship to social action in Australia (Winter 1994). He suggested, however, that both Saunders and Pratt had been hampered in their analyses by preserving an unhelpful dichotomy between the spheres of production and consumption (Winter 1994: 20). Winter believed the key to moving forward in the housing class debate was to return to Weber’s postulation of three conceptually separate axes of power: the economic, the political and the cultural; which cut across markets (labour and property, including housing), and can be analysed according to Weber’s concepts of classes, status groups and parties respectively (Winter 1994: 55). According to Winter, in the housing class debate of the 1980s, all analysis had been reduced to the dichotomy of production and consumption: the economic axis of power being conflated with inequalities in the sphere of production, and the political and cultural axes with inequalities in the sphere of consumption. Taking the study of economic, political and cultural power relations as his starting point, Winter maintains it is then possible to clarify the means by which both production and consumption can structure inequality through the housing market and prompt social action (Winter 1994: 20).

Winter believed housing classes result purely from the play of economic power relations in the housing market. A housing class exists when three preconditions (derived from Weber’s theory of class formation) are met: objective economic inequality between tenures exists; persons in the housing market attribute a particular set of meanings to their tenure because of these
inequalities, and; social action results from this subjective understanding of these inequalities (Winter 1994: 57). A similar set of criteria are required for the identification of parties and status groups, based on inequalities resulting from political and cultural power relations respectively. In order to assess fully the inequalities in the housing market resulting from differences in housing tenure, and the consequence of this for the formation of social groups, each of the three fields of power relations need to be considered, and this consideration needs to encompass both spheres of production and consumption. Winter summarises his contribution to the housing class debate thus: “Our aim, therefore, is to theorise the subjective understanding of the material experience of private property rights … to establish the significance of tenure *per se* … to identify the essential causal aspects of housing tenure relations.” (Winter 1994: 20). The conclusions Winter reaches from the application of this approach to three case studies of social action in Melbourne are that housing tenure – or more specifically the meanings attributed to it – can be demonstrated to be a significant factor in motivating and/ or sustaining social action, and that through such action it can constitute the basis for the formation of classes, political forces (Weber’s “parties”), and status groups. However, it would seem to be only on such occasions as all three types of social groups are formed (i.e. that the economic, political, and cultural meanings of home ownership appear threatened and thus elicit social action) that effective social change based upon tenure interests becomes possible.

To suggest that conflict over housing redevelopment in the City of Boroondara, which has a highly advantaged and relatively homogeneous population (see Chapter Six), might better be understood through the application of a theory of class struggle, at first seems ludicrous. However, Rex and Moore’s work did highlight (for the first time) that, in instances of political conflict over land uses, home owners occupy a position of significant privilege and power; the implication being that political action by home owners, rather than being

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37 The “Neighbourhood Watch” community-based crime prevention scheme; neighbourhood action to block the construction of the Brunswick-Richmond overhead power line; and the 1986 Victorian nurses’ strike.
unrelated expressions of individual self-interest, can be understood as part of a deeper struggle at the heart of the urban housing system. To see this would require moving from the local to the metropolitan level of analysis, where the spatial segregation of advantage and disadvantage in relation to Melbourne’s housing system has been demonstrated (Burke and Hayward 2001) and is now widely acknowledged (Department of Infrastructure 2002: 5). The question then becomes one of whether the conflict over medium density housing development within Boroondara can be understood as one aspect of a bigger process which is having different impacts in different parts of the city. The necessary preconditions for Saunders’ housing class model to have explanatory force (high levels of home ownership and rising house values) also pertain in some segments of the Melbourne housing market, including Boroondara, and might help to explain housing-related conflict there. It would certainly appear that home owners defending their interests constitute one of the main spheres of grassroots political action in Australian cities today; but, even if this is so, we must also ask whether a concept of ‘housing classes’ is still useful after the post-modern critique of structuralism and in a globalised, post-industrial economic environment.

**Globalisation and The ‘New’ Urban Politics**

According to Gerry Stoker (Stoker 1998: 126), by the end of the twentieth century, the debate about urban social movements and the type of community activism from which they emerged had run its course. The reasons for this were manifold but two are particularly salient. First, the nature of cities, and especially of city economies, underwent significant changes from the late 1980s. The material nature of these changes we have already mentioned but it remains to be noted that this was accompanied by changes in the structure of urban societies and created a very different context for political conflict over urban issues, including urban development. As a result, the literature on urban movements has in recent years shifted from its earlier focus on the radical possibilities of local action groups to affect structural transformations in the urban economy and the nation state, to concentrate instead on identifying the multiple roles of urban movements within the new political
context of cities in the post-Fordist era, and to consider the impact grassroots political organisations can have on global capitalism (Mayer 2000).

The second reason why there has been a significant shift in understanding urban social movements (now generally referred to simply as “urban movements”) has less to do with changes in the movements themselves or their operational environments as with more general changes in the theoretical understanding of social inequalities, political conflicts and the operations of power in the urban context. Contemporary developments in social theory have concentrated on such issues as ‘identity’ and ‘difference’, and this has led to the reappraisal of previous understandings of urban society as well as a different focus on current issues. In the Australian urban context, Jacobs and Fincher have re-appraised the field of grassroots urban politics in the light of these developments and argue for a theoretical position that links identity, power and place in what they term “a located politics of difference” (Jacobs and Fincher 1998: 2). This approach at once overcomes many of the impasses of earlier debates but also presents a new set of problems. Reading earlier analyses of the city in the light of identity politics, Fincher and Jacobs attempt to demonstrate that not only did structuralist approaches often serve to entrench existing patterns of marginalisation and privilege (especially along gender lines), but frequently reduced the complexity of urban society to a set of pre-ordained categories (Jacobs and Fincher 1998: 5-7). Recognition of the multiply-constituted identities of individual actors enables a richer understanding of the politics and inequalities of the city by allowing an investigation of “interlocking matrices of power relations” which are “constituted in specific contexts through multiple and interpenetrating axes of difference.” (Jacobs and Fincher 1998: 9).

The recognition of environmental, cultural, ethnic, and gender issues as significant bases for urban protest and social movements (Fainstein and Hirst 1995) was both influential in the development of new theories of social change

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38 The term “urban social movement” was coined by Castells; the more generic “urban movement” is now generally preferred to mark the substantial discontinuity between current perspectives and the earlier debate (Pickvance 2003).
and made possible by them. On the other hand, contemporaneous changes in urban governance (discussed earlier) led to the inclusion of many such movements within new governance networks (Stoker 1998: 125-6). In Stoker’s view the significance of these so-called ‘third force’ organisation as the places where communitarian, green, feminist and social justice ideas find a voice in civic life through small-scale service provision is where academic attention should instead be focused. Margit Mayer (Mayer 1999) argues, however, that while these ‘third sector’ organisations are important, by the turn of the century, urban movements in Western cities had become more diverse than previously and that such groups represent only one form of urban movement among several to have emerged in the 1990s.

Mayer attributes the greater variety of urban movements within contemporary Western cities to the convergent political restructuring of such cities, which, we argued earlier, can be described as a move from government to governance. She identifies the two most significant impacts of global economic restructuring upon urban politics as being the entrepreneurial trend in city governance and the (not unrelated) changes to social policy and the provision of social services, and goes on to argue that these have produced both local fragmentation and global similarity among new urban movements. Mayer draws two sets of distinctions between contemporary urban movements: the first between those involved in “routinised cooperation with the local state” (Mayer 1999: 216) and those “that continue to mobilise outside such a relation with the state” (Mayer 1999: 215). The involvement of some movements in decision-making processes and their incorporation within the governance structure as ‘co-producers’ of urban services (Alford 1998) can put them at odds with other groups with similar aims who operate outside (and sometimes in opposition to) such formal arrangements (Mayer 1999: 230). The second distinction is between movements which mobilise against new forms of urban development and those which constitute movements of newly marginalised groups within the city (Mayer 1999: 215). Groups such as SOS are clearly among those whom Mayer characterises as operating outside the governance system and in opposition to new forms of development that have
resulted from what she calls “the new competitive urban politics” (Mayer 1999: 222). She describes such movements as:

“seeking to protect the home environment from traffic, development, or projects that people do not want to have ‘in their own backyard’. Such groups quickly become skilled at a variety of tactics and repertoires such as petition drives, political lobbying, street confrontations, and legal proceedings. For many of them, social justice, which characterised the goals and practice of citizens’ initiatives during the 1970s, has been replaced by particularist interests and/ or a defence of privileged conditions.” (Mayer 1999: 223)

Mayer (Mayer 1999: 229) warns, however, against generalising from one sort of urban movement activity when assessing the effects of urban political restructuring and suggests instead that interpreting the dynamics of urban development requires analysis of the interaction between different types of movements and their relationships to the established urban governance system.

**NIMB(olog)Y**

Urban protest groups mobilising around NIMBY (‘not in my backyard’) concerns are now an accepted part of the urban movement terrain (Pickvance 2003: 103). Mayer, as we have just seen, views them as one manifestation of the impact of globalisation upon urban societies. Michael Dear’s early work on NIMBY’s (Dear 1992), which mainly explored opposition to the siting of essential urban facilities and services (although this also included housing services for disadvantaged groups) made the interesting observation that NIMBY opposition is more prevalent in suburban than inner city environments. Dear suggests the key factor at work here is the greater homogeneity, both social and physical, of the typical suburban environment (Dear 1992: 293). He also reports the findings of a US national survey that profiled the typical NIMBY as “high income, male, well educated, professional, married, homeowner, living in large city or its suburbs,” the single most significant characteristic being income. Dear viewed NIMBY attitudes, although rife, as fundamentally representing individually held values and did
not speculate on the wider meanings of the rise of NIMBY groups or the deeper significance of their activities.

More recent Australian studies looking at the activities of NIMBY groups in opposing new types of development have contributed significantly to our understanding of this type of urban protest. Two significant contributions have been made by Margo Huxley (Huxley 2001; Huxley 2002) and Jean Hillier (Hillier 2003). Hillier puts a planning practices focus on the study of NIMBY's when she argues that the attempt to include a ‘public interest’ in planning through community consultation and citizen involvement runs a high risk of such processes being co-opted by particular interest networks, in particular favouring “networks of articulate, middle-class property owners to the exclusion of the voices of the marginalised and of planning officers” (Hillier 2003: 157). Planners committed to the ideal of community participation in planning processes, and elected representatives in local government wary of a voter backlash thus become “puppets of populism” (to use Hillier's term) (Hillier 2003: 159) as planning interests are captured by a vociferous and media-savvy minority. Beyond the more obvious implications of this, such as the outcomes of planning decisions, Hillier suggests it is a victory for populism and thus raises serious questions about democratic governance in liberal regimes.

Drawing on a pioneering study of populism by Canovan (Canovan 1981), Hillier describes populism as: the general belief that “the will of the people” is the highest standard for decision making but is held in check by minority elites (Hillier 2003: 159). Hillier describes the “most common and wide-ranging populist syndrome” as a belief in private property coupled with a distrust of politicians, intellectuals, unions and governments (Hillier 2003: 160). Populist movements thus call upon ‘the community' to oppose existing power structures — usually in defence of some ‘heartland’ — and in so doing draw “normally un-political people into the political arena of public participation and direct action.” (Hillier 2003: 160). According to Hillier, this highlights a deep paradox inherent in liberal democracy itself, whereby the principle of individual liberty, when combined with a majority opinion, can
result in a ‘tyranny of the majority’ in which the civil rights of minority citizens are jeopardised.

Implicit in Hillier’s discussion is the more general problem of the relationship between planning and democracy. She concludes, “It is highly unlikely that an aggregative democratic outcome will be fundamentally a rational outcome,” (Hillier 2003: 163) and raises three possible approaches to balancing the articulated (short-term) interests of populist opinion against un-stated interests or long-term concerns. These include March and Low’s Habermasian approach to balancing planning and democracy (March and Low 2002); Alexander’s emphasis on the importance of balancing process and substance in planning practice (Alexander 2001); and Smith and Blanc’s concept of the ‘tri-polar transaction’ (between participation, representation and expertise) in planning decision-making (Smith and Blanc 1997; cf. Hambleton 2004). The way in which Hillier moves from her conclusions to listing these proposals typifies what Yiftachel sees as an enduring problem of the ‘communicative planning’ school in which he places her (Yiftachel 2001; Yiftachel and Huxley 2000): that a focus on planning practice misses the broader critique of planning per se. For instance, it is not at all clear how Hillier understands the role of the developer in the planning process as she presents it (or, indeed, the relationship of planning to the wider process of development); and a tantalising mention of “planning legislation” in conjunction Smith and Blanc’s three other inputs into the ‘transactions’ of local governance (Hillier 2003: 164) draws attention to the absence of analysis of the relationship of the local state to higher levels of government (and hence different levels of citizenship).

Margo Huxley’s assessment of Melbourne’s Save Our Suburbs movement gives consideration to the particular relevance of place (Huxley 2002). In this she relies upon Bordieu’s work on different forms of capital (economic, social, cultural and symbolic), and their role in the construction of social space, to consider the role of place and the aesthetics of built form and landscape in the construction of hierarchies of power. The ‘suburbs’ which SOS set out to save from the state-sanctioned activities of property development interests were not, she argues, neutral objects of aesthetic beauty (however real that beauty
might be) but an important part of the matrix of power which went hand-in-hand with the more obvious economic predominance of the people who lived there. The SOS movement emerged when “the state disrupted a balance of power in the urban field which had been achieved locally over the years between the planning system, the middle classes and the development industry” (Huxley 2002: 5). Huxley’s use of Bourdieu to better understand the nature of this conflict is helpful because, by distinguishing between different forms of capital, sense can be made of a situation in which both parties in the dispute appear to be representing conservative political interests. While the Liberal-Coalition Government of Jeff Kennett pursued a neo-conservative economic agenda committed to ‘small government’ and market deregulation in all contexts, SOS sought to defend the social and symbolic capital of the place characteristics of Melbourne’s affluent eastern and south-eastern middle ring suburbs that were thereby placed under threat. By viewing urban development in strictly economic terms, the Kennett Government’s urban and planning policies, which sought to further the interests of property capital, simultaneously transgressed the spatial interests of capital that were the result of a complex nexus between its economic, social, cultural, and symbolic forms (defined by Bourdieu). Ultimately, this led to the government’s downfall at the hands of its own support base.

What is unusual about SOS, and what is missed in the classification of urban protest movements premised upon Marxist definitions and critiques of capitalism, is that its defining struggle with the State Government of Victoria was a conflict between differing conservatism. A politics of identity or difference is therefore more apt. In light of Jacobs’ and Fincher’s claim that, “contemporary political struggles around rights and entitlements are often as not struggles that cohere around a politics of identity constituted through processes as much cultural as economic” (Jacobs and Fincher 1998: 3), being a home owner or resident of a particular locality or community can be understood as identities which individual actors construct and imbue with different levels of significance in specific contexts. The empirical work of Saunders, Winter and others on the social significance of housing tenure might be re-theorised to suggest that the tenure-specific relationship to place
engendered by home ownership can feature prominently in one’s personal identity and foster the formation of what we might call ‘housing identity groups’. Such housing identity groups would not cancel out other identities in other contexts (or even the same context), which overcomes Saunders’ persistent problem of needing to reconcile housing classes with class divisions in the labour market.

Huxley’s reading of (NIMBY) resident action in Melbourne is especially interesting, therefore, as it makes possible an understanding of the role of housing — and home ownership in particular — in local opposition to the effects of economic restructuring (Burgmann 2004) and globalisation (Mayer 2000)(Burgmann 2004;Burgmann 2004). Just as the political effects of home ownership have previously been analysed in relation to social change (Saunders 1990); and a subset of the earlier ‘urban social movement’ literature had explored the radical possibilities of home ownership (Saunders 1980;Pratt 1982;Winter 1994); Huxley’s analysis of SOS in Boroondara enables a reading of the relationship between the meanings of housing-related conflict and the effects of broader transformations in contemporary society (viz. new forms of urban governance) through the formation of what we have termed housing identity groups.

**Conclusions**

In concluding this chapter, we shall indicate how our framing and understanding of the issues it presents has shaped the empirical research. To recapitulate, the broad issue under discussion was the politics of urban development; and this was considered in relation to urban planning, urban governance and what might be called (for want of a better term) “grassroots” urban politics. When considering urban governance, particular emphasis was placed upon local governance issues and their relevance to Australian local government, as this best helped to frame the discussion for our case study. Similarly, the discussion of urban politics was directed towards understanding the politics of suburban owner-occupation, and in particular
the much-vaunted ‘NIMBY’ phenomenon. Conceiving of medium density housing provision as an ‘urban development process’ is important for several reasons: it creates the appropriate framework for understanding the role of the planning system in relation to this issue; it draws attention to the significance of governance structures in shaping the issues that surround the provision of medium density housing; and it helps to explain the issue’s political significance.

Understanding urban planning in relation to the wider development process — in which it can be seen as a site for negotiations between the interests of property markets, local communities and the wider public — is very significant for how we have approached our study of the interaction between the particular planning system operating within Melbourne and the actual provision of medium density housing that occurs in urban municipalities like Boroondara. We do this through an examination of particular sites of such planning negotiations: where the planning system and the development process interact. First, the roles ascribed to medium density housing provision in the planning policies for metropolitan Melbourne, and the planning controls that have applied to its development, will be reviewed (in the next chapter). This will establish the policy setting for medium density housing provision (the rationales informing which we have already discussed in Chapter Three). The next step will be to link this policy setting with medium density housing provision, through an investigation of the development process. This is achieved through the detailed examination of the specific processes which occurred in relation to particular development sites (contained in Chapters Seven and Eight). This will then help us in answering the research questions: “Is planning for medium density housing provision working?” and “What have been the results (and for whom?) of the way implementation of this policy has been managed?”

Understanding medium density housing provision as an urban development process (and hence an inherently political process) is also important for creating a framework for understanding the issue that will help us to answer our other secondary research questions. In Chapter One we asked, “Why has
the management of medium density housing development become such an important aspect of the governance of Australian cities?" “What is driving the increased political significance of medium density housing provision?” and “Why has the process of medium density housing provision been so contested?” In this chapter we have chosen to explore a number of core concepts in urban governance and politics that can validly be used to help answer these questions, but which do not necessarily sum to one unified theoretical framework. What they share in common is an ability to comment upon the development process and to contribute to the structure/ agency debate as it is relevant to local planning and urban development (see Chapter Two). Instead, each concept has, in conjunction with our primary research question, informed the development of a broad research framework which has been employed in this municipal case study, and which we shall now attempt to describe.

Our primary research question presented in Chapter One asked why medium density housing provision has been so difficult to achieve in the Australian urban context. Chapter Two then defended the use of a municipal case study as the appropriate methodology for investigating this question, and identified the units of analysis contained within the case study (its social and spatial dimensions and governance system) that represent potential sources for data collection and analysis. The nature of the research question generates two broad sets of data from among these units of analysis, and these are analysed in the next two chapters respectively. They are: planning policies, practices and codes (the governance system for medium density housing development — explored in Chapter Five); and the attributes of the population and built environment of the municipality (both aspects of the housing market — explored in Chapter Six). Exploring issues of urban development, planning and politics in the present chapter has drawn attention to the importance of conceiving of medium density housing provision as an urban development process, and hence located the focus of research necessary to answer our primary question upon the relationship between these two areas of investigation. This relationship is best observed in the actual contestation of the issues involved in the development process as that process unfolds. It will
therefore be the specific embedded case studies of medium density development contained in Chapters Seven and Eight that enable a detailed exploration of the relationship between the development process and the particular institutional and governance structures in the municipality. In these two chapters, the concepts for understanding the local politics of medium density development discussed in the present chapter will be useful in analysing why its provision has been so contested and why the management of medium density development is such a vexed problem of urban governance in Australia.
Chapter 5

The Planning System:
Managing Medium Density Development?

Introduction
The previous chapter provided a framework for understanding urban planning as a contested and political process. The planning system in Victoria (as anywhere else) has to be seen as part of the wider process of urban development, in which it is a tool governments use in the attempt to influence the spatial outcomes of this process. The actions of governments in framing and administering the planning system do not sit apart from the development process but, as the notion of ‘urban governance’ highlights, are an ongoing and integral part of the political contestation surrounding urban development issues. The development of medium density housing within a low density city like Melbourne is one such issue and will now be considered in relation to the Victorian planning system.

This exercise relates directly to the central concern of this thesis: to investigate the range of planning, management and political problems posed by the provision of medium density housing in urban Australia, using as a case study the management of medium density housing development in the City of Boroondara (discussed in Chapter Two). To this end, the purpose of the present chapter is: to describe the State policy and governance context for medium density housing provision in Boroondara; to describe how the development process is managed at State and local levels and; thereby to present a completed picture of the governance framework for medium density housing provision in Boroondara, within its institutional and historical contexts. This comprises one of the three ‘units of analysis’ relating to the municipal case study described in Chapter Two. The other two ‘units of analysis’: the social and spatial dimensions of the City of Boroondara (in relation to the local provision of medium density housing); are the subject of the next chapter (Chapter Six).
The present chapter provides an outline of changes to the Victorian planning system in the period since the Second World War and explains how these relate to the City of Boroondara planning process. In particular, it discusses how the content and implementation of the planning system during this period has controlled, prevented or encouraged the development of medium density housing and whether this has changed over time. The exercise will involve consideration of both strategic planning documents and statutory planning codes emanating from all levels of government. First, the role that has been ascribed to medium density housing development within the overall planning and growth of metropolitan Melbourne throughout the post-war era is traced through the successive planning policy documents that have been produced by the Victorian Government, and earlier one of its statutory authorities, the Melbourne Metropolitan Board of Works (MMBW). As we shall demonstrate, these policies relating to the provision of medium density housing demonstrate a surprising degree of continuity over the fifty years covered. The history of approaches used to variously control or influence the extent and form of medium density housing development is considered next. Over the period in question, this has been done by both State and local governments, and also at metropolitan level by the MMBW. At the local level, specific approaches adopted by the City of Boroondara are given particular attention. In the course of this survey, the effect of changes to the governance of medium density housing on its actual provision is explored. Finally, the planning process as it relates to the development of medium density housing is described.

Policies for Provision

A History of Medium Density Housing Policy for Metropolitan Melbourne

Interest in metropolitan planning for Melbourne began to be expressed in the early twentieth century and resulted in the establishment of the Metropolitan
Town Planning Commission in 1922. A final report from the Commission was published in 1929 but little action was taken until after the second World War. Under the *Town and Country Planning Act* (1944) local Councils were empowered to prepare and implement planning schemes for their municipalities and in 1949 the Melbourne and Metropolitan Board of Works (MMBW) acquired the authority to prepare a scheme for the entire metropolitan area. Very few local governments actually took advantage of their new powers in the decade before the MMBW prepared its *Melbourne Metropolitan Planning Scheme* (MMPS) (1954) which Parliament granted it authority to implement in 1955. The City of Camberwell, now part of the City of Boroondara, had begun preparing its own scheme in the same year that the MMPS was exhibited. This was completed in 1955 and gazetted in 1957.

The 1954 Planning Scheme has been widely discussed elsewhere (McLoughlin 1992; Dingle and Rasmussen 1991; Logan 1981) but two points from the Plan should be highlighted, however, as these are particularly germane to our broader discussion and will come up again as we review subsequent metropolitan strategic planning documents. The first concerns the housing preferences of Melburnians and the second the desire of the planning authority to maintain residential densities in inner urban areas and control “sprawl” on the urban fringe.

The surveys which informed the MMPS found that significant among inner urban residents was the desire to move to suburbs further out and that this was related to the typical quality of housing in each location rather than the location *per se* (MMBW 1954b: 50). Those most content with their housing situation were in middle suburbs east of the city and along the bay, especially Camberwell, Kew and Brighton (MMBW 1954b: 53). After a discussion of the relationship between housing costs, types and densities the following conclusions of relevance to this present chapter were presented (MMBW 1954b: 63): *inter alia,*

a.) The pattern of existing development makes it clear that the great majority of Melbourne families have a strong desire for single home ownership;
b.) Despite this, there is at present a greater relative shortage of flats than any other form of housing and there is every reason to believe that an increasing proportion of future households will want to live in flats of all types;\(^{39}\)
e.) The substandard inner areas could be redeveloped for their present population in accordance with modern standards by a mixture of row housing and flats so as to maintain the average existing densities in those areas;
f.) The more attractive inner suburbs favoured by those people in the medium to high income groups requiring flats would seem to offer the greatest scope for high level elevator flats.

From the survey analysis, then, it is already clear that the MMBW saw the provision of a greater number of flats as a key part of its residential development strategy for metropolitan Melbourne.

In presenting the scheme itself, the MMBW identified in its *Report* a number of “major problems of civic development” that the scheme was designed to address (MMBW 1954a: 16). First among these was:

The sprawling, low density development, which has added substantially to the cost of providing the normal utility services, to the cost of transportation, and to the time taken to travel from one part of the city to another.

The specific approach identified for tackling this problem was the first of the “six fundamental conceptions” on which the scheme claimed to have been based (MMBW 1954a: 16):

a.) Limitation of the urban area to bring the sprawling development under control.

In conjunction with its concern to control “urban sprawl”, the MMPS *Report* also devotes considerable space to the “problem of inner suburban areas”, advocating a program of redevelopment that would arrest population decline by preserving the dominance of medium density housing while making such areas “more attractive to live in” (MMBW 1954a: 37-9). From Melbourne’s first

\(^{39}\) For this the MMBW recommended that flats as a percentage of the total housing stock be increased from the then very low 6% to 15% (a figure comparable to Sydney) (MMBW 1954b: 55, 58).
metropolitan plan in the early 1950s, then, a nascent policy of urban consolidation (the term did not yet exist) in which increasing the supply of higher density housing was an important objective, was already in place.

Behind these objectives though, lies an awareness that the demonstrated housing preferences of Melbourne households would make the implementation of any attempt to alter substantially the city’s residential environment a difficult political task (MMBW 1954a: 34):

It is obvious, however, that with 90 per cent. of families now living in single family dwellings, and with 50 per cent. of these dwellings being owned by the occupants, the general pattern of housing in Melbourne has been set for many years. With this trend already so firmly established in Melbourne, it must be accepted that this is the general desire here. Any attempt to impose some other form of living upon the people, however good the intentions and however sound the reasons, will certainly meet with failure.

With this caveat on the main residential development strategy in its scheme, the MMBW left in the hands of the legislators the task of actually bringing it about. As Logan noted in her critique of a later version of the Scheme, “there are no positive incentives to encourage the private sector to adhere to planning policies” (Logan 1981: 25). A similar admission was made by the MMBW itself at the conclusion of a summary of metropolitan planning for Melbourne contained in a later document (MMBW 1977: 84):

They [statutory planning schemes] are essentially negative documents in that, basically, they restrict development in some areas and present opportunities for development in others. They cannot guarantee that such opportunities will be taken up, i.e. they cannot direct development in a co-ordinated way towards a desired objective.

Delays in submitting a final Scheme to the Minister, caused by the need to respond to some 4000 objections, and a slow passage through Parliament meant the MMPS was not finally gazetted until 1968. In the meantime, residential development control was exercised by means of an Interim
Development Order (IDO) which enforced the requirements for development in Residential Zones A, B and C as they appeared in the final (1958) MMPS. The residential zonings each permitted low density development as of right but placed differing degrees of control upon flat development with a view to encouraging it in some areas while controlling it in others. Flats which complied with the relevant controls were not required to obtain planning approval through the local authority. As this takes us into the realm of statutory planning (the MMPS is unique in Melbourne’s history being an exercise in both strategic and statutory planning) the effect of these zonings upon the development of Boroondara will be discussed in the next section of his chapter.

By the time of the gazettal of the MMPS (1968), both the MMBW and the Town and Country Planning Board (TCPB), which had been formed to prepare the Town and Country Planning Act (1944), were already, at the Minister's request, investigating new approaches to Melbourne’s future development. The suburbanisation of Melbourne had progressed at a greater pace than the MMBW had predicted in the early 1950s and the MMPS was inadequate to deal with these changes. The result was the Town and Country Planning (Amendment) Act (1968) which enshrined the MMBW as statutory planning authority for the metropolitan region but devolved a substantial degree of authority over planning control to local Councils. It also established the Town Planning Appeals Tribunal. At around the same time, Amendment No. 6 to the MMPS, which required that all flats to be built in ‘Residential C’ zones obtain a planning permit from the local authority, was also introduced. Read argues that the combined outcome of the changes to the Act and the Planning Scheme were “to effectively consolidate residential planning powers at the political level where conflict over redevelopment policies was most likely to resolved in favour of existing, owner-occupier residents.” (Read 1981: 53).

The main recommendation in the MMBW’s report to the Minister, which basically restated its planning approach with respect to the area encompassed by the 1954 Scheme, was that a policy of “growth corridors” and “green wedges” be used to manage suburban development at the urban fringe. The
Victorian Government chose to adopt this policy and a thirty year plan for how it might be realised was elaborated in the next major planning document produced by the MMBW, *Planning Policies for the Melbourne Metropolitan Region* (MMBW 1971). This document proposed the adoption of two Amendments to the MMPS (Nos. 3 and 21) which were released at the same time and were to be the means by which it was implemented. While legally this was an amendment of the 1954 MMPS, the new policy was in effect such a substantially different approach to the management of urban growth that most commentators have preferred to see it as a different strategic plan altogether (Logan 1981: 27; McLoughlin 1992: 52).

Concerns were raised about the emphasis on spatial and land-use planning as the way to solve complex urban problems in the apparent absence of consideration of social and equity issues or public consultation (Logan 1981: 32). More controversially, this document incorporated the Metropolitan Transportation Committee’s *Transport Plan 1969* with its extensive freeway network. It lies outside the scope of this thesis to comment upon the history of Melbourne’s transport planning policies but controversy surrounding this part of the 1971 plan combined with the other more general concerns to make it sufficiently unpopular to force the MMBW to defend the scheme in a further report released in 1974: *Report on General Concept Objections*. This report purported to canvas the wider issues raised by the 4000 or so objectors to Amendments 3 and 21. Objections were legally required to address the specific content of the exhibited zoning plans but were clearly directed at their broader strategic objectives (McLoughlin 1992: 52). According to McLoughlin, this highlights an inherent contradiction contained in the MMPS being both a detailed zoning scheme and a strategic policy document. The outcome of the exercise was, however, that the general strategy remained largely unchanged and was adopted.

By 1979 however, the MMBW was once more advocating a policy of urban consolidation and the containment of “sprawl”. A report entitled *The Challenge of Change* was released which recast the urban issues facing metropolitan Melbourne in the light of research from the USA that suggested a correlation
between urban density and various economic and social benefits. The report concluded that “contained” metropolitan form was the proper objective for urban policy and development initiatives but that alternative growth strategies needed to be explored. Later the same year, *Alternative Strategies for Metropolitan Melbourne* (MMBW 1979a) was released, presenting four broad development strategies and calling for feedback. Of these strategies: “Dispersing Growth”, “Centralised Growth”, “Suburbanised Growth” and “Incremental Growth”, only the second and fourth involved metropolitan containment and it is very clear from the tenor of the report that the MMBW already preferred the latter. The main aspects of the “Incremental Growth” option were stemming the decline of the inner urban area but focussing growth in established ‘district centres’.

By the time the *Metropolitan Strategy* endorsing the “Incremental Growth” alternative was published (MMBW 1980), a further amendment to the planning act, the *Town and Country Planning (General Amendment) Act* (1979), had been passed which provided for the inclusion of “metropolitan objectives” in the Planning Scheme. The first and most significant of the planning objectives proposed for the Strategy was “the curtailment of urban sprawl” (MMBW 1980: 7). The rationale for this objective was given as the need for more economical use of existing infrastructure (MMBW 1980: 33), growing concern for the protection of the environment (MMBW 1980: 24), and the provision of a greater diversity of housing choice (MMBW 1980: 11). The development of medium density housing was thus central to the metropolitan strategy advocated by the MMBW in 1980. Specifically, the Board wished to “encourage and facilitate a wider range of housing types and densities, selectively located, but particularly near activity centres and public transport facilities.” (MMBW 1980: 33). These residential planning objectives were incorporated into Amendment 150 of the MMPS and published as the report, *Metropolitan Strategy Implementation* (MMBW 1981).

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40 Such issues had already been foreshadowed by the *Background Papers* which accompanied the *Alternative Strategies* report (MMBW 1979b).
The “residential strategic objectives” proposed in Amendment 150 were (MMBW 1981: 12), *inter alia*:

- to encourage and facilitate opportunities for diversity in dwelling density, type and tenure;
- to encourage and facilitate the residential use of existing buildings originally used for non residential purposes;
- to encourage and facilitate increased residential densities adjacent to centres of commercial and community activity, to parkland and Port Phillip Bay;
- to locate residential development [. . .] where essential services and community facilities, including public transport, are or can be made available.

The only specific measure to address these objectives, however, involved altering the provisions of the three residential zones. Since 1969, local government planning approval had been required for all medium and high density development in any of the three zones, largely eliminating the rationale for their existence. Under Amendment 150, Residential Zones ‘A’ and ‘B’ were eliminated, leaving just one set of controls for all residential areas, designated ‘Residential C’. What was now proposed was that the development of two dwellings on a single lot, known as “dual occupancy”, would not require a planning permit provided a set of basic requirements were met (MMBW 1981: 20).

Once again, while *Metropolitan Strategy Implementation* ostensibly presented a proposed Amendment to the 1954 MMPS, the proposed changes to the Scheme were so extensive as to constitute what is effectively a third planning scheme for metropolitan Melbourne (Logan 1981: 37). Amendment 150 was an attempt to depart radically from the previous emphasis on detailed land-use planning by instead emphasising strategic planning goals (Logan 1981: 40). Not only is there a shift in focus from prescriptive zoning to the broad guidelines which should steer development, but the form of the document itself differs considerably from its predecessors. These had taken the form of dry, technical reports, whereas *Metropolitan Strategy Implementation*, despite its less than snappy title, is a glossy publication full of colour photographs,
diagrammatic illustration and a general sense of being as much marketing brochure as policy document.

This latest manifestation of the metropolitan planning strategy, while it overcame many of the objections to the 1971 scheme by attempting “a more comprehensive analysis of metropolitan problems from a people-centred, rather than a land-use zoning, perspective” (Logan 1981: 39), was even less able than previously to ensure the objectives it presented would be met. Writing at the time it was published, Logan criticised the Metropolitan Strategy by contending that “the Board’s analysis and recommendations frequently lapse into vague platitudes,” and, “there is no consideration of what will happen to Melbourne if these policies are ineffective.” (Logan 1981: 39).

McLoughlin has described the 1981 Implementation report as the MMBW’s answer to such criticisms of the Metropolitan Strategy (McLoughlin 1992: 62), but the failure of the ‘district centres’ policy that was a centrepiece of the Strategy, and which has been documented several times (Logan 1986; McLoughlin 1992; Goodman and Moloney 2004), has vindicated the critics’ concerns.

There has been less analysis of the reasons for the failure of the residential strategic objectives in this plan (listed above) but the proposed measures for implementing the residential strategies were also weak. With respect to facilitating medium density development, these included such approaches as “expecting” local councils to “identify suitable locations and provide for multi-unit development” and “advocacy” which it was hoped might “encourage amendments to the Uniform Building Regulations to allow infill development, reduced site sizes, and a review of discretionary controls over site areas” and also “encourage the Ministry of Housing and councils to provide medium density housing within 1 km of public transport nodes and activity centres.” (MMBW 1981: 33). The one approach to have had any effect at all was the dual occupancy provisions included in the amendments to the residential zoning controls in the MMPS, and even this has to be heavily qualified. The dual occupancy provisions had no nett impact in achieving “diversity in dwelling density, type and tenure” within the metropolitan region (the main
strategic objective for residential development in the Strategy) (Mitchell 1999), although they did permit a spate of medium density development in parts of Boroondara, especially in the Balwyn area.\footnote{Based on anecdotal evidence gleaned from an interview conducted during research for this thesis. The interviewee had been involved in the design of medium density housing within the Boroondara area from the mid-1970s to the present.} It is ironic though, given the attempt to steer the MMPS towards being more of a ‘structure plan’ than a zoning scheme, that this small achievement was won through land-use zoning – the only means the Board actually had at its disposal to implement this aspect of the plan.

In many ways, the metropolitan planning documents thus far surveyed chart the changing role and political influence of the MMBW and the shifting locus of the power to make decisions that affected what got built and where. In this respect they unconsciously document the progressive emasculation of the MMBW. From the 1950s the MMBW had unprecedented powers as the sole authority controlling the development of Melbourne. The boom in medium density flat development which began at this time was caused by a number of factors (discussed in Chapter Six) and was paralleled by similar activity in Sydney and elsewhere (Archer 1980); but the fact that the MMBW had the role it did at this time clearly played some part in facilitating this type of development, for when in 1968 \textit{Town and Country Planning (Amendment) Act} devolved planning control to local government, there was a sudden drop – unique to Melbourne – in the number of flat developments being built. The 1968 amendments to the Act took significant powers from the MMBW: in addition to local councils being able to add further planning requirements to the MMBW’s zones, the Board’s role in strategic planning was usurped by the TCPB as a result of growing ministerial interest in planning matters.\footnote{Brian McLoughlin uses the story of the sacking of the Melbourne City Council in early 1981 to illustrate the tendency towards direct control of planning by the State that had already manifested in the late 1970s (McLoughlin 1992: 64-66).} The decreasing effectiveness of metropolitan planning strategies, which Logan observed for those prepared by the MMBW after 1968, thus went hand-in-hand with the Board’s decreasing authority to administer its scheme. The final blow came in 1985 when the State Government used the newly-created...
Transfer of Powers Act (1985) to transfer around 220 planning staff from the MMBW to the Ministry for Planning and Environment (MPE). It was this Ministry and not the MMBW that was to produce Melbourne’s next metropolitan development policy.

1987 was a watershed year for planning in Victoria. The Planning and Environment Act was introduced in February and in August a new policy document, Shaping Melbourne’s Future, was launched with the Minister (Jim Kennan) boasting boldly in the Foreword that, “For the first time, the Victorian Government has prepared a comprehensive policy to guide the future development of metropolitan Melbourne.” (Victorian Government 1987). The 1987 Act, which finally replaced the oft-amended Town and Country Planning Act, was in line with developments in other Australian states and reflected the growing acceptance in the 1980s of environmental planning and the trend towards greater public participation in planning processes. This new type of planning legislation had significant implications for medium density housing development, especially in existing, lower density suburbs. We shall explore some of the content of the legislation in this respect below. On the other hand, it is very difficult to see how Shaping Melbourne’s Future, despite the fanfare of the ministerial Foreword, differs in any substantive way from Metropolitan Strategy Implementation, the last statement of metropolitan policy to be released by the MMBW (MMBW 1981). Shaping Melbourne’s Future replicates most, if not all, of the strategies of the earlier document, even using the very same photograph to illustrate “suburban sprawl” and draw attention to the need for greater diversity of housing types. In so doing, the “new” policy ran counter to the thrust of the new planning legislation, suggesting a profound dissonance between legislation and policy that belies the objectives of consistency and coherence intended by the Cain Labor government in its

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43 It is interesting that MPE wished to distinguish its document from the several “comprehensive policies to guide the future development of Melbourne” prepared by the MMBW; as if the delegated authority exercised by this quango did not constitute an activity of the government.

44 The said photograph actually depicts the southern portion of the former municipality of Camberwell (Mees 1994).
centralisation of power and dismantling of quangos like the MMBW (McLoughlin 1992: 75).

Two of the “major themes” addressed in *Shaping Melbourne’s Future*: “urban consolidation” (given priority in the report) and “housing choice and affordability” deal directly with medium density housing. The aim of the consolidation policy is stated as being to arrest population loss in established areas and curtail outward metropolitan growth, with the broader goal of achieving economies in the servicing of residential areas (Victorian Government 1987: 34). Increasing the diversity of housing choices available (the main rationale for the same policy in 1981) and protecting rural and bushland at the urban fringe are presented as beneficial spin-offs from such a policy. To help achieve these aims, the government claims to have “already taken a significant step” by “introducing dual occupancy in 1985” (Victorian Government 1987: 34), the approach advocated by the MMBW in 1981 (see above). Many of the measures designed “to encourage more medium density development” focused on enabling the re-use of existing non-residential land and buildings (typically unused industrial sites) for this purpose and the three photographs accompanying this section of the document underscore this emphasis. This attempted to exploit a fortuitous coincidence already emerging between the effects of economic restructuring at national level with a nascent shift in the local housing market. Other measures that at least paid lip service to seeing more medium density housing built at the urban fringe as part of new residential development encountered no such happy coincidence and may even have been responsible for perverse outcomes (Gutjahr 1991). Significantly in this respect, the proposal to “Modify development standards for new subdivisions to allow smaller lots and siting standards, including zero lot lines,” saw little medium density housing built in outer suburban locations, just increasingly larger detached houses built on smaller lots.

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45 This had of course been proposed in the 1981 *Metropolitan Strategy Implementation* but the photo opportunities were lacking at that time. 46 Such as making medium density a “permitted use” in these areas.
Chapter 5 – Planning & Managing MDH Development

The one measure that was definitely not being considered by the government in 1987 was any attempt to curtail fringe growth through urban containment. This, it argued, “would distort the operation of the market and could lead to inflated land prices and disadvantage to house buyers at the urban fringe.” (Victorian Government 1987: 36). One might have expected a policy that claimed to be changing the way Melburnians housed themselves while controlling urban sprawl to have wanted to distort (or at least direct) the operations of the market and disadvantage (or at least discourage) house buyers on the urban fringe, but this contradiction goes unacknowledged in the text. It is usually the Kennett Liberal government, which came to power in 1992, that gets labelled as the greatest friend of the free market and nemesis of good urban planning (Gleeson and Low 2000; Buxton and Tieman 2003). However justified these criticisms may be, the usual reason they are applied is because that government instituted changes in planning controls that helped to facilitate a boom in medium density housing development which occurred in established urban and suburban areas of Melbourne from the mid-1990s. The market demand and development pressures that fuelled outer suburban growth in the same period, as well as under the Labor governments of the 1980s, has received far less critical attention, most likely because the planning system has always facilitated this type of development and there is not the political backlash to be felt from a strong lobby of established residents.

*Living Suburbs* (Government of Victoria 1995) was the metropolitan planning policy document released by the Kennett Liberal Government in 1995. A foreword by the Premier himself (unique among Melbourne’s planning strategies which are usually introduced by the Minister for Planning and previously by Chairmen of the MMBW) highlighted the centrality of planning issues in the Kennett Government’s overall agenda. *Living Suburbs* begins by presenting a very different rationale to those given before of the need for metropolitan planning at that point in Melbourne’s history. Melbourne, we are told, needs to strategically position itself within the new global economy where competition between cities is becoming more significant than between nation states. The five strategic “Directions” presented for achieving this then proceed...
to outline policies we have seen several times already. “Direction 5” (“Create a more functional city by better managing Melbourne’s infrastructure and urban development”) reiterates the same issue of demographic change causing inefficient use of existing urban infrastructure, high demand for new infrastructure at the urban fringe, and a need for “greater housing choice” that has been a recurrent theme of such documents since the 1970s. Once again “providing more medium density housing” (Government of Victoria 1995: 58) is singled out as a key strategy for addressing this problem. This time, however, specific recent developments are cited as built examples of the type of outcome being sought (Government of Victoria 1995: 58-59), no doubt made possible on this occasion because “the market [was] already responding to the growing demand for medium density housing” (Government of Victoria 1995: 58).

The actual mechanisms by which medium density housing was to be developed so as to “encourage the efficient use of land and infrastructure and increased housing choice” was extremely vague in Living Suburbs, including such action points as “assisting” and “helping” councils through various means and “promoting” research (Government of Victoria 1995: 60). The only concrete policy was “implementing The Good Design Guide for Medium-Density Housing”. In the next section of this chapter we shall see that this was by no means a policy or planning innovation; but the Good Design Guide (GDG) was an instrument which, in conjunction with a number of other important factors, did assist in facilitating a substantial amount of higher density residential redevelopment, at least in established suburbs. Chief among the other factors was the major reform of local government that involved the sacking of all but one of Victoria’s democratically elected local Councils and their compulsory amalgamation under the control of Cabinet-appointed commissioners (Kiss 1999). Having occurred barely a year prior to the release of Living Suburbs, this drastic local government reform receives limited attention in the document. Under the heading “Managing the Metropolis”, the restructuring of local government is mentioned in reference to “improving coordination between the different spheres of government and private
interests,”47 and “the impact institutional arrangements have on the development process” (Government of Victoria 1995: 10-11). The claim in *Living Suburbs* that municipal reform had made councils “more open and businesslike” and that consequently local government could now “take a stronger and more strategic approach to economic and social development, as well as playing a more effective role in land-use planning” must be read with the awareness that democracy was not restored to the newly created municipalities (of which Boroondara was one) until the following year.

It has been suggested that the surprise defeat of the Kennett Coalition Government in 1999 was to a large extent due to the urban development policies it had pursued and the manner of their implementation (Lewis 1999; Huxley 2002). It should not be surprising, then, that the first statement on planning policy issued by the newly-elected Bracks Labor Government can be seen as an attempt to distance itself from the approach taken by their predecessors, and as a response to the key issues of public concern. The document’s seemingly bland and innocuous title, *A Sensible Balance*, points, however, to the equally significant fact that the new government was being careful not to alienate those who had benefited from the previous system, and was in fact keen to pursue the same primary policy objectives. “The Labor Government,” wrote Planning Minister John Thwaites in the introduction, “is committed to facilitating and encouraging economic growth, however it recognises there must be a sensible balance.” This balance, it was claimed, would include “empowering local government and the community,” and place “an emphasis on neighbourhood character and residential amenity.” The first of these objectives was a direct response to “the number and size of resident groups banding together to protect their streets and suburbs”; but, of the ‘Actions’ proposed to achieve it, the only substantive one was the provision of clearer guidelines for ministerial intervention in planning decisions.

47 Kiss points out (Kiss 1999: 113-114) that the Kennett government was strongly influenced in its ideas about local government reform by a consortium of business interests and the Institute for Public Affairs (later the Institute for Private Enterprise), known collectively as ‘Project Victoria’.
The objective of emphasising neighbourhood character and residential amenity in planning decisions, discussion of which occupies a third of the whole document, is specifically about medium density housing development and is linked to two pre-election promises: to provide “a choice of well-designed housing,” and to protect “the character of Victoria’s streets, suburbs and towns.” The existing planning codes controlling medium density development (VicCode and the GDG — see below) were said to have failed because, “the emphasis on urban consolidation outweighed consideration of the intrinsic value of our streets and suburbs.” A new code was promised but this would still be based upon “neighbourhood character,” as the GDG had been. The chief innovation proposed for protecting residential amenity was to allow local councils to identify “areas for appropriate and inappropriate medium density housing.” This, it seemed, would be the essence of the new Government’s attempt to in no way “curtail the overall supply of new forms of housing — such as medium-density,” while at the same time achieving the elusive ‘balance’ which, it hoped, might avoid the political fallout experienced by the previous Government.

This brings us now to the current metropolitan strategy, *Melbourne 2030* (Department of Infrastructure 2002). Since the publication of *Living Suburbs* in 1995, changes in information technology and changing international discourses about urban and planning issues have contributed to the creation of a policy document that seems quite different to its twentieth century predecessors. Rather than taking the form of a single, bound volume, *Melbourne 2030* is primarily a virtual document whose hard copy format still retains the sense of a series of web links rather than being a single, self-contained document. The organising principle, in keeping with contemporary trends in urban policy and governance, is “sustainability”. Subtitled “planning for sustainable growth”, *Melbourne 2030* is driven by a different agenda than the need to grasp a competitive place among the emerging hierarchy of global cities that apparently informed *Living Suburbs*, yet it retains the same urgency in communicating a sense of impending State crisis which needs to be averted. The crisis on this occasion is the projected 620,000 new households that will require accommodation by the year 2030 (hence the title).
Once again, urban consolidation is the proposed solution to the problem of housing a constantly growing number of household units. The first of nine “Directions” in Melbourne 2030 calls for “A More Compact City” and proposes achieving this by concentrating new higher density housing development in and around existing “activity centres” (“Policy 1.3”), identified at various locations across the metropolis. Boroondara contains three of these (one “principal” and two “major” activity centres).48 The following section of Melbourne 2030 describes the “Initiatives” proposed for enacting this policy:

1.3.1 Ensure an adequate land supply for urban housing development across the region to maintain competitiveness in the housing market. This should include an adequate supply of redevelopment opportunities within the established parts of the city to reduce the pressure for fringe development

1.3.2 Work with councils to identify major sites with potential for intensive housing redevelopment and to resolve any problems that inhibit appropriate development

1.3.3 Update current development controls and planning processes, and develop new guidelines for more intensive development so that the planning system can promote well-designed higher-density housing at strategic redevelopment sites

1.3.4 Work with councils to develop local housing strategies that address local housing issues and needs, including:
   • identifying projected population trends, and any significant changes in household structure and composition
   • providing for a range of housing opportunities to meet increasingly diverse housing needs
   • identifying appropriate locations for higher density housing
   • ensuring an adequate supply and distribution of affordable housing

What this has meant in practice for established municipalities like Boroondara is that a number of brownfield sites have been identified by the State Government for potential future redevelopment, while the local authority has been preparing strategies to accommodate more housing and manage its development. This can of course do very little to ensure whether or when the earmarked sites actually do get redeveloped (unless owned by the government)
or — most importantly perhaps — whether the higher density development allowed for in the various proposed local housing strategies occurs evenly across the metropolis. There was already considerable pressure for higher density development in Boroondara’s three activity centres before *Melbourne 2030* was released; so much so that the late inclusion of Glenferrie Road, Hawthorn as a “major activity centre” (after the release of the *Draft* document) drew strong protests from local residents precisely because of the implications for higher density development. Meanwhile other municipalities have been preparing proposals showing fictitious multi-unit housing schemes that are yet to receive any interest from developers. This reinforcement of the existing trend for growing inequality between housing markets and households across Melbourne to become spatially manifest 49 would only seem to be further exacerbated by the guidelines for local housing strategies contained in “Action 1: Plan to meet our housing needs” of the “Implementation Plan” for Housing. Here local government is required to:

- identify demographic trends, including changes in household structure and composition
- identify housing market trends, including dwelling type, tenure and housing costs
- identify projected population and household increases and housing needs over at least a 30-year period having regard to broader regional trends and projections – this should include numbers and types of additional houses required.

The assumption is that demand is high in all locations and that current trends ought to be accommodated, without attempting to understand the nature of those trends, their local variation or limiting factors (even though the “Technical Report” alleged to have informed the housing strategy has clearly done so).

In addition to the specified activity centres, *Melbourne 2030* also refers to “Neighbourhood Activity Centres”. Although not specifically identified in the strategy, it is suggested there are around 900 of these smaller retail and

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48 Camberwell Junction is identified as a ‘Principal Activity Centre’. Boroondara’s ‘Major Activity Centres’ are Kew Junction and Glenferrie Road, Hawthorn.

49 Identified in the “technical report” on housing issues that functions as a kind of appendix to *Melbourne 2030* (Burke and Hayward 2001) as one of the key housing challenges facing the metropolis.
service strips, servicing a predominantly localised demand. These centres are also projected to become a focus for medium density housing provision:

Higher-density housing will be encouraged in and around Neighbourhood Activity Centres. It should be designed to fit the context and enhance the character of the area while providing a variety of housing options for different types of households. Development of these centres can improve access to local services and accommodate the changing housing needs of those who do not want to break their links with their local community.

As there would be few places in established suburbs without proximity to a Neighbourhood Activity Centre, and given the expressed intention of Melbourne 2030 that “Redevelopment [...] should provide viable locations for Neighbourhood Activity Centres in areas where their current distribution is inadequate,” logic would suggest that (in principle at least) Melbourne 2030 allows or even encourages medium density housing development almost anywhere within the existing fabric of the metropolis. And yet the implicit message is that such redevelopment will be confined to particular, designated locations and tie in with the existing spread of urban infrastructure and services, with a particular emphasis in the text on public transport.

As we have seen, urban consolidation was originally promoted as the means for providing greater housing diversity in Melbourne (MMBW 1981). The language used to justify what was originally an approach to containing “sprawl” while increasing the stock of dwellings (Harrison 1970) has shifted with the publication of each successive metropolitan strategy for Melbourne: from the early emphasis on diversifying the housing stock to appropriately accommodate the changing mix of household types in the city (MMBW 1981), — a rationale which was to reappear fifteen years later (Government of Victoria 1995) — the rhetoric has moved through an emphasis on economic efficiency and consumer choice (Victorian Government 1987) to the present focus upon “sustainability” (Department of Infrastructure 2002). This recent reorientation of the discussion around the much more general notion of “sustainability” can be observed in planning systems across Australia (House of Representatives Standing Committee on Environment and Heritage 2003) as well as in the international literature (Burton; Williams, and Jenks 1996).
The Melbourne 2030 urban growth strategy has been clearly identified by the Victorian Government as the means for achieving sustainability at metropolitan level (Department of Sustainability and Environment 2003: 13), in particular through the implementation of the first two “directions”: “A more compact city” and “Better management of metropolitan growth”. Other than for municipalities on the urban fringe (where a growth boundary applies), this means a policy of urban intensification which local government is required to manage and deliver, yet at the same time to “mediate its impact on communities by maximising liveability and amenity outcomes” (Department of Sustainability and Environment 2003: 22). The inherent tension implied by these two directives to local government is a specific focus of our research.

Brian McLoughlin’s critique of Shaping Melbourne’s Future offers a historically contextualised investigation of metropolitan planning for the city which makes clearly the point that recurrent policies like urban consolidation and activity centre development, however well-intentioned or appropriate they may actually be, continue to be ill-conceived and not supported by thorough research and monitoring (McLoughlin 1992: 143-144). Nor has past policy intention been matched by necessary legislative force or political will. This situation has not changed so there is no reason to suppose that policies which have failed to take effect in the past should do so now. We should therefore be cautious about attributing the recent spate of medium and high density housing development that has particularly impacted inner urban and other ‘desirable’ Melbourne municipalities to State government metropolitan planning policy. This mistake, however, is made by both those who wish to claim kudos from apparent policy success and those who disagree with the policy’s stated intentions.

We have devoted considerable space to sketching the history of metropolitan level planning for Melbourne but it is important to present this history for several reasons. First, to understand the pedigree of the existing metropolitan strategy, Melbourne 2030, so as to assist us in evaluating this document and the ideas alleged to inform it. Second, to assess the impact Melbourne 2030 is
likely (or not) to have in facilitating and/or controlling medium density housing development; and third, because the nature of residential development has been such a persistent theme in metropolitan planning over several decades that we need to see its lineage to understand properly both current government policy about medium density housing provision and recent community reaction to its development.

Instruments to Control Development

A History of Managing Medium Density Development through the Planning System

It has been remarked (McLoughlin 1986: 3) that for such an urbanised society Australian States were very late in introducing planning controls over urban development. Although the introduction of the *Town and County Planning Act* in Victoria in 1944 made it possible for local governments to prepare planning schemes, it was not until 1954, when the MMBW produced its *Planning Scheme* for the whole of the metropolitan area, that most localities in Melbourne were to experience the effects of land use zoning control over development. This is not to say, however, that prior to this time all development was unregulated. For almost as long as municipal councils had existed in Victoria they had been empowered under the *Local Government Act* to make by-laws controlling such things as the construction, design and siting of new buildings. Because the present-day conceptual and administrative distinction between ‘building regulation’ and ‘statutory planning’ did not exist prior to 1945 (if not for longer), many of what we would now consider the statutory planning functions of councils or the state government (i.e. regulating the development of specific land uses) were dealt with in this way. That the powers to control building development were located at local government level (and hence varied considerably across the metropolitan area) was to some extent responsible for the diversity of urban form and building stock that can still be observed throughout Melbourne’s pre-war suburbs. This changed in June 1945 when the State of Victoria introduced the *Uniform...*
Building Regulations (UBR’s) which invalidated all the building by-laws of local councils (although many of their elements were incorporated into the State document).

Under the UBR’s all buildings were assigned a particular “class”. Detached houses were Class I, and flats Class II. Other medium density housing types, such as semi-detached or row houses, were assigned to sub-categories of Class II residential buildings. For each Class there was a range of standards controlling subdivision, siting and site coverage, boundary setbacks and wall heights, with councils given the authority to decide which set was most applicable for different (specified) parts of their municipality. Councils were also empowered to create by-laws which exceeded the minimum standards for street setbacks spelled out in the UBR’s and to control the building materials used or the number of storeys in a development. The UBR’s were modified several times until they were made effectively redundant by the gazettel of Amendment No.6 (Am. 6) to the MMPS in December 1968. The most significant Amendment of the 1945 UBR’s with respect to flat development was No.4 (1953) which significantly reduced the minimum site sizes required for Class II buildings but gave councils the power to limit the total number of flats per building.

We describe in the next chapter the possible causes and impacts of the flat construction boom that was to have such a profound impact upon the built environment in Melbourne (as in other Australian cities) from the late 1950s to the early 1970s. In 1959 the UBR’s were redrafted, and it seems quite likely that another Amendment (No.2) later in the same year, which drastically reduced the open space requirements for flats, was in response to this growing development pressure. Also introduced in 1959 was the power (given to councils) to impose car parking requirements for flats. Further Amendments to the UBR’s in the early 1960s indicate that the controls pertaining to Class II buildings were getting quite a work out at that time. In 1960 (Amendment No.3) minimum site sizes were specified for flat development in “business” areas (previously unlimited) and councils were granted permission to create by-laws governing the number of flats allowed per site (extending the 1953
powers of limiting flats *per building*). Both these changes suggest that the limits of the UBR’s were being tested by developers seeking creative ways to meet an obviously high demand for medium density housing.\(^{50}\) After a further redraft in 1961, the UBR’s were again amended in 1963 (Amendment No.2) to require the minimum provision of open space for Class II buildings be calculated ‘per habitable room’; and in 1965 (Amendment No.7) to permit on single allotments which exceeded the minimum required size by a specified amount the construction of two detached dwellings (an early ‘dual occupancy’ policy) or exceeding (on a *pro rata* basis) the maximum number of flats normally allowed per site. The specific reasons behind each of the Amendments described here and their precise impacts upon medium density housing development are difficult to determine (Read 1981: 46), but the sheer level of fine-tuning of the regulations governing multi-unit development during this period is indicative of the substantial construction activity of that time.\(^{51}\)

In terms of municipal controls, the City of Camberwell introduced By-Law No. 112 (1960) which limited the number of flats to four per building except in five locations where a higher limit of eight flats per building was permitted. By-Law 115 which followed quickly in 1961 amended the controls in By-Law 112 to refer instead to “flats per site” (in keeping with the UBR amendment mentioned above) and granted specific exemptions to some twenty sites for which building applications had been made prior to the gazettal of the earlier by-law. The practice of creating new by-laws to exempt specific sites from the strict limitations on the number of flats built was used regularly by

\(^{50}\) The number of flats and town houses commenced in the Melbourne Statistical Division doubled between 1958/59 and 1959/60 (from 1,690 to 3,437), was almost double that again in 1963/64 (6,617) and had doubled again in 1967/68 (13,587). This represents an increase in medium density development from 10% of all residential developments commenced in 1958/59 to a peak of 46% of total residential commencements in 1967/68 (Archer 1980: 174).

\(^{51}\) Read points out here that the changes to the UBR’s as they affected flat development in Camberwell were not all towards either greater facilitation of or greater control over development, but a mixture of both. As he was wanting to test the rationality of decision making in planning, he offers no explanation for this apparently bewildering fluctuation. We suggest though, that this can easily be explained by the boom in flat construction putting to test in the real world what had hitherto been a set of planning abstractions. There were also technological and social changes such as
Camberwell Council from this time until the mid 1970s (a total of 44 times) as a mechanism for managing medium density developments of more than four units (in conjunction with the five clearly-defined localities permitting eight units) (Read 1981: 74). Prospective developers were required to lodge a substantial bond, recoverable upon execution of the project, which ensured no amendment was made to the scheme which Council had presumably considered of sufficient merit to warrant the creation of a new by-law. This mechanism, unique to the City of Camberwell,\textsuperscript{52} was cumbersome but deemed necessary by Council who considered that to override a by-law which had been created by statutory procedures requiring public notification (No. 115, restricting development to four units per site) ought to require a similar level of public notification (Read 1981: 75).

We have already mentioned the eventual gazettal of the MMPS in May 1968, fourteen years after it was prepared. The exclusionary land use zones contained in the Scheme, which included three Residential Zones (A, B and C), had been enforced by means of an IDO during this time. Only “Residential C” zones applied within the Cities of Kew, Hawthorn and Camberwell. The only control these zonings exercised over residential flat development was to stipulate the maximum permissible site coverage and to regulate the minimum open site area per unit required across the three zones (the requirement for “Residential C” zones being the highest). The standards imposed upon medium density development by the IDO were if anything less stringent than the UBR’s or associated municipal by-laws and hence it was the latter that effectively controlled such development while the IDO was in place. What was most significant about the interim enforcement of the land use zones proposed in the MMPS was that, as long as proposed developments could demonstrate conformity to the regulations and by-laws they could be built without the need to obtain formal planning approval (that approval having in fact been granted \textit{a priori} by the MMPS zonings under the IDO). The increased automobile ownership. The constant shifts may actually be, therefore, quite “rational” responses to new knowledge and changed circumstances.\textsuperscript{52} The usual practice was for a Council to support a developer in an application to the Uniform Building Regulations Committee for the waiver of a by-law.
implications of this were that no third party had any right to object to conforming developments on any grounds whatsoever; nor was any discretion permitted to the consent authority to grant exceptions to the regulations should they consider this might result in a better overall outcome.

This situation was to change in December 1968 with the approval of Amendment No. 6 to the MMPS. This was to have a much greater impact upon the development of medium density housing than the gazettal of the MMPS itself in May. Amendment 6 established a requirement that all proposed development in ‘Residential C’ zones other than detached houses obtain planning permission from the relevant authority. Initially this was the MMBW but in February 1969 all powers of discretion in planning matters were delegated to local government. We have already mentioned Read’s comment that the combined effect of these two changes was to locate the forum for conflict over planning matters at the political level where it would most likely be resolved in favour of the interests of established residents (Read 1981: 53). The impact can be read clearly from the building commencement data collected at the time. From the high water mark of 13,587 flat and townhouse developments commenced in Melbourne (Statistical Division) in the 1967/68 financial year (representing 46% of all residential construction), this figure fell steadily over the next two years to stabilise at just under 10,000 commencements (or just 30% of the residential total) from 1970 until the boom ended in 1974. These figures are all the more salient when comparison is made with flat construction in Sydney. Up to 1968 flat and townhouse construction in both cites was comparable in both number and as a percentage of all residential development but in Sydney these figures continued to rise, with the most flats (18,477) built in 1969/70 (52%) and the greatest proportion (55%) built in 1973/74 (14,739) (Archer 1980: 174).

From 1969 therefore, under the administration of local councils, the MMPS became the chief statutory planning instrument affecting residential development, including medium density housing. The UBR’s, meanwhile, ceased playing such an instrumental role. The only significant changes to be made to the MMPS from that time until the changes brought about in 1981 by
Amendment 150 (which we have already described in our discussion of metropolitan strategic planning) were those contained in Amendment 30. Proposed by the MMBW in 1973, Amendment 30 to the MMPS dealt with the amenity problems related to solar access, privacy, car parking and traffic management that have been the key features of the management of medium density development ever since. Amendment 30 was based on a review, conducted by the MMBW in 1969, of residential planning standards in the Melbourne metropolitan region and published in May as *Residential Planning Standards*. The main issues raised in relation to the management of medium density development were: increased localised demand upon existing facilities and services (especially utilities); the negative impacts upon the amenity of adjacent properties (especially detached houses, with implicit loss of property value); and “alarm” among “the community” created by a lack of certainty concerning possible future redevelopment.

These concerns had then become the subject of a *Technical Report*, released by the Board in 1970, which for the first time made recommendations for controlling the impact of development on neighbouring properties and local communities. Proposals included minimum standards of solar access and privacy for existing dwellings, minimising the impact of “building bulk” (presumably in relation to a streetscape), and improving the aesthetic impact of car parking provision. Amendment 30 sought to deal with these matters through controls over boundary-to-wall and wall-to-wall setbacks; setback and screening requirements for overlooking windows; and new parking requirements. For buildings up to three storeys this involved the application of simple formulae, but for larger scale development a “daylight and amenity protractor” was used to calculate and assess compliance. Proposals less than three storeys could also use this method instead of the formulae if they could demonstrate a better outcome. Amendment 30, which was not gazetted until 1979 (ten years after the issues it addressed were raised), represents a significant shift in planning controls towards a focus on the protection of third party property rights. However, it was feared by some proponents of medium density housing (Paterson; Yencken, and Gunn 1976: 53) that its reliance on setback controls to achieve this would have the unforseen effect of stifling the
development of attached housing. The passing of the *Cluster Titles Act 1974* (discussed further below) enabled some low-rise attached medium density development to occur under the requirements of the *Cluster Code* instead of Amendment 30 within those LGAs which had adopted it (notably, not the City of Camberwell). The *Cluster Code* had minimal impact on medium density development in the mid-1970s but was very significant in that it represents the first instance in Victoria of performance-based planning controls for residential development.

Other than those developments built using the provisions of the *Cluster Code* until it was repealed in 1988, medium density development continued to be controlled by Amendment 30 until the late 1980s. From 1985, dual occupancy developments could be built ‘as of right’ in Residential Zones, prompting a mild increase in the overall amount of medium density housing construction commenced in Victoria that year (5,473 starts, up from around 4,000 *per annum* in the early 1980s). The more significant impact of the introduction of dual occupancy policy, however, was to trigger a steady decline in the construction of medium density housing, by effectively diverting the already modest industry engaged in the construction of ‘villa units’ into the production of this less dense form of development (Burke and Hayward 1990: 48-9). In the meantime, Amendment 224 (1983) to the MMPS had introduced “Urban Conservation Areas” that soon covered most of the older residential precincts of urban and inner suburban Melbourne and effectively prevented any redevelopment or densification in these parts of the city (King 1986: 286; McLoughlin 1992: 76). The combined result of these factors was that the supply of medium density housing in Melbourne declined throughout the late-1980s, the number of medium density housing starts in Victoria reaching an all-time low of just 2,772 in 1988/89.

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53 For a detailed analysis of dual occupancy policy and its impact on Melbourne at this time see (Mitchell 1999).
54 The modest level of medium density construction that had existed prior to 1985 was not regained until 1996.
The transfer of planning powers in 1985 from the MMBW to the Ministry for Planning and Environment (MPE) notwithstanding, the MMPS continued to operate until the new Planning and Environment Act 1987 allowed for its provisions to be devolved to separate planning schemes prepared for each urban municipality. This took full effect in October 1989. In what seemed a triumph for the local state, from this date each local council administered its own Planning Scheme that was divided into State, local and, where applicable, regional sections. The State Government, and in particular the Minister directly, retained control over the State and regional sections of each scheme, as well as the approval of amendments to local schemes. One important area of State policy to be administered through the State and regional sections of planning schemes was urban consolidation, and this began to be addressed in 1991 with the introduction of the Victorian Code for Residential Development — Subdivision and Single Dwellings (VicCode 1). The focus of VicCode 1 was “broad-scale residential subdivision and development for detached and attached houses” and was aimed to encourage higher residential densities, particularly in new subdivisions. It was the Victorian Code for Residential Development — Multi-dwellings (VicCode 2), however, that focused specifically on medium density housing.

VicCode 2 was released in May 1992 as part of the State provisions of local planning schemes (Amendment S23) and, for metropolitan councils, also introduced regional provisions (Amendment R113), thereby effectively reintroducing a metropolitan planning scheme to control multi-unit housing. VicCode 2 was the first comprehensive, performance-based code for medium density housing and had been strongly influenced by ‘new urbanist’ ideas and principles. The code applied to all proposed medium density development (whether infill or on new estates) and also to any development site if it was less than 300m² in area, or non-residential land in an established area being made available for residential use. VicCode 2 required that proposed development respond to various design issues (“Design Elements”) as they pertained to the particular site and its context. Planning assessment was to be case-by-case on the basis of how a particular proposal ‘performed’ in relation to each of the twelve specified Design Elements. In practice, the “Performance
Measures” applicable to some Design Elements (e.g. car parking) were often quite prescriptive, while others were clearly informed by certain aesthetic assumptions. The code was revised following submissions from industry, local government, professional and community groups and a new edition with minor changes was launched in 1993, this time by Robert Maclellan, Minister for Planning in the recently-elected Kennett Government.

In 1995, the Liberal-Coalition Government brought out its own set of planning controls for medium density housing development known as The Good Design Guide for Medium-Density Housing (GDG). These were almost identical to those in VicCode 2, being a set of performance-based standards for dealing with the same list of ‘design elements’. Once again, for each Element there was a list of objectives, performance criteria, design suggestions, and in some cases “Techniques” (instead of “performance measures”) that differ little (if at all) from those in VicCode 2. The main difference between the two documents (other than physical appearance) is that the guidelines for preliminary site and neighbourhood context analysis and design response (contained in both documents) became mandatory in the GDG. The principal contribution made by the Kennett Government and Planning Minister Robert Maclellan in influencing the control of medium density development was the substantial revision of the Planning and Environment Act embodied in the Planning and Environment (Planning Schemes) Act 1996 that enabled the Minister to introduce the Victoria Planning Provisions (VPP) and develop the so-called “new format” planning schemes. The Introduction of the VPP and the standardisation of planning schemes across the State effectively minimised the role of local government in planning control.

The new planning schemes adopted by each of the (newly-amalgamated) local municipalities required local government to apply land use zoning controls from a standardised set developed by the state government (rather than develop their own, as previously) and to have these (and any subsequent

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55 The GDG has eleven ‘design elements’ compared to twelve in VicCode 2 but this only because ‘site layout’ and ‘landscaping’ are treated together rather than separately.
amendments) approved by the Minister for Planning. The planning schemes relate to and are supported by the provisions in the VPP. The basic division of municipal planning provisions into two main sections: a common State Planning Policy Framework (SPPF) and a Local Planning Policy Framework (LPPF), was effectively a continuation of earlier practices but in addition, councils now had to prepare a Municipal Strategic Statement (MSS) for Ministerial approval and inclusion in the LPPF. A major innovation of the VPP was that planning has become more strategic (Buxton; Goodman, and Budge 2003: xiv). In keeping with this, many of the provisions are discretionary and the level of prescriptive control over land use and development was reduced. Local councils could also develop their own policies in relation to discretionary uses (i.e. those requiring planning approval) to assist Councillors and staff in decision-making and the administration of the scheme. These are clearly stipulated as guidelines only and cannot be inconsistent with the SPPF or the zoning provisions of the scheme.

The strategic objective of the planning provisions pertaining to medium density housing are described in the SPPF as being:

“To encourage the development of well-designed medium-density housing which:

• Respects the neighbourhood character.
• Improves housing choice.
• Makes better use of existing infrastructure.
• Improves energy efficiency of housing.” (SPPF 16.02-1)

The ‘particular provisions’ relating to this objective are contained in Clause 55 of the VPP and were substantially amended under the Bracks Labor Government include the type of content formerly contained in the now-defunct GDG. This set of provisions, in conjunction with their wider statutory framework, has been referred to since 2001 as ResCode, which, unlike the GDG, does not exist as a stand-alone document. The provisions contain ‘objectives’ which must be met, ‘standards’ which should be met, and ‘decision guidelines’ which “set out the matters that the responsible authority must consider before deciding if an application meets the objectives.” Once again,
the specific content of these provisions is not dissimilar to that of either the GDG or VicCode 2. They continue to be performance-based and, in the case of residential redevelopment or infill, premised on the notion of ‘neighbourhood character’. The broad objectives remain similar but in Clause 55 the breakdown of the same group of elements from the previous codes into six sets of provisions indicates that an understanding has developed about the hierarchy of issues involved. The need for a site analysis and design response is retained as a separate provision (55.01) but other provisions are grouped under five categories. Neighbourhood Character and Infrastructure (55.02) deals with issues of local area significance. Site Layout and Building Massing (55.03) deals with the design concerns of a development’s immediate context, while Amenity Impacts (55.04) considers the same in relation to the amenity of neighbouring properties. On-site Amenity and Facilities (55.05) and Detailed Design (55.06) deal with issues specific to the development itself.

There are also differences between some of the ‘Standards’ that apply to medium density development under ResCode and the equivalent ‘Techniques’ from the GDG, which they superseded. In all cases these changes tend in the direction of protecting the interests of third parties. In particular, street setbacks and height limits are more restrictive and, most significantly, the waiver of all such prescriptive standards upon properties within a seven-kilometre radius of the GPO (a feature of both VicCode and the GDG) has been abolished. Controls governing the overlooking and overshadowing of neighbouring properties have also become more stringent. In the words of one Boroondara Councillor,

“In the VicCode era, there were more problem buildings under that regime than there are now because your single dwelling under VicCode, as long as it complied with the setback dimension, virtually you could do what you damn well liked. And there were many times they’d build right to the front, as near as they could, then come up later on and say, ‘I want a dual occupancy at the back,’ having broken the law under dual occupancy. They wanted to stretch the limits. With the ResCode it’s not quite as bad because you’ve got about twelve of the items that come under the total planning scheme... there’s about twelve of those that you have to comply with...
anyway for a single dwelling. And if you complied with those automatically, you
don’t need a planning permit. Now, they still allow you a fair amount of scope of big
building but it’s not quite as bad... I don’t think you’ve seen... although you do get
shockers.”^56

Evidence such as this further suggests that ResCode has succeeded in closing
some previously existing loopholes in development controls.

Managing Medium Density Development in Boroondara

The Boroondara Planning Scheme and LPPF

Boroondara’s Municipal Strategic Statement (MSS) identifies the main issue
with respect to residential land uses within the municipality as being to
preserve and enhance the high standard of the residential environment and
high level of residential amenity, while also providing a greater diversity of
housing types (21.07-3). There is clearly an inherent tension in this objective,
as it requires both the encouragement as well as the strict control of multi-
unit development in order for it to be met. The strategy to facilitate higher
density housing development is basically through land-use zoning. Only one
small pocket of the municipality, however, is zoned “Residential 2” (designed
to encourage higher densities) and is isolated from other residential areas.
There are also two small “Mixed Use” zones, one of which is site-specific (an
old tram depot) and has already been redeveloped. The main potential for
multi-unit development through the zoning system exists in the handful of
“Business 2” scattered across the municipality. The most significant of these
are in the vicinity of the area known as Camberwell Junction and along the
length of Burwood Road (the route linking Camberwell Junction to
Melbourne’s CBD) and there has been a fair amount of multi-unit housing
development of a variety of types and quality occur in these locations in recent
years. It is not insignificant that such re-development has tended to involve
properties that previously had non-residential uses and are not in locations
that could have been previously described as residential neighbourhoods. Our

^56 Interview with former Boroondara Councillor, 2005.
focus in this thesis on the process of provision of medium density housing in a largely suburban residential environment means that no developments in “Business 2” zones were selected as case studies for our research, despite the significance of provision in these zones for expanding the size and diversity of the multi-unit stock in Boroondara as a whole.

**Neighbourhood Character**

By far the major focus of Boroondara’s LPPF, in relation to housing, concerns the control of medium density development in the established residential areas (zoned “Residential 1”) which constitute the overwhelming bulk of the City’s built form. The principal policy instrument that has been used to do this is the *Neighbourhood Character Policy* (Clause 22.07 of the Boroondara LPPF). The City of Boroondara was actually something of a pioneer in the use of neighbourhood character as a means of development control. In 1996, the *Residential Urban Character Study* (RUCS) was commissioned as a comprehensive audit of the character of the City’s residential built form, and formed the basis for the preparation in the same year of *Neighbourhood Character Statements* for individual precincts. In the preparation of a site analysis and design response for development applications, as has been required under the GDG and *ResCode*, it is policy that the relevant *Neighbourhood Character Statement* be considered (LPPF 22.07-3). This is not unusual, but Boroondara was the first municipality to comprehensively describe the character of its neighbourhoods for the purpose of development control, and the depth of analysis provided by the RUCS is considered exemplary.

**Medium Density Housing Policy**

The City of Boroondara’s *Residential Design Policy* (RDP), formerly called the *Medium Density Housing Policy* (MDHP), is more specifically tailored to the purpose of managing medium density housing development. First introduced in 2001, the MDHP was adopted three days after the introduction of *ResCode* and effectively seeks to extend the provisions of *ResCode* in an attempt to
further mitigate the adverse impacts of development on neighbouring properties. It extends the front setback requirements of new development to take account of a wider neighbourhood context (four properties either side of a site and nine opposite, as opposed to just one either side as specified in ResCode), specifies a lower limit to front fence heights (1.2m instead of 1.5m), limits the floor area of second stories of buildings to half that of the ground floor (effectively specifying the form of housing permitted), and stipulates more stringent provisions for side and rear setbacks, maximum allowable site coverage (50% rather than 60%), minimum permeable site area (35% compared to 20%), lengths of walls on boundaries, the amount of private open space, energy efficiency, and the provision of extra car parking spaces. The MDHP was changed in December 2003 and re-launched as the RDP. The standards contained in the MDHP remained basically unaltered in the RDP except that the requirements for rear setbacks (known as Backyard Setbacks) were further increased. The rationale for this change was that “The community has expressed concern about new development in backyards and its impact on the secluded private open space and backyards of neighbours” (City of Boroondara 2004). While the RDP has been adopted by Council, it has no formal status within the State planning system. The Council has attempted since 2001 to have the content of its RDP enshrined as ‘Variations’ to ResCode through incorporating two new schedules to the Residential 1 & 2 Zones (City of Boroondara 2005: Attachment 5.4). In the absence of formal adoption into the VPP, the success of such policy depends to a large extent on the status of Council’s bargaining power within the development process. The situation was described nicely by one Boroondara Councillor in an interview conducted in the course of research for this thesis:

“The plus to ResCode (as it was with the GDG and that before it) is that it is a subjective set of criteria with certain ambits to it. That’s also its negative. […] Local councils are encouraged to also seek amendments to suit their own requirements. The Government makes it very hard to get those amendments enforced or even enshrined in the Planning Scheme. Council here for five years since ResCode came

57 In 2005, they were still awaiting the outcome of a ‘Panel’ consideration on the matter.
in have tried to get certain things in and they've been fighting them like mad and they still haven’t come in. You’ve got in the one hand — in the one hand you’ve got State legislation which is subjective, and then you’ve got Council policies which are far more prescriptive but don’t have the weight of law, they have the weight of persuasion. And particularly four years back when the waiting time was so long at Tribunal, that weight of persuasion was simply cash register, and saying, ‘Well, if you want to get it done quickly you better conform.’ And it was effective.”

“My Neighbourhood”

Perhaps the most ambitious local initiative that seeks to manage medium density housing development in Boroondara is the Council’s My Neighbourhood strategy. Dubbed “a blueprint for appropriate development in Boroondara,” the strategy proposed in 2003 that all multi-unit development in the municipality be concentrated in and around twenty-three identified existing ‘neighbourhood centres,’ while in all other parts of the municipality such development be completely stopped. There are currently more then twenty-three existing shopping centres within Boroondara but those chosen for consideration in My Neighbourhood also had a combination of good public transport and proximity to other facilities and services. The aim of the strategy was to achieve greater certainty in the development process and to eliminate “ad-hoc development.” The Draft Report proposing the My Neighbourhood strategy (City of Boroondara 2003: 7) identified that there are “limited concise policy and planning tools” to achieve the housing development objectives contained in the Boroondara MSS, and recommended that Council “manage and direct the location of residential development activity” (City of Boroondara 2003: 4) through implementing the strategy. The report further stated that to retain the status quo in which “Council would not seek to actively manage and direct residential development but rather […] rely on the development sector to deliver housing,” was “considered to be an untenable position for Council to take.” (City of Boroondara 2003: 3).
A fairly extensive public consultation process was then undertaken in late 2003 (City of Boroondara 2005: Attachment 1), but the introduction of the State Government’s Melbourne 2030 at this time, identifying Kew and Camberwell Junctions, and later Glenferrie Road, as either Principal or Major Activity Centres, and the identification of Burwood Road as a Mixed Activity Corridor in Council’s own MSS, has meant the need to develop Structure Plans and/or Urban Design Frameworks for these locations altered the course of the development of the strategy. Meanwhile, results of the public consultation process (City of Boroondara 2005: Attachment 2) and a commissioned random survey of residents (City of Boroondara 2005: Attachment 3) indicated a level of public concern about the total prohibition of medium density development outside the nominated centres and concern that development within the centres themselves not be too intensive. This led to changes being proposed to the Strategy in September 2005 that were said to represent “a more flexible approach to the management of future residential development than that proposed by the Strategy.” (City of Boroondara 2005: Attachment 2). Specifically, new single dwellings and dual occupancies were to be expressly permitted in all areas, with the suggestion that other types of development might also be allowed. In the locations earmarked for more concentrated development (other than the Burwood Road Mixed Activity Corridor and the Activity Centres identified in Melbourne 2030, which are the subject of separate planning processes) the proposal was made that interim height controls be imposed limiting development to just two stories. In all, the bold vision presented in 2003, of Council directing the provision of multi-unit housing and putting an end to ad-hoc development, by the end of 2005 had been so watered down as to be almost indistinguishable from the “status quo” once deemed “an untenable position.” The issues were summarised by a former Boroondara Councillor:

In the local scene we have quite an anomaly. We have Council saying, ‘We don’t agree with the State 2030 activity centres concentrating residential, etc., etc.;’ and yet their own My Neighbourhood, as it’s called, is precisely the same thing in twenty smaller blocks around the place which is saying: no medium density in areas other than prescribed areas. Now, I have no problem with that in principle — of saying
that, within a given city, you can have certain areas in which your density ratios and equations can be higher than in other parts, and you could even have some parts where it’s zero. I don’t mind that. There’ll be hell to pay getting it legislated because those who are going to have nothing are going to say, ‘Hell, that’s my nest-egg for the future and you’re not going to let me sell it and make a killing.’ And the opposite will happen the other way ‘round. You can’t win. So it is a political nightmare and I’m not sure whether there’s anyone big enough or brave enough or bright enough to put their foot on somebody’s neck. [...] Local councils] can only do it by seeking amendments to their Planning Scheme which, at the moment, the state bureaucracies are very reluctant to agree to. They say you should do it but when the reality comes into being, it doesn’t happen.”

The Planning Application & Appeals Process

Planning Applications

Within Boroondara, and metropolitan Melbourne as a whole, the majority of the land area is zoned ‘Residential 1’. Under the VPP, the development or extension of more than one dwelling on a lot (32.01-4), or dwellings upon lots of less than 300m² (32.01-3) are known as “discretionary uses” within this zone; meaning these types of development are permitted, providing planning approval has been obtained from the local authority. No such approval is required for the development of single detached dwellings within this particular land-use zone (32.01-1), provided they comply with the ResCode, or unless a planning overlay applies to the property. There are several types of overlay that may apply to a property but by far the most common one affecting residential land within Boroondara relates to the issue of heritage protection.

If planning approval is required for a particular use or development of a parcel of land, the party wishing to carry out this development must lodge a planning application with Council. This involves completing an application form, supplying information about the development in the form of design drawings.

58 Interview with former Boroondara Councillor, 2005.
and other documentation required for demonstrating compliance with the relevant codes, and paying a processing fee. If the documentation is deemed to be sufficient, the proposed development is then advertised to all third parties considered likely to be affected by the proposal, usually the owners of the neighbouring properties. Within a fourteen-day advertising period, third parties (including others who were not notified about the development) are permitted to lodge objections to a development proposal, stating their reasons for so doing. Local government planners then assess the merits of the application, its level of conformity to planning policies and codes, and the content of any objections received, before a decision is made about whether or not to approve the development. Many planning decisions are made directly by Council planning staff, under “delegated authority”. The actual authority for planning discretion resides with the democratically elected community representatives who form the Council; and in situations where a development proposal is considered especially contentious (often because a certain number of objections has been received) the decision is made by a vote of the full Council. In these instances, the Council planners will brief the Councillors who typically are not expert in planning matters. If Council decides to approve a development to which there have been objections, it can only issue a ‘Notice of Decision to Grant a Permit’ (NOD). This gives objectors twenty-one days to lodge an ‘application for review’ at the appeals Tribunal; and, should they choose to do so, the decision is made by then made by the Tribunal rather than Council.

In the City of Boroondara, most planning permit applications relate to the development of residential land; and of these, the majority are applications to develop medium density housing. Table 5.1 shows the number of residential planning applications processed each year in Boroondara, from 1991 to 2003.
Table 5.1: Outcomes of Residential* Planning Applications Processed, 1991-2003

<table>
<thead>
<tr>
<th>Year</th>
<th>Residential Applications Processed</th>
<th>% of Total*</th>
<th>Approved</th>
<th>‘Notice of Decision’ Issued</th>
<th>Refused</th>
<th>% Refused</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>318</td>
<td>45.4</td>
<td>312</td>
<td>-</td>
<td>6</td>
<td>1.9</td>
</tr>
<tr>
<td>1992</td>
<td>346</td>
<td>49.5</td>
<td>341</td>
<td>-</td>
<td>5</td>
<td>1.5</td>
</tr>
<tr>
<td>1993</td>
<td>404</td>
<td>47.6</td>
<td>388</td>
<td>-</td>
<td>16</td>
<td>4.0</td>
</tr>
<tr>
<td>1994</td>
<td>405</td>
<td>44.9</td>
<td>382</td>
<td>-</td>
<td>18</td>
<td>4.4</td>
</tr>
<tr>
<td>1995</td>
<td>406</td>
<td>51.1</td>
<td>379</td>
<td>-</td>
<td>24</td>
<td>5.9</td>
</tr>
<tr>
<td>1996</td>
<td>448</td>
<td>52.6</td>
<td>399</td>
<td>1</td>
<td>45</td>
<td>10.0</td>
</tr>
<tr>
<td>1997</td>
<td>549</td>
<td>57.4</td>
<td>498</td>
<td>3</td>
<td>48</td>
<td>8.7</td>
</tr>
<tr>
<td>1998</td>
<td>758</td>
<td>60.9</td>
<td>688</td>
<td>10</td>
<td>60</td>
<td>7.9</td>
</tr>
<tr>
<td>1999</td>
<td>656</td>
<td>60.9</td>
<td>590</td>
<td>5</td>
<td>61</td>
<td>9.3</td>
</tr>
<tr>
<td>2000</td>
<td>654</td>
<td>56.5</td>
<td>599</td>
<td>4</td>
<td>48</td>
<td>7.3</td>
</tr>
<tr>
<td>2001*</td>
<td>753</td>
<td>58.2</td>
<td>663</td>
<td>10</td>
<td>80</td>
<td>10.6</td>
</tr>
<tr>
<td>2002</td>
<td>735</td>
<td>58.8</td>
<td>586</td>
<td>46</td>
<td>103</td>
<td>14.0</td>
</tr>
<tr>
<td>2003*</td>
<td>616</td>
<td>58.8</td>
<td>450</td>
<td>49</td>
<td>117</td>
<td>19.0</td>
</tr>
</tbody>
</table>

*This table refers only to planning applications for residential development. Planning approval is required for other types of development and land use, and so the percentage of all applications that concerned residential development is shown in column three.

*2003 figures are for the period January to October only.

*In 2001 Council had a “backlog team” working on older applications. The large number of decisions at this time is in part the result of this team clearing out a backlog of older applications that had accumulated.

Source: City of Boroondara planning department records.

In the mid-1990s, the proportion of all planning applications that related to residential development (which had accounted for around forty-five per cent of applications throughout the early-1990s) increased suddenly to around sixty per cent, where it has remained. The sheer number of applications processed by Council each year has also greatly increased, placing considerable pressure upon staff, whose numbers have not increased in proportion to the additional workload these extra applications represent.59 Other significant issues

59 Boroondara was rated second among Victoria’s “most distressed councils” for planning assessment processes by a Royal Australian Institute of Architects survey of its members (RAIA 2003). Only the inner-urban City of Yarra fared worse.
Chapter 5 – Planning & Managing MDH Development

represented by the data in this table are the increasing proportion of applications refused and, in the later years, the large number of NOD’s issued. The number of NOD’s is indicative of the number of development proposals Council deemed acceptable but which were strongly opposed by neighbours. The growing proportion of applications refused ostensibly indicates that an increasing number of applications are being made for development which Council deems inappropriate. Alternatively, it could simply represent the fact that Council staff are getting on top of their large workload and are processing more applications within the prescribed time.⁶⁰

What this table does not show is the number of detached dwellings not requiring planning approval that were built in the municipality during the same period. Data on this type of development was very difficult to obtain or analyse (see Table 5.2). Upon request, Council was only able to provide data for the years 2001 to 2004 (using rates records). In addition to problems Council itself identified with this data (it probably includes dual occupancy and some other medium density dwellings), the very substantial variation in the figures makes it highly suspect. Another potential source of such data was the Valuer General’s records of property sales. The breakdown of the number of sales of private dwellings in each municipality has, since 1999, included the category: “House New”. These figures would be an under-estimate of the number of such dwellings constructed each year as they only represent houses sold and would not capture new houses built by existing owners for their own occupation. The enormous difference between the two sets of data would be due to the combined impact of both these provisos.

⁶⁰ Applicants can appeal to the Tribunal against a Council’s ‘failure to determine’ their application within the statutory timeframe. With complex and contested applications this happened frequently, as attempts to mediate between parties and negotiate an outcome are time-consuming and have to be juggled with the processing of other applications. In such cases Council would not get to decide the planning outcome.
Table 5.2: Data Available for New Detached Dwellings in Boroondara, 1999-2004

<table>
<thead>
<tr>
<th>Year</th>
<th>No. new ‘single occupancy’ dwellings on valuation record</th>
<th>No. property sales in the category: ‘House New’</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>2000</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>2001</td>
<td>225</td>
<td>57</td>
</tr>
<tr>
<td>2002</td>
<td>278</td>
<td>30</td>
</tr>
<tr>
<td>2003</td>
<td>96</td>
<td>40</td>
</tr>
<tr>
<td>2004</td>
<td>35</td>
<td>23</td>
</tr>
</tbody>
</table>

Sources: City of Boroondara property valuation records; Records of the Valuer General – Victoria: A Guide to Property Values (various years).

Given the trend towards two-storey dwellings in new house construction, the impact of this type of development would not be insignificant. Unlike medium density housing developments, however, third parties are unable to object to the development of houses which comply with ResCode.

**Planning Appeals**

Planning decisions made by local councils (or not made within the prescribed time) can be appealed to the Victorian Civil and Administrative Tribunal (VCAT) and are heard under the Tribunal’s Planning List. Here, the hearing is de novo, in that all affected parties have the right to present their case afresh. As any VCAT hearing is a review of an administrative decision (but not of the decision-making process) the local authority in question will always be a party to the case. VCAT effectively stands in the place of the responsible authority (in the Planning List, usually a local Council) as an expert review panel and makes the decision afresh. In the City of Boroondara, a predominantly residential environment where investment in residential property and its ongoing development is quite substantial, the number of (inherently controversial) planning decisions is high, so both the number and rate of appeals to VCAT also tend to be among the highest in the State. In the financial years 2003/04 and 2004/05, Boroondara was the Victorian
municipality which recorded the most appeals to the VCAT Planning List (246 and 251 respectively – see below). This represents about 6% & 7% of the total appeals lodged.

Table 5.3: Applications to the VCAT Planning List for Boroondara and All Victorian Municipalities, 2001/02 – 2004/05

<table>
<thead>
<tr>
<th>Applications to VCAT by:</th>
<th>Objector(s) against a Decision to Grant a Permit</th>
<th>Applicant against a Decision to Refuse a Permit</th>
<th>Applicant against Conditions Imposed on a Permit</th>
<th>Applicant about Failure to Decide within Req. Time</th>
<th>All Other Appeals*</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>% of Total</td>
<td>No.</td>
<td>% of Total</td>
<td>No.</td>
<td>% of Total</td>
</tr>
<tr>
<td>2001/2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boroondara</td>
<td>36</td>
<td>22%</td>
<td>47</td>
<td>29%</td>
<td>12</td>
<td>7%</td>
</tr>
<tr>
<td>All Victoria</td>
<td>774</td>
<td>23%</td>
<td>1239</td>
<td>37%</td>
<td>410</td>
<td>12%</td>
</tr>
<tr>
<td>2002/2003</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boroondara</td>
<td>26</td>
<td>15%</td>
<td>55</td>
<td>31%</td>
<td>13</td>
<td>7%</td>
</tr>
<tr>
<td>All Victoria</td>
<td>734</td>
<td>23%</td>
<td>1176</td>
<td>36%</td>
<td>415</td>
<td>13%</td>
</tr>
<tr>
<td>2003/2004</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boroondara</td>
<td>36</td>
<td>15%</td>
<td>87</td>
<td>35%</td>
<td>27</td>
<td>11%</td>
</tr>
<tr>
<td>All Victoria</td>
<td>827</td>
<td>22%</td>
<td>1169</td>
<td>32%</td>
<td>546</td>
<td>15%</td>
</tr>
<tr>
<td>2004/2005</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boroondara</td>
<td>46</td>
<td>18%</td>
<td>100</td>
<td>40%</td>
<td>32</td>
<td>13%</td>
</tr>
<tr>
<td>All Victoria</td>
<td>785</td>
<td>22%</td>
<td>1128</td>
<td>32%</td>
<td>564</td>
<td>16%</td>
</tr>
</tbody>
</table>

*Includes the category: “Application to VCAT for an Enforcement Order”, listed separately in the VCAT data. The number of these applications in Boroondara was unusually high in 2002/03 and accounts for the higher value for “Other Appeals” in that year.

Source: VCAT Planning & Environment List Survey - Applications Received in 2001/02 to 2004/05 - Released by VCAT on 24 August 2005

A number of points can be noted from the above table (Table 5.3). First, the proportion of developer appeals against permit refusal has been increasing in Boroondara, while the proportion of appeals due to the failure of Council to reach a decision within the prescribed time has been decreasing. This corresponds with our observations about the planning assessment data in Table 1. A slightly smaller proportion of the appeals lodged at VCAT against Boroondara planning decisions were from objectors (although the absolute number of objector appeals in Boroondara are still among the highest in the State).

61 In 2002/03 Boroondara was ranked fourth, behind Yarra, Port Phillip and Stonnington; and in 2001/02, fifth, behind Port Phillip, Yarra, Stonnington and Glen Eira. (VCAT Planning & Environment List Survey - Applications Received in 2001/02 to 2004/05 — Released by VCAT on 24 August 2005).
Controversy over medium density housing development has often focused on VCAT and this should not be surprising, as multi-unit housing development is one of the main types of residential development to require planning approval. The number of VCAT appeals that involved multi-unit housing cannot be ascertained from the VCAT data shown in Table 5.3. A coalition of resident action groups (including Save Our Suburbs), as part of a campaign called “Planning Backlash”, have compiled their own data on VCAT decisions. This data (shown below in Table 5.4) concerns Planning List appeals relating to medium and high density housing developments only (for the 2005 calendar year). The three municipalities included in the Table are those which have the highest level of organised resident opposition to medium density development.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bayside</td>
<td>60</td>
<td>21</td>
<td>34</td>
<td>5</td>
<td>39</td>
<td>21</td>
<td>65.0%</td>
</tr>
<tr>
<td>Boroondara</td>
<td>128</td>
<td>46</td>
<td>74</td>
<td>8</td>
<td>90</td>
<td>38</td>
<td>70.3%</td>
</tr>
<tr>
<td>Stonnington</td>
<td>58</td>
<td>28</td>
<td>25</td>
<td>5</td>
<td>35</td>
<td>23</td>
<td>60.3%</td>
</tr>
</tbody>
</table>


Under the Planning and Environment Act, the level of discretion that either a local Council or VCAT have to grant or refuse a planning permit is very wide, but in the context of the VPP, the hierarchy of policies and provisions which might need to be considered is also very clear. This will often leave objectors to a development, whose views are particular and local, and whose working knowledge of the planning system (especially the law and policy behind it) is understandably limited, with the impression that VCAT decision-making is arbitrary and pro-development.62

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Legislation Controlling Land Subdivision and Transfer

The market for medium density housing has at different times greatly benefited from changes to the legal provisions relating to land titling and subdivision arrangements. These legislative changes have also influenced the types of dwellings being built. Prior to the Sale of Land Act (1962), any landowner who developed multi-unit housing (usually flats) on their property could only then sell the entire property. This owner could be a company and so the effective owner occupation of individual flats was often achieved using company law. However, it was difficult to obtain finance for home purchase arrangements under a company structure and so most of the flats built at the beginning of the boom in the late 1950s were developed as rental properties by individual landlords. The Transfer of Land (Stratum Estates) Act (1960) went some way towards relieving this situation, but it was not until Strata Titles Act (1967) allowed for full strata subdivision that it became possible for separate parties to buy and sell titles for individual units within a flat development. Strata subdivision was only possible once a development had been completed, so the developer still had to finance land purchase and construction prior to the sale of units.

One attempt to overcome this hurdle and at the same time promote a particular type of medium density development in Victoria was the Cluster Titles Act (1974). This legislation was somewhat unusual in being the result of lobbying by one particular building company (Merchant Builders — who, with architect Graeme Gunn, had pioneered the development of ‘cluster housing’ in Melbourne) and aimed to foster a particular approach to the design of medium density housing in new and established suburban environments. Under the provisions of the Cluster Titles Act, all the dwellings in a development of this type had to be on the ground, which had the added advantage of allowing subdivision to occur at any stage of the development process and hence for lots to be effectively pre-sold to finance the development. The unfortunate timing of the passage of the Act to coincide with a significant downturn in the national housing market and the near cessation of residential flat construction meant it had little immediate impact despite the enthusiastic
adoption of the *Model Cluster Code* (which effectively overcame the restrictive siting controls applicable to both flats and detached dwellings) by many Councils when it was released in 1976. The *Cluster Titles Act* and associated local codes were to have a more significant (yet still very modest) impact on medium density development in Melbourne during the late 1970s and early 1980s by allowing many of the low-rise ‘townhouse’ and ‘villa-unit’ developments typical of that period to be built. Both the *Strata Titles Act* (1967) and the *Cluster Titles Act* (1974) were repealed by the *Subdivisions Act* in 1988. Once again, the passage through Parliament of this Act just prior to a major downturn in the national economy meant that its implications for multi-unit housing development were also to remain latent for some years.

Legislation governing the sale of units “off the plan” had been clarified in the 1985 *Amendment (Act 10216)* to the *Sale of Land Act* (1962), requiring a ‘sealed’ (now called, under the *Subdivision Act* (1988), a ‘certified’) ‘Plan of Subdivision’ before sales could commence. This proved problematic, as purchasing off the plan was occurring before certification and municipal subdivision officers were being pressured to certify so developers could sell off the plan. In 1991 (Act 48) the requirement for certification under the *Subdivision Act* (1988) was removed and, after that, only a unique identifier (eg. lot number on a given ‘Plan of Subdivision’) was required. This has greatly freed up the capacity of developers to finance larger developments, again affecting the form of developments built; while also allowing more developers to operate and hence for a greater volume of development to occur. It has also led, in some cases, to legal problems (for instance, a developer might change the lot size to get certification, which in turn impacts upon the purchasers’ expectations about what they have purchased). It must be noted, finally, that the relationship between the housing market and property law is reciprocal: a growing market for a particular type of housing precipitates legislative change to facilitate its provision, and this in turn promotes the market for such housing.

63 My thanks to Gary Spivak from the City of Port Phillip, Council’s subdivision officer, Bruce Melen, and Dean Jackson from Mallesons Stephen Jaques, solicitors, for this and other information about “off the plan” sales.
Conclusions

The provision of medium density housing occurs within the State planning system. Throughout the post-war era, this system has involved both the development of metropolitan strategic plans which, since the 1980s have also constituted government ‘planning policy’, and statutory planning provisions which apply to actual property developments as they occur. Each of these parts of the system has changed in different ways and the relationship between these changes and medium density housing provision has been explored in this chapter. In metropolitan planning schemes and State planning policies, medium density housing has been conceived as the solution to a set of ‘planning problems’ which have changed little throughout the fifty-year period. Medium density housing provision has been consistently presented as a strategy for achieving a range of urban development and housing objectives and yet little attention has ever been given to the detail of how such strategies might be implemented.

The planning system is also a tool which governments use to control medium density housing development when it does occur and to negotiate the politics of its development. As medium density housing provision has waxed and waned in the post-war era, the planning instruments controlling its development have been modified to either facilitate provision or tightened to give greater control and predictability. In recent years (and roughly consistent with the growth of medium density housing development in Melbourne) these planning instruments have settled into a new status quo in which the often conflicting interests of land owners wishing to realise financial gains through development of their land, and those seeking to enjoy the use value of their properties are negotiated around the idea of “neighbourhood character” and the “appropriateness” of development. In spite of a change of government at State level and the complete restructure of local government, the main planning instruments governing medium density housing development (VicCode, the GDG, and ResCode) have changed hardly at all.
Through the course of this chapter we have seen that, in the planning schemes and policies for metropolitan Melbourne, urban consolidation through medium density housing development has had a long history and been a persistent policy response to a variety of urban issues. Given the nature of the development process, defined in Chapter Four, and the almost total reliance upon the market for housing provision in Australia, it should come as no surprise that medium density housing is not provided just because it can be shown that increasing its supply might have some social and environmental benefits. McLoughlin (McLoughlin 1992: 77-83) has described the history of metropolitan planning in Melbourne as one in which uneven development affected by the wider economic context has occasioned a series of reactionary planning schemes which have (erroneously in his view) focused attention on the spatial aspects of overall urban form. We argue that the policies about medium density housing provision that are embedded within these metropolitan planning documents can be similarly critiqued. These policies have tended to react to perceived crises of housing provision that themselves have been the result of uneven development processes. From 1954 this was the public cost of “suburban sprawl” and the perceived (social) “problem of inner suburban areas”; by 1981, the problem of “sprawl” had also been given a social and environmental dimension, while a perceived mismatch between the housing stock and household demand introduced the concept of “housing choice”; in 1987 the problem of housing “affordability” came onto the agenda; and by 2002, in light of all the above issues, accommodating overall growth in housing demand, especially from smaller households, was seen as the main problem. In each case, increasing the supply of medium density housing (often in activity centres) has been identified as the solution. Meanwhile, the actual provision of medium density housing has fluctuated, seemingly oblivious to this relatively constant policy context; itself (or its lack) being a part of the same uneven development processes to which the policies were reacting.

Planning at the local area and site specific level has tended to be more in reaction to these shifts in actual provision. The consistent approach to
controlling medium density housing development in the last fifteen years, despite other changes, are a planning response to actual development patterns and must therefore be seen in relation to the wider social and economic factors influencing the development process. That is, there is a negotiation between the development pressures confronting inner suburban areas in the metropolitan region and the desire of established residents to protect the existing place attributes of those same localities. The outcomes of the statutory planning process (which is a political process) are therefore often at odds — or at least in some tension — with stated planning policy. The deep contradiction between detailed, prescriptive planning and urban development strategies was noted by McLoughlin in relation to the MMPS (McLoughlin 1992: 52), where both functions were part of the same scheme. Keeping planning policy separate from statutory provisions in the twenty years since has done little to clarify the issue. Strategic documents like *Shaping Melbourne’s Future* (1987), *Living Suburbs* (1995), and most recently, *Melbourne 2030* (2002) have been criticised for their impotence in guiding urban development (McLoughlin 1992; Dodson 2003; Mees 2003) while statutory planning codes are blamed for producing outcomes which are deemed to be at odds with strategic planning objectives (Buxton and others 2003: xii; Birrell; O’Connor; Rapson, and Healy 2005).

When we look at how this planning system is applied within a particular local authority, we also see that the issues identified in Chapter Four as being relevant to the capacity of local government to manage medium density housing provision (constitutional weakness, an inability to deal with issues of wider significance, the low status of local citizenship, and a close association with property interests) are apparent. While local government administers the planning system, it is the State Government which controls it; but because the statutory process occurs at the local level, local actors are focused upon this process and not directly concerned with the broader planning issues that fall within state planning policy, further exacerbating the tension between policy and process already identified, by preventing clear feedback through the system. That said, however, the absence of strong local citizenship coupled with the very local significance of private property ownership both
heightens the political tension of the planning process and places a strong focus upon issues related to specific developments rather than the broader concerns. The significance of this will be further explored over the next three chapters. The next chapter considers why medium density housing provision has been such a contentious planning issue within the City of Boroondara in particular. Chapter Seven and Eight then explore how the planning system actually operates with respect to medium density housing development and considers what are the implications of this beyond issues of planning.
Chapter 6

The City of Boroondara: Social & Spatial Context

In Chapter Three, we discussed how the provision of medium density housing has been linked to a variety of policy objectives. In order to assess whether such objectives are being met and, more generally, to explain the significance medium density housing provision has in Melbourne and in Boroondara, this chapter will examine two things: the historical context of medium density housing provision in the municipality; and the contemporary demographic and housing market context. As discussed in Chapter Two, these represent ‘units of analysis’ associated with the municipal case study. First, the City of Boroondara is defined as both a geographical and political entity, and the historical development and cultural significance of its built environment are considered. Following this, we examine Boroondara’s housing market trends and demographic profile within the metropolitan context. This will include a brief audit of the nature and extent of medium density housing development in Boroondara over the course of the last decade. Finally, we shall consider the relationship between this type of development and housing market and demographic change.

The City of Boroondara

Geographical and Political Context

The Melbourne metropolitan area is, by world standards, very large for a city of three and a half million inhabitants. The City of Melbourne itself occupies a very small, yet significant place within the geography of the region, having a clear metropolitan significance in addition to being a political entity in its own right. There are some thirty additional local government areas (LGA’s — known as “cities”) that together form the remainder of the metropolis. These differ significantly in their demography, history, built form and place within
the regional economy; and yet, each would identify, through their relationship to the City of Melbourne, as being a part of “Melbourne” even though no such legal or political entity exists. This situation is typical of Australia’s state capital cities, all of which began as centres of colonial administration and were also typically the chief port servicing their State’s economy.

**Figure 6.1: Location of the City of Boroondara within Metropolitan Melbourne**

This map shows the local municipalities which together comprise the Melbourne metropolitan region. The City of Boroondara is indicated in relation to the central business district.

The City of Boroondara is one of these LGA’s of which metropolitan Melbourne is comprised and is shown in Figure 6.1. It lies to the east of the City of Melbourne but is not immediately adjacent, being separated from it by the City of Yarra. The Yarra River, on whose mouth into Port Phillip Bay the City of Melbourne and its port are built, forms the boundary between the Cities of Yarra and Boroondara: a strong topographical marker which provides a clear sense of separation from central Melbourne, despite actual proximity. The Yarra also defines a geological boundary, dividing the higher ground with good, sandy soils to the east of the river from the lower land with clay soils to the north and west. This favourable geographical location means Boroondara has always been one of the more desirable parts of Melbourne in which to live.
and, in the midst of an ever-expanding metropolis, its proximity to the amenities of the urban centre means it has continued to be a choice place of residence. The proliferation of ‘good schools’ and good quality housing that were the result of its early prosperity have also helped to perpetuate this status.

As already noted, the Melbourne metropolitan area was, until the Victorian local government reforms of the 1990s, made up of more than twice the number of LGA’s as exist today. The City of Boroondara came into being in 1994 as a result of the compulsory amalgamation of the former Cities of Kew, Camberwell and Hawthorn and is one of the few cases where pre-existing local government areas were simply combined with almost no alteration to the existing boundaries with other adjacent municipalities. Despite being taken in our case study as one homologous municipal area, it must be noted that there was some local variation between the three former municipalities that now make up the City of Boroondara. These differences will not be explored further in this thesis but are simply noted here in order to acknowledge that the spread and type of traditional and infill medium density housing is not even throughout the present municipality, and is in large part a result of the different histories of the three municipalities and their prior existence as discrete political entities. The uneven spread of medium density housing has also been influenced by other factors such as the presence of a university in Hawthorn.

**Historical and Cultural Context**

Boroondara is a local government area that is essentially comprised of suburbs. The suburban ideal — widely discussed as one of the cornerstones of Australian popular culture (Wark 1999; Gilbert 1988) — has been integral to the development of Melbourne since its earliest history, shaping the city’s built form, character and idea of itself (Lewis 1999). This is not unique within the Australian context but Melbourne is the biggest metropolis to exhibit these traits and to have done so for such a long period of its history (Frost 1991: 25). In Sydney, the only other Australian metropolis of comparable size, higher
residential densities, along with alternative housing and urban forms have had a higher level of acceptance historically (Frost 1990: 41). In consequence, medium density housing has played a bigger part in forming the urban fabric of Sydney and the consciousness of its residents. Despite these differences, both cities were profoundly affected by the flat boom of the 1960s (discussed in greater detail below) but it stands as more of an anomaly in Melbourne and came to an end much sooner. The demand for flats or other forms of medium density housing in Sydney had remained constant since the 1920s at around 30 per cent (Cardew 1980). In Cardew’s analysis, the flat boom of the ’50s and ’60s was accommodating a backlog of demand caused by the War and post-war restrictions, just as the earlier boom of the 1920s (and continuing at a reduced pace into the 1930s) had produced the original flat supply which brought Sydney’s flat-dwelling population close to the 30 per cent mark.

Melbourne does contain a number of Art Deco flats from the 1930s and the same period also witnessed the widespread development of another form of medium density housing: the semi-detached house; but neither proliferated to the extent they did in Sydney, nor has there been the same sustained growth in the number of residential flat buildings as Cardew has demonstrated for the New South Wales capital.

The emergence of suburban ideas and developments in Britain coincided with the English colonisation of Australia and was particularly influential in the early development of Melbourne. The *Melbourne Building Act* of 1849, which placed strict controls upon development in the central area of the town (the City of Melbourne), could not accommodate the rapid growth of the city following the Victorian gold rush of the 1850s, with the result that those areas which fell outside the zone covered by the Act developed to a much greater density than the region governed by the more stringent controls (Lewis 1999: 28). Beyond this ring of dense working-class settlement surrounding the City of Melbourne, the first ‘suburbs’ began to appear, comprised of elegant, free-

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64 This phenomenon raises issues which Lewis appears not to notice. Clearly the planning strategy adopted was unable to cope with the very rapid increase in Melbourne’s population in the decade to 1860, and the nature of the Act’s
standing villas set in landscaped gardens (Kelly 1977: 295). From the outset, the suburb was thus the preserve of the middle classes and construed upon ideas of avoidance and exclusion (Davison 1993; Fishman 1996: 24). This ‘gracious’ suburban expansion continued apace with the increasing densification of the urban ‘slums’ immediately surrounding the city, until the Depression of the 1890s brought all development to a temporary halt. The boom years of the 1880s, however, had already seen the beginnings of a new process of subdividing the larger suburban allotments — a trend which was to continue after the Depression eased.

The built environment in the City of Boroondara is largely a result of this process and in many ways typifies the development of suburban Melbourne and its ethos. Many of the two-storey, freestanding Victorian mansions that were built during the initial subdivision of the land east of the Yarra River remain today (in Kew, Hawthorn and the central part of Camberwell); some are now used as schools and other institutional buildings, but most continuing to serve their original function as grand residences.

While some of Boroondara’s original grand residences have been encroached upon by later development (left), others still retain extensive landscaped gardens (right).

requirements was such that compliance was only possible by those with significant resources of capital behind them.

65 Interestingly, one of Australia’s earliest examples of suburban subdivision, “Grace Park Estate” in Hawthorn (developed in accordance with precisely such logic), lies within the City of Boroondara. It was subdivided on a leasehold basis and marketed exclusively to the wealthy, the estate’s landlord requiring houses to be of a specified cost and their plans to conform to a particular set of specifications (Davison 1993: 11).
A number of these mansions were converted to boarding or rooming houses in the early twentieth century, but in the last decade or so almost all of these have reverted to their original use. Many of these Victorian mansions now sit among streets of suburban homes, although some have retained their expansive gardens. The oldest of these suburban streetscapes date back to the 1880s land boom but the majority are the product of ‘Federation’, Edwardian, and 1920s subdivisions. Although lacking the landscaped grounds of the earlier mansions, and generally being only single-storey, these homes were still typically of brick and spoke of solidity and affluence.

In this period also, and again following the Great Depression, many of the small farms that still existed in the City of Camberwell were also subdivided. The interwar and immediate post-war houses (see examples below) tended to be more modest than their earlier counterparts (most being of timber and
many of the brick houses being semi-detached), but this was not always the case.

![Image of a timber house from the interwar period (left), and a brick post-war house (right).](image)

Some areas of which the LGA is now comprised, especially suburbs in the north and south of the former City of Camberwell, were not developed until after the Second World War, and are fairly typical products of the post-war boom in suburban development, although the housing stock is generally representative of better examples of such development.

There has always been some medium density housing in Boroondara. The nineteenth century legacy includes some traditional terrace housing, mainly

![Image of Victorian era ‘terrace’ houses within the City of Boroondara.](image)
located in the former City of Hawthorn. Victorian terraces in Boroondara are typically larger than terraces in other parts of Melbourne and often exist as isolated rows (like the one pictured above), rather than as part of an urban fabric comprised of entirely of such streetscapes - such as can be found in the residential areas that are part of the City of Melbourne and immediately encircle the CBD. Streets of detached, single-fronted, nineteenth century “workers’ cottages”, like those below, can also be found in the central parts of Hawthorn and Camberwell, where they originally housed workers associated with the brickyards and other industries that were a small but significant aspect of Boroondara before the twentieth century. While not an attached house type, these dwellings do form pockets of dense urban form within the municipality.

*Timber ‘workers’ cottages’ in Hawthorn*

Like most other inner/ middle ring Melbourne municipalities which had already been largely developed prior to the Second World War, Boroondara also contains examples of medium density redevelopment and infill development from the 1930s and 1940s. These usually take the form of walk-up flats or semi-detached houses similar to those pictured below.
Not only is the traditional built environment in the City of Boroondara representative of the historic development of suburban street and housing forms in Melbourne and the ideals behind them, but this environment has played a significant role in the development of Australia’s national suburban culture and its critique. The suburban environments of the City of Camberwell in particular have been both central to the development of Australian suburban identity and used to portray that society and culture. 1970s television series *The Sullivans* which depicted Australian suburban life in the mid-twentieth century was set in Camberwell and actually filmed in neighbouring Hawthorn. The series is so closely related in popular culture to the type of suburban environment Boroondara epitomised and the culture it supposedly represented that it is often mentioned in association with references to the municipality contained in Victorian Government publications (Department of Infrastructure 1998).
Meanwhile, Barry Humphries, who built his career on the parody of Australian suburban life, was born and educated in Camberwell and based two of his caricature personas, Dame Edna Everage and Sandy Stone, on imaginary persons from that milieu. Although Dame Edna allegedly hails from Moonee Ponds, the character was based on Humphries’ observations of Camberwell society. There is no small amount of irony then in the fact that Barry Humphries (as himself) has been keen to lend a celebrity face to community opposition to development in his erstwhile local neighbourhood.

*Humphries is not the only international celebrity with ties to the municipality who has become involved in the local politics of urban redevelopment. Actor Geoffrey Rush has also used his media profile to assist opposition to the redevelopment of Camberwell Railway Station. This photo also featured prominently in *The Age* newspaper (28 April 2004, A3:1).*
Contemporary Housing Context

Demographic Profile

The population of Boroondara is 158,288 and has been increasing steadily at an average annual growth rate of 0.5% from 1991 to 1996 and 0.6% between 1996 and 2001. As an existing built up area, this has been understandably lower than the metropolitan average annual growth rates for the same periods, but also has not kept pace with the degree to which this rate is increasing for the whole of Melbourne (from 0.8% to 1.2%). With the exception of the City of Melbourne itself, the LGAs which have exhibited the highest growth rates over the last ten years are all at the urban fringe (most notably Melton, Casey, Wyndham and Hume). The largest single population increase for each of the last two census periods was recorded in Casey where the addition of well over 30,000 residents by each Census is double the population increase of the next fastest growing LGA’s. By contrast, Boroondara, with an additional 4,428 people over the same period, is playing only a modest role in helping absorb Melbourne’s currently expanding population.

Figure 6.2: Age Profile, Boroondara and Melbourne Statistical Division, 2001

Source: ABS Census of Population and Housing, 2001
As Figure 6.2 shows, the distribution of age groups in the Boroondara area is similar to that of Melbourne as a whole, except there are a slightly higher proportion of people in the 75 and older age group and a lower proportion of 25-34 year olds. Of more significance to housing than population figures, however, are changes in household types and the rate of household formation.

**Figure 6.3: Household Structure, Boroondara and Melbourne Statistical Division, 2001**

![Household Structure Chart](chart.png)

Source: ABS Census of Population and Housing, 2001

Boroondara is presently something of a microcosm of the household structure of the whole of Melbourne, as Figure 6.3 shows. In both Boroondara and the Melbourne statistical division, the most common household type is couples
with children, closely followed by lone person households and couples without children. The distribution is comparable, but Boroondara houses a slightly larger proportion of single person households and a lower percentage of sole parent and group households.

While this snapshot in time (2001) shows Boroondara as the quintessential Melbourne LGA in terms of age profile and household structure, this disguises a profound difference which only becomes apparent when the demographic changes of the last decade are taken into account: Boroondara is actually running counter to the metropolitan trends in a number of key respects. Trends which have been observed for Melbourne as a whole include: the general ageing of the population; the decreasing importance of the conventional nuclear family; and the sustained growth of single person, childless couple, and single parent households (Burke and Hayward 2001: 83). Boroondara, however, does not exhibit an ageing population – one of the biggest demographic changes affecting housing for the whole of Melbourne. The total number of people aged 60 and over in Boroondara has in fact been decreasing steadily since the early 1990s. The cohort to exhibit the strongest growth over the decade is 50-54 year olds, although this was typical for Melbourne and can be explained to some extent by the post-war baby boom.

Boroondara is also moving against the general metropolitan trends in household formation. The number of couples with children increased between 1996 and 2001, both in absolute terms and as a proportion of the total number of households. It is quite probable that the influx of families with children can be accounted for by the presence in Boroondara of an unusually large number of desirable secondary schools. Secondly, by contrast, those household types which have been growing the most at metropolitan level – single persons, older childless couples (“empty-nesters”) and lone parent households – have remained fairly constant within Boroondara, thereby bringing the municipality’s once high figures for households without children into line with the rest of Melbourne, while falling behind other LGAs in accommodating single parent families.
The only household type to have clearly declined in Boroondara over the last decade is the group household. While still containing a greater proportion of share houses than metropolitan Melbourne, the decline (about 100 households a year for the last ten years or more than 1 per cent) is significant because the City of Boroondara contains a university campus and shared housing has increased in number and comprised a constant four per cent of all Melbourne households for the same period. Together, this decline in shared accommodation, and Boroondara’s declining role in accommodating single parent families, point to the decreasing affordability of housing in the area.

Where Boroondara differs most from other LGA’s in the Melbourne region is with respect to the education and income levels of its population. Compared to other locations in Melbourne, the City of Boroondara has a greater number of households in the highest income quartile and fewer households in the lower income quartiles, to the degree (as pointed out in Chapter Two) that it is one of the most affluent local government areas in Australia.

**Figure 6.4: Boroondara Household Income, by Melbourne Statistical Division Income Quartiles, 2001**

![Bar chart showing household income quartiles for Boroondara in 2001.]

*Source: ABS Census of Population and Housing, 2001*

High incomes are indicative of the general socio-economic advantage of Boroondara residents compared to other Melburnians. The Australian Bureau

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66 Tertiary students are typically major constituents of group households.
of Statistics’ (ABS) Socio-Economic Indexes For Areas (SEIFA), Index of Education and Occupation – the drivers of income – is mapped in Figure 6.5,

**Figure 6.5: City of Boroondara, Showing SEIFA Index of Education and Occupation by Melbourne Statistical Division Deciles, 2001**

*Source: ABS, SEIFA Indexes, 2003.*

showing that, with the exception of a pocket in the south-east corner (the Ashburton public housing estate) and the north west (the former Kew Residential Services site), most of the municipality is in the top few deciles,
and much of it in the top decile. The high incomes and general affluence of the Boroondara population would mean that the market for new dwellings in the area is likely to be high; and dwellings provided would be aimed at the upper (more profitable) end of the housing market.

**Housing Types and Market Trends**

The attributes of the housing system in Boroondara also are important in understanding the problems and issues in medium density housing provision. The stock of medium and higher density housing in Boroondara increased steadily throughout the late 1980s and early 1990s with about 1000 new multi-unit dwellings added to the LGA between each census date from 1986 to 1996. Between 1996 and 2001 however, a little over 2000 new multi-unit dwellings were built within Boroondara – double the rate of construction for the two previous census periods. As a proportion of the total housing stock, medium and high density dwellings now represent over 35 per cent,\(^{67}\) compared to 30 per cent in the mid-1980s. Furthermore, at the time of very lean growth in medium density housing in the late 1980s, when the metropolitan increase was just 0.2 per cent, the proportion of such stock to be found in Boroondara increased by 1.5 percentage points.

In the metropolitan context these figures are high (see Figure 6.6). By 2001, multi-unit housing accounted only 24.6 per cent of all Melbourne’s housing stock. Medium density housing did grow as a proportion of the total number of dwellings in Melbourne throughout the 1990s, but only increased its share of the total stock by one *per cent* (at the expense of low density development). Despite extensive residential redevelopment at very high densities in and adjacent the CBD, the growth of high density housing for metropolitan Melbourne only kept pace with total housing growth.

\(^{67}\) 35.3% at the 2001 Census.
In terms of the number of medium density dwellings added during the decade of the 1990s (shown in Figure 6.7), Boroondara ranks seventh among Melbourne’s thirty-one LGA’s.
Figure 6.7: Boroondara, Change in Dwelling Composition by Statistical Local Area, 1991-2001

Low Density: Separate house.

Medium Density: Row/terrace house; Semi-detached house; Flat/unit in a one or two storey block, attached to a house or attached to a shop.

High Density: Flat/unit in a three or more storey block.*

*Please Note: In other analysis, ‘high density’ is defined as four or more storeys. This option was not available for time series data. The figures for both medium and high density dwellings will therefore differ from others given in this chapter.


At a cursory glance there does not appear to be as strong a relationship between medium density development and the stock of single detached houses in Boroondara as one might suppose. The number of separate houses in the LGA decreased drastically between 1991 and 1996 (by 832) compared to the previous census period (only 174), while in the subsequent five years (1996-2001) – the period of the greatest increase in higher density housing – the number of detached private dwellings actually increased by 657 (although it continued to decline as a proportion of all dwellings in the LGA). One possible explanation for this is that the form of medium density housing most commonly being built has changed during this time. The inherited legacy of the 1960s boom in higher density housing was large numbers of two and
three storey walk-up apartment buildings, known colloquially as “six packs”. These usually contain a minimum of six individual flats and were typically built upon sites which had formerly each contained a single detached dwelling. Such medium density development as occurred after the end of the flat boom generally consisted of so-called “villa units” – single storey, usually attached dwellings sited along the length of a block originally subdivided for a single detached house. The role of dual occupancy policy in the demise of this housing form has already been mentioned (Burke and Hayward 1990; Mitchell 1999) and may account for the loss of greater numbers of detached houses in the early 1990s compared to the late 1980s, while no commensurate gain in the number of new medium density dwellings was recorded.68

The on-going popularity of replacing a single detached house with two dwellings – attached or otherwise – which has been widespread in Boroondara since that time, could simultaneously explain the significant increase in medium density development between 1996 and 2001 and the increase in the number of detached dwellings for the same period. This is because the way buildings are classified according to the Census may have struggled to cope with the tendency of some dual occupancies (as well as some more intensive residential developments) to be built as detached dwellings on the same block, leading to their classification as single detached houses (Australian Bureau of Statistics, Manufacturing and Construction Section 1999). Attached versions of the same type of development would be classified as row, terrace or town-houses, and these forms of medium density are growing as a proportion of Boroondara’s residential building stock (from 10.2% to 15.3% in just five years) at a far greater rate than flats, units or apartments whose share of the housing market actually declined by three per cent.

Figures 6.8 to 6.10 indicate the spread of different dwelling density types across the City of Boroondara at the 2001 Australian Census. As can be seen,

68 The proportion of dwellings in Boroondara that were detached fell by three per cent while the proportion of medium density housing grew by only one per cent in this time.
medium density housing is spread across a large area of the municipality but is more concentrated in Kew and Hawthorn.

**Figure 6.8: City of Boroondara, Showing Number of Medium Density Dwellings by Census Collector District, 2001**

Note: “Medium density dwellings” includes all attached houses, flats in buildings up to and including three storeys high, and flats attached to shops or houses.

Total Medium Density Dwellings: 19,591.

Source: ABS Census of Population and Housing, 2001
Low density housing is the dominant dwelling type throughout most of the municipality. In many places it is almost ubiquitous, especially within Balwyn North.

**Figure 6.9: City of Boroondara, Showing Number of Low Density Dwellings by Census Collector District, 2001**

Note: “Low density dwellings” refers to separate houses. Total Low Density Dwellings: 36,698.

Source: ABS Census of Population and Housing, 2001
There is a very limited amount of high density accommodation in Boroondara and this is concentrated in a handful of developments in Hawthorn (where some is associated with Swinburne University) and in Kew.

**Figure 6.10: City of Boroondara, Showing Number of High Density Dwellings by Census Collector District, 2001**

Note: “High density dwellings” refers to flats in buildings of four or more storeys. Total High Density Dwellings: 497.

Source: ABS Census of Population and Housing, 2001
**House Prices**

House price data is also important for understanding medium density housing provision, as developers are more likely to invest in a housing market where real price growth presents a good market opportunity. Real median house prices in Melbourne rose sharply in the late 1980s, following a slow start at the beginning of the decade, and peaked just prior to the stock market crash in 1989. Steady falls in the early 1990s were followed by a period of house price inflation that, while strong, was unable to regain the high point of the late 1980s before the decade was out. New record high levels for median house prices in the Melbourne statistical division have since been reached, and at the time of writing the market has flattened but remains strong. Such observations at the metropolitan level mask a very significant development in the finer grain of analysis. One of the key changes in Melbourne’s housing market during the last ten to fifteen years has been its increasing spatial differentiation. While median house prices fell for Melbourne as a whole in the early 1990s, some parts of the city (particularly inner and middle ring suburbs) retained their value and in the late 1990s began to record extremely high price increases. Other areas (principally outer and fringe suburbs) fell further behind the metropolitan median once prices began to rise sharply in the latter part of the decade.

Boroondara is in the former category. In the period 1990-1999, against the backdrop of the slight fall at metropolitan level, the real median house price in some parts of Boroondara increased by more than 50% (Burke and Hayward 2001: 40). Relative to other Melbourne LGA’s, each of the three former municipalities which now comprise Boroondara (Camberwell, Hawthorn and Kew) have historically been among the more highly priced residential areas of Melbourne, consistently appearing among the top few median priced suburbs for several decades. What has changed in the broader context is that the ranks of the top priced Melbourne suburbs have been joined by inner urban

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69 Burke and Hayward note that this was the first time since the Second World War that a decade has past without a real increase in median house prices for Melbourne having been recorded (Burke and Hayward 2001: 39).
localities not formerly known as expensive residential areas, while almost all areas more than ten kilometres from the CBD have experienced a relative fall in demand. In this process, the suburbs of Boroondara have become significantly more expensive than previously and have widened the gap between themselves and more affordable locations further from the CBD. This phenomenon may be observed in Figure 6.11.

**Figure 6.11: Boroondara Real Median House Prices Compared to Greater Dandenong & Metropolitan Medians, 1985-2005**

![Graph showing Boroondara, Greater Dandenong, and Melbourne Metropolitan real median house prices from 1985 to 2005.](image)

*Source: Valuer General, converted to 2005 dollar values.*

The high relative growth of real house prices in Boroondara since 1996 is obvious; while for Greater Dandenong, an outer Melbourne LGA which recorded the lowest median house prices over the period, a significant fall in house prices during the 1990s and subsequent slow recovery are also clearly visible.
This spatial reorganisation of residential property wealth brought about by differential levels of house price inflation also reinforces the spatial distribution of rising income inequalities (Burke and Hayward 2001: 41). The residents of most inner and middle ring areas of Melbourne experienced real income increases during the 1990s of 20 per cent or higher while real incomes for many areas of outer Melbourne rose by less than 10 per cent. Boroondara recorded some of the highest increases in after tax income in Melbourne. Burke and Hayward attribute these income inequalities in large part to changes in employment markets, with the growth of so-called “new economy” jobs occurring predominantly in inner Melbourne, especially the inner east (including Boroondara), where employment growth between 1989 and 2000 was 27.4 per cent. The simultaneous decline of “old economy” manufacturing and industrial jobs, which had been substantially located in the outer suburbs, kept employment growth down to 1.1 and 2.1 per cent in the same period for outer eastern and southern parts of Melbourne respectively (Burke and Hayward 2001: 19). The growth of both incomes and house prices vis-à-vis other areas may have been one of the reasons that developers were attracted to Boroondara in the 1990s.

The Housing Market Context and Its Implications for Medium Density Housing Provision

The provision of medium density housing in Boroondara occurs within a broader metropolitan (and even national) context in which two distinct booms in the construction of medium density housing during the post-war period are to be observed (see Figure 6.12). The first is the so-called 1960s flat boom and the other is the recent (and less intense) boom in medium density housing construction. Their potential causes and the effects upon metropolitan Melbourne and the City of Boroondara are now discussed.
From the late 1950s, a number of factors contributed to a boom in the development of multi-unit housing in Australia’s largest cities. Principal among these was a growth in the sheer number of households being formed and requiring accommodation. In particular, the children of the post-war “baby boom” reaching adulthood and wanting to enter the housing market fuelled the peak in demand from the late 1960s and into the early 1970s. More broadly, growing economic prosperity appears to have occasioned a cultural shift in the relationship between housing choices and life cycle, whereby both young adults and retirees who might have lived “at home” with their parents or the families of their children respectively, began seeking independent accommodation. R.W. Archer has referred to this shift as “an increase in housing standards in the form of higher household occupancy ratios” (Archer 1980: 176).

The high demand for medium density housing options throughout the 1960s and into the 1970s coincided with an environment favourable to investors who were keen to finance flat and townhouse construction. Stable and relatively low interest rates coupled with an urban property boom which encompassed all housing types meant that developers could obtain a good return on their investments either through operating as landlords in the private rental market or by selling developments to realise capital gains. In May 1974, the equilibrium between the demand for and the provision of medium density housing was upset when the Federal Government responded to the global credit squeeze in the wake of the oil crisis by raising interest rates and curtailing bank lending. Financing the development of rental properties ceased to be viable economically and blocks of flats also proved hard to sell. Many investors got out of the market by selling off individual units to would-be owner-occupiers through the mechanism of strata subdivision, which had been introduced in Victoria in 1967.71

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70 Much of the information on the residential flat boom of the 1960s presented here was obtained from a paper by R. W. Archer (Archer 1980).
71 The Strata Titles Act (1967). See the discussion of legislation governing the subdivision and transfer of property in Chapter Five.
1960s flats in Boroondara. These front a main road and are in a neighbourhood that underwent a substantial amount of redevelopment at this time. The insertion of such buildings within the existing urban fabric (below) was not always as sensitive as it could have been.

Whether the demand for medium density housing may have been sustained if the economic climate had remained favourable must remain an unanswered question, but in 1971 Max Neutze suggested that the flat boom had been servicing a backlog in the demand for units and townhouses and predicted “there could be some easing in the rate of new construction once the shift in the demand pattern has been accommodated and once the growth in the numbers of the 18-25 age group eases.” (Neutze 1971). Beyond the economic questions of supply and demand, new local planning controls in response to the negative reaction of established residents also began to curtail and complicate the process of medium density housing provision. This impact was felt more keenly in Melbourne than in Sydney. In the New South
Wales capital the effect of the backlash was incremental because local planning controls had evolved alongside the boom in housing construction. In Melbourne however, planning control over development was administered by a central bureaucracy (the MMBW) up until 1969. When the administration of planning controls was devolved to local councils in that year, a great many adopted measures that were more strict than either the MMBW (see Chapter Five) or comparable Sydney LGA’s; and this is the most likely cause of the 1969 slump in medium density housing construction (unique to Melbourne and that sector of the housing market). After 1969, the construction of medium density housing in Melbourne continued at a lower ebb than previously until, from mid-1974, due to the events already mentioned, it began to fall steadily relative to the production of detached houses.

Figure 6.12: Medium Density Housing Commencements as a Proportion of All Dwelling Commencements, Melbourne Statistical Division, 1956/57 - 2002/03

Please Note: Dwelling Commencements to 1996 and then Approvals.

72 For instance, some thirty Melbourne councils imposed a two-storey height limit on residential buildings compared with only five municipalities in the Sydney metropolitan area (Archer 1980: 184).
By the start of the 1990s, private medium density housing starts in Victoria had reached an all-time low: the figure for the 1988/89 financial year was 2,772. Following the sudden drop from the peak of 13,160 in 1968/69, a steady decline had continued throughout the 1970s, levelling off at around 4000 starts per year in the early 1980s. While the introduction of a dual occupancy policy in 1985 prompted a mild increase in medium density housing construction in that year (5,473 starts), the modest figure of around 4,000 starts per annum that had prevailed in the early 1980s was not regained until some time in 1996. From that time the rate of medium density housing construction increased steadily at a rate of around 1,000 extra dwellings per year, attaining a figure of just over 11,000 in both 1999/2000 and 2001/02. The sudden jump in 1999/2000 followed by an apparent fall in 2000/01 may be explained by developers rushing to lodge development applications before the introduction of the Federal Goods and Services Tax (GST) on 1 July 2000.

Many of the external factors which contributed to the 1960s boom appear also to have pertained since the mid-1990s. There has once again been a period of stable and low interest rates, some relaxation of planning controls, and a substantial shift in overall housing demand, fuelled this time by the children of baby boomers (the largest single age cohort) moving into independent living, and growth in the number of single person and childless couple households. The big difference between the 1960s flat boom and the present rates of medium density construction is the greater variety of medium density housing forms that are being built; a sign that the market for this housing type is now more complex and differentiated than hitherto. This market differentiation and its accompanying variety of built form also exhibit a clear spatial pattern. Burke and Hayward see the nature of these differences, in concert with their global ubiquity, as “heralding a permanent structural change in Melbourne’s housing market” (Burke and Hayward 2001: 79).

To a far greater extent than the flat boom of the 1960s, recent medium density construction has been very unevenly distributed. The growth of medium and high density (multi-unit) housing has been concentrated in inner urban areas,
and even here there has been substantial local variation, “both in terms of the number of dwelling approvals and the type of dwellings approved, but also in terms of the impact of dwelling approvals on dwelling stock and populations.” (Buxton and Tieman 2004: 48). When the sort of spatial analysis of built form conducted by Buxton and Tieman is brought into dialogue with analysis of the housing market, as in Figure 6.13, the correlation between medium density housing development and house price inflation (and hence also housing affordability) in the Melbourne metropolitan region is shown to be strong (Burke and Hayward 2001: 61). Such observations shift the focus of the issues confronting medium density housing provision from the observed demographic trends and housing stock attributes to the wider economic and social contexts in which they occur.

**Figure 6.13: Real House Price Changes and Medium Density Housing Starts Relative to Low Density Starts, Melbourne LGAs, 1992-1998.**

![Graph showing real house price changes and medium density housing starts relative to low density starts across various Melbourne LGAs from 1992 to 1998.]

*Source: Burke and Hayward (2001: 61). Used with permission. Please Note: Left axis should read “Medium density starts as % of low density starts.”*
The peculiar spatial focus of the boom in the construction of medium density housing in Melbourne since the 1990s is better understood in relation to broader cultural and economic changes impacting upon Australian cities, and which are usually attributed to the process of ‘globalisation’. The effects of such changes have been felt in relation to the labour market and the location of employment opportunities with, respectively, the ‘casualisation’ of work and the renewed importance of the central business district as the focus of an increasingly service-oriented economy. The growth of ‘new economy’ jobs in and near the CBD at the expense of manufacturing, which had been substantially located in the suburbs, has enhanced the popularity of inner-urban areas as residential locations and plunged some outer suburbs into a state of significant economic malaise. The disproportionate spread of house price increases (and absolute land values) in favour of inner urban areas has been matched by substantial re-development of residential (and even previously non-residential) land at higher than usual housing densities. Such trends are symptomatic of global economic changes and may be observed in cities throughout the developed world (Graham and Marvin 2001). Whether or not Birrell et al. (Birrell; O’Connor; Rapson, and Healy 2005: 1) are correct when their demographic analysis leads them to disagree with ‘the assumption that an ageing population and the associated smaller households will want to downsize to smaller dwellings and thus generate an increased demand for medium to high density housing,’ the particular spatial manifestation of the production of multi-unit housing in metropolitan Melbourne would appear to support the notion that it is more strongly related to (global) economic transformation and its effects upon urban land values than to demographic changes per se.

Having established that Boroondara, while reasonably typical of Melbourne’s current demographic constitution, does not exhibit the same sorts of demographic shifts taking place in the city as a whole (see Table 6.1), we will now investigate how these characteristics being both played out in and influenced by the residential built environment.
Table 6.1: Change in Household Types, Boroondara and Melbourne Statistical Division, 1991-2001

<table>
<thead>
<tr>
<th>Household Type</th>
<th>Boroondara 1991</th>
<th>Boroondara 2001</th>
<th>Diff</th>
<th>% Diff</th>
<th>Melbourne SD 1991</th>
<th>Melbourne SD 2001</th>
<th>Diff</th>
<th>% Diff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Couple with children</td>
<td>17,633</td>
<td>19,233</td>
<td>1,600</td>
<td>9%</td>
<td>433,292</td>
<td>440,404</td>
<td>7,112</td>
<td>2%</td>
</tr>
<tr>
<td>Lone parent with children</td>
<td>4,335</td>
<td>4,450</td>
<td>115</td>
<td>3%</td>
<td>95,873</td>
<td>127,431</td>
<td>31,558</td>
<td>33%</td>
</tr>
<tr>
<td>Couple under 55</td>
<td>4,722</td>
<td>5,657</td>
<td>935</td>
<td>20%</td>
<td>105,690</td>
<td>132,029</td>
<td>26,339</td>
<td>25%</td>
</tr>
<tr>
<td>Couple 55 or over</td>
<td>6,453</td>
<td>6,782</td>
<td>329</td>
<td>5%</td>
<td>115,304</td>
<td>148,627</td>
<td>33,323</td>
<td>29%</td>
</tr>
<tr>
<td>Total Couples</td>
<td>11,175</td>
<td>12,439</td>
<td>1,264</td>
<td>11%</td>
<td>220,994</td>
<td>280,656</td>
<td>59,662</td>
<td>27%</td>
</tr>
<tr>
<td>Lone person under 55</td>
<td>5,920</td>
<td>6,377</td>
<td>457</td>
<td>8%</td>
<td>96,407</td>
<td>140,396</td>
<td>43,989</td>
<td>46%</td>
</tr>
<tr>
<td>Lone person 55 or over</td>
<td>8,430</td>
<td>8,188</td>
<td>-242</td>
<td>-3%</td>
<td>107,044</td>
<td>137,359</td>
<td>30,315</td>
<td>28%</td>
</tr>
<tr>
<td>Total Lone persons</td>
<td>14,350</td>
<td>14,565</td>
<td>215</td>
<td>1%</td>
<td>203,451</td>
<td>277,755</td>
<td>74,304</td>
<td>37%</td>
</tr>
<tr>
<td>Total</td>
<td>47,493</td>
<td>50,687</td>
<td>3,194</td>
<td>7%</td>
<td>953,610</td>
<td>1,126,246</td>
<td>172,636</td>
<td>18%</td>
</tr>
</tbody>
</table>


Recent shifts in the consumption of different housing types in Boroondara (shown earlier) are reflective of the what is happening at metropolitan level, but the trends are more exaggerated: consumption of detached housing continues to exhibit a weak but consistent decline; semi-detached and row housing, after a brief slump in the early 1990s, has shown the strongest growth of any housing type (more than 50% in five years); and flats and units, which exhibited the strongest growth in the early 1990s, have since fallen behind so far as to undo almost all gains on their initial market share (and actually decreased in absolute terms). How these changes to Boroondara's housing stock relate to its unusual trends in household composition is explored in Tables A3.1 and A3.2 (contained in Appendix Three), where the change in the consumption of different housing types by different household types in Boroondara, over the period 1991-2001, is shown compared to metropolitan Melbourne and to the City of Melbourne LGA, which experienced the highest rate of growth of both households and multi-unit housing over the period.
Looking at the changes in the household composition of Boroondara during the 1990s, the main growth has been among couples aged below fifty-five, most of whom have children. Couples with children are the main consumers of detached housing but these households also greatly increased their consumption of medium density housing during the decade; and this was by far the main housing type consumed by couples without children (especially those under fifty-five). The next fastest growing household type, lone persons under fifty-five, have also been major consumers of medium density housing.

Of the additional 2,280 medium density dwellings added to the municipality during the period, almost two thousand of these (1,972 or 86%) have accommodated younger households (under fifty-five). All lone person household types (with or without children) have greatly increased their consumption of high density housing, as have couple households without children. At one level, this concurs with Birrell et al.’s findings that persons aged fifty-five and over are not consuming medium density housing, despite Melbourne’s ageing population being a rationale for its provision in State policy (Birrell and others 2005); a fact which Birrell et al. attribute to a “low propensity to move” among this age group (Birrell and others 2005: 04-1). However, by only studying metropolitan level demographic data, Birrell et al. miss the point that older households are moving out of locations (like Boroondara) in which multi-unit development is occurring; and that changing patterns in the consumption of different housing types by different household types has to do with issues other than housing preferences. This further underscores the importance of municipal level analysis, such as we are conducting in this thesis, for understanding the issues associated with medium density housing provision.

Within the City of Melbourne, which accounted for over half the increase in high density housing within the metropolitan region, the greatest household growth has been of under fifty-fives without children (either singles or couples). These households account for eighty-five per cent (5,266 of 6,181) of total household growth and consumed an even mix of medium and high density housing. At metropolitan level, where the overall dwelling structure changed little, the fastest growing household types were lone persons (37%),...
lone parents (33%), and couples without children (27%). The lone person households were mainly younger, the couples without children mainly older. Households without children (lone persons and couples) were the primary consumers of new multi-unit housing, with most of the higher density stock consumed by younger households of these types. The household types which most increased their consumption of low density, detached housing were lone person households, including lone parents. Older couples were also significant consumers of this stock. Between them, these household types increased their consumption of low density dwellings during the decade by 92,688, which represents eighty-six per cent of the total increase of this dwelling type (107,923). Couple families with children experienced by far the least growth of any household type (only 2%), but most of this small increase (78.5%) was accommodated by medium density housing.

What these comparisons with both the metropolitan area and the City of Melbourne suggest is that the consumption of different housing types has very little to do with household type per se, and a lot do with household income and the spatial effects of changes within the metropolitan housing market that began to manifest during the 1990s. There is greater competition for inner urban locations where there is also a greater proportion of multi-unit housing. Outer urban locations, which are predominantly comprised of detached houses, have more affordable housing markets. Overlaid upon this primary pattern, it would appear there is a general preference for detached housing (secondary to location preference) but that this preference is more pronounced in households of over fifty-five year olds.

Conclusion

Boroondara is a locality of very high advantage and one which is particularly desirable to high income families wishing to take advantage of the area’s high amenity value, attractive residential environments and the large number of highly desirable schools. High and rising property prices are making it very difficult for low income and single income households to compete in this
market, and the presence of such households in Boroondara is consequently in decline. Single income households are increasingly relegated to the limited stock of high density dwellings, and where their consumption is of medium density housing it is of flats and units rather than attached houses. The growth households are consuming both detached and medium density housing, suggesting that the market for medium density housing is largely driven by the high demand for Boroondara’s locational attributes. The existing stock of low density housing is clearly not sufficient to sate demand for the location, while the continuing prospect of good returns on property investment makes redevelopment economically viable and perhaps even highly attractive. Such redevelopment is, however, a threat to the very amenity which makes it attractive; and is also contrary to the municipality’s long-entrenched suburban ethos.

In the next chapter, we will explore in detail the process by which medium density housing development – the main type of property development occurring within the City of Boroondara and a significant part of the Melbourne housing market – is occurring, and how this process is being managed by local government. Given some of the above findings: that increasing demand for medium density housing and the declining affordability of inner suburban locations are both part of the same recent reorganisation of Melbourne’s housing market; it is also possible for not-for-profit organisations (and governments) to capitalise on the increased value of already-held land and use the construction cost savings of medium density development as a means to supply affordable housing in a location such as Boroondara. The development process associated with this type of housing provision is explored in Chapter Eight.
Chapter 7

The MDH Development Process 1: Durham Road, Surrey Hills: A Typical Case

This chapter presents and analyses the results of an investigation into the processes associated with a medium density housing development built in the late 1990s in an eastern part of the City of Boroondara. It is intended to provide a fine-grained and grounded case investigation of the process of medium density housing provision and its management, which are the broader concerns of this thesis. It functions as an embedded, particular case within the wider municipal case study that constitutes the main focus of the research, grounding observations of the development process, its outcomes and how it is managed, within a particular set of contingencies. The process for the selection of this development and the methods used to investigate it are described in Chapter Two.
An initial development proposal for this site was the subject of strong resident opposition, resulting in its substitution by a slightly less contentious alternative that achieved approval through the State Tribunal, VCAT. The property was sold to a second developer prior to construction. This chapter reconstructs the local planning process relating to this development using the records contained in Council’s files. The story behind the development process documented here is fleshed out using data from interviews with the key actors involved, before some analysis is offered and concluding observations are made.

Five in-depth interviews were conducted as part of the research for this chapter and a further one sought but refused. The statutory planning officer who handled the planning application process, BS, was one of those interviewed. At the time of the Durham Road application BS was one of two Team Leaders within the Statutory Planning Department at Boroondara Council but now works in a more senior role for the City of Darebin. The key objectors to the development were also sought for interviews. Of the 119 objectors to the development at 42 Durham Road, two were particularly responsible for organising and sustaining the opposition to it. From responses to a letterbox drop seeking interviewees, and confirmed by documents in the Council’s file, TE, a neighbour to the south, and JT, a neighbour to the rear of the development, were soon identified as the chief protagonists. Interviews conducted with each of them were an important source of data for this chapter.

In seeking to get the perspective of property development interests when investigating this particular instance of medium density housing development in the City of Boroondara, interviews were sought with the initial developers, their planning consultant, and with the final developer of the site. It was discovered that the initial development interest was a partnership between two individuals, RS and SR, who operated under the names of their respective property-related companies (Competitive Concepts Pty Ltd and S & R Property Development Pty Ltd). Both of these men had since moved into other areas of business activity and only RS was still
contactable on the details available. Now working as National Sales and Marketing Manager for a large property company, he was interviewed at their offices concerning his recollection of the experience of developing in Durham Road. SK, who was still working as a consultant planner, was also interviewed regarding his role in the process and for his (professional) views on the broader issues of planning policy, medium density development and the role of urban councils.

The attempt was also made to arrange an interview with GR, of Swenrick Building Construction (now Swenrick Constructions Pty Ltd), who had purchased the property from the original developers and built the three units. He was contacted by telephone at Swenrick’s office but upon hearing that Boroondara Council was involved as an Industry Partner in this research project and that the specific developments studied would be identifiable by them, refused to participate in a formal interview and seemed very keen to end the conversation. When asked why, he simply stated, “I’d rather not relive the experience, too many bad memories.” How the involvement of Council specifically affected his willingness to participate is unclear. He was contacted again by mail and given another chance to participate in the research but did not respond.

The Development Process: the Story

Initiating the Development Process

In January 1998 (7th), an application for a planning permit was received by the City of Boroondara’s planning department from SK (of Stephan Koenig Planning Pty Ltd), a private planning consultant. This was just one week after the owner had taken possession of the property (three months after purchase). The application drawings indicate Marwood Homes and Integrated Property Investments as the clients of the design company; but the applicants for the development were Competitive Concepts Pty Ltd and S

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73 At the beginning of Melbourne’s house price boom.
& R Property Development Pty Ltd. SK acted on behalf of the developers and was the only person with whom Boroondara Council had any dealings. According to SK, one of the developers was “in real estate and finance” and the other was “an ex-local government planner.” They had worked together before in Newport and he described these developments as “highly successful”. RS said he had purchased the property from someone he “used to play football with” and set out to develop it with SR, with whom he had “had some good success with a couple of other developments”. The pair had developed medium density housing before but this was the first time they had attempted a development within the City of Boroondara.

TE, the owner-occupier of one of the neighbouring properties, and who instigated much of the resident opposition, had a very different understanding of how the development process was initiated.

“The guy who owned the property, who sold it to the developers, he was a person who’s only interested in buying large allotments at the right price and then on-selling them to developers. The two developers struck me as pretty dumb. Like, if I was running a business and I was trying to do what they would have done I would have handled it, I think, a bit better. But I think they were just a pair of nub-nubs and they probably believed what this guy said, and that ‘You can put a four unit development on it, you’ll be right. The neighbours are idiots, away you go.’ And they bought it. Because [...] there was no for sale signs, no nothing. It all was a deal struck overnight. And that guy that owned the property has since done another two to my knowledge where it’s the same. He just goes in, he sits on it for six to twelve months, works out a story and then sells it to someone.”

With this in mind, I asked RS about the old football acquaintance from whom he had purchased the property, to get a feel for how RS now viewed his actions. He named the man but was vague in his recollections about how long he had owned the property and whether or not he had been speculating with it. The statement, made during the course of his answer, that “He wasn’t a developer at that stage,” did lend some support to TE’s hypothesis about how this man approached the purchase and subsequent re-sale of the
property. RS then rationalised what he clearly saw as the high price they had paid for the site at that time by restating his opinion that they were “pioneers” of that type of development who had been among the first to recognise the potential of residential blocks that size and in that location, “We offered him a figure that we clearly thought at that time was well over and above market conditions. He was seeing it as a residential block, we were seeing it as a development site.” Whatever the previous owner’s intentions had been, it was he and not RS who made a substantial sum of money through his ownership of the site.

The new medium density development proposed was to be built upon a block of land that hitherto had been occupied solely by a single-storey, Edwardian weatherboard house. The application was for four, two-storey, detached “town houses” and included a set of drawings by a design and drafting company known as “Interior and Exterior Building Design”. The cost of the proposed four-unit development was estimated in the application form to be $360,000. RS suggested the decision to apply for permission to construct four units had been a practical one, out of consideration for the local area,

“When we first looked at that site for its densities, everyone was talking about six to eight townhouses on there. We brought it back to apply for four. [...] So we thought that was a pretty significant goodwill gesture back to the local area, saying that we don’t want to turn this into an urban ghetto (or all the things that all these people fear), or increase traffic flow and all the other points of view; that we thought we’d do four good-sized residences rather than your compact townhouse style development. ... It was a significant difference in profit margin and also the viability of the project because there was no benchmark for doing something around twenty squares plus as a compact residence as opposed to how it’s become in this day and age — so we saw ourselves a little bit as pioneers but we also thought that we were being really sympathetic towards the immediate neighbourhood.”

I asked RS to let me know where he got his initial advice regarding the number of units he could fit on the site and he named SK, also adding, “plus another town planning consultant, plus my own partner’s experience.” He
also intimated that he had had a conversation with planners from Boroondara Council about the possibility of a larger development of six to eight units on the site in which he had allegedly been told,

“We won't support it, obviously, because of the mood around here and from the councillors; but what we'll do is we'll just refuse it to make it efficient, and you go straight to VCAT and you'll get it.”

They said, “It's a *fait accompli*, depends what path you want to go down.”

They said, “We'd prefer it to be consultative, obviously, to appease councillors who are trying to get votes from constituents that are jumping up and down.”

RS attributed the final decision to submit an application for (only) four dwellings to he and his partner’s political savvy: “It was a political hot potato and I actually think that (I don’t want to overstate it) we were pioneers in that area as well;” in combination with their own feelings for the market in that location, which had suggested they would do well to cater for families as potential buyers rather than “yuppie couples”.

“So it was part logistical [... and] we thought we'd look at another sector of the market that hadn't been catered for and do good style properties at good sizes rather than the traditional town houses. I think it would be fair to say without being pretentious that it was the right theory. It's been proven with its value since then.”

In terms of the actual building design, RS claimed to have got “our architect” involved from the beginning of the process and that this was his usual approach. A telephone conversation with ‘Jim’ of Interior and Exterior Building Design, (whose details appeared on the drawings) revealed that he was, in fact, a draftsman and not an architect. He recalled drafting the four-unit scheme to RS’s instructions and then contacting Council about it, but said he had no further involvement in the project after that. This squared with SK’s reconstruction of events. Jim also clarified the association between construction company Marwood Homes and the development, while at the same time shedding light on RS’s background as a developer. At that time, apparently, Jim was getting a fair amount of work from Marwood Homes.
(although not usually in Boroondara) in which he and RS, who was then employed by Marwood, would meet with a developer to devise a scheme. Jim would then draw it up and prominently display the Marwood logo in the hope that this would secure them the building contract. This is also what happened on this occasion, except that this time RS was his own developer. According to Jim, RS determined the basic design, while he simply resolved the elevations and internal planning.

I asked RS about when he had brought SK into the process and he replied, “Right from day one.” I attempted to clarify if this was before they actually purchased the property and he said, “The day after we purchased the property he sat down with us. That’s how we always do things.” RS added that his business partner, SR, had come across SK professionally in the past and been impressed, “His record when it came to VCAT or other issues was first class.” Apparently, “in situations of dealing with vexatious and excitable people,” SK’s “very laconic manner” was “great;” and despite the fact that he was “not always great in coming back to you promptly, [...] I don’t think there would have been too many other people who could have handled that situation. And we did have word of him from other people too, who said, ‘You won’t beat him.”

For his part, SK was somewhat less flattering about the professional capacity of his clients, describing the source of the problems they encountered in this development as their “naïveté” about the planning system. According to him, the developers had approached him with the original four unit scheme already devised: “It was fait accompli in terms of what they wanted to do;” and reported telling them something to the effect that, “This is not a very sympathetic design. I doubt whether you’re going to get this through.” SK also had a very different understanding of what his role consisted of and why he had been hired at that particular point in the process:

“Well, first of all I was brought in after the design and they were ready to lodge; and of course then you hit the brick wall if you don’t go through the process. The draftsman that they had gone to [...] he didn’t know about the
planning protocols and the requirements of the Good Design Guide so that’s when they came to me. But of course I had my hands tied in as much as they’d already made up their mind how many [dwellings] they wanted and where they were going, so that really wasn’t negotiable. ... So I had to provide documentation that, if you like, massaged something that I really didn’t feel was an acceptable development or the best development for the site, and then put the submission in and work that through; and then come across the hundred odd objections and, you know, you’ve got to read the politics of it and slowly but surely you have to, sort of, steer your client towards something that is feasible in that political environment, […] with respect to their desire to have a viable development. It’s a bit of a balancing act.”

SK’s recollection best fits with the evidence in Council’s file. A “Design Response” had not accompanied the initial application in this case and was requested by Council, along with a completed “Neighbourhood Character Analysis Form”. The “Neighbourhood Character Analysis Form” requires the applicant to provide a reasoned response to local area conditions in relation to twenty-three stipulated “design principles” when proposing development on a specific site. Both the character analysis and GDG forms were received a week after the initial application was lodged, strongly suggesting that these planning guidelines, although conceived by local and state planning authorities respectively to influence new development in the pre-design stage, had only been considered after the application was finalised. Asked about why he thought his clients had first gone to a draftsperson and not hired a planning consultant prior to when they did, SK replied,

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74 Victorian State planning policy at the time stipulated the use of The Good Design Guide for Medium Density Housing (GDG) for (inter alia) the design and development of two or more dwellings on a site (see Chapter Five). In practice, this generally required that a “Design Response to Site Analysis” accompany any planning application which proposed such a development.

75 Under the Victoria Planning Provisions, Councils had been permitted to conduct urban character studies of local neighbourhoods and to stipulate that proposed developments demonstrate consideration of urban character in the design process (also see Chapter Five).

76 The plans themselves are dated 29/11/97.
“Well, people — and there still are people now who — think that it’s simply a matter of drawing some plans and putting them in, and then the money starts coming in […] not realising that it is quite a detailed system now that should start at the pre-design stage.”

According to RS, however, “We always knew that there’d be some contention,” and he was keen to present their approach as practical and considerate,

“We appointed a town planning consultant even though Sam could have run the whole application. We decided for objectivity and to be seen to be doing all the right things we went to an outside town planning consultant, a fellow by memory called [SK], who had a lot of experience in that area as well – in that respective municipality. And we decided to go down the path of what we considered … identified as being super-conservative development.”

SK had a more sober view of his clients’ approach, believing that because they had not developed in Boroondara before, the level of resident opposition to the proposal had been “a bit of a rude awakening”.

At the end of January (27th) Council requested further information from the applicant (principally shadow diagrams) which were not received from SK until two months later (27.3.98), meaning that the application was not deemed to have been sufficiently complete to warrant official assessment until nearly four months after Council was first approached.

**The Development Assessment & Community Consultation Process**

BS recalled receiving the application,

“and coming to the conclusion fairly quickly that it was not a development that Council would support; for neighbourhood character reasons, and on-site planning reasons, and the impact on the neighbours — so it had quite a number of faults.”
He advised SK by telephone that he would recommend the application be refused (File Note, 16.4.98).

“I remember speaking to [SK] and saying to him, ‘I’m telling you that this application is not going to receive a permit.’ So he knew upfront that we’re not even hovering between maybe … It was just, ‘You’re not getting a permit.’”

He further recalled that SK appreciated being dealt with squarely and had said he would let his clients know about this advice. Despite this, the developers elected to continue with the application, which was duly advertised to the affected properties in accordance with statutory requirements (from 4.5.98 to 20.5.98).

At the conclusion of the advertising period, one hundred and nineteen (119) formal objections had been lodged with Council. The overwhelming majority of these consisted of identical photocopies of the same hand-written response, using the City of Boroondara’s standard form: “Response to a Planning Permit Application”. On most forms, therefore, only the names and addresses had been written individually, but there were still a number of objectors (about forty) who composed their own objections in full. Of these, BS’s recollection was that most concerned neighbourhood character issues but that the immediate neighbours had specific and legitimate amenity concerns. Other than those objectors whose properties adjoined the subject site and who thus stood to be affected directly by the proposed development, the majority of objectors put their names to the following statement of how they would be affected were a planning permit to be granted:

The size, bulk and intrusive nature of the proposed development will accelerate the destruction of existing streetscape (which is essentially of garden character) and thus, have an adverse effect on the amenity of the area. Considering the proposed and existing unit developments adjacent to and opposite the site, increased traffic and on-street parking will be hazardous.
This is a sophisticated appeal to an argument about the impact that incremental change can have on the wider built environment as the discrete actions of numerous individual property owners effect big changes over time. The specific reasons for objecting were then stated as:

Failure to comply with major aspects of the Good Design Guide as set out in Appendix One and the attached letter dated 20.5.98 to Boroondara Council from the Surrey Hills Resident Action Group.

These documents likewise represent a sophisticated analysis of the application from a planning perspective. The letter referred to also outlines that the objectors wished to co-ordinate their response through their incorporation as the Surrey Hills Resident Action Group Inc.

The large number of objectors and coordinated nature of their response was largely due to the efforts of TE (neighbour to the south) and JT, whose own property shared a rear boundary with the Durham Road site. Through having opposed another development of eight units in nearby Kent Road (subsequently built) JT had become aware of the Surrey Hills Residents’ Action Group (SHRAG), and during the advertising period had made contact with two people she had met in that context. The first (who died two months later) she described as, “one of the movers and shakers of SHRAG and Save Our Suburbs,” and the other was DW, a retired architect. DW had pointed out to JT and other objectors various “deficiencies” in the plans originally proposed and composed the formal objection (using Council’s standard form for objecting to a planning permit) which was then taken to surrounding residents by TE to elicit most of the 119 objections. Bringing these experienced opponents of medium density development into the process, and thereby making contact with Save Our Suburbs, would seem to have been JT’s primary contribution to the opposition to this development.

During the advertising period, BS also received advice from Council’s in-house urban designer that the proposal was “inappropriate”, largely due to its proposed “density” (Memorandum, 5.5.98). He was further informed by
the owner of one of the affected properties (TE) that shadow diagrams and other information contained in the application were either inadequate or, in some respects, wrong. It transpired that TE had been the main instigator of the resident opposition, having initiated contact with other residents, including JT. He related how he came to take on this role:

“We weren’t getting much help from Council — although Council gave us a few in’s — but I thought, well bugger it, I’ll get the neighbours involved. I read through it [the Application, including GDG Response and Neighbourhood Character Analysis forms] and most of it was garbage. It was incorrect and fairyland stuff. So I sort of read that and I thought well, if I rang up (BS) ...

And he said, ‘Well, if someone submits us, you know, some data in regard to this permit, we don’t read it.’
—‘Why don’t you read it? I’m paying you to read it.’
—‘It’s legal tender to Boroondara Council. It’s all got to stand up in court.’
—‘But you don’t read it?’
—‘No, we don’t read it.’

I said, ‘Well, someone in this Council should read it because it’s inaccurate — most of it’s garbage.’ I said, ‘If you take, you know, just various dimensions and all this,’ I said, ‘its ...’
—‘Oh, maybe I should read it.’

So that sort of started me off on the path to thinking, well, this whole thing is fraught with disaster for the neighbours. So I got out me tape measure and started referencing all these different things that they’d added and it was all garbage, so I thought, that’s it, I’ve got me back up now. I’m not going to treat it as an issue that Council are going to fix up, I’ll treat it as an issue that we have to stop, not the Council. ‘Cos I thought, well, if the Council’s not going to read it, it’ll just sail on through.”

Convinced that Council would not take the necessary time or effort to appropriately assess what had been proposed for 42 Durham Road, TE had gone door-knocking throughout the neighbourhood. Asked about how he marshalled the support of so many other objectors he replied,
“It was something which was brought to their attention that this was the first one in our street. And once one starts, you can’t stop it because of the precedent that’s been set. And there was a few others — but not in the immediate area — I said to them, ‘Well okay, just go and have a drive around Balwyn and Doncaster. If you want that here it’s easy to start. Once the first one’s in they’ve got their foot in the door.’ Yeah, I got some good replies back.”

During our interview, RS had a great deal to say about the objectors and their tactics. After receiving so many objections to the initial scheme, he and his partner had soon become aware there were just a couple of key opponents:

“Obviously we did a dissemination of the information about the objections and found that they were as far away as five kilometres, that it was a concentrated campaign by two or three major protagonists who signed-up all and sundry. There was one rental property in the street and I think six or seven tenants from the one property — who didn’t even know the house they were talking about — had been … had a notice put in and [lodged] separate objections.”

He was extremely unsympathetic towards the objectors and made the following damning statement about TE and his wife,

“They were the most vexatious, uninformed …(long pause) people that I’ve ever encountered in development. Most people can identify logic at some point of time but these people just had … and interestingly enough, I remember (without being too unkind to them) they had an owner-built 1970s brick veneer home that was still unfinished when we started our proposal and they actually … their true intentions came out later on, whereby all they were doing was levering for us to do improvements to their property to buy their silence. There were mentions from driveway improvements, to improvements to their home, to a cash contribution, to all sorts of things (off the record) which made myself and my partner even more determined under the aspect of what we were going to do. So look, in the dark recesses of my mind there was another
immediate neighbour (I think across the road) who also suggested some ‘compensation’ for their views. So we found that a very interesting exercise.”

He levelled similar accusations against JT,

“The lady across the back with the double-storey federation home; well, she was the greatest racketeer of all time – that's the only way I can describe her (in a kind manner) otherwise you'd have to turn off the machine; it was just open financial blackmail as well. So they were trying to confuse the issue with the character and neighbourhood of the property but also finding a way to line their pockets. Because they were clearly instructed by the town planners at Boroondara, 'This will happen in some shape or form and there'll be something on there. You'd be better to sort it out as a group.'”

Due to the very large number of objections and the obviously co-ordinated nature of opposition to the proposed development, BS recommended to SK that a “consultative meeting” take place between themselves and the objectors, to which he agreed (File Note, 22.5.98). The meeting was organised by BS but facilitated by a third party acting on behalf of the applicant, SK. It took place on 2nd June and, in addition to the 119 objectors, an invitation to the meeting was also extended to the Ward Councillor who did not attend. Most objectors signed a “Proxy Form”, nominating JT or TE to present their views on behalf of all. In addition to these two parties, at least four other objectors also addressed the meeting. The most notable feature of the meeting is that SK seemed prepared to concede there were problems with the proposed design and that a re-submission in light of the objections might be possible. He promised to discuss this possibility with his clients but did, however, expressly maintain that the proposal was not an ambit claim. Little else of note was gleaned about this event from the interviews with the objectors (other than JT expressing that they had felt supported by Council).

My conversation with RS suggested that at least one other such meeting had taken place. It is very clear he was not in attendance at the meeting just discussed and yet said during our conversation, “I remember we had a
meeting at Boroondara and it was like stepping into the lion’s den from the level of the language — it wasn’t an intellectual discussion.” The other avenue of consultation, alluded to in a File Note (15.6.98) of a conversation between BS and SK, was a ‘working group’ which SK had organised between himself and the key objectors subsequent to the conciliation meeting. There is no record on file of what was discussed in this ‘working group’ but both the objectors interviewed had voluntarily raised the subject quite early on during our conversations and clearly had been quite positive about it (it would seem that at least two meetings took place). This contrasted strongly with the impression they had left on SK who could scarcely recollect they had taken place, even when prompted. He certainly displayed little interest in discussing what for the residents had been the main outcome of these meetings: the formulation of an alternative development scheme. RS, who admittedly had not been a part of the working group, seemed to retain no knowledge at all of this stage of the process or its short-lived outcome.

JT described how, at the working group (which I learned from TE was held in her house), “an architect from Eltham” who had accompanied SK sketched a hypothetical proposal in which three units were located along the south boundary of the site to maximise the passive solar design benefits which it afforded. The middle unit was only single storey (the others two storey) so as not to jeopardise the solar performance of the Edwards’ house to the south. This sketch proposal (which was perhaps of a slightly more “modern” style than JT would have liked) represented an outcome of constructive dialogue between SK and the residents and was viewed favourably by them. In contrast to the initial scheme proposed, TE had even described this sketch proposal as “terrific”.

The residents were surprised, then, when a second planning application was later lodged, as it did not reflect this intermediate proposal (other than consisting of three units down the site) and was not drawn by the architect who had attended the working group meeting. From TE’s perspective, this apparent abandonment of what had been achieved by the working group began the chain of events that led to the VCAT hearing and made matters
worse for all concerned. Despite some factual errors, the general sentiment is clear:

“After that they lost the plot and sacked the architect and got the bloke in that had originally done the four unit development ... that was a town planner [?]. They got him back and they got another architect and they drew it up as it stands. And we were all dumbfounded because more time had marched on and we said, look, we agreed to all of that – that’s really fantastic. Now you’ve gone back to what it is as it stands now. And they just said, ‘You can do what you like,’ you know, ‘we’re not bothering with you people anymore.’ They were from Williamstown – some place west. And Council said, ‘No, look, we don’t like this. We prefer the one you just showed us.’ So it all went to VCAT.”

In fact, SK had contacted Council and sought an update on the progress of the original scheme. He then suggested substituting the new three-unit proposal, which, according to his recollection, had been devised in consultation with the local community, and especially the main agitators. When advised by BS that this would require a new application be lodged, he requested the application for four units first be determined and the substitution sought later at an appeal to the State Tribunal (File Note, 6.7.98). An “Appeal Against Failure to Grant a Permit within Prescribed Time” was subsequently lodged with VCAT by SK on 13.8.98, after Boroondara Council refused planning permission for the application before them (on 10.8.98). In his report on the initial application, BS recommended refusal of a planning permit on the following four grounds:

1. The proposal is an overdevelopment of the site.
2. The proposal fails to achieve a satisfactory level of compliance against the provisions of the Good Design Guide for Medium Density Housing.
3. The proposal is not in keeping with the character of the area.
4. The proposal would have a detrimental impact on the amenity of the adjoining land.
The lodging of a VCAT appeal by the applicant necessitated that BS prepare a full report outlining his reasons for refusing the application and also supply the Tribunal with copies of all documents relating to it. Council also wrote to all parties (including all the 119 objectors) to advise them of the VCAT appeal and that Council would not be supporting the application at the appeal (1.9.98). Once the VCAT appeal had been lodged, SK again contacted BS to advise that a new application for three units would shortly be lodged with Council (File Note, 12.8.98).

**The Second Application Process**

A second planning application from SK was received on 4th November 1998 for “Medium Density Housing (3 Double-Storey Dwellings)” with an estimated development cost this time of $380,000. The proposal was radically different from the first application and the drawings on this occasion had been prepared by a different design company, 3D Design Pty Ltd. When the second application was lodged, BS recalls, “I think we formed a view at the time that that was a far more responsive design to both the neighbourhood and the adjoining properties and, ultimately, my recollection is that Council supported that development.” He considered the new scheme “a more appropriate response” due to: its no longer being a full two-storey development but “more of an attic-style”; fewer dwellings on the site; more room for landscaping; fewer driveway cross-overs and less obvious garaging; and improved solar access to the southern neighbours (TE).

SK was very clear, however, that the original four-unit application had not been an ambit claim on the part of the developers, although he did describe it as “a bit ambitious” and “a K-mart design”. This also squares with RS’s recollection, although during the interview his obvious frustration with this part of the process is barely masked by his attempt to put a positive spin on the three-unit scheme that eventuated:

“Rather than like (I think) most developers (and, commercially, we do): you try for your maximum and then you try to get brought back to task; we thought,
just to make it … from a time-frame point of view, from an emotional point of view, from a logistical point of view, that we'll try to embrace what surrounds us, we'll design — we paid an award-winning architect a pretty substantial amount to design and draw things that we both didn't particularly like: in period influences on the façades and the floor plans, making them attic-style and not having massive bulk and form and all the other bits and pieces, so we worked pretty closely with the town planning department at Boroondara plus with our architect — redraws and restructures and some fairly expensive external stuff with features that you don't get an award on as a developer.

A new ‘Design Response’ to the GDG and ‘Neighbourhood Character Analysis’ were again completed by SK and accompanied the application. The inherent irony of the fact that the great difference between the two proposals required the same applicant to complete a very different ‘Design Response’ and ‘Character Analysis’ for the same site must be noted; but due to this being a separate application with a separate file number the forms were mercifully spared from too embarrassing a juxtaposition in Council’s archives. Some more information (mainly about building materials) was requested by Council (on 27.11.98) and duly supplied. Council advised two weeks later (10.12.98) that the amount of information supplied to assess the application was satisfactory.

During the advertising period for the new application, Council received a telephone call from the Department of Infrastructure (a department of the Victorian Government which at that time was responsible for planning and local government), advising that one of the developers of the site, S & R Property Developments Pty Ltd, had written to Premier of Victoria (at that time Jeff Kennett) seeking his direct intervention in the matter (File Note, 22.12.98). There has been, since the late 1970s, provision within the planning legislation of Victoria for the Minister to intervene directly in the planning system by “calling-in” planning decisions where they raise important policy issues or are, in the words of the Planning and Environment Act 1987, “in the interest of any part of Victoria” (Lewis 1999: 193-194).
These powers are not extended to the office of Premier, although it was alleged in 1994 that Premier Kennett had intervened in that year (to block) a medium density housing development in what had just become the City of Boroondara (Lewis 1999: 192). At their request, BS sent the Department his report and advised them about the situation. The matter is not referred to again in the Council file and there was no intervention by either the Premier or Planning Minister. This appears to have been an unusual move by the applicant and was without result.

Only eight objections (from seven households) were received in relation to the new proposal. Of these, most rehearsed the same list of objections (loss of amenity, inappropriate to streetscape, etc.) but one particular submission was solely concerned with the increased flooding risk in nearby Dome Street due to extra stormwater run-off. Meanwhile, Council’s urban designer this time advised BS that the proposal was “an appropriate response to the site with respect to scale, setback, design forms, garaging and fencing.” (Memorandum, 30.12.98).

On New Year’s Eve, SK called Council to enquire about the number of objectors and proposed that he call them to see if another consultative meeting was required (File Note, 31.12.98). He also reiterated that he may seek leave to have the new plans substituted at the upcoming VCAT Appeal. To this BS had replied that “if Council had not determined the application [or] had sufficient time to prepare a submission, then Council will oppose the substitution of plans and may also seek a Directions Hearing at the Tribunal.” (File Note, 31.12.98). SK later put in writing his intention to seek a substitution of plans at the VCAT hearing (Letter to BS, 22.1.99). Given this intention, a meeting of Council’s Planning and Building Approvals (PBA) Committee had been held on 15.2.99 to consider a proposed Notice of Decision to Grant a Permit (NOD) for the three-unit scheme prior to the VCAT hearing (scheduled for 26.2.99). The NOD was issued the day prior to the hearing (25.2.99), with conditions which addressed concerns raised at the meeting: to enlarge the private open space; and to make some alterations to boundary walls and fences.


**VCAT**

The appeal to VCAT was heard on 26.2.99 before Tribunal Member, Dr Sylvia Mainwaring. Appearances were made by BS, SK, TE, JT and an architect appearing in support of JT. Written submissions were tabled by each of the parties plus another objector. The submissions from both the Applicant and Boroondara Council focused upon the favourableness of the new three-unit scheme compared to the original application for four units which was now before the Tribunal. Despite Council not supporting the original application then under review, the high level of consensus to be found in the written submissions from both the Applicant and the Responsible Authority (that a permit for the three-unit scheme be granted) made the outcome of the hearing seem *fait accompli*.

The objectors were somewhat more mystified about the VCAT hearing and certainly less strategic in how they approached this stage of the process. For a start they simply did not have the level of inside knowledge about the Tribunal demonstrated by the other parties (developer and Council). TE recalled a conversation with a Council officer when they were informed that the VCAT Member who would hear the case was Dr Sylvia Mainwaring:

> “One of the Council officers gave me her name and he goes, ‘Oh, we’re in luck here.’
> I said, ‘What do you mean? Aren’t they all the same?’
> —‘No.’
> ... I remember it was quite quick and then she just shuffled off and that was the end of it.”

It was also the first time TE had met the developers, all previous interaction having been with SK: “The first time we saw them was in VCAT. We sort of turned around and there were these two black-suited guys;” and in addition, he seems to have misunderstood the nature of his own presence at the hearing, claiming, “[JT] and I had been asked by Council to come in and
back them up.” The objectors were in fact there as parties in their own right and not simply as supporters of Council’s case. The case presented by Council: that the proposal which was the subject of the second application made to them be approved with their conditions; was, in actual fact, more or less identical to that presented by SK on behalf of the developers.

TE summarised his experience of the VCAT hearing:

“So that was a bit of a mystery. No-one sort of said much. It was all bits of paper work and guys in black suits — a lot of mumbling and muttering going on and then it was all over and done with.”

And his understanding of the outcome:

“It was not what Council wanted, it was not what we wanted, it was definitely not what the developers wanted, but time had marched on and it was just sort of, ‘Oh well, that’s it.’ And I think VCAT had a quick look at it and rubber stamped it.”

“It was probably a win for everyone and a loss for everyone.”

Due to the substitution of the new plans, the original proposal is not even mentioned in the Tribunal’s decision (VCAT Ref. 1998/064287, 26.3.99), despite failure to determine that application within the prescribed time being the basis on which the appeal was heard. I discussed with BS why it was that the first scheme had been taken to VCAT on the basis of Council’s failure to determine the application within the statutory time frame, given that, as the statutory planning officer dealing with the application, he had advised the applicant in the first instance that he would recommended its refusal. This was also a mystery to TE, who had so much difficulty understanding why negotiations about the development were continuing after BS had said the application would be flatly refused that he even went so far as to say, “I wondered if there was some graft or corruption or something going on.” This was clearly not the case but it does highlight that the process can seem nonsensical to the uninitiated.
BS himself seemed very nonplussed by this outcome and, considering there had been a consultative meeting and various other attempts to mediate the views of developer and residents, was not at all surprised it had taken from January until August for the Notice of Refusal (which represented the official determination) to be sent to the applicant.

“Some of the reasons why, in my experience, developers use it [appeal for Failure to Determine] is they see Council’s not going to support it, for example, so they think ‘Well, at the first opportunity I’ll lodge at VCAT; or, they see that even if the Council appears favourable towards it, the objectors are still going to take them to Appeal, ‘So I might as well get in there.’ So it’s not necessarily a reflection on them [developers] getting frustrated with the process and the time. It’s seeing the inevitability of, ‘Look, I’m going to end up at VCAT, the sooner we can get there the better.’ [...] So it’s not always a reflection on how the Council’s handled its processing.”

I asked BS his opinion as to the adequacy of the statutory period in which planning decisions must be made by Council and he responded that the problems then (and again in the more recent past) had more to do with issues associated with development booms and planning staff shortages than the time allowed per se. He did, however, point out that since the Planning and Environment Act came into force in 1987, the system had become significantly more complex and the level of community consultation required had also increased, leaving something of a resourcing problem for local government.

Of the strategy of appealing the first application at VCAT while new plans were submitted, SK described it as a deliberate ploy to circumvent the time lag on planning permit approvals caused by the considerable backlog of applications with which Council was then dealing (even where there were no objectors). The VCAT appeal on the first application meant it was “in the

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77 Sixty days (Planning and Environment Regulations 2005, 31(1)). This regulation is unchanged from 1998.
system” while the amended scheme was being considered. Likewise, the deadline of the VCAT hearing, at which Council knew new plans would be substituted, effectively fast-tracked the second permit application. If Council wanted to maintain any control over the outcome, they needed at least to issue an NOD (Notice of Decision to Approve a Planning Permit), which is indeed what happened on this occasion.

Not only was this approach used by developers in the attempt to expedite the planning approval process, it was also described by RS as a way of attempting to maintain greater control over the outcome in what is a de novo hearing. “Always when you go to VCAT it’s a Plan A and a Plan B. And you’ve got to make sure that the direction that’s taken is that the worst case scenario is that you end up with Plan B, rather than the chairperson giving you Plan C.” BS described the process of substituting plans at a VCAT hearing as fairly common, but said this usually involved the substitution of amended plans, and that the substitution of one completely different scheme for the site with another was certainly not typical (he could not recall having seen the approach used again in seven years working as a council planning officer). On this particular occasion, BS considered the substitution of plans at the VCAT hearing to have constituted a fair and open process because, due to their being part of a new permit application, the new plans had been seen and discussed by all the parties prior to the hearing.

The outcome of the hearing was as follows:

“The order of the Tribunal is that the Application for Review is allowed and a permit is granted for the development and use of land at 42 Durham Road,

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78 An empirical survey of the practice of substituting amended plans at hearings was conducted by VCAT during the final part of 2003 (1 October to 16 December). It found that out of 379 cases, 93 involved applications to substitute amended plans. Only four of these applications were opposed by the other parties of the case.

79 The now mandatory requirement that advance notice of the intention to substitute amended plans at a VCAT hearing be given to the responsible authority (Council), all objectors and all others who had been notified about the original proposal not less than four weeks prior to the date of the hearing (VCAT Planning and Environment List Practice Note No.1, clause 11) was only introduced in October 2001.
Surrey Hills in accordance with the endorsed plans and subject to the following conditions:"

which are then listed and generally identical to those in the Council’s NOD. A Planning Permit was duly issued by the City of Boroondara on 31.3.99, requiring that amended plans be submitted incorporating the Conditions of Approval. Plans were re-submitted several times before they were deemed to reflect satisfactorily these requirements. Endorsed amended plans were finally issued by Council’s planning department on 10.5.99, sixteen months after the initial application.

JT, who had little to say concerning her experience of the hearing itself, had since reflected on it in the light of subsequent events. In particular, she expressed her surprise that matters agreed to at the VCAT hearing were not necessarily stated in the ensuing Orders with sufficient clarity that a party who wasn’t present at the hearing (such as the next owner of the property, GR of Swenrick) could be clear about decisions made. “You expect at VCAT that what is said, discussed and agreed will be accurately recorded and [...] it doesn’t occur to you that you need to follow these things up so tightly,” she said. She referred in particular to the issue (discussed in more detail below) of GR attempting to substitute the concrete floor structure agreed at the Tribunal for timber, and the delivery to site of powder-coated aluminium windows which were not of the agreed colour. In these and other cases, she or TE had needed to bring the discrepancy to Council’s attention and this had also resulted in costly delays and substitutions for the builder.

**Sale of the Development**

Less than two months after obtaining the endorsed approved plans, the developers sold the (now cleared) site at auction for $550,000 (on 3.7.99). This was $100,000 more than they had paid to purchase the property at the end of 1997. Interestingly, the vendor from whom Competitive Concepts and S & R Developments had purchased the property in 1997 (for $450,000) had
also held it for only sixteen months, after paying just $270,100 for it in April 1996. RS described how he had arrived at the decision to sell:

“And then, once the permit was given, it got to a very nasty stage, whereby my partner actually had threats of physical violence from a couple of anonymous people (that were cowards as well). And then we decided to auction the property, because we just thought if we’re going to have contract builders (I didn’t have the time to build these ones myself, we had commitments elsewhere) that there was a clear direction from the opposition that, say, they were going to be ... at 7:01 every morning they were going to complain to Council about builders starting work and all the other issues, and that they were going to sabotage and damage things, and we just ... by that stage we were tired of it. We really were. So we actually thought, ‘Some is better than none,’ and rather than the vitriol and the pain that we auction the property through Noel Jones, South Yarra (through an associate of mine).”

TE was perhaps closer to the mark when he said:

“And straight away, I think once the VCAT decision was made, they sold it. They went broke anyway. I mean they just tied up so much money and I think it had all been tied up by this drongo [SK] – he had no idea.”

SK himself described his clients’ decision to sell once they had obtained the planning permit: “Because it took a bit longer than expected in terms of the process [...] and having regard to the market at that time they decided they wouldn’t build but they would sell it with a permit.” He also surmised, “There must have been an attractive offer given to them that they accepted,” but this was clearly not the case as the property sold at auction. For his part, RS reported having been constantly approached throughout the planning stage by others interested in buying the site from him: “Always. Every day;” but GR, who actually did purchase it at auction, was apparently not one of those.

Selling the property prior to construction was purportedly never the intention of RS and SR, who styled themselves “finished product developers”.

RS went on to describe pre-construction sales as generally less lucrative:
“We don’t like to sell property. You don’t get the premium by early sales.”

“But we had the auction. I would say the buyer we had cost us a substantial amount of money. But we were just happy by that stage. We were just tired of the process and we’d already secured another two sites which ... one was a similar experience but it was in a much shorter time frame.”

This was as close as RS came to revealing the extent of the loss he had incurred through his attempt to develop 42 Durham Road (or indeed that he had incurred a loss at all!).

Prior to the commencement of bidding, the auctioneer had referred to a quotation from Marwood Homes (whose name, incidentally, had appeared on the original plans for four units) that the approved dwellings could be built for just $149,000 each (Letter to City of Boroondara from JT, 10.7.99). This in itself was considerably higher than the $380,000 (or $127,000 each), which had been the estimated value of the proposed work given in the planning application. JT was quite concerned this might jeopardise the quality of the resulting development and attempted to say so at the auction. RS recalled,

“And then we had the clown (I think that's the nicest way I can describe her) —she [JT] started screaming during the auction process (they tried to disrupt the auction as well). And then they spoke off the record saying that, ‘Well, that probably wasn’t too smart,’ but that they wanted us to build them because they thought that we'd be genuine in what we built, rather than an outside party coming along and just telling them all to get stuffed or meeting violence with violence. So they thought we were quite the soft touches in the end.

The purchaser was Rickard Properties Pty Ltd whose construction arm, Swenrick Building Construction, it was later discovered, had been “… one of the builders that was going to build it, who quoted on building it; he and his brother ended up with it […] who I don’t think made any money out of it
anyway.” (TE). After some delay in getting an amended Landscape Plan approved by the Council, endorsed amended plans were eventually issued on 13th July 1999.

**Construction**

The new dwellings were finally constructed over the next year and a half and then sold off by the developer throughout 2001. During our brief telephone conversation, GR of Swenrick (who refused to be interviewed) was very keen to be identified as “just the builder” and his immediate recollection of the project was that, “There were a hundred objectors to the planning permit which had taken eighteen months to obtain, and they wanted to have input on where every nail was placed.” Whether or not the ‘interference’ of the objectors was the main cause of delays, the dwellings themselves were an unusually long time being built. According to TE,

> “Everyone that’s touched that site has tripled their time, […] and the builders did the same. That whole site was done by one bricklayer. Not two, not ten; one bricklayer! He was there laying bricks it must have been twelve months. We used to watch it, we’d go ‘Oh yeah, he’s done another thirty bricks today.’ It was basically pieced together, perhaps like you or I would build something. And I thought, ‘At the end of the day they’re going to go arse-up here for sure.’”

The change of developer between the planning approval and construction stages of the project probably meant that the developer who built the units did not have a full understanding of the process which had been undergone to get to that point. As an indication of this, despite having purchased a property with a planning permit, letters on file indicate GR wrote to Boroondara Council to confirm that he was not required to seek planning permission. On the other hand, one of the conditions added to the permit in the VCAT Order was that the ground floor of all three units be slab-on-ground construction, rather than a timber floor structure as had been proposed. The reason for this was that the neighbour to the south, TE, had
been keen to keep the height of the buildings down to a minimum to reduce the level of overshadowing of his property. One of the first actions of GR when he took ownership of the development was to apply to Council to replace the specification for concrete slabs for the ground floor with timber floor structures. As BS was no longer involved with the project, the Council officer who dealt with the matter would also seem to have been unaware of the background to this stipulation and allowed the substitution. It was not until the buildings were being constructed that the objectors noticed it and complained to Council. GR was then forced to replace the timber floors with more expensive concrete structures but in doing so maintained the footings already constructed and hence the same finished floor levels. This was doubly absurd because not only would the suspended slabs have cost the developer more than slab-on-ground construction, but it defeated the purpose of using concrete floor slabs in the first place (i.e. reducing the floor levels and hence the overall height of the buildings).

This development in nearby Camberwell was also built by Swenrick shortly after completing Durham Road. It was referred to by JT (with special mention of the concrete driveway) as illustrating what might have been had residents not fought to ensure appropriate building standards were maintained in Durham Road.

Correspondence in the Council file also indicates that the neighbouring residents ensured that specifications of window and driveway finishes agreed
to at VCAT were adhered to when Swenrick (probably more through ignorance or design) attempted to deviate from these as well.

The dwellings were eventually finished and Unit 1 was sold on 1 January 2001 for $455,000, with Unit 3 selling for the same price on 30 March. The final unit (Unit 2) sold for $485,000 on 8 September and was re-sold two years later for $575,000.

**Evaluation of the Development Process by Key Participants**

Durham Road was the “first and only” development RS had been involved with in the City of Boroondara. This fact he attributed entirely to the experience they had in Durham Road. Asked to specify what exactly he disliked about developing in that area, he replied,

> “Attitude of the population: I’ll be blunt, it’s an eastern suburbs elitist attitude, rightly or wrongly. From the point of view of the Council, and the turnover of staff through the planning department there, if its not in the top three in Victoria I’ll go hang. [...] Just too hard.”

Asked if he would take the same approach again, RS was adamant, “No. I would say stuff the local residents. No matter what you do they’re never appeased – ever!” RS described at length what had clearly been a bitter experience:

> “But it was very clear, Tom, that irrespective of what we did — if we would have said there's going to be one big residence on there — it had reached the stage attitudinally that that would still have been a problem, so it would have made no difference. This is always business for us. It’s not the other side of the fence, it’s business. They made it very personal but we were trying to remain business orientated. ... (laughs) It sounds like I’m The Godfather or something. I’m not meaning to sound so cold and dispassionate, I mean ... I was fucking pissed off. It was war.”
TE was somewhat happier with the outcome: “What we started out with and what we ended up with – it was a win; it wasn’t a win-win, but it was better than what they first proposed;” but had his own views regarding the reason the development process had been so contentious (and was particularly vitriolic about the role played by SK):

“I think the planning guy, the town planner, he was the one that led [the developers] up the garden path. [SK] — he was away in la-la-land. He used to do a lot of developing out at Greensbrough/ Bundoora. I think he just grabbed all that information and in they marched into here. I’m not saying that we’re any better or any worse but it was already starting to become a sensitive issue here whereas out a bit they don’t give a tinker’s toss, you know.”

“Strange thing was, we had a town planner in the street; and he actually said to this [SK] a number of times, ‘Look, you’re wasting your time, pal. They’ll just put a fight up and just tie you up.’ And some of the things he came up with, I think he was a pretty stupid town planner.”

The underlying assumption, expressed here, that Surrey Hills is a special case and its residents more discerning group than those in other locations was also shared by JT.

JT saw the developers as ignorant of the qualities of Surrey Hills and the “mindset” of its residents. She expressed herself as amenable to “classy” development that “fitted in with the area” and that she would have accepted one or more additional dwellings being built on the site (with preferably the existing dwelling retained) if they had fitted this description. JT highlighted that the developers weren’t from the area and also said she had gone to see where SK lived and been struck by the “yuk-coloured concrete driveway” extending beside a house to the unit which he inhabited at the rear, “that didn’t look really classy”. She basically believed the developers and their consultant just didn’t understand the neighbourhood they were working in and this fitted with her general view that the encroachment of medium density housing like that proposed represented the infiltration from elsewhere of a type of development which was fundamentally inappropriate to the area.
While Durham Road stood out in the minds of the developers and local residents as a particularly bad experience, to BS it represented a fairly typical planning application process in the City of Boroondara at the time he was there:

“It was contentious because of the number of objections that we did receive, but in terms of the substance of it and the processing of it, there was nothing particularly unusual about it. […] The only unusual element of it is the fact that they substituted a three unit development for a four unit development at Tribunal, […] but that’s probably the one element of this development that was a bit out of the ordinary.”
Managing Medium Density Housing Development

Having told the story of how one medium density housing development in Boroondara came to be built, we shall now briefly explore some of the key issues relating to how the process was managed by local government through its administration of the planning system in this case. Just as our retelling of the development process (hopefully) managed to allow the perspectives of each of the key participants to be represented, we shall also attempt in this exploration of how it was managed to rely upon data collected from across a range of the key sources.

At the time when BS was working at Boroondara Council, the Statutory Planning Department comprised a manager, two co-ordinators, two team leaders, ten planners (five on each team), four support staff, a subdivision officer and an investigations officer. “With the resources that we had, and the processing and so forth, the work obviously caused significant demands be placed on the planning department at the time.” For this reason, “My recollection is that consultants were employed to assist with processing of applications – particularly writing reports – and maybe assisting with appeals, because of the volume of work that we were dealing with at the time.” BS had in fact briefed one of these consultants to prepare the reports for Durham Road. He reported good relations among the planning staff (both statutory and strategic) at the time and particularly emphasised that the statutory planners worked very well with Council’s urban designer, whose advice was frequently sought and who worked closely with them in assessing applications.

From what BS’s had to say there was obviously a resourcing issue related to the number of applications Boroondara’s planning staff were processing at the time of the Durham Road application; but it is his remarks about their relationship with the urban designer which are particularly interesting, as this provides testimony to the extent to which physical design issues associated with ‘neighbourhood character’ were a dominant concern in the assessment of development applications. This can also be seen in an
exchange of letters between JT and BS that had occurred during the planning assessment process. We shall examine these letters in some detail as they provide the best insight into what was the Council’s basis for managing medium density development; and why this both ultimately served the interests of established residents yet was misunderstood by them.

JT had written to her Ward Councillor (at that time also the Mayor of Boroondara), voicing her general concerns about medium density housing and this particular development (29.9.98). BS drafted a reply for the Mayor to sign (19.10.98) and copies of both letters are preserved in the Council file. In addition to reiterating two of the key matters raised in the formal planning objections (excessive site coverage causing high levels of water run-off; and no consideration of solar access, particularly affecting the neighbour to the south), the main thrust of JT’s letter is to argue that the conflict surrounding this development is fundamentally about aesthetic issues. Of the proposed development she uses quite emotive and telling language to describe its appearance: “massive brick and rendered walls which look rather like factories in an industrial estate”; and “nothing style’ units which threaten to repeat the building disasters of the ’60s and’70s”. While allowing that a certain amount of medium density housing in the area is to be expected, she expresses her amazement that “period style” or reproduction dwellings are discouraged by Council and the Good Design Guide “because we know that that is what the neighbours and objectors would prefer.” The discovery that the planning system encourages developers to produce “innovative and contemporary” design responses for their sites leads her to the following conclusion regarding the cause of the conflict over this and similar developments:

The penny dropped! I suddenly realised that residents in historic/ period style areas of Boroondara are angry about what is being proposed in their area and the developers are angry and incurring delays when submitting plans after previously discussing their proposals with Boroondara officers. No wonder the developers are copping heaps of objections – their supposedly “innovative contemporary designs” are not favoured by existing neighbours because they
look so inappropriate (and are hated so much) in an area with period style housing.

This may of course be an unrepresentative point of view and it does seem unlikely that a development proposal in “period style” would automatically avoid objections from neighbours. However, JT does claim to speak for “numerous people who live in and love Surrey Hills” and her attempt to recast the argument in terms of building ‘style’ (as opposed to planning principles), as well as her evocation of certain intangible qualities of the suburb (“…enough space to sit and enjoy a cool drink with friends on a hot night”) which she contrasts to the alien environments in which new medium density development might feel more at home (“…places which are being converted from industrial or commercial uses or stand alone sites which do not conflict with the existing neighbourhood, gardens, amenity, private open space, etc. In such situations they\textsuperscript{80} can compete with and complement each other in new and exciting developments and not interfere with or detract from areas with period style housing.”), suggests the motive for opposing this development stems from a sense that the valued qualities of this suburban living environment are perceived to be under threat.

The Council’s response to JT attempts to explain the idea of “urban character” which underpins and informs their approach to assessing the appropriateness of proposed development in established residential areas. Urban character is, in this usage, a technical term that refers to (in Council’s own words) “an amalgam of a number of elements, including the design and scale of the dwellings, the setbacks from the street frontage, the size and nature of front gardens, the height and design of front fences and the nature of established vegetation.” This definition represents an attempt to isolate the constitutive aesthetic elements of a ‘neighbourhood’ and it was largely on this basis that the developers’ original proposal was rejected. This reliance

\textsuperscript{80} Note the objectification of medium density housing and its characterisation as an uninvited and somewhat aggressive intruder into the “neighbourhood” which, by way of contrast, is evoked as a ‘place’ for dwelling in, a sequence of experiences and relationships, not just a collection of buildings.
upon character considerations in the planning assessment process would appear to suggest that Council shared residents’ concerns to respect and enhance the qualities of the existing neighbourhood. What this exchange of letters highlights is a misunderstanding between some of the parties around what is, in actual fact, a shared set of values about the residential environment.

SK had a different perspective on the functioning of local government planning in its management of medium density housing development, and how it had affected this case. The planning system, in his opinion, is “obsessed with detail” and has “lost the big picture,” and he squarely blamed local government for this state of affairs.

“The planning system, let me tell you Tom, has got so much more complicated even though — you’re probably familiar with the VPPs (Victorian Planning Provisions) — they simplified everything. Well, (laughs) I don’t know about that! Once upon a time the councils all used to have their own zones. Okay. Now we’ve got standard zones and we have standard overlay controls but the schedules to the overlay controls and the schedule to the zones can be adjusted by the councils. Okay. And then they’ve brought in all their local policies in the Local Planning Policy Framework and a lot of the times they try to bring in those policies to override the provisions of, let’s say, Clause 54 or Clause 55 [of the VPP’s].”

This different perspective was based on a different set of values: one that saw urban development as an inherently good and progressive thing. As far as SK was concerned, the golden age of statutory planning had been when the administrators were in charge of the newly-amalgamated municipalities and dealt quickly with all development applications.

For RS also, local government was a hindrance to urban development. He was inclined to blame the politicians that come with local democracy rather than the planners for adversely affecting housing provision:
“It’s political. It’s an unfair system. It’s political, and that’s crap. You’ve got a councillor whose been in power for six months who is going to coerce planning officers on how to do their job. They’re telling us very clearly off the record, ‘My job is becoming a nightmare because I’ve got someone breathing down my neck.’ And, ‘I love what you’re doing. I’d love to endorse it but my actual role as an employee here will be compromised if I support you.’ That’s crap.”

As an aside, BS had described the Councillors of the time as a “good bunch”, adding that they mainly liaised with management rather than interfering in day-to-day statutory planning processes.

In their remarks, both RS and SK pinpoint some of the key tensions in the management medium density development: the interests of developers of private property often coincide with the interests of development at the metropolitan scale (including housing supply), but elected councillors, and local government generally, are responsive to the concerns of local residents, who are very much focused on the particularities of specific developments, and hence with the “details” of the planning system.

The residents actually expressed mixed views about Council, the planning system and the way in which medium density development is managed. Like all parties involved in this development, TE had a very positive recollection of the part played by BS: “He was fantastic. I think he’s moved on now, but he handled it all well, for what had landed in his lap;” and yet a fairly negative opinion about Council staff and processes in general.

“But yeah, the (um…) councils sort of move in really mysterious ways — or they don’t move at all. (laughs) Trying to get things out of council’s a bloody nightmare — no-one wants to support you on anything, although [BS] was really quite good. But a lot of the others, you try and get information out of any of them it just takes forever, you know.”

TE’s parting remarks on the subject of medium density housing provision and the urban consolidation process: “At the moment it looks like a real rudderless ship, you know: Council’s blaming the Government,
Government’s blaming the Council, all the people that live in the areas are all up in arms. It hasn’t got any better;” serve to highlight both the complexity of managing medium density housing development in a local municipality and the local significance of the issue. However, a telling absence of any reference to developers in this comment also belies his (and possibly a wider public) perception of the issue as primarily a matter of government (planning) regulation, rather than (housing) market processes and urban development.

Conclusions

Using both archival evidence and qualitative interviews with key participants, this chapter has described the process involved in getting a medium density housing development built within the city of Boroondara, and discussed the management of this process by the local Council. The bulk of the development process consisted of the planning approval process, which lasted a considerable time and was highly contested. Several observations can be made about this process:

• Developer activity was focused upon the production of a commodified housing product. There was initially little awareness of the ‘neighbourhood character’ concerns that are the basis for planning negotiations in the statutory process of planning assessment. For the developer, the process was fraught and problematic, and resulted in the profitability of the exercise being suspect.

• Existing residents were extremely well organised in objecting to the development proposal, having learned from earlier experience how best to do so. Opposition to the development was given extra impetus by a new awareness that Council was unable to devote the time they deemed necessary to ensure a good outcome for the development site. Residents were most effective, however, when the contestation was at
the local level and seemed less able to engage the process once it went to the State tribunal.

• Despite presenting a unified front in opposing the development, the local residents did not always share the same language and understanding of the issues they were contesting. Both the key protagonists, for instance, had redeveloped their own properties (with new, detached dwellings) but in accordance with very different values. One had emphasised on-site amenity and environmental sustainability issues with a house premised on passive solar design principles. The other had clearly valued the symbolic heritage of the area by creating a meticulously reproduced ‘Edwardian’ house. What they shared, however, was a rejection of the view that housing is primarily a commodity. In their objection to the development, residents also displayed a deep commitment to maintaining the ‘garden suburbs’ style of environment prevalent in Surrey Hills (and much of Boroondara), characterised by detached housing in garden settings.

• Boroondara Council, despite stating their opposition to the (initial) proposed development from the outset, became embroiled in planning negotiations over a development proposal about which they had held a clear opinion from the first instance (i.e. that it was inappropriate). The developer was privy to this fact whereas the public were not, assuming that unless they opposed the development it would most likely have been approved.

• The outcome of the process was ultimately decided by VCAT, a State Government tribunal. At this forum the developers showed themselves most familiar with the process while Council decision-making was relegated to a significantly inferior role. Local residents were ill-informed about the procedures and unsure of their role in them.
In the contestation of urban development in this part of Boroondara we can see the conflict between different understandings or valuations of the same built environment. Essentially, this conflict centres on the relative importance of the commodity value versus the cultural value of a particular place. Bringing together theoretical discussion from Chapter Four about “the new urban politics” with analysis of the Melbourne housing market presented in Chapter Six, the opposition to medium density development in Durham Road, that at one level might be seen as NIMBY reaction to change, can also be read as resistance to the increased commodification of (particularly attractive inner suburban) residential environments that has occurred as part of the globalisation of both capital and place.

In the unfolding of the ‘typical’ planning process described in this chapter, we also see that each of the actors in this process operates in such a way as to realise an outcomes that best serve their particular interests. In relation to this specific development this is rational behaviour; but in terms of overall planning outcomes, this case-by-case process discourages the pursuit of wider planning goals or objectives, and mitigates against deeper understandings of the issues confronting urban regions like Melbourne – important matters of State governance. On the other hand, local government is forced into a quasi-mediation role (for which it is ill-equipped and under-resourced), while their officially-endorsed decision-making role is overridden by the appeals process.
Chapter 8

The MDH Development Process 2: ‘Overton’: Affordable Housing Provision

Introduction

In the preceding chapter we looked at a particular example of medium density housing development in the City of Boroondara. The purpose of the chapter was to provide deeper insight into the provision and management of medium density housing at the local level — the broader objective of our municipal case study — by examining the relevant issues as they were raised by a particular case, with its own particular contexts and other contingencies. The specific development selected sought to illustrate the typical means of provision of medium density housing within Boroondara, in which a private developer sets about supplying a perceived market for a particular type of housing, with a view to profiting from this process. The State planning system is set up to deal with precisely this type of situation; and the development process was managed by local government in the usual way. The present chapter investigates a medium density development that underwent the same process but involved a different type of housing provision.

This chapter examines the development of medium density housing as a means to provide more affordable housing within the City of Boroondara, an area of otherwise low housing affordability. Broader changes in the urban economy which have contributed to the relative boom in medium density housing development in Boroondara since the 1990s have also had the effect of reducing the amount of low-cost rental accommodation on offer (Burke and Hayward 2001: 61). The presence of a substantial number of large, historic residences within Boroondara meant that the municipality once contained numerous boarding or rooming houses which had provided accommodation for low-income people within the community. One of the effects upon the City of Boroondara of broader economic change has been to see these buildings return to their original use as single dwellings for high-income households.
The development under investigation in this chapter was an attempt to counter this trend by providing affordable, medium density housing through a joint venture between the community and public sectors.

Improving the affordability of housing in Melbourne has been one of the aims of State government planning policy since the 1980s, where it has been linked specifically to increasing the supply of medium density housing (Victorian Government 1987: 44-46). The chief means proposed for implementing such policy has been increasingly to encourage the greater provision of medium density housing by private developers (Government of Victoria 1995: 58), despite the failure of this strategy having been well documented (Burke 1991; Yates 2001). The current planning strategy, *Melbourne 2030*, continues in this vein (Policy 6.1 – “Increase the supply of well-located affordable housing”), by identifying the ‘activity centres’ (see Chapter Five) as locations in
which the supply of affordable medium density housing is to be increased (Policy 1.3, Initiative 1.3.4). Specific measures to achieve this are not identified and appear to have been left to the ingenuity of local councils (Initiative 6.1.2 – “Increase the supply of affordable housing through joint programs with the Urban and Regional Land Corporation, the Office of Housing, local councils and the not-for-profit sector”).

The particular development investigated in this chapter is a community housing project in the suburb of Kew, which sought to provide housing for people who had been long-term residents of the area but were now unable to find affordable accommodation within the municipality. The development site was a former nursing home, owned and run by the Uniting Church, and the developer was a community housing organisation, Ecumenical Community Housing (ECH). The project was funded jointly with money raised by ECH and a grant from the Victorian Office of Housing (OoH). In accordance with OoH
guidelines for joint ventures in the provision of social housing, ECH had to raise twenty-five per cent of the cost of purchasing the land and developing the site, OoH supplying the remaining seventy-five per cent. The original site had two street frontages (to Peel and Pakington Streets, Kew) and is near Kew Junction, a retail precinct at the junction of two tram routes which has been designated a “Major Activity Centre” in the State’s planning policy, *Melbourne 2030*. The community housing development occupies about one third of the original site area, fronting Peel Street, the remainder (with a Pakington Street address) having been sold to a private developer. This chapter will focus on the development of the community housing, documenting each stage of the process that was involved in providing affordable housing through a medium density development. The two unsuccessful attempts at realising a private medium density housing development on the adjacent land make for an interesting counterpoint and will be discussed briefly by way of comparison.

**Research Methods**

As outlined in Chapter Two, the sources used to gain an understanding of the development process in this instance were a combination of interviews with key actors, and written materials obtained largely (although this time not exclusively) from planning permit application files at Boroondara Council. Unlike the Surrey Hills case, where a close analysis of documents in the Council files was sufficient to obtain the general contours of the story and to identify the main issues involved, in this case the combination of both documents and interviews was essential to achieve a basic reconstruction of events. The reason for this difference would seem to relate to the differences in the type of housing provision associated with each case. Whereas the town planning stage constituted almost the entire development process in the Surrey Hills case (design and construction were relatively minor stages except insofar as they interacted with the planning process), when we consider the

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81 The project was funded initially under the OoH “Interim Long Term Financial Model”. This model was “developed to target a diverse range of clients including those with disabilities for whom private or public housing options are limited or unavailable.” (Office of Housing 2006).
provision of medium density housing in the case of the Overton development, town planning was one (albeit lengthy and important) stage in a bigger process.

Initially, an interview was sought with the appropriate representative of the developer, Ecumenical Community Housing (ECH). During the latter stages of the development of Overton, ECH had merged with another community housing provider, Inner City Social Housing Company, to form Melbourne Affordable Housing (MAH). John, the Project Development Manager of MAH had occupied a similar role in the former ECH and hence had been primarily responsible for managing the development of Overton. He was therefore interviewed about the development process and the role he had played within it. Interviews were then sought with the parties who had opposed the development. As in the other cases, a letterbox drop in the immediate vicinity of the development was done as a means of making contact with those local residents who had objected. Only one potential interviewee, Gary, responded and so a second letter was delivered to all adjacent homes but this produced no further results. Gary had signed a petition opposing the Overton development but had not lodged a formal objection. While not the chief instigator of the resident opposition, Gary was able to describe how this opposition had been organised and to offer insights into local community sentiment about the development.

Another key participant in the process was the Kew Primary School (KPS), immediately to the south of the Overton site. The Principal of KPS at the time of the development had since retired, but an extensive correspondence between the school and both ECH and Boroondara Council was used to track the school’s changing position with regard to both the ECH development and the remainder of the former Overton site. Some members of the school community (principally parents) had also been very active in opposing the development of medium density housing on the Overton site, especially the community housing development. It was not possible (for privacy reasons) to initiate contact with any of these people but I was approached by one parent, (who shall be identified simply as D) who had become aware of my research
through a conference presentation. D was a Kew resident (though not living close enough to the development to have been adversely affected by it) whose children attended KPS. He was also a mid-level bureaucrat at the Eastern Regional Office of the Victorian Department of Human Services (DHS), with particular responsibility for the community housing sector in that region. He had a background as a field worker in community housing and more recently had worked from head office of the Victorian Office of Housing in a similar role to his present one.

While not having direct responsibility for the Overton project in his work (it was run from head office), as part of a DHS Team with oversight of the community housing sector in the Eastern Region of Melbourne, D believed he had had a professional responsibility to be aware of what was going on with the Overton development, and under normal circumstances would have investigated the problems and delays the project experienced. As it was, D identified the situation as a potential conflict of interests, and throughout our interview he mentioned repeatedly his “profound awkwardness” and the stress it had caused him. He had, consequently, been meticulous in keeping notes about the project and hence proved an invaluable source.

My interview with D was, at his request, not recorded and, while very keen to speak about his experiences, he was also clearly uncomfortable about doing so. At D’s suggestion I also interviewed M, a housing manager with the Inner East Rooming House Group (IERHG), who had followed keenly the progress of the community housing development at Overton and been involved in the development of a management plan for the property. He had also appeared at the VCAT hearing in defence of the development and, like D, also seemed to have been personally scarred by his involvement with the project.

Also interviewed was the project architect from Williams Boag Architects. He had initially been engaged for the master-planning of the site but had then designed the community housing development and dealt with Council as the Applicant for the planning permit. The final interview was with Boroondara Councillor, Keith Walter (KW). While not the Ward Councillor for that area,
KW was Chair of the Council’s Social Housing Policy Advisory Committee and, as it transpired in the course of the interview, had played a significant role in both initiating and realising the Overton development. KW had been elected to the former Camberwell Council in 1992 and lost his seat on Boroondara Council in November 2004. During the Victorian local government amalgamations he had also served under the Commissioner on the Standing Committee with responsibility for planning matters. A registered architect, KW had also for many years held the planning portfolio on Council and hence been involved in developing policies for medium density housing development. He considered Overton “… a very good case study because it highlights traps and where difficulties perhaps can be — not eliminated — but maybe handled better or differently for a smoother outcome.”

**Physical Context**

The location of the development is indicated on the map below. The original site from which the development site was excised ran through from Peel Street to Pakington Street and was occupied by what the architect described as “a tragic 1960s nursing home style building.” The site is immediately to the north of Kew Primary School and in the general vicinity of the locality known as Kew Junction: a mid-sized shopping strip which subsequently has been designated a “Major Activity Centre” in the metropolitan planning policy, *Melbourne 2030*. Two tram routes converge at the intersection of Cotham Road and High Street and there are numerous other facilities nearby including schools, churches, parks, a public library and a recreation centre with a swimming pool.
The style, type, quality and age of the existing residential building stock is quite diverse and has experienced a significant level of redevelopment at higher densities throughout the post-war era. In the immediate surroundings of the Overton development, there are several existing medium density developments in Peel Street itself, most notably three walk-up flat buildings across the street. There is also a significant amount of recent medium density development.
Background to the Development

The opportunity to develop the Overton Uniting Church nursing home site so as to include a component of social housing came about “out of chance discussions,” according to KW. He described the origins of the idea:

“I was involved at the Kew Neighbourhood House. We had a meeting there that was a regular Kew Neighbourhood House type meeting. There were two other people present, one of whom was a member of the Uniting Church (and so am I but that’s incidental to this), and the other one was the Uniting Church chaplain or an outreach worker (she’s a minister) for disadvantaged people in Kew. They were present. The chap from the Uniting Church mentioned that Overton, which was owned by them, was going to be sold. They were going to put their people out to a new development somewhere else, and the thought came (and he and I talked of it afterwards) as to, ‘What do we do with Overton when we are desperate for

The view across Peel Street from the Overton site.
social housing?’ And that’s where it actually started from, as the origin of doing something for housing with Overton. It came out of that discussion. And then he had links with the Uniting Church Synod (I had links with the Synod through other reasons as well) and then we actually got the Uniting Church to agree that this was a cause that they ought to be involved in — they are in many other places like this — and so they (and I’ll cut the story short here) underwrote a lot of costings on the property value, and so on, to ensure that a section of it could be available for use for social housing.”

In addition to being a Councillor of the City of Boroondara, KW was also Chair of the Council’s Social Housing Policy Advisory Committee and it was this group, in a formal sense, which contacted the church. From KW’s point of view, however, it was his personal links with the owners of the property (he had been, for fifteen years, involved with the Uniting Church Synod Property Division) that were of fundamental importance to the project being mooted at all. M had also been a member of the Social Housing Policy Advisory Committee and acknowledged KW’s significance in initiating the project:

“So I guess my first memory of it was, I think, that it came up during the social housing policy discussions at Boroondara about the possibility of the Uniting Church land being transferred across or somehow coming across to the community housing sector. That’s where I first remember it. [...] Quite a lot of groundwork was put in by [KW] and others; and I don’t know the intimate details of the Uniting Church but somehow the property did come across.”

M had himself been involved in an earlier assessment of the property, which had considered the re-use of the existing building for social housing.

“So ECH (or whoever) certainly weren’t the first to look at it. [...] Keith wasn’t involved with us at all then. No. That’s going back years before, when, you know, people were casting their eyes around for what might be suitable community housing projects that DHS might or might not want to pick up. And things like former nursing homes, [...] they were the sort of things people were looking at.”
Once the use, in principle, of part of the site for social housing had been negotiated, ECH became involved with the project. Their involvement, which initially concerned discussions of how to make the community housing development viable, also seemed to stem from their close association with the Uniting Church. The architects, who were engaged by ECH, also became involved from this time. The project architect recalled,

“They saw [Overton] as an asset that they no longer required and were looking to sell it off, and that’s where Ecumenical Housing were involved in excising a portion of that site for redevelopment. So I suppose our task initially was to identify how much land Ecumenical Housing would need to facilitate the outcome of the brief.

Initially there was discussion about whether it should be Pakington Street or Peel Street. In the end of the day we agreed with Ecumenical Housing that perhaps the Pakington Street address had more potential return, so therefore the Uniting Church would generate that and Peel Street would be the site for our housing development. That all seemed pretty straightforward to me and we were given a brief by Ecumenical Housing at the time in terms of what they’d like to put on that site.”

The Primary School (KPS) was also included in early discussions about the project. John described how the Uniting Church and ECH had discussed with the School their intention to develop a portion of the land as housing and to sell the larger part of the site, and that the School had been very interested in purchasing this. M had the slightly different impression that KPS had been interested in the purchase of the entire Overton site and had campaigned for that outcome. To his mind, the simultaneous excision of a portion of the land for community housing and the sale of the Pakington Street site to a private developer were an outcome of the school having been unable to raise the requisite funding from the Department of Education for the purchase of the whole property. A report by the School Council, *Proposed Acquisition and Development of Part of the ‘Overton Site’ for Use by Kew Primary School* was obtained which clearly shows that once the Uniting Church had begun negotiations with Boroondara Council the school was only concerned to
purchase the remainder of the site not required for the social housing development and that the Uniting Church supported them in this bid. An Appendix to this report does suggest, however, that in September 1996, the school had approached the Department of Education concerning the possible purchase of the Overton site. These negotiations were reported in the local newspaper and this had been, according to Gary, the way in which local residents had first become aware of any plans to redevelop the Overton site.

The outcome of this early stage of the process was that an application to subdivide the existing site into three separate titles (an adjacent detached house in Peel Street belonging to the Uniting Church had shared the same title and was also excised from the site at this time) was prepared by the architect and lodged with Boroondara Council. The notional sketch design which the architects had used as the basis for working out the subdivision in consultation with the Church and ECH is shown in Figure 8.2. Note that the community housing development, which the architect described as “just a bed-sit arrangement” and “about shared kitchen [and] bathroom facilities,” takes the form of two contemporary ‘rooming houses’. The adjacent private medium density housing (showing six dwellings) is a notional representation of the sort of development that it was considered necessary to allow for in order to sell the land at an optimum price. The Uniting Church was advised in April 1999 that 17 Pakington Street was valued at $1,450,000.

As an aside, the block of land containing the detached house (known as 46 Peel Street) had only been amalgamated with 17 Pakington Street (the address of Overton nursing home) in 1993. This had been followed by a planning application for alterations and additions to the nursing home. Despite some objections, a permit was granted in December of that year but was never acted upon. (Source: Boroondara Council files).
Figure 8.2: Initial Sketch Plan of Subdivision and Potential Use of the Site

Source: Williams Boag Architects
Pakington Street, Kew

Between May 2000 and May 2003, two attempts were made by two separate developers to build medium density housing on that part of the Overton site the Uniting Church had released onto the market. Both were unsuccessful. The first planning permit application to “construct 33 dwellings with basement car parking” was received from a Newport developer and estimated to cost $5,200,000. The plans submitted depicted a development in which four buildings of four storeys each were located above a basement car park that covered most of the site. All of the thirty-three proposed dwellings were designed to be two storeys with upstairs bedrooms over open-plan living areas below. Most dwellings had three bedrooms, five had only two.

In mid-to-late May 2000, the developer sought to arrange their own public meeting in which to obtain feedback from local residents, as Council’s timeframe for this process was considered too long (a meeting four weeks later had been proposed). On advice from the Ward Councillor, Judith Voce, who discouraged him from holding a public meeting in the school hall, he sent out the plans and a letter to nearby properties. The unenthusiastic response to what had surely been an ambit claim was clearly anticipated by the developer because, on 16 May 2000, architectural plans had already been tabled at Council showing a two-storey, nineteen unit version of original submission — half the height and just over half the number of units. Council received a letter (dated 25.5.00) from one resident who claimed the proposal was an overdevelopment of the site and, “would detract from the area’s natural spaces and traditional type of housing by creating a densely populated area that in a few years to come may resemble a commission type environment.” Parking problems and traffic congestion were also cited as reasons for opposing a scheme of the scale proposed. He claimed to be speaking for most local residents when he concluded, “We are not opposed to a multiple housing project however we are opposed to the number of units proposed.”

\footnote{Actors involved with this development were not interviewed but the planning process appears to be closely linked with on-going failure to develop this site.}
Despite these attempts by the developer to expedite the planning process, effectively nothing was achieved between lodgement and the Planning Consultation Meeting held at Council between affected parties on 6 July 2000. The developer wrote to Council on 22 June 2000 to express his frustration about how Council was handling the application. He described himself as “very frustrated with not being able to get an initial response to my proposal” and was particularly aggravated by the perceived interference of the local Councillor, Judith Voce, in his attempts manage negotiations himself:

“I have been able to gain some of the neighbours feedback by contacting them directly. However, Ian Smith, the School Council President, has been unable to comment. He is wanting to, but is acting on advice from Judith Vice (sic.). Who has indicated that he should work only through the Council and not talk with me. I find it frustrating. Firstly Judith advises the School not to give me a meeting room to meet with the community, now she closes my communication with the neighbour to the south.”

Thirty objectors attended the Council-chaired meeting at which the developer finally got his response from the planning department. This was that they would recommend the refusal of the scheme as lodged. The reasoning behind this decision is interesting to note. The strongest of the reasons outlined were concerns about the overlooking and overshadowing of adjacent properties, and the insufficient provision of storage space and private open space. Concerns about the visual bulk and lack of landscaping opportunity were also expressed but did not constitute a strong basis for refusal. Interestingly, the planner’s notes indicate that she believed both the controversial density of the proposed development and the provision of car parking to be compliant, despite these having been significant concerns raised by the residents. She notes, “apartment style and density may be appropriate for this location, but in this instance [are] a concern due to off-site amenity and streetscape impacts.” It is this last point (emphasis added) that appears to be the Council’s main

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84 The Good Design Guide permitted greater than usual densities on sites of more than 2000m² and within a seven-kilometre radius of the CBD. Proximity to the amenities of Kew Junction was also noted and is mentioned again as a reason for being less stringent on the requirements for private open space.
objection to the development and which was given precedence in the Council’s presentation to the Consultation Meeting, under the general heading “neighbourhood character”. The four-storey buildings fronting the street were considered “excessive and out of character with the predominant single and two-storey development in [the] immediate area,” despite the existence of a four-storey building across the street which was written off as “not a good example of appropriate development.”

![Two views of the four-storey 1970s flats across the street.](image)

On 27 July 2000, the amended plans for nineteen, two-storey units were officially lodged but this revised scheme had already been the subject of a letter of objection from KPS (19 July 2000) pointing to traffic safety, historic tree preservation, overshadowing of the playground, and general design issues (neighbourhood character and bulk) as the reasons informing their opposition. Shortly afterwards (31 July 2000) an appeal was lodged at VCAT by the applicant for “failure to grant permit within the prescribed time.” The planning consultant the developer had hired to represent him notified Council about the appeal in a long letter (dated 3 August 2000) which is very much an invective about Council planning assessment processes. The letter expresses incredulity at Council’s handling of the development application, “It is almost as if Council Officers are trying to create issues, set up hurdles and block the path of a development proposal through the application process;” singling out again the particular involvement of Cr Judith Voce:
“Applicants become frustrated by the delays in the planning process, the negative attitude of Council Officers and the rather strange approach from the Ward Councillor who effectively cancelled a meeting which had been organised with residents of the neighbourhood. In my years of experience both in and around local government, I have never known that to occur previously.”

In relation to the specific planning issues raised by Council, the letter challenges Council’s “neighbourhood character” objection concerning how the proposed buildings address the street, claiming, “…there is no valid reason why the site layout should be altered or why the site layout should not extend across the width of the frontage and we would be interested to hear a proper and full explanation from Council Officers as to why they believe such a change is appropriate.”

The VCAT Hearing did not take place until 13 February 2001, and then it was not until the end of March that a decision was received from Planning List Member, G.J. Sharkey, stating:

“…this Application is disallowed. It is disallowed in particular because of the bulk and mass it presents to the north, south and east, the impact on the streetscape, the possible impact on the trees on the school grounds in the vicinity of the south boundary, and also overlooking to the north. It is appropriate that a permit not be granted and I will so order.”

The site was sold, and within three months of the VCAT order being handed down, Council received from the new owners of the site concept plans for a 21-unit development proposal (18 June 2001). The new developer had organised his own consultations with KPS and the recently formed Residents’ Committee on 13 June 2001 and supplied minutes of these meetings with the other documents. The meetings were run on the developer’s behalf by a consultant planner who happened to be the same planner Council had hired to represent them at VCAT hearing just months before. This matter was of great concern to the Residents’ Committee (Letter to the Mayor, dated 20 June 2001) as he was extremely conversant with the planning issues for the site, as
well as residents’ and Council’s prior concerns. The meeting minutes refer frequently to the previous proposal and the issues raised in that context.

A formal Planning Application was not lodged until 23 October 2001. The proposal was objected to by the School, ECH and surrounding residents and on 29 January 2002 an Application for Review was lodged with VCAT for “failure to grant a permit within the prescribed time,” although on this occasion the statutory timeframe had not been greatly exceeded. Council’s planning officer advised VCAT (1 July 2002) that the application would have been refused on six grounds:

1. scale and setback inconsistent with existing neighbourhood character.
2. internal amenity compromised by restricted setbacks between buildings.
3. insufficient clearance of existing Italian cypress tree.
4. long term viability of Dutch elm on KPS grounds uncertain.
5. insufficient open space to two units (20 & 21).
6. setbacks of basement carpark restrict landscape potential along boundaries;

Later adding an additional reason (12 September 2002):

7. design and width of vehicle accessway inadequate for 2-way movement and hence safe and convenient access to basement carpark.

The VCAT hearing took place over 23-24 September 2002 before Member John Bennett. ECH had objected to the proposal on the grounds that units at the rear of the Overton development would be overlooked but the Member believed, “Areas of non-compliance can be addressed by screening or other minor design changes.” The real concern that led John Bennett to order on 14 November 2002 “that no permit issue” was his belief “that the proposal is not in keeping with the neighbourhood character in that it still represents a development that is inconsistent in terms of visual mass and bulk.” This quite subjective statement is then spelt out: “The buildings still present as an over powering element in the street and I have particular concerns relating to height.” As two, two-storey buildings had been proposed addressing the street, this position is interesting given that all three properties between the subject
site and the nearest cross street comprise two stories. Setbacks in the street vary greatly but the immediate neighbour (pictured below, left) has a double garage on the street, while the corner house (pictured below, right) has minimal setbacks and could conceivably classify as an “over-powering element”. Being a single dwelling, this new house, built since the demolition of the Overton nursing home, would not have required planning approval.

No further proposals were put forward for the site and it was still vacant in January 2006.

**Peel Street Kew (the ECH Site)**

**Design of the Development**

The programme for the site was to provide mixed tenancies in keeping with the usual policy of ECH. The initial brief was for replacement accommodation of the type traditionally provided by boarding houses (for low-income single people), which in the sketch plans took the form of eight one-bedroom units and a seven-bed ‘shared house’. Two ‘houses’ to accommodate low-income families where at least one child has a physical disability were “incorporated into the design at the suggestion of the school” (letter to Council from ECH, 7.4.00). According to the architect,
“The two houses grew out of a demographic need as I understand it in Boroondara for family accommodation and particularly with one child that has physical disabilities. And there’s a very good integration programme with the school next door. The Principal was great through all this and I think he was very excited about what the school could contribute to this programme.”

Once the subdivision was complete, the Peel Street site was sold to ECH by the Uniting Church for $915,000 (contract dated 16.3.00) — substantially below the market value — and the project began in earnest. The architect recalled this stage of the process, “… The subdivision came through and we managed the demolitions project, so really we then were engaged by Ecumenical Housing to develop the design of a housing program for that site and that’s when [they] changed the brief.” The architect said he had been concerned about the fact that this change was made after the subdivision process was complete, and believed it had compromised the outcome of what was built:

“And the immediate concern I have is that, well, do we have enough land that we’ve actually excised off? And that’s why, I think, when you go and look at the site, it’s dense. It is dense and I think if we’d had another three or four metres and actually pushed what is the rear boundary further, the thing would have felt a little bit more comfortable.”

The new design brief retained the eight one-bedroom units and two three-bedroom family units of the initial brief but changed the seven-bedroom shared house of the original plan to seven individual ‘bedsits’. This apparently minor alteration to the programme was described by the architect as “an interesting design challenge” and led to a very different approach to the overall design of the site.

“And I s’pose from my perspective it was about some separation between the two houses and what’s happening behind it. […] So in a sense the idea of those two houses addressing the street, separate from what’s happening behind, was a logical master-planning strategy, I suppose. And what it also does from an urban
design perspective is allow the reinstatement of the streetscape. I’d often say in public meetings, it’s the sort of ‘missing tooth’ in the streetscape, and by having in the brief two houses, it seems logical they should go at the front and then the two-storey piece can sit behind it. And then that was organised (as you’d know) as a horseshoe about a central, communal space.”

The effect of reinstating the streetscape by having the two ‘houses’ address the street is diminished by the fencing around the house (owned by KPS) to the south of the site. The success of the ‘horseshoe’, however, has been compromised by the late deletion (as a cost-saving measure) of the landscape element that was to form the focus of the central courtyard. The latter change was also outside the architect’s control because, once the design development and contract documentation was complete, they had little further involvement. What became Melbourne Affordable Housing took over the management of construction and the administration of the building contract.

The Planning Application Process

Prior to lodging the planning application, John (the ECH Project Development Manager) had attempted to consult with adjoining property owners to assist the development process and “to be a good neighbour”. On the same day that the planning permit application was lodged by the architect (1.12.99), a public
meeting had been organised with KPS and local residents to inform them about the development and answer their concerns. The nature and outcomes of this consultation process will be discussed shortly. On 7 February 2000, Pauline Delios, the planner handling the application at Boroondara Council advised the Applicant that the advertising period had begun. Fifteen objections were received, of which ten were identical. All these were from residents in the immediate vicinity of the development and cited (in this order) density, character of street, parking, visual impact, lifestyle (movement restricted due to fears for personal safety), intended use of the site (occupants), and possible future change of use (exacerbating parking issues) as their reasons for objecting. There was also concern that “the development will severely decrease our chances of gaining a fair valuation of our property.” These residents had also sought legal advice and each appended a faxed copy containing twenty-five “further grounds for objection”. Most of these reiterated those already presented and only a couple referred to planning policies or guidelines. A petition was also received which drew attention to density, parking, uncertainty of the occupants, safety, visual impact and loss of privacy as matters of concern. The other individual objectors (who mostly seem to be parents of children from KPS) focused more obviously on the undesirable nature of future occupants, claiming it would be unsuitable to house people with psychiatric disabilities next to a primary school, one objector even raising concerns about the transmission of disease from discarded syringes. Council’s handling of the planning application during this phase of the process was a source of frustration to the Applicant (the architect), who wrote to Pauline Delios on 10 March,

It is unfortunate that since the lodgement of the requested additional information on the 24th January 2000 all that has occurred to date is the public advertising process. To date council still has not even considered the application which, we suggest, is extraordinary. In addition you must appreciate our frustration at your advice today that assessment of the application is reliant on receipt of the statutory declaration which you indicated is purely a delay tactic by yourselves.

85 It must also be noted that two petitions in support of the development were later sent to Council from the local Uniting and Anglican churches.
An objection had also been received from KPS. This was initiated through the School Council by parents whose “concerns cover the potential interaction between residents of the proposed development and the school.” (Letter from KPS to Boroondara Council, 25.2.00). This represented a substantial change in position for KPS, whose Principal and School Council President had been strong supporters of the project in its initial stages. In a letter to the Uniting Church they had described the Overton proposal as “a once in a lifetime opportunity for our community to create a socially advanced example of a joint community development venture that suits all parties who are participating. We encourage all parties to actively work for this result.” (Letter to Rev John Rickard, 25.2.99). In marked contrast to this enthusiasm, a School Newsletter from May 2000 informed “Members of the Kew Primary School Community” that the School Council had “resolved to rescind its previous position on the proposed housing development and to oppose the development of the housing in its current form and with the proposed resident mix.” (KPS Newsletter No.15, 11.5.00). This change of heart was said to be in response to the results of a survey of opinion within the school community regarding “the inclusion in the tenancy of people with a history of mental illness”, there having been “an increasing number of expressions of such concern.” Two thirds of those surveyed had reported holding concerns about the development, including “perceived risks to children” and “the lack of on site supervision for the residents of the facility”.

While it is not readily apparent from the formal, written objections to Council, John reported that in the public meetings, similar objections were raised concerning the ‘type of people’ who would be housed by the Overton project (i.e. people who might have mental health issues); an objection he did not consider to have been particularly valid and one which, he pointed out, was
certainly not based on planning grounds. KW shared his point of view concerning the nature of the objections and their impact on the process:

“It was a very long, protracted process and the biggest difficulties were when the word was out that this was likely to be a sort of home unit for social housing. That’s when the real fat hit the fire in the local scene, because there were certain people in the community that worked on the theory, ‘I don’t have the faintest idea what I’m talking about but I don’t like it and don’t want it.’ That’s my interpretation, they may have a different view on that.”

The architect also highlighted this aspect of the community opposition:

“The first meeting I went along to was pretty heated. And it just seemed to me that obviously the neighbours had been talking of the thing and been whipped up. You’re much better to communicate early in my view but I don’t know whether it would have made a huge difference at the end of the day because it was really about who’s going to be living next door and will it devalue my property? It will devalue my property. That’s pretty hot stuff. We had people saying they should be locked up in Pentridge, that sort of stuff. […] It certainly polarised the community because there were those who were just downright opposed to it but those who would come up after the meeting and say, ‘I’d just like to apologise for what these people have just said to you’ - ‘cos they would hoe into the design.”

The issue was of such concern, however, that Pauline Delios met with representatives from ECH to discuss the matter. ECH was asked to clarify in writing the eligibility criteria for prospective tenants and their planned approach to supporting and assisting tenants. This was done in a letter dated 18.4.00 in which prospective tenants were described as needing to be:

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86 Although KPS was subsequently advised by their lawyers, Clayton Utz, that “the impact on the School of the development, including any socially adverse effects, is a relevant planning consideration.” and that “the School must, as part of its duty of care to the students attending the School, take all reasonable measures to protect its students in and outside of the school.” (Letters from KPS to Head of Planning at Boroondara, Philip Storrer; and Mayor and Councillors, 21.7.00).
• currently a resident of, or have strong residential links to, the Boroondara community;
• able to live independently;
• eligible for public housing (i.e. receiving pensions or benefits from CentreLink and have less than $30,000 in assets), and;
• at risk of homelessness or living in inadequate accommodation.

It being noted that, “increased gentrification has seen the sale and closure of large numbers of rooming and boarding houses and their refurbishment into more ‘up-market’ stock.” Four levels of support and assistance were described: “tenancy management” (by ECH); “formal services” (eg. case management); “Uniting Church” (i.e. pastoral care); and “residential community” (the intention that the project encourage self-supporting and sustainable community). The caveat was added, “It is true that some prospective tenants may have a history of mental illness as this a common occurrence amongst current tenants in rooming and boarding houses throughout the inner urban area. All tenants, however, in order to be eligible for selection must be able to live independently.”

In early May, the advertised plans were altered by the architect to accommodate “concerns raised by the council only”. This mainly involved the enlargement of private open space areas, increasing the building setbacks and indicating more landscaping. These amended plans were sent to all the original objectors who replied in another form letter which made no mention of concerns about prospective tenants of the development but restated their opposition to what they described as “a high density housing complex which:

[a] undermines the integrity and property values of Peel Street
[b] increases inward and outward traffic onto Peel Street, ...
[c] exacerbates the existing parking shortage of Peel Street, and
[d] diminishes existing residential privacy with a high density housing complex which European and North American experiences have already shown to be fraught with social complications.” (Letter to Planning Officer, Pauline Delios, 19.5.00).
The focus here on the ‘density’ of the proposal as the key to its other perceived problems is telling and will be discussed further directly.

Council called their own Public Meeting for 10 May 2000 to discuss issues of concern about the development with the school and local communities. This meeting was chaired by the Ward Councillor, Judith Voce and took place at KPS. A further Planning Consultation Meeting was organised by Council’s Planning Department and held at the Council offices on 14 June 2000. John was particularly aggravated by the fact that, having carried out their own community consultation prior to embarking on the planning process, ECH was later required to undergo this process again at Council’s insistence. He believed this second consultation process was not run as well and was in part hijacked by the Ward Councillor, Judith Voce, who John believed to have been bent upon stopping the project in order to “protect votes”. The architect was a little more philosophical (if just as cynical) about the planning and community consultation process:

“Like any town planning process it’s charged and it was charged particularly with this project because of a lot of the dialogue around who the end-user would be. There was some pretty ugly commentary from residents about all of that and I think that some of the residents and some of the parents were savvy enough to realise that they’d perhaps lose – or that they would lose – any planning or VCAT hearing on the basis of end-users, so they attacked the design really and car parking became a huge issue.”

Car parking became one of four issues (out of a potential nine) that led to the decision about whether or not to grant a planning permit being made by the full Council at a meeting of Council’s Urban Planning Special Committee rather than under delegated authority. An internal document in the Council file (“Nine point check sheet for delegation: unit application,” 2.4.00) indicates this was because: the were more than twelve objections (15); there were more than five dwellings (17); the floor space ratio exceeded 1.5 (1.64); and there were only six car spaces for twenty-one bedrooms (0.66 spaces per bedroom.
were required). On this last point, a Memorandum (12.5.00) from the Council traffic engineer states that: “Given that this type of development is considered special accommodation, with low car ownership, it is appropriate to use a rate of 0.3 spaces per bed. The requirement for parking is therefore in the order of 6 spaces.” Despite this, car parking continued to be raised as an issue by objectors.

The Urban Planning Special Committee meeting (attended by full Council), at which the planning application was considered and voted upon was held 21 August 2000. The recommendation, based on Pauline Delios’ comprehensive report, that a Notice of Decision to Grant a Planning Permit be issued was ultimately carried. KW described the meeting:

It reached the point where it came to the Council - and I haven’t changed my view ever since then - it’s probably the worst Council meeting I’ve sat through in something like twelve years. The tone of the objections were very clearly, ‘I don’t care what you want to do or what you talk about it, I’m just not even interested, I don’t even want those paedophiles next to my kids at that school. And it was tough and rough. […] And I knew that at one stage somebody was going to raise an issue, ‘cos I’d been warned of it, and that is that because I was associated with the Uniting Church I should declare a conflict and not vote on it. They felt that my not voting might swing it. And it reared its head right near the finish. When all the discussion had ceased and just before a vote was to be taken, I did actually signal I’d like to say something. And all I said was that, ‘Yes, I am chairman of the Social Housing Policy Advisory Committee. Yes, I am associated with the Uniting Church. And yes I am going to vote.’ I said no more. We didn’t need to. The Councillors were pretty much in tune with the whole thing as a planning exercise and you can get good surprises as well as horror surprises. And the lesson from the good surprise is perhaps it’s worth orchestrating a good surprise in a future situation.”

The “good surprise” on this occasion was a neighbour of the Kew Fire Station social housing project saying that he had been a fervent objector to the project when it was proposed but now considered the residents there better neighbours than the fire brigade ever had been.

A Notice of Decision to Grant a Planning Permit was issued, 25.8.00.
Chapter 8 – MDH Development Process 2

Resident Responses
We have just described the planning approval process from the perspectives of those directly involved with it: the developer and their architect (as Applicant), and Council itself. So far, the only perspective from third parties to be included in our discussion has been the written correspondence with Council that formed part of this official process. How the planning process was experienced within the neighbourhood affected by it will now be discussed using the insights gained through an interview with Gary, who, it may be recalled, was a local resident living in existing medium density housing on Peel Street.

From talking to Gary, it seems that the concerns of the neighbouring residents had differed slightly from those of the school community. As the written objections suggested, the primary planning concerns were density, traffic and parking. Concern about the nature of the use of the facility seemed largely to centre on its possible effect on property values. Gary also expressed frustration with the process itself, particularly the perceived lack of communication with residents by both Council and the nearby institutions. He had observed the closure and demolition of the Overton nursing home and the erection of the dividing fence on the site without knowing what was being planned. The only thing he had been aware of was “the argy-bargy between the education department and the primary school,” referring to the unsuccessful attempts by KPS to enlist the help of the Department of Education to purchase 17 Pakington Street. This he had only known about through its coverage by the local paper (Progress Press), a circumstance that to his mind was “a bit of a worry.”

“Cos most of the people in the area, they’re all sort of workers, lots of hoppers-in and people who work during the day. And with the blocks of flats it’s not a place where you get that sort of community spirit going. The school didn’t come to any of the residents and ask for their help. They didn’t approach us at all with their claims for support. They predominantly had a fight with the education department from what I can work out (what was in the press). It got plenty of press coverage, both from the principal and the leader of the school council.”
Gary had a fairly negative attitude to the school, which seemed to stem from a general frustration about traffic problems associated with the lack of car parking in the street. This frustration had then translated into a frustration with Boroondara Council who, in his view, were not doing enough to resolve the issue. “I see it as a bit of a basic right (to some extent) that I can get in and out of my bloody driveway, at the end of the day. Oh no, Council couldn’t care less about that.” Gary interpreted the way in which consultation took place with the existing residents about the proposed housing development against this background of general frustration with both the Council and KPS. From this perspective, ECH was just another organisation doing something in the street and not bothering to inform the local residents.

“If you didn’t read the Progress Press, you had no idea what was going on. So that was my biggest complaint. We had no formal feedback from Council, nothing from Ecumenical Community Housing group, in terms of information from them. If they held public meetings (and I think there might have been one) it was poorly advertised. There was certainly no letter drop.”

Gary specified poor communication and this apparent lack of concern for residents as the main reasons why he had signed a petition opposing the development. This had been brought to him by a woman from one of the adjacent flats:

“I signed it off on the basis that, through lack of information I thought, oh well, it’s not going to do any harm complaining. The information that was made available to us was pretty sketchy and so out of ignorance I s’pose, and lack of information, I supported that [petition].”

Gary identified the woman who had organised the petition but she did not respond to my requests for an interview. It would seem she had been the main and only agitator among the neighbours and the one most concerned about the type of people who would tenant the Overton housing development. “She was fairly passionate about the exercise so she was more than just a
messenger. She was up on all the detail. The usual stuff came out: the lowering of property values and stuff like that. Traffic wasn’t mentioned as an issue so much.” It also seems likely she had authored the standardised formal objection letter but I was unable to confirm this.

Such information about Overton as had been disseminated through the local media Gary remembered as having been focussed upon the people who would inhabit the new development.

“The way it was written up, we were going to get (this might sound a bit harsh, but then again it doesn’t reflect on me personally) we were going to get all misfits around. The stuff that was in the Progress Press described them as people ‘in transition’, so there was going to be a high turnover. That was the way it came out. These were people who were... I thought it was, that had mental problems and this was a way of easing them back into mainstream living.”

Whatever other residents may have thought of this, Gary was adamant that this would not have represented a significant change in the local demography and that he at least was used to relating to people in the neighbourhood who didn’t conform to more standard expectations of social behaviour.

“Now I’ve got no objection to that. This area’s been surrounded by them. I’ve got used to the buzzer of the front door ringing at 6:30 and some old bloke looking for some money. Two guys coming past at night wanting money for, ‘I’ve missed out on tea. Can I... I’ll need some money for a pie.’ And I think they came from a big old mansion over on Pakington Street, which I think is now closed because I haven’t seen them for a while. So as a community we were used to them wandering around the street and got used to seeing them there and so that part wasn’t bad.”

It had therefore been offensive to Gary that representatives of Boroondara Council, whom he believed had not done enough to inform them of what was happening, had assumed the local residents were inherently prejudiced.
“But then to go along some time later, before they started actually building, I think they were having this... (I've only missed one or two). Our recently defeated mayor here, this was her Ward. So roughly twice a year she'd organise Ward meetings [...] It wasn't her specifically but it was Keith Walter, who got defeated in Solway [Ward], stood up and criticised the people in this Ward who were anti the development here that they were... we were criticised as being anti-human — I can't think of the words that he used but it was having a shot at us because how dare people... it was the fact that the disadvantaged had become cheap targets. One example was that we had... people in this area had complained about the development of the Ecumenical Housing site, and we were snobs in some way by being anti-social, and in terms of not letting the disadvantaged have a go. Now she didn't say that, I'll acknowledge that, but equally it was her meeting and quite often the other councillors... one or two other councillors will go to these meetings. She didn't get up and criticise him or say, 'Well, I don't support those lines,' or whatever the case may be. So I took her silence as acquiescence to... she wasn't going to object to his views.”

He saw the chief problem as being quite different: “The unknown. That was what was driving the concerns in my view.” This represents quite a different take on the matter to those observing the local response. Take for instance this comment from M:

“But what I saw dominating that whole thing was other stuff, you know: it was next to a school, likely effect on kids, who's going to be living there. ‘They're all going to be mentally deranged with drug and alcohol other multiple problems.’ ‘We've had experience with this other project over the road,’ — some people referred to this Ramornie project [now closed] which housed mostly men with alcohol problems. Some people had very positive experiences of living near it, other people sought to say that all sorts of things had gone on or might be likely to go on. So, I saw that stuff dominating the whole process and I think it all got out of hand. When I look back on it I just think that it snow-balled.”

The sticking point for Gary had actually concerned the density of the proposed development, not primarily its use.
“When you, sort of, saw the figures and saw the size of the block of land it seemed like it was an overkill for the block and that the way in which the numbers were... it was going to be, you know, one bedrooms and two bedrooms and three bedrooms and when you rattle all that off it just seemed it was going to be a massive development in what had been a low-rise site. And they were going to be banged up against existing houses.”

He then proceeded to relate to me via a series of anecdotes his belief that the presence of adjacent flats was a potential turn-off to prospective property buyers (although all his examples involved flats built during the 1960s boom), and concluded,

“I’m pro-2030, in a broad sense, but as long as the way the stuff’s designed and built isn’t people’s natural light (in particular) and potential for airflow is not downgraded by plonking bloody stuff cheek-by-jowl. You go along things like Mont Albert Road, for example, and see those mock-Georgian things where they’re right up to the boundary fence, you know, both sides and then you’ve got these nice old heritage-type or Californian, pre-War Two stuff there and then this great big bloody thing towering next to it and it just invades people’s privacy. [...] So when you heard they were going to shove a whole swag of units into that little site there, that’s basically what got people’s backs up here.”

**Community Consultation**

As already mentioned, a number of consultation meetings were held with the local community as part of the planning and development process. The perspectives of other people who attended these meetings (besides the Council or the developer/Applicant) provide additional insights into the way these were handled. D and M were useful sources of information in this regard. M, it will be recalled, works within the community housing sector as a housing manager. D also works within this sector but - of greater relevance to this case study - was part of the KPS community, having children who attended the school.
D attended two of the community consultation meetings in his role as a concerned parent and member of the local community. The first of these meetings, organised by Ecumenical Housing and held at the school hall (2.12.99), he described as having been attended by about one hundred people (consisting of both neighbouring residents and parents with children at the primary school) who were “basically seeking reassurance that their children and property values were safe.” The second of the meetings he attended was called by Ward Councillor Judith Voce and held at the Council offices in Camberwell (14.6.00). This was smaller (about thirty people) and was mainly attended by residents. At both meetings, questions were fielded by John of ECH.

M had attended the meeting at KPS (10.5.00), which Council had required as part of the planning process. He described that meeting as “fiery” and “very well attended”. The Inner Eastern Rooming House Group (IERHG) for which he worked had not specifically been invited to the meeting but, as they were one of a number of organisations working in the community housing sector who were consulted as the project got underway, M had attended. One of their projects, the Kew Fire Station redevelopment (a community housing project managed by IERHG) was viewed as a successful precedent for how a housing project could work well and be successfully integrated into the community in that location.

“That meeting was really an interesting experience. How it turned out, it was a very fiery meeting, right. Well I don’t think it was well thought out and I don’t think it was well run. And the main focus of attention seemed to be the NIMBY thing, with a particular focus on mental health. And the mental health support agencies and professionals had turned up in force (that was my impression) so the meeting turned into this kind of... threatened to get out of control all the time, and I think John was trying to bring it back into control. [...] I was sitting there thinking, this is not the way this should be. My feeling was that, somehow in the planning process, all these mental health professional and lobby groups (which we have a lot to do with and which I respect greatly) had all got on board and really lobbied for this project to have a mental health focus and I and others always down-played it because you could see how that might go down in the community.
[...] I thought [John] handled the meeting quite well; a meeting that was fiery and tending to go out of control all the time — there were people leaping up and yelling! I remember some bloke, who I think was from an Italian background, leaping up and having to be suppressed by other people, you know. It was a really fiery community meeting.”

M was more suspicious than D (who blamed most of the community opposition on John’s handling of the public meetings) of the role played by KPS. He believed the school’s involvement to have been a key factor behind “the kind of carry-on and the objections of that order, which got really extreme and built on itself in the case of Overton. And I think the school really (if that’s the word) fermented that. They rode it along. For sure.”

M’s identification of the key issues in the community opposition to the development at the meeting as being the handling of concerns about mental health problems among prospective tenants and the position taken by the school, squared with KW’s assessment:

“The planning approval process — and this is where lessons get learnt — for some reason (I don’t quite know or remember how it happened) it became part of the description of its use that it was for use for people with psychiatric disabilities. The word ‘psychiatric’ should never, ever have appeared on it. Yes, people with disadvantages — some of them do have mental problems. [...] But that word got into the agenda and that’s what some of the objectors latched onto. The formula we went through then was to have meetings with the local community. The objections seemed to pivot largely around the fact that it was being built, or proposed to be built, immediately adjacent to the Kew Public School. I suspect the school may have even been involved in the objections — probably a lot more so than they’d like to admit, because all the meetings took place within the school. And some of the objectors were using expressions like ‘paedophilia’ and all this sort of thing, which is arrant nonsense, emotive and so on and such like. And I went to quite a number of those meetings. It was very hard to keep an even keel and sort of keep a balance in the temperament with it because outrageous comments were being made.”
Immediately after the final community consultation meeting, the President of the School Council wrote to ECH to clarify the school’s concerns. Not wanting to be viewed as intolerant of mental illness in the community, yet adopting a “cautious position” in light of concerns raised by members of the school community, the School Council enumerated its specific concerns, many of which “relate to the process for definition of a service model and management plan for the project.” The principal motive for this letter appears to relate to the following: “Most recently, at a community consultation meeting convened by the City of Boroondara comments were made by [John] regarding the ability of your organization to screen and manage residents of the housing.” (Letter to ECH from KPS, 20 June 2000). A result of such concern was that it ultimately became a condition of Council approving the development that an ongoing management plan be developed. The outcome was a nineteen page report, *Management and Tenant Support Approaches* (August 2000) that was produced by ECH under the guidance of a Steering Committee that included representatives from Council, The Department of Human Services, local Churches and mental health service providers. Among other things, this report required the appointment of a tenancy manager for the project. The IERHG (and specifically M) was provisionally appointed to this role; but later Melbourne Affordable Housing (MAH) took on the task themselves.

**VCAT Appeal**

After Council had issued the NOD (25.8.00, refer to page 26), a small group of local residents applied to VCAT for this decision to be reviewed. The hearing took place over 22 and 23 November 2000 and upheld Council’s decision. KW recalled,

“The whole thing was challenged by the objectors to the Tribunal. They took it to VCAT on the premise that these were unsuitable uses for the property next to the school. Firstly, it was not a criteria that VCAT would rule on anyway, but the chairman — whoever was the chair at that hearing — simply said, ‘It is not relevant. It is nothing to do with it. There is no case to answer for. Permit
endorsed.' Literally like that. Perhaps not quite as quick as that but that was the essence of it.”

Obviously this is not a literal description of the proceedings, and M’s recollection of his role in them highlights that the process can be daunting and confusing for those not used to it.

“I remember feeling very uncomfortable. I didn’t see a lot of the process. [...] I was probably a bit tense because I was presenting, you know. I turned up and there were all these people in suits and things. And I think I was fairly neatly dressed as well, but it was like that you know. And there wasn’t a lot of communication between people. So I felt like I was operating in a bit of a vacuum really. [...] I remember standing around in the foyer with some of the Ecumenical people and that, and I felt like I was in a bit of a vacuum.”

M reported to the Tribunal as the “appointed tenancy manager” of the Overton development: a fact which compounded frustration about the appointment never being finalised and ultimately rescinded. This was particularly so as he considered his and other presentations from the community housing sector as having been crucial to the outcome.

“So we came on board late in the piece as the community housing managers and sometime after that I attended the VCAT appeal and I put a lot of work into a two-page presentation. Then I got up and spoke, and other people got up and spoke too. [...] So we got on board with a bit of a vengeance I reckon, but my impression was (laughs) they really needed us.”

The Appeal had been a daunting and expensive step for the residents who initiated it. “VCAT’s a daunting process if you’re an average citizen wanting to go,” Gary had remarked on the basis of conversations with his neighbours who had been involved. “It’s a monstrous process for the average citizen to defend their little patch of Aussie dirt. You’ve got to go through cartwheels to get anywhere; and if you go to VCAT, that’s expensive.” The residents had hired a QC and a planning consultant to run their case (coincidentally, the
latter was Stephan Koenig who had represented the developer in our Durham Road case study), thus raising the stakes of the Appeal. The hearing was, therefore, also a further source of financial hardship for ECH. Not only did it further delay construction, increasing building costs and revenue foregone, but costs were incurred in hiring the services of planners and lawyers (including a QC) to represent their case at the Tribunal. However, in marked contrast to his opinion of the Council decision-making process, John considered VCAT to have been a fair and unbiased forum in which the issues considered were more fairly represented and had more clearly focused on planning matters.

The significance of the outcome of the VCAT hearing for the proponents of low-cost medium density housing was summarised by the architect:

“We won at VCAT and so that was an enormous... an enormously important thing, I think, for social housing programmes in Melbourne really. But it is appropriate to put such a facility next to a school, and in Boroondara, and in these communities. But there were some pretty heated public meetings (both for and against), that John would probably have spoken to you about, but logic prevailed at the end of the day.”

Construction

Once ECH had been notified of the VCAT decision (25.1.01), and a Council Permit issued (2.2.01), construction work was delayed for a further two years by the need to refinance the project. This was a very lengthy process involving ECH in extensive negotiations with the Office of Housing (OoH) and funding applications to various Trusts and Foundations. After securing an additional $200,000 ($100,000 from each of two sources) in philanthropic donations by the middle of 2001, ECH eventually was able to leverage an extra $600,000 from OoH (Variation to Funding Agreement signed 30.6.03). Construction commenced on 1 May 2003.
The architect had limited input into the process from that point, “So really, I had three or four site visits during construction,” and project management in the construction phase was handled by Roger from ECH. I asked the architect if he knew why they hadn’t been employed to provide full architectural services, which would normally include tendering for and administration of the building contract. He replied,

“I think prior to our working with Ecumenical Housing (sic.) they had a bad experience with a project during construction and that’s when they specifically engaged Roger and employed him with a view towards MAH controlling the construction process. I think they were hit with various variations, and as the — sort of — client removed from the building process, I think they didn’t feel empowered to actually inform that process. And Roger at least has been able to deliver an outcome, and without the angst of having to go back to Office of Housing for additional funding. So that’s why they’ve introduced this. And he really runs all of their projects and he’s quite good at it. He deals very well with the builders.”

The development nearing completion in March 2004.

The architect was not at all critical of how ECH had managed the construction process on a tight budget, despite the fact that the quality of the building,
(including certain aspects of his design) were undoubtedly compromised after tender prices came in higher than expected.

“And he’s really been hamstrung by funding and Department of Human Services’ ‘There it is — there are dollars — and I don’t give a damn whatever other extraneous issues have cropped up during construction, that’s what you’ve got to work with.’ So in a way Roger was constantly looking for cost saving measures to deal with other things that had occurred.

This did impact on the built outcome of the project and will be discussed further in the next section.

Assessing the Development

In beginning to pull together certain themes raised by the story behind the provision of affordable medium density housing at Overton, we shall first look at how the various actors in the process assessed it themselves, before attempting to draw out our own conclusions. These various assessments can be classified according to three themes that are of significant concern to us in this thesis: the development process itself, the specific role played by Council and the built outcome that thereby resulted.

The Development Process

At the time of writing, the MAH website contains the following statement about the Overton project:

“The project has provided an excellent lesson in town planning with regard to issues relating to community objection to social housing. It took fifteen months to obtain a Notice of Determination to issue a Planning Permit from Council as a result of ongoing community consultation with objectors, and a further four months following an appeal to VCAT. As a result of the delay, the cost of construction increased dramatically. Most objections can be put down to not-in-my-backyard syndrome. However, other issues lay at the heart of community housing provision eg. parking dispensation, density issues etc. ”
M’s assessment of the process was more succinct: “Fucking debacle.” Fleshing this out a bit:

“It wasn’t a happy process as far as we were concerned. I think it was a bit fraught really. And I and we [IERHG], certainly we had the best of intentions but I have to say – I always look for the positives in things - but it was a bit hard to find the positives in this one really, although I think I tried really hard.

“It was far too long from when that project was first – five years – yeah, way too long. And you compare it with something like Monteath, it’s outrageous. So the costs involved in that - which I guess John would have given you some idea of – well, you know, they’d be reasonably outrageous too. And I know the project had to be refinanced a number of times. So I would say from the point of view of a community housing project and an example of its type it would be a bad one, because it wouldn’t measure up. It couldn’t. It couldn’t. And some of the processes and some of the experiences... yeah, some of the processes that went on, I mean they wouldn’t stand up to close analysis.”

In the final analysis, D believed that the inherent nature of the planning system and the complex issues surrounding medium density housing development had played a relatively minor role in causing the project to drag on for over five years and (as he understood it) prove financially disastrous for ECH. When asked directly about the extent of the role these factors may have played he suggested “about five per cent”. The key issues in D’s mind were John’s handling of the management of the project, particularly with respect to dealing with the public (school and local residents), and the problems in the relationship between the OoH and other housing providers. In defence of ECH, D did divulge that its initial plans for the site had been compromised by the OoH. He had a very high opinion of ECH’s previous record in achieving a great diversity of tenancies within its housing developments and attributed the emphasis on mental health disorders in the case of Overton to a misguided directive from the OoH. This he believed was also the reason that ECH, ill-advisedly in his view, took upon themselves the full management of the project.
His assessment of the effect the development had had on the local community was less positive still. He claimed “half the properties” on the street had sold within a year of the development going ahead and attributed this to fears about the impact it would have upon property values and local amenity. He also believed the whole process had jeopardised the future success of community housing development within the area by giving its development a bad name. When I put these suggestions to Gary he disagreed that this had been the case. He particularly did not agree that an unusually large number of local residents had sold their properties following the approval of the Overton development, citing only a handful of sales since then and for reasons unrelated to the development.

The architect had been involved in the design of community housing previously and had even worked for ECH on an earlier project. These previous experiences had been on more urban sites within the Cities of Melbourne and Port Philip and, while they had encountered opposition and difficulties with the process on these occasions, they were “certainly not charged in the manner of a suburban context,” where “ill-informed neighbours and those things gather momentum very quickly.” His final assessment: “Well thinking about it perhaps we weren’t savvy or aware as much perhaps we should have been in managing that process, I don’t know. It was pretty charged from day one I thought.”

KW believed the process, while difficult had been instructive and contributed to the success of a later community housing project within Boroondara.

“The lesson from it was actually used then a little later at Monteath Avenue in Hawthorn. This is interesting because this is where the Council actually did by *de facto* means put financial support in, which is contrary to their policy, because they discounted the face value of their property to sell it to the Department of Housing. [...] But with that one we learnt firstly to make sure the word ‘psychiatric’ was never anywhere associated with it, because they’re the same people. The same people are going to live in there as the other one; there’s no question about that. And we again went through the process of inviting people to
come. It wasn't next to a school; it was next to a car park. We didn't have a local agitator, as we certainly had at the other one. And it went through virtually with no-one bothering to speak against it, no appeals, no nothing."

Another difference between the two projects KW highlighted was that, for Overton, the Council was dealing with a permit application in which ECH was a client of Williams Boag Architects, who were the applicants; while with Monteath Avenue, Council dealt directly with the State Government as developer of Council land (they had an architect but the Department ran the planning application).

**The Role of Council**

John contended that Council had neither been fair nor unbiased in way it had managed the application process for Overton. In his opinion the planning officers involved with the application had been controlled by the Councillor who had her own political agenda. Despite this, the decision to grant a permit was made by the Council (rather than planning staff under delegated authority) and had been supported by a majority of Councillors despite strong opposition from people who had addressed Council at the meeting where the decision was made. He further suggested that Councillors ought not to have any input into the determination of planning applications because he considered them to be naïve or uninformed about the relevant issues, and in pursuit of separate political agendas. Such determinations, he felt, should be in the hands of planning officers and the state government; elected councillors could input into the policy development phase of planning, but should be removed from decision making in particular cases.

According to Gary, however, the Ward Councillor did not get terribly involved in the politics of the Overton development. “Though if you did email Judith and raise a specific issue, you got an answer.” She was, in his opinion, more embroiled with politics surrounding the Kew Cottages site; and her personal passions in his view were the preservation and enhancement of bushland
areas around Yarra Bend, Willsmere and Hays Paddock. He did, however, offer a more general assessment of local government’s track record in planning:

“So the impression one builds up is that, over the years, they’ve never been on top of the game. They’ve always been reactionary rather than being proactive. [...] You sort of get the impression that they’re in crisis management all the time rather than getting on top of things.”

D was less critical of Boroondara Council than John had been during my interview with him. Whereas John had attributed political motives to the Councillor’s opposition to the development and her calling of the second public meeting, D believed she “had her heart in the right place” with respect to the interests of the community housing sector and was only following up the legitimate concerns of local residents in her ward. A similar difference of opinion could be discerned with respect to KW, “the only member of Council for whom housing even appears on his radar.” John had communicated a high degree of frustration and disappointment when he had described KW as “making all the right noises but ultimately ineffectual,” whereas D saw him as having had a fairly balanced view of the issues surrounding the Overton development.

KW himself had, not surprisingly, a lot to say about the Council. Of particular relevance to Overton, he discussed the tenuous nature of local government’s role in housing provision, especially social housing.

“The origin of the social housing committee was something that I was involved in and managed to persuade the Council at that time that this was something they should be doing. The Council [...] has no legal responsibility to provide social housing. They keep reminding me about that and they’re even reminding me more and more as time gets closer to now, because the inclination of the current councillors is less inclined to social housing than it ever has been before. It’s at risk at the moment, I’d say, very much at risk. But at that time the feeling was, yes, let’s advocate, let’s promote, let’s cajole, let’s do what we need to do or can do, but let’s not put money into it. [...] So the social housing policy is an advocacy role without monetary tags to it.”
He therefore believed it was very important in this context to have a councillor advocating about housing issues, as senior management was unlikely to have expertise or a passion for the issue.

“I believe it’s fundamental. Because if you don’t have someone who has a heart for an issue, you’re left then with a management structure which, under the amalgamation process, is more bureaucratic than it ever used to be. [...] Officers in the original councils to a certain extent were more skilled in their chosen fields of endeavour. The tendency (and it’s not universal) is that in the amalgamated process, the top officers are invariably administrators, rather than skilful people in their chosen vocation. [...] And then you’re finding that people are coming into second-string management roles that are not necessarily associated with the skill of where they’re going to. [...] That tends to make it harder to get the senior officers to be thinking down the track of, in this case, social housing or other things because that may not be their interest; they may be there simply as a stepping stone as a damn good administrator who could equally go and run a big retail store.”

In his view, expertise in specific fields such as planning or housing had been shifted since the local government amalgamations down to the third level of management.

The loss of professional expertise in the top two tiers of management having now made it even more important to have informed Councillors advocating about issues such as housing provision has, in his view, been detrimental to the likelihood realising of good social policy at local government level.

“It’s really important also to have a keen... a person with their heart in it in top administrative roles; because no matter how well-meaning a Council of ten Councillors are, they are almost certainly amateurs in ninety-nine per cent of fields that are going to be taken up. [...] Because they are technically amateurs (hopefully well-meaning), they depend heavily on the professional administration to guide them, lead them, all the rest of it. This is where the administration, in my mind, currently is falling down. It’s not giving any of this leadership because it doesn’t have the skills or the interests to
do it. It is there to administer a $120 million budget, to not lose money — not to sort of throw it away — bean counters is probably another way of putting it. That’s probably a bit unfair to some of them but that’s the sort of scenario.”

KW’s more general analysis of the problems that so-called ‘new public management’ poses for local government planning and housing also seems to resonate with what the architect observed in his dealing with the Council administration in the Overton case.

“I think there’s a level of inexperience. I must say, however, that the planning officer that we had (who was a part-timer) was really good. I thought she was great. She wrote a really good report, she understood the project, but there was a level of inexperience there and it seems to me an inability to actually make a decision. I don’t know whether they’re a bit nervous about the political implications of the decisions they make.”

On the other hand, he was inclined to attribute this to the peculiarities of Boroondara, contrasting it in particular with the City of Melbourne, with whose administrative practises he was more familiar.

“You tend to get a much stronger and directer response if we went to City of Melbourne, sit down with the officer, and once they’re on board they’re happy to support something or verbalise that. So [Boroondara’s] probably not one of the easier councils that one would deal with from a consultancy’s perspective.”

**The Built Outcome**

The planning approval process took fourteen to fifteen months and this delay and its impact on construction costs had not been factored into the budget for the project, leading to the need to re-finance the project and to cut costs in the finishing of the buildings. The former caused further substantial delays and further exacerbated the latter which resulted in a built outcome of lower quality than had been desired. The overall effect of the delays, in John’s
opinion, was to add some eighty per cent extra to the initial, budgeted cost of the project (i.e. from approximately one million dollars to 1.8 million dollars). Asked about why there had not been a contingency in the budget to allow for the possibility of delays in the development process, John had said this was because he had wanted to be “up-front” and “to deal with things as they come”. It was also because such a large percentage of the funding was through the OoH and therefore had had to be precisely costed.

The impact upon the buildings of all this was primarily in terms of architectural detailing, materials and finishes. The architect was understandably disappointed about this, but believed the essential design attributes had not been too badly compromised.

“And look, I think that’s been one of the failings from an architectural perspective. I look at it: the principles are right and I think the overall forms are right but there’s some things that were changed for budgetary reasons and for whatever reasons, you know, in construction, I think are wrong. And it’s not one I would talk up in the office as an exemplar in an architectural outcome. As a medium density housing outcome I think it’s a beauty and I think the idea of the model of the central stair going up with the pod of four apartments, two down and two up, worked extremely well. I think it’s an interesting model with everything radiating back to that central space. I’d be interested in going back and observing how, now that it’s occupied, the people are using the building, and particularly how successful that open space is in terms of a communal environment – just for my knowledge and post-occupancy evaluation.”

At the time of our interview, the architect had not been to see the finished project and was particularly disappointed to learn that the raised section in the central courtyard, which he saw as a key feature of the design, had been deleted.

The other obvious omission was the privacy screens to the balconies facing into the courtyard, which had still appeared of the final version of the architectural drawings. These were all that remained of a system of covered walkways, sun canopies and screen that appear on earlier versions of the
drawings and served the multiple purposes of sun and rain protection, privacy, creating a more intimate feel in the courtyard space and giving the buildings a more ‘finished’ appearance. It is surprising how much the effects of their omission (if not the omission itself) were noticed by the public, including our key observers of the development. D, who believed the final outcome to be a reasonably good housing development, was critical of the fact that almost all the units had a large number of west-facing glass doors and windows that were not fitted with blinds or curtains (and also commented that the landscaping was left unfinished). The problem of the window furnishings was later solved by a local Uniting Church minister whom he described as having been so shocked by the situation during a pastoral visit that she

*The grassed area in this photograph is all that remains of the original vision for the central courtyard. This was to have been a sunken grassed area with central tree, perimeter seat and canopies to the north and west. Protection of units from the western sun that was to be provided by timber screens is achieved here using pillows, a mattress and a beach towel.*
organised money for curtains to be donated from among her parish and contacts. The landscaping was not attended to for some time.

M made similar observations. Gary, on the other hand, is not far from the architect’s own assessment when he describes what seemed to him like the obvious effects cost-cutting on a scheme which had otherwise pleasantly surprised him.

“It’s a bit shoddy. Actually it’s turned out better than I thought it was going to be in some ways, in that you’ve got the low rise at the front and the high rise at the back. [...] My basic objection is that now, having put the damn thing up, it’s a bit of an eyesore; in a sense it’s... I assume they must have ran out of money, but they’ve skimped on quality. So there was no controls in the approval as to what the quality of the... there’s lots of modern, tin-shed stuff, you know, corrugated iron, [...] so you can see where they’ve cut costs and stuff like that. And no-one’s... In terms of the aesthetics of the place, in terms of gardens and stuff like that it’s just been left to go.”

What is interesting about Gary’s comments is that what he found pleasing about the basic site layout had always been in the plans, which would have been sent to him during the advertising period. Presumably then he wasn’t sufficiently experienced at reading plans to have seen this until it was actually built. Likewise, the “tin-shed stuff” was not a factor of cost-cutting but specified in the original drawings. Here there were likely two problems: the drawings as sent to neighbours for advertising purposes are smaller than the...
original drawings and the architect’s written annotations are impossible to read at that scale; and secondly, the timber and steel canopies and screens which were omitted for cost reasons would have provided another ‘layer’ to the courtyard elevations of the buildings, softening the bald appearance of the corrugated elements fronting the main external space.

Disappointed but philosophical, the architect very clearly linked the design compromises that manifest in the built outcome to the planning process.

“So I don’t blame anyone for the architectural outcome, it’s really a legacy of the process in a way — and the delays that were caused through the whole VCAT (which was, I think, eighteen months). We did get some extra money to recognise the fact that construction costs absolutely boomed during that period but it just would have been nice to have a bit more in the can so that some of those things were recognised in the process.”

Conclusions

To achieve the provision of new, affordable housing in an area like Boroondara inevitably requires multi-unit development and a degree of intervention in the residential property market. In other words, the motive for housing development has to be other than profit; and in this case it was a not-for-profit agency engaging in a development whose costs were born by government, churches and philanthropic bodies. This raises the question, put to me rhetorically by KW, “How do you help an organisation that’s probably not-for-profit (maybe even a profitable one) to be economically viable in a very valuable property area?” He had two suggestions, relating to the areas of statutory and strategic planning respectively. The first was that local governments could reduce rates levies on ‘affordable housing’ providers and lobby the State for tax concessions. The second involved lobbying for greater clarity about the implementation of State planning policy:
“The shining hope is actually with Melbourne 2030. It’ll be fought like hell by Councils and by the community in certain areas. It has the magical word enshrined it that talks of activity centres [...] to cater for residential, including affordable residential. The word ‘affordable’ is almost undefined (and almost undefinable) in this context but we hung our hat on it and said ‘affordable’ means and includes all sorts of things in there. And that’s where I see the glimmer of hope with 2030. I’ve pushed in my own areas [...] to try and tell the State Government that if they’re serious about wanting to maintain and/or add to the social housing stock, they will have to enshrine into their code some ratio for activity centres when it comes to residential. They won’t be able to leave it to local Council [...] they’ll have to legislate to say that in any major residential development at activity centres, there will be a ratio of studio accommodation, of single-bed accommodation, of two-bed accommodation, not all three-bed, four-bed plus study’s and so on, which is nonsense.”

These are the broader issues and possible ways of responding to them. In this chapter of the thesis we have looked in detail at a particular, concrete case in order better to understand the actual processes involved in achieving the provision of affordable medium density housing.

In the case of the Overton housing development the difficulties normally encountered in the provision of medium density housing within Boroondara — extensive delays in the planning process due to third party objections, and the expensive and time-consuming process of defending or mounting an appeal to VCAT — made the attempt to do so in the interests of providing affordable housing especially complicated. On this occasion, the normal local government planning procedures designed to protect the rights of local residents rendered the provision of housing for another sector of the same resident community extremely difficult. In short, the provision of housing for one group of low-income (including mildly-disabled) residents, already excluded from Boroondara by the peculiar spatial effects of economic change upon the local housing market, was further jeopardised by the very processes aimed at protecting the rights of existing residents against development interests.
Another interesting aspect of the Overton case is that it highlights one of the key developments in contemporary urban politics and governance that has been raised in the ‘urban movement’ literature, discussed in Chapter Four. Mayer (Mayer 1999: 230) refers to “new antagonisms within the [urban social] movement sector created by the restructuring of the urban polity that has expanded and includes some, but not others, in its governance arrangements.” Her observations on the effects of this in US and German cities: that it fragments and polarises different groups; appear also to apply in this instance. This may be seen in political tensions that were evident within the social housing sector. The status of MAH as a Housing Association, and their involvement, in this case, in a partnership with the State OoH for social housing provision has clearly been a cause of tension for other community housing groups (such as the IERHG), and has shaped some of the perspectives represented in this chapter. The other distinguishing factor which Mayer has observed among the disparate array of so-called ‘urban movements’ (in addition to their degree of incorporation within urban governance structures) concerns the nature of their response to the different effects stemming from the globalisation of First World economies (see the discussion in Chapter Four, p.107). Specifically, she identifies groups which campaign against new types of urban development and distinguishes these from groups of the newly-marginalised poor (Mayer 1999: 215). Conflict over the Overton development can to some extent be seen in these terms. Grassroots opposition to the encroachment of medium density housing developments in established suburban environments (and especially those associated with new forms of housing provision not deemed compatible with those environments) is a reaction to the effects of global economic change upon local housing markets; but the impetus for this particular development was a desire to counteract the social impact of these same changes caused by new spatial effects upon the housing circumstances of the poor.

87 This was a new tier of social housing providers, established during the time of the Overton development process (2004), which enabled a small group of community housing agencies (of which MAH was one) to gain access to greater funding. To date,
this arrangement has seen improvements in the provision of affordable housing in Victoria.
Chapter 9

Conclusion

The provision of medium density housing in urban Australia has become one of the most vexatious issues confronting local and State governments. It represents a key challenge to the long-standing ethos of suburbanisation that has helped to define Australian identity, especially in Melbourne — the most suburban of all Australian cities. The attempt by Australian State governments, including the Victorian Government, to provide more medium density housing in an effort to respond to a range of housing and planning dilemmas that have emerged throughout the post-war era has met with, at best, very limited success. This thesis has sought to go some way towards providing an explanation for this enduring problem.

Summary of the Research Process

The problem of the provision of medium density housing generated our primary research question: “Why has providing more medium density housing in Australia’s metropolitan regions been so hard to achieve?”

It was further observed that the provision of medium density housing appeared to go to the heart of the most significant administrative, management and political challenges confronting urban municipalities over the last decade. Interrogating this issue, it was felt, would help in better understanding the basic problem under investigation. From this, a range of more detailed questions were developed (see Chapter One):

“Why has managing medium density housing development become such a topical and important aspect of the governance of Australian cities during the last ten years?”

“What is driving the increased political significance of the issue of medium...
density housing provision?” and, 
“Why has the process of medium density housing development been so contested?”
Answering these questions has occupied our attention throughout this thesis and the results will be summarised directly. In Victoria, enabling greater provision of medium density housing has been attempted historically through the planning system, which is also the tool the State Government has used to manage medium density housing development. This also led us to ask: “Is planning for medium density housing provision working?” “What have been the results of the way implementation of this policy has been managed?”

In reviewing the literature about medium density housing in Chapter Three, we found that (in Australia at least) it was strongly focused on policy debates about the development of the major metropolitan regions (the State capital cities). Some of this literature was focused upon medium density housing as a housing type, and hence upon the potential which the provision of medium density housing held for addressing a range of housing problems, including affordability, the suitability of dwelling stock to the housing needs of populations, and the effects upon household formation. Other literature concentrated upon questions of urban form and hence was interested in how different housing densities affect patterns of urban development and might thereby be used to address a range of environmental, social and economic problems associated with urban areas. There have also been important studies looking into market demand, resident responses and, more recently, the extent and impact of medium density housing development.

The persistence of “urban consolidation” as a planning policy framework guiding residential development in urban regions, including Melbourne, has often distorted debate about medium density housing provision by defining it as one of the chief means by which this policy is to be implemented, and hence also making it a measure of the policy’s success. Two of the most recent

Although Sydney has the greatest number of both households and dwellings of any Australian city, in terms of the number of detached dwellings, Melbourne is second to none (Salt 2005).
and extensive studies of medium density housing development — one in Melbourne, the other in Auckland (where the policy context is similar) — were hampered in their analysis by placing precisely such an over-emphasis upon the importance of urban consolidation policy. The Melbourne study (by Buxton & Tieman) was concerned with the manifest effects of consolidation policy upon the built environment, while the Auckland case study (by Dupuis & Dixon) considered how the public reception of medium density housing, and the management of its development, might affect policy success. Buxton and Tieman provide a thorough analysis of the spatial trends of recent medium density development in Melbourne, and Dupuis and Dixon present a detailed investigation of the way different actors experienced the development process; but, by ascribing too much influence to planning policy, neither grapple sufficiently with the wider context of urban development processes and the housing system in their respective countries.

This thesis set out to fill two important ‘gaps’ initially identified from the existing research: the fact that little research had been done into medium density development and residential consolidation which looked at the process itself; and an absence of studies which placed the governance of medium density development (policy, regulation, implementation) within a broader framework. Subsequently, Dupuis and Dixon published their research, which had also focused upon the process of development; however, their case study had been of the process involved in realising a large medium density development, not the process of residential consolidation of a municipal area through multiple medium density developments — a task which had still not been attempted. There also existed a number of studies (many from the UK) of urban development processes, which contextualise the role of governments and planning systems within a broader social and economic framework. Such studies — most notably in the Australian context McLoughlin’s analysis of metropolitan planning in Melbourne — were very helpful in developing a framework for the research in this thesis, but medium density housing development had not before been scrutinised in this way.
Chapter 9 - Conclusions

The importance of engaging in such a task is (as mentioned) both because the development of medium density housing in Australian cities has become so topical and contentious; and because the provision of medium density housing has persistently featured in Government planning policy, regardless of actual development patterns. The City of Boroondara therefore provided a useful case study for this type of research. Medium density development has waxed and waned within the City, as in Melbourne generally, with peak activity in the late 1960s and early 1970s, whereas much of Melbourne’s recent medium density growth has been concentrated in inner municipalities like Boroondara. Boroondara is also one of the areas where medium density development has been most contested and become a very significant local governance issue.

A framework was developed for exploring the issue (Chapter Four), which saw medium density housing provision as part of wider urban development processes affecting Melbourne. This framework provided a way for integrating the study of medium density housing development in a particular municipality with the institutional structures of urban governance, the planning system (which is the primary management tool), resident reaction to development, and the wider metropolitan housing system. In developing this framework, answers to several of the detailed research questions already began to become apparent as the contemporary nature of urban societies and their governance was examined in relation to current development processes and the response to them.

The research itself comprised: a detailed, qualitative study of the development process (related to specific development sites); analysis of the social, physical and housing market context within which these developments occurred; and an historical and institutional analysis of the planning and governance frameworks impacting upon the process. The methodology involved a variety of qualitative and quantitative research methods. In Chapter Five, a range of documentary sources were used to develop a thorough understanding of the State and local planning frameworks governing medium density housing development. For the current local government system, this material was
supplemented by: interviews with local government planners and Councillors; direct observation of both policy development and statutory processes; and some quantitative analysis of primary data sources. This method worked well for gaining an understanding of the governance framework for medium density housing development in Melbourne and assessing its effectiveness. There were, however, substantial problems and inconsistencies with the quantitative data that had resulted from poor systems of data collection and management within Council. Data on planning applications, for instance, might have been better recorded and managed to provide quite detailed information about medium density housing development.

In Chapter Six, the analysis of the municipal context, within which this case study of the provision of medium density housing is situated, used a variety of primary data sources to understand the socio-demographic, cultural, physical, spatial and housing market dimensions of the City of Boroondara. Principal among these sources was the Australian Bureau of Statistics’ (ABS) Census of Population and Housing, but other ABS publications and the Victorian Valuer General’s data on property sales were also important quantitative data sources. The other important source of understanding about the City of Boroondara was its physical environment. Most of the research and writing of this thesis was done within the municipality, and over the course of the research project the author spent a substantial amount of time walking most of its streets and closely observing its built environment in addition to investigating the sources described above.

Chapters Seven and Eight contain the detailed qualitative analysis of specific instances of the medium density development process. In both chapters, archival research relating to the planning approval and development processes was complemented by in-depth interviews with key participants. For the two development processes recorded in these chapters, this method was successful, but also very intensive. This, coupled with difficulties in finding sufficient interview participants (which led to other potential cases being abandoned – see Chapter Two) meant the breadth of cases explored was not as great as initially hoped. To compensate to some extent for this outcome, the
depth of analysis was greater than might otherwise have been possible; and because one of the cases that went ahead involved social housing provision, this aspect of the study became more central than it might otherwise have been (occupying half the analysis rather than being one of several cases). Comparison of the provision of medium density housing by market and non-market means has therefore been a more important outcome than originally intended, but the findings have been interesting and have generally helped to strengthen the overall findings of the thesis.

**Key Research Findings**

This thesis looked at the provision of medium density housing in an Australian metropolis. The provision of medium density housing in urban Australia has been seen by State Governments as having an important part to play in meeting key social and environmental policy objectives. Increasing the supply of medium density housing has consequently featured prominently in urban policy but, despite this, has been difficult to achieve and the development process highly fraught. At one level, the explanation for this is quite simple: In Australia, the housing system generally relies upon the market to supply housing. Housing provision therefore tends to operate more in accordance with market factors than in response to planning policy, however sound the social or scientific research behind such policy might be. Governments can attempt to influence various aspects of housing provision, either by using market mechanisms or by regulating provision through the planning system. By investigating, through a municipal case study, the local experience of managing the provision process, we were able to explore a range of issues that are less apparent at other levels of analysis.

There has been a definite increase in the provision of medium density housing in Melbourne since the mid-1990s but this has not approached the levels seen in the late 1960s and early 1970s. Despite this, managing medium density development has become a very substantial issue for the Victorian State Government and some local authorities, including the City of Boroondara.
This is largely the result of medium density development having become a rallying point for local community activism. There are several reasons for this. One is that, in the recent construction boom, medium density housing development has been very localised within the metropolitan context, favouring inner-suburban localities of high amenity and with strong, direct transport connections to Melbourne’s CBD. Boroondara is such a location, but in its case a long history of low density development and a significant place within the historical development of Australia’s suburban culture, means this type of development has been perceived as particularly threatening.

The increased significance of how medium density housing development is managed as an urban governance issue in Australian cities is thus only partly related to recent increases in the overall volume and variety of medium density development, and is more closely linked to the spatially concentrated nature of recent provision that is observed at the metropolitan level. This has put substantial political pressure upon inner urban Councils, who find it very difficult to manage the issue locally. This pressure is exacerbated by the fact that the State Government views these development trends as helping to assist with key governance objectives: fostering economic growth, and (apparently) meeting planning objectives to create a more compact city. In its attempt to manage this issue Council sits awkwardly within its contradictory roles as the implementer of policies originating at higher levels of government and arbitrator between the interests of the conflicting parties it democratically represents. Local government planners are forced into a mediating role, while local councillors are torn between their legal obligations to administer the State’s planning system (upholding planning policy and its legal framework) and their obligation as democratically elected local representatives to heed and respond to local views and concerns.

The praxis of local government planning in relation to medium density housing provision is largely restricted to procedural operations relating to the statutory planning system. This situation is a result of the fragmented, private ownership of land, which encourages piecemeal and sporadic redevelopment.
and has the effect of placing local governments in the role of ‘umpire’ for hundreds of individual planning ‘contests’. The cumulative effect of these multiple, case-by-case decisions cannot be known in advance; and addressing the wider issues raised by this problem is not on the policy agenda. (It is interesting in this respect that the neighbours of the Durham Road development — with professional assistance — expressed their objections to that development using this type of argument.) Local government’s attempts at more strategic planning measures, such as the City of Boroondara’s “My Neighbourhood”, are thwarted — not so much by State intervention in local affairs as the lack of it. Rather, it is (once again) the existence of numerous private land holdings, and the tension this engenders between property rights and civic rights that is the key issue.

While the issue of medium density development is topical and has a high profile within the community, most of the organised opposition to redevelopment occurs in relation to specific proposals. Opposition is focused upon the issues associated with particular cases and is strategically oriented towards preventing or influencing development outcomes. Consequently, public engagement with the development process only occurs once a development is proposed (through formal planning objections) and then only in some instances (discretionary land uses, such as medium density development). Within the legal and administrative framework of the planning system, other impacts of development (adverse or otherwise) are excluded from open deliberation. In the case of Peel Street, for example, formal public debate about affordable housing provision for socially disadvantaged residents was avoided and only ‘planning matters’ were openly discussed.

In each of the specific developments studied in detail here, the similar experience of a protracted and strongly contested planning process seems to have been affected very little by differences in the form, typology and style of the individual developments, nor even by the nature of the proposals, or the peculiarities of their immediate contexts. Without wishing to eliminate valid criticisms of, or specific concerns raised by residents in the cases studied, this fact suggests that opposition coming from existing residents is directed
against some bigger, unarticulated threat or problem of which the specific development becomes symbolic. The chance to oppose a particular local development becomes an opportunity to engage in a process and a dialogue from which residents otherwise feel excluded. This hypothesis is also supported by the observation that in practice Boroondara residents tend to object to most planning proposals regardless of their actual content, yet it is medium density housing which most frequently is singled out as “inappropriate development” by resident action groups and in media coverage of conflict over development.

The provision of medium density housing has been hard to achieve in Australian cities and, where and when it has been achieved, the process has been highly contested. From the above discussion, we argue that the main issues that help to explain this situation are the highly dispersed nature of residential property ownership, and the conflict this engenders around the competing development and use rights that accompany an interest in property. Associated tensions between property rights and civic rights make medium density development an inherently local and urban issue; but one that is difficult for local governments to manage, given the essential contradictions that exist between planning, the market and democratic society.

**Outcomes, Issues and Further Research**

We discussed at length in Chapter Three the predominance of “urban consolidation” in the policy agenda for Australia’s cities, and the prevalence of similar policies throughout most of the developed world. Such policies are predicated on a perceived crisis of sustainability (population and environmental), affordability (of public infrastructure and private housing), and the less tangible notion of ‘community’. A key focus of the Victorian State Government’s policy of urban consolidation — if not its primary objective — is to reduce the demand for new housing at the urban fringe and thus curtail the expansion of the metropolis by concentrating a greater number of
households within the existing fabric of the city. The provision of medium density housing within established and already well-serviced urban areas, such as in the City of Boroondara, has been seen to be necessary to assist with meeting these objectives. Comparing State planning policy (Melbourne 2030) with development activity in the City of Boroondara, it appears that the policy (however unpopular with local residents) is actually working. However, a broadening of both the temporal and spatial perspective — the historical policy analysis contained in Chapter Five and analysis of the housing system in Chapter Six — reveals a very different story. The planning policy context has changed little in fifty years, but development patterns have. Also, current patterns of housing development are very uneven across the metropolis and this is explained better by market factors than planning policy. Both of these findings suggest that the ‘success’ of consolidation policy is more accidental than planned.

What does this mean, then, for the issues mentioned above (of sustainability, affordability, and ‘community’) that planning policy is said to be addressing? In short, this is an area of some concern. The policy of residential consolidation in Melbourne has certainly not made housing more affordable, and the increasingly spatial manifestation of social inequality that appears to have become wedded to the economics of multi-unit housing construction means that such savings and benefits as accrue from the more intensive use of existing public infrastructure are mostly enjoyed by those who have already benefited from these shifts in the affordability of the housing market.

Melbourne 2030 calls for urban growth to be ‘sustainable’ (environmentally, socially, economically). Despite claims about the sustainability of the compact city, it is hard to know precisely what the benefits of consolidation will be for a local community, or how to mitigate negative effects and overcome resistance. More empirical evidence is needed to substantiate the sustainability claims of consolidating existing built environments, and appropriate processes developed to implement any policies derived from such research. Social issues like local acceptability and metropolitan spatial polarisation need also to be taken into account alongside environmental and economic concerns.
This thesis has explored some of these issues in relation to medium density housing development in one local government area. More research at the local level needs to be undertaken which has a similar focus on the development process; but, given the site-specific nature of conflict over development, it would also be worthwhile to investigate this process while it is unfolding. The more historical approach taken in this thesis was premised on the desire to work from built examples so that the outcomes of the process could be studied as well. This was worthwhile but had the unforeseen effect of making it difficult to locate willing participants for interviews about a process that was “finished” and from which they had “moved on”.

Urban sustainability is a difficult concept to define and the proposed solution of urban consolidation is also complex and hard to analyse. Consolidation can take many forms and mean different things in different locations, with residents of high status areas having potentially the most to lose. The process of consolidation has to be understood in relation to broader socio-economic and political trends; for while it may be claimed that consolidating the urban environment has benefits for sustainability, this might not in fact be the force which is driving the process at all and the outcomes may well be perverse. We identify three potential scenarios that would need to be further tested. These might be labelled: the “cynical” option, the “policy derailment” option, and the “muddling through” option. Under the cynical option, Government is using consolidation policy to justify an agenda that is really concerned with promoting economic growth by continuing to attract investment to the State, through the exercise of minimal control over the development process. In this scenario, outcomes are likely to be perverse with respect to consolidation objectives and prompt a strong resident backlash. In the ‘policy derailment’ scenario, the State is genuine in the pursuit of policy objectives, but the agenda is hijacked by particular interests during the implementation process. Outcomes may or may not serve the original objectives. ‘Muddling through’ also sees a serious policy intent result in uncertain outcomes but, in this scenario, the explanation for this would be that, in the implementation process, the policy passes through so many mediators that the original vision becomes lost. Dependent upon what scenario (or what combination of
scenarios) could be shown to pertain, a range of measures might be adopted to better assist in meeting sustainability goals.

One final area requiring further research, which we were unable to cover in this thesis, concerns the implications for medium density housing development of the structure of the residential building industry. In Australia, most dwellings are built by small-scale building firms, specialising in detached house construction. More recently, large, commercial development companies have become involved in high density housing provision. In some ways, medium density housing (especially for suburban environments) falls within the ‘gap’ between these two ends of the industry — too small for the big developers and (often) beyond the capacity of the smaller firms. How this shapes the type of housing provided and what are the impediments to change within the industry need further investigation. The historical anomaly of widespread flat construction during the 1960s also needs to be investigated from this point of view.

Finally, Why has providing more medium density housing in Australian cities been so hard to achieve? While there is no succinct answer, it is broadly because the system of housing provision which has historically developed in Australia generally mitigates against the supply of this form of housing in any great quantity. When medium density housing is provided, it has usually been as a result of peculiar housing market factors or direct market intervention by government and not-for-profit groups, and not as a result of planning interventions. Despite this, the ‘problem’ of providing more medium density housing has historically been conceived of as an issue best tackled through the planning system (especially metropolitan strategic planning). Partly, this has been as a result of the uncritical borrowing of overseas planning ideas or models for urban governance, that don’t take adequate account of the particular institutional structures in the Australian context. While institutional reform, particularly of local government, has gone some way towards facilitating the market provision of medium density housing, this increased provision has not assisted in meeting the stated policy objectives that have been given for increasing its supply in the first instance, and the
costs of the reform process to the civic life of local communities are only beginning to be understood.
Bibliography


Bibliography


Burke, Terry, and David Hayward. 2001a. *Melbourne’s Housing Past, Housing Futures*, Department of Infrastructure, Melbourne.


City of Melbourne. 1985 *Recycling Buildings in the City of Melbourne*.


Bibliography


Bibliography


Swinburne University of Technology Centre for Housing and Planning, and Tract Consultants Pty Ltd Planners and Landscape Architects. 1993. Medium Density Housing: The Future, Swinburne University of Technology Centre for Housing and Planning, Melbourne.


Bibliography


Appendix 1

Criteria proposed for selection of case study developments
Project Background
As policies to increase urban densities in existing residential areas have come into effect in Melbourne over the past ten or so years, medium-density housing provision has become a contentious issue for planners, developers and residents alike. The Victorian Government has presented urban consolidation as a necessary policy direction for various economic, environmental and social reasons, associated with the negative effects of “urban sprawl”. These policies, combined with a property boom that has caused an unprecedented escalation of house prices in all major Australian cities, has also made multi-unit housing very attractive to property developers. The same enthusiasm cannot be attributed to local residents. State intervention in local communities has questioned the very nature of local democracy, and certainly has inspired some of the strongest levels of political engagement many local communities have experienced.

Local councils are frequently caught at the centre of political conflict surrounding the consolidation of the urban environment, being both the locus of representative democracy at the local level, and the implementing authority for policies initiated by the state, from whom they derive their statutory authority. This raises questions about the role of local government in the planning of Australian cities; citizenship rights and participation in local democracy; and the nature of local community and identity in the global economic context. Assessing the social and economic implications of medium-density housing on a local community can provide understanding that may assist local and state governments to better manage the process of future residential development.

This project seeks to examine the range of the planning, management and political problems posed by the provision of medium-density housing at the local level, through a close examination of the role played by local government in this important and topical issue. The City of Boroondara provides an interesting case study for this purpose because of its location, urban form and constituency. Inner and middle-ring localities have absorbed much of the recent growth of medium-density housing in Melbourne, and Boroondara provides an opportunity to investigate how the politics of urban redevelopment have been managed in what has hitherto been a predominantly suburban, middle-class context.
Selection of Case Studies

It is proposed that in order to investigate several key aspects of the process of medium-density development within the City of Boroondara:

• what it means for the community;
• the problems faced by local government in managing the process;
• the outcomes;

a minimum of three medium-density developments be selected to function as case studies.

The broad criteria for the identification of potential case study developments would be:

• comprises medium-density housing (although may include other uses, e.g. a commercial or retail component);
  
  Medium-density housing is generally defined as any attached housing, including flats without lifts (up to three stories). It may also include small, detached dwellings located together on the same allotment.

• was submitted for planning approval within the last ten years;
• resulted in a built outcome.

If possible, it would add an interesting dimension to the research if the following pertained to one or more of the case studies:

• was highly contentious and the subject of concerted resident opposition;
• went before VCAT;
• has had a significant impact on the local area/community since construction.

The specific criteria proposed for the selection of each of the three case studies are as follows:

Case Study 1

A development considered by Council to represent “best practice” in medium-density housing development and where the development process ran smoothly. Best practice in this context would refer to:

• good housing design;
• good urban design;
• good consultation with existing residents and handling of community concerns.

In short, this would be an example of when the planning system and its processes seemed to work well in ensuring a positive outcome for all or most parties concerned (existing and new residents, Council, the developer).
Managing Medium Density Development

A Municipal Case Study

Case Study 2
A development which Council deemed to be inappropriate because:

- it was poorly designed;
- it ignored good urban design principles or was based on poor ones;
- community consultation was lacking;
- reasonable objections from existing residents were not adequately addressed.

This would be the type of development Council would like to prevent in future, and one whose construction represents a breakdown of the planning and development process (at least from Council’s perspective).

Clearly, for both Case Studies 1 and 2, it may not be possible to identify developments for which all the specified criteria pertain. Developments which match with as broad a range of the criteria as possible are probably preferable to those which are the best fit for one or two of the categories.

Case Study 3
A project that is currently under construction or in the final stages of the approval process, that would afford some opportunity to observe at least part of the residential development process as it unfolds.

In all other respects, it would be best if this development was fairly typical of recent medium-density housing in its area; in terms of both its built form and the nature of its passage through the planning stages of the process.

It might be possible to include other case studies if significant aspects of the process of medium-density development in the City of Boroondara are not able to be included in the three case studies outlined above.
Appendix 2

Interview templates
(neighbouring residents, developers, designers)
About this survey

This survey is about your experience of living, buying or renting adjacent the medium density development at . Your answers will inform an independent Swinburne University research project and assist your local council to better manage the process of this type of development.

Some questions ask about your current situation. Others ask you to think about your previous experiences and views about housing and the area where you live.

**ALL RESPONSES ARE STRICTLY CONFIDENTIAL.**

**CONFIDENTIALITY**

All interviews will remain strictly confidential and completed surveys will be securely stored at the Institute for Social Research (Swinburne University of Technology). No third party, including the council, will have access to them. Reports or publications using results of the survey will not identify individuals or households.
### A. HOUSING SITUATION & HISTORY

1. **How long have you been living in this home?**
   - ..............................................................

2. **What is your current housing situation?**
   - Renting ......................... Go to 7 ................. 1
   - Paying a mortgage ............................. 2
   - Own outright ................................. 3
   - Living in family home ........................ Go to 7 4
   - Other (please specify) .......................... 5

3. **Did you buy this dwelling?**
   - Primarily as a home? ............................... 1
   - Primarily as an investment? ..................... 2
   - Equally as home and investment? .............. 3

4. **Did you have this house built yourself?**
   - Yes ...................................................... 1
   - No ..................................................... 2

5. **Do you own any other residential properties?**
   - Yes ...................................................... 1
   - No Go to 7 .......................................... 2

6. **Are any of these other properties:**
   - Detached house on individual block ............ 1
   - Semi-detached house ............................. 2
   - Fully attached house or terrace house ........... 3
   - Walk-up apartment/flat ........................... 4
   - High-rise apartment/flat .......................... 5
   - Other (please specify) .............................. 6

7. **How many times have you moved:**
   - In the last three years? ........................... __________ times
   - In the last ten years? ............................. __________ times

8. **How far did you move from your last address?**
   - Same suburb (within 5 km) ....................... 1
   - Neighbouring suburb (up to 15 km) ............. 2
   - Another suburb within Melbourne .............. 3
   - Another town/city within Victoria .............. 4
   - Interstate (outside Victoria) .................... 5
   - Overseas (outside Australia) ................... 6

8a. **Which postcode did you move from?**

9. **What were your three main reasons for moving to your current home?**
   - Affordable price ....................................... 1
   - Style or design of dwelling ........................ 2
   - Size of dwelling ....................................... 3
   - Quality of materials/ construction .............. 5
   - Opportunity for redevelopment .................. 6
   - Desirability of neighbourhood .................. 7
   - Proximity to schools ............................... 8
   - Proximity to work ................................. 9
   - Proximity to shops and facilities ................ 10
   - Accessibility by public transport ................ 11
   - Close to family .................................. 12
   - Other (please specify) ............................ 13

10. **At your last address, did you:**
    - Own the home outright? ......................... 1
    - Pay a mortgage? ................................ 2
    - Parents or family owned the house? ........ 3
    - Rent? ............................................. 4
    - Other? (please specify) ........................ 5

11. **What type of house did you reside in before you moved to this home?**
    - Detached house on individual block .......... 1
    - Semi-detached house ............................. 2
    - Fully attached house or terrace house ........ 3
    - Walk-up apartment/flat ........................... 4
    - High-rise apartment/flat .......................... 5
    - Other (please specify) .............................. 6

12. **Have you ever lived in any of 2 to 5 above?**
    - Yes .................................................. 1
    - No ................................................... 2
    - Which? 2 3 4 5

13. **What aspects of living in this type of dwelling did/ would you like most?**
    - ..........................................................
14 What aspects of living in this type of dwelling did/would you like least?

- Have lived here a long time (familiarity) .............. 1
- Family and friends nearby .................................. 2
- Type of people who live here ................................. 3
- Style of houses ................................................... 5
- Lots of trees and gardens ....................................... 6
- Safe ....................................................................... 7
- Excellent schools for children ............................... 8
- Good public facilities ........................................... 9
- Good, convenient shopping .................................. 10
- Well served by public transport ............................. 11
- Close to city ......................................................... 12
- Community spirit ................................................ 13
- Other (please specify) ........................................... 14

15 How long have you been living in the local area?

.............................................................................

16 What are the three things you like most about living in this neighbourhood?

Have lived here a long time (familiarity) .............. 1
Family and friends nearby .................................. 2
Type of people who live here ................................. 3
Style of houses ................................................... 5
Lots of trees and gardens ....................................... 6
Safe ....................................................................... 7
Excellent schools for children ............................... 8
Good public facilities ........................................... 9
Good, convenient shopping .................................. 10
Well served by public transport ............................. 11
Close to city ......................................................... 12
Community spirit ................................................ 13
Other (please specify) ........................................... 14

17 Do you feel a strong sense of personal connection with your local area?

Yes ................................................................. 1
No ................................................................. 2

18 Is there anyone in your street of whom you feel you could ask a small favour (e.g. bring in your rubbish bin, collect your mail, water your garden, etc.)?

Yes, one ......................................................... 1
Yes, several ...................................................... 2
No ................................................................. 3

19 Do you count any of your neighbours among your close personal friends?

Yes, one ......................................................... 1
Yes, several ...................................................... 2
No ................................................................. 3

20 Have you ever lodged a planning application with Boroondara Council?

Yes ................................................................. 1
No ................................................................. 2

21 What was this application for?

.............................................................................

22 Roughly how long did the whole process take?

.............................................................................

23 Were there any objectors to the proposal?

Yes ................................................................. 1
No ................................................................. 2

24 Would you describe your experience of this process as:

Mainly positive? .................................................. 1
Mainly negative? ................................................. 2
Neither positive nor negative? ............................ 3

25 Have you ever applied for a building permit from Boroondara Council?

Yes ................................................................. 1
No ................................................................. 2

26 What was that application for?

.............................................................................

27 Go to 25

28 Go to 7
What are your attitudes to medium density housing in general – not just the development at 44 Peel Street? (Please circle one response for each item.) Please note:

**medium density housing** means any form of attached housing such as semi-detached, terrace or row houses, townhouses and villa units, flats or apartments up to three stories, and more than one detached dwelling on a normal suburban block.

**low density housing** means a single dwelling on its own allotment.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Slightly agree</th>
<th>Slightly disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) In order to house future population growth, more medium density housing needs to be built in Melbourne</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>b) Medium density housing is generally more affordable than low density housing of equivalent standard</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>c) Too much medium density housing in an area causes traffic and parking problems</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>d) If it is well designed, medium density housing need not adversely impact neighbouring houses</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>e) Low density houses are generally designed and built to a higher standard than medium density housing</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>f) People who live in low density houses generally enjoy a better quality of life than people in medium density housing</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>g) Medium density dwellings make better investment properties than low density houses</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>h) More medium density housing in an area means public transport is better utilised</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>i) Future medium density development ought to be restricted to a limited number of clearly defined locations</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>j) The current rate of medium density development will destroy this neighbourhood irreparably</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>k) A predominance of medium density housing lends a vibrant and cosmopolitan feel an to an area</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>l) Building more low density housing is not environmentally sustainable</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>m) Living in medium density housing confers a lower status upon the occupant</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>n) Medium density housing is inappropriate in Boroondara and its development ought to be stopped immediately</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>o) Medium density housing is inappropriate for Melbourne and its development ought to be stopped immediately</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>p) Demolishing an existing house to build a new low density dwelling is just as bad as doing so to build medium density</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>q) Provided it’s done well, converting disused non-residential buildings into medium density housing is a good idea</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>r) It is important to have a mix of low and medium density housing in an area</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>
The following pages contain photographs of various house types and styles typical of different parts of Boroondara and dating from different periods in its history.

28 Please rank the eight different house types/ styles pictured according to your preference for where you would choose to live.

29 Please rank them from one to eight according to your preference for which you would choose as neighbours.
Show photographs of recent medium density residential buildings from different parts of Boroondara.

30 Please rank the buildings pictured according to your preference for where you would choose to live. Assume that each apartment is the same size and has the same number of rooms.

31 Please rank them according to your preference for which you would choose as neighbours.

32 One often hears of people objecting to “inappropriate development”. How do you understand this term?

What sorts of development do you consider to be inappropriate for your area?

What sorts of development do you consider appropriate?
C. MEDIUM DENSITY CASE STUDY

33 At the time you moved into this neighbourhood, was the medium density housing development at 44 Peel Street:

- Already built ................................. 1
- Under construction .......................... 2
- Proposed but not under construction ....... 3
- Not yet proposed ............................. 4

34 What were your three greatest concerns about the development at 44 Peel Street at the time it was first proposed/ when you moved in?
- Loss of privacy ..................................... 1
- Loss of sunlight ................................... 2
- Loss of views ....................................... 3
- Extra noise ....................................... 4
- Disruption due to construction ................ 5
- Traffic congestion in the street/ neighbourhood .... 6
- Parking problems .................................. 7
- Type of residents who would move in ............ 8
- Reduction in property values ..................... 9
- Effect upon streetscape .......................... 10
- Ugliness of proposed building(s) ................. 11
- Loss of trees ....................................... 12
- Loss of existing building(s) on the site .......... 13
- Effect upon neighbourhood character .......... 14
- Street would feel less safe ....................... 15
- Too much development in the area already ..... 16
- Overdevelopment of the site .................... 17
- Other (please specify) ............................ 18
- Unconcerned ...................................... 19

35 Do you still have the same concerns now it is finished/ you are living here?
- Yes, exactly the same ............................ 1
- Largely the same .................................. 2
- Only a couple of concerns are still relevant ...... 3
- Which? ............................................. 4
- No, have completely changed my mind .......... 4

36 How do you think this development has affected property values in the area?
- Lowered property values ........................ 1
- No impact ......................................... 2
- Increased property values ....................... 3
- Don’t know ....................................... 4
- Don’t care ....................................... 5

37 What do you now consider are the most negative effects the development at 44 Peel Street has had?
- Loss of privacy ...................................... 1
- Loss of sunlight ................................... 2
- Loss of views ....................................... 3
- Disruption due to construction ................ 4
- Traffic congestion in the street/ neighbourhood .... 5
- Increased on-street parking ..................... 6
- Type of residents who would move in .......... 7
- Reduction in property values .................... 8
- Effect upon streetscape .......................... 9
- Ugliness of proposed building(s) ................. 10
- Loss of trees ....................................... 11
- Loss of existing building(s) on the site .......... 12
- Effect upon neighbourhood character .......... 13
- Too much development in the area already ..... 14
- Overdevelopment of the site .................... 15
- Other (please specify) ............................ 16
- No negative impact ................................ 17

38 What positive impacts do you consider the development at 44 Peel Street to have had?
- Improved housing affordability .................. 1
- Improvement of local amenity .................... 2
- Development better than building it replaced .... 3
- Improved landscaping ............................. 4
- Better use of local services and facilities ......... 5
- Improved car parking ............................. 6
- Street feels safer .................................. 7
- Greater sense of community ..................... 8
- Area feels revitalised .............................. 9
- Other (please specify) ............................ 10
- No positive impact ................................ 11

39 Were you aware of any opposition to the development at 44 Peel Street?
- Yes .................................................. 1
- No .................................................. 2
- Go to 52 ........................................... 2

40 Did a neighbour try to encourage you to object to this development?
- Yes .................................................. 1
- No .................................................. 2

41 Did you lodge a formal objection to Council regarding the development at 44 Peel Street?
- Yes .................................................. 1
- No .................................................. 2
- Go to 44 ........................................... 2
42 Did you try to encourage any of your neighbours to object to this development?
Yes.................................................................1
No.................................................................2

43 Do you feel that Council listened to your concerns and took them into account when making their decision?
Yes.................................................................1
No.................................................................2

44 Was a resident group organised to lobby Council to oppose this development?
Yes.................................................................1
No.................................................................2
Unsure .............................................................3

45 Were you or a member of your household involved in such a group?
Yes.................................................................1
No.................................................................2

46 Was your experience that this group was able to achieve more than individuals acting alone?
Yes.................................................................1
No.................................................................2

47 Regardless of your opinion of the outcome, do you feel that the way Council managed the application process was fair and unbiased?
Yes.................................................................1
No.................................................................2

47a Why do you think that?.................................
........................................................................
........................................................................
........................................................................
........................................................................

48 Were you or a group of residents involved in any appeal to the Victorian Civil and Administrative Tribunal (VCAT)?
Yes.................................................................1
No.................................................................2

49 Did you have professional legal representation at the VCAT appeal?
Yes.................................................................1
No.................................................................2

50 Regardless of your opinion of the outcome, did you feel that all parties got an equal chance to present their case to the Tribunal?
Yes.................................................................1
No.................................................................2

50a Why do you think that?.................................
........................................................................
........................................................................
........................................................................
........................................................................

51 Did you experience any of the following when dealing with Council regarding the development at 44 Peel Street:
Telephone calls not returned?.................................1
No response to emails?........................................2
Council officer was rude?.....................................3
Officer unable/unwilling to answer questions?........4
Council kept changing officer on case?...................5
Officer didn’t grasp the issues?.............................6
Difficulty in viewing proposed plans?.....................7
Council officers were polite and helpful?...............8
Council officer easily contactable?.......................9
Officer seemed on top of the case?......................10
Other? (please specify)......................................11

52 Have you had any prior experience of the planning approval process at Boroondara Council (other than with this particular development)?
Yes.................................................................1
No.................................................................2

52a What was the nature of this experience?
........................................................................
........................................................................
........................................................................
........................................................................

53 When the development at 44 Peel Street was first proposed were you familiar with the development approval process, your rights, and the options open to you?
Yes.................................................................1
No.................................................................2
54 Do you think that Council adequately explained the application process, your rights, and the options open to you when the development at 44 Peel Street was proposed?
Yes ................................................................. 1
No ................................................................. 2

55 How could Council better inform neighbours concerning proposed development and their rights in regard to it?
........................................................................ 1
........................................................................ 2
........................................................................ 3
........................................................................ 4
........................................................................ 5
........................................................................ 6
........................................................................ 7
........................................................................ 8
........................................................................ 9
........................................................................ a
........................................................................ b
........................................................................ c
........................................................................ d
........................................................................ e
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........................................................................ v
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........................................................................ y
........................................................................ z

56 Do you have any other thoughts or comments regarding the development approval process?
........................................................................ 1
........................................................................ 2
........................................................................ 3
........................................................................ 4
........................................................................ 5
........................................................................ 6
........................................................................ 7
........................................................................ 8
........................................................................ 9
........................................................................ a
........................................................................ b
........................................................................ c
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57 Have you now met any of the residents of 44 Peel Street?
Yes, one ......................................................................... 1
Yes, several ............................................................... 2
No ................................................................. Go to 61 3

58 Is there anyone living at 44 Peel Street of whom you feel you could ask a small favour (e.g. bring in your rubbish bin, collect your mail, etc.)?
Yes, one ......................................................................... 1
Yes, several ............................................................... 2
No ................................................................. 3

59 Have you made friends with anyone who lives in the development?
Yes, one ......................................................................... 1
Yes, several ............................................................... 2
No ................................................................. 3

60 Has knowing someone who lives there altered the way you now feel about the development at 44 Peel Street compared to when it was first proposed?
Yes ......................................................................... 1
No ................................................................. 2
Can you think of any changes that could have been made to the following aspects the development at 44 Peel Street that would have made living near it a better experience for you and your household? If not, what are the things you like about any of the following aspects of the development as it is?

<table>
<thead>
<tr>
<th>Aspect</th>
<th>No</th>
<th>Yes</th>
<th>Proposed improvement/ Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.) The external appearance of the building(s) and materials used</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>b.) Traffic management and the provision of car parking</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>c.) The arrangement of the dwellings on the site</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>d.) The internal layout/ planning of the dwellings</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>e.) The landscaping/ site treatment</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>f.) The safeguarding of neighbours’ privacy (both inside and outside)</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>g.) The particular form or type of housing developed</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>h.) The target market/ what type(s) of households the dwellings are designed to house</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
To finish with, please give us some details about yourself and members of your household, if any. We remind you that all this information is confidential and no individual responses will be identified or in any way used.

62 How old are you?
21-30 ......................................................... 1
31-40 ......................................................... 2
41-50 ......................................................... 3
51-60 ......................................................... 4
61-70 ......................................................... 5
71-80 ......................................................... 6
Over 80 ......................................................... 7

63 Where were you born?
Boroondara ..................................................... 1
Elsewhere in Melbourne .................................... 2
Elsewhere in Australia ....................................... 3
Overseas (please specify country) ....................... 4

64 Which of the following best describes your employment situation?
Employed full-time/ part-time .................................. 1
Employed casually ............................................. 2
Outside the workforce ....................................... 3
Student ......................................................... 4
Retired .......................................................... 5

65 Roughly how far do you travel on a typical day (e.g. to work, place of study, etc.)?
_____ kilometres, which takes about _____ minutes

66 What is the usual destination of this travel (e.g. location of work, place of study, etc.)?
Same suburb ................................................ 1
Other suburb ................................................ 2
Outside Melbourne ......................................... 3
Specify: .............................................................

67 What is your principal mode of transport for day-to-day commuting?
Walk ............................................................. 1
Drive (car, motorbike) ....................................... 2
Tram .............................................................. 3
Train .............................................................. 4
Bicycle ........................................................... 5
Other (please specify) ....................................... 6

68 Do you own a car?
Yes, one ..................................................... 1
Yes, more than one ......................................... 2
No ................................................................. 3

69 Please describe your household type.
Single or sole person ........................................ 1
Couple without anyone living with you ................ 2
Couple with dependent children ....................... 3
Single person with dependent children ............... 4
Group of unrelated people ............................... 5
Extended family ............................................. 6
Other ............................................................. 7

70 Where do your children (if any) go to school?
Same suburb ................................................ 1
Another suburb ............................................. 2

The following questions to be completed by interviewer at completion of interview.

71 Sex of respondant.
Male ............................................................ 1
Female ......................................................... 2

72 Dwelling type.
Detached house on individual block .................... 1
Semi-detached house ...................................... 2
Terrace house/ infill ...................................... 3
Detached house on shared block ....................... 4
Villa unit/ attached townhouse ............................ 5
Apartment/ flat ............................................. 6
Number of stories .......................................... 7
Total number of dwellings ................................ 7
Specify ........................................................

73 Location of dwelling relative to medium density case study.
.....................................................................
.....................................................................
.....................................................................
.....................................................................
.....................................................................
.....................................................................
.....................................................................

12
About this survey

This survey is about your experience of developing medium density housing at 42 Durham Road, Surrey Hills. Your answers will inform an independent Swinburne University research project and assist your local council to better manage the process of this type of development.

Some questions seek to create a profile of you as a developer. Others ask you to think about your previous experiences and views about developing medium density housing in Boroondara and elsewhere.

**ALL RESPONSES ARE STRICTLY CONFIDENTIAL.**

CONFIDENTIALITY

All interviews will remain strictly confidential and completed surveys will be securely stored at the Institute for Social Research (Swinburne University of Technology). No third party, *including the council*, will have access to them. Reports or publications using results of the survey will not identify individuals.
A. DEVELOPER PROFILE

1. Would you describe yourself as:
   A property developer? ........................................... 1
   Director of a development company? ...................... 2
   An individual property owner who happened to develop this particular site? .... Go to 21 ............. 3
   Person acting on behalf of a company or institution to manage their real estate assets? .... Go to 29 ............. 4
   Other (please specify) .............................................. Go to 29 ............. 5

   Questions 2 to 21 are only for those who fit into categories 1 and 2 above

2. Under what name does your development business operate?
   ................................................................................

3. How many people (including yourself) does your business employ?
   ________ people

4. How long has your business been operating?
   ________ years

5. What type(s) of development work has your business been involved in?
   Medium density residential.............................................. 1
   Detached housing ..................................................... 2
   High rise residential ................................................... 3
   Commercial .................................................................. 4
   Industrial ...................................................................... 5
   Renovations .................................................................. 6
   Other (please specify) .................................................... 7

6. Approximately how many developments would your business build in a given year?
   ________ developments

7. How many developments would you typically have on the go at any one time?
   ________ developments

8. Approximately how many developments have you built in the City of Boroondara?
   ________ developments

9. What is the typical construction cost for the work you do?
   Under $250,000 .............................................................. 1
   Between $250,000 and $500,000 .................................. 2
   Between $500,000 and $1,000,000 ............................. 3
   Between $1,000,000 and $1,500,000 ............................ 4
   Between $1,500,000 and $2,000,000 ......................... 5
   Between $2,000,000 and $3,000,000 ............................ 6
   Over $3,000,000 ............................................................ 7
   Over $5,000,000 ............................................................ 8
   Varies too much to say .................................................. 9

10. Does your business have any other source of income?
   Yes ............................................................................. 1
    No ............................................................................. 2

11. Do you personally have any other source of income than through property development?
    Yes ............................................................................. 1
    No ............................................................................. 2

12. Do you have a trade or professional background in the building industry?
    Yes ............................................................................. 1
    No ............................................................................. 2

12a. What was this background?
    ................................................................................

13. How do you predict the market demand for different dwelling types, styles and locations?
    Close links with real estate agent ................................................................. 1
    Own systematic research ........................................................................... 2
    Just have a feel for it ................................................................................. 3
    Live in the area ......................................................................................... 5
    See what other development is happening ............................................. 6
    Other (please specify) ............................................................................. 7

14. Do you prefer to prepare plans for Council submissions with:
    An architect? ............................................................................. 1
    Other design consultant (than registered architect) ....... 2
    Drafting service? ........................................................................... 3
    In-house design/drafting person? ................................................. 4
    Own designs/plans? ....................................................................... 5
    Other (please specify) ..................................................................... 6
15 Do you use the services of a planning consultant when considering a development?
Yes ................................................................. 1
No ................................................................. 2

16 For the actual building and construction work, do you/ does your company:
Employ tradespeople directly? ........................................ 1
Work with whatever trade contractors are available at the time? ......................................................... 2
Work with a trusted group of tradespeople on a contractual basis? .......................................................... 3
Other (please specify)? ................................................................. 4

17 What is your strategy for managing the risk of project failure due to extensive delays?
Always try to pre-sell ......................................................... 1
Add a risk contingency to the estimation of cost .......... 2
Spread risk among lenders and business partners ...... 3
Diversify business activities/ investments .................. 4
Other (please specify) ................................................................. 5
No risk management strategy ................................................................. 6

18 How does the planning approval process in Boroondara compare with other areas you have worked?
Worse, but outweighed by the other benefits of the location ................................................................. 1
Worse, and with no extra advantages .......................... 2
About the same ................................................................. 3
Better than most ................................................................. 4

19 Assuming the approval process was constant across municipalities, how does Boroondara rate as a location to develop medium density housing?
The best ................................................................. 1
Better than most ................................................................. 2
Same as other inner/ middle ring municipalities ......... 3
Several other municipalities are better .................... 4

20 Would you develop property in the City of Boroondara again?
Yes ................................................................. 1
No ................................................................. 2

<table>
<thead>
<tr>
<th>Questions 21 to 28 are only for those who fit into category 3 in question 1 above</th>
</tr>
</thead>
</table>

21 At the time you decided to develop the property at 42 Durham Road, were you living:
On the property? ................................................................. 1
Elsewhere in the same suburb? ............................................ 2
In another suburb within Boroondara? .......................... 3
Outside Boroondara? .......................................................... 4

22 What is the history of your relationship to the property at 42 Durham Road?
Lived there both prior to and since redevelopment ...... 1
Lived there previously but not since redevelopment .. 2
Have lived there only since redevelopment ............... 3
Have never lived there .......................................................... 4

23 What are the three things you like most about the neighbourhood where the development is located?
Have lived here a long time (familiarity) .................. 1
Family and friends nearby ............................................ 2
Type of people who live here ........................................ 3
Style of houses ................................................................. 5
Lots of trees and gardens ............................................. 6
Safe ........................................................................... 7
Excellent schools for children .................................... 8
Good public facilities ..................................................... 9
Good, convenient shopping ....................................... 10
Well served by public transport ............................... 11
Close to city ................................................................. 12
Community spirit .............................................................. 13
Other (please specify) ............................................................... 14

24 How long have you lived in this neighbourhood?
.......................................................................................... 1

25 Have you developed property before?
Yes ................................................................. 1
No ................................................................. 2

26 Why did you choose to do so on this occasion?
.......................................................................................... 1

Go to 31
27 Would you develop property again?
Yes ......................................................... 1
No .......................................................... 2

28 If you live in the property yourself, would you say doing the redevelopment has improved your quality of life?
Yes .......................................................... 1
No .......................................................... 2

28a Why do you say that? ........................................

29 Did you receive advice from any of the following about developing this property:
Architect? ..................................................... 1
Real estate agent? ......................................... 2
Consultant? .................................................. 3
Other (please specify)? .................................... 4

30 How did you prepare plans to submit to Council?
Employed an architect .................................... 1
Employed other designer (not a registered architect) .... 2
Own design drawn up by drafting service ............... 3
Own design and plans .................................... 4
Other (please specify) ..................................... 5
B. MEDIUM DENSITY CASE STUDY

31 What are the factors that make this area attractive for medium density development?
Status of address/neighbourhood...........................................1
Proximity to schools...................................................................2
Proximity to shops and facilities..................................................3
Accessibility by public transport..................................................4
Short distance from the city.........................................................5
Green, leafy environment.............................................................6
Reputation of solid gains for housing investment.........................7
Other (please specify)...............................................................8

32 Were there any features of this particular site that made it more attractive for development than others?
Size of block ............................................................................1
Ease of access .............................................................................2
Already medium density in the street.............................................3
Fewer planning controls..............................................................4
Condition/style of existing house...............................................5
Other (please specify)...............................................................6
No, I just happened to own it......................................................7

33 How did you find this particular site?
Had owned it for some time already..........................................1
Real estate agent who lets me know when properties come onto the market that might interest me.................2
Knew what I was looking for and asked around at real estate agencies.................................................................3
Saw property advertised for sale/auction......................................4
Made an offer to the previous owner.........................................5
Other (please specify)...............................................................6

34 How did you decide upon the particular type or form of residential development you wanted to build here?
Advice from architect...............................................................1
Advice from real estate agent.....................................................2
Advice from council planners....................................................3
Advice from other source (specify).............................................4
Looked at what other developers were doing.............................5
Own research into market trends...............................................6
Perception of community needs/gap in the market.....................7
Have done it before...................................................................8
Company geared to build this type of development...............9
Most appropriate design response for the site..........................10
Other (please specify)...............................................................11

35 How did you decide upon the number of dwellings you originally applied to build here?
Advice from architect...............................................................1
Advice from real estate agent.....................................................2
Advice from council planners....................................................3
Advice from other source (specify).............................................4
Own judgement of what the site could take.............................5
Picked highest number that sounded realistic..........................6
Most appropriate design response for the site..........................7
Other (please specify)...............................................................8

36 How did you finance the development at 42 Durham Road?
Bank loan (please specify)........................................................1
Other type of loan (please specify).............................................2
Other (please specify)...............................................................3

37 How many dwellings were you able to pre-sell?

38 Did you engage an architect for this project?
Yes .........................................................................................1
No..........................................................................................2

38a If not, why? ...........................................................................
Too expensive ...........................................................................1
Too slow ...................................................................................2
Can’t see the point ....................................................................3
Prefer to design myself..............................................................4
Other (please specify)...............................................................5

39 Roughly what percentage of the total construction cost did you spend on design and documentation?

40 Did you attempt to consult with neighbours prior to lodging a planning application?
Yes .........................................................................................1
No..........................................................................................2

40a Why/ Why not? .....................................................................
...........................................................................................................
41 Did you consult with Council planning officers prior to lodging an application?
Yes ............................................................. 1
No ............................................................... 2

41a Why/ Why not? ............................................
........................................................................
........................................................................
........................................................................

42 Did these consultations (with neighbours or Council) help expedite the approval process or make it any easier?
Yes ............................................................. 1
No ............................................................... 2

42a Why/ Why not? ............................................
........................................................................
........................................................................
........................................................................

43 Did you originally apply for more dwellings than were built?
Yes ............................................................. 1
No ............................................................... 2

44 Did you factor in the likelihood of needing to compromise on the number of dwellings when you lodged your initial application?
Yes ............................................................. 1
No ............................................................... 2

45 Were there any objectors to this development?
Yes ............................................................. 1
No ............................................................... 2

46 What were their stated objections?
Loss of privacy ............................................. 1
Loss of sunlight or views .............................. 2
Traffic congestion/ parking problems .......... 3
Loss of trees .................................................. 4
Heritage value of building(s) to be demolished 4
Effect upon neighbourhood character/ streetscape 5
Appearance of proposed building(s) ............ 6
Too much development in the area already ... 7
Overdevelopment of the site ....................... 8
Reduction in property values ..................... 10
Other (please specify) ............................... 11

47 Do you think they may have had a valid case for objecting on any of these grounds?
Yes ............................................................. 1
No ............................................................... 2

47a Which and why? ..........................................
........................................................................
........................................................................
........................................................................

48 Do you believe any of the following may have been unstated motives of objectors?
Concern about type of residents who would move in .... 1
Fear of change ............................................. 2
Feeling disempowered by planning system ........ 3
Loss of control over their environment .......... 4
Uncertainty about the world they live in ........ 5
‘NIMBY’ attitude ........................................... 6
Sheer selfishness ........................................... 7
Too much spare time .................................... 8
Other (please specify) ............................... 9

49 What impact (if any) do you think this development may have had upon property values in the area?
Lowered property values .............................. 1
No impact .................................................. 2
Increased property values ........................... 3
Don’t know ................................................ 4
Don’t care .................................................. 5

50 How long did the whole planning approval process take?
__________years ________months

51 How long do you think it might have taken had there been no objections?
__________years ________months

52 Did you budget for this delay when planning to carry out this development?
Yes ............................................................. 1
No ............................................................... 2
52a Why/ why not? .........................................................
.................................................................
.................................................................
.................................................................

53 Approximately how much do you believe was added to your development costs by delays in the planning approval process?
$________________________

54 Regardless of your opinion of the outcome, do you feel that the way Council managed the application process was fair and unbiased?
Yes .................................................................1
No ....................................................................2

55 How could Council better handle objectors and the whole advertising process to take proper account of the interests of all parties?
.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
.................................................................

56 Did you experience any of the following when dealing with Council regarding the development at 42 Durham Road:
Telephone calls not returned? .........................1
No response to emails? .....................................2
Council officer was rude? ...............................3
Officer unable/unwilling to answer questions? ......4
Council kept changing officer on case? ...............5
Officer didn’t grasp the issues? .........................6
Conflicting advice or instructions? ....................7
Council officers were polite and helpful? ...........8
Council officer easily contactable? ..................9
Officer seemed on top of the case? ...................10
Other? (please specify) ........................................11

57 Were you involved in any appeal to the Victorian Civil and Administrative Tribunal (VCAT)?
Yes ......................................................................1
No .....................................................................2

58 Did you have professional legal representation at the VCAT appeal?
Yes .................................................................1
No .....................................................................2

59 Regardless of your opinion of the outcome, did you feel that all parties got an equal chance to present their case to the Tribunal?
Yes .................................................................1
No .....................................................................2

59a Why do you think that? .................................
........................................................................
........................................................................
........................................................................
........................................................................
........................................................................
........................................................................

60 In what ways would you say the development at 42 Durham Road was successful?
Profitable ........................................................1
Good design outcome .......................................2
Improved the built environment .....................3
Improved housing choices in the area ..........4
Other (please specify) .....................................5
Not in any way .................................................6

61 If you could undertake the redevelopment again, are there any design or construction changes you would make?
Yes (please specify below) .............................1
No .................................................................2

.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
62 Do you have any other thoughts or comments regarding the planning approval process at Boroondara Council?

63 Do you have any thoughts or comments regarding the way in which medium density development in particular is managed?
To finish with, please give us some details about yourself. We remind you that all this information is confidential and no individual responses will be identified or in any way used.

64  How old are you?
21-30.............................................................................1
31-40.............................................................................2
41-50.............................................................................3
51-60.............................................................................4
61-70.............................................................................5
71-80.............................................................................6
Over 80..........................................................................7

65  Where were you born?
Boroondara.....................................................................1
Elsewhere in Melbourne...............................................2
Elsewhere in Australia...................................................3
Overseas (please specify country).................................4

66  Is your own home: 
Detached house on individual block?...........................1
Semi-detached house?....................................................2
Terrace house/ infill?......................................................3
Detached house on shared block?.................................4
Villa unit/ attached townhouse?.................................5
Apartment/ flat?............................................................6
  Number of stories: .......................................................6
  Total number of dwellings: .........................................6
Other?...........................................................................7
  Specify.........................................................................7

67  What is your current postcode?

68  Sex of respondant.
Male............................................................................1
Female..........................................................................2
About this survey

This survey is about the medium density housing developments at 25 Abercrombie Street and 18-20 John Street, Balwyn. Your answers will inform an independent Swinburne University research project on the management of medium density housing development in the City of Boroondara.

Some questions seek to create a profile of you as a designer. Others ask you to think about your previous experiences and views concerning the design of medium density housing in Boroondara and elsewhere.

Confidentiality

All interviews will remain strictly confidential and completed surveys will be securely stored at the Institute for Social Research (Swinburne University of Technology). No third party, including the council, will have access to them. Reports or publications using results of the survey will not identify individuals.
A. DESIGNER PROFILE

1 Would you describe yourself as:
   An architect? ................................................. 1
   Other designer (than registered architect)? .............. 2
   Draftsperson? .................................................. 3
   Other? (please specify) ....................................... 4

2 Under what name does your business operate?
   ............................................................................

3 How many people (including yourself) does your business employ?
   _________ people

4 How long has your business been involved in residential design?
   _________ years

5 What type(s) of work has your business been involved with?
   Medium density residential................................. 1
   Detached housing ............................................. 2
   High-rise residential ......................................... 3
   Commercial .................................................... 4
   Industrial ....................................................... 5
   Renovations .................................................... 6
   Urban design/ master planning ............................ 7
   Other (please specify) ....................................... 8

6 What is the typical construction cost for the work you do?
   Under $250,000 ............................................... 1
   Between $250,000 and $500,000 ......................... 2
   Between $500,000 and $1,000,000 ....................... 3
   Between $1,000,000 and $1,500,000 .................... 4
   Between $1,500,000 and $2,000,000 .................... 5
   Between $2,000,000 and $3,000,000 .................... 6
   Over $3,000,000 .............................................. 7
   Over $5,000,000 .............................................. 8
   Varies too much to say ....................................... 9

7 Approximately how many projects would your business undertake in a given year?
   _________ projects

8 How many projects would you typically have on the go at any one time?
   _________ projects

9 Approximately how many projects have you done in the City of Boroondara?
   _________ projects

10 Approximately how many medium density housing projects have you done in the City of Boroondara?
   _________ projects

11 Approximately how many medium density housing projects have you done elsewhere?
   _________ projects

12 How did you first get involved in the design of medium density housing?
   ............................................................................

13 Would you say you feel a strong sense of personal connection with the Boroondara area?
   Yes ................................................................. 1
   No................................................................. 2
14 What was the nature of your contribution to the development at 18-20 John Street?
Full architectural services (i.e. sketch design, design development, planning and building approval, full documentation and detailing, contract administration).........................1
Full design and documentation services but not contract administration.................................................................2
Sketch design only..................................................................................................................................................3
Drawings for planning and building approval only..............4
Other (please specify)........................................................................................................................................5

15 How much design freedom and control did you have within this particular role?
Complete design freedom in response to a brief .............1
Worked collaboratively with developer to formulate a design.........................................................................................2
Presented developer with a range of tailored design-and-documentation “packages” to choose from .................3
Client/ developer had own ideas about the design but was open to specific suggestions .........................4
Client/ developer had very set ideas about the design and was not open to suggestions ..................5
Just employed to draw up someone else’s design.........6
Other (please specify).................................................................7

16 Had you worked for this client before?
Yes .................................................................................................1
No. .....................................................................................................2

17 Have you worked for this client since?
Yes .................................................................................................1
No. .....................................................................................................2

18 How did you decide upon the particular type or form of residential development to be built here?
Instructed by client/ developer..................................................1
Most appropriate design response given the brief and the nature/ location of the site..............................................2
Sought advice from council planners ........................................3
Sought advice from other source (specify) .........................4
Company geared to design this type of development....5
There is a good market for this type of housing .........6
Other (please specify)........................................................................7

19 How did you decide upon the particular architectural language/ style that you used?
Instructed by client/ developer..................................................1
Most appropriate choice given the building type/ form .2
Most appropriate choice given the neighbourhood character/ streetscape ........................................................3
Sought advice from council planners ...............................4
Sought advice from other source (specify) .........................5
Company geared to design in this style .......................6
This style sells well.................................................................7
Other (please specify).................................................................8

20 How did you decide upon the particular construction type/ materials that you used?
Instructed by client/ developer.............................................1
Cheapest .................................................................................2
Most sustainable/ energy efficient ....................................3
Most appropriate for this type of development .................4
In response to site and context ...........................................5
Company geared to document this type of construction6
Other (please specify).................................................................7

21 Did you discuss the project with Council planners to see what sort of development they were more likely to support?
Yes .................................................................................................1
No. .....................................................................................................2

21a Why/ why not?........................................................................1

22 Regardless of the extent of influence you had over what was finally built at 18-20 John Street, what do you consider were some of the main design constraints for this site?
Privacy of/ from neighbouring residences.......................1
Maintaining solar access to neighbouring residences....2
Maintaining views from neighbouring residences........3
Achieving good solar access for new dwellings ............4
Achieving views from new dwellings ............................5
Heritage value of pre-existing building(s)......................6
Maintaining character of existing neighbourhood ....7
Enhancing character of existing neighbourhood ..........8
Nature/ form of the existing streetscape .....................9
Topography of site ..............................................................10
Retention of existing trees .............................................11
Other (please specify) ............................................................12
23 Did you experience any of the following when dealing with Boroondara Council regarding the development at 18-20 John Street:

Telephone calls not returned? ........................................... 1
No response to emails? .................................................... 2
Council officer was rude? ................................................ 3
Officer unable/ unwilling to answer questions? ................. 4
Council kept changing officer on case? ......................... 5
Officer didn’t grasp the issues? ...................................... 6
Conflicting advice or instructions? ............................... 7
Council officers were polite and helpful? ...................... 8
Council officer easily contactable? ............................... 9
Officer seemed on top of the case? ...............................10
Other? (please specify) ....................................................11

24 If you had the chance to design this project over again, what changes, if any, would you make?

................................................................................................
................................................................................................
................................................................................................
................................................................................................
................................................................................................
................................................................................................
................................................................................................
................................................................................................
................................................................................................
................................................................................................
25. Do you have any thoughts or comments regarding design constraints and planning controls imposed by either the State Government or Boroondara Council?

To finish, please give us some details about yourself. We remind you that all this information is confidential.

27. How old are you?
- 21-30: 1
- 31-40: 2
- 41-50: 3
- 51-60: 4
- 61-70: 5
- 71-80: 6
- Over 80: 7

28. Where were you born?
- Boroondara: 1
- Elsewhere in Melbourne: 2
- Elsewhere in Australia: 3
- Overseas (please specify country): 4

29. Is your own home:
- Detached house on individual block?: 1
- Semi-detached house?: 2
- Terrace house/ infill?: 3
- Detached house on shared block?: 4
- Villa unit/ attached townhouse?: 5
- Apartment/ flat?: 6

   Number of stories: 
   Total number of dwellings: 
   Other?: 7

   Specify: 

30. What is your current postcode?

31. Sex of respondent.
- Male: 1
- Female: 2
Appendix 3

Tables A3.1 & A3.2:
Household Type by Dwelling Density
Boroondara, Melbourne Statistical Division
& City of Melbourne, 1991-2001
Table A3.1: Household Type by Dwelling Density, Boroondara and Melbourne Statistical Division, 1991-2001

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<th>BOROONDARA</th>
<th>METRO MELBOURNE</th>
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<td>17,108</td>
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<td>Medium density</td>
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<td>20,328</td>
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<tr>
<td></td>
<td>High density</td>
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<td>22</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>76</td>
<td>80</td>
</tr>
<tr>
<td>Total</td>
<td>17,633</td>
<td>19,233</td>
<td>1,600</td>
</tr>
<tr>
<td>Lone Parent with children</td>
<td>Low density</td>
<td>2,985</td>
<td>2,969</td>
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<tr>
<td></td>
<td>Medium density</td>
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<tr>
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<td>High density</td>
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<td>Other</td>
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<td>20</td>
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<tr>
<td>Total</td>
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<td>4,450</td>
<td>115</td>
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<td>2,716</td>
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<tr>
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<td>Medium density</td>
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<td>935</td>
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### Table A3.2: Household Type by Dwelling Density, Boroondara and City of Melbourne, 1991-2001

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<td>6,453</td>
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<td>11,175</td>
<td>12,439</td>
<td>1,264</td>
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<tr>
<td>Lone person under 55</td>
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<td>Low density</td>
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<td>5,920</td>
<td>6,377</td>
<td>457</td>
<td>8%</td>
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<tr>
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<tr>
<td>Low density</td>
<td>4,300</td>
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<td>8,188</td>
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<td>3%</td>
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<tr>
<td>Total Lone persons</td>
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<td></td>
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<tr>
<td>Low density</td>
<td>6,271</td>
<td>5,942</td>
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<td>460</td>
<td>6%</td>
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List of publications produced as a result of the project

