
**Australasian Law Teachers Association - ALTA
2006 Refereed Conference Papers**



**Australasian Law Teachers Association – ALTA
Annual Conference**

61st Annual ALTA Conference

Victoria University, Melbourne, Victoria, Australia
4 – 7 July 2006

Legal Knowledge: Learning, Communicating and Doing

Published Conference Papers

This paper was presented at the 2006 ALTA Conference in the
'Environmental Law' Interest Group

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*Conference Papers published by the ALTA Secretariat
2006*

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**REGULATING URBAN CONTAINMENT IN AUSTRALIA:
BRISBANE AND MELBOURNE COMPARED**

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I INTRODUCTION

Queensland's South East Queensland Regional Plan, 2005- 2026 (SEQ Regional Plan) is the latest in a crop of regionally based, urban planning documents across Australia. Like other states, Queensland has finally acknowledged the environmental and economic consequences of urban sprawl. It has now accepted that solutions need to be managed and implemented on a regional scale that transcends existing local government boundaries. The SEQ Regional Plan canvasses a variety of measures and policies to address these issues.¹ This paper compares the SEQ Regional Plan with its Melbourne equivalent, Melbourne 2030, and examines the legislative and regulatory measures flowing from each document. While the two documents differ on some details, overall they exhibit a very similar agenda. This may indicate an emerging 'Australian' approach to urban containment.

II URBAN SPRAWL: SHOULD IT BE CONTAINED?

Before embarking on this comparison, it is valuable to pause, identify and question the underlying values and assumptions involved in policies advocating urban containment. There seem to be three core reasons why urban containment is being promoted in Australia:

- Ecological footprint: As urban communities grow, they consume rural and agricultural land and destroy native vegetation and wildlife habitats. Converting land to urban use may not always represent the best use of land, even if short-term market indicators suggest conversion will achieve the highest economic rent for the land.
- Infrastructure: Sprawling cities are costly to service. In an era of minimal government intervention, maximising the use of existing public infrastructure and minimising the need for new infrastructure has obvious political appeal.

¹ *South East Queensland Regional Plan 2005-2006* (Qld).

- Liveability: For many people, minimising urban sprawl is ultimately a question of values, about protecting the liveability of their urban space. Facilitating city dwellers' access to green space and rural land and containing individual communities within defined parameters – to achieve a sense of place – have been values underpinning planning since the earliest days of the Garden Cities movement.

None of these reasons represent objective 'truths'. Each is open to criticism. For example, why should Australians strive to protect native vegetation around their major urban conurbations when there is so much sparsely populated land elsewhere in Australia? In an era of affordable air flight, green space does not have to be close to urban communities in order to be accessible to them. In today's international market economy, the viability of fringe agricultural land is also continually called into question. Why not then, consume more land and integrate green space planning into urban design so that instead of simply containing our urban conurbations, they become green and leafy experiences in themselves? Australian suburbia has traditionally been associated with this sort of image and, of course, suburban living has proven a hugely popular lifestyle choice for many people. Added to this is the ethos of private ownership and a general aversion to public intervention in privately owned, freehold land.

At an even more notional level, there is a good deal of uncertainty about the future of cities in an era of increasing electronic communication. For how much longer will suburbanites have to travel into city centres to complete their work commitments? Perhaps it is not so much urban development at the fringe of our cities but inner city decay that now threatens the economic viability of our cities.

There are no definitive answers to these questions. They are raised here simply to indicate that urban containment policies exist in a context of uncertainty and in competition with other important value systems that underpin popular Australian culture.

Ultimately, this means that, despite their resolute form, the planning policies discussed below are sometimes operating at the level of aspiration rather than definitive planning and any assessment of their efficacy should probably take this into account.

III MELBOURNE 2030 AND THE SOUTH EAST QUEENSLAND REGIONAL PLAN: KEY FEATURES

This section describes the historical background, key features and main regulatory measures flowing from the two planning documents.

A Background to Melbourne 2030

Although Melbourne is governed by a number of separate local councils (unlike the Brisbane metropolitan area), a degree of holistic town planning has been in evidence since the establishment of the Metropolitan Town Planning Commission in 1922. Urban containment became a major concern of metropolitan planning in the 1970s when the Melbourne and Metropolitan Board of Works adopted a policy mix combining growth corridors, green wedges and limits on dispersed, outward growth. In the 1980s, policy focused more on concentrating development into highly accessible, district centres. From 1995 that policy was relaxed and more decision-making was devolved to local levels.²

The change of policy in the 1990s led to a well documented, popular backlash.³ In particular, residents objected to poor quality subdivisions in existing suburban districts.⁴ This dissent led to the development of the Victorian Residential Code. The Victorian Residential Code, 2001, (ResCode) is a package of provisions governing residential development across all Victorian planning schemes (in addition to the

² Ibid 21.

³ See Miles Lewis, *Suburban Backlash: the Battle for the World's Most Liveable City* (1999).

⁴ See Bob Birrell et al, 'Looking Back, Looking Forward: Urban Policy for Metropolitan Melbourne', in Bob Birrell et al (ed), *Melbourne 2030: Planning Rhetoric Versus Urban Reality* (2005), [1].

Building Regulations).⁵ One of the requirements of ResCode is that applicants wishing to build two or more dwellings on a lot, or to subdivide residential land, must include a neighbourhood and site description with their initial planning application. The application will only be allowed to proceed if the council is satisfied the neighbourhood and site description provides an adequate basis for the applicant to develop a design that will meet the objectives of the planning scheme and be consistent with any neighbourhood and/ or heritage concerns.⁶ Additional requirements may be added in councils' planning schemes. Whilst a tightening up of previous controls, ResCode has been criticised as lacking sufficient teeth to preserve neighbourhood character and prevent inappropriate residential infill.⁷

B *Melbourne 2030*

Melbourne 2030 arose in this context. The overall objectives of Melbourne 2030 are to encourage a more compact city - by promoting high density activity centers - and to better manage urban growth - by slowing greenfield development, protecting rural land and reinvigorating regional centres.⁸ Due to word constraints, this article deals only with the major policies and initiatives in the Plan. These may be summarised under the following heads - urban consolidation; greenfield development; and rural development.

1 *Urban consolidation*

Melbourne's population is estimated to grow by up to 1 million people by 2030.⁹ The average density of the Melbourne metropolitan area at the current time is approximately 14.9 persons per hectare – compared with 33.8 pph for Montreal and 41.5 pph for Toronto. A basic premise of Melbourne 2030 is that this type of ratio is no longer sustainable or desirable. Therefore, Melbourne 2030 aims to consolidate growth within Melbourne in activity centres. Activity centres will be developed as

⁵ Victorian Government, *The Victorian Residential Code* (2001) <<http://www.dse.vic.gov.au>> at 20 March 2007.

⁶ Ibid.

⁷ See Bob Birrell et al, 'Residential Infill and Its Threat to Melbourne's Liveability', in Birell et al. (ed), *Melbourne 2030: Planning Rhetoric Versus Urban Reality* (2005), [05-6].

⁸ *Melbourne 2030 2002* (Vic), 33-6.

⁹ Ibid 30-33.

centres for business, shopping, work and leisure as well as housing.¹⁰ Strategies for promoting activity centre development include – detailed structure planning; improving local and regional public transport services and using performance based assessment criteria to discourage development outside activity centres.¹¹ The Melbourne Plan aims to almost double the amount of current development in activity centres, allowing for up to 255,000 new dwellings in these centres.

In addition to promoting development in activity centres, Melbourne 2030 promotes the growth of regional cities and key towns on regional transport corridors. Regional cities include - Geelong, Ballarat, Bendigo and the towns of the Latrobe valley.¹²

Infrastructure funding is viewed as a key tool for promoting development in both activity centres and regional cities. For instance, the Victorian Government has allocated \$10 million over four years to the redevelopment of five Principal Activity centres.¹³

2 Greenfield development

The target for greenfield development (new residential development on previously undeveloped land) is to shift from a rate of 38 per cent of new dwellings per annum to 22 per cent per annum over the Plan period.¹⁴ The main policies are to develop a sequence for growth areas that will serve to slow down greenfield development and to ensure new development is better managed.¹⁵ Structure plans for new growth areas will be used to ensure increases in average housing density (for instance, 15 dwellings per hectare instead of 10 per hectare).¹⁶ Highest densities should be provided in or close to activity centres and the Principal Public Transport Network.

¹⁰ Ibid 33.

¹¹ Ibid 45-49.

¹² Ibid 70.

¹³ Ibid 34.

¹⁴ Ibid 60.

¹⁵ Ibid 57.

¹⁶ Ibid 60.

3 Rural development

The desire to create a more compact city underpins rural development policies. To that end, Melbourne 2030 established an interim urban growth boundary (UGB) for metropolitan Melbourne based on then current urban zonings for most fringe areas. The UGB includes enough land for metropolitan Melbourne's needs in the foreseeable future, given the redirection of priorities. Future variations are expected to be infrequent but may occur in relation to needs demonstrated in growth areas.¹⁷ In addition, a regulatory framework has now been introduced to protect rural areas from inappropriate urban development and to strengthen the conservation status of green wedges. This framework comprises the *Planning and Environment (Metropolitan Green Wedge Protection) Act 2003* and the *Core Planning Provisions*, Clause 57 in the Victoria Planning Provisions.

- ***Planning and Environment (Metropolitan Green Wedge Protection) Act 2003:*** This Act establishes statutory procedures for planning scheme amendments affecting metropolitan green wedge land. Green wedge land is defined as land that is described in a metropolitan fringe planning scheme as being outside the UGB. Planning scheme amendments affecting green wedge land in these schemes will need to be authorised by the Minister for Planning.¹⁸ If the amendment proposes to insert or amend a UGB, or alter controls over the subdivision of green wedge land to allow smaller subdivisions, then it will also require parliamentary ratification.¹⁹

- ***Core Planning Provisions, Clause 57:*** All planning schemes in Victoria are derived from the template provided in the Victoria Planning Provisions. The Core Planning Provisions are provisions all local councils should incorporate, as applicable, in their planning schemes. The new Particular Provision, Clause 57, sets out prohibitions and restrictions on certain uses and subdivisions of land in (non-urban) green wedge land. Uses that are

¹⁷ Ibid 58-59.

¹⁸ Ibid s 35.

¹⁹ Ibid s 46(AF).

prohibited outright include - industry, warehouses, service stations, offices, places of assembly and shops. Uses that are prohibited unless they meet certain conditions (often relating to size or establishing a 'rural' connection) include dwellings, restaurants, schools and residential hotels. The CPP provisions do not apply to green wedge land zoned for other purposes including – low density residential zones, industrial and business zones, public park and recreation zones.²⁰ A schedule to Clause 57 identifies other specific sites where the CPP do not apply.

In green wedge land, the subdivision of land to create a lot that is smaller in area than the minimum area specified for the land in that zone is prohibited unless it is a re-subdivision of existing lots, the number of lots is not increased and neither is the number of dwellings the land could be used for. If the land is zoned as a green wedge zone then the relevant minimum lot size is 40 hectares unless an alternative is specified in a schedule to the zone.²¹

C Queensland: Background to the SEQ Regional Plan

The reformist Labor government that came to office in 1989 was the first State government in Queensland to take a genuine interest in urban and regional planning in South East Queensland. In 1990, it convened a major conference at which the South East Queensland 2001 Project (SEQ 2001) was formally initiated. This led to the drafting of the Regional Framework for Managing Growth in South East Queensland (Framework Plan).²² The policy recommendations contained in the Framework Plan had no statutory backing, lacked detailed guidelines and the courts missed opportunities to enforce the principles of the (non-statutory) Framework Plan.²³

²⁰ Victoria Core Planning Provisions, *Particular Provisions* [57.01].

²¹ Department of Sustainability and Environment, *Advisory Note*, November 2003, 3.

²² RPAG, *The Regional Framework for Growth Management for South East Queensland: Final Report and Recommendations of the RPAG* (1994).

²³ In *Carmichael v Gold Coast City Council* [1999] QPELR 274 at 275, the PEC held the SEQ 2001 Growth Framework was immaterial in the assessment of a transitional development application; See further, Alan Fogg, 'Development Control and the SEQ Regional Plan' (2004/5) 10(49) *Queensland Environment Practice Reporter*, 155.

Ultimately, this meant the impact of the Regional Framework Plan was variable (at best) between different local authorities.

In 2004, regional planning in South East Queensland returned to the political agenda with vengeance. A media campaign in the Courier Mail helped to make urban sprawl, containment and other regional development issues a hot electoral issue. Returning to office, the Beattie government established the Office of Urban Management (OUM) and by the following year, the OUM had produced the SEQ Regional Plan, 2005.

D South East Queensland Regional Plan

The overarching objective of the Regional Plan is to achieve, 'A future for SEQ which is sustainable, affordable, prosperous and liveable'.²⁴ The main strategies and policies may usefully be summarised under the same headings as Melbourne 2030.

1 Urban consolidation

The SEQ Regional Plan sets targets for increasing the proportion of new dwellings provided through infill or redevelopment aiming for - 40 per cent of all new dwellings constructed in the region between 2004 and 2006; increasing to 50 per cent between 2016 and 2026.²⁵ As with Melbourne 2030, the SEQ Plan aims for high density residential development to be focused within and around regional activity centres and public transport nodes and corridors. Focusing high density development in these places should improve accessibility to existing and planned facilities and services, reduce car dependence and preserve the amenity of low density suburban districts.²⁶ The SEQ Plan establishes a hierarchy of regional activity centres and indicates desired residential densities at some of those levels.²⁷

The other major focus for higher residential development is transit oriented developments (TODs). These are mixed-use residential and employment areas

²⁴ SEQ Regional Plan, above n 1, 9.

²⁵ Ibid 65.

²⁶ Ibid.

²⁷ For principal activity centres the targeted density is 40-120 or more dwellings per hectare; at major activity centres the target is for 30-80 dwellings per hectare; Ibid 72.

designed to maximise the efficient use of land (or public infra structure) through high levels of access to public transport. Each TOD will have a walking and cycle friendly core with a rail or bus station surrounded by relatively high density residential development, employment or a range of mixed uses. TOD principles are to be integrated into regional activity centre planning but, more controversially, they may also be applied to lower order centres and neighbourhoods (transit oriented communities (TOCs)) as identified in local growth management strategies. Baseline density guidelines for TOCs are between 30-80 dwellings per hectare or greater.²⁸

As in Melbourne 2030, the provision of new infrastructure is viewed as a key strategic tool to achieve the preferred settlement pattern.²⁹ In April 2005, shortly before the SEQ Regional Plan was finalised, the Queensland Government issued the South East Queensland Infrastructure Plan and Program, 2005-2006 (Infrastructure Plan). The Infrastructure Plan commits the Queensland Government to a program of infrastructure development for the next ten years and indicates the Government's infrastructure intentions for twenty years. The total projected investment is A\$25.7 billion of state investment³⁰ and more than 75 per cent of this budget is for transport infrastructure.

The SEQ Regional Plan also advocates better managing demand. Demand management aims to make better use of existing infrastructure by modifying consumer behaviour, rather than directing limited resources towards major new or upgraded infrastructure. Demand management initiatives may include:

- Educational or incentive measures to bring about voluntary changes to consumer behaviour
- Introduction of technology to make better use of existing resources

²⁸ Ibid 75-77.

²⁹ Ibid 92.

³⁰ Ibid 7.

- Restrictive or pricing measures designed to increase the true cost or increase the comparative attractiveness of alternatives.³¹

2 Greenfield development

Despite the emphasis on urban consolidation in activity centres and TODs, between 50-60 per cent of all new dwellings are still expected to come from new (greenfield) development sites located within the Urban Footprint – that is between 287,500 – 345,000 new dwellings (or 14,375 - 17,250 new dwellings per annum).³² The Plan aims to ensure that at least 15 years of projected regional land supply is maintained (ie to have available identified sites for 21,5625 – 25,8750 new dwellings).

The Regional Plan identifies a major new urban growth corridor in Ipswich City, including land suitable for residential, business and industry development. Growth in this corridor will relieve pressure on coastal areas. New infrastructure development will be followed by master planned communities and a revitalisation of the Ipswich City Centre. It is hoped an additional 180,000 people or more will settle in this area over the period of the plan.³³

If the plans for growth in the Ipswich Growth Corridor are fully realised, approximately 100,000-150,000 new dwellings will still be required in other greenfield sites within the Urban Footprint (or in rural residential areas). In the future, new greenfield development sites will need to include a range of housing types and densities and will be planned to embrace transit oriented development principles.³⁴ Some major sites for greenfield development are identified in the Plan.³⁵ The SEQ Regional Plan also identifies nine investigation areas that provide a potential land bank for future medium – longer term development. The goal here is to protect these

³¹ Ibid 94.

³² Ibid 65. The population capacity of the regional plan's settlement pattern is designed to meet the need of 3.8-4.2 million people. These estimates do not include allowances for urban population growth within the Investigation Areas.

³³ Ibid 62.

³⁴ Ibid 65.

³⁵ Ibid 61.

areas from inappropriate development until full and comprehensive studies of their potential have been made.³⁶

3 Rural development

In the SEQ Regional Plan, a fundamental objective is to protect rural land from encroachment by inappropriate development, particularly urban or rural residential development.³⁷ A three pronged approach has been developed involving regulatory measures; a Rural Futures Strategy and a Regional Open Space Network.

Regulatory Measures: The SEQ Regional Plan and its accompanying Regulatory Provisions allocate all land in South East Queensland to one of four planning categories – the Urban Footprint; Regional Landscape and Rural Production Area; Rural Living Area or Investigation Area.³⁸ The Regulatory Provisions ensure that:

- A material change of use of premises for urban activities outside the Urban Footprint is impact assessable development. Unless the proposed development is one of the listed types of acceptable development (eg. small scale, non-residential development), it will only be allowed if the locational requirements or environmental impacts of the development necessitate its location outside the Urban Footprint and there is an overriding need for the development in the public interest.³⁹
- In Regional Landscape and Rural Production Areas and Investigation Areas, subdivisions of land that would reduce a lot size to less than 100 hectares are, with very few exceptions, absolutely prohibited.⁴⁰

³⁶ Ibid 17.

³⁷ Ibid 15.

³⁸ SEQ Regional Plan, 2005-2026 Amendment 1 Regulatory Provisions, s 1.5.

³⁹ Ibid s 2.5. Types of non-residential, small scale development that will be permitted are stated in [(a)-(g)].

⁴⁰ Ibid s 3.2.

For the purposes of these regulations, 'urban activity', includes any residential, industrial, retail, commercial, sporting, recreational, tourism or community activity. To establish an 'overriding need in the public interest' an application must demonstrate:

- (a) [T]he overall social, economic and environmental benefits of the development weighed against:
 - (i) any detrimental impact upon the natural values of the site;
and
 - (ii) conflicts with the desired outcomes of the regional plan, especially in relation to promoting consolidation of development within the Urban Footprint and preventing land fragmentation ... and
- (b) The community would experience significant adverse economic, social or environmental impacts if the development proposal were not to proceed.⁴¹

The *Integrated Planning Act 1997* (Qld) (IPA) has been amended to provide a statutory framework for the SEQ Regional Plan and its Regulations.⁴²

Other Measures: In addition to regulatory measures, the Regional Plan foreshadows a Rural Futures Strategy that will serve to:

- Maintain viable farm sizes
- Protect productive rural lands from incompatible land uses
- Identify alternative economic uses of rural land
- Ensure suitable management of peri-urban areas
- Provide infra structure, facilities and transport services in rural areas
- Encourage growth in rural towns and villages⁴³

⁴¹ Ibid Part H, sch 3.

⁴² Ibid s 2.5A.12.

⁴³ Ibid 46-47.

The SEQ Regional Plan also proposes a regional open space network. This will include publicly accessible land available for a range of outdoor recreation, cultural, educational and scientific research purposes.⁴⁴

IV COMPARING AND EVALUATING THE MELBOURNE PLAN AND THE SEQ REGIONAL PLAN

Melbourne 2030 has been criticised on a number of counts. This section describes those criticisms and considers whether the pertinent issues, if applicable, are better addressed in the more recent, SEQ Regional Plan.

Underlying premises: Melbourne 2030 assumes a growing population – up to 1 million people over the Plan period – and endorses a ‘compact city’ mode of development. Popular hostility to suburban infill and specific activity center developments to date suggests this vision is not one shared by all residents.⁴⁵ The matter harks back to fundamental questions of ‘liveability’ in the Australian psyche. Such divergent viewpoints are likely to characterise Queensland communities as much as their southern counterparts.

Activity centres: The emphasis on activity centers in Melbourne 2030 is perhaps its weakest link. Locating up to 41 per cent of new households in activity centres, most of which are in established urban centres, may be overly ambitious for a number of reasons. A major part of the demographic trend is towards an ageing population. Elderly people typically do not want to live in dense, noisy commercial centers. The evidence suggests many will simply stay put for as long as possible.⁴⁶ If this trend continues, the price of detached, suburban housing will continue to increase. The market demand will then be for lower cost, more affordable housing for younger couples and migrants. To date, the most successful examples of inner city, high

⁴⁴ Ibid 40.

⁴⁵ Bob Birrell, ‘Melbourne 2030: the Need for a Fundamental Review’, in Bob Birrell et al (ed), *Melbourne 2030: Planning Rhetoric Versus Urban Reality* (2005), [06-1-4].

⁴⁶ Ibid 06.2

density development have been at the more expensive end of the market. There is doubt as to whether the development industry will be willing or able to supply good quality, high density housing in the price bracket the market will demand. Part of the problem is the anticipated cost of activity centre land, including the potential costs of consolidating land blocks and re-developing sites formerly occupied by alternative uses. Indeed, Melbourne 2030 itself advocates making activity centres the home for commercial and retail as well as residential uses.⁴⁷ Another aspect of the problem is the continuing opportunity for dispersed settlement as well as the continuing (albeit slowed down) supply of new growth centres. For young families, these options, to the extent they are affordable, will almost definitely remain preferable.⁴⁸

The SEQ Regional Plan also contains ambitious targets for activity centre development within Brisbane (see table 1). Although the State is experiencing population growth in all age groups, the same arguments are applicable to the SEQ Regional Plan as for Melbourne 2030. The more generous provision for greenfield development in the SEQ Regional Plan may further undermine the demand for high density re-development in activity centres.

Table 1: Melbourne 2030 and the SEQ Regional Plan - Main Strategies and Targets Compared

Issue /Policy	Melbourne 2030 Targets	SEQ Regional Plan 2030
Anticipated population growth	1 million by 2030	1.5 million by 2025
Activity centre development	Up to 41% of total new growth	<ul style="list-style-type: none"> • 40-50% of total new growth should be infill or redevelopment • 40-120 dwellings per ha

⁴⁷ *Melbourne 2030*, above n 8, 33.

⁴⁸ Birrell, above n 45, 06-6.

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		<p>encouraged in principal activity centres</p> <ul style="list-style-type: none"> • 30-80 dwellings per hectare in TODs /TOCs
Affordable housing	Promote affordable housing	Promote affordable housing
Regional cities	Promote networked regional cities	Promote the Ipswich Growth Corridor
Greenfield Development	<ul style="list-style-type: none"> • Reduce from 38% to 22 % of all new development • Sequence development and slow it down • Greenfield development will be closer and better networked 	<ul style="list-style-type: none"> • 50-60% of all new dwellings • Maintain a 15 year land pool • Promote the western corridor • Greenfield development will be denser and better networked
Rural policy	<ul style="list-style-type: none"> • Urban Growth Boundary • Green wedges • Rural residential land 	<ul style="list-style-type: none"> • Urban Footprint • Rural Open Space Network • Rural Futures Strategy • Rural residential land

Dispersed settlement: Despite past objections to suburban infill, dispersed settlement is still expected to cater for up to 31 per cent of Melbourne’s new households in Melbourne 2030. The ResCode has been flagged as an important device to protect against inappropriate development in suburbia but opponents argue the measures it

contains are insufficient. Options available to councils to tighten site coverage, private space and set backs have not been actively used and are not a sufficient safeguard to residents that inappropriate development will not be allowed.⁴⁹

The SEQ Regional Plan recognises the undesirable aspects of dispersed, suburban infill but makes no particular commitments to prevent this happening.⁵⁰

Urban Growth Boundary: Melbourne's UGB has been critiqued as overly generous in its extent and rather too flexible in its administration.⁵¹ Melbourne 2030 expressly anticipates changes to the boundary may occur in order to cater for additional growth.⁵² At the very most, the current UGB is only envisioned to contain urban development up to 2030. The SEQ Regional Plan also makes very generous allowances for greenfield development and includes 'Investigation Areas' for possible future development beyond the life of the Plan. In neither document are the sustainable limits to growth sincerely investigated.

Infrastructure/ transport patterns: Infrastructure development underpins many of the strategies promoted in Melbourne 2030. Financing new infrastructure may help to lead development into targeted areas but something more than this will be required to radically alter people's travel choices.⁵³ Melbourne 2030 envisages more people choosing to walk, cycle and utilise public transport more frequently.⁵⁴ Some funding has been targeted at improving public transport but it will be a long time before the convenience of private transport is surpassed for most purposes. For instance, the Activity Centres policy requires not only better public transport into the city centre. It also requires a de-concentration of public transport, as each activity centre should ideally serve an area of suburbia whether as a transit point for further travel to the city centre or as an end in itself. This is an ambitious project yet one of the most effective strategies for altering behaviour, that is, financial penalties on car use, is not seriously

⁴⁹ Ibid.

⁵⁰ *Melbourne 2030*, above n 8, 71.

⁵¹ Birrell, above n 45, [06-3].

⁵² *Melbourne 2030*, above n 8, 58-59.

⁵³ Birrell, above n 45, [06-5].

⁵⁴ *Melbourne 2030*, above n 8, 127.

contemplated. Presumably that remains too politically contentious. The SEQ Regional Plan specifically addresses demand management strategies and at least states as a possibility the use of 'restrictive or pricing measures'.

Regulatory Provisions: Not surprisingly, both jurisdictions have focused their legislative attention to date on protecting their fringe rural land. This is typically a 'stick' measure where legislative activity sends a clear message of commitment to the community. Although working towards the achievement of very similar goals, there are some marked variations in the format of the regulations adopted. For instance, the Victorian legislation adopts a table of permitted and prohibited uses to be applied across certain zones in green wedge land. This creates certainty and uniformity but possible weaknesses include - the potential for unanticipated, undesirable uses that essentially escape the regulatory net; and the prospect of green wedge land being gradually eaten away by successive, incremental, types of permitted development. The SEQ Regulatory Provisions adopt a more performance based approach in line with the general tenor of the IPA. As with other performance based criteria, the assessment criteria allow more scope for discretion but they may cater more adequately for any type of unanticipated development.

What, if anything, has the SEQ Regional Plan learned from Melbourne 2030? For the most part, the SEQ Regional Plan follows very closely the model of a compact city form encapsulated in Melbourne 2030. Points of difference between the two plans are:

- The greater emphasis on a Rural Futures Strategy in the SEQ Regional Plan.
- The production of a long term Infrastructure Plan for the SEQ Region in close conjunction with the SEQ Regional Plan.
- Specific density commitments for some activity centres in the SEQ Regional Plan.
- Specific reference to the need for demand side management strategies for transport in the SEQ Regional Plan.
- An emphasis on rejuvenating regional cities in Melbourne 2030.

- The identification and protection of a medium-long term land bank for possible future development in the SEQ Regional Plan.

These points of difference are largely explained by different political and development circumstances between the two cities. The emphasis on rejuvenating existing regional cities in Victoria is one example. In addition, following Melbourne's experience with suburban infill, the SEQ Regional Plan does emphasise the need to limit out of centre development, although it has not followed the Victorian initiative of the ResCode.

IV CONCLUSION

This analysis demonstrates the two plans, Melbourne 2030 and the SEQ Regional Plan, have much in common. They both adopt the fundamental goal of building a more compact city form by slowing growth on the outer city boundaries and by concentrating development into new and existing activity centres. They both promote the targeted use of infrastructure development to engineer these outcomes. The legislative and regulatory measures adopted to date exhibit a greater degree of variation in style and format. Essentially, however, they too are addressing a very similar set of core issues.

To some analysts, the rather generous urban growth boundaries, coupled with fairly modest targets for reducing greenfield and dispersed development indicate a lack of political will to really impose effective change. Given the problems associated with developing activity centres, the end result may amount to very little change – greenfield development will continue for the foreseeable future albeit it at a slower rate and with higher density ratios, as will dispersed in fill. When the supply of greenfield and infill land seriously declines, governments may simply shift the urban boundaries rather than persevere with the activity centres policy (by then written off as not feasible). In a very real sense, both plans have simply postponed the real 'crunch' time.

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2006 Refereed Conference Papers**

On a more optimistic note, there are already some examples of successful high density projects and infrastructure funding in both cities is proceeding. Arguably, the mix of development strategies (infill, greenfield and activity centres) sets reasonable goals requiring gradual modifications in the land development industry rather than radical reform. Given the prevailing Australian psyche (car dependent and idolising of suburbia), the political clout of the development industry and the inherent uncertainty surrounding the future of our cities and their hinterlands, gradual or incremental change is probably the most that can be hoped for.