

West of Elgar Residents' Association Inc.

Residential Development

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Over the years, by far the greatest number of problems people have brought to WERA have been associated with planning matters, especially the adverse way in which their personal or neighbourhood amenity would be affected. These concerns have included medium density developments which had increased height, bulk, overlooking and overshadowing. WERA was able to help with many of these applications as *planning laws provided a clear line of appeal.*

Neighbours and other involved members of the community were made aware of an application by a **yellow notice on site** and they could then **view the plans of the proposal at Council**. If problems were perceived there was a **right to object** and if there were enough objectors then **Council held a forum** to seek an improved outcome. Unfortunately, an agreed outcome was rarely reached, and the **proposal would come before Council**. Whether or not Council approved the application either side could still go to **VCAT** for a resolution.

However, in recent times, the trend of complaints in WERA's area has changed. Subdivision has become one of the most active forms of densification in the middle ring suburbs. It has become popular to subdivide and build large, single dwellings on disproportionately small lots; this has created another problem. In Whitehorse, such *houses do NOT need planning permits if the lot size is bigger than 300 square metres.*

The building of these houses – ‘single dwellings’ – is not controlled by planning laws, but comes under ‘**building regulations**’. This means that **no yellow notice** goes up to inform the community. If a neighbour believes building is to occur, they have **no rights to see the plans**, as they will have been **approved by a private surveyor**. The surveyor is expected to respect basic height and setback requirements. Yet, while Neighbourhood Character is supposed to be the first point on which all applications are made, there appears to be no definite requirement for this under building regulations. Further, there is **no right of objection to Council** as it has no influence because the **plans are already privately approved**. Further, there is **no avenue of appeal to VCAT** as the matter is a building regulations problem, not a planning matter.

If any of the residents have concerns as the building progresses they can query the **Building Commission**. However, in the Commission's own words, *"The Building Commission does not*

have the authority to stop building work or cause it to be rectified or to award reimbursement...”
“It can only determine if a breach has occurred”.

Not only in our area, but across the other parts of Melbourne where these single dwellings are being built, there are increasing numbers of existing residents who have no recourse to a line of appeal as occurs in planning applications. In many cases, the dwellings fail to respect Neighbourhood Character which is the basis of Rescode and supposed to apply to all residential development. It is not surprising that the whole process has often left existing residents angry and frustrated at their inability to protect their amenity, and this leads to poor neighbourhood relations.

WERA believes this “ravine” between Planning Laws and Building Regulations needs urgent review.

To highlight the great differences we have included the following comparison chart

Residential Development

PLANNING

2 or more dwellings on a block

Applicant goes to Council

**Yellow sign put up on block
-informs neighbours of intent**

Plans available at Council

If problems neighbours can
object to Council

Community meeting –
Council, Developer and Neighbours

If visible problems:
Can approach Council

Council can deal with some problems

BUILDING REGULATIONS

Single dwelling on a block

Applicant goes to private surveyor [PS]

PS approves plans and lodges at Council

Plans are **private**, not available to others

No route of objection

No avenue of enquiry

If visible problems:
Unable to approach Private Surveyor

Council refers to Building Commission
but affected people need to present "concrete
evidence." Then....*"The Building Commission does
not have the authority to stop building work or cause it
to be rectified or to award reimbursement;
It can only "determine if a breach" has occurred.*

Building in Progress

Below are 2 photos of single dwellings being built in Whitehorse that illustrate the problems described above. They are in 'local streets' containing single storey or attic dwellings. The first is three storeys with columns overlooking a single level dwelling to the south. The second is two storeys with a third storey lookout and reduced setbacks.



343 Mont Albert Road, Mont Albert.

An application for a planning permit to construct a 3-storey building on this car servicing site adjacent to the rail crossing raises concern regarding the proposed use and requested parking waivers.

Retail and office use are proposed on the ground floor; an office and an apartment on the 2nd floor and 2 apartments on the 3rd floor. The apartments are immediately adjacent to a busy rail line and boom gate crossing. They are also adjacent to the Standrite Fencing business where manufacturing activities include: delivery of metal; welding; metal cutting and angle grinding. *WERA doubts that the high level of noise on all sides of the site is conducive to residential use.*

The application provides for 16 on-site parking spaces (albeit relying on constant operation of two stacker units - 3 cars high) and the need for 9 to 15 spaces offsite. The parking survey concludes that these spaces are presently available in the 2-hour parking area provided for the Mont Albert Activity Centre. The applicant has not considered that No 5 Hamilton Street (the largest building in the Activity Centre) is presently unoccupied, but, when it was occupied by the Salvation Army, parking vacancies in the car park were scarce during weekday business hours. Unrestricted street parking areas, both along the railway line and in many of the surrounding streets, is now fully utilised by commuters using either Mont Albert or Surrey Hills station. Leopold Crescent is reduced to a single vehicle width by present parking demands and congestion stoppages occur throughout the day for vehicles travelling in opposite directions, particularly when buses enter this road. Parking on the Mont Albert road nature strip in the vicinity of Hamilton Street already occurs on a daily basis and is causing damage to some of the mature street trees. *In WERA's view day long parking for occupants of the proposed building will not be easily found.*

WERA questions whether it will be appropriate for vehicles to enter the proposed building from Mont Albert Road by a centre right turn given that no turn lane is marked; this is probably due to the proximity of the site to the railway boom gates. *We have requested that Council obtain advice from both VicRoads and the Transport Authority on suggested traffic management at this hazardous location.*

Draft Site Development Framework for Station Street, Box Hill (cnr Carrington Rd)

The Working Party of DPCD and Council to oversee the preparation of design guidance that may influence any future proposal for the site has issued a Draft Site Development Framework (SDF) and summary sheet which are available for public consideration and feedback until 28 March. The Working Party will then finalise the SDF and form its recommendations to the Department and Council.

The primary purpose of the document is advisory, rather than regulatory. The document does not prescribe a particular composition of uses or form of building, but aims to inform and guide the preparation and assessment of any future proposal and encourage a development that advances strategic objectives for the centre. The Box Hill business district was designated as a Principal Activity Centre in 2002 by the metropolitan strategy and subsequently elevated in 2008 as one of six, new Central Activities Districts in Melbourne nominated in the planning scheme as the highest level in the hierarchy of activity centres outside the Melbourne CBD.

A planning permit (number WH/12508) was issued in 2004 for a 23 storey building on this site, and remains valid. Ownership of the site has changed since issue of the permit, which has not been activated. The development allowed by this permit is subject to a time limit which has been progressively extended to March 2011. On 31 January 2011 an application requesting a further extension of the expiry date of this permit was submitted to Whitehorse City Council. This application was not an output of the Site Development Framework process. Determining the request for an extension of the expiry date is a matter for decision by Whitehorse City Council as the Responsible Authority. However, instead of automatically extending this application under

delegation to the Planning Department, as is often the case, Council has "called it in" to be discussed at a full Council Meeting.

In August 2009 the Whitehorse City Council formally refused planning permit application WH/2007/0744 for a proposed, 38 storey building on this site. The proponent lodged an application for review ('appeal') of this refusal with VCAT which was "called in" by the then Minister for Planning. After considering submissions and hearing representations from parties the Planning Department concluded that the proposal did not integrate with or improve upon the surrounding area, and had not adequately resolved a number of issues including design, public transport access and community concerns. On 1 June 2010, on advice from the Minister, the Governor in Council determined that the application for review be dismissed and Council's refusal was confirmed.

Some key considerations in the draft framework are:

- Aim for direct pedestrian links with train & bus services, retail heart, and market.
- Connecting underground car park with existing parking on adjacent property.
- Creation of new retail frontages, restaurants, etc, along Carrington Rd. and Station St.
- Consolidate loading & service access with adjacent loading area off Carrington Rd.
- Scale (& height) of a building will be influenced by the capacity to manage access and servicing demands, particularly at ground level and on surrounding streets.

WERA's concerns are that the Draft still:

- Proposes no height limit or any indicative limits, but, as the site is in the retail heart, it requires a "landmark" development.
- Asserts that there is no need to replace the car parking available commercially on the current site when present car parking is critically scarce.
- Continues to assume that proximity to the transport interchange ensures that occupiers and users of a new building will not impose a high demand for parking either on or off site.

WERA considers that, if the current market was expanded into the ground floor of the new Tower, the service way could be used for a public interest purpose and would make the pedestrian access level to a new building "connected" and vibrant.

764 Canterbury Road, Surrey Hills

In our previous Newsletter, we told of the Rooming House application for an old house which had been used as a Nursing Home, and then been left derelict for some years. We were concerned not only with the state of disrepair, but also health, safety and amenity conditions for the potential occupants. For example there could be up to 35 tenants and only one major kitchen and one small laundry. In addition, the siting of the proposal was a long way from shops and support services for 'emergency housing' tenants as described by the applicant.

At a Council Meeting on 13 December the application was approved on the casting vote of the Mayor. However, some conditions regarding health and safety were to be met before the applicant could admit tenants. Some of those living in the area adjacent to the proposal have such

concern with the Council decision that they have elected to appeal the Council's decision at VCAT. This means that the matter will not be finally resolved for some months.

A Sustainable Population Strategy for Australia?

The Commonwealth Government is conducting community consultations around Australia on the development of a sustainable population strategy for the nation. The strategy will consider the policies and programs required to ensure that Australia can shape and respond to changes in our population to build a sustainable Australia. According to the Government, the ultimate goal of the strategy is "to improve the wellbeing of current and future generations through more effective recognition and management of the impacts of population changes." WERA has made a submission on your behalf. You can read the WERA submission on our website at www.wera.org.au

The Government has produced an issues paper to assist community groups and individuals to provide their own views on a suitable framework for a national population policy. As well as this paper, there are also papers from three advisory panels considering the key themes of demographic change and livability, productivity and prosperity and sustainable development.

You can lodge your own submission through the website at www.environment.gov.au/sustainablepopulation . From this website you can also download the Government's issues paper and the sustainable population advisory panel reports, answer the questions posed in this paper, and/or upload a personal submission.

The WERA submission is focused on the local impacts of high levels of population growth in Melbourne. As local residents we are all familiar with increasing traffic and congested roads, over-burdened public transport systems and the soaring price of land and housing as our population has increased through historically high levels of net overseas migration over the past 10 years.

The former Bracks and Brumby Governments proposed a high growth strategy for Victoria. They actively pursued skilled and business overseas migration and the expansion of our lucrative international education industry. As the size and population of Melbourne grew they pursued a planning policy which promoted the increased density of Melbourne, an urban growth boundary and regional development through improved regional transport links. Their planning policies- Melbourne 2030 and Melbourne@5million- were based on high population growth projections and the need to direct higher densities of housing in areas with existing urban infrastructure, through the *Activity Centres* policy. The urban boundary was intended to restrict the expansion of low density housing in outer Melbourne, but failed to do so.

Market forces, including continuing high demand for new homes resulting from net migration growth and natural population growth, drove families to the outer fringes where housing affordability was greater but infrastructure was expensive and limited. In the face of these demand and supply forces for housing and its associated urban and social services infrastructure, the planning framework has failed to both limit urban expansion or protect the livability of Melbourne's suburbs. The framework has not effectively managed the planning implications of

high population growth. As a result, many Melbourne residents are becoming increasingly disenchanted with the concept of a “big Australia”. They are also concerned about climate change and its implications for our future. This is why the need for a formal population policy is now officially on the agenda. So, please, consider submitting a short submission of your own on this important issue.

Need for New Committee Members

One of our Committee members has moved from Whitehorse. This leaves us with only five. If WERA is to continue we need new people for the Committee with ideas about the present and future of Mont Albert and Surrey Hills. We have five meetings a year. These are held in the evenings at a member's home. Our main contact with members is through the Newsletter, which is also forwarded to Councillors, MPs and the local paper.

Membership Renewal

Please note that ***your annual membership renewal*** notice is attached to this newsletter. Your continued membership and support is most appreciated and critical to our on-going operation.
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WERA Committee 2011: Geoff White, 98988205; Judy Sharples, 98908038; Elizabeth Meredith, 98982607; Terry Randle, 98088638; June Kavanagh, 98365970.