

West of Elgar Residents' Association Inc.

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Planning Legislation Amendment Bill 2009 [2]

This sounds rather dry and boring, but it whacks a hidden punch for those of us in suburbia. This Bill was defeated in the Upper House of State Parliament earlier this year when resident groups from across the State combined with local councillors [Coalition of Concerned Councillors], to rally and get the support of all the opposition members. However, the State Government is determined to get the Bill through and is presenting it again.

WERA is concerned because passage of the Bill would drastically curtail the rights of the community to object on planning matters. In addition, Development Assessment Committees [DACs] would be set up for larger projects. Each such Committee would have 5 members: 3 chosen by the Government and 2 from local government, but not necessarily from Whitehorse for Whitehorse matters. Whitehorse Councillors are very concerned, for not only does the Bill further reduce local government involvement in planning for the future of our community, but, if the Bill is passed, Councils will be responsible for much of the expense involved in administering these committees and their decisions –and we all know where the Council money has to come from!

This Bill has passed the Lower House and WERA believes that the Bill will be supported by both major political parties in the Upper House the second time around. In supporting the Bill the Liberal Party has managed to extract a few concessions from the Government, but the Shadow Planning Minister states that they are opposed to mandatory DACs and would revise the legislation if elected next year.

Melbourne @ 5 Million

The State Government plans for the development of Melbourne (Melbourne 2030) released in 2002 assumed a 30-year population growth across the urban area (current and extended) of 1 million people. However a report released earlier this year has Melbourne headed for 5 million by 2026 rather than the previously, underpinning prediction of Melbourne 2030 of 4.5 million.

Local growth, migration demand, refugee settlement and impacts of climate change on island and local coastal settlements will maintain this pressure for denser urban development. The Prime Minister and the State Premier in recent statements are not unduly concerned with managing the infrastructure requirements and maintaining community cohesiveness through rapid population change. The State Government envisages that we can increase residential density along train, tram and bus routes and within activity centres. For the Elgar and Riversdale Wards of the City of Whitehorse this vision could result in residential development applications along the major routes of Whitehorse, Riversdale, Warrigal, Elgar and Union Roads. For the now designated, major activity centre of Box Hill a significant increase in residential density will occur and has, in fact, already commenced with the application for a 38-storey apartment tower on the corner of Station Street and Carrington Road. The Council has refused a permit for this development and a VCAT appeal has been lodged by the proponent.

It has been proposed by a Melbourne City Council planner that infill, residential development of 5 & 6 storeys along all transport routes across the inner and middle suburbs will meet most of the future housing demand, without additional expansion of the outer urban boundary. Residential parts of Toorak and St Kilda Road have already evolved with residential buildings of this scale and higher – but we will not have the tree and landscape set backs of St Kilda Road in Whitehorse.

Other aspects of this transport route population densification that WERA considers must be addressed are as follows:

- Will transitioning from the 5-6 storey areas with 2, 3 & 4 storey behind them be needed before using street separations to the areas of single detached dwellings that are still in very high demand by families coming into the area?
- Will the increased densification of car population along the routes significantly disrupt public transport service schedules?

In addition the *Major Transport Projects Facilitation Act 2009* (MTPF Act) rapidly passed Parliament in September, with no public consultation. The Act removes the operation of all major environmental and planning laws for projects that are declared by the Premier as major transport projects and replaces them with a new approval process intended to fast-track new freeways, ports and rail lines.

VCAT Matters

Station Street – Carrington Road: 38-storey apartment building with business conference centre, restaurant, gym and some retail at lower levels

Council has refused a development permit citing several grounds, including: “...will detrimentally affect the character of the Box Hill Central Activities District and its immediate surrounds, particularly by virtue of its height and scale”; “...limited mix of uses”; “... insular focus”; “... does not integrate with the bus interchange”; “... provides inadequate private and public open space”; “... does not recognize pedestrian priority routes”; “...insufficient on-site car parking”; “...increase traffic congestion in already congested area”.

WERA supports the Council decision made at the Council meeting of 17 August, 2009 (www.whitehorse.gov.au/council/meetings/minutes), even though the Planning Officer's report supported the development proposal as significantly enhancing the area without impacting on amenity!

What is the height of 38 storeys? Answer: it is 133.3 metres. In 2004 a 23-storey (90.9 metre) building was approved for the site, although the proposal then included 8 cinemas and 428 parking spaces, compared to 331 spaces for the current proposal. The new proposal projects a parking demand for 617 spaces - the shortfall of 286 spaces being up to the Council to find!

How many storeys are OK? For Burke Road, Camberwell, VCAT, as recently as July, considered 9 storeys (~27 metres) as being appropriate to the retail streetscape above the station. The City of Manningham has height limits of 12.5 to 29.0 metres in the Doncaster activity precinct. By comparison there are no height limits in the Whitehorse Planning Scheme for the Box Hill Activity Centre, but the Tax Office building is 5 storey and the hospital and TAFE are at similar levels further out. In order to not dominate the area, adversely impact on the street level amenity and disrupt existing bus and taxi services, perhaps 9 or 10 storeys is appropriate. Inevitably this site will be developed. WERA believes that the proposal should not exceed 9 storeys and integrate with the public transport hub.

WERA is appearing at VCAT to put this view. We look forward to receiving member comment on this view. Please email your thoughts to info@wera.org.au.

28-34 Boisdale Street, Surrey Hills

The WERA August newsletter commented on this proposed development of 28 dwellings across 4 existing house sites. The south facing section of the development is a 3-storey, residential development of 21 apartments across 4 blocks, with little set back from the public parklands leading up to Riversdale Road.

The applicant has lodged an appeal at VCAT for Council failure to make a decision. Council has advised WERA and local resident objectors that Council would not have supported the application on 7 grounds anyway, including:

- "... being contrary to neighbourhood character";
- "... not satisfying height, set back, landscape and solar access objectives/standards";
- "... overdevelopment of the site from building bulk, scale and massing";
- "... detrimental to amenity of adjoining parkland";
- "... unacceptable on-site and off-site amenity impacts".

A VCAT hearing has been listed for 14 December, 2009 and WERA will appear in support of these grounds.

Public Open Space- as Whitehorse grows will we have enough in the future?

WERA has long argued that we need more open space in Whitehorse and that the Surrey Hills and Mont Albert suburbs are particularly short of open space compared to the rest of the municipality. Whitehorse Council commissioned the Whitehorse Open Space Strategy (WOSS) in 2007 to provide a longer term strategy for managing open space in Whitehorse.

The WOSS includes an analysis of existing open space, levels of use, gaps in the existing open space network, an analysis of projected future residential growth and how this growth will influence future open space needs. It recommends a variety of methods to achieve additional open space over the next 15 years. One such method is via public open space contributions made through the subdivision process.

In February 2009 the Council used the WOSS to support an amendment to the local planning scheme. **Amendment C99 ‘Public Open Space Contribution’** proposes to change the amount of public open space contribution that developers must pay or provide when subdividing land. The majority of contributions will be cash in lieu of land; however a land contribution may be required in certain circumstances. Subdivisions, whether residential, commercial or industrial, will be required to make a public open space contribution of at least 4%. Where the subdivision affects a Strategic site, as defined by the Whitehorse Open Space Strategy 2007 or by Council, a minimum contribution of 4% will be required, subject to negotiation of a development plan. For all other sites, a flat rate of 4% will be required.

Details about the amendment and the panel report are on the Council’s website at <http://www.whitehorse.vic.gov.au/Amendment-C99-Public-Open-Space-Contribution.html>

WERA, along with other members of CROWAG, (Combined Residents of Whitehorse Action Group) participated in the consultations conducted by Council over this amendment. WERA argued that a 4% rate was too low to acquire open space and that our relatively low rate of open space per person would never improve, but would worsen with increased development which removed private open spaces.

In August, following public consultations, the Council submitted the proposed amendment to a Panel Hearing conducted by an independent expert. Along with the Mitcham Residents’ Association (MRA) we argued that Council needed to fund an increase to the open space we have in order to support our future population. It would be difficult to do this if we only levied a 4% developer charge on sub-divisions greater than 2 lots. Most development in Whitehorse involves sub-division of one lot into two lots and the construction of two units.

The Panel Review supported Council’s proposed amendment with some minor changes. Council has formally endorsed the Amendment. When the Minister for Planning approves the Amendment it will become part of our local planning laws.

WERA believes that Amendment C99 falls far short of the funding required to increase the quantity of open spaces to support future population growth and increased housing density. WERA and MRA believe a developer contribution of 8% would be required to actually increase the amount of open space in Whitehorse given current land values. We also requested Council to

consider alternatives to sub-division contributions such as a Developer Contribution Plan. This Plan could be applied to particular areas in Whitehorse where development is strong and/or where open space is in short demand and new open spaces are required. Fortunately, following further representations from CROWAG members, Council recently directed Council officers to undertake further research on the Developer Contribution Option.

We will continue to follow this issue with Council officers and our councilors so that the western wards do not continue to be disadvantaged in the provision of open space.

Whitehorse Ratepayers' and Residents' Association (WRARA)

There has been a recent move within Whitehorse to form a ratepayers' and residents' association that is able to represent the Whitehorse community on matters such as rates that relate to the whole city, rather than the specific interests of local areas. The first meeting was held in September, when a Committee was elected. A further meeting to confirm the objectives of the Association and to proceed to Incorporation was held on 20 October. WERA would have preferred to join as a body, but having been told this was not possible one of our Committee has joined. While the membership to date represents a variety of people and views from other parts of Whitehorse, the WERA member was the only person from Mont Albert or Surrey Hills. It is important that some of WERA's members, or their friends, join this association, in order for a broad cross section of the City to be represented. Please contact us for further advice on how to join.

Deakin University Sustainability and Environment Forum

A representative of WERA attended this forum by invitation. Deakin staff constituted the largest number of attendees by far and, as such, it was largely an intra -Deakin analysis of how the University could improve its efforts with respect to the climate change threat. Much of the discussion therefore centred on specific steps that could be taken to minimize the University's environmental impact and ranged from practical installations like rainwater tanks through to education of staff and especially of students. It was a pity that there were no Whitehorse Council members or staff, and only very few community members, present. Also there was no one from relevant institutions like Melbourne Water, although there was a member of the Dept. of Sustainability. In spite of this, those community members present encouraged action on public transport and the local environment. This latter concept was taken up by some staff members who thought it might be a good idea to volunteer services sometimes in the abutting parkland!

“Churchill’s” – Hamilton Street Mont Albert

Whitehorse Council has decided to grant a permit that allows development alterations for use as a food and liquor premises. WERA had expressed concerns about several aspects of the application. Council is requiring adherence to factors that will respect the heritage values of the precinct, such as facade, colour and lighting. However, there appears to be only one toilet for staff and up to 50 customers- *in line with heritage toilet availability?* As parking is already congested in Hamilton St and adjoining parking areas and streets, it is not going to get any easier to access the shops.

Welcome to the Committee Deb Elliott!

Welcome to our new committee member Deb Elliott. Deb, a resident of Mont Albert North, is keen to support our work. Why not join Deb and the rest of the committee in working for all of us west of Elgar? Please contact a committee member for further information.

WERA Website

Our website www.wera.org.au is now accessible. Please let us know of any suggestions, comments or information that you have or would like to see on the site. Also you can elect to receive your newsletter by email and save paper! Please email us at info@wera.org.au to arrange this. In addition we would welcome your suggestions for stories or ideas for forthcoming editions of the newsletter and your help in editing and printing the newsletter.

WERA Committee 2009: Geoff White, 98988205; Judy Sharples, 9890838; Deb Elliot, 98984196; Elizabeth Meredith, 98982607; Terry Randle, 98088638; June Kavanagh, 98987594.