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### Neighbourhood Residential Zone Schedules Gazetted

Since Council recommended the Neighbourhood Residential Zone (NRZ) Schedules in May 2014, followed by a panel hearing in April 2015, the Schedules (with some amendments) have finally been gazetted on 12 November 2015 into the planning scheme for these zones. The amendment implements the findings of the *Whitehorse Neighbourhood Character Study 2014* and the *Whitehorse Housing Strategy 2014*.

The new residential zones were initially implemented in October 2014 via Amendment C160 to the Whitehorse Planning Scheme. Amendment C160 limited sub-division to no more than 2 dwellings per lot and maximum building height of 8 metres in NRZ areas.

NRZ has been applied to residential areas proposed for limited change and the introduction of schedules through the Amendment C174 provides more detailed guidance for built form in those areas.

The NRZ areas cover 52% of the municipality. The NRZ areas West of Elgar Road are:

- NRZ 2 Precinct BS1 Formal Bush Suburban Mont Albert North; north of Belmore Road.
- NRZ 5 Precinct GS2 Traditional Garden Suburban: Mont Albert & Surrey Hills

Key aspects of the final Schedules Whitehorse Planning Scheme Clause 32.09 Schedule 2 (for NRZ 2) and Schedule 5 (for NRZ 5) are:

**Minimum lot size:** Council and WERA had supported minimum lot size of 320 m<sup>2</sup> but the Minister has accepted the panel recommendation that lot size is “*not specified*”. Hence almost all lots in the NRZ can be sub-divided into 2 lots.

**Building height:** Council had supported 8m height in NRZ 2 and 9m height in NRZ 5. WERA supported 8m height in both and the panel recommended 8 metres. Although not specified in the Schedule the height limit is applied through Local Planning Provisions *Clause 32.09-8 Maximum building height requirement for a dwelling or residential building not exceed 8 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres.* A small win!

**Site coverage** (or building footprint): NRZ 2 - 40% and NRZ 5 - 50% as supported by Council were adopted although WERA supported 40% for both.

**Site permeability** (for landscaping): NRZ 2 - 40% and NRZ 5 - 30% as supported by Council were adopted although WERA supported 40% for both.

**Landscaping:**

NRZ 2 at least two canopy trees per dwelling that have the potential of reaching a minimum mature height of 12 metres.

NRZ 5 two trees capable 8 metre height. Supported by Council and WERA.

**Side setbacks:**

NRZ 2 should be setback from side boundaries 1 m, plus 0.3 m for every height over 3.6 m up to 6.9 m, + 1 m every metre over 6.9 m.

NRZ 5 ResCode retained which is only 1 metre on each side.

**Rear setbacks:**

NRZ 2 should be setback 5 m from the rear boundary

NRZ 5 ResCode retained which is only 1 metre

**Walls on Boundary:**

NRZ 2 no walls on boundary.

NRZ 5 not abut the boundary for a length of more than 7 metres (garage wall).

**Private open space:**

NRZ 2 and NRZ 5 - 80 m<sup>2</sup> or 20% of lot but not less than 40 m<sup>2</sup>; should consist of secluded private open space with a minimum area of 35 square metres and a minimum dimension of 5 metres; convenient access from a living room; cannot include a balcony or roof top terrace.

The panel amendments supported by the Minister mostly reverted to the view that the Schedule requirements for side and rear setbacks; walls on boundary and private open space can be adequately dealt with under the provisions of Clauses 54 and 55 (ResCode). *Whitehorse and residents contended that they do not adequately protect neighbourhood character.*

The Minister has stated that *“The amendment is not expected to have any negative environmental or social impacts. The amendment will provide certainty on built form expectations in affected areas.”* WERA concedes that we are all feeling affected as population and growth economy increase residential living density and the certainty that we are all having to adapt – mostly to the negative impacts!

**It is important to keep in mind** that the ResCode standards in the planning scheme Clause 54 (single dwelling) and Clause 55 (two or more dwellings) **are discretionary** because in operation they contain the provisions that:

**Objectives** describes the desired outcome to be achieved in the completed development.

**Standards** contain the requirements to meet the objective. A **standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.**

**Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

The interpretation of neighbourhood character and the variation we see; especially with single dwelling permits; all too often make a mockery of both Bush Suburban and Garden Suburban residential zones preferred character statements adopted by Council.

### **New planning framework “Plan Melbourne Refreshed 2015”**

Melbourne “the world’s most liveable city” is growing rapidly and on present trends, the population is expected to be 8 million by 2050. Growth is not without its costs: environmental; loss of prized amenity and heritage, a sense of community and ever decreasing housing affordability. Our transport and utilities infrastructure are stretched as never before and the spread of suburbia lacks infrastructure, services and employment.

Managing such rapid growth is a key challenge for the State Government. At first we had **Melbourne 2030** under the Labour Government. This was followed by **Plan Melbourne in 2014** by the Liberal Government and both of these strategic plans proposed similar solutions to the growth dilemma by :-

- Halting the urban sprawl of metropolitan Melbourne by establishing an Urban Growth Limit boundary which limited expansion into the Green Wedges.
- Increasing the supply of (private) housing within the Urban Growth Boundary by planning reforms to promote increased housing density, making this the first priority in any planning decision at local council level and at VCAT.
- Nominating certain precincts in Melbourne for increased growth (Growth Precincts) and Activity Centres (Melbourne 2030) where high rise apartments would be built near transport, employment and social infrastructure. Offsetting this was a promise for greater protection for inner and middle ring suburbs such as the protection of “neighbourhood character and ResCode.
- Changing the planning system through reforming the planning zones which apply across Melbourne in 2014 making it possible to increase density and non-residential development in inner and middle ring suburbs, increasing the population of the CBD with relaxed rules for high rise apartments and developing **Plan Melbourne in 2014** to update Melbourne 2030 for new population targets and integrated strategies for employment housing and transport linkages.
- Proposing the *20 minute city* concept in Plan Melbourne 2014 to cluster housing, employment and services together in urban redevelopment programs across metropolitan Melbourne.
- Setting population and housing supply targets for local councils which must be met through their local planning schemes.

### **Plan Melbourne Refreshed 2015**

In 2015 the Andrews Government produced a “refreshed” version of Plan Melbourne and discussion paper for comment. Please read the paper and how to make a submission on line at <http://www.planmelbourne.vic.gov.au/home>

[Comments and submissions](#) on the Discussion Paper can be made until 18 December 2015. Community feedback will inform a revised Plan Melbourne 2016.

### **What's different?**

The 2015 Plan Melbourne accepts the basic strategies outlined above but also includes climate change and housing affordability as issues to be addressed in the Plan. Two aspects of particular interest are proposals for:

- *20-minute neighbourhoods defined as the ability to meet your everyday (non-work) needs locally, primarily within 20-minute walk.*
- *Establishing a 70/30 target where established areas provide 70 per cent of Melbourne's new housing supply and greenfield growth areas provide 30 percent for increasing housing supply in established area.*

The Government proposes to release the refreshed Plan Melbourne in the first half of 2016. The Plan will then be incorporated into the State Government planning scheme. All local planning decisions will need to respond to the goals and priorities of the Plan Melbourne Strategy.

**WERA's views:** WERA proposes to make a submission on Plan Melbourne Refreshed that:

- We support the inclusion of climate change goals and strategies in the State planning scheme so that all metropolitan planning decisions can take account of this important priority
- We also support better transport linkages across Melbourne
- We support the proposed abolition of mandatory population and housing development targets in all suburbs as operated under the previous Government
- We oppose the plan to require middle ring suburbs to accommodate 70% of the expected future population growth in Melbourne through urban redevelopment and increased density. Are you convinced that we can still have a liveable city and at the same time dramatically increase density?
- Increased density in middle suburbs has little impact on housing affordability. The cost is in land value; construction cost and level of profit to private developers.
- The current planning schemes have not protected middle ring suburbs such as Whitehorse from loss of heritage, sense of place, trees and vegetation and inappropriate development. Increased density always translates into loss of trees and "green infrastructure". There is no plan to reform the regulation of planning so it becomes more democratic and planning decisions are enforced.
- There is no plan to increase the carrying capacity of current social and services infrastructure (school, child care centre, medical centre, roads etc) to support the increase housing and residents.

- Plan Melbourne’s logic is flawed. It assumes “grey fields development will be higher density in middle ring suburbs to house more people. However, older residents are not moving out of middle ring detached houses and the greatest future unmet demand for housing in Melbourne will be for families. Most of the medium to high density development in Melbourne is not suitable for family housing and most families on average incomes cannot afford the land prices in inner and middle suburbs in Melbourne.

Plan Melbourne will directly impact on how more development occurs in Whitehorse. It is important to have your say by responding to the Discussion Paper. Also write to your local Member of Parliament to express your views on this important issue.

### **Deakin University – “Burwood Link “over Gardiner’s Creek Reserve**

*History:* In November 2010 VCAT directed that Deakin University be given a permit to construct a massive steel and concrete bridge, in “fly-over” format, over Gardiner’s Creek Reserve (GCR) to connect the 2 campus sites. This issue drew 467 objectors and the permit lapsed because Whitehorse Council refused to grant Deakin University a licence to go onto the reserve to construct the bridge. The Minister for Environment at the time did not make a decision on granting Deakin management of the crown land.

In June 2012 the University set up a community-based committee with the aim of informing the University what the community might accept as a suitable crossing of the GCR. After 8 meetings this committee (without dissent) informed the University that an acceptable crossing was a ground level crossing using existing paths to and from an existing low level bridge with both aspects being subject to any necessary alterations and additions to enhance safety and ensure DDA compliance for people with a disability; this option was rejected by the University with little explanation.

*Now:* In May, 2015 Deakin University flagged its intent to construct yet another, elevated steel bridge in “fly-over” format over the GCR. While this proposed bridge is a little lighter in structure and straighter in path than the 2010 bridge it is still a large bridge, being some 200m long, 4m wide, at platform level, and around 12m high relative to the creek. Council granted permission for the University to submit a permit application in October which, presumably, will be available for public scrutiny in due course. As in 2010 reserve users may identify aspects of concern associated with this second, proposed bridge, for example:

- (1) The adverse impact on the amenity and integrity of the reserve;
- (2) The necessity for yet another creek crossing, there being 3 already;
- (3) The potential for this structure to require even more reserve land be placed under university control, i.e. with the University being made the Committee of Management for the land encompassing the bridge and that land being rezoned from Public Park and Recreation (PPRZ) to Public Use (Education).

**390 Mont Albert Rd; Mont Albert:** neighbours and WERA objected to a proposed second dwelling behind a new dwelling still under construction (corner of St James Avenue). Although in Neighbourhood Residential Zone which allows 2 dwellings/site the developer

commenced the front 2-storey dwelling on a single dwelling building permit but only 3 months later applied for a planning permit for a second identical dwelling.

What is now clear; and may become more common in Whitehorse; is that developers limit public advertising of their final intentions by this 2 step approach to getting permits.

The 2<sup>nd</sup> dwelling is identical to the 1<sup>st</sup>; i.e. 2-storey; 4 bedroom & double garage; but is proposed for less than half of the site. This squeeze creates issues with fit to preferred neighbourhood character especially in frontage contribution to garden character and over-looking. We await Council decision on the application.

**Single Dwellings:** It is increasingly evident that Building Permits issued by Private Building Surveyors for single dwellings often stretch credibility with respect to site coverage and permeability. Whilst previously under ResCode (Victorian Building Authority: Building Regulations) coverage was 60% and permeability 20% now in West of Elgar Rd area both in Neighbourhood Residential and General Residential areas as per Schedules the requirement for coverage is 50% and permeability 30%.

WERA has examples of sites where coverage is almost 80% and permeability 10% or less. Only the Planning Minister and the Victorian Building Authority have the power to right this wrong if local Council preferred neighbourhood character in residential areas is to have any influence on the building industry. Single dwelling building permits issued by private building surveyors are typically 2 or 3 times the number of planning permits issued by delegation (& council) each month across Whitehorse.

**Please pass onto WERA addresses of single dwellings built in last 5 years that appear to have very high site coverage and low permeability.**

**Rate Capping:** The Local Government Amendment (Fair Go Rates) Bill 2015 was passed in the Victorian Parliament on 26 November 2015. It will amend the Local Government Act 1989 and the Essential Services Commission Act 2001 to provide for a mechanism to set a cap on increases in rate revenue levied by a Council in a financial year. The purposes include:

- (a) to promote the long term interests of ratepayers and the community in relation to sustainable outcomes in the delivery of services and critical infrastructure; and
- (b) to ensure that a Council has the financial capacity to perform its duties and functions and exercise its powers.

Ratepayers can expect that there will be strong resistance by Councils who will be collectively resolved to apply for rate variations. A Council that is the subject of a general Order may apply to the Essential Services Commission for a special Order specifying a higher cap for one or more specified financial years (up to a maximum of 4 years).

**Thank you again for your on-going support to WERA.  
To you and your family; a peaceful Christmas.**