

West of Elgar Residents' Association Inc.

W E R A A.N.:A0031410U

President's report

May 2015

A happy 20th birthday to the founding members of WERA. I note that of 40 founding members 33 are still members and to you a special welcome to this 20th Annual General Meeting.

Neighbourhood Residential Zone Schedules

At the time of writing my report 12 months ago we were hopeful that the new residential zones and schedules adopted by Whitehorse Council in April 2014 would have been fully adopted into the planning scheme by July. As you will be aware whilst the zones were gazetted on the 1st July 2014 only the schedules for Residential Growth and General Residential were included.

From the 1st July until the 14th October the General Residential criteria for new dwellings and renovations were applicable to all Neighbourhood Residential Zones. Many developers took advantage of the medium density standards during this period to lodge applications for subdivisions; multiple townhouses and apartments in the Neighbourhood Zone. Since the 14 October a single schedule with the ResCode standards for minimum lot size; site coverage; permeability; set-backs etc that have been in place for a decade were re-applied by the Minister.

This deferral in implementing Council's proposals came about because in June 2014 the then Planning Minister Standing Advisory Committee on Residential Zones issued an overarching report that was critical of several aspects of the Department of Planning; Local Infrastructure and Transport Practice Note 78 that encouraged councils to prepare multiple schedules for residential zones. So Whitehorse's proposed schedules (5 in all) for the Neighbourhood Zones along with several other municipalities were referred to panel hearings.

The Whitehorse hearing took place from 30 March to 2 April 2015. The panel will now have prepared a report for the new government Planning Minister. I will not be surprised if the five schedules that Council based on the neighbourhood character review will be condensed down to 2 or 3 schedules. Hopefully by 1 July this year we may finally have the schedules.

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) and any replacement requirements that finally come in the new NRZ Schedules *are discretionary* because they have **Objectives that describes the desired outcome; standards that should normally be met** and if responsible authority is satisfied that an application for an *alternative design solution meets the objective, the alternative design solution may be considered* using the Decision guidelines. So although the Dictionary states Requirement as a noun means *something demanded or imposed as an obligation; a thing desired or needed ...* in Planning Schemes a Requirement; and even a Standard is **just a should that can be varied!**

The new Labor Government promised a review of the new Residential Zones before the state election. However it is unlikely that review will go ahead until next year as the new Planning Minister wants residential zone amendments to be implemented in the remaining municipalities and then to observe their effect. Of some concern is that the review may just look at how the zones were rolled out by the former government, not at the format & content of the zones themselves.

The DELW&P submission to the panel hearing on neighbourhood zone schedules states that Whitehorse has 49.4% NRZ; 42.6% GRZ and 8% RGZ. However the submission raised a concern about the contribution of the NRZ to future housing supply. In Whitehorse for the 2004 to 2012 period, there has been an average increase of 459 net new dwellings per annum nearly all of which (95%) occurred in residentially zoned land. Some housing supply (138 net new dwellings p.a.) resulted from major projects within and close to the Box Hill Activity Centre and along Burwood Highway near Deakin University (where RGZ has now been applied). However a higher proportion of supply (298 net new dwellings p.a.) also resulted from dual occupancy developments in the NRZ and GRZ residential where dual occupancy is permitted.

So whilst we see more recent multi-storey developments around Box Hill it is also true that the detached garden and bush suburban dwelling areas are contributing significantly to absorbing the population growth in our urban areas. In the period 2004-12 approximately 1/3rd of new dwellings in NRZ areas were for dual occupancy projects; i.e. 2 or more townhouse/unit developments.

The minimum subdivision size has major implications for the number of lots potentially available for dual occupancy development which is permitted in the NRZ. Within areas of Whitehorse proposed for a minimum subdivision of 320m², 45% of lots are sufficiently large to be eligible for future subdivision.

As the Department submission to the panel noted small changes to the minimum subdivision size has significant implications for the number of lots to be considered for dual occupancy development; e.g. if 280m² lots can achieve the character objectives of NRZ2, NRZ3, NRZ4 and NRZ5 then 65% of lots in these areas would be of a sufficient size to be eligible for subdivision.

Some commentators and the development industry have recently stated that “we” are greedy in protecting what is left of NRZ areas. The change has not, and will not stop perhaps reflected in a previous government dropping “*the garden state*” tag. Wither the lawn (*though perhaps not such a loss in a dryer climate*); the garden shed and the kids sandpit. I and many of you still believe there is a basic social need for garden and trees in which families and others are still connected with the urban habitat.

VCAT Procedural Changes

Since 2nd February this year, new administrative processes have been introduced at VCAT for Planning & Environment appeals. The parties now get a date for their hearing and a date for any compulsory conference or mediation at the outset of their proceeding. Enforcement matters and

cancellation or amendment applications from non-permit holders will be referred to an initial practice day hearing rather than given a hearing date.

WERA members have participated twice in mediation where the resident parties obtained most of the adjoining neighbour amenity compromises sought and no further hearing was required on those amenity aspects. However in one case the hearing proceeded because matters of heritage and neighbourhood character were still contested both by Council and WERA. Details of mediated decisions are confidential, so there is no subsequent written VCAT decision is published where the Tribunal's reasons for refusal or approval can be scrutinized.

8-14 Everton Grove; Surrey Hills

This long running saga for local residents; WERA and Council was finalized in August 2014 after 5.5 hearing days concluded on 31 July 2014 with the VCAT red dot decision (*a decision which other Tribunal members must heed*) that reaffirmed Council's decision not to issue a planning permit. VCAT reasoned that a 3-storey apartment built form did not match the neighbourhood character and open garden setting. It was a triumph of co-operation between WERA and the extended community.

Apartments on the fringe

Elsewhere 2 and 3 storey apartment developments have been approved in the past year by VCAT including a 2-storey in Park Rd, Surrey Hills reduced from 3-storey by Council and supported at VCAT; a 2-storey in Louise Ave; Mont Albert and a part 2-3 storey at 692 Whitehorse Rd, Mont Albert. The first two developments are close to the Wattle Park and Hamilton Street neighbourhood activity centres and adjacent to an existing apartment building.

At Whitehorse Rd the built form outcome for 55 apartments; resolution of neighbouring amenity aspects; proximity to public transport and the major activity centre of Box Hill was sufficient for VCAT to approve and allow the demolition of a contributory house within the Mont Albert Heritage Precinct.

In all of these cases the sites are now within Neighbourhood Residential Zones which WERA highlighted at each hearing but these proposals also had the advantage of their respective applications being lodged during the transition period last year and therefore the interim Planning Scheme provisions of General Residential for *natural change* applied.

Single dwelling building permit compliance

Single dwelling applications not requiring a planning permit and private building surveyors *stretching* standards contrary to building permit conditions is still an issue that neither Council

or the Victorian Building Authority are willing to resolve. WERA and other planning groups will provide details of these sites to the Minister for Planning in the coming months.

Telstra tower; Canterbury Rd

At council's May meeting they unanimously supported the abandonment of referring a proposed heritage overlay for the tower site to a planning panel hearing. Over 300 objections opposing an overlay from surrounding residents and WERA highlighted the long standing opposition of residents to the tower constructed in the 1960's. It has been noted that the significance of the site could be marked in other ways if Telstra or Council consider this to be appropriate. The tower is obsolete technology and a replacement monopole for communications will be installed after demolition of the tower.

A bridge quite close again

Deakin University last week briefed invited residents and WERA on a new proposal for an elevated bridge. The proposed bridge spans Gardiners Creek Reserve (not just the creek); is 200m long and will be 12.5m above the creek. This bridge is narrower than previously proposed but still wide enough for a motor vehicle and is a straight alignment between campuses.

At the briefing the university made no mention of other options suggested in previous years by WERA and local residents for a less intrusive new ground level crossing over the creek. The University is now to brief Council and no doubt lobby State Government.

Committee

WERA's present committee members are long serving. I thank them for their assistance throughout a very busy 12 months. We need refreshment sooner than later – will you nominate now?


