



Nillumbik Pro Active Landowners (PALS)

RESPONSE TO

Nillumbik Housing Strategy discussion paper.



Nillumbik Pro Active Landowners (PALS)

RESPONSE TO

Nillumbik Housing Strategy discussion paper

March 2020

The PALS response to the discussion paper questions are addressed in numerical order below.

1. How can we better balance the needs to accommodate housing change whilst at the same time protecting the natural environment and neighbourhood character of our existing residential areas?

The overriding change is to increase flexibility in the types of housing stock whilst simultaneously reducing red tape and excessive bureaucratic requirements.

It is obvious that within Nillumbik, as with many other Municipality's, there are areas of environmental significance, but the relative importance of individual areas of environmental significance have never been properly catalogued and classified. This would need to be done by independent consultants, not council employees or environmental activists or sympathizers. This may require micro detail focusing down to individual trees and fine detail landscapes.

It will not be sufficient into the future to continue with a purely reactive system that responds to an application, rather the preference ought to be to expand as of right provisions to facilitate automatic planning permits or remove the need for a planning permit altogether.

At the present time any application carries huge financial burdens in terms of providing needlessly excessive and varied numbers of consultant's reports and plans.

This system suits planners and bureaucrats and allows them to sit back and adjudicate on the relevance, completeness and benefit of what are a bewildering number of often repeated reports only to refuse the permit based on their own ideological agendas, the flawed principle of "no net community benefit" and what their environmental masters dictate.

Difficult choices will need to be made in relation to the relative importance of the differing layers of environmental significance. The inescapable fact is that when dealing with the remaining areas of un-subdivided land within the UGB, more flexibility will need to be introduced into what is now an unacceptably rigid planning system.



Land within the UBG must carry the majority burden of housing change into the future, whether the existing residents like it or not. The parameters and policies for development within the UBG are, essentially controlled by the State Government. However, council can, and should, play a significant role through this very type of strategy. Council can, through policy mechanisms and sensible, reasonable over the counter approaches, reduce red tape and create more flexibility with respect to siting, setbacks, design and construction.

If council compliment the increased flexibility with an extensive and comprehensive catalogue of the areas (or individual trees) of high priority which is then made available to the public so, prior to any application, applicants can view potential issues and attempt to mitigate or eliminate those issues.

However, this must be accompanied by a significant reduction in both the degree and complexity of red tape currently associated with every application. This would also facilitate more as of right provisions as well as increasing the prescriptions covering VicSmart processing.

The latest trendy catch cry is the use of a "concierge" approach to assign an appropriate officer to each individual application taking it from pre-application meetings right through to permit decision, liaising with relevant council departments and officers. This would also adopt a policy of...unless you have all of the required documents up front, approved and determined as being necessary or relevant based on the view of the "concierge"....you do not get past the pre-application phase.

The theory immediately fails if you get the wrong "concierge" who just perpetuates the old and tired ideological principles.

This "concierge" tool is, of course, nonsense and would only increase red tape as there is no planning application that has ever been considered by planners that does not require the full gambit of requirements such as reports, assessments, fees, offset payments, Section 173 Agreements, Land Management Plans, etc..... but under this system the "concierge" would require them all to be pre-approved before the application is accepted for processing. Hence the inevitable delays will either occur before the application is accepted under the new system, or, after the application is made under the old system.

The current trend in new residential estates is to micro-manage all facets of new dwellings. Controls are required by councils to restrict the style, design, size, siting, materials and street presentation which usually takes the form of specific design guidelines and controls or restrictions on subdivision plans. In essence, innovation, individuality, differences and personal choice are all sacrificed for monotone, boring and uninspiring dwellings which all look depressingly similar. Just the modern version of the rows and rows of cream brick veneers of the 60's and 70's. The more things change, the more they stay the same.



Better identification of areas of *environmental significance and neighbourhood character* (whatever that is within such nondescript suburbs as Eltham and Diamond Creek) combined with increased dwelling flexibility, reduced red tape, increased as of right provisions and a broader framework for VicSmart compliance MAY provide some increased certainty for Applicants as well as those wishing to preserve important areas of environmental significance.

Within existing residential areas, particularly Eltham and Diamond Creek, there is no multiple choice for councils, there is only one solution which is directly overseen by State Government policy direction.

The only solution, as dictated by State Government, is to accept a greater density of dwellings. The realization that there are only a finite number of existing properties is a conundrum faced by all Municipalities across Victoria who seek to find a solution to the ever-increasing demand for housing. Nillumbik is fortunate in so far as the volume increases are minimal compared to most Municipalities.

2. How might more medium density housing be created in and around our activity centres in a manner that contributes to the valued (village) character of these places?

It is entirely appropriate for designated areas close to shops, major roads, railway and public transport be given greater as of right provisions to design and deliver medium density housing.

- *(Medium density housing generally includes dual occupancies/duplexes, villa units/townhouses, terraced houses and low-rise apartments (from 2 storeys up to approximately 5-6 storeys)).*

Locations directly adjacent to, or within a very short walking distance of the above services should be supported by a strong policy of medium density housing in excess of 2 storeys but limited to 5-6 storeys. This is consistent with similar areas designated in all suburban Municipalities, there is no valid reason for Nillumbik to be treated differently.

All remaining sites within the UGB should be able to be developed as dual occupancies (to a maximum of 2 storeys) genuinely as of right. These should be processed as VicSmart developments to minimise the time to issue relevant planning permits.

Whilst the principle of dual occupancy developments is well established, improvements and streamlining will need to occur to the requirements and parameters if there is to be a successful increase as required to satisfy future demands.

The secret to this principle is the design and presentation of the developments to the street. In this instance it is appropriate to set guidelines and design controls, as long as they allow for individuality and innovation. A well designed and constructed dual occupancy actually improves the so called "*valued (village) character*" compared to many of the existing totally uninspiring detached dwellings spread widely through the neighbourhood areas now.



As with question 1 the solution lies with a decrease in red tape and planning permit requirements, reports, justifications and controls. Design guidelines may provide a way through current excessive and needless planning permit requirements, with guideline compliance perhaps removing the need for a planning permit altogether.

This may also serve to reduce the number of VCAT appeals, hence making development more attractive to owners / developers.

The guidelines should be framed around acceptance of designated density increases assessed area by area and not used as a restrictive tool to prevent or limit dual occupancy.

The principle of dual occupancy developments throughout existing residential areas is an appropriate balance between maintaining existing detached dwellings and accommodating the required increased densities.

3. How and where can we provide housing options for the projected ageing community?

The housing options for the projected ageing community, apart of Aged Care Facility's, can be split into two categories.

- A. use of the above medium density housing opportunities close to services and transport.
- B. expansion of the "granny flat" solution to facilitate housing options on existing house sites.

The housing requirements for independent, ageing residents can be accommodated within the range of medium density housing options via the allocation of specific unit / apartment configurations incorporated into the design. This is largely controlled and required by State Government requirements anyway. This can provide modern, purpose designed housing for ageing residents still wishing to live within the community they have raised their families in and, in many cases, see their families build their own homes within.

Whilst there are existing provisions with regard to the construction of "granny flats", the concept and design have typically been inadequate and limiting.

In consideration of an expanded as of right provision to develop dual occupancies on any site within the UGB, the issue of an improved, more flexible and more appropriate investment opportunity can be combined with the result that ageing residents should be able to enjoy quality housing, possibly within family properties or close to their family who may live nearby.

A dual occupancy approach to aged community housing can also benefit the "neighbourhood watch" principles of looking after, or at least keeping a friendly eye on, future ageing populations in place.

The concept of aged resident housing on site could also be appropriately expanded into the rural areas of the Shire.

More flexibility in terms of as of right, as well as design, size and location of enhanced housing on rural holdings could provide an additional bank of housing available to families for their parents or grandparents.



The current controls around “granny flats” is too limited and does not encourage good design that is appropriate to the site and provide a quality housing solution.

The size and design of additional housing, together with the interaction with the existing family home, needs to be expanded and allowed greater flexibility. This can be achieved without detriment to adjoining properties and without affecting the interface of the existing presentation of buildings with the streetscape.

4. How and where can we plan for the significant increases in couples without children and lone person households?

As detailed above the concept of expanded dual occupancy opportunities can be provided to the vast majority of existing properties across the Shire.

There are many advantages mentally and physically for *couples without children and lone person households* where a connection to earth has been provided.

In many situations the above groups can lose their physical attachment to the earth when their housing choice is made within a multi-storey apartment complex.

There are many benefits to living in direct contact with the earth by means of a front and/or rear yard that manifests itself by means of healthier and happier residents still able to sit in the landscape and continue what is probably a longstanding and very important attachment to a garden and having your feet on the earth itself.

Dual occupancy options, limited to 2 storeys, provides that connection to earth, albeit within a reduced area. The concept provides the “*how*” to accommodate the required increases and can do so without detrimentally affecting the scale, streetscape and presentation that existing residential areas which single detached dwellings now enjoy.

As detailed above, rural areas within the Shire can also play a role in providing a housing opportunity in the form of dual occupancy, expanded to deliver a more flexible and better designed outcome within close proximity to existing dwellings on the site. Whilst this option would be best delivered to family members, it could provide strong security benefits for “*couples without children of lone person households*” who remain active and well able to commute to shops and services.

If the regulatory framework is properly constructed and the passage of applications is supported by reduced red tape, requirements and fees as well as direct encouragement by council, the attractiveness of developing dual occupancies would be increased as it would provide a good development return for applicants whilst simultaneously providing high quality housing stock for the targeted groups within the community.

Accepting the fact that housing densities will need to increase to satisfy future demand, a broad dual occupancy approach will greatly assist in achieving the housing targets with minimal adverse effect on existing detached residential areas.



5. How can we make it easier for young families and young adults to rent or purchase in Nillumbik?

Reduce the cost and increase the housing stock!

By providing an attractive environment to encourage dual occupancy developments, this will encourage an increase in the housing stock. Increasing the housing stock combined with flexibility in design and removing impediments and excessive pre-development costs and charges, will reduce the cost to consumers.

Perhaps as well *young families and young adults* may need to reassess their needs and acknowledge that maybe their first (or even second) home will not be their final home and therefore be prepared to accept less than what they may ultimately wish for in their “final” home.

Home ownership is a ladder that needs to be climbed carefully and prudently over, quite possibly, a long number of steps.

6. What types of housing does Nillumbik need to meet the changing housing needs of our ageing population?

Discussed above.

7. How and where can Nillumbik accommodate the future demand for additional housing? and

8. How and where can Nillumbik accommodate the future demand for aged care?

Repeated mentions have been made in relation to the extensive restrictions that apply to rural land within the green wedge. These include very restrictive zones as well as overlays. Words such as “strongly discourage” seeks to suggest that rural areas do not have any, or at best very minimal, opportunity to contribute to the future requirements of housing stock.

Existing townships, with the discussion paper mentioning Hurstbridge in particular, present varying opportunities to contribute.

There is no suggestion that the UGB be reviewed and changed. This is entirely appropriate as the UGB presents a very tangible and recognisable limit to the “urban sprawl” so often referred to.

However, the existing townships as listed in the discussion paper do lie within the UGB and are excluded from the green wedge.

The small “towns” of Strathewen, Arthurs Creek, Nutfield, Smiths Gully, Cottles Bridge, Christmas Hills, Watsons Creek and Kangaroo Ground which are not designated townships and are included in the green wedge, may, at first glance, suggest that they could not contribute to increased housing stock.

Many of these “towns” include, at least, a general store and, many, a primary school. Returning to the concept of increased flexibility and innovation, the areas adjacent to these facilities may be able to provide some higher density housing, providing the design and resulting streetscapes were compatible with the scale of the existing facilities.



This would require some rezoning to facilitate the higher densities, but objective assessments should be undertaken to properly evaluate the potential and market uptake. With careful design and proper streetscape interfaces controlled, any of the abovementioned “towns” could accommodate a small proportion of future housing stock. Many small contributions may assist choices and help deliver overall increases that will be required into the future.

It is obvious that the heavy lifting of future requirements will be provided by land within the UGB, in particular Eltham and Diamond Creek.

The area of Apollo Parkways should contribute in terms of dual occupancy provisions as detailed in previous responses here, but it would appear that any major contribution is unlikely. The possible exception to this, subject to appropriate site identification and evaluation, would be to provide an Aged Care facility which would be well located close to Greensborough.

North Warrandyte also lies within the UGB. However, given the topography, vegetation cover, exposure to extreme fire risk, lack of suitable road infrastructure and hierarchy, this area is probably not capable of any contribution, let alone any significant contribution.

However, the zoned townships of St. Andrews, Panton Hill and Hurstbridge together with the semi-rural areas of Doreen and Research provide some genuine opportunities to contribute to future housing stock requirements.

Panton Hill and St. Andrews, being designated townships and also covering expanded areas around the general store, primary school and the Hotel provides a framework where increased density housing stock could be established. The same design and street interface considerations would need to be applied as well as, I presume, appropriate rezoning with tight controls.

Controls would need to reflect the desired outcomes and intent rather than the same old restrictions and negative attitudes.

The largest of the townships, Hurstbridge, should be assessed as being capable of a significantly higher contribution. There are many existing commercial businesses along the strip, as well as Restaurant and Function facilities, Primary School, Community Facility, Post Office and Medical practice.

All of these commercial enterprises could only benefit from an influx of more residents. There are some existing good examples in Hurstbridge of medium density development that add to the character of the village atmosphere.

With good, intelligent, flexible and innovative design solutions that do not adversely affect the streetscape, Hurstbridge could make a very significant contribution to the future housing needs of the Shire.

The basic infrastructure is in place, the benefits to the overall community would be immediate, the commercial benefits to existing traders would be significant. The new residents could enjoy all that is great about the village of Hurstbridge, a gem in the Shire.



Doreen provides a significant opportunity to contribute to future housing stock with the smaller existing allotments being capable of providing some medium density housing opportunities and/or Aged Care Facilities. The proximity to new residential areas within the adjoining Shire of Whittlesea as well as evolving commercial expansion could improve the viability as well as access to community and commercial areas geographically. Doreen is a rapidly expanding residential area within the adjoining Whittlesea Shire and some innovative thinking could allow Nillumbik to take advantage of that without any significant rezoning. Any rezoning that would be required within Nillumbik Shire could be site specific and tightly targeted to release the potential of those areas immediately adjacent to Yan Yean Road.

Similarly, the Research area is also very well located and provides significant opportunity for dual occupancy developments as well as the potential for limited medium density low scale apartment developments close to the Research shops.

Within the rural areas, generally included in the green wedge, there is a very significant number of vacant allotments (around 400 by council estimates). These vary in size, topography, vegetation, location and proximity to "towns". Many of the allotments have an area that is less than the minimum area required for a lot created by a new subdivision (whatever that means!).

Council have often referred to an intended review of their "small lots" policy, a hideous term that implies that these lots are somehow substandard, which they are, prima facie, not.

Any genuine assessment of housing opportunities into the future, considered in conjunction with being able to provide more affordable housing, must include a process to facilitate the building of homes on a very large number of these vacant allotments.

Any planning application to build a dwelling within the rural areas of Nillumbik requires a very, very significant amount of money (not including actual building costs), as well as a repulsive amount of time. As is well known to council, applicants typically spend anywhere between \$10,000 and \$400,000 in order to satisfy the council's insatiable appetite for consultants reports, studies, ecological assessments, surveys, planning consultants, vegetation and arborist assessments, management plans and agreements, to name but a few.

This does not include any assessments of vegetation losses and forced payments into the murky world of the government sanctioned extortion racket, loosely known as the Victorian Vegetation Offsets Scheme. Typically, this will remove between \$10,000 to hundreds of thousands of dollars from Applicants bank accounts.

The fact that rural areas must be assessed for bushfire risk is not, in itself, a reason to refuse a planning permit to build. False and misleading application of the "precautionary principle" and the "no net community benefit" argument is used as a smokescreen to deny permits for what should be more accurately described as "ideological and excessive paranoia" beliefs.



The risk of bushfires can, in the vast majority of applications, be mitigated and minimised to acceptable levels of risk by sensible and necessary controls and measures determined by qualified experts in the field.

Partnered with appropriate building design, ancillary infrastructure such as fire shelters and sensible ingress/egress solutions, dedicated fire fighting water reserves and sensible defensible space can all provide an acceptable response to the challenge of bushfire and should allow permits to issue.

Additionally, a right of personal choice should be factored into allowing people to build within the green wedge thus adding to the future bank of housing opportunities within the Shire.

9. Would diverse housing delivery models such as co-housing and baugruppen housing work in Nillumbik? If so how can these be encouraged?

The theory of co-housing and baugruppen housing has all been tried before. The *Cluster Titles Act 1974* attempted to accommodate these types of housing opportunities.

This Act was legislated before the vast majority of current planners and planning bureaucrats were even born.

The principle was to concentrate housing into the higher density configurations (to “cluster” the housing) by reducing the amount of private open space and re-allocating that open space into larger communal areas. This principle was experimentally used in suburban situations (See Winter Park residential development on High Street, Doncaster) as well as some rural applications where housing was clustered which allowed broad acre common property to be farmed in similar circumstances to what might have occurred with the original farm.

The use of this type of design response was very limited, overly complicated by controls, lacked oversight and failed to provide any successful management and ongoing maintenance of common areas, let alone making those areas productive. Demarcation disputes and disagreements in relation to individual input verses individual reward and the role of the “common good” all contributed to a lack of uptake in this type of development.

As a consequence, the provisions of the *Cluster Titles Act 1974* were rarely used as a viable response to community developments. The *Act* was eventually abandoned and absorbed into the *Subdivision Act 1988*.

The situation today is that, whilst there may be small, isolated and site specific circumstances where this type of model can be successful, the design tool is rarely used, principally for all the same reasons that caused disintegration of the “cluster” model above.

Initial theoretical ideals and the essence of the “we are all here for the common good” very quickly disintegrates into management differences, inequitable provision of labour, lack of common maintenance and overall lack of consensus.



Baugruppen and *co-housing* will not provide the necessary stock required.

The standard principle of a developer assessing the market, designing the response and achieving the required permit and subsequent construction, all for profit and, hopefully complete sale is the proven recipe for success. Whilst there maybe some failures with this approach, it continues to provide the most likely road to success and appropriate delivery of mostly high quality future housing stock.

In relation to medium density housing (sometimes including dual occupancies), the automatic creation of an Owners Corporation, comprising all the lot owners in the development, can provide the relevant "community" input. This is most often achieved under the guidance of OC managers to ensure legal compliance and assessment of appropriate fees to maintain and insure the "common property". A good, robust and tested methodology that works.

Within the options considered in the discussion paper, the option of *participatory development* is the model that is the most closely aligned to the overwhelming number of development responses.

The *co-housing* and *baugruppen* examples referred to in the discussion paper both look more like a modern type of Aged Care facility model where residents have a significant role to play with regard to the communal areas and their ongoing design and maintenance. So, in that respect, these models do have a role to play but, typically, would be more relevant within proposed and/or existing Aged Care models and management.

10. How can we facilitate the provision of more affordable housing?

- Reduce red tape.
- Reduce restrictive burdens.
- Reduce costs to applicants.
- Create more as of right provisions.
- Facilitate and embrace innovative solutions.
- Be realistic with application of controls.
- Be true to the principles of what must be achieved.

11. How can we facilitate the provision of more accessible forms of housing?

See above.



12. Where can Nillumbik provide additional housing capacity?

As detailed above, there are areas across almost every part of the Shire, subject to sensible and realistic assessment that can contribute to additional housing capacity.

Probably the most overlooked areas are the rural areas of Nillumbik where there are a very large number of vacant lots.

Unbiased examination of the number of new dwellings in the rural areas of Nillumbik for last 50 years reveals that whilst there has been a very significant increase in the number of dwellings and enterprises, there has actually also been an increase in the amount of natural vegetation.

Overall vegetation cover has significantly increased across private property, exacerbating bushfire risk and increasing the likelihood of property and infrastructure losses.

One of the best defences against the total destruction of the environment as a result of major bushfire events, is to encourage people to build within the rural areas.

Combined with the sensible empowerment of landowners to reasonably and properly maintain their land to minimise the effects of major bushfire events without the need for a planning permit, the existence of open farmland and well maintained properties facilitate more effective defences and a greater ability by local CFA brigades to better penetrate what would otherwise be inaccessible bush.

Council need to properly assess the role that rural Nillumbik can play in contributing to future housing needs.

That assessment must occur free from ideological and false narratives that any increase in the rural population will result in wholesale bushland destruction. This is fundamentally false.

13. How can we encourage medium density development in the Diamond Creek activity centre and further development in the Eltham activity centre?

See point 10 above.

Max Parsons

On behalf of Nillumbik Pro Active Landowners (PALs)