

SAVE OUR SUBURBS (SOS)

COMMENTS ON DRAFT DESIGN GUIDELINES: HIGHER DENSITY HOUSING

April, 2004

SOS acknowledges the urgent need for meaningful guidelines for higher density development and laments the fact they have not been introduced to date. Ironically whilst waiting for guidelines we have witnessed an explosion in the amount of this type of development in Melbourne and now an emerging glut of apartments which have far too often been of questionable quality.

SOS is particularly concerned about the location of higher density development, its relationship to and impact on its surroundings, and the overall quality of design. We strongly believe that decisions about what is and is not permitted must rest with Councils and must incorporate community input.

The scope of the draft *Guidelines* is limited in that issues of location are not addressed and neither are other important factors such as parking requirements and appropriate standards for environmental efficiency.

Our overriding comment in relation to the draft *Guidelines* is that without some mandatory status we believe they are virtually useless and cannot be 'seriously entertained' by stakeholders.

The draft's covering letter flatteringly states that 'peer review sessions and targeted feedback from stakeholders indicated support for the approach taken'. On the contrary our clear impression is that most stakeholders have indicated that guidelines need to have prescriptive elements and mandatory requirements to be worthwhile.

It is difficult for SOS to justify allocating the time and resources required to undertake a detailed analysis of this draft if it will ultimately not be mandatory and therefore of no real consequence.

SOS has consistently contended that Councils must have the ability to determine what is appropriate within their municipality, after having consulted with their community. Their decision must not be able to be overturned by a VCAT ruling.

On page (iii) of the explanatory report it is stated that 'It is the role of local Councils to identify the best location and what height and built forms are appropriate in different areas.' We agree. The report goes on to say the guidelines can 'ensure' that 'development is well-designed' and 'responds to the character of the neighbourhood'. We certainly also agree with these objectives but note the *Guidelines* are in fact completely contradictory and misleading since the report acknowledges that the *Guidelines* '**will not be mandatory**' but will rather 'give guidance' only. How could this possibly 'ensure' anything? Most noticeably no explanation is given as to why any aspects of the *Guidelines* cannot be mandatory.

It is quite obvious that those developers who most need the *Guidelines* would probably take the option not to be bothered using them. Why would an applicant who is driven purely by profit take the time, effort and expense to produce a higher quality result when he/she can get away without doing so?

We do not believe a non-prescriptive approach will deliver the outcomes which are supposedly intended and we question the motives behind the alternate approach continuing to be offered. If as suggested on page (iii) there are 'other options for statutory implementation' what are they and why aren't they being considered **now**?

Our experience and recent Boroondara research presented to the M2030 Reference Group, shows that the issue which most concerns residents is that of building height and related bulk. Widespread community consultation is a commitment in M2030 which has so far been ignored. Ideally such consultation would have occurred at the early development stages of the strategy rather than becoming a token gesture late in the piece.

M2030 also proposes to concentrate higher density development in activity centres and thus protect other residential areas from inappropriate development. In reality no measures have been proposed to address that protection. SOS believes these issues need to be urgently attended to as well as the swift introduction of guidelines with prescriptive imperatives. Worrying signs are also emerging regarding the government's commitment to promised neighbourhood character provisions.

As far as the draft *Guidelines* go (i.e. noting their limited scope and lack of necessary mandatory requirements), the ELEMENTS 1-6 provide what appears to be a reasonable coverage of factors to be addressed when proposing a higher density development. Please note that this statement should not be interpreted and reported as 'support for the approach taken' by your department.

It is for example the 'shoulds' instead of 'musts' in many instances which are the failing of the *Guidelines*. Also much of the text used is so generalised as to be somewhat meaningless. For example, the first sentence under ELEMENT 1, what does 'should suit the strategic location of the site' mean?

Throughout the *Guidelines* subjective phrases such as 'intended character' and 'help create a preferred character' confuse more than guide, let alone instruct.

To use another example, does the statement on page 10 'Unreasonable overlooking of adjoining properties should be avoided' mean that unreasonable overlooking would ultimately be acceptable?

It is vitally important that the *Guidelines* be quickly revised to address the concerns expressed by key stakeholders and then expeditiously distributed for wider community comment. Guidelines **with fundamental mandatory requirements** should then be introduced as soon as possible. Changes can always be made when unforeseen problems arise as will inevitably be the case.

With that likelihood in mind it is pertinent to ask what field testing of the *Guidelines* against real life applications has been done and with what feedback? Have the *Guidelines* been assessed against high density buildings recently built which have subsequently been judged to be of a poor standard? If so could or would the proposed *Guidelines* have prevented such an outcome? Have the *Guidelines* been discussed with VCAT? It would be interesting to hear how Stuart Morris thinks they would hold up at a hearing.

It is suggested that a workable set of guidelines which **will** 'ensure' both quality architecture and urban spaces could contain a basic list of requirements developers would have to tick off as being achieved. The relevant council would then do the same and this checklist would provide a record of the proper and required process.

As a final note SOS would like to report on relevant discussions which formed part of a special meeting between the Planning Minister, our President and Vice President and other stake holders this week. When the topic of these draft *Guidelines* was raised, with concerns expressed about the non mandatory and non prescriptive approach continuing to prevail, the Minister expressed her disagreement with this aspect of the draft. She repeatedly pointed out that the document was still in draft form and that she was not happy with the lack of prescription. She assured us she would be taking this up with the department. We applaud this input.

SOS looks forward to your incorporation of our feedback on the *Guidelines*.

Please provide us with a response on the comments and suggestions we have outlined above.