

May, 2011

WERA Newsletter

West of Elgar Residents' Association Inc.

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Notice of Annual General Meeting 2011

Notice is hereby given that the 2011 Annual General Meeting of the West of Elgar Residents Association Incorporated will be held on **Wednesday, 8th June 2011 at 19 St John's Avenue, Mont Albert, 3127 at 7.30pm.** The agenda for the AGM is attached to this newsletter.

President's Report

Another busy 12 months for WERA and volunteer committee members. Following the change in state government in November last year we are patiently waiting to hear what residential planning changes are envisaged for the middle suburbs.

We are encouraged by some recent decisions of VCAT supporting neighbourhood character. There is a continuing trend of 2-storey, boxed, detached houses with minimal permeable, garden/lawn area and sub-division of single allotments for two or more townhouses. These developments inevitably require whole-of-site clearance of vegetation. We support Council's recent decision to review the moon-scaping of residential area allotments. As these developments often only require a building permit there is no public advertising. Access to plans by the adjacent neighbours is often denied. WERA is most concerned that some private building surveyors, when pushed by the owner, are flouting building permit and Rescode requirements on aspects such as height, set-back and window opacity. If a neighbouring resident raises a concern about the building during construction or upon completion they are referred by Whitehorse Council to the Building Commission.

A submission to the Commission may require the neighbour to engage another surveyor to assess and provide a written report. In due course a hearing and inspection may be conducted,

but in terms of outcome it is unlikely that a direction will be issued to correct breaches of the permit. A note may be made on the registration of the offending surveyor regarding the particular development non-compliance. With no effective enforcement of compliance with permit conditions and no substantial, financial penalty these situations are recurring.

WERA committee members have prepared submissions on the following significant issues impacting on Elgar and Riversdale Ward residents:

- *Whitehorse Integrated Transport Strategy 2011*: We support the strategic objectives for integration of walking, cycling and public transport. However we have expressed concern with respect to parking waivers for developments in/near existing railway because of the present, high, week day demand for existing parking. The strategy highlights that 6% of all trips to work in or out of Whitehorse combine a car trip with a train or bus connection. Because of limited or no capacity to increase parking at stations a stronger emphasis is needed on increasing bus services to stations, particularly during peak periods. WERA also strongly recommends that Zone 1 be extended to Box Hill for the convenience of workers and students travelling to the Activity Centre.
- *Box Hill Tower*: Council, on a 5 for and 4 against vote, extended the planning permit for the 23 storey building initially proposed in 2004 at the corner of Station St and Carrington Rd. WERA had participated in the December 2011 workshop conducted by Dept. Planning & Community Development officers preparing a Draft Site Development Framework which we now view as being superseded by Council's decision. The framework was aimed at a better integration of any development with public transport, particularly the elevated bus terminal and pedestrian pathways.
- *Population*: WERA has lodged a submission to the Commonwealth Government's community consultation on development of a sustainable population strategy. As residents we are all familiar with increasing traffic and congested roads, over-burdened public transport systems and the soaring price of land and housing as our population has increased by 20% over the last 10 years. Australia's population is projected to exceed 55 million by 2050 at the current rate of growth. We believe that the current, population growth rate is not sustainable given its excessive demands on housing, provision of infrastructure, provision of social services and the loss of native flora and fauna as our urban centres intensify.
- *Deakin University's elevated bridge over Gardiners Creek Reserve*: This proposal attracted over 450 objections including WERA's. Council refused a planning permit for the bridge but VCAT directed that a permit be granted. WERA supported a review of the existing 3 bridges to minimize the impact of significant vegetation clearing within the existing, public open space to allow construction of the overhead bridge and other landscaping extensions of the University precinct. Council, as the land manager, and /or the Minister for the Environment still have to decide if they will support the construction of the bridge across the Gardiner's Creek Reserve and either lease that part of the Reserve encompassing the bridge to the University or cede Committee of Management status to the University for that part of the Reserve.

The committee needs your assistance in putting together submissions or reviewing the material in matters that interest or impact on you directly. We would like greater member participation in proposing and discussing responses that WERA should adopt.

Electronic contact enables us to alert you in a timely manner to major planning matters as they arise. Please contact us by emailing info@wera.org.au if you wish to receive the newsletter by email in lieu of a printed copy.

I again thank the long-serving committee members for their preparation of submissions and appearing publicly to speak to submissions. We have earned our credibility at both State and Local Government levels. If you can assist or will consider joining the committee please contact me initially by emailing info@wera.org.au

Geoff White
President

Federation Brickworks Site

Since 2000 WERA has been involved with the long- term saga of the potential development of the large area to the north of Surrey Dive, known as the Federation Brickworks site. It is owned by a group called Phileo, whose aim has been to develop medium density homes around the edge of the old quarry. This ambition has been frustrated by the heritage overlay over the unique, old, brickworks building, and by the unstable infill area. WERA retains the hope for this latter area that it may one day become public open space. However, there are gases and liquid still leaking from this infill area, so the site remains unusable into the foreseeable future.

91 Warrigal Road

There has been an application to erect nine units on a single dwelling site at the corner of Chester Street and Warrigal Road in Surrey Hills. The Council refused the proposal outright, but the applicant chose to go directly to VCAT. WERA is working with local residents to support them in their objection to this proposal. Not only is the application a precedent for this area [density and stacked basement parking], there is also an oak tree of some significance. This tree has an 11 metre diameter canopy, and its root structure could be irretrievably damaged by the double depth car parking excavation required for stacking.



From the picture above, it can be seen that on-street car parking will be a problem also.

Whitehorse Council Rates

At the Council Meeting on April 18, all councillors supported a proposed budget, which increase rates for the coming year by at least 8%. Coming after a large rise last year, this would mean an increase of approximately 20% on a 2009-10 base. WERA members who are concerned about this should contact their local councillors.

53 Relowe Crescent Mont Albert North

In November 2009 an application was lodged with Whitehorse Council for the construction of two, double storey dwellings on a single lot at the above address. Three objections were lodged against this application, including a submission from WERA. The issues raised by the objectors included neighbourhood character, streetscape impacts, visual bulk from neighbouring properties, overlooking and overshadowing on neighbouring properties, the car parking arrangements proposed, insufficient setbacks, lack of natural light for the occupants of the new dwellings, loss of vegetation and general overdevelopment of the site.

The starting point for any analysis of a planning application is the nature of the site and its surrounding neighbourhood. In this case, a steeply sloping site falling from the street to the rear resulted in overlooking on rear properties. The shape of the site- which was wider than its length, resulted in a duplex style development with the garages and car parking in front; not a feature which is consistent with the neighbourhood character in the area. Such was the size of the developments that there was little room for screening vegetation on the side boundaries. All the existing vegetation was to be removed. Finally, construction would occur near the root zone of a large oak tree which is listed on the Council's Significant Tree Register.

Not surprisingly, Council rejected this application on 6th August 2010, citing non compliance with a host of planning policies, including neighbourhood character, under ResCode (Clause 55). Council concluded that the application was an overdevelopment of the site and would threaten the significant tree. An application for review was then submitted to VCAT by the developer in September 2010, followed by submission of amended plans in March 2011. In the VCAT hearing on April 21 Council's legal representative argued that these amended plans not only failed to address Council's concerns relating to neighbourhood character, visual bulk impacts and amenity impacts on neighbours, but the amended proposal showed the dwellings were now larger in overall floor area, comprising larger, attached first floor levels. The Council advocate submitted a large number of photographs which gave the sitting VCAT Member an excellent idea of the nature of the site, the contrast between the proposed dwellings and those surrounding it and the impact of construction on the significant, protected tree.

VCAT can be intimidating for residents who are unfamiliar with the planning system, but the two residents involved were treated with courtesy and consideration and were able to tell their story and outline their concerns about how the proposed development would directly affect them. This is what VCAT wishes to hear from residents who are directly affected by a development. The Member hearing this case will visit the site in person, to obtain a clearer perspective on the impacts of this proposal and the surrounding streetscape.

While we cannot be sure of the outcome of this application for review, WERA was pleased to assist the residents concerned in this matter. WERA can provide members with assistance and advice in appearing before a council planning meeting or at VCAT and can also make submissions as an incorporated body before Council or VCAT. If you are faced with a sub-division or multi-unit development which concerns you please contact WERA for advice and assistance. You don't have to be a planning expert in order to have your say in the planning process.

We await the outcome of this VCAT application for review, with interest.

Preventing Developers Removing Vegetation

Have you noticed a block near you being cleared of all its trees and other vegetation before an old house is demolished and a planning application is made for a new dwelling? This process is commonly known as "moon-scaping". It gives developers the maximum opportunity to develop a site without the constraints of mature trees which may require root zone protection or which are protected from removal. Many residents are concerned that the leafy character of Whitehorse is steadily disappearing as a wave of sub-divisions and new homes result in the loss of mature trees and established gardens.

Whitehorse Council has a number of tree protection provisions in its local planning scheme. It has developed a significant tree register which includes trees which the council arborist considers worthy of preservation. There are also vegetation overlays across environmentally sensitive areas such as the Blackburn Lake. However, most areas of Whitehorse remain relatively unprotected from the removal of established trees and gardens, except in relation to the application of the neighbourhood character test under ResCode. The latter is often not upheld by VCAT where the interests of Melbourne 2030, urban consolidation and state planning policy take precedence of local neighbourhood character.

Council considers planning law the preferred approach to prevention of moon-scaping building sites as local laws impose relatively small penalties. However planning law is generally too slow to prevent the damage being done before a developer puts in a planning application, and by that time it is too late. Moreover, although Council can impose conditions on a permit to re-vegetate sites and replace or regenerate trees, these provisions are difficult to enforce in practice. Council concluded that contravention of a planning control can incur substantially higher fines and other penalties than under a local law. However, under existing Victorian planning legislation it is very difficult to stop a developer who chooses not to comply with requirements as:

- i) Controls are insufficient to stop works in a timely way;
- ii) Penalties are insufficient deterrent, particularly when compared with the total cost of a development, even including delays in development.

So are there any other alternatives to prevent the disappearance of our tree canopies in Whitehorse? Tree preservation regulations and ordinances have been in place in some overseas countries for many years. Generally, these have focused on individual or groups of trees of significance. In more recent times the focus has shifted to protecting and enhancing

the collective 'green canopy'. This has coincided with increasing densities in urban areas and a growing understanding of urban environmental sustainability. Local authorities are setting measurable, long-term goals for increasing tree canopies. This includes trees on public and private land. It also involves identifying areas which are well suited and/or environmentally significant to preserve and enhance. Implementation strategies are based on sustainable asset management principles, recognising enhancement, renewal and inter-generational value. This means that trees are allocated an economic value. This has been undertaken by the City of Melbourne which has valued the replacement cost of its world famous avenues of elm trees in the millions of dollars.

The environmental, social, health, cultural and economic benefits of 'urban forests' are well documented. In Australia a number of large, local authorities have developed, or are developing, strategies for urban forests or increasing tree canopy cover. Under existing state legislation, penalties are insufficient to deter some people from disregarding or breaching planning and/or local law applying to vegetation protection and enhancement.

Council considers, however, that there is an opportunity to advocate to the new State Government for changes to the Planning and Environment Act, the Victorian Planning Provisions and the Local Government Act to increase incentives for tree retention and to substantially increase penalties for people who disregard or breach tree protection requirements. WERA strongly supports Council in this endeavour.

While planning applications are considered on a case by case basis, the green canopy, which was once a feature of this area, is being progressively destroyed. When we are facing the prospect of climate change, can we afford this loss? Perhaps it is time to make sustainability and the preservation of our mature trees a priority by monitoring the cumulative impact of applications for sub-division, new houses and medium density development on our existing vegetation assets. Trees cannot exist where new dwellings cover more than 60% of a building site. It is time to review ResCode and to vary the basic protections it provides if we want to ensure the retention and/or regeneration of a given proportion of upper canopy trees for future generations

West of Elgar Residents' Association Inc (WERA)
Annual General Meeting
7.30pm Wednesday, 8th June 2011
19 St John's Avenue, Mont Albert, 3127

Agenda

1. Apologies
2. Minutes of 2010 AGM
3. President's Report
4. Treasurer's Report
5. Election to vacant positions on the Committee
6. General Business

Please advise the Secretary of nominations to the Committee, notions of motion, proxy nominations or apologies for this meeting on BH 9651 6145 or AH 0412 519 443 or email judymoi@bigpond.net.au no less than 3 days prior.

Judy Sharples
Honorary Secretary
West of Elgar Residents' Association Incorporated

WERA Committee 2011: Geoff White, 98988205; Judy Sharples, 98908038; Elizabeth Meredith, 98982607; Terry Randle, 98088638; June Kavanagh, 98365970