

West of Elgar Residents' Association Inc. A.N.:A0031410U

New Residential Planning Zones: Minister for Planning gazetted C160 Planning Scheme amendment for residential zones in Whitehorse on the 14 October 2014. Whilst boundaries for the new zones are consistent with those adopted by Council on 28 April 2014; as WERA anticipated; the Minister has not included the five (5) schedules proposed for neighbourhood residential zones.

Instead there is only 1 schedule for NRZ (designated NRZ7 in the amendment) with the standard Rescode provisions that are unchanged from what the limited change provisions have been for several years; i.e. C1 22.03-4 limited change area 2 dwellings per lot and C1 32.09 maximum building height 8 metres as specified by amendments earlier than the new NRZ amendment.

Whitehorse and other municipalities including Boroondara and Darebin have been referred to the Minister's Standing Advisory Committee for hearings on their proposed NRZ Schedules. Boroondara was heard on 21 November but no date has been listed for Whitehorse.

WERA wrote to the Minister on 20 October 2014 expressing disappointment that the schedules proposed by Council for the Residential Growth Zones and the Neighbourhood Residential zones were not supported.

The Department of Transport; Planning and Local Infrastructure Practice Note 78 July 2013 (updated December 2013) provided principles and criteria for applying the zones including:

- opportunity for **multiple schedules to be applied** to General and Neighbourhood residential zones;
- **allow a range of ResCode standard provisions to be varied**, such as height, site coverage, setbacks, open space, permeability and landscaping.

However it appears that the cart PN78 was put before the horse because Standing Committee review June 2014 commented *on poor and contradictory wording in PN78 with various provisions of the planning scheme and other advisory notes*. The committee has also commented for example: *... that there are some mixed messages derived from reading PN78 against Plan Melbourne and the zone purpose*. The purpose of the zone refers to *... 'respecting' neighbourhood character, yet PN78 refers to 'respecting and preserving'*. *As discussed in the review of the NRZ principles, the Committee considers there is a significant difference in the two terms, and that this has a bearing on how the GRZ and NRZ might be applied. The use of the word 'preserve' in PN78 appears to contradict the principle that the zone should be applied 'where more varied character' exists.*

Finally, the Committee observes that PN78 states that GRZ is expected to be used *'in most residential areas'* whereas the *Plan Melbourne* initiative was to *'Deliver the Neighbourhood Residential Zone across at least 50 per cent of Melbourne's residential-zoned land'*.

The Labour Party State election policy is to review the Victorian Planning Provisions to promote certainty in council land use over planning. ALP spokesman on planning during the election committed a Labour Government to a review of the planning zones reforms because of the differing outcomes for Councils across Melbourne.

20 Louise Avenue; Mont Albert: this 2-storey 10 apartment proposal in neighbourhood residential zone was refused prior to advertising by Whitehorse planning delegation. The applicant appealed and the VCAT hearing was held 20 & 21 October 2014. WERA and two residents made submissions at the hearing but we await the VCAT decision.

8 Park Rd; Surrey Hills: Council at the July meeting went against the planning officer's recommendation to approve this 3-storey 16 apartment proposal and approved issue of a permit for only a 2-storey building. At a mediation hearing earlier this year the developers representative was keen for the objectors present to cease if they amended the development to 2-storey. This site is also in an area Council adopted as neighbourhood residential so the applicants appeal to VCAT will be another test for the new zones.

57 Florence Rd; Surrey Hills: Proposal for 4 dwellings on sub-divided allotment with 2 dwellings exiting to Florence Rd and 2 exiting to Royal Lane. Extensive vegetation removal is proposed and 4 lot sub-division is contrary to NRZ 2 dwellings per lot. A Council mediation hearing will be held on 10 December 2014.

18 Florence Rd; Surrey Hills: Neighbouring residents have been notified of a proposal to demolish the long closed 2 storey nursing home and replaced with a 51 bed 2-storey building and basement car parking. A planning permit application is yet to be lodged with Council.

626 Whitehorse Rd; Mont Albert: neighbours and WERA have objected to a proposed new 2 – 3 storey development to replace the existing single storey boarding premises. A similar proposal was rejected by a VCAT Order in 2004. The site is now zoned as NRZ and is within the area heritage overlay.

The proponent has lodged an appeal at VCAT for failure of Council to make a decision within time. VCAT Practice Day; Mediation and Hearing dates have been set for January; February and March 2015.

Changing skyline: Melbourne Water has issued revised final landscape plans for each of the reservoir sites at Surrey Hills (Reservoir 1 - Canterbury Road & Reservoir 2 - Elgar Road).

It is disappointing that no response has been provided by Melbourne Water on any changes being made to the draft plans arising from their community consultation in July.

WERA History: *Twenty Year Milestone*

WERA was formed in 1994 and was incorporated as an association in 1995.

THE BEGINNING: In 1994 the Kennett government restructured local government in Victoria. The reforms dissolved 210 councils and sacked 1600 elected councillors, and created 78 new councils through amalgamations.

Richard Anderson was a Box Hill City Councillor, who became increasingly concerned with the manner in which the restructure was progressing in his area. It seemed that Box Hill was to be amalgamated with the City of Nunawading. At this time Nunawading was a young, rapidly expanding, cash hungry Council, while Box Hill was more established and had considerable funds tied up in the Box Hill Electricity Company.

As a result of this proposed amalgamation, Surrey Hills was to be permanently split between the new cities of Boroondara and Whitehorse. At a meeting of his local council area Contact Group, Richard joined with others to create the West of Elgar Residents' Association [WERA] to promote the interests of the local residents. Founding members included Nigel Watson, Edward Cohen, Michael McNamara, Anne Schneeberger and June Kavanagh.

The founding members along with many other volunteers worked very hard to achieve the merger of the area of the City of Box Hill to the west of Elgar Road into the new city of Boroondara. The Box Hill Town Hall was packed by concerned residents at a meeting convened by WERA and our local member Robert Clarke wrote a very strong submission supporting the WERA position.

Unfortunately, the tribunal reviewing the proposed amalgamations recommended to the government that the whole of the City of Box Hill amalgamate with the whole of the City of Nunawading. That is why our eastern boundary with Boroondara now runs North along Warrigal Road and then along 23 side streets to the Eastern Freeway.

The founding members were encouraged by the very strong resident support to keep the area to the road west of Elgar intact and decided that under the new City of Whitehorse, WERA could coordinate a worthwhile ongoing lobby group to support the ongoing interests of our residents.

The decision was then made to incorporate WERA under the Associations Incorporations Act to give WERA credibility and permanent legal status.

The credibility of WERA was particularly important in these early stages as the new council simply comprised commissioners appointed by the Kennett Government, a number of whom had very little knowledge of local government administration.

Early success for WERA included opposing a council proposal that all residents have only one smaller rubbish bin and successfully lobbying the council to offer residents the option of different sized garbage bins. WERA also successfully lobbied for the introduction of the fortnightly "heavy autumn leave fall" street sweeping program in our area rather than accepting the proposed new six-weekly sweeping cycle throughout the whole city over the whole year.

WERA also lobbied the Commissioners and made submissions in relation to the boundaries for the new wards within the city leading up to the election of the new council in March 1997.

HERITAGE: As the Kennett Government was still in power, two resident concerns which emerged were the ad hoc development of units and apartments, and the demolition of historic buildings. WERA has been an advocate for more extensive heritage protection for areas within Mont Albert and Surrey Hills with significant architecture which is now under threat from medium and high density development. WERA was involved in preserving the Mont Albert Road Anglican Church, saving “Goodwood” the Salvation Army building in Elgar Road, Annesley, the Nunnery in Erasmus Street and the Rubira home in Albany Crescent.

OPEN SPACE: Open space was another area where WERA’s input was to be valued. On the broader front WERA participated in the development of the Whitehorse Open Space Policy. In particular we argued for higher developer contributions to open space, especially the provision of new areas. Quite early in WERA’s existence, an open area of Surrey Park was to be fenced off for the Melbourne Cricket Club’s baseball group and a new pavilion built for their use. WERA President Nigel Watson, convened meetings where residents expressed their views. In the end, the baseball group acquired use of the area, but were prevented from any permanent fencing, leaving this part of the park as green open space. On a long term scale 1999 to the present, WERA joined with Gardiner’s Creek Community Group to preserve the open space of that reserve. In particular we worked to prevent Deakin University from erecting a large bridge through the parkland.

Wattle Park was another area where WERA has had an ongoing involvement. Together with Parks Victoria we created a guided tour for children involving history and environment. Members were also involved in Wattle Day celebrations.

PLANNING: Not long after WERA became an incorporated association, members and others started coming to us with planning problems. Initially, they were concerned with 3 or 4 units on a lot, but as time progressed, opportunistic developers appeared, looking to erect high density apartments numbering from 20 to 40 in some applications. On the broader scene, WERA advocated for improved planning controls in community consultations on the Whitehorse Council’s Housing Strategy and Neighbourhood Character policies (2003-4). In 2014 WERA worked hard to obtain better protection for neighbourhood character in the west of the precinct through a major information campaign on the State Government’s new Neighbourhood Residential Zones. Although we were unsuccessful in obtaining wider application of the Neighbourhood Character Residential Zone we did obtain Council endorsement for variations to the ResCode schedules for the no change zone and the general residential zone. Sadly the State Government did not accept all of Councils’ recommendations and the Neighbourhood Residential Zone amended schedules will be the subject of a Ministerial Planning Panel some time in 2014 where WERA will be advocating for the adoption of Council’s original proposals. WERA has represented and also joined with affected neighbours on many occasions to assist them in their efforts to resist inappropriate development in their street. While we can say that on all occasions we were supported by Council, the pro-development policies of different governments, plus the use of barristers etc by developers at VCAT made it hard to retain our neighbourhood character. Across the years we had mixed success, but even when a project went ahead, we were able to get conditions which modified the outcome.

For example, in the land around Annesley we sought a reduction from 3 to 2 storeys. In recent months, WERA was delighted when an application for 28 unit apartment in Everton Grove, Surrey Hills was refused by VCAT.

WERA THEN AND NOW: Across the years since its inception WERA has maintained a loyal membership. During this time, as its role expanded, WERA has always been served by a dedicated committee. WERA has always worked positively to represent the residents in the western part of Whitehorse. We have both led and responded to areas of community interest. In so doing we have worked closely with Whitehorse Councillors; officers and our local MPs.

Thank you to Elizabeth Meredith for compiling this 20 year history with contribution from present and past committee members.

Contact: info@wera.org.au President Geoff White 9898 8205 Secretary Judy Sharples 9890 8038