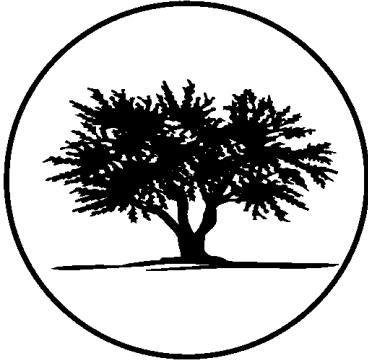


# DAMPER CREEK DOINGS



*The Newsletter of*  
**FRIENDS OF**  
**DAMPER CREEK RESERVE INC.**

Reg No. A0029531G

<http://www.friendsofdampercreek.org.au>

P.O. Box 2063 Mount Waverley

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## June 2016

### Editorial:

#### A Special Place:

We all have our special places. If you are reading this, Damper Creek Reserve will be one of them. Enjoyment is generally a passive activity but it is important to remember that many of our special places are preserved because of the activism of those who are passionate about them. Such is the recent VCAT case for 41-43 Alvie Road. One of the pleasures of living in Mount Waverley is to travel along Alvie Road. You cannot hurry along this road as the Council has installed speed humps and other “traffic calming” measures. This is just as well, as the slower pace allows the driver (or passenger, walker or rider) to appreciate the mature trees, interesting gardens and varied building styles that the gentle curves of this charming street reveal, and especially in the Courts nearby.

Last year, when an application was made to the City of Monash and advertised proposing to subdivide the block into three building blocks, a group of extremely concerned residents near and far formed the “Alvie Community”. Their objections were lodged with the City of Monash Council who subsequently rejected the developers’ application on the grounds of overdevelopment, loss of significant trees, with the proposal being out of character with the area, etc. The developer then re-submitted, which revised application was again refused by the MCCouncil, resulting in the recent VCAT hearing.

Our democratic process allows the Council's decision to be reviewed by a higher authority, namely, the *Victorian Civil and Administrative Tribunal* (VCAT). VCAT has a reputation for

overriding Council decisions on neighbourhood character so any submission to disallow the subdivision needed to be well argued together with a passionate response from the community.

On 19 May, individual Barristers for both the applicant, and also the “Alvie Community” objectors, and Maddocks lawyers for the MCCouncil presented their respective cases to the Tribunal resulting in the Tribunal Member visiting the property to gain an understanding of the points of view of all parties. The final decision from VCAT was handed down on 31 May supporting those who objected to the subdivision.

Many thanks are extended to Mt Waverley Ward Councillors, particularly Cr Rebecca Paterson, and to Ms Angela Hughes at MCCouncil who chaired a community meeting at Alvie Hall during the process of providing information to the community as to the community’s concerns. The Community also extends its sincere thanks to Council’s Strategic Planning Department’s Director, Co-ordinator and Manager and staff for supporting this case.

Next time you see a notice indicating that a property is subject to a “Planning Permit”, consider whether something special will be lost. If so, you generally only have a short time to respond once the notice is posted. Talk to others to convince them that the development is inappropriate and have them make their own submissions to Council if they agree. Council may support your objection or not. If the original proposer disagrees with the Council ruling they may take the matter to VCAT, a decision which may involve legal fees on both sides. Note that the City of Monash has identified legal fees associated with VCAT as a significant item of expenditure. You may have to raise your own funds, as was the case with the “Alvie Community”, to make a challenge to a development proposal.

The City of Monash (and, indeed, all the “middle ring” suburbs) are expected to accommodate a higher population density to relieve the urban sprawl. Any NIMBY attitudes will not have traction with Council or VCAT, objections must be realistic, carefully argued and presented with the knowledge that the development argument does have legitimacy within the current Planning Scheme policies.

### **Amendment C125 – relevant for all residential zones across the City of Monash – Monash Planning Scheme**

Monash Council has referred its proposed “*in principle*” decision to Monash’s residential zones under Amendment C125 to an independent planning panel for review, (*Panels Victoria*) one of the final steps in what has been a long and extensive community consultation process. Monash Mayor, Cr Geoff Lake stated: “We’re interested to find out what the independent planning panel thinks of our proposals and (the MCCouncil) will consider the panel’s views before putting a final proposal forward to the Minister for Planning.

Given that many of the original protections proposed in Amendment C125 have now been

abandoned, of most interest to FoDCR members is the retention of protections within the Neighbourhood Residential Zone (NRZ) 2 “Creek Abuttal” zone and NRZ3 *Creek Environs* zone (these proposed zones are also relevant to Scotchmans Creek & Gardiners Creek). The proposed NRZ2 requirements for a minimum setback from the rear boundary together with a reduced site coverage and some canopy tree requirements are critical for protection of the Damper Creek environment. Effectively they recognise FoDCR as a “Third Neighbour” and allow the rear of properties adjoining the reserve to extend the wildlife habitat area of the reserve.

Please note that all of the original suggested side setbacks across the whole City of Monash zonings have been deleted from Amendment C125 original proposals.

FODCR recognises, with thanks, the willing support, consultation and time put into strongly supporting the retention of the above protections for *Creek Abuttal* and *Creek Environs*, extended by Crs. Paterson, Little, Lo and Pontikis along with the many FoDCR members who made submissions to, and attended meetings at, the Council in support of Amendment C125.

There are many residents who remain very concerned about the loss of the “green and leafy” City of Monash environment. A local resident, Ms Fiona Wright from Ashwood, has gathered 200 signatures from residents who have watched with dismay the City of Monash become increasingly developed, with extensive increases in building and hard surface coverage resulting in a significant loss of trees. This petition concerns all of the zonings in the City of Monash, particularly many in other NRZ and GRZ categories where rear setbacks and side setbacks have been deleted from the original Amendment. The petition will also voice great concerns about developers being able to excavate basements of properties to fencelines, that the approved size of allotments is too small, the loss of open space resulting in an ongoing loss of trees and vegetation, and hard surface coverage increasing rapid run off of stormwater, etc. For more information or to sign the petition, phone Fiona Wright on 0412 363 242 or email: [gault\\_fiona@hotmail.com](mailto:gault_fiona@hotmail.com) - who will present a submission to the *Panels Victoria* hearing coming up soon - date TBA.

### **Visitors Galore (Damper Creek as an Educational Resource)**

More than 300 year seven students from Mount Waverley Secondary College descended on Damper Creek for a unit of work in Geography. They were studying Water Management and quickly discovered the facts as well as the delights and secrets within their school neighbourhood.

### **Drainage works in Damper Creek**

Work has commenced on the stormwater drain which carries water from Tarella Drive. The exit for this drain was previously high on the bank at the southern end of Tarella Drive, creating a significant erosion gully. The stormwater from Tarella Drive will be redirected further south to an existing drain leading eastwards down into the creek.

## **Annual General Meeting – Wednesday 24 August 2016**

Four key Committee positions will become vacant in August 2016 and there is a need to find willing FODCR enthusiasts to fill the following – (1) President, (2) Secretary, (3) Vice President 4) Treasurer. Nominations are now open. FoDCR is now in its 23rd year - please help keep it going.

## **Guest speaker program –**

### **Wed 27 July 2016 - FoDC meeting -7.30pm Alvie Hall**

**Bruce Lindsay- lawyer - Environmental Justice Australia** - speaking on final draft submission to Ministerial Advisory Committee re the Yarra River Act and Trust - your feedback after the presentation by completing a short questionnaire on future protections for the Yarra River and its tributaries would be greatly appreciated.

## **Wednesday 24 August 2016**

**Dr Tiffani Howell - "Dogs as Human Companions"**. Dr Howell is a Research Officer at La Trobe University. Her main research interests are dog behaviour and cognitive processes, the dog-owner relationship, and animal welfare. She has been part of a study reviewing socialisation and training practices for racing greyhounds. She is also studying the possibility of training dogs to act as diabetes alert dogs for owners with diabetes.

## **Community Planting Day Sunday 26 June 2016**

Come along and help plant out 2000 tube stock funded by Melbourne Water Project Grant - 10am - 12.30pm. Free BBQ sausage sizzle in Park Road carpark commences from 12 noon. BYO cups/mugs  
Meet at the Park Road entrance to the reserve for sign-on registration.  
Wear all weather gear and solid shoes. Children must be accompanied by a responsible adult. BYO gloves (some provided).  
All welcome.

**Working bee routines:** 10am- 12.30pm. Billy boils at 11am. BYO cups/mugs. Please wear all weather gear and solid shoes. Some gloves and equipment supplied by the MCCouncil Bushcrew.

| <b>Dates to Remember</b> | <b>Event</b>                                                                           | <b>Notes</b>      |
|--------------------------|----------------------------------------------------------------------------------------|-------------------|
| Wednesday<br>22 June     | General meeting Alvie Hall                                                             | From 7.30pm       |
| Sunday<br>26 June        | <b>Community Planting Day</b> All welcome<br>Meet at Park Road entrance to the Reserve | 10.00am -12.30pm. |
| Wednesday                | <b>Guest speaker – Bruce Lindsay –</b>                                                 | From 7.30pm       |

|                     |                                                                                 |                              |
|---------------------|---------------------------------------------------------------------------------|------------------------------|
| 27 July             | Environmental Justice Australia lawyer followed by supper and a General Meeting |                              |
| Sunday<br>July 31st | Working Bee                                                                     | 10.00am - 12.30<br>Venue TBA |

### Addresses and Telephone Numbers

|                                                        |                        |              |
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| Secretary                                              | Helen Clements         | 0401 813 502 |
| Treasurer                                              | Ian Nicholls           | 0447 774 144 |
| Editor                                                 | Doug Scott             | 0417 300 866 |
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Friends of Damper Creek Reserve Inc. is a member of 'Landcare' and 'Land for Wildlife' Volunteer Nature Conservation.

***Damper Creek Bushland Reserve: part of the Yarra Catchment.***

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email: [secretary.dampercreek@gmail.com](mailto:secretary.dampercreek@gmail.com)