



## **BLACKBURN VILLAGE RESIDENTS GROUP INC.**

Protecting the distinctive features of Blackburn since 1987

# **BULLETIN**

**Bulletin No. 81**

**December 2013**

### **Email address up to date?**

We may not have your current email address. If you did not receive this Bulletin in your email account, please confirm your email address to [bvrg@ymail.com](mailto:bvrg@ymail.com)

Also BVRG now has a PO Mail box. New address is PO Box 406 Blackburn. 3130

### **The Year that Was.**

The committee of BVRG faced a challenging year balancing some ongoing administrative problems due to the still vacant secretary position while at the same time making submissions to planning reviews and reforms at State and municipal level and objections to contentious development applications. During recent months the committee has been engaged with major development proposals that will impact on residential amenity in Central Road and Main Street Blackburn. We report more fully on these below.

The AGM, held on 8 November marked the retirement of Vice President Ray Summers and also of Allison Summers, whose sterling contributions to the BVRG will be sorely missed. We appreciate their commitment to other voluntary obligations and are grateful that they remain BVRG members whom we can call on from time to time.

We welcome to the committee Kelly Papadopolous and Anne Payne who bring new skills, enthusiasm and share a desire to retain the unique bushland environment that characterises Blackburn.

The end of year dinner for members on 8 November celebrated the end of the twenty sixth year of the Group.

Finally I wish you and your families an enjoyable festive season and a good year ahead.

***David Morrison, President***

## **Hot Planning Issues.**

### **Seventh Day Adventist Retirement Village.**

The Seventh Day Adventist church has lodged a planning application to build six multi story apartments, including two five story buildings on Central Road with very little setback from the footpath and directly opposite Blackburn Lake. The size and scale of this development will irrevocably damage the environment and the character of the Blackburn Lake area.

Whitehorse Council received over 160 objections, which highlights the community opposition to this type of development.

A consultation forum was held on 29 October. The developers made it clear that they had no intention of responding to community concerns and plan on proceeding with an unchanged design. Council will decide on the application in February 2014.

The community response is being taken up by local residents who have formed the Blackburn Bushland Residents Action Group (BRAGG). BVRG have provided support to their cause.

#### **WHAT YOU CAN DO**

- Submit an objection to Council if you haven't already done so
- Sign a petition: visit [www.bbrag.org](http://www.bbrag.org)
- Sign up to BBRAG newsletter. Register at [blackburnresidents@gmail.com](mailto:blackburnresidents@gmail.com)
- Contact your local Councillors to register opposition to this development

#### **Central Ward:**

Cr Andrew Munroe: 9878 8235 [andrew.munroe@whitehorse.vic.gov.au](mailto:andrew.munroe@whitehorse.vic.gov.au)

Cr Denise Massoud: 9878 4320 [denise.massoud@whitehorse.vic.gov.au](mailto:denise.massoud@whitehorse.vic.gov.au)

#### **Springfield Ward:**

Cr Phillip Daw: 9873 3108 [philip.daw@whitehorse.vic.gov.au](mailto:philip.daw@whitehorse.vic.gov.au)

Cr Ben Stennet: 9872 3069 [ben.stennett@whitehorse.vic.gov.au](mailto:ben.stennett@whitehorse.vic.gov.au)

### **104 Main Street - a short lived victory?**

BVRG including 250 objectors who opposed the original 4 storey, 40 unit proposal were pleased with the rejection by VCAT of this development.

The developer however has been quick out of the blocks and has submitted a new planning application. The new proposal is reduced from 4 to 3 levels and contains 31 units rather than 40 and setbacks from the northern boundary are increased.

The ambit claim of the first proposal drew from the VCAT tribunal suggested modifications that would lead the developer to believe a new application would be favourably considered. This has effectively undermined the Whitehorse Councils ability to properly assess the development against the site and area characteristics, most recently labelled 'natural change' in the 2013 Draft Neighbourhood Character Study.

BVRG considers the new proposal a bulky, inappropriately large building, designed to accommodate far more dwellings than warranted by the location. The development would be at a high cost to the amenity of surrounding residents and users of the nearby shopping centre. If you agree with this assessment **lodge your objection with Council as soon as possible.**

Details of the proposal can be found at the end of the following link on Council's website: <http://www.whitehorse.vic.gov.au/Whitehorse-Planning-Applications.html>  
Council will accept objections up to the date a decision is made but the earlier sent the easier it is for the planners to consider.

For information - Council Development Planner, Anne Hollensen, Ph 9262 6345,

### **An unwelcome pattern.**

As with many developments the 104 Main Street proposal can be seen as an ambit claim, the applicant submitting amended plans until a Council or VCAT finally accepts them. A typical example of this was given in the *Weekly Review* in late March in an account of a two year VCAT battle lost by Mitcham objectors against a four dwelling development at 62 Rosstrevor Crescent; the developer vowing, after the initial rejections by Council and VCAT, that he would '*continue to lodge similar planning applications at VCAT until the Tribunal eventually approved*'.

The Main Street determination is yet another example of VCAT acting as a sort of surrogate planner, a role which would seem to run counter to that envisaged by its then President, the Hon. Justice Kevin Bell, who in an interview by the *Age* back on 12 August 2009 stated:-

*'Local government is the primary decision-maker and we are truly a review tribunal, that's our statutory purpose.'* I would be disturbed if it were true that we had become a default state planning tribunal; if, for example, the power of amendment we have is being abused by developers such that they are not presenting their true case to council and are saving it for VCAT."

We were disturbed to learn that in another case Council reluctantly approved an application with conditions partly because they were concerned that an appeal to VCAT against refusal would see approval of the original plan and cost the Council further representation fees. Surely this sets a bad precedent.

All the more reason why you should support any measures which strengthen local planning policies by contributing to those now being formulated – see item on New Residential Zones, New Rules.

It is good to see that Save Our Suburbs (SOS) has recently proposed a series of VCAT reforms which would resolve many of these unfortunate outcomes. The difficulty will be to have them accepted.

## **60 Main Street**

No sooner had residents been notified of the end of the first round at 104 Main Street than a yellow notice appeared at number 60, just north of the Gardiners Creek bridge at the entrance to Kalang Park, the central reserve in the Blackburn Creeklands. This outstanding single dwelling property, covered by a Significant Land Overlay and bordering Public Use Zone 1, which includes the Creek, was a prime site for some imaginative development in harmony with the popular public open space it overlooked. Instead we learned of yet another 'over the top' proposal to extend built cover to the limit and beyond in the form of three double story dwellings literally within arm's length of the Park boundary.

## **Rail Crossing Update**

In May 2013, the State Government provided funding to start early works mid 2014 on the Blackburn Level Crossing Removal to enable site investigations, design work and planning approvals to be completed. Some of this work has commenced.

BVRG will be talking with Council to ensure local concerns are considered in the final option presented by VicRoads to State Government for funding approval. To that end BVRG is keen to obtain members views on the project by way of a short survey. Please complete and return the survey enclosed with this Bulletin.

VicRoads has a Blackburn Level Crossing web page for the latest details:

<http://www.vicroads.vic.gov.au/Home/RoadProjects/LevelCrossingRemovalProjects/PlanningAndPreconstruction/BlackburnLevelCrossingRemoval.htm>

## **Healesville Freeway Land.**

VicRoads completed a strategic review of the Healesville Freeway Reservation. As a result, the section of the reservation between Springvale Road, Vermont South and Boronia Road, Vermont will not be required for road purposes.

Accordingly the proceeds from the sale of this state asset must achieve a significant financial return while making provision for the continuation of established community uses where practical.

In consultation with the community and other stakeholders, VicRoads is developing a Structure Plan to guide use of the land within the reservation. After community meetings in March, in late November, just prior to Christmas when the community is busy with other issues, consultation meetings were scheduled.

Three options were released for consideration on 25th November and public consultation workshops commenced on 26th November. Allowing the community only one day to look at the options and consider impacts that each option will have.

Have your say on this important site. It's not too late as there is an Online Survey available at: <http://consult.vicroads.vic.gov.au/hfrconsult>

Need more information? Visit Friends of Healesville Freeway Reserve at: <http://www.friendsofthehealesvillefreewayreserve.org/>

## **Local Policy Changes.**

### **New Residential Zones, New Rules!**

During August the Whitehorse Council presented strategy documents for comment to be used as the basis for the introduction of the new residential zones recently released by the Planning Minister. The '***Draft Housing Strategy 2013***', the '***Draft Neighbourhood Character Study 2013***' and the '***Draft Neighbourhood Activity Centre Urban Design Guidelines 2013***' will be used to create stronger and more definitive controls than currently exist for most of Whitehorse.

The proposed changes presented a rare opportunity for planning controls that more closely reflect community preferences. Council did a good job inviting community feedback and will allow further consultation to proposed changes to the Planning Scheme. Council must finalise changes on the new zones and schedules prior to the 1<sup>st</sup> July 2014 implementation date.

The proposed changes will directly affect the planning conditions relating to your home environment so whether or not you previously registered your views, we urge you to do so when that final phase is announced. Watch for Council announcements early in the new-year.

Submissions can be submitted through [www.ourhousingfuture.com.au](http://www.ourhousingfuture.com.au)

## **State Planning Policy Changes.**

### **Plan Melbourne**

On Wednesday 9 October Premier Denis Napthine and Minister for Planning Matthew Guy launched Plan Melbourne, the Victorian Coalition Government's strategy for Melbourne's growth to the year 2050. This was prepared by the Ministerial Advisory Committee following public consultation on their earlier discussion paper on a Metropolitan Planning Strategy. Plan Melbourne closely follows the general aspirations raised in that previous document, such as:-

- A permanent urban growth boundary,
- Protecting residential land from high-rise apartment development,
- 20 minute villages (concept that schools, shops, services and jobs are within 20 minutes from where people live)
- Improved infrastructure

Many of the ideas have been canvassed in previous metropolitan strategy proposals and some, like the establishment of decentralised satellite cities outside the boundary of the metropolitan area, seem to make good sense.

BVRG submitted comments as invited but wonders what value will be accorded to these submissions, given that the Government has already embraced many suggestions in the Plan Melbourne document ahead of the closing date for comments. New Planning Zones, the East Werribee and Fisherman's Bend projects, the last two announced as key initiatives in Plan Melbourne.

Plan Melbourne however, like earlier plans fails to demonstrate how government will fund and facilitate all the infrastructure and services needed to accommodate the 6.5 million people living in metropolitan Melbourne in around 35 years' time, while maintaining liveability and amenity.

## **Recent Changes at State Level.**

### **Amendment of Planning Act**

*The Planning and Environment Amendment (General) Act 2013* recently came into effect, during July 2013. The act includes many administrative changes. Anyone involved with planning applications or appeals should consult with Council on whether these legislated changes might affect their situation.

### **New Electoral Boundaries**

In the new boundaries which will apply at the next State election, scheduled for 29 November 2014, Blackburn will no longer be in the Mitcham electorate (current member Dee Ryall). Blackburn will be absorbed into an extended Box Hill electorate (current member Robert Clark).

## **Committee News and Membership.**

The annual meeting, held on 31 October, saw the re-election of President David Morrison, and Treasurer Peng Lee as well as committee members Mike Taafe and Ron Grainger.

We welcome to the committee Kelly Papadopolous and Anne Payne who bring new skills, enthusiasm and share a desire to retain the unique bushland environment that characterises Blackburn.

As can be seen from the planning issues bubbling to the surface at the end of 2013, community support is more critical than ever. We urge you to consider however you can help us in this important work.

BVRG recorded several solid achievements over the year demonstrating that there is no substitute for effectively organised community effort to contain the worst development excesses. Younger recent residents who are also keen to protect the special features which go to make the Blackburn area are most welcome to join us.

### **Committee Members – Phone 9894 2531 or email [bvrg@ymail.com](mailto:bvrg@ymail.com)**

President	David Morrison	Ph 9894 2531	49 Glen Ebor Ave, Blackburn
Vice President	Mike Taafe	Ph 0409 800 422	16 Eustace Street, Blackburn
Secretary	Vacant		
Treasurer	Peng Lee	Ph 9878 4350	5 Patterson Street, Blackburn
Committee	Ron Grainger	Ph 9877 3348	25 Main Street, Blackburn
	Anne Payne	Ph 9878 1152	81 Central Road, Blackburn
	Kelly Papadopoulos	Ph 9878 4804	15 Cromwell Court, Blackburn