



BLACKBURN VILLAGE RESIDENTS GROUP INC.

Protecting the distinctive features of Blackburn since 1987

BULLETIN

Bulletin 85

November 2014

Saturday 22nd November 12.30 – 3pm
End of Year function.

Picnic gathering at Blackburn Lake Sanctuary Courtyard.

See separate flyer.

To help with our catering we'd love you to RSVP to Anne
on 9878 1152 Wed. 19th Nov.

New Committee. For 2015.

The Annual General Meeting was held on 30 October and Reports presented on another busy year, somewhat complicated by the delay in introducing the new zones and by the constant challenges of representing community views on projected developments. On the credit side were the improvements introduced to the Central /Lake Road Parkland (yet to be formally renamed) and members support of Group efforts. The introduction of Life Membership and the new facility for donations had met a positive response and we thank those who have made donations or subscribed for Life Membership.

Office bearers and Committee members were elected for the ensuing year as recorded at the end of this Bulletin. You will note that Mike Taafe has been elected President. Mike has been an active and dedicated supporter of the BVRG since joining a few years ago and we congratulate him and wish him well in his new office.

New members to the Committee are always welcome. Contact any of the existing committee if you would like to be involved.

New Zones Finally Approved.

Over three months after the announced date, approval was given to Amendment C160 of the Whitehorse Planning Scheme by the Planning Minister; the announcement in the Government Gazette being dated 14 October. Ours was one of the twenty-four councils which, as Save Our Suburbs (SOS) has pointed out, suffered an adverse impact from being *'...subjected to a "neutral conversion" – the General Residential Zone was imposed across all of their existing residential zone areas ... Some of which ... have since experienced a sudden surge in development applications in residential areas that may later come under the more restrictive Neighbourhood Zone'*

For those wanting a deeper understanding of changes, a comparative analysis for new zones in Blackburn is at the end of this Bulletin.

With regard to 104 Main Street, as reported previously, the delay in ministerial assent for the zones amendment meant that VCAT was unable to give 'the higher degree of weight' which could be accorded to a planning scheme amendment which had been adopted by the Council.

In approving amendment C160 the Minister made the following changes to the supporting schedules relating to Blackburn that underpin the new zones and ensure desirable development conditions:

- The Neighbourhood Residential Zone is introduced as a neutral conversion. Schedule 7 is introduced without any variations.
- The mandatory heights proposed in Schedules 1 and 2 to the Residential Growth Zone have been removed.

The Minister noted concerns with the schedules to the Neighbourhood Residential Zone as proposed by Council and has requested that the Residential Zones Standing Advisory Committee consider the schedules to the Neighbourhood Residential Zone, including ResCode variations, as proposed by Council. The Residential Zones Standing Advisory Committee will support Councils until 30 June 2015

In the meantime developments are assessed by Council and VCAT as if the schedules do not exist. The development application at 60 Main Street is being assessed in this way. (See below)

Community Disappointment.

For those in the community who hoped for *'a fair, consistent and transparent planning system that delivers certainty to residents, to councils and to businesses'*, promised in THE LIBERAL NATIONALS COALITION PLANNING VISION FOR VICTORIA at the last election, there can only be disappointment.

The policy document also stated *'We have listened to Victorians who have told us that they want a planning system based on genuine consultation, honesty, openness and certainty.'*

The electorate has in the past punished governments that fail to meet the planning expectations of the community.

Healesville Freeway Reservation.

While community pressure has prevented the worst of the options for development of the Healesville Freeway Reserve by the State Government there is still plenty of work to be done to influence decision makers for the retention of open space. The Friends of Healesville Freeway Reserve held a successful Community Forum on 26th October 2014.

Examples of other road reserves successfully retained as open space (Merri Creek, Fawkner and Wurundjeri Walk, Blackburn) and the policies of all the major political parties were on display.

MP's from the Upper and Lower houses of state parliament, aspirants for the coming state election and Whitehorse Councillors spoke to the crowd.

The Policies of the parties:

- Coalition – 15.4 ha (43%) to be preserved as crown land some could be used for the school and/or for open space, with the balance 57% to be sold possibly for housing.
- Labor – 100% of the reserve to be retained as Open Space
- Greens - 100% of the reserve to be retained as Open Space

Rail Crossing Removal.

BVRG has discussed this proposal with a VicRoads project manager who indicated that preparatory work would be carried out ahead of the rail closure over the 2017 Christmas period. Work likely in the next financial year (15/16) will include power services and rerouting sewer lines from north of the line that are currently under the existing line. Depending where those junctions are, residents could be affected.

The routing of trucks to remove spoil had not been finalised at the time of those discussions but options could include south or north of the line and disposal of spoil could be in Morton Park, the SDA campground or trucking directly to a more distant site.

A concrete shared cycle path 3m wide is also planned for the southern side of the line between Nunawading and Blackburn. This has potential to impinge on residential privacy and would also require removal of all vegetation along the railway reserve south of the line, possibly including the South Parade gardens which would adversely impact on the amenity and increase wind load on properties to the south.

Save Our Suburbs (SOS).

SOS has recently employed a community campaigner to undertake a number of activities to improve communication with community groups including facilitating and coordinating campaigns to be run by SOS.

After SOS representations VCAT has rescinded a policy of no longer supplying recordings of hearings. VCAT has also been reducing the statistics supplied in relation to planning and SOS wants to see this situation also reversed.

Prior to the forthcoming State Election, SOS has been surveying candidates' positions on a range of planning issues. The results will be released to the public to enable voters to make an informed decision on which candidates to support. Keep an eye on Recent Posts at www.sos.asn.au/

The Survey asks about local issues and key issues of concern including:

- The need for VCAT reform and better protection of local amenity
- Whether we have a failure of independent, long term infrastructure planning
- Failure to secure the Urban Growth Boundary and Green Wedges
- Whether the increasing deregulation and privatisation of planning is in Victoria's interest
- Whether Victoria has 'an inappropriate culture of undue influence and political opportunism'
- Whether candidates support reform of political donations laws

Importantly, SOS has decided to mount a campaign to make political donations by developers unlawful; as is the case currently in New South Wales. If this is achieved the influence of developers in the planning process will be greatly diminished.

Planning Applications Update.

BVRG over the years has tried to avoid taking up every battle in every street. We try to influence policy and good outcomes by making submissions on planning matters at local and state levels. As can be seen by the planning applications below there are many developments impacting on Blackburn amenity. The importance of influencing policy is more critical than ever.

20 – 24 Masons Road.

Our reference to this application in the last Bulletin was misleading – we apologise for reporting that it concerned a 3 block subdivision whereas it was for subdivision into 4 blocks for 4 new 2 storey houses, each with a narrow frontage to Masons Road. We await a response from Council on this application.

60 Main Street.

The VCAT Hearing was held on 12 September and representations objecting to the proposal were submitted on behalf of the BVRG, the Creeklands Advisory Committee and local residents.

In the meantime Amendment C160 applying new zones in Whitehorse had been gazetted without the accompanying schedules that have been sidelined with the Residential Zones Standing Advisory Committee to consider. VCAT invited supplementary submissions addressing the changes occurring from Amendment C160.

City of Whitehorse in its supplementary comments to VCAT on the impact of the Amendment C160 on the above Application included..

'Prior to the gazettal of Amendment C160, the subject site had been rezoned on 1 July 2014 by Amendment VC116, which rezoned residential 1 Land in the City of Whitehorse to General Residential Zone Schedule 1. At this time Schedule 1 did not contain any variations to the requirements of Clauses 54 and 55.

On 14th October 2014 Amendment C160 introduced five new schedules to the General Residential Zone (all of which included variations to Clauses 54 and 55) and rezoned the land for the subject site from General Residential Zone Schedule 1 to Neighbourhood Residential Zone Schedule 7 (Clause 32.09) It is also to be noted that similar to Schedule 1 of the General Residential Zone as introduced by Amendment C116, Schedule 7 was applied to all land rezoned as Neighbourhood Residential Zone, and contains no variations to clauses 54 and 55. It is to be noted that all of the schedules proposed by the City of Whitehorse for the Neighbourhood Residential Zone have been referred by the Minister to the Residential Zones Standing Advisory Committee. In time it is expected that new schedules to the Neighbourhood Residential Zones will be applied, as happened with the new schedules for the General Residential Zone and the Residential Growth Zone.'

For the community, this means that the horse will have bolted and the undesirable aspects of the development application in all likelihood will be waved through by VCAT. Had the matter been heard after the adoption of the schedules a different outcome is likely.

102 Main Street.

Another example of the rash of proposals for Main Street properties which fail to respect their surrounds and the planning policies so recently approved to reinforce local character. There are features of this application which fail to provide sufficient space for canopy trees or car parking.

16 Main Street.

An application has been lodged for a building on this site of a scale which makes it impossible to conform to the aspirations of the community. A planning forum has been scheduled for the 13th November.

1 Salisbury Avenue, Laburnum.

The applicant for the Laburnum Post Office 2 storey building redevelopment has sought car parking dispensation in an already congested centre. We await a response from Council on this application.

8-10 Queen Street: Yet another Case of Pushing the Envelope.

Starting in August 2009 and for the next three years all sections of the local community contributed to the deliberations which finally, in the form in Amendment C143, set out the parameters for future development within the Blackburn Neighbourhood Activity Centre (now simply the Blackburn Neighbourhood Centre).

It is unfortunate that applications which blatantly ignore the aspirations for the Centre, as now set out in the policies and schedules of the Planning Scheme, are not rejected out of hand. Instead, as in the case of this recent proposal, valuable time and expense must be devoted by Council and objectors to dealing with an application such as the above, which seeks approval for a five storey building of fifty-one apartments with the usual reduction in specified car parking space.

Seventh Day Adventist Retirement Village Development.

The application is for six 4 and 5 storey aged care residential blocks on the old Seventh Day Adventists campground. The developer had been working with council to modify the initial plans to address concerns raised by objectors. The revised plans were presented to a few local residents, but not all objectors, for consideration. While the changes addressed some concerns they were mainly cosmetic and the proposal remained a significant overdevelopment.

The Applicant decided to bypass Council and applied to have the case heard at VCAT with the original plans citing failure to reach a decision in the required time.

Since then Council rejected the original application and a Directions hearing has been held at VCAT. At the VCAT hearing the applicant sought to submit the amended plans and vary hearing dates. The VCAT member granted the variations. A mediation hearing is now set for 27th January 2015 at 13:30 and the main hearing will now commence on 23 March 2015 at 10am, with a time estimate of up to seven days.

We wish all members and their families an enjoyable festive season and a healthy and happy New Year

Committee Members

President	Mike Taafe	Ph 0409 800 422	16 Eustace Street, Blackburn
Vice President	David Morrison	Ph 9894 2531	49 Glen Ebor Ave, Blackburn
Secretary	David Morrison	Ph 9894 2531	49 Glen Ebor Ave, Blackburn
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
	Brad Hogan	Ph	127 Central Road, Blackburn
	Lyn Smith	Ph 8812 2282	2 Parkside Street, Blackburn

An analysis of the new Residential Zones for Blackburn gazetted on October 14.

The government gazetting of the new zones proposed by Whitehorse Council is incomplete as the schedules for the Residential Neighbourhood Zone (the zone that provides the greatest protection against inappropriate developments and limited change) is still being reviewed by the government. This is of great concern as decisions related to the parameters listed in the table below, both in terms of the levels set and whether the parameters are discretionary or mandatory, will greatly influence the type of developments which will be allowable in this zone and thereby affect the amenity and liveability of Blackburn residents residing in this zone.

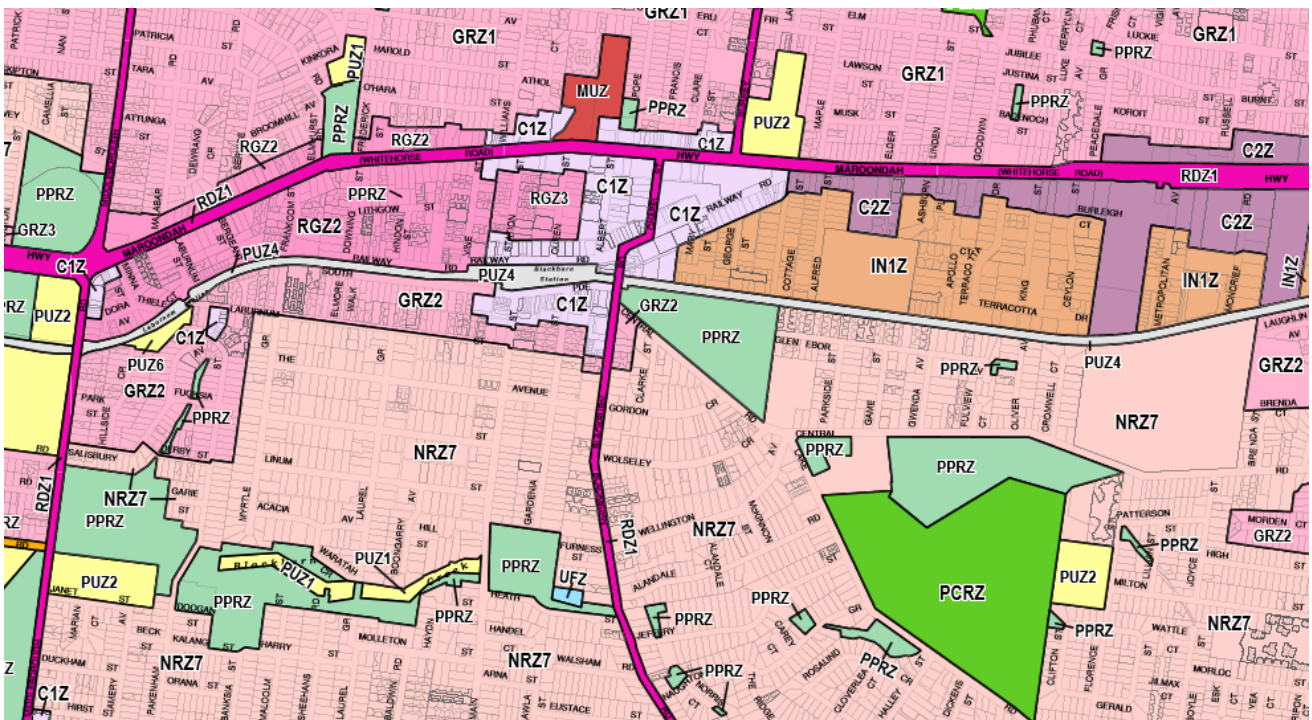
BLACKBURN (1)					
	NRZ7 (2)	GRZ1 (3)	GRZ2 (4)	RGZ2 (5)	RGZ3 (6)
Min Lot Size	*	No permit for 1 dwelling on a lot between 300 & 500m ²	Permit required to construct a building on a lot less than 500m ²	* Permit required to construct a building on a lot less than 300m ²	* Permit required to construct a building on a lot less than 300m ²
No of dwellings on a Lot	*2 dwellings per lot	*	*	*	*
Min Street Set-back	*Rescode A3,B6	*Rescode A3,B6	Rescode A3,B6 Garage set back min of 1m from front facade	*Rescode A3,B6	*Rescode A3,B6
Max Building Height	*8m or 9m (depending on slope) mandatory	*9m discretionary	10.5m or 11.5m where slope meets criterion	*	*
Site Coverage	*Rescode A5,B8	50%	40%	*Rescode A5,B8	*Rescode A5,B8
Site Permeability	*Rescode A6,B9	30%	40%	*Rescode A6,B9	*Rescode A6,B9
Landscaping Canopy Trees	*Rescode B13	Rescode B13 At least 2 at 8m	Rescode B13 At least 2 at 12m	Rescode B13 At least 1 at 8m	*Rescode B13
Side & Rear Setbacks	*Rescode A10,B17	*Rescode A10,B17	Rescode A10,B17 Min of 2m setback + additions for heights over 3.6m	*Rescode A10,B17	*Rescode A10,B17
Walls on Boundary	* Rescode A11,B18	Rescode A11,B18 1 boundary only set back 3m from building facade	Rescode A11,B18 Constructed only on one side boundary	Rescode A11,B18 Set back 3m from boundary, 1 side only	* Rescode A11,B18
Private Open Space	*Rescode A17,B28	Rescode A17,B28 Min 35 m ² area & 5m dimension	Rescode A17,B28 Min 35 m ² area & 5m dimension	Rescode A17,B28 Min 35 m ² area & 5m dimension	*Rescode A17,B28
Front Fence	*Rescode A20,B32	Rescode A20,B32 1.2m or 1.8m adjoining Cat 1 or 2 road	Rescode A20,B32 1.2m or 1.8m adjoining Cat 1 or 2 road	Rescode A20,B32 1.2m or 1.8m adjoining Cat 1 or 2 road	*Rescode A20,B32

*Not specified in schedules.

(1) The area bounded by Canterbury Road in the south, Springfield Road in the north, Middleborough Road in the west and Springvale Road in the east

(2) Refers to Schedule 7 of clause 32.09 Neighbourhood Residential Zone. In the area **west of Blackburn Road** the **northern boundary** starts at Blackburn Road and runs along to Main Street to The Avenue, along The Avenue to Laburnum Street, along Laburnum Street to Pakenham Street, along Pakenham Street to Derby Street and then Salisbury Avenue to Middleborough Road. The **southern boundary** is defined by Canterbury Road. **East of Blackburn Road** the **northern boundary** is defined by the railway line running through to Springvale Road. The **southern boundary** is defined by Canterbury Road. There is an area close to Springvale Road (situated around Brenda Court and Laughlin Avenue and Norden Court) zoned as GRZ2.

- (3) Refers to Schedule 1 to Clause 32.08 General Residential Zone – Established Garden Suburban Area. The **northern boundary** is defined by Springfield Road running from Middleborough Road to Springvale Road. The **southern boundary** is defined by Whitehorse Road running from Middleborough Road to Springvale Road.
- (4) Refers to Schedule 2 to Clause 32.08 General Residential Zone – Bush Suburban Precinct. The **southern boundary** is defined by the northern boundary of NR27 west of Blackburn Road and in the **north** by the railway line west of Blackburn Road (excluding the Blackburn Shopping Centre). GR22 zone also includes the area mentioned above east of Blackburn Road.
- (5) Refers to Schedule 2 to Clause 32.07 Residential Growth Zone – Substantial Change B. The **northern boundary** is defined by Whitehorse Road running from Middleborough Road to Chapel Street and in the **south** by the railway line running from Middleborough Road to Chapel Street (excluding the Commercial Zone C1Z)
- (6) Refers to Schedule 3 to Clause 32.07 Residential Growth Zone – Substantial Change C. The **northern boundary** is defined by Whitehorse Road running from Middleborough Road to Chapel Street and in the **south** by the railway line running from Middleborough Road to Chapel Street (excluding the Commercial Zone C1Z) there is also a strip to the north of Whitehorse Road between Middleborough Road and Williams Street.



New Zones – Blackburn See planning scheme maps at:
http://planningschemes.dpcd.vic.gov.au/_data/assets/pdf_file/0007/194614/whitehorse02zn.pdf