



BULLETIN

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In Retrospect

Regardless, or perhaps because of, other seasonal distractions December is the favoured month for putting planning proposals to the community. While the ink was still drying on that month's BVRG Bulletin discussions were being held and final responses sought by 13 December on a draft master plan for the land at 36 Central Road. Meanwhile, on 9 December, the revised drafts of the Whitehorse Housing and Neighbourhood Character Reviews were presented to Council and hard on the heels of that the revised plans for the Seventh Day Adventist Retirement Village and new plans for the Seventh Day Adventist Church, were the subject of a forum held on 17 December while the online forum on Healesville Freeway Land closed on 23 December. We report further on all these and other matters.

New Residential Zones, Housing & Neighbourhood Areas

It was a relief to note that in the revised Draft of Whitehorse Neighbourhood Character Areas presented to Council at their 9 December meeting, the previously proposed new category of Natural Change with Access had been deleted. However, it was of concern to find that Council was still proposing a far smaller proportion of the municipality be designated Neighbourhood Residential Zone (and thus under less stringent development control) than some of its neighbours. It was also of concern that the amount of residential land to be zoned for Residential Growth was well in excess of predicted requirements.

To some extent these concerns were recognised when the Neighbourhood Character Draft, together with the Housing Strategy and Neighbourhood Activity Centre Guidelines were again presented to the January meeting and Council approved an amended motion which approved corresponding revision of zones in a few specific areas before the documents were released for a four week period of community comment (14 February – 14 March). (This replacing the usual exhibition of a Planning Scheme Amendment).

The response to this exercise was therefore the last chance for residents to register their views on the need for retention and reinforcement of planning measures preserving their amenity, including the introduction of firm limits on the type of development to occur in Substantial Change Areas. While the Council can do little about the intrusive 'As of Right' opportunities in the new Zones now extended by the State Government we welcome the ability to incorporate into the Scheme those measures which aim to protect the environment from some of the all too familiar results of insensitive development.

While the revised documents were much as expected we found a few 'devils in the detail' in the proposed Planning Scheme clause on Housing and were disappointed to find that none of our recommendations on moderating the scale of buildings in Neighbourhood Activity centres had been acknowledged. Unless there is some change of heart by Council before the Amendment takes effect (no later than 30 June) we shall be left with the potential for incongruously tall buildings being crammed on to small local shopping centres.

Plan Melbourne

The BVRG response was not the only one critical of this document and its validity was further compromised by reports that five of the six member Advisory Committee, whose discussion paper was a precursor, had disassociated themselves from the Plan.

One of the major points of contention has been the decision to press ahead with the East West Link without adequate consultation or supporting evidence. While this might not appear to impinge on Blackburn residents as closely as some of the local planning policy decisions it is an outstanding example of State Government ignoring the pressing need for transparency and due process.

Members might therefore wish to demonstrate their opposition to the project by making a donation in support of the Royal Park Protection Group Inc. (RPPG) and Protectors of Public Lands Victoria Inc. (PPL VIC), the only community groups so far to have engaged a legal team to make a submission in March to the Comprehensive Impact Statement (CIS).

Direct deposits of donations can be made to Protectors of Public Lands Victoria Inc. at MECU BSB 313 140 Account No 23145714. Or to the "Royal Park Protection Fighting Fund": MECU: BSB 313 140 Account no. 23145824. (Ring MECU for any queries on 132888).

N.B. At the time of writing release of the final Plan Melbourne document, which was to be in early January, is still awaited.

Removal of Blackburn Rail Crossing: Member Survey

Although undertaken in the December holiday period over 25% of BVRG members responded. This demonstrated the high rate of interest in the proposal. In raw terms

support for removal slightly outnumbered retaining the present system but the analysis of individual comments revealed that those of both persuasions believed their choice was the most likely to retain and enhance the present character of the area surrounding the station and level crossing. Whatever the final decision it is obvious that residents believe there is potential for improvement both in traffic flow and controls and for future development of the affected area. Unfortunately the works are largely out of the control of Council and ultimately it may only be public pressure that will determine the extent to which the Department responds to the community concerns.

The Status of the grade separation project, given government announcements for grade separations along the Dandenong rail corridor is not known, but VicRoads plans are with the state government for budget consideration. The plan likely to be implemented if funding is provided will retain the station at its existing location however new entrances will see ramps changed to reduce steep grades and linkages with a Box Hill to Ringwood bicycle path that will follow the railway line. The rails will be lowered below Blackburn Road and the cutting will extend east 1.5 km to around Cromwell Court where it will reach natural ground level. Pine trees along the rail line at Morton Park along with other trees will be removed to allow the works to proceed. Morton Park will be used as a dumping area for soil removed from the cutting.

Railway Station Stakeholders

Further to the above item in following up on grade separation matters with VicRoads we were invited to a 4 February Station Entry Upgrade Stakeholder Workshop. The title might suggest a consultative forum but in reality was an activity allowing the convenors to gauge views on largely predetermined options.

BVRG expressed the community concern that trees where possible should be retained or replaced if removed, that the station canopy and entrance should reflect the village scale and context of the centre and that the crossing bridge at Blackburn Road should be as wide as possible to allow easy pedestrian and cycle thoroughfare.

VicRoads advise that once funding has been approved the community will be given an opportunity to comment on the then final design options.

Hot Planning Issues.

Seventh Day Adventist Retirement Village & Church

The applicant is presently discussing with Council a proposed revision of plans for the Retirement Village on the former campground site and public debate on the matter is therefore currently 'on hold'.

The plans for the Seventh Day Adventist Church on Central Road were however considered by Council at its meeting on 17 February when after much debate the application for a permit, subject to extensive conditions, was approved.

Lake Road Parkland

Council has advised that a draft management plan for land acquired by Council several years ago at the corner of Lake Road and Central Roads (36 Central Road) should be released to the community for feedback before Easter. We are advised that the draft plan generally follows community feedback for a low key open area with paths, plantings and fencing that complement the Blackburn Lake Sanctuary. It includes paths within the site and through the trees along the nature strip from the front gate of the Regis aged care facility to the roundabout at St Thomas's. A path also links eastward to the Blackburn Lake Sanctuary from the front gate of the Regis aged care facility. Parking treatment will be more formal along parts of the Central Road frontage to delineate where cars are allowed to park.

Healesville Freeway Land

On 25th November 2013 the Minister for Roads Terry Mulder announced the three VicRoads options for the use of the 3.5 km of freeway reserve. The options presented retained only 40% to 45% of the available land for open space. Each plan includes significant areas of housing, particularly between Morack and Boronia roads, west of Terrara Rd and east of Davey Lane reserve.

Community dissatisfaction of the VicRoads options has seen the development of two possible alternative options that maximise the retention of the open space that now exists.

- **Preservation** - with no housing and the Shared path/Biolink
- **'Low Impact Housing'** - with the Shared Path/Biolink and small pockets of single storey, small foot print affordable houses for first home buyers and people to down size to.

City of Whitehorse also has also developed a proposal to retain 81% as open space.

If they win government, the ALP has promised to keep all the reserve as open space, handing it over to Parks Victoria, with \$650,000 promised for a biolink/shared path.

At a community Action Day at Bellbird Dell on 23rd March 2014 an overwhelming majority of respondents (758), who voted on the available options, supported the 100% open space option compared to 1% who supported the Vic Roads option.

60 Main Street

Appropriately, after more than sixty submissions had been lodged, Council in late December rejected the application to develop the site with three new two storey dwellings. The grounds for the decision were based on the failure to comply with State and Local Planning Policies, failure to effectively respond to Overlay conditions and to satisfy a number of Rescode conditions.

The primary interest in this proposal was obviously pecuniary and as such we must expect that plans for development of the site will ultimately re-appear in a different form; how far they respond to the sensitive nature of their location remains to be seen and this will certainly be a matter for close scrutiny by BVRG members and other local residents.

104 Main Street

Following the lodgement of a new permit application for the construction of a 3 storey apartment block at 104 Main Street, Anne Hollensen (Principal Planner with the City of Whitehorse) approached BVRG with a view to obtaining the participation of residents in a forum to be held on February 4 2014.

The aim of the planning consultation forum was to generate a shared understanding of the proposal and any issues and concerns from all perspectives and to explore ways that the concerns might be addressed, in an informal and constructive atmosphere. No decision regarding the application would be made at this forum, but the key issues raised and any possible solutions identified would be documented and reported as an input to Council's decision-making.

Mike Taafe (BVRG) contacted a number of objectors and a meeting was convened to nominate speakers for each of the issues to be discussed at the forum. Mike was fortunate to have as co-speakers concerned residents including Wendy Bristow, Jenny Downes, Peter Dickson, Laura and Rob Del Ponte and Michael Hassett. The Council was represented by Anne Hollensen and Councillors Denise Massoud and Andrew Munroe while the developer was represented by a member of a town planning firm and the architect.

Subsequent to the forum, the Council rejected the permit application citing similar grounds to the rejection of the first permit application namely the proposed building:

- Represented an overdevelopment of the site
- Was incompatible with the neighbourhood character
- Height and setbacks were not consistent with a natural change area
- Was excessively bulky
- Did not provide for adequate landscaping opportunities

The developer has subsequently referred the application to VCAT. A Practice Day hearing is scheduled for 11/4, Mediation 29/4 and a Hearing commencing 16/6 for 5 days, if mediation fails. Once again community support at the hearings is encouraged.

Developments which Ignore Neighbourhood Character

Save Our Suburbs (SOS) draws our attention to a recent VCAT case which sets a precedent in dealing with applications which are 'out of character' such as those mentioned above. The appeal *Lamaro v Hume CC & Anor*; VCAT 957 (13 June 2013)

sets out reasons for residents to better argue their case (both at VCAT and with councils) against inappropriate designs that fail to adequately take local character and site context into account in the assessment of amenity impact under Rescode. For more information see: <http://www.sos.asn.au/category/help-arguing-rescode-amenity-standards-vcat>

From the Archive....

A piece from BVRG Bulletin twenty years ago (June 1994) 'It seems that the laudable aim of streamlining the planning system can only be accomplished at the expense of third parties (usually residents). In a process initiated by the previous State government and now enthusiastically embraced by their successors, the interests of uniform development are taking precedence over local needs.

This approach is epitomised by the recently proposed McDonald's Amendments which seek to allow 'as of right' establishment of Take Away Restaurants in residential areas.'

It seems that very little has changed.

Committee News and Membership.

Welcome to new members of BVRG. We encourage active involvement and if you have enthusiasm and a desire to retain the unique bushland environment that characterises Blackburn there is always room on the committee.

There are always planning issues arising and it could be next door to you so community support is critical.

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