



## **BLACKBURN VILLAGE RESIDENTS GROUP**

*Protecting the distinctive features of Blackburn since 1987*

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## **BULLETIN No. 58**

**July 29, 2006**

### **A Long Road to the Lake Road.**

Earlier this month it seemed that funding for purchase of the Central and Lake Road blocks was assured—at least according to statements made to the local Press by Federal Member Mr Phil Barresi, State Member Mr Tony Robinson and Council. And last Thursday at noon (27 July 2006) Mr Steve Bracks, the State Premier, visited the Blackburn Lake Sanctuary with the Mayor, Ms Sharon Ellis, the CEO, Ms Noelene Duff, and various Councillors and officers.

Several of us turned up for the low-key affair, where Mr Tony Robinson introduced the Premier, who announced to the delight of the residents, that he was signing a contract with Council to hand over \$1.5m as the State's contribution for the purchase of the land. The contract is, of course, conditional on the Federal Government coming to the party but he seemed very confident that that would happen and urged the Commonwealth to act on this issue immediately. The Mayor also announced that Council's share of \$1.5m was assured.

Interestingly the Regis Group, owner of the former Deaf Society facility, who so recently claimed its intention to ensure ongoing quality care for residents and staff, retention of historical ties and forging of strong links with the community, has been the subject of a takeover bid by DCA Group Limited. However negotiations have since been ceased due to the inability of the parties to agree on price. Blackburn Lake Sanctuary Action Group (BLSAG) representatives contacted that corporation during its due diligence exercise in order to make abundantly clear the views of local residents, particularly with regard to the open space environs of the retirement home.

Those with sufficient stamina will recall attending the first public meeting on the future of the Deaf Society site, which was held by concerned residents on 8 September 2004 in the VFN Hall, Gardenia Street. BVRG representatives at the meeting undertook to help inform residents of the development proposals, which was achieved by means of an extensive leaflet distribution. Then, together with the Blackburn and District Tree Preservation Society, we arranged a public meeting at the Lake in mid-October in order to facilitate the formation of a spearhead residents group opposed to the development. It was then that the Blackburn Lake Sanctuary Action Group (BLSAG) was born and since then (along with all the associated local organisations and individuals) the group has soldiered on in order to save as much as possible of the threatened environs of the Lake Sanctuary. It has been a long and arduous battle by ordinary residents who genuinely cherish their local environment. We are most grateful to Tony Robinson, who has worked tirelessly behind the scenes, and to Phil Barresi, who hopefully will continue to work his magic in Canberra. His public comments now certainly provide cause for increased optimism.

## **VCAT hearings: Good, Bad and Indifferent News.**

### ***Seventh Day Adventist Site, Central Avenue***

The Tribunal hearing the appeal on the Seventh Day Adventist (SDA) proposal surprised the parties attending a Directions Hearing on 23 June. Having received a submission on behalf of the applicant, in response to the Departmental Report on the conservation significance of the site (see last *Bulletin 57*), The Tribunal decided that there would be no further hearings but that all parties should have an opportunity to respond in writing to the SDA submission and the applicant in turn would be given an opportunity to reply to these no later than 26 July.

The BVRG has combined with other community groups with a written response that include a supporting opinion from the Environmental Defenders Office (EDO). We await the Tribunal's decision with great interest.

### ***27 Merle Street, Blackburn North***

In the 27 Merle Street case the Tribunal, while agreeing that the site is suitable for some form of medium density housing, found that the proposed development raised a number of amenity issues, and decided that the applicant be given an opportunity to address these in amended plans on which Council and objectors such as BVRG could comment. The local residents put up a strong case for the preservation of the area's Neighbourhood Character— i.e., single storey and single residence on the block—but Council Officers recommended that the site was suitable for two residences if the plans were amended. It is extraordinary difficult at VCAT, for residents and neighbours opposed to medium density on such a prominent corner site, if the Council Officers decide that tweaking the plans is acceptable.

### ***12 Fuchsia Street***

In June Ian Swann presented the BVRG submission on 12 Fuchsia Street where a swimming pool is planned requiring removal of several trees. The result of that hearing has not yet been released. It would have been extremely helpful to all parties if Council had organised a Planning Forum. We believe the parties could have come to an amicable agreement and avoided the VCAT hearing.

### ***75 Railway Road***

Also in June, Elaine Atkinson presented the BVRG submission on 75 Railway Road. In this case the applicant sought a four-storey extension and car parking dispensation. Council were prepared to accept a three-storey building, which would remove the requirement for parking dispensation. Fortunately the Tribunal rejected the application, stating that:

*The built form and parking outcomes over-step the test of acceptability when considered together.*

The 75 Railway Road VCAT hearing did however throw up a number of important issues:

- The first is the need for BVRG to move to an incorporated body. Unincorporated groups cannot be a party to a VCAT hearing except as individual members. We have managed in recent hearings to be under the umbrella of other groups, however, with more frequent appearances we need to ensure our submissions carry the appropriate weight.
- Residents are unable to object to height, bulk or other building works in Business Zone 1 according to The Planning and Environment Act. The Tribunal member criticised Council for not notifying objectors on this point of law. The determination stated:

*. . . this situation continues to arise in Tribunal proceedings. Permit applications are being advertised . . . without any indication to a prospective submitter that their rights to participate are limited . . . Advertising must specify when exemptions apply.*

- BVRG has for some time been seeking support from Councillors and council officers for an interim height control over the Blackburn Shopping Centre to the north of the railway line. Our concern is that the current numerous zones each have particular provisions, some include height and others don't include height. The shopping centre is vulnerable to a Mitcham type tower development application. Council officers have indicated a structure plan is some time off (perhaps years) but that strategic studies that have been undertaken provide a sound basis for decision making. The Tribunal in their determination took a different view:

*Despite there being policies in relation to building heights for land to the north of the review site and south of the railway line, there is by comparison a policy vacuum in relation to the built form outcomes for the Railway Road frontages.*

#### **BVRG will again be taking up this issue with Council.**

- In the absence of a clear policy for Business 1 Zone in Blackburn north of the railway line, Council Officers have apparently devised guidelines for building height that have neither been ratified by Council nor been through any public consultative process. In the submission to the Tribunal on behalf of Council, the Council Officers intimated that they would accept the application if it met those devised guidelines. BVRG is concerned that until formally adopted by Council there is no binding policy, and that the Planning Act and supporting directives require consultation before arriving at such policies. The structure planning process must involve key stakeholders such as the community (residents), landowners and infrastructure providers.

#### **CROWAG Meeting with Council.**

Unfortunately, the Mayor was the only Councillor present on 20 June at a meeting requested by the Combined Residents of Whitehorse Action Groups (CROWAG) to discuss Sustainability and Environment issues. Two Council Officers from the planning department were also present but not the Sustainability Officer. A number of concerns and queries were raised ranging from Planning and Conservation to Infrastructure and Public Open Space. The General Manager City Development, Paul Kearsley, challenged the statements based on the ARCUE Public Open Space database which ranks Whitehorse low on the municipal list for such space. One of the participating groups asked for explanations of the reasons for that challenge and in a preliminary response from the CEO, Ms Nolene Duff suggests that the study fails to apply uniform measures of comparison between municipalities. This issue is now being followed up more closely, particularly as accurate details on the amount of public open space is of increasing importance in the face of pressure from building development.

The meeting achieved its objective of introducing the combined group to the Council. The Mayor also agreed to follow up response times, from Council, to correspondence either written or via email. At times these have been slower than good governance would recommend.

#### **Whitehorse Council Advisory Committees**

##### ***Parkland Advisory Committees and Bicycle Advisory Committee***

The BVRG has received nomination forms for anyone interested to nominate to either one of the Council's Parkland Advisory Committees or the Bicycle Advisory Committee. Both have an application deadline of Friday 18 August 2006.

Please contact Dion Scott (9262 6101) about the Parkland Advisory Committees and Steve McGrath (9262 6389) for the Bicycle Advisory Committee.

## Amendments to the Whitehorse Planning Scheme

- **Amendment C55 (Lot Size Trigger)**

This amendment has been abandoned as we foreshadowed in the last *Bulletin 57*.

## Local Laws

Council has undertaken a review of the Local Laws and related policy and, especially because of the many close connections between these and planning controls, the BVRG submitted a number of comments and suggestions. This matter is expected to be debated by Council in August.

## Streamlining the Planning Process

At the time of writing we still await the final report, promised for June, of the exemptions and ‘quick fix’ changes to the permit process, which are then to take effect. This report, *Streamlining the Planning Process—Cutting Red Tape Review* will also include recommendations for other changes ‘ . . . to further improve planning processes across Victoria’.

We wrote in the last *Bulletin* about these moves to speed up the planning process, often by further curtailing third party rights in permit applications, rather than by addressing the problems arising from an inadequately resourced system, bedevilled by discretionary interpretations.

Although Whitehorse combined with other eastern region councils to support a report on the need for major reforms to the system, our Councillors have apparently taken very little interest in these ‘quick fix’ changes, despite the Mayor’s statement in May that they would review them. Unfortunately Council Officers, in their February submission, had already made clear their preference for many of these changes and for others now in the pipeline.

The system is undoubtedly in need of reform but we hope our Council will not simply agree to measures purely on the (sometimes unsubstantiated) grounds that they are time-saving.

## Subscriptions and Incorporation

Unfortunately all the activity reported earlier requires expenditure, however tightly we control the process and despite the generous contributions of committee members. We thank those members who made early payment of their 2006/2007 subscription and as this is now due we ask those who haven’t yet paid to do so now—see the following slip.

It is very important that we can confirm all paid up members, as, please note in your diary, we will be holding a **Special General Meeting on Thursday 31 August 2006 at 8 pm at 40 Main Street, Blackburn** to make the formal decision on incorporation of the Group. In reality incorporation will involve very few changes of substance to our organisation but will nevertheless require approval of the majority of those members who attend this special general meeting.

**ARE YOUR FRIENDS OR NEIGHBOURS INTERESTED IN  
BLACKBURN AND IN PLANNING ISSUES?  
SHARE THIS BULLETIN WITH THEM.**

**IF YOU HAVE NOT YET PAID YOUR 2006/2007 SUBSCRIPTION, PLEASE  
COMPLETE THE FORM BELOW AND RETURN TO THE TREASURER**

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**TO: Honorary Treasurer, Blackburn Village Residents Group  
16, Ronley St, Blackburn 3130**

I/we attach our 2006/2007 contribution:

Name/s.....

Address.....

.....Postcode.....

Phone (H).....(W).....

Email .....

**Please attach cheque (single or family \$10/concession \$5) made payable to BVRG and  
crossed 'Not Negotiable' and post/deliver to above address.**

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