



BLACKBURN VILLAGE RESIDENTS GROUP INC.

Protecting the distinctive features of Blackburn since 1987

BULLETIN

www.bvrg.org

Bulletin 99

June 2022

2022/23 Subscriptions Due.

2022/23 subscription notice is enclosed.

The annual subscription is \$10 for individuals and \$15 for families, \$100 one-time life membership.

We now Bank at Bendigo Bank, Blackburn South.

Please check Banking details below.

Account Name – Blackburn Village Residents Group

Account Number – 182035808

BSB – 633000

Details – please include your first initial and surname e.g., *J McKenzie or McKenzie Family*

Welcome to our BVRG Bulletin. As you will note below your committee has had another busy year. The number of planning applications has accelerated since the COVID pandemic struck and consequently there has been an increase in VCAT hearings that BVRG makes submissions to.

Members have expressed great concern to the BVRG committee over recent months with the acceleration in tree canopy loss that is evident in Blackburn. These observations are backed up by recent studies carried out by RMIT researchers and explained in the City of Whitehorse Urban Forest Strategy documents.

The City of Whitehorse Urban Forest Background Paper¹ shows that the rate of tree canopy loss in the Whitehorse suburb of Blackburn was about 1% per year between 2014-2018. This was despite a large part of the suburb having SLO1 and SLO2 tree protection. Tree canopy loss in Blackburn was 60% higher than the average loss across Whitehorse in the four-year period.

The average canopy cover for the overall municipality fell from 20.66 % in 2014 to just 18.45% in 2018. And the alarming thing is that the rate of loss is accelerating. Illegal canopy tree removal is rife and VicSmart and normal Planning permits are being approved in greater numbers. Council is limited in its ability to penalise illegal tree removal.

BVRG is lobbying for a mechanism, for councils to issue stop orders, to be included into the compliance and enforcement regime for flagrant breaches, until all legal

¹ http://whitehorse.infocouncil.biz/Open/2021/04/CO_20210419_ATT_1118.htm#PDF3_Attachment_8470_3

matters are resolved. BVRG believes that we are in crisis due to the accelerating rate of loss. Clearly the current planning scheme even with SLO 1 and SLO 2 is inadequate to arrest the decline.

One recent matter illustrates the role of council in approving multiple tree removals at a concerning rate and raises other issues in the way council considers applications for canopy tree removal prompting BVRG to apply for a review of a council decision at VCAT. The decision relates to granting an application to remove 6 significant canopy trees from 32 Laburnum Street Blackburn. We expand on this below.

We invite you to renew your BVRG membership (life members excepted) to support the work that the committee undertakes.

We have joined forces with the Blackburn Tree Preservation Society, to set up a fighting fund for the VCAT hearing to review council's decision at 32 Laburnum Street. See below. VCAT fees and the fees of an expert witness at VCAT will cost about \$5000. Tax deductible donations can be made at **Link**. See the information flyer also.

See updates below, on some planning matters listed in our last bulletin.

SLO9 (tree protection for Whitehorse)

An update on this matter - In March 2016 Council started consideration of municipality wide tree controls. Since 2018 a planning amendment to introduce a Significant Landscape Overlay (SLO9) has been waiting ministerial sign off. The Planning Minister, Richard Winn, however, has only agreed to interim controls, first for 6 months and then extended another 3 times, for 12 months, 6 months and 12 months to 30 June 2021. There has been assurance given that at the end of June the interim controls will be rolled over with a further extension. The delay is due to a broader DELWP strategy is underway that is seeking ways of greening Melbourne including trial pilot schemes in a small number of municipalities. See Cooling and Greening Melbourne below.

Cooling and Greening Melbourne

A project run by DELWP to address Action 91 in Plan Melbourne, the Melbourne Master Plan for 2017 to 2050. Action 91 is a set of principles, outcomes, and guidelines. Direction 6.4 in the Plan Melbourne Action Plan is "Make Melbourne cooler and greener" with a population growing to around 8 million by 2050. Action 91 sets out a work program to develop a whole-of-Melbourne government approach to cooling and greening Melbourne. It has a short to medium time scale of 0-5 years.

DELWP recognise that about 50% of tree canopy across Melbourne is on private land, which has the fastest rate of land use change and that the rate of canopy loss is the greatest issue. The Cooling and Greening Melbourne project aims to increase canopy from 15% to 30%. The project's focus is on the cooling effect of vegetation and not specifically on neighbourhood character.

The project has been mapping the existing vegetation coverage across Melbourne (with RMIT University). This is the work that has underpinned the canopy loss figures in Whitehorse. The project has been also working with individual Councils to assist them develop Urban Forest Strategies.

A number of councils are to run 12-month pilot schemes of strategies that improve cooling through canopy planting, in line with the sort of broader controls in Whitehorse. The findings will enable standard state-wide changes and triggers to be implemented into the planning scheme.

While the cooling and greening aims are welcome, future changes to the planning scheme must protect existing as well as nurture more vegetation across urban Melbourne. To apply state-wide triggers and standards that have lower thresholds than existing Significant Landscape Overlays (SLO's) would result in unintended consequences.

These include:

- Delays in implementing controls pending pilot scheme outcomes will see the ongoing decline of existing canopy cover at an unacceptable rate in parts of Melbourne such as Whitehorse, where tree canopy still is in place.
- The results of the pilot projects might lead to a standard provision in the planning scheme for retention of or provision for adequate planting space on development sites for all municipalities. However, a single standard would likely reduce the existing protection provided by SLO's. The result being an improved canopy cover in some of the western grassland municipalities with few trees but continue the ongoing loss of existing canopy in municipalities such as Whitehorse with no net cooling effect across all of metropolitan Melbourne.

We hope for outcomes that match the lofty aims.

Strategic Direction for Box Hill.

Structure Plan.

Progress on the City of Whitehorse Box Hill Structure Plan, which *'aims to reconcile the significant forecast growth in population, housing and employment with the necessary underpinning amenity, character, connectivity and resilience to support the centre's role as the pre-eminent urban centre for Melbourne's east.'*

The Structure Plan would set out planning controls in the planning scheme, however things have not progressed since our last newsletter. We have been reporting on progress (or lack) since June 2018. The existing structure plan dated 2007 didn't anticipate the level of growth in Box Hill nor the likely height of buildings. The lack of a current structure plan means that the development in Box Hill proceeds without a coherent plan.

The lack of street level amenity because of boundary-to-boundary high rise buildings, narrow footpaths, over shadowing, wind effects traffic and parking are all issues to be managed by residents, workers, and commutes already. On top of that the state government's suburban rail loop (SRL) will include an underground railway station at Box Hill, that at this stage is not planned to connect underground to the existing station or do anything that would rectify the issues with the existing bus and train

interchange. Geotechnical work has commenced for the construction program over the next 10 years. More on the SRL below.

Vicinity.

Of the recently approved developments, Vicinity, (The shopping centre owner) were granted a permit to build a 28-storey office tower and a 51-storey residential tower north of the railway in the site where Coles was located. The development will include enhanced street amenity at the west end of Market Street with stairs and lifts to an extension of Prospect Street. The development will close off the loading bay bridge that has provided the only easy north/south link for pedestrians and cyclists not wishing to wade through the congested shopping arcades. Council has secured a small land swap for a future pedestrian/cycle overpass to link Nelson Road to Thurston Street, a link that would allow existing principal cycle links to existing east/west and north/south routes. There is however no commitment from any level of government to provide funding.

Suburban Rail Loop (SRL)

Stage 1 connecting Box Hill with Deakin University, Monash University as well as the Frankston, Dandenong, and Glen Waverley rail lines has progressed. The panel hearings have been held for the Environmental Effects of the projects. The Panel report has yet to be released.

A Project Reference Group has been established and meets quarterly. The reference group provides 'an effective forum for SRLA to directly engage with key stakeholders and community members during the planning, development and delivery of SRL.' David Morrison, representing The Combined Residents of Whitehorse Action Group (CROWAG) is a community representative and is happy to raise community matters with the group. He is also BVRG secretary and can be contacted by email at bvrg@gmail.com.

Project details can be found at <https://engage.vic.gov.au/suburban-rail-loop-stage-one>

Big picture timeline



Figure 1. Suburban Rail Loop Timeline.

Advocating for Federation Brickworks Site.

With the rapid development of Box Hill, population increase has been, and will continue to be dramatic. Box Hill was already poorly served with public open space.

State government projects – Level Crossing Removal at Mont Albert and Surrey Hills, The North-East Link and the Suburban Rail Loop have and will consume existing public open space. The SRL project will occupy a large portion of the Box Hill gardens for the next decade and possibly longer.

BVRG and other community groups across Whitehorse have advocated for the State Government and Whitehorse Council acquire and rehabilitate the Federation Brickworks site at Box Hill into public open space. It is a large site currently compromised, as it was an old clay pit used for landfill. The site is a large (approx. 7ha) (none other equivalent available near Box Hill) that could be replanted with offset planting for the loss of canopy trees at the other big build projects. Whitehorse has a Public Open Space Reserve Fund holding of around \$52 million, and we have urged Council to seek co-funding with the State Government through the SRL Community Grant Fund² which has \$250m available for grants.

Local Planning Issues.

BVRG continues to provide support to and encourages members to be proactive when impacted by inappropriate planning applications. The Whitehorse Planning Scheme provides clear guidance on the preferred character outcomes for a residential area within Blackburn significant landscape overlays. There is an unfortunate trend with more applicants choosing to appeal to VCAT if council rejects an application. This then requires objectors who wish their views to be heard to make a submission to a VCAT hearing. This for some is too daunting a prospect and as a result they are disenfranchised from the process.

32 Laburnum Street – The community has had enough and is taking Council to VCAT

25 residents objected to the application for a permit to remove 7 large, protected canopy trees from the front setback of 32 Laburnum Street in Blackburn. A forum was held with numerous arguments indicating the weaknesses in the documentation submitted to Council. Even more residents joined in the battle to save the trees sending evidence and further arguments to all Councillors and the CEO before the matter was voted on at the Council meeting of 26 April 2022. The vote was tied with the Mayor, Councillor Tina Liu, exercising the deciding vote to grant a permit. Six of the trees are mature sugar gums and one is a lemon scented gum. As the photo below shows, most of the trees are intertwined in a cluster at the front of the site. The removal of the trees will have a major and irrevocable effect on the street and neighbourhood not to mention the loss of habitat, especially nesting hollows for birds and other wildlife.

² <https://bigbuild.vic.gov.au/library/suburban-rail-loop/planning/srl-community-projects-fund-grant-guidelines>

All of the trees are protected under the Whitehorse Planning Scheme SLO2. BVRG has expert advice which suggests that the majority of the trees are being needlessly removed and so we are taking the Council to VCAT and have lodged an appeal of their decision. The first step is a Compulsory Conference scheduled on 23rd September 2022 and if that fails to reach an outcome a hearing is scheduled for the 6th of February 2023.

Taking action at VCAT is a serious step that will involve costs in the order of \$5000. Financial support has already been offered by some individuals as well as other community groups including The Blackburn Tree Society and Combined Residents of Whitehorse Action Group (CROWAG).

We need your help

No matter how close you live to 32 Laburnum Street we need your help.

- If you were an original objector to WH/2021/978 and you would like to be involved, please ring or email BVRG.
- If you are not a member of Blackburn Village Residents Group but are willing to sign a proxy form supporting the action of BVRG, let us know, please ring or email BVRG.
- Please contribute financially by,
 - Making a tax deductible donation to the Save Blackburn's Tree Canopy cause: <http://www.givenow.com.au/treecanopy>
 - Become a member of BVRG: www.bvrg.org
- Help with letter boxing flyers, like this one or, place this flyer on your property inside the fence line to promote the cause.



More details can be found at the BVRG web site - <https://bvrg.org/hot-planning-issues/>
Please get involved in any way you can. Email us or ring.

Please get involved in any way you can.

More Information.

For more information or how you can provide support, go to www.bvrg.org , email to bvrg@ymail.com or call Mike Taafe on 0409 800 422.



The beautiful trees at 32 Laburnum Street, Blackburn

110 Blackburn Road – a poor outcome signed off by Council.

This was another decision which shocked residents. A permit application was lodged with the Council that involved removal of all 6 eucalypts in the front setback. The applicant proposed replacing the 6 indigenous canopy trees with 5 Japanese Maples. A large number of objections (47) were lodged by Blackburn residents. Despite a forum involving the Council, applicant, and objectors no change was made to the application. This is despite the extent of concerns raised by residents regarding the impact of the removal of every tree in the front yard and the poor-quality reports on the trees.

The application was voted on at a Council meeting where a majority of councillors voted to support the removal of 5 iconic Mealy Stringybark trees and retain one Yellow Box on its own, with conditions being imposed that required the replanting of 5 trees. At least 4 of the trees are to be replanted in the front setback.

The delegate's report recommended the removal of the trees based on the report of the Council Arborist. BVRG was shocked to read in the Council Report that the removal of the five protected trees is acceptable and should not unreasonably impact the amenity of the adjacent properties.

There are no canopy trees in the rear setback of the property, and the planting scheme submitted shows all of the replacement trees in the front setback clearly

inconsistent with the provisions of SLO2 and the Preferred Character Statement for sites in a Bush Precinct. Following the notice of decision from Council work started on renovations to the existing dwelling which include building a new carport in close proximity to the fence.

VCAT Hearings

BVRG has attended 3 hearings and made submissions this year with affected residents for planning applications heard by VCAT with another 3 scheduled in coming months. Hearings are now conducted via Zoom on the internet. For objectors able to manage a computer it means that hearings can be attended without leaving home. For some it is a less hostile way of having objections considered. BVRG strike rate for applications to be denied at VCAT is good:

VCAT Decisions made.

139 Canterbury Road Blackburn

on 13th January 2022, VCAT approved an additional new two-storey dwelling facing Ronley Street on the corner site where there is an existing dwelling at the front of the property facing Canterbury Road. The addition of the new building will increase the site coverage to over 40% on a site located within SLO2 and where the buildings should be less than 33% of the site area at ground level. The hearing was heard on 1st November 2021.

1 Andrew Street, Forest Hill

On 16 August 2021 VCAT approved the application for construction of a single dwelling allowing removal of a significant tree that it was hoped could be designed around and exceeding building footprint trigger.

18 Masons Road, Blackburn.

On 3rd February 2022 VCAT rejected an application for construction of a single dwelling. Issues of concern included unacceptable amenity impacts by way of visual bulk, inadequate setbacks, changes to natural ground levels and drainage due to excessive underground works, landscaping, and failure to achieve a Bush Character for the site.

24 Glen Ebor Avenue Blackburn.

The proposed development involves demolishing a single storey dwelling and replacing it with a large double storey weatherboard 'Hampton style' residence with Colourbond pitched roof, comprising 4 bedrooms, a bathroom and 2 ensuites, kitchen, walk in pantry, laundry, dining room, living room, sitting room, study, porch, rear veranda/spa, a double garage, and a separate outbuilding. Objection lodged 28th Jan 2021. Forum held 24th. NOD to refuse 22/9/21

VCAT Decisions Pending.

27-29 THE AVENUE, BLACKBURN

The applicant seeks an amendment to planning permit to construct a pool where previously there was a garden proposed. The VCAT hearing was held on May 2, 2022.

32 Fuchsia Street Blackburn

The proposal removes the existing house and most of the protected significant trees. Council refused the application on the basis that the 3 significant trees, identified by the Council arborist as worth keeping, could be designed around. They provide a streetscape perspective provide a significant contribution to the landscape character of the area.

Upcoming VCAT hearings.

9 Rosalind Crescent, Blackburn.

The proposal in an SLO2 removes the existing house and most of the protected significant trees and seeks avoid implementing landscape works until after occupation of the new dwelling. The VCAT hearing is scheduled for the 9th of July 2022.

6 Brenda Court, Blackburn.

Building application with excessive site coverage, inadequate front setback, and landscaping and seeking to lop a significant tree to enable construction. The case is due to be heard on 23rd September 2022.

32 Laburnum Avenue, Blackburn

Removal of 7 large, protected canopy trees from the front setback was approved by a majority of one Councillor at a meeting of Whitehorse City Council on 26 April 2022. However, expert advice to Blackburn Village Residents Group (BVRG) suggests that the majority of the trees are being needlessly removed. BVRG has lodged an application for review with VCAT on behalf of the community. The hearing is scheduled 6th February 2023. As detailed above a community campaign is being implemented.

Other Planning Applications

BVRG continues to object to developments that fail to meet the landscape objectives of significant landscape overlays (SLO). We encourage members to do likewise. BVRG web page on Planning Issues (bvrg.org/planning-issues/) includes many links to reference material as well as information to help in making submissions.

By demonstrating community support for landscape objectives through objections, council planners and developers are reminded that the planning scheme matters. The best outcome is for applications to meet planning guidelines. The next best outcome is that Council imposes strict conditions or where the developer makes changes in line with preferred character. Best outcomes are only sometimes achieved.

Notable development proposals objected to.

74 Main Street, Blackburn

A site that has been subject to development applications for a number of years since 2015, through different owners. Council recently approved a large house development with some loss of significant trees. The approved plan however was much better than was originally proposed and came about because the owners were willing to consider different options. The owners have now put the site up for sale.

110 Blackburn Road

Council approved removal of 5 of 6 significant indigenous canopy trees in an SLO2. The decision generated considerable community anger resulting in delegations to and meetings with council officers as discussed above.

2-4 Central Road, BLACKBURN

A service station and convenience shop are proposed. There are landscape and amenity issues with the development as well as soil contamination and residual fuel in groundwater from previous service station fuel tanks. The application requires Environment Protection Authority signoff.

Corner of Gordon Crescent and 43 Blackburn Road, BLACKBURN.

Formally a Dental clinic - Tree removal, landscaping and buildings and works within 4m of a protected tree within SLO4 and NCO1. Issues include inappropriate and unsympathetic planting in an SLO and heritage with adjoining heritage listed building. The application was approved with conditions.

10 Boulton Road Blackburn

An application for a dwelling in NRZ1 covered by SLO2. Site coverage in excess of 41% compared to the permit trigger of 33% including tree loss was rejected by council.

Submissions.

BVRG has lodged a number of submissions on planning matters.

- The Legislative Council Environment and Planning Committee:
 - Inquiry into Protections within the Victorian Planning Framework. BVRG lodged a submission on 31 January 2022.
 - Inquiry into Apartment Design Standards the reporting date for the committee was extended to 31 August 2022.
 - Inquiry into Environmental Infrastructure for Growing Populations, which BVRG lodged a submission, tabled its report in Parliament on 9 February 2022.
- 2022 Draft Whitehorse Budget – urging adoption of the Whitehorse Urban Forest Strategy (UFS) objectives into the Planning scheme.

Community Consultation & Engagement.

BVRG Members are encouraged to register with the Whitehorse council community consultation webpage 'Your Say'. More and more Council is relying on this forum to gauge community support for its projects. Public forums and workshops are victims of the COVID pandemic. To be heard you have to engage. The web site is: <https://yoursay.whitehorse.vic.gov.au/>

Eastsider News. <http://www.eastsidernews.org.au/> Has continued growing since the demise of the Whitehorse Leader newspaper stopped being delivered. Local news, and commentary is available, currently available bi-monthly. Register online and receive a reminder when each edition is published.

Combined Residents of Whitehorse Action Group. (CROWAG)

BVRG is an affiliate member of CROWAG, one of 13 affiliate groups from across Whitehorse. CROWAG have been very active in recent months, lobbying Council, and state government on planning matters that effect amenity and canopy tree cover. CROWAG have held meetings with Council planning officers, Simon McMillan (CEO Whitehorse), Paul Hamer (MP) and DEWLP planning staff. Apart from a strong interest in better planning outcomes CROWAG has also engaged with Whitehorse Council to improve community engagement and consultation.

CROWAG has also been running bi-monthly seminars to which members of affiliate groups such as BVRG are invited. The first seminar was a presentation by Whitehorse Councillors and officers on the operation of the newly established Environment Sustainability Reference Group (ESRG) which is made up of 2 Councillors, Council officers and 4 community representatives. The group provides information and advice to Council on sustainability issues to improve decision making. At the most recent seminar Simon McMillan (CEO) and Stuart Cann (director of Corporate Services) shared Councils future direction on matters including the Urban Forest Strategy and Community engagement.

Reminder - Changed banking arrangements.

Use the new BVRG account number when making membership payment.

BVRG accounts are now with Bendigo Bank (Canterbury Road, Blackburn South). Cheques and cash will continue to be accepted for subscriptions. Members are encouraged to use electronic funds transfers (EFT) where possible. See payment details below.

Do you have a planning issue in your area?

Get nearby residents active, lodge objections and encourage neighbours to join BVRG to ensure that the community retains its voice. See new membership application form overleaf.

Committee Members.

President	Mike Taafe	Ph 0409 800 422	16 Eustace Street, Blackburn
Vice President	Robyn Timmins	Ph 98770161	11 Windemere Crt, Blackburn
Secretary	David Morrison	Ph 9894 2531	49 Glen Ebor Ave, Blackburn
Treasurer	Chris Hurley	Ph 0408530313	Jefferey Street, Blackburn
Committee	Anne Payne	Ph 9878 1152	81 Central Road, Blackburn
	Alex Shilton		118-120 Blackburn Road, B'burn
	Peter Dickson	Ph 9877 2532	37 Fuchsia Street, Blackburn



BLACKBURN VILLAGE RESIDENTS GROUP INC.

Protecting the distinctive features of Blackburn since 1987

Email: bvrg@ymail.com

Post: PO Box 406, Blackburn. 3130

Phone: 9894 2531

First Time Member Application

Each applicant pays \$5 Joining Fee plus \$10 Annual Membership for an individual or \$15 for families.

I/We. (Print full name(s)).....

Address Postcode.....

Phone Mobile.....Email.....

wish to be member(s) of the Blackburn Village Residents Group Inc. (A0049305U). If application is accepted, I/we agree to be bound by the rules of the BVRG.

Signature of Applicant (1) Date...../...../.....

Signature of Applicant (2) Date...../...../.....

Payment:

EFT - Pay to bank account below and email this page to bvrg@ymail.com

Account Name – Blackburn Village Residents Group

Account Number – 182035808

BSB – 633000

Details – please include your first initial and surname e.g. *J McKenzie or McKenzie Family*

Post - Send this page with your payment to:

Blackburn Village Residents' Group

PO Box 406, Blackburn 3130

- Checklist (tick)** -
- \$10 Individual Member + \$5 joining fee. -
 - \$15 Family Membership + \$5 joining fee. -
 - \$100 Life Membership -
 - \$ Donation -
 - \$ Total -

Official use only.

We members of the BVRG support nomination

Signature of Nominator..... Date/...../.....

Signature of Seconder