

****CALL TO ACTION FROM THE BLACKBURN COMMUNITY****

Dear Neighbour/Blackburn Resident,

Re: Application for Planning Permit for Use and Construction of a Child Care Centre, Vegetation removal and alteration of access to a road Zone, Category 1.

Address: 199 Canterbury Road, Blackburn 3130.

VCAT reference number: P2428/2017

Firstly, thank you to those that objected to the initial planning permit application with Council for the abovementioned property. There were approximately 80 objectors, which was a great indication of the community feeling about a commercial development within the SLO-2 that also abuts the Masons Road Retarding Basin.

You are receiving this communication as the **Notice of an Application to VCAT** has been erected for public exhibition on the above property and all objectors to Council in April will have received notification from Minter Ellison, the lawyers representing the developer.

As there is strength in numbers, we need to come together to try and stop this inappropriate development. So once again, I **urge you to lodge a statement of grounds with VCAT (with copies to City of Whitehorse and Minter Ellison)** as approval of this proposal will set a precedent for the entire SLO-2.

Summary of proposal:

- **138 Children 0-6 years and over**
- **30 plus staff**
- **In Neighbourhood Residential Zone 1 – Bush Environment and in the SLO-2**
- **Underground Car Park**
- **Tree canopy loss with removal of large trees**
- **No space for tall tree replacement**
- **Overdevelopment of the site**
- **Site coverage includes large building, concreting, waste area, shade sails and Soft Fall rubberised surfacing**
- **Risk management issue for remaining trees and tree replacement**

It was only 19 months ago, VCAT determined that a childcare centre of 120 children was an inappropriate development for the character and zoning of this area in the SLO-2. Now, this proposal from a new developer has been lodged again at VCAT.

WHAT DO YOU NEED TO DO? – It should be no more than 15 minutes of your time or less to lodge electronically

We all must continue this fight and lodge a Statement of Grounds with VCAT and we must do so by **Wednesday 22 November 2017**. Below are some instructions which will assist you in completing this stage of the process, alternatively, I am happy to assist you on a 1:1 basis to complete the process:

1. Complete a [Statement of Grounds form](#) (see attached for a soft copy). I have provided you with a copy of my completed form, which will guide you as to what sections to complete and which boxes to tick.
2. In the 'Your participation in hearings' section, you will notice there are two options to tick. Please tick the box:



I intend to appear and present a submission at the hearing

You are not required to speak or present if you do not want to! Marking this box will, firstly, help secure presentation time for those residents presenting on behalf of the larger group, and secondly will

enable you to remain on the mailing list for VCAT purposes and be included in all correspondence relating to the hearing, from the Applicant and VCAT. You will also be able to appoint a proxy to speak on your behalf.

A month prior to the hearing you have the opportunity to nominate your spokesperson, and there are several residents happy to represent you. A letter of authority will be sought in due course.

3. In the '*Presenting at the hearing*' section, please include '3 hours for concerned residents' in the presentation time required.
4. In the '*Who is making this statement*' section, you will either tick the first or second box under the heading Objector/s. Please tick the first box if you had submitted an initial objection to the planning permit to City of Whitehorse. If you did not do this, but still wish to object, please tick the second box.
5. You do not need to do anything under the '*Joint statement of grounds*' section as we want you to submit individually.
6. In the '*Your statement of grounds*' section, you will need to either include a short summary of reasons for your objections or attach your statement of grounds from your initial objection with the City of Whitehorse. You can use the statement of grounds in my VCAT form as a guide but in your own words. It is preferable if it does not have too much detail at this stage as our arguments will unfold at the hearing. Bullet points are acceptable.

7. To serve and lodge your application:

You can either lodge your Statement of Grounds electronically or by hard copy.

All copies are to be received **by close of business no later than the 22 November 2017**



Date copy forwarded to Minter Ellison



Date copy forwarded to City of Whitehorse

IF YOU WISH TO LODGE ELECTRONICALLY:

Once you have completed your form, you will need to email the original form with any supporting attachments to admin@vcat.vic.gov.au.

IMPORTANT: a copy must also be emailed to Minter Ellison at ellen.tarasenko@minterellison.com and City of Whitehorse at customer.service@whitehorse.vic.gov.au AND Angela.Asproloupos@whitehorse.vic.gov.au.

See below for fee details.

IF YOU WISH TO LODGE VIA HARD COPY:

Please do not trust that Australia Post will deliver by the deadline. Rather, put your paperwork (including a copy to Minter Ellison and City of Whitehorse) and fee in my letterbox at 4 Lagoona Court, Blackburn. I will hand deliver these to the appropriate authorities by the deadline.

See below for fee details.

8. The Fees

Unfortunately, in order to lodge a Statement of Grounds with VCAT, you will need to pay a fee. This is a small investment on contributing towards a positive outcome.

The fee is \$19.90 at the time of lodgement of this form, however Concession/Healthcare cardholders pay \$9.90.

NOTE: if you are under any financial burden to pay this fee, please contact me directly and I/other residents will be willing to pay on your behalf (this will remain confidential).

The option for payment is either credit card, EFT, bank cheque or cash. If you do not have a credit card or feel uncomfortable providing your credit card details, I am happy to lodge your form using my credit card and you can reimburse me. Please contact me if you have any concerns with this request.

1. If you pay via credit card on the form, please ensure you do not forward this page to Minter Ellison or City of Whitehorse. Otherwise, you can use your credit card via the online payment system here:

<https://vcat-fees.iapply.com.au/#/form=daily-hearing-fees/section=daily-hearing-fees/stateid=SJCS6JG3tGVfhLBp>

2. Alternatively, you can pay in cash by dropping your printed paperwork (including all copies) and money into my letterbox and I will hand deliver to VCAT myself on your behalf.

Please see further information on paying fees via:

<https://www.vcat.vic.gov.au/steps-to-resolve-your-case/apply-to-start-a-case/fees-at-vcat#how-to-pay>.

9. Please advise me when you have lodged your Statement of Grounds

I will keep a register of all the residents that have lodged a Statement of Grounds with VCAT for further communications and targeted information.

The Practice Day Hearing scheduled for Friday 1 December 2017 lasts an hour and we need as many residents as possible to attend this. There will be more information to come, but please make every attempt to attend.

For many of you in the vicinity of this proposal, this will definitely affect you significantly. The impact will include, but not be limited to, increased traffic, major car parking in neighbourhood streets, vegetation loss, increased noise and waste trucks, a visual scar for those residents overlooking it from Halley and Dickens Streets and tree canopy loss.

Thank you for reading this letter and on behalf of all the objectors, I strongly encourage you to object to lodge Statement of Grounds opposing this large commercial development no later than **22 November 2017**.

Some Suggested Statement of Grounds

1. **It is inappropriate to have a large commercial development in the Neighbourhood Residential Zone – Bush Environment and in the SLO-2**
2. **Significant Vegetation Removal:**
3. **Commercial Child Care Operators are risk averse regarding large trees:**
4. **Traffic and Parking:**
 - a) **Major parking problems and chaos in nearby neighbourhood streets**
 - b) **Increased traffic in neighbourhood streets, including 'No Through Roads'**
 - c) **Increased risk of traffic congestion and crashes in Canterbury Road:**
 - d) **Other amenity and environmental issues you may wish to object to**