



## BLACKBURN VILLAGE RESIDENTS GROUP

*Protecting the distinctive features of Blackburn since 1987*

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## BULLETIN No. 57

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### Lake Road—Buy-back Deadline Fast Approaching

In April 2005 VCAT approved an aged care development on the site at 1 Lake Road. The community's disappointment was tempered somewhat by the opportunity to purchase part of the site along Central and Lake Road, in front of the soon to be developed Aged Care facility. The purchase would increase the viability of the Blackburn Lake Sanctuary. Negotiations with the three levels of government Local, State and Federal by community groups showed some early promise for an outcome that would satisfy all stakeholders.

Regis offered the land for sale, and City of Whitehorse agreed to pay a third of the cost. Tony Robinson, State member for Mitcham, secured a commitment from the State Government to fund a third. There were hopeful signs from the Federal Government when member for Deakin, Phil Barresi, threw in his support. Council and State commitment depend on a Federal Government contribution.

However, it has been almost a year since that point was reached and there is still no commitment from the Federal Government. Regis has extended the sale period once, but has recently advised that if a purchase is not agreed soon they will withdraw from all negotiations. The State Government is also talking of walking away if the Federal government doesn't show support. Despite this, community groups, led by Blackburn Lake Sanctuary Action Group (BLSAG), have been working to keep discussions between stakeholders going.

We are encouraged by the good will shown in a recent meeting between the Mayor and the member for Deakin to try and find a way to move negotiations on. However Mr Barresi was unable to identify any funding from the Federal Government.

#### **Community pressure is needed to encourage federal support.**

It would be most helpful if you would send a letter to the Prime Minister, the Treasurer and Mr Barresi highlighting the following points:

- The chance to buy large portions of land adjacent to Blackburn Lake Sanctuary will never come again.
- Blackburn is a strong community that will work hard to ensure the site becomes a high quality community asset.
- The Sanctuary owes its current high standing as a significant environmental reserve to a three-level government agreement reached in 1980.

Contact details for Federal MPs can be found at: <http://www.aph.gov.au/house/members>

All correspondence to MPs should contain the writer's full name and postal address and be addressed to:

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**MP**  
**Prime Minister**  
PO Box 6022  
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**The Hon Peter Costello MP**  
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PO Box 6022  
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## Seventh Day Adventist and Native Vegetation

We received some excellent news this week. The Department of Sustainability and Environment (DSE) objects to the proposed development of the Seventh Day Adventist site and agrees with Council and the community groups that the current proposal should be refused. In a copy of a letter to VCAT from Peter Watkinson, DSE Regional Director (Port Philip), he explains that the Department biodiversity officers inspected the site and agreed that the conservation significance of the site as Valley Heathy Forest is **Very High**. He points out that:

- The proposal does not address the 'avoid' and 'minimise' requirements of Clauses 15.09 and 52.17 of the Whitehorse Planning Scheme. There is also no consideration as to where offset measures may be undertaken.
- The Ecological Vegetation Class (EVC) that is proposed to be removed is severely threatened to the extent the Department records only about 470 hectares remaining out of the 20,000 hectares considered once to have existed in the Gippsland Plain Bioregion. Offsets for this EVC are quite difficult to find and the intensity of the proposed development precludes the ability to offset the losses on site. The department is therefore concerned as to the probability of locating a suitable offset for this proposal.
- The Department objects to the proposal in its current configuration and agrees with Council's decision to refuse the application but would reconsider a new proposal 'providing that the proponent was prepared to use an approved ecological survey to develop a revised layout (possibly as a cluster at higher density) that "avoided" the vegetation of very high significance. This may be in the order of 20 percent development of the site, the remainder protected with a binding agreement.'

We now have to wait for VCAT to decide whether it will reconvene the hearing, but the outlook for that site now looks to be considerably rosier than it did in March. The best outcome would be for the land to be retained as an extension of the Blackburn Lake Sanctuary as its close proximity would enable the endangered Valley Heathy Forest to be protected and cared for by Council and the community for future generations.

If you are interested in learning more about Victoria's 'Native Vegetation Management—A Framework for Action', please note that the Blackburn and District Tree Preservation Society has invited Russell Costello from DSE to speak on this subject on Wednesday July 5, 2006, at 7.30 pm at the Field Naturalists' Club, 1 Gardenia St, Blackburn.

## ***Melbourne 2030***

It is interesting to note that this cumbersome strategy is back in the political arena with the State Liberal Party announcing a policy, which would withdraw it and declare a moratorium on the application of those Ministerial Directions that negate the effectiveness of local government planning policies. They also propose a review of numerous planning strategies and processes, including the defacto role of VCAT as a one stop planning authority.

Save Our Suburbs (SOS) has announced support for many of the proposed moves.

It can do no harm to bring urban planning concerns back under the public spotlight. Interestingly, many of us have heard Mr Ted Baillieu, the new Leader of the State Opposition, speak at planning forums where he has been an outspoken critic of *Melbourne 2030*. The worry is what would a Liberal government put in its place? We remember with some concern the Kennett days of development bonanza!

## **Amendments to the Whitehorse Planning Scheme**

- **Amendment VC38**

Gazetted on March 16, 2006, makes changes to Clauses 15.09, 52.17, 66.02 and 72 to provide for a new approach to native vegetation management. (This was critical for the VCAT hearing on the Seventh Day Adventist proposed developent.)

- **Amendment C51**

Gazetted on May 4, 2006, implements part of the Whitehorse Neighbourhood Character Study 2002/2003 and the Whitehorse Neighbourhood Character Study Review of Areas 14 and 16, February 2004 by including land in Yarran Dheran, Somers Trail, Mitcham and Glenburnie Road, Vermont in the Significant Landscape Overlay (SLO6 and SLO7)—making corresponding changes to the Local Planning Policy Framework and amends Schedules 1 to 4 of the SLO to extend the permit exemption to include a protected tree which is dead and dying to the satisfaction of the responsible authority.

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

This amendment proposes to introduce planning controls to lots between 300m<sup>2</sup> and 500m<sup>2</sup>. The amendment changes the schedule to the Residential 1 and Mixed Use Zone to require a permit to construct or extend a single dwelling on a lot with an area of between 300m<sup>2</sup> and 500m<sup>2</sup>. This includes outbuildings and some fences. As we reported in the last *Bulletin*, an independent Panel Hearing was held on February 7, 2006, to consider all submissions made regarding the proposed amendment. In March Council received the Panel report, which recommended that the Amendment should not be supported:

‘The Panel has considered all the submissions referred to it and all the material presented at the hearings and has reached the following conclusions:

- That the proposed Amendment while generally consistent with the State and Local Planning Policy Framework is not supported by the strategic documents identified;
- That the outcomes of the Amendment are limited in terms of the ability [to] manage neighbourhood character;
- Council has not identified a significant problem existing with development on allotments of this size;
- The control itself is cumbersome and inflexible; and

- The resource implications are not justified given the limited planning objectives achieved.

Based on the reasons set out in this report, the Panel makes the following recommendation to the planning authority:

Amendment C55 to the Whitehorse Planning Scheme should be abandoned.

Having supported Council at the Hearing with our submission, we await with interest Council's recommendations on the Amendment.

- **Amendment C60 (Vegetation Protection Overlay)**

Amendment C60 to the Whitehorse Planning Scheme proposes to introduce and apply a *Vegetation Protection Overlay* in the municipality to individual properties included in the report '*City of Whitehorse—Statements of Tree Significance: 2005*' and establish permit requirements. The Minister for Planning has appointed a Panel to consider submissions on 26, 27 June and 4 July.

### **Streamlining the Planning Process—The Hare and the Tortoise**

Like motherhood, speeding up the planning permit application process is a good concept and as we reported in February the Minister has taken up this challenge by initiating a panel review to report to him by the end of June.

This Sunday (May 7, 2006) Mr Hulls, Minister for Planning, announced a 'quick fix' to reduce the number of planning applications before Councils. Sheds, cubby houses, pergolas and decks will no longer require planning permission from councils under State Government laws to come into effect in June. As we explained in the previous Bulletin, the *Streamlining the Planning Permit Process: Cutting Red Tape* review is part of the *Better Decisions Faster* project. These exemptions from planning applications include hot water heaters, minor works in business areas such as ATMs, shopfront alterations and awnings, disabled access ramps, satellite dishes, air conditioners, surveillance cameras and shade sails.

Reduction of planning applications sounds fine and dandy, and as long as neighbours are considerate about the siting of their minor building works (or even air conditioners) all will be well. But the ordinary resident also stands the risk of being disenfranchised in the interests of achieving quicker results. There are some real concerns about the lack of any controls and the lack of redress for a resident whose neighbour decides to ignore the other's privacy or amenity. The exemptions have been mooted for some time and have continued to be a contentious issue among residents' groups, especially those in inner city municipalities where the house blocks have become increasingly small and one man's airconditioner becomes another man's noisy nightmare.

### **VCAT Hearings**

In addition to the hearing concerning the Seventh Day Adventist proposed development, where David Morrison presented a submission on behalf of BVRG, Meg Probyn also appeared at another case on April 13<sup>th</sup> concerning a proposed development at 27 Merle Street, Blackburn North. The VCAT member has yet to make his report and the case hinges on the weight he gives to Neighbourhood Character. The owner/developer wants to build two four-bedroomed double storey houses on a corner site in a very attractive spot. The lack of vegetation protection and clear guidelines about where high-density development would be permitted are major problems for so many areas in Whitehorse.

Two more cases are coming up in June to which committee members will be presenting submissions on BVRG's behalf. The construction of a swimming pool at 12 Fuchsia Street could per-

haps have been dealt with more effectively by a Council Forum because the plans really only needed some 'tweaking' to have avoided the expense of a trip to VCAT. As it is the owners, who seem genuinely to want to replant trees (12 are to be removed), have proceeded with plans where the side boundary setbacks and siting of the pool neither comply with the decision guidelines of the Significant Landscape Overlay (Schedule 2) nor will provide sufficient space for vegetation to survive. Thus Council rejected their application and we put in an objection. That hearing takes place on June 15<sup>th</sup>.

The second case concerns 75 Railway Road, Blackburn, where the developer wants to cram a multi-level building on a small site. The proposed building neither maintains nor promotes the human scale of the centre, nor does it blend architecturally with existing structures nearby. The carparking shortfall will cause further disruption to the surrounding area. That hearing is scheduled for June 23<sup>rd</sup>.

### **The Committee and You**

Those of you with email addresses will be receiving this by email to speed up the delivery of news. For those of you without email, we shall continue to deliver the *Bulletin* to your post box.

Under this heading in our last *Bulletin* we sought your assistance in resolving some queries on addresses and also appealed for payment of overdue subscriptions. Our thanks to all those who responded to the subscription reminder and special thanks to those who have donated over and above the amount of their annual membership levy. Thanks also to those who have advised of changes in address. If you would like to pay your subcription for 2006/2007 due in June, please complete and return the form below.

If you are moving out of the area or for some other reason do not wish to remain on our list please notify us either at the above address or that shown on the reply slip.

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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.**