



## BLACKBURN VILLAGE RESIDENTS GROUP

*Protecting the distinctive features of Blackburn since 1987*

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## Is it possible to keep party politics out of local planning issues?

### Buy-Back of Eight Blocks

Two representatives from the BVRG committee and members of the Blackburn Lake Sanctuary Action Group were recently involved in two meetings with the three levels of Government (Council, State and Federal) to discuss the buy-back option for the eight residential blocks of land excised by the Regis Group from their development at 1 Lake Road (Adult Deaf Society site)— Friday June 17<sup>th</sup> at the Blackburn Lake Sanctuary Visitors' Centre and Friday July 22<sup>nd</sup> at Council Offices. Mr Phil Barresi (Liberal MHR Deakin), Mr Tony Robinson (Labor MLA Mitcham), Councillors George Droutsas (Mayor) and Hayley Weller were present at both meetings. Councillor Peter Allan, Dr Tom Evans (Council Finance manager) and various representatives from the Port Phillip and Westernport Catchment Management Authority and the Federal Department of Environment and Heritage also attended the first meeting.

Unfortunately it seems very difficult to prevent party politics from rearing its not-so-pretty head throughout the discussions.

The state of play now is as follows:

- Whitehorse Council has agreed to proceed with the shared purchase if its contribution is restricted to one third of the purchase price;
- State Government will be advising Council within the next two weeks of their *in-principle* agreement to contribute one third of the purchase price and have organised a valuation of the land (which remains confidential);
- No agreement has been forthcoming from the Federal Government to provide any funds whatsoever at this point in time.

Mr Barresi reported that the Federal Department of Environment and Heritage insists that the land in question has 'no conservation or biodiversity significance', which is currently true in that it comprises eight blocks of land, zoned residential, with only pine trees on the perimeter. Of course, we are looking at the long-term worth of that land, which will provide an open-space link or corridor from the Blackburn Lake Sanctuary to the roundabout and thence into

Morton Park. It will be planted with indigenous trees and shrubs to provide habitat for fauna and flora. In his recent media release, Mr Barresi simply blames the State Government planning laws and Council's tactics for the failure to protect local open spaces. He said at the three levels of Government meeting on July 22<sup>nd</sup> that the Federal Government doesn't believe that there is any justification for it being asked to 'bail out' the Council and State Government and that there is no precedence for the Federal Government providing one third of the purchase price.

When it was pointed out to him that the Federal Government had previously joined the Council and State government to purchase land in the Sanctuary, he responded by saying that 'it' was a discredited government! We assume that he'd forgotten that although the commitment was made by Gough Whitlam during the election campaign, the final purchase was agreed by Malcolm Fraser in 1980—a bi-partisan decision.

He suggested that Council should investigate a 'land swap' arrangement with Regis, but when pressed on which other Councils had achieved a land swap with a developer, he said he didn't know but that he was investigating.

Mr Barresi's report to the meeting was rather disappointing given that we already knew that the Department of Environment and Heritage has neither the funds nor policies that would enable it to support the purchase of that land (and that was made abundantly clear at the first meeting). We had hoped that our Federal member would be able to suggest other Federal avenues to pursue. At least the Treasurer, Peter Costello, a Blackburn boy, knows about the issue because his mother told him! We haven't given up on the Federal Government and hope to be able to report more positively soon. Frankly, whichever party is in power at State or Federal (or Council) level is immaterial to us as long as the democratic process ensures that all levels of government support the community. If we thought the Feds were short of a bob or two, we might be more worried but really what we are asking for is a drop in the ocean compared to the taxes that have been collected in this area.

We are delighted that at least Council and our State Government (with the lobbying from Tony Robinson) are so supportive. The next meeting of this group has been tentatively arranged for August 26<sup>th</sup>, 2005.

## **Scout Camp**

The BVRG committee was very concerned about the matter of the scout camp at the Blackburn Lake Sanctuary last month. We wrote to Ms Noelene Duff (Whitehorse Council CEO) to express our concerns about the way the matter was decided and subsequently handled. The response from her office was less than satisfactory. Notwithstanding how Council wants to portray their action, the reality is that there was no consultation with the Blackburn Lake Sanctuary Advisory Committee, a committee specifically set up by Council to advise them. It was interesting to note that the Ward Councillors knew nothing of the decision until it had been made. The decision, of course, was made under the powers of delegation and we continue to be concerned that delegation sometimes leads to very poor management because many issues are complex and require more than one or two persons to evaluate the arguments. The scout camp is a case in point. We wonder why Council bothers to have an Advisory Committee for the Blackburn Lake Sanctuary if it doesn't ask for advice on sensitive issues?

We were not terribly happy about the Mayor, as quoted in the local newspaper, describing residents groups as 'cliques'. As we wrote in our letter to Ms Duff: 'We are not cliques.

There is nothing elitist about our groups. We are seeking to safeguard community interests and spend many hours in voluntary work . . . Our work in planning issues may sometimes be viewed as a nuisance by your officers but we believe that only when the residents take pride in their suburbs and interest in planning decisions can the community protect its urban and natural environment.' Of course, the Mayor may have been misquoted and since he's been so supportive of the buy-back, we'll forgive him his slip of the tongue! This time. For more on the topic of delegated powers see the item below **Planning—More Haste or Less Speed**.

### **Amendment C50 Part 1—Municipal Strategic Statement**

The report from the Independent Panel hearing set up by the Minister to consider Amendment C50 (Part 1) the revised Municipal Strategic Statement (MSS) was finally released in the last week of June. We now await the report from the Council officers and the subsequent discussion at a meeting of Council. As we said in our previous *Bulletin*, the Amendment C50 document was not the most well written document of its kind! The Panel members were critical of the way Council used its expert witnesses—at the Hearing rather than as experts to help them prepare a better document. They wrote (page 19):

*The Panel found the contributions of all Council's expert witnesses very valuable. However, the presentation of this material after exhibition and as part of the hearing raises a question as to whether these contributions would be more useful if made prior to exhibition so that Council could then place on exhibition an Amendment which had been fully tested by a peer review and which then provided a much clearer statement of intent to the community . . . As presented, the Panel was not only faced with the original version and a series of comprehensive submissions from community groups prepared on the basis of that exhibited version but substantial submissions from the expert witnesses involving major comments on both structure and content of the amendment, some of which, if implemented would have eliminated other submissions.*

We totally agree. If you are interested in reading the report, look on Council's web-site under Documents for Comment.

### **Amendments C54 and C50 (Part 2)—and Concerns about Development on the Seventh Day Adventist Site**

We are still waiting for the report from the Panel, which met on May 23, 24, 30 and 31, 2005. The delays in introducing this Amendment and in proceeding thus far have been compounded by considerations of potential development on the sites. Instead of spending time contemplating various immediate plans and how they might be accommodated in a new schedule, we should be concentrating on providing for the long term—the preferred future character of the area thirty years ahead and beyond.

The BVRG has long held the view that there should be no further development on the Seventh Day Adventist site, however, we knew that the owners were planning a subdivision last year. We had hoped that, given the expression of community attitudes to any development in the vicinity of the Lake Sanctuary, if the owners were determined to subdivide the land they would have envisaged plans which would make a significant contribution to improving the environmental quality of the area. We had hoped that it would effectively reflect the adjacent Sanctuary, retain as much as possible of remnant native and indigenous vegetation and provide an imaginatively varied configuration of individual lots.

At the Amendment C54 Panel Hearing we saw reasonably detailed concept plans of their proposed subdivision and frankly they are terribly unimaginative and deeply disappointing! Their current plans include further ribbon development along Central Road, and straight internal roads with right angle turns, along which conventional rows of houses stretch up close to the northern boundary. We hope that, before the process gets too far down the track, Council can facilitate some informal discussion between the applicant and our representatives and members of the local community, so that we could at least convey our concerns more directly. There is some important remnant bushland on that site which must be protected, apart from the need to retain as much open space as possible. There are indigenous trees, grasses and microflora in the northern part of the site towards the railway line. Admittedly the entire western side of the site has been utterly neglected over the years, but it could be revegetated in the same way that parts of the Sanctuary have been over the last few years.

### **The Need for More Open Space in the City of Whitehorse**

It is perhaps worthwhile reiterating once more the statistics about open space in Whitehorse. The research by the Australian Research Centre for Urban Ecology (ARCUE) (2002) indicates that Whitehorse has the seventh lowest percentage of **All Open Space** per 1000 people in a league table of 31 Local Government Authorities in metropolitan Melbourne. The average size of all open space patches within the City of Whitehorse is 2.7 hectares, which ranks it third lowest of the 31 LGAs (Port Phillip and Stonnington rank lower with 1.9 and 2.1 respectively). This indicates that in Whitehorse there are a large number of small patches and a very low number of large open spaces where flora and fauna can flourish. We need to encourage Whitehorse Council to address the problems of the paucity of open space and the need to protect native habitat and areas of important biodiversity through appropriate land-use planning. (See *Melbourne 2030* Policy 7.7, under Direction 7—A Greener City.) Any further development on the Seventh Day Adventist site is of great concern to us all.

### **Planning—More Haste Less Speed?**

On the strategic front we understand that the ‘fast track’ residential height limit is on hold because of concerns that it contains loopholes, which developers might exploit. The new Residential 3 Zone (R3Z) was announced at the end of last October and in November’s *Bulletin* we advised you not to hold your breath in anticipation of its introduction to Whitehorse. That advice still applies. The Council’s proposal did not include rezoning for those residential areas marked for substantial change and is an issue on which we also await a response, as we do on implementing interim height controls in the commercial areas of Blackburn. Some Councils have been quicker off the mark in that respect, having already obtained approval for interim height controls in their neighbourhood centres.

Amendments to the *Planning and Environment Act*, which came into operation in May, include a number of changes with the admirable aim of speeding up planning processes. One objective is to cut some of the interminable delays in approving Planning Scheme amendments by delegating more responsibility to Councils. This is all very well but we have reservations about the capacity of our Council to cope with more demands in the strategic planning area. We have written in previous *Bulletins* about the delays experienced in getting amendments to the Panel Hearing stage or even into the pipeline. As an example of the latter, Council resolved to prepare an Amendment (C55: 500m<sup>2</sup> lot size trigger for a planning permit) back in September 2003 but this was not exhibited until November 2004. At the time of

writing we still await a report back to Council and a decision on whether or not it will be referred to a Panel before seeking the Minister's approval

**As we have seen with the Mitcham Towers and Lake Road proposals, unless sound planning policies are incorporated in the Planning Scheme, then consistently monitored and improved, the community, including the Council which represents it, face extraordinary challenges in opposing major and insensitive development.**

The statutory scene is a little brighter. Although we hear mainly about permit applications which don't proceed smoothly or quickly, we must assume that these are exceptions rather than the rule and that Whitehorse, in comparison with other municipalities, can be reasonably satisfied about the way its statutory planners handle planning permit applications—without going down the dubious path of appointing private planners to undertake pre-lodgement certification.

That at least is the general assessment of several independent reviewers and the impression gained from the Department's report on Planning Permit Activity 2003-4 (especially if we accept Council's statistics, rather than the Department's, on the number of decisions taken).

But while we might expect the rate of processing to increase slightly, this could be due to some debatable new prerequisites for planning forums. Changes to the Act, which aim to speed up the permit process, do so largely through the use of powers delegated to planning officers, recently amended by Whitehorse Council. We have told Council that they must ensure that these changes do not unduly inhibit the ability of residents to object, discuss and compromise—important elements of a democratic planning system.

For example, a Council officer, with the agreement of an applicant, may now amend an application after it has been advertised and while the statutory period for a decision must start again from that time, the officer has the discretionary power not to inform the objectors. Given the rate of turnover of planning staff and the unfamiliarity of new planners with the City, the use of such increased powers must be strictly monitored.

We have also recommended to Council that some of the potential shortcomings in notification of permit applications be countered by having all applications more generally publicised, possibly on their website. Unless and until something along those lines is adopted residents who are concerned that they might not have been notified of a proposal, can only inspect the register of applications at the planning desk during office hours or, if they have a specific address in mind, seek further information from the planning department (9262 6303).

We reproduce below the conditions approved on April 18<sup>th</sup>, 2005, for some of those categories of applications most likely to be of relevance to Blackburn residents. These conditions must be met if an application, other than one 'called in' by a Councillor, is to be determined by Council (normally following a planning forum).

The important thing to note is that in most cases the number of objections required to trigger a forum has been increased and that these are no longer calculated individually but by **objector properties**.

- iv) an application for a single dwelling or dwelling addition (an overall height or 9 metres or less) where there are 12 or more objector properties, with the exception of applications in an SLO (Significant Landscape Overlay) where the delegation does not apply to applications where there are 5 or more objector properties.

- v) an application for multiple dwellings (all buildings have a maximum height of less than 9 metres) where there are 12 or more objector properties.
- vi) an application for accommodation (height of any building is 9 metres or more) outside a defined substantial change area where there are 5 or more objector properties.
- vii) an application for accommodation (height of any building is 9 metres or more) within a defined substantial change area where there are 12 or more objector properties.
- xi) an application for non-residential use and/or development within a residential zone where there are 12 or more objector properties.

### **Amendment C51 (SLO 6 and 7, and policy on dead and dying trees)**

The BVRG made a submission to the Panel hearing for Amendment C51 on Thursday May 12<sup>th</sup>, 2005. As we reported last time, we are most supportive of the main thrust of the Amendment (to introduce a Significant Landscape Overlay over four areas in Mitcham and Vermont) but our submission focused on the need to adopt sensible and practical processes for the removal and replacement of dead and dying trees. We await Council's recommendations on this report, which can be read on the Council's web-page.

### **Your Committee**

If anyone is interested in joining the Committee, or would be interested in offering assistance in any shape or form, please contact us. Please send your contribution of \$10 (or \$5 for concession) to our new Treasurer (Aaron Baker). We are very keen to set up an email link to our members who have email, so please complete the email address on the attached form. We know that we have some OLD addresses that are causing some problems so we would be really grateful if you could ensure that your email address is carefully written!

### **PLEASE NOTE:**

**The subscriptions for 2005/2006 membership are now due (\$10.00 or \$5.00 concession). Please complete and return the attached blue form as soon as possible.**

**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.**

**ARE YOUR NEIGHBOURS INTERESTED IN BLACKBURN OR IN PLANNING  
ISSUES?**

**SHARE THIS BULLETIN WITH THEM**

**AND ARRANGE FOR US TO CONTACT THEM.**