



## BLACKBURN VILLAGE RESIDENTS GROUP

*Protecting the distinctive features of Blackburn since 1987*

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### BULLETIN No. 55

October 20, 2005

#### End of Year Dinner

We will be having our annual dinner at Jumbo Restaurant on  
Friday November 25, 2005, at 7.15 for 7.30 pm

\$30 per head – including corkage – BYO wine only (beer and other drinks available  
from the bar)

Join us for a relaxed social occasion to wind up the year. If you would like to attend,  
please confirm by Monday November 21<sup>st</sup>.

RSVP: Meg Probyn on 9878 7919 or Ron Grainger on 9877 3348

#### Seventh Day Adventist Site

It is very disappointing to report that the Seventh Day Adventist Church decided not to amend their plans after their application was rejected by Council, but have appealed straight to VCAT. The hearing will take place the week before Christmas—most unfortunate timing as many of us have work and family commitments that week. A show of force/support is often extremely useful at these public hearings and if you can attend, even for part of the time and especially when we make our presentation, it would be greatly appreciated.

It was made quite clear to the Seventh Day Adventist Church at the Forum held on Tuesday September 6, 2005, that Council would not approve their application and it was hoped by many of us that the SDA would rethink their proposal.

Council refused their application on the following grounds:

- 'The proposed subdivision, including the subdivision pattern, lot layout and proposed road construction, does not appropriately respond to the site opportunities and constraints, which is contrary to the purpose of Clause 56 of the Whitehorse Planning Scheme (WPS);
- The proposal fails to comply with the objectives and standards of Clause 56 of the WPS, in terms of the design response, residential character and identity, street network and

movement, street design and width, environmental sustainability, public open space, site constraints and emergency vehicle access.

- The loss of significant trees for the proposed subdivision will be detrimental to the character and amenity of the surrounding area, and will result in loss of habitat which is contrary to Clause 21.05, 21.06, 21.07, 22.04 and 42.03 of the WPS.
- There is insufficient space within the site to allow for the realistic and long-term retention of trees, due to the location of trees to be retained, size of the proposed lots, and limited space to site future building envelopes.
- The proposal does not allow proper consideration of measures for protection and on-going management of trees to be retained, due to uncertainty as to proposed building envelopes, design guidelines and tree protection zones, and no details for the proposed medium density development.
- The proposal has not had sufficient regard to the provisions of the Significant Landscape Overlay, Schedule 5, including the existing interim controls of Clause 42.03 of the WPS and the proposed permanent controls which form part of Amendment C54 to the WPS.
- The proposal is contrary to draft Sustainable Neighbourhoods, Proposed Clause 56 – Residential Subdivision, Consultation Draft issued by Department of Sustainability and Environment on 5 September 2005.
- The proposal is contrary to the orderly and proper planning of the area.'

The VCAT hearing commences at 10:00 a.m. on Monday 19 December 2005 at 55 King Street, Melbourne. It is scheduled for three days. Please contact the BVRG committee as soon as possible if you are willing or able to attend.

### **Lake Road - Regis**

The meeting of the three levels of Government (Council, State and Federal) and community representatives 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) scheduled for Friday September 16, 2005 was cancelled due to unavailability of some of the key players. No other meeting has so far been organised but that doesn't mean there has been no progress. Council officers held a meeting recently with a representative of the State Treasury and Regis to discuss valuations at which the Valuer General's valuation was tabled and Regis undertook to seek a separate professional valuation. The parties will then be able to compare the valuations and proceed from there. Tony Robinson has also held meetings with the State Treasury and with Regis. We understand that Phil Barresi too has met with Regis but we don't have any information about whether the Federal Government intends to commit any funds. What Council and the State Government agreed at an earlier meeting was that if the Federal Government won't come to the party, that the two other levels of government will negotiate a partial buy-back. So, fingers crossed, we may be able to report some positive information very soon.

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

You can find details on all the recent Planning Scheme amendments on the Council's website, which has recently been upgraded and is much easier to navigate. Panel reports and recommendations on Amendments C50 Parts 1 and 2 (Municipal Strategic Statement) and C54

(Three Institutional Sites) have now been considered by Council and, with minor exceptions, adopted. The Minister's approval is now awaited.

Council has finally considered submissions made a year ago on Amendment C55 (Planning controls for lots under 500m<sup>2</sup>) and has requested the Minister to appoint a Panel.

Proposed amendments include:

- **Amendment C57**

Amendment C57 proposes to introduce new overlays to areas of Mont Albert North, Blackburn, Box Hill and Vermont. The amendment proposes to extend the existing Significant Landscape Overlays in Blackburn, in two areas in Vermont, and one area of Mont Albert North. In addition it proposes to include one area of Box Hill in a Neighbourhood Character Overlay, Schedule 2 (NCO2).

- **Amendment C60**

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. These properties are currently affected by interim vegetation protection controls. Community comment on Amendment C60 will determine whether these controls are appropriate to remain in the Planning Scheme on a permanent basis. Submissions to the City of Whitehorse from the public regarding the amendment are due by November 7, 2005.

## Trees

The BVRG is very supportive of the intention to protect significant trees (see Amendment C60 above) and if you have read any of the recent research on air pollution, you will be aware of the contribution all trees (significant or not) make to assist in air purification. Unfortunately almost every application for a planning permit in Significant Landscape Overlay areas (where trees are protected) includes a request to remove one or more trees. Even more unfortunately Council officers may in some instances exempt an applicant from giving public notice but if a yellow planning application advertisement appears in your street, please read it to see if you have concerns about the proposed development. If trees are to be removed, check whether there is an intention to plant replacement trees and if not, please object to the removal of trees and let us know. The tree canopy is thinning over Blackburn and the air quality will continue to decline unfortunately unless we all do something about it.

## Nature Strips

Council will be reviewing Local Law No. 8 (Nature strip Obstruction) in March 2006 and a number of BVRG members have expressed concern at any proposal to prevent nature strips from being planted. Obviously there has to be some commonsense applied to any planting where the safety of the community (both pedestrians and motorists) has to be considered. Plants should not obstruct the passage of people or vehicles, but within those constraints we believe that the landscaped nature strips add considerably to the attractive environment of our suburbs. We would hate to see Council decide that nature strips must be cleared of all plants except grass and specific street trees. In the National Trust protected roads, where the charm of the area relies on the vegetation being planted right down to the roadway, vehicular speed and access should be subservient to people and landscape!

What is more of a worry is the proliferation of signage and poles on our nature strips—and often the ugliest designs predominate. Parking signs abound—why can't there be painted lines on the road to indicate 'no parking zones'? There are signs for speed limits, bus stops, pedestrian and duck crossings. Let's have more street trees, more planted nature strips and fewer ugly signs and poles!

### ***Melbourne 2030***

*20 October 2005*

There are so many issues relating to *Melbourne 2030* that raise concern among the residents—activity centres, urban consolidation, structure plans, and planning processes. If you read Kenneth Davidson's article in *The Age* (March 31, 2005) you will have enjoyed his comparison of *Melbourne 2030* to a rattlesnake. 'The rattlesnake mesmerises its prey with the noise made by its tail. This allows its fangs at the business end to bite and paralyse its prey.' He says that the planning document 'released with fanfare by the Bracks government' provides a similar diversion while the real players in the development process—VicRoads, the developers and owners of the big shopping malls—'get on with the business of carving up Melbourne'. The Supreme Court decision on the Mitcham Towers, described by the SOS President, Ian Quick, as 'a fiasco and a dangerous precedent for all suburban areas anywhere near a public transport route', makes us all very nervous about VCAT's role in the planning process. It is simply not acceptable for the government to introduce new planning laws that require Councils to put in place detailed structure plans without giving them sufficient time and resources to do so and then to allow developers to use *Melbourne 2030* as tool to get approval for outrageous proposals opposed by the community and the Councils. As Ian Quick states: 'The Mitcham decision also highlights the need to amend the role of VCAT to one of overseeing the integrity of council procedures, instead of acting as a central planning authority'.

### **Height Controls**

The BVRG committee recently held a meeting with Whitehorse Council Officers—Paul Kearsley (General Manager City Development), Gerald Gilfedder (Manager Planning Projects) and Peter Panagakos (Manager Planning and Building)—to discuss height controls. We were concerned about the validity of the stated reasons for exempting Blackburn and other Neighbourhood Centres from the recommendation for an Interim Design and Development Overlay (DDO). Although Amendment C40 protects the height limits in the business zone on the south side of the railway line (10 metres or 8 metres where a property is adjacent to a residential area), we fear that the area north of the line is vulnerable to excessive development. Four weeks later we are still awaiting a promised map indicating the current height controls applicable to central Blackburn. Council Officers suggested that a Structure Plan process for Blackburn might be approved for next financial year and might be completed within a year although approval by the Minister could be in excess of three months after that.

Councillors and Council officers are being extremely cautious about applying the Residential 3 Zone height limits because there are still concerns about whether the policy will provide full protection from inappropriate development across Whitehorse. Among other concerns about the implementation, they are worried that developers and VCAT may place too much importance on the provisions of the R3Z 'over and above the other assessment criteria'. At the meeting on 15 August 2005 the Council resolved to 'reluctantly defer consideration of the introduction of the Residential 3 Zone until the required Victoria Planning Provisions (VPP) amendment has been

approved and the effects of the zone are appropriately predictable—in the interests of the residents of the City of Whitehorse'.

### **Concerned Residents of Whitehorse Action Group**

The BVRG committee met with representatives from the Mitcham Residents Group, the West of Elgar Association, Elgar Contact and Gardiners Creek Association to discuss common concerns on planning issues. These include: height controls in activity centres, parking dispensations given to new developments, Public Use Zones, the lack of structure plans and tree protection. Whether this group will meet regularly has yet to be decided but it was interesting to share the concerns with other residents groups.

### **Save Our Suburbs**

The SOS AGM will be held next week on Tuesday 25 October 2005 at 7.30 pm at St Joseph's Hall, Stanhope Street, Malvern. SOS is also holding a Planning for the Future Public Forum on Saturday November 12 at RMIT. Topics will include the real story on activity centres, public transport, petrol prices, population projections, height controls, council planning, the operation of VCAT and the destruction of neighbourhood character by inappropriate infill development. We don't have all the booking details yet but they have promised to send that information soon. The BVRG committee will be attending both the AGM and the Forum and if any other member is interested, please contact Meg (9878 7919).

### **AGM**

The AGM will be held during November and as it will be held in a private house we would be grateful if you will let the Secretary know if you would like to attend (9878 7919). If anyone is interested in joining the Committee, or would be interested in offering assistance in any shape or form, please contact us.

#### **PLEASE NOTE:**

**Thank you to those of you who have paid your membership subscriptions for 2005/2006 (\$10.00 or \$5.00 concession). If you have forgotten to do so 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.**