



## BLACKBURN VILLAGE RESIDENTS GROUP INC.

*Protecting the distinctive features of Blackburn since 1987*

# BULLETIN

No. 63

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### Lake Road Land Acquisition for the Sanctuary

We are still waiting to hear about the acquisition of the allotments adjoining Blackburn Lake Sanctuary, but according to our State member, Tony Robinson, we should all feel very hopeful. The formal tripartite agreement was reached last month and the City of Whitehorse is currently involved with the price finalisation process between the three levels of government and Regis. So the celebration is on hold for the time being!

### Seventh Day Adventist Site: 131-173 Central Road, Nunawading

As we have reported previously, VCAT in September 2006 recognised the very high environmental significance of the Seventh Day Adventist site during the appeal for a proposed 52-lot subdivision. The City of Whitehorse, in an attempt to provide more certainty in the protection of the environmental qualities of the site, exhibited a planning amendment that would place Environmental Significance Overlay (ESO) on the site. The ESO proposal underwent public consultation including a planning panel hearing held on 30 November 2007. The Panel heard argument from Council, representatives from the SDA, community and other interested groups. The SDA position was that the existing Significant Landscape Overlay provided adequate protection.

The Panel, however, determined that the value of the site is of *very high* conservation significance and that the existing controls of SLO were not adequate and has recommended that the amendment should be adopted subject to some minor changes to the Environmental Significance Overlay Schedule as exhibited.

The Panel further noted the important role of the community and their representation during a suite of planning processes. The Panel believes the community has a strong role to play during future discussions about the management of the site and ultimately the enhancement of the ecology in the Blackburn Lakes reserve area.

BVRG looks forward to playing a constructive role in the future of the site.

### Beware the Proposed New Residential Zones!

Members should take note of the proposed new residential zones which seek to introduce into the planning system the ability to short circuit many of the existing permit application requirements where new development complies with schedules

linked to nominated Substantial, Incremental or Limited Change Areas. These proposed changes have arisen as a result of the report called *Making Local Policy Stronger* released by the State Government in October 2007. The report made a number of findings in relation to the interplay between planning policies and zones. In particular, it found that the structure of residential zones, and where they are applied, do not reflect the strategic intentions of State and local policies.

The fundamental changes envisaged in these proposals, adoption of which is intended in December, will be the subject of public information sessions and the one nearest to Blackburn residents will be held at 10 a.m. to 12 noon on Thursday 20 March at the Novotel, 285-287 Springvale Road, Glen Waverley.

The time frame for submissions is fairly limited and you are encouraged to learn more by studying the announcements contained in the discussion paper on the Departmental website [www.dse.vic.gov.au](http://www.dse.vic.gov.au) and/or attending one of the information sessions. It may be easier to 'Google'—New Residential Zones. You can download a Feedback form if you wish to respond.

Although many of the residents' groups are very concerned about the proposals, the Victorian Local Government Association welcomed the announcement from Minister Justin Madden. The VLGA President, Councillor Beth Davidson said: 'Communities have been crying out for certainty around the things they love in their neighbourhood so that growth doesn't put those things at risk. The proposed new residential zones (often described as No-Go, Slow-Go and Go-Go) will give communities a role in deciding which areas are suitable for change and which are not. It will also give certainty to property developers about where development will be allowed.'

The reasons for the proposed changes are set out in the introduction to the document from the Minister:

### *Victoria is changing*

*Victoria is experiencing its highest levels of population growth since the 1960s, with the main three factors that drive population growth all happening together. Overseas migration is at its highest level since the late 1980s, losses of people interstate are low, and natural increase is still strong—there are still twice as many births as deaths in Victoria despite our ageing population.*

*While Melbourne is growing by around 1000 people per week, regional centres like Mildura, Bendigo, Ballarat and Horsham now have faster population growth than Melbourne. Managing growth and servicing new populations in coastal settlements and regional centres is now facing similar challenges to those faced by Melbourne.*

*Apart from population growth, the trend towards fewer people living in each household also impacts on our housing needs. The number of new households is projected to increase at a faster rate than the rate of population growth. The trend towards fewer people living in each household, and the subsequent increase in household numbers, is being driven by the children of baby boomers leaving home, the elderly living longer, different family structures, and more adults choosing to live alone or having children later in life.*

*These trends mean that more housing and a greater diversity of housing types will be needed. Single detached dwellings, town houses and villa units, apartments, aged care facilities and share housing are but some examples of*

*the different forms of housing for all communities into the future. Good planning and development will help build on Victoria's strengths and allows us to continue to prosper and develop sustainably.*

*In seeking to accommodate growth, however, the qualities that make Victoria such a great place to live, work and raise a family must be retained. The new residential zones, together with good local strategic planning, are the primary mechanisms to respond to these challenges.*

Reviewing the residential zones is the first initiative in the Victorian Government's five-point action plan to implement the recommendations of the *Making Local Policy Stronger* report.

The major concerns of the residents' groups are as follows:

- In all areas, as long as the application meets *Rescode* standards, there is no right of review at VCAT, nor do neighbours have to be notified.
- If there is a variation to *Rescode* standards, only adjoining and opposite neighbours need to be notified and only the three of them—two adjoining neighbours and the one living over the road—can be part of a VCAT review. If you live down the road or behind the property you do not have the right to appear at a VCAT hearing. This is a major concern when near neighbours may be tenants who don't care about the area, or persons who are concerned but don't have the energy or time to protest.
- Currently there is a 500m<sup>2</sup> lot rule, which means that if any site is less than 500m<sup>2</sup>, a planning permit must be obtained for any development. The proposal is to lower the size constraint to 300m<sup>2</sup> (except in the Limited Change Zone) so that any block greater than 300m<sup>2</sup> in the other two zones may be developed without the requirement for a planning permit.
- In the Substantial Change Zone the maximum height that is specified **cannot be less** than 12 metres (approximately 4 storeys). In the Incremental Change Zone the maximum height that is specified **cannot be less** than 9 metres (approximately 3 storeys). In the Limited Change Zone no height is specified but mentions 'ability to . . . vary the . . . development provisions for different areas within the zone', and that together with no right of appeal offers little protection to a neighbourhood.

The following is a letter we received from the founding president of SOS (Save Our Suburbs), Jack Roach, who is currently president of BRAG (Boroondara Residents Action Group):

*You will probably have missed the deliberately low key announcement from Planning Minister Madden about residential zones 1, 2 & 3 being changed to:*

- *Substantial Change Zone: also known as Go-Go zone*
- *Incremental Change Zone: Slow-Go zone*
- *Limited Change Zone: No-Go zone.*

*Essentially these changes are tied up with other changes being talked about as part of the Government's report released last year 'Making local policy stronger'.*

*Together with the just released appointment of Justice Kevin Bell as President of VCAT, with a direction to review VCAT, and the current review by the Victorian Electoral Commission into the size and number of wards, also the number of Councillors in each ward, it all adds up to some considerable changes being contemplated all in the name of speeding up the planning process.*

*There are some real concerns—hidden in the P.R. hype of the latest announcement are some traps. The real objective is to significantly increase the number of living units in an area and the right of residents to object will be severely curtailed. In some cases, where the development meets ResCode standards, it may be exempt from giving notice and exempt from review by VCAT. This will mean bigger and higher will be the order of the day. Everything is aimed at 'fast tracking' approval processes and, I suspect, to marginalize groups and maybe even the Council. It is certain that these changes will one day find a developer fast tracking a 5 or 6 storey block of units in your street or even next door and you won't be able to do a thing about it. Let us hope we are wrong.*

*(Jack Roach, President, BRAG)*

## **Review of VCAT**

In case you missed the story in the Age on 22 February 2008, Attorney-General Rob Hulls has announced that the new president of the Victorian Civil and Administrative Tribunal is Supreme Court Judge Kevin Bell, who will begin his term on 31 March. Justice Bell will conduct a review of the tribunal including how VCAT might improve access to justice, whether the use of technology and mediation has helped to resolve disputes more quickly, and whether the expansion of the tribunal to cover new roles has been appropriate. Mr Hulls said that the Brumby government 'wants to ensure that VCAT remains easily accessible to all Victorians, providing a low-cost, timely and flexible service'. The residents groups, including the BVRG, have expressed their concerns about the high percentage of VCAT decisions favouring developers. It will be interesting to see what emerges from the review.

## **Supermarket Development: 64-66 South Parade**

There is no news yet about the supermarket development. The approval is expected to be gazetted by the State Government very soon.

## **Update on Progress of Blackburn and District Environment Protection Fund**

Blackburn and District Tree Preservation Society Inc, with support from the Council and a number of community organisations within the City of Whitehorse including BVRG, is in the process of creating a Fund (The Blackburn and District Environment Protection Fund), which would have charitable, tax-deductible status. The intent is to

raise funds that can be used to support a range of projects being undertaken by Community groups supporting the environment within the City of Whitehorse.

Formal submissions have been made at both Federal and State Government levels to enable achievement of charitable, tax-deductible status. This is a lengthy process but it is expected that approval will be forthcoming during April/May 2008.

Until these formal approvals are forthcoming the present Fund committee cannot operate as a charitable, tax-deductible entity and is unable to receive donations or distribute funds. However the Fund committee is currently facilitating the approval process and doing the preparatory work on the assumption that the approvals will occur in the next few months.

The committee has also contacted environmentally minded community groups seeking their views on the priorities which should guide the proceedings.

## **Watch Out for Moonscaping in Your Neighbourhood**

We recently wrote to the Council about concerns brought to our attention by members who are anxiously watching the current spate of moonscaped sites around Whitehorse. We noted: 'One example is in Fuchsia Street (SLO2) where the site has been flattened. The plastic ribbons around the protected tree at the front of the property seem to be placed well short of the 4-metre zone. That particular front garden had been carefully tended over the years with azaleas, freesias and pretty shrubs adding to the street landscape. Now it looks like the Nullarbor. Are there concerns at Council about the demolition of houses and gardens? . . .'

We had a comprehensive response from the General Manager City Development stating the current policy and assuring us that the Planning Enforcement Officers investigate any possible breaches and ensure that the owners/developers comply with the planning permit conditions and planning controls. If you are concerned about any tree protection issues in your vicinity, contact Werner Zaske on 9262 6588 for further investigation.

## **Blackburn Village Residents Group Committee**

If you wish to discuss any planning issues with the committee, please contact them either by the email ([bvrg@optusnet.com.au](mailto:bvrg@optusnet.com.au)) or in person. Correspondence or payments may be delivered to your nearest committee member.

### **Committee Members**

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