



## BLACKBURN VILLAGE RESIDENTS GROUP

Protecting special features of Blackburn for the community since 1986

# BULLETIN

Bulletin No. 64

July, 2008

### Breaking News

BVRG have been asked to comment on a tree removal for a proposed redevelopment of the Blackburn Library forecourt. We have written to council expressing concern that the proposal is out of character and that there has been insufficient community consultation. – Watch this space for updates.

### Melbourne 2030 Audit and the State Government's Response

We have put this item first because the issues covered in the Report of the Audit Expert Group [AEG], and the response by State Government (Planning for all of Melbourne), announced on 21 May 2008, impact on many areas of the planning system, not least those of direct concern to members.

We can do no more than give a preliminary reaction, as both are lengthy and detailed. It will take some time for the rhetoric to be assessed in the cold light of reality but we urge you to maintain an interest in the unfolding scene. Both the Report and the Government response can be viewed on the DSE website as can the written submissions to the AEG, including those of the BVRG and other local groups. Unfortunately there was none from the City of Whitehorse.

One of the nominated aspects reviewed by the AEG was the Effectiveness of Local Government in implementing Melbourne 2030. In our submission, following a thumbnail sketch of the Whitehorse scene, we commented that, '*.... it is not so much a failure of local government but the nature of Melbourne 2030 and the associated Ministerial Directions which make it difficult to effectively facilitate its introduction*'.

Interestingly, some of the points made by the BVRG about the pressures which the complexities of the system place on under prepared planning staff, were also referred to in the Auditor-General's report on *Victoria's Planning Framework for Land Use and Development*, recently tabled in Parliament and now summarised on the Save Our Suburbs (SOS) website ([www.saveoursuburbs.org.au](http://www.saveoursuburbs.org.au)).

Both these were reflected in the AEG report which, while we don't agree with all its conclusions, does include some sound observations and sensible recommendations. We quote relevant comments below:

***'Why then is there such dissatisfaction with Melbourne 2030? We believe there are four major reasons for this state of affairs, ....***

*First is the lack of community ownership of the Plan, resulting from the view that it has been imposed on communities and that proposals for its implementation do not reflect residents values and preferences.*

*Secondly, Melbourne 2030 is seen by many as the harbinger of change. Many residents of the inner and middle suburbs fear change, particularly alterations to built form and increasing population density. They are apprehensive that these trends will destroy the liveability of their neighbourhoods. Communication about Melbourne 2030 has not to date, adequately addressed these concerns or focused on the importance of building community awareness of the 'trade-offs' required to deliver sustainable urban growth.*

*Thirdly, tension has developed between the proponent of the policy, the State Government, and key players in implementation, namely local government. Understandably, Councils react to the views of their residents and to the challenge of limited funds. In consequence the physical implementation of Melbourne 2030 policies is often delayed and not infrequently frustrated at the local level.*

*Fourthly, as with many aspects of the planning system there are inherent tensions within the Plan itself, with limited guidance as to which aspect of policy should be given priority in any given situation'.*

As *The Age* pointed out in a series of articles published in the first week of May 2008 before the public release of the AEG report on Melbourne 2030, the strategy is not an action plan but more a series of aspirations and in that context the intrusion of imperative Ministerial directives has made very little sense.

The *Age* articles also picked up a strong push by several planning and development organisations for the establishment of a separate body, perhaps similar to the former Melbourne and Metropolitan Board of Works (MMBW) which could oversee implementation, free of political and local pressures. The AEG supported this concept in the form of a recommendation. Unfortunately the option chosen by Government, the establishment of Development Assessment Committees to decide on the future development of a number of Activity Centres, is generally seen as a device to stifle the influence of local government. SOS regards it as '*... yet another example of trying to make things easy for developers without regard to planning outcomes or the concerns of the whole community.*'

Without mechanisms that encourage the location of affordable, higher density residential development in the major activity centres developers will instead continue to opt for commercial and retail buildings, choosing the softer targets of established residential suburbs as the place for more profitable housing development. And even then their success will depend on the Governments response to two other vital issues highlighted by the AEG, the need for greater funding of planning and a serious upgrading of public transport.

The AEG recognised the need for community support in its Third Recommendation. (However, as we point out under **New Residential Zones**, the AEG sometimes seems to want it both ways.)

***Recommendation 3 – Communicating and building support: Broaden support for Melbourne 2030's implementation by developing a stronger partnership with local government and all sectors of the community to work together towards a more sustainable city.***

***There are two immediate opportunities to make this happen:***

- *Undertake new community engagement programs to focus on climate change adaptation.*
- *Involve communities in decisions on the application of the new residential zones.*

Finally, although the AEG makes some sensible proposals about monitoring the progress in implementing a revised Melbourne 2030 we should be alert to any proposed changes, particularly those which further limit the voice of the resident community.

## **Whitehorse Structure Plan for the Nunawading Mega Mile**

Those with any experience of urban planning in Victoria will not be surprised that the City of Whitehorse's Structure Plan for the Nunawading/Mega Mile Major Activity Centre, arbitrarily nominated as such in Melbourne 2030, has been adopted by Council, despite the reservations (including those of the BVRG) embodied in the Structure Plan Report. The Report was adopted by council at its meeting of 21<sup>st</sup> April 2008 after being deferred for a month at the urgent request of the Mitcham and Nunawading Working Party representatives who had noted numerous inaccuracies and anomalies in the Structure Plan draft sighted a few days earlier.

Much of the Report is dedicated to convincing the reader that the Study supports the Major Activity Centre ranking of the Mega Mile (at least that bit identified as such in the Study Area Plan), despite the fact that it meets hardly any of the 2030 criteria.

And although effective public transport is one of the cornerstones of these Centres, the Study tactfully side-stepped consideration of the separation of road and rail at Springvale Road as being 'outside the scope of the Plan'.

The whole expensive exercise, covering several years, has doubtless achieved some worthwhile agreement on preferred building heights and set backs – while several fortuitous developments (or non-developments) mooted during the currency of the Study also helped direct the planned future and are now embraced in the Plan. But one might imagine the same outcome could have just as readily been reached by a less intensive and costly study. Given the potential scale of development, future resident 'villagers' of Mitcham and Nunawading have been sold short on expectations of more public open space.

All in all, if the Structure Plan receives Ministerial approval, it is difficult to see it being held up as a shining example of Melbourne 2030. To quote the AEG again,

*'However, the test of a successful structure plan is not the completion of the plan or the expenditure of money. The test is whether it has facilitated the type of development encouraged by the State Government's activity centre policy, embodied in Melbourne 2030.'*

## New Residential Zones

We wrote at length in the last issue about the proposed new residential zones now being enthusiastically canvassed under the banner of greater local control. The new zones loosely referred to as 'go go', 'slow go' and 'no go' are radical changes and their implementation should not to be rushed.

In the BVRG submission to The Advisory Committee we recorded our reservations about the curious silence on the proposed method of implementing any change. Until the Advisory Committee gives some clear indication of what is contemplated, that silence, combined with the urgency accompanying the proposed changes, remains a cause for serious concern. SOS also shares our reservations on this aspect, commenting; *'No new zone should compulsorily replace the existing Residential 1 Zone. If a new zone is required, it should be made available to Councils to use at their discretion'.*

Sadly it seems to be another attempt to short circuit what in some circles are merely seen as annoying processing delays. The proposed changes seem to have a life of their own continuing regardless of what conclusions might be reached by the various current enquiries into the planning system. As we indicated earlier, the AEG has given sound advice on the need for community engagement but spoils it by providing a let-out in the second sentence of the following – while elsewhere appearing to accept the New Residential Zones as a fait accompli:

### ***'Community Engagement Requires'***

- 1. An honest desire for input and willingness to incorporate advice from multiple stakeholders into the final plan or policy.***

*'Don't ask for advice if the decision is already made. In this case, focus stakeholder information on communicating the decision'.*

Commenting on the discussion paper on the new zones the AEG said:

*'.....Each Council should be encouraged to apply the new residential zones having regard to the particular characteristics of its municipality and the metropolitan-wide implications of its actions.*

*This must be done in collaboration with the local community; as outlined earlier, this is one of the overarching imperatives for the future implementation of Melbourne 2030. If this can be achieved, it will go a long way towards creating a sense of community ownership of the Plan.*

*Failure to engage communities may entrench resistance to the Plan.*

*Before receiving Ministerial approval for planning scheme changes to introduce the new zones it should be necessary for each municipality to demonstrate that the total area identified for residential uses – at various densities - will enable the municipality to achieve its agreed household target.'*

## Farewell To Meg Probyn

After joining the Committee in November 2000 Meg took over as Secretary on 1 January 2005 and continued in that office until April 10 this year. During that time she took a leading role in advancing the interests of the BVRG, remaining actively involved in representing the Group at Panel Hearings and Tribunals while efficiently undertaking the many administrative tasks. She spent countless hours counselling and informing BVRG members of their third party rights and got personally involved in assisting objectors to planning permit applications.

Meg and Clive Probyn were among the earliest members of the BVRG and their contribution will be sorely missed. The retention of some of the characteristic features of Blackburn will remain as their legacy.

**Note:** Elaine Atkinson has generously stepped in to take over as Secretary but only in a caretaker capacity until the AGM in order to deal with essential administrative tasks. We urgently need a replacement on the

committee and would be pleased to hear from interested members. We also welcome Allison Summers and Peng Lee onto the committee.

## **Honours**

We are delighted to note that one long-term member, Paul Grundy and Sue Lockwood, another local resident with whom we have worked closely on environmental issues were recently awarded Australia Day honours. Our congratulations have been conveyed to both of them.

## **Update on Ongoing Projects**

### **Lake Road Land Acquisition for the Sanctuary**

After a very long wait Local, State and Federal Governments have signed a purchase agreement with Regis Group Pty Ltd, the owner of the former Deaf Society site.

It all started on 6<sup>th</sup> October 2004 when Regis, the new owner, submitted a planning application to build a major nursing home and aged care facility up to 5 storeys on the old Deaf Society nursing home site at Lake Road Blackburn. The community, at a public meeting called by BVRG was outraged. The proposal spawned the Blackburn Lake Sanctuary Action Group (BLSAG) and generated more than 1000 objectors. After protracted negotiations and a VCAT hearing a smaller development was approved.

The community then rallied behind negotiations to purchase a surplus portion of the site to be integrated into the Blackburn Lake Sanctuary. Federal, State and Local Governments agreed to contribute to the purchase. On the 18<sup>th</sup> May 2008 BVRG were advised that the contract was finally signed – 5 months short of 4 years later.

The twist in the tail however is that possession of the site will not occur until about November 2009. This will provide Regis with the time they need to complete the current Nursing Home development.

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

BVRG have recently provided feedback to the developer on the landscape plan for the proposed IGA supermarket. Once council signs off we will see a start on the development in the next month or so. It has been pleasing that the developer has been willing to involve BVRG input at each planning phase. The development will include many community suggestions that will result in a better outcome than would have been the case otherwise.

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

Since our last newsletter BVRG, with other local groups, wrote to the CEO City of Whitehorse and Councilors seeking mediation discussions about the future of the Seventh Day Adventist Site. No response has been received. The Panel reviewing the planning amendment for the Environmental Significance Overlay (ESO) over the site suggested community involvement.

Representatives from a number of local groups also met with Paul Kearsley (General Manager City Development) regarding possible development applications under discussion on the site.

BVRG remains concerned that, even though the site is covered by an ESO and has very high conservation value, a planning application is being prepared for a residential subdivision that will threaten the ecological value of the site.

It was also disappointing to see Telstra exploit delays in the minister's approval of the C73 Amendment that placed an ESO on the site. Telstra erected a communications tower on the Church administration building. The community, Council and the Seventh Day Adventist Church did not want the Telstra phone tower that has now been imposed on them.

### **Blackburn and District Environment Protection Fund**

The fund has at last been entered on the Register of Environmental Organisations and has tax deductibility status as at 19th June 2008. The Register can be found on the Department of Environment, Water, Heritage

and the Arts web page at [www.deh.gov.au/tax/reo](http://www.deh.gov.au/tax/reo). The Australian Tax Office has yet to confirm tax deductibility status but once that has been provided the fund will be able to take tax deductible donations for environmental purposes.

### Open Space Revisited

BVRG last year joined with other Community Resident Groups with an interest in Planning in Whitehorse (CROWAG) in a combined submission on the Draft Open Space Strategy (since adopted).

Whitehorse is already low in the municipal ranking for the provision of public open space as a ratio of population. Research by the Australian Research Centre for Urban Development (ARCUE) (2002) shows Whitehorse as eighth lowest of thirty-one Local Government Authorities in metropolitan Melbourne with 6.7 hectares/ 1000 people against a metropolitan average of 13.8 hectares/ 1000 people.

The Open Space Strategy as now endorsed accepts the need to acquire more public open space to match the expected population increase and in fact identifies activity centre "Gaps" which demonstrate the need to raise significant funds over the next fifteen years for that purpose.

Council continue to avoid any suggestion that they are already well down the open space ranking of metropolitan municipalities. Rather than giving priority to acquiring more open space in order to satisfy the needs of an increasing population council preference appears to be to spend on improving what we already have. While continuing improvement of existing resources is essential, so too is augmenting what space we have. A source of funding for this purpose is in the contribution levied on new developments and, as the Open Space Strategy recommends, the funds collected and how they are spent should be clearly identified in Councils Annual Report.

We have joined again with CROWAG members in reminding councillors that while there is a need to devote capital works allocations to improvements in parks, there is a need to actively allocate larger proportions of development contributions towards the acquisition of new open space for the benefit of future residents. It is a view that we, and you, can also put to candidates at the November council elections.

### Our New Financial Year and AGM

Subscription notices for 2008-2009 accompanies this edition of the Bulletin. Your prompt payment of this very moderate fee would be appreciated.

Please remember to recommend joining (for an absurdly low joining fee of \$5 plus \$5 annual subscription) to any of friends or neighbours who may have an interest in planning issues related to Blackburn.

We will be holding the annual AGM late October/early November. We may again hold this in a private home and before sending official notice would be grateful if anyone intending to be present could please advise the Secretary. As mentioned earlier, we are hopeful that one or two of you will be prepared to help with the worthwhile work of the Committee and you are invited to have a no obligation discussion about this with our President, David Morrison, AH 98942531

### Committee Members

|                |                          |                                 |              |
|----------------|--------------------------|---------------------------------|--------------|
| President      | David Morrison           | 49 Glen Ebor Ave, Blackburn     | 9894 2531    |
| Vice President | Ian Swann                | 15 Linum Street, Blackburn      | 9877 7084    |
| Treasurer      | Aaron Baker              | 16 Ronley Street, Blackburn     | 9877 0773    |
| Secretary      | Elaine Atkinson          | 1 Laurel Grove, Blackburn       | 9878 1328    |
| Committee      | Ron Grainger             | 25 Main Street, Blackburn       | 9877 3348    |
|                | Peng Lee                 | 5 Patterson Street, Blackburn   | 98784350     |
|                | Allison Summers (Editor) | 4/53 Laburnum Street, Blackburn | 0413 188 049 |

### Inclusions

- *Subscription Form*
- *New Member Form*

## BVRG Statement of Purpose

Since its formation in 1987, the Blackburn Village Residents Group (BVRG) has aimed to ensure that the interests of local residents are recognised in all planning issues affecting Blackburn.

The local community has long identified with the distinctive character of Blackburn, a predominantly residential area in which the built environment is typically subservient to vegetation, notably trees, on surrounding private and public land.

To achieve this aim the BVRG will:

- keep in regular contact with members through meetings and newsletters;
- maintain links with other Blackburn community groups and local residents through meetings, circulars and surveys and informal networks;
- represent the views of members to the City Of Whitehorse through correspondence, meetings and participation in local committees;
- make submissions to Panels appointed to review Amendments to the local Planning Schemes;
- contribute to committees of review at State and Local Government levels.

### Joining Fee - \$5. Annual Membership - \$5 per person

For your convenience, if you would like to use direct funds transfer over the internet, the details are:

Name: Blackburn Village Residents Group - BSB 083422 and Account Number 158598840

Don't forget to include your surname and initials, so we know who's paid!

## Blackburn Village Residents Group Inc Application For Membership

Founded 1987

I/We .....  
(print full name(s) and occupations)

Of .....  
(print address and postcode)

Home telephone ..... Work/Mobile telephone .....

Email address .....

wish to become member(s) of the Blackburn Village Residents Group Inc (A0049305U). In the event of my admission as a member, I agree to be bound by the rules of the BVRG for the time being in force.

Signature of Applicant ..... Date ...../...../.....

I ..... a member of the BVRG  
(printed name)

nominate the applicant, who is personally known to me, for membership of the BVRG.

Signature of Proposer ..... Date ...../...../.....

I ..... a member of the BVRG  
(printed name)

second the nomination of the applicant, who is personally known to me, for membership of the BVRG.

Signature of Seconder ..... Date ...../...../.....

Secretary: Dr Elaine Atkinson, 1 Laurel Grove North, Blackburn, Victoria 3130

Telephone: 9878 1328 Email: [bvrg@optusnet.com.au](mailto:bvrg@optusnet.com.au)