



## BLACKBURN VILLAGE RESIDENTS GROUP

*Protecting special features of Blackburn for the community since 1986*

# BULLETIN

**Bulleting No. 66**

**April 2009**

### Subscription Renewal

**Subscription notices for 2008-2009 financial year are enclosed for members who have not yet paid. Prompt payment, would be much appreciated.**

### Planning and Environment Act Review

The Planning and Environment Act Review discussion paper is now available and is yet another major review to which members should be aware of.

According to the discussion paper, the review is an opportunity to modernise the Planning and Environment Act 1987 and enhance the operation of Victoria's planning system. The main purpose of the review is to simplify the current laws, eliminate duplication, remove redundant provisions, modernise the language and strengthen certainty and timeliness in the planning process

Details are available on the Department website at  
<http://www.dse.vic.gov.au/DSE/nrenpl.nsf/Home+Page/DSE+Planning~Home+Page?open>

### Melbourne 2030 Revisited

One of the principal aims of this strategy has been to concentrate higher density housing in the Principle and Major Activity Centres in order to help contain urban sprawl. Unfortunately developers seem to find such residential construction uneconomic and only a viable proposition if in the form of giant multi-unit towers, vaguely reminiscent of the former Housing Commission blocks in Kensington and Richmond. One such, over five times higher than any other buildings in the centre, is now proposed for Box Hill.

Presumably there will be a great deal of pressure to approve the development if only because it purports to meet some of the pre-requisites of Melbourne 2030 as seen in the light of recently revised population projections for the metropolitan area. These are cited as the main motivator for the update strategy Melbourne@5million, released on 2nd December last year, that, *inter alia*, promotes Box Hill, along with five other centres, to the status of a Central Activities District.

Unfortunately, if a building on that scale eventuates it is going to stick out like a sore thumb. How successful it might be in attracting residents is also a moot point. There has been very little evidence that such high-rise apartments are readily affordable and their attraction is somewhat diminished because they are based on the largely illusory premise that residents in such centres, being in close proximity to public transport, do not wish to have ready access to their own cars. Certainly the update report recognises the need for substantial

improvements in infrastructure but it remains to be seen whether this translates into more practical and prompt action than there has been in the past.

The overall benefit of locating higher density housing in Activity Centres might now prove even harder to achieve in centres such as Box Hill. This is not just because prospective homeowners show a definite preference for single dwelling blocks, but because the State Government is at the same time relaxing its grip on the extent of urban sprawl by extending the 2030 boundaries to the west, north and south-east to what in one document is optimistically described as the 'final' location of the Urban Growth Boundary, following further investigation of nominated areas.

Not too much is said about preserving established suburbs other than noting that they will have to accommodate more dwellings and that higher density residential housing will be concentrated in activity centres and along communication or 'employment' corridors. Regrettably we have to repeat our view that, unless more effective controls are put in place, these 'established' suburbs will still provide softer and more profitable targets for inappropriate infill development, especially if the New Residential Zones further inhibit third party representation by those already living in them.

The update strategy may be studied on the departmental website, [www.dse.vic.gov.au](http://www.dse.vic.gov.au), and for those of us who are still trying to comprehend the ramifications of Melbourne 2030 this is likely to prove heavy going.

## The Year That Was

### Report on Annual General Meeting

The AGM was held on Wednesday 12 November at Blackburn Lake Visitors Centre. Summarised President's and Secretary's reports follow.

BVRG was active during the year, its first full year as an incorporated body. The Committee has made submissions and representations and been involved in consultations in wide range of forums that are detailed below.

The Committee met five times since the November 2007 Annual General Meeting and has undergone a number of changes - Meg Probyn resigned as secretary after eight years to move interstate and Elaine Atkinson agreed to stand in as Secretary temporarily. The Committee was bolstered by the addition of Allison Summers who has taken on the coordination and distribution of the Bulletin, and Peng Lee who provides valuable support with consultations over the Seventh Day Adventist site.

The committee continues to foster relationships with other community groups that share common goals. Throughout the year BVRG has worked with the Combined Residents Of Whitehorse Action Group (CROWAG) on a number of issues affecting the City of Whitehorse including the reduction of public open space as population and housing increases. BVRG also worked closely with more local groups including Blackburn and District Tree Preservation Society, Blackburn Lake Sanctuary Advisory Committee, and the Blackburn Lake Environmental Education Park.

#### Planning issues in which BVRG provided input:

- Amendment C73 submission and discussions - Inclusion of part of the Seventh Day Adventist (SDA) land in Central Road into an Environmental Significance Overlay.
- Discussions regarding a proposed new school oval development on the SDA site.
- Amendment C75 submission and discussions with Whitehorse and developer - Rezoning of land from Residential 1 to Business 1 Zone of the RSL Bowling Club site in South Parade and the construction of a supermarket.
- Submission to Whitehorse Open Space Strategy.
- Submission in association with the CROWAG to Whitehorse Open Space Strategy.
- Amendment C60 submission - Vegetation Protection Overlay to individual properties within the municipality.
- Amendment C74 submission - apply a Heritage Overlay to a number of properties in the municipality.
- The establishment of the Blackburn and District Environment Protection Fund.
- Finalisation of the buy back of eight lots at 1 Lake Road financed through the three levels of government.
- In conjunction with other members of the CROWAG developed a letter that was sent to CEO City of Whitehorse with questions on how development contributions collected by Council for the acquisition of public open space are used.
- Submission to the Audit of Melbourne 2030 and representation at Workshop.
- Discussions with Council on proposed works and removal of trees in the Blackburn library forecourt..
- Submission to VCAT Hearings – 37 Fuchsia Street, 124 – 126 Blackburn Road (application withdrawn).

# The Year That Is – Some Ongoing Issues

## The Blackburn and District Environment Protection Fund

The Blackburn and District Environment Protection Fund, established with BVRG support, provides for tax deductible donations. Its aim is to preserve and protect the natural environment within the City of Whitehorse. The Fund Committee members recently met with senior Whitehorse Council staff to establish a close and complementary relationship. A pamphlet has been designed (see enclosed) and a web site for the fund is being developed. Information about donations can be obtained by contacting the fund at PO Box 210 Blackburn Vic 3130 or emailing [badepf@gmail.com](mailto:badepf@gmail.com).

## Lake Road

Work on the building program for the nursing home complex continues on the site with November 2009 the scheduled completion date.

## The Seventh Day Adventist Site - the Concept Plan and Residential Development

The proposed residential subdivision under discussion late last year has been shelved. A Seventh Day Adventist committee has been formed to consider options for the overall use of the Seventh Day Adventist land and will be meeting with community groups in coming months to seek their views.

## Supermarket Development - 64-66 South Parade

Construction on the site has commenced and walls have already been erected. The store should be ready to operate around September/October 2009. We have previously raised with Council possible traffic and parking difficulties that will need to be monitored.

## Caltex Site

The dilapidated site will continue in its present state for some time yet. The recent edition of 'Along The Tracks' published by Blackburn Chamber of Commerce and Industry advised that surrounding traders were sent letters in December 2008 stating that 'due to data gaps in the original conceptual site model report, further assessment works had to be completed which in turn delays the preparation of a remedial action plan'.

## Bellbird Site.

A planning application for redevelopment of the Bellbird site on the corner of South Parade and Blackburn Road has been submitted to Council. The developer is seeking dispensation for provision of the required number of parking spaces. BVRG has submitted an objection because of continuing concern from residents regarding the loss of adequate nearby parking, especially at peak periods. For too long, developers have relied on the community parking spaces available nearby, these have also been diminished by Council recently when ten of the seventy-three spaces at an off street car park were converted to permit parking.

## Whitehorse Public Open Space Policy

You will be aware of the BVRG's concern about the lack of a meaningful open space policy in the City of Whitehorse, which has one of the lowest percentages of public open space per head of population in the metropolitan area. We, together with others in the CROWAG, have campaigned long and hard for recognition of this increasing problem, the most recent being a BVRG submission to the Victorian Environmental Assessment Council (VEAC) Metropolitan Open Space Investigation.

Now we have been advised that, at long last, Whitehorse is attempting to address the inadequacy of developer contributions of this increasingly scarce commodity. Amendment C99, placed on exhibition on 19 February 2009, seeks approval for a new local policy and associated changes in the Planning Scheme in order to require all subdivisions to contribute at least 4% towards open space either as:

- a percentage of site value,
- a land contribution, or
- a combination of both

BVRG has made a submission and will keep you informed of progress.

### **Draft of New Residential Zones released for comment**

The New Residential Zones Consultation Draft recently released is available in hard copy – ring 1300 366 356 or from the Departmental website [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning). The draft document appears to have addressed some concerns raised by BVRG in our submission to the proposed changes last year. We have made a submission on behalf of the BVRG that focused on the following issues -

- That, individually and collectively, the resident be formally recognised in terms of the notice, review and appeal of any application having the potential to adversely impact on his or her property.
- Specific assurance should be given that consultation with the 'local community' includes consultation with proximate residents – all those living in or around Activity Centres and new housing developments.
- We strongly recommend that existing overlays (and local policies where relevant) remain unchanged after conversion to the Limited Change Zone.
- In most cases the size and shape of the Neighbourhood Activity Centres remains unresolved and until finalised it is impossible to appropriately define the conditions that should apply to adjacent residential areas.
- To explain the point at which (in the words of the Draft) the new zones are 'finalised'.
- The need to prioritise action and logically complete work, firstly on Principal and Major Centres, then on Neighbourhood Centres, before addressing conversion of Residential Zones outside those centres.
- To explain what provision there will be for future overlays to be approved in these or other areas or whether such approval in new areas will trigger automatic conversion to Limited Change Zones.

### **New Councillors, Old Issues and Corporate Memory Loss**

We welcome Councillors Andrew Munroe and Bill Pemberton as our new Central Ward representatives (as two of five new councillors) and look forward to their effective involvement in local issues – not least the change in the municipal policy regarding open space – increasingly important as a counter balance to higher density living. The BVRG has extended an invitation to them to meet with the Committee and to brief them on other BVRG issues and concerns as they relate to Council.

At the same time we face the continuing problem of trying to familiarise new staff with the views and attitudes of residents regarding the planning and management of their local area. Each new officer appointed must necessarily embark on a steep learning curve about the community they serve and this must apply again following the departure last November of Paul Kearsley, General Manager, City Development. We hope that the new Manager will extend us the same courtesy as Paul, and be prepared to meet and discuss issues with us and other community groups.

## Conflict of Interest: Local Government Amendment Act

In the last Bulletin we referred to the concern that Victorian councillors who had previously expressed a view on a planning proposal before their Council would automatically disqualify themselves from debate or voting when a formal application was made. In that situation even a councillor who had decided to reverse an earlier position on a planning proposal would presumably be unable to record that change.

As we then said, it is a well recognised principle that any pecuniary interest in a planning matter or some formal association with proponents or objectors should require a declaration of interest which renders a councillor ineligible to debate or vote on the relevant matter. However, the concern had arisen because of recent reports that councillors had been prevented from debating or voting merely because they had publicly stated their personal views on a proposal before their council. This was also the impression given by clauses in the Local Government Amendment (Councillor Conduct) Bill being debated late last year. This Bill referred to direct and indirect (as distinct from financial) interest and broadened the definition of indirect interest to include that of a councillor's family members etc. It also made reference to the standing of such councillors in relation to VCAT appeals.

Despite Government denials that it was the intention to effectively silence local councillors who had ever voiced a view on a planning proposal the Bill has been subject to amendment and it is hoped that the Act that eventuates will largely preserve the status quo insofar as conflict of interest is concerned. There has already been more than enough dilution of community input on planning and to further limit the power of local representatives would be at odds with any claim that Victoria has an equitable urban planning system.

## Blackburn Village Residents Group Committee

Correspondence or payments may be delivered to your nearest committee member. If there are any members interested in joining the BVRG committee, please contact the President and note enclosed Application Form.

If you wish to discuss any planning issues with the committee, please contact us by email at [bvrg@optusnet.com.au](mailto:bvrg@optusnet.com.au) or in person – contact details below.

### Committee Members

President	David Morrison	Phone 9894 2531	49 Glen Ebor Avenue, Blackburn
Vice President	Ian Swann	Phone 9877 7084	15 Linum Street, Blackburn
Secretary	Elaine Atkinson	Phone 9878 1328	1 Laurel Grove, Blackburn
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### Enclosed

New Membership Application Form

Blackburn and District Environment Protection Fund brochure