



## BLACKBURN VILLAGE RESIDENTS GROUP INC.

*Protecting the distinctive features of Blackburn since 1987*

**Bulletin No. 69**

**April 2010**

### 2010 - An Interesting Year For Planning Matters

2010 is likely to be memorable for significant planning issues. Locally there is the Urban Design Framework study that will guide changes and future development in Blackburn over the next 15 years. Farther afield there is a 38-level tower at Box Hill under ministerial consideration, ongoing tension across Melbourne resulting from contentious planning decisions and a state election that will no doubt be shaped by planning issues.

In this Bulletin we touch on some of those planning matters and others of interest to members – realising that, as the planning system seems to be in a constant state of flux, some will have moved to another stage by the time you read this.

Since our last Bulletin we held our Annual General Meeting (AGM) in November and at that meeting members welcomed the return of Bernadette Cahill to the Committee. Aaron Baker retired from the office of Treasurer after 5 years but remains on Committee and we thank Aaron for introducing a new membership database while Treasurer. The committee welcomed the new Treasurer Mr Peng Lee. There were no other changes in Committee membership or office bearers.

### Open Space Revisited by Council

In the last Bulletin we reported on the adoption of Amendment C99 and also on the failure of a proposal to increase and expedite the allocation of funds to purchase open space. An encouraging sequel unfolded at the 12 October meeting of Council when it was unanimously agreed that a report be prepared within six months. Matters to be addressed included:

- How to reinforce moves to acquire new open space in areas identified as deficient
- The best method of allocating 60% of funds for acquisitions
- The best way to establish a Developer Contribution Plan (DCP) designed to capture dual occupancy developments
- Estimates of the value of funds required to meet future open space needs and of potential income

As a sequel to that move the March meeting of Council gave majority approval to the proposal that developers make a 4% contribution to acquisition and maintenance of open space.

Together with the Concerned Residents of Whitehorse Action Group (CROWAG), the BVRG congratulates Council on this move to more seriously address the problem of securing increases in open space that would help to keep pace with population increase.

## **Matters of Local interest**

### **New Mayor - Cr Bill Pemberton**

Congratulations are extended to our Central Ward Councillor, Bill Pemberton, elected in December as Mayor for the ensuing year.

### **Save Our Suburbs (SOS) update**

The SOS web site <http://www.saveoursuburbs.org.au/> is worth a visit to catch up on planning issues that are occurring daily across metropolitan Melbourne as the government continues to impose outcomes designed to accommodate a greater population on a struggling planning system. The web site also includes copies of their recent submissions to various reviews.

### **38-level tower for Box Hill?**

A little closer to home, the State Government's fast tracking of a 38-level tower in central Box Hill, as it tries to squeeze more housing into established suburbs has generated considerable local disquiet. The Planning Minister, Mr Madden, has called-in the project from VCAT so that the proposal will now be assessed by his department. The call-in was the 14th such intervention by Mr Madden in the past 12 months.

### **Past Planning Panel Reports.**

Planning panel reports from January to March 2001 and January 2002 onwards are now available at the Australasian Legal Information Institute website. It is proposed to upload reports back to the commencement of the New Format Planning Schemes and the majority of the reports will be searchable via the site. For any queries, contact Planning Panels Victoria on 9637 9691.

### **Vale - Sue Lockwood.**

It is with considerable regret that we record the death of a member who made a substantial contribution to the preservation of Blackburn's special environment.

Susan (Sue) Lockwood, AM, died on Friday December 11th 2009 following a protracted battle with cancer. Her illness did little to reduce her active commitment to protection of the local environment, particularly during her time as Chairman of the Blackburn Lake Sanctuary Advisory Committee on behalf of whom she made representations to Council and to Planning Panels and Tribunals. She was named Whitehorse Citizen of the Year in 2007.

The family requested that any tributes to her memory be in the form of donations to the Blackburn and District Environment Protection Fund. <http://home.vicnet.net.au/~badepf/>

## **Oil Spill**

The Environment Protection Authority was reported (Whitehorse Leader 4 November 2009) to be '...threatening sanctions if Caltex and a local petrol station don't clean up a one million litre spill.' After nearly twelve years since closure of the Caltex service station (December 1997) we don't expect miracles to occur as a result of mediation between Caltex and J&J Automotive sponsored by the Authority but it is perhaps the first sign of a serious effort to remove a depressing eyesore from the entry to the shopping centre.

## **Urban Design Framework (UDF) Study**

After the project stalled due to changing staff resources at City of Whitehorse the Community Reference Group will meet again with council officers and the planning consultants to review the draft urban design in mid April. The aim of the study is to **guide change and future development over the next 15 years** in the central area of Blackburn, north and south of the railway line and along Whitehorse Road to Varman Court.

We were pleased to see an additional position made available for a representative of residents from that part of central Blackburn immediately north of the railway line and south of Whitehorse Road. This now means that those living in each of the three main residential sections of the Study Area will be represented on the Community Reference Group.

Our President, David Morrison, has been appointed to represent Blackburn residents south of the railway line, where most BVRG members also live. The other representatives are

• North of the line	John Romanin	Phone 9877 9417
• North of Whitehorse Road	Justine Mansell	Phone 9877 8364
• Blackburn Traders	Fay La Galle	
• Mega Mile businesses	Sue Floyed	

Please offer comments and/or assistance to any of the three resident representatives. BVRG also intends to survey residents once design concepts have been proposed.

Also note that relevant information is posted on the Council's website at [http://www.whitehorse.vic.gov.au/megamile\\_blackburn.html](http://www.whitehorse.vic.gov.au/megamile_blackburn.html)

## **From Corridors of Power to Shadowed Canyons**

Unfortunately the UDF project gets underway at a time when, in its eagerness to 'get things done' the State government, seemingly ignoring the electoral punishment meted out to their predecessors in 1999, is imposing more undemocratic planning measures and thus reducing meaningful contribution from communities most affected.

We trust that the UDF Co-ordination Group are capable of resisting similar pressures to meet simplistic outcomes and realise that, as highlighted by recent unfortunate examples here in Blackburn, higher density residential development is not simply a matter of cramming as many dwellings as possible on any given space near railway stations. We also trust that they will not condone moves to facilitate development along Whitehorse Road which would transform it into what SOS characterises as yet another 'over shadowed wind canyon'.

One of the dangers of 'top-down' planning is not only that it ignores community aspirations but the need for flexibility in responding to future economic and social changes and this is the main reason why the BVRG believes that the Industrial Zone which borders the present Study Area should not be excluded from consideration.

The danger of ignoring evolutionary change is very real for activity centres. Here is a local example, our September 1996 *Bulletin* referred to the Case Study Report on the Urban Villages Project which had been all the rage over previous years. *'What was interesting was that four years after the (1992 Blackburn Office Zone) Hearing, when the concept of medium size offices on consolidated sites was so vigorously championed by Council and business interests, this Report concludes that development of such offices is "not likely to happen in the foreseeable future..."'* Thirteen years after our *Bulletin* comment we have seen only four office developments of the type envisaged for that area.

## Planning Legislation Amendment Bill 2009 [2]

Specifically, the Bill proposes to give effect to the government's announced intention of establishing Development Assessment Committees (DACs) as outlined in *Planning for all of Melbourne -- The Victorian Government Response to the Melbourne 2030 Audit 2006*. Acts amended by the Bill are the

- Planning and Environment Act 1987
- Docklands Act 1991
- Heritage Act 1995
- Local Government Act 1989
- Melbourne Convention Centre and Exhibition Trust Act 1996
- Local Government Act 1989

The Bill would drastically curtail the rights of the community to object on planning matters in relation to major projects where [DACs] had been set up, not necessarily including representatives from the relevant local government area - although local councils (read ratepayers) would be required to make a financial contribution to the work of the DAC and the implementation of their decisions.

We repeat what we said in April last year when it seemed that it was intended to silence local government councillors who had previously recorded some view on a planning proposal before it came before their council. *'There has already been more than enough dilution of community input on planning...'*

The Bill was defeated in the Upper House of State Parliament early in 2009, following protests by resident groups and local government councillors [Coalition of Concerned Councillors] and opposition members. It was presented again late in September and passed the Lower House with support from the Liberal Party after they had obtained some minor concessions (and despite the shadow planning minister stating that they were opposed to mandatory DACs and would revise the Act if elected next year).

## Holiday Reading

With consummate timing, the Department ensured that we reduced our idle hours over the festive season by calling in mid-December for further comment on proposals to 'modernise' the **Planning and Environment Act** and for views on the proposed revision of the **State Planning Policy Framework (SPPF)** (for further details and relevant documents see the Department's website). Submissions in both cases were required by early February. We offer some brief comments below.

### Planning and Environment Act

In essence, although the proposed changes in the Draft Bill retain the laudable objectives of the existing Act, they still allow too much discretionary power in its application and too much authority for the Minister or VCAT to vary decisions made at local level.

Two issues are of particular concern to residents. One would be the granting of power to the Minister to authorise someone other than a Planning Authority (Council) to initiate an Amendment, especially where it applied to a project already rejected by Council and the proponent of which was also the initiator. The other is for a new class of planning permit application, described as 'Code Assessed' against criteria introduced by Planning Scheme Amendment; this would be exempt from notice and subject to delegated decision by Council Officers.

### State Planning Policy Framework (SPPF) Review

The proposed revision eliminates some of the existing duplications and gives more attention to policies such as Melbourne 2030, Growth Areas etc. Aside from those changes of emphasis it is largely a housekeeping exercise, which aims to update content and improve comprehension.

Sections such as Housing, Economic Activity, and Infrastructure remain in slightly condensed form while Settlement is considerably expanded. The Environment rates two new sections while others are devoted to Resource Management, Built Form and Transport.

## Planning Applications

### 15 George Street Brothel

VCAT in its determination of 16th December has allowed the expansion of the Brothel in accordance with the planning application submitted by the owner. The exception was to the proposed signage, tribunal Members were concerned to maintain the discreet nature of the business in the industrial zone and disallowed the proposed 900mm by 1200mm (1.08m<sup>2</sup>) advertising sign for •

## **2 - 2a Laburnum Street**

An application was made for a permit to construct a three storey building comprising 20 dwellings including a semi-basement car park on the site.

On 9 November 2009 BVRG submitted an objection to this proposed development on four key issues

- Overdevelopment of the site with a lack of open space
- The potential for serious traffic incidents with entry to the development just one lot down from the very busy Whitehorse Road/Laburnum St intersection
- The lack of parking for visitors, particularly as there is virtually no on-street parking available
- Overshadowing of neighbours would be inevitable with the magnitude of the proposed development

On 31 December 2009, after consideration, Whitehorse Council opposed the granting of a permit for this development on six grounds.

The applicant has now taken this matter to a VCAT Hearing that will be held on 3 August 2010 commencing at 10am.

## **Blackburn Village Residents Group Committee**

Correspondence or payments may be delivered to your nearest committee member. Members interested in joining the BVRG committee, please contact the President.

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
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### **Enclosed**

New Membership Application For – please pass this onto your neighbours and encourage them to join.

2009/10 BVRG Membership Renewal Form (if we haven't received your renewal)