



## **BULLETIN**

**BVRG BULLETIN 70**

**August 2010**

### **The work continues at the policy level and at the coal face...**

You will see from the following articles that your committee has been kept busy over the past few months with planning matters at both state and local government levels.

Matters considered at local level:

- Whitehorse's Urban Design Framework Study (UDF): Looking Ahead
- Whitehorse Planning Scheme - Three Yearly Review
- Seventh Day Adventist College's Site Redevelopments
- 'Bellbird' Site Redevelopment
- IGA Supermarket
- Blackburn District Environment Protection Fund
- Other Matters of Local Interest

Matters considered at state level:

- State Planning Policies
- Major Cases List
- Transforming VCAT
- Victorian Environmental Assessment Council (VEAC) Investigation of Remnant Native Vegetation.

### **Whitehorse's Urban Design Framework (UDF) Study: Looking Ahead**

#### **UDF Progress Report**

Of particular interest is the report resulting from the Urban Design Framework (UDF) study.

The second meeting of area representatives was held in mid April when a consultant's concept of the Mega Mile (West) and Blackburn Activity Centres was considered. Council's special Bulletin No 3 was then distributed which many of you received in mid-May. It invited comment on the Consultative Draft Framework report that was available on council's website, at libraries and Council offices for public comment from 17 May to 11 June.

At the third and final UDF meeting on 23rd June attended by community representatives, council officers, Councillors and the consultants, the issues raised by more than ninety submissions were discussed. The consultants agreed to a number of important changes to the draft document but did not accept others. There will be a further opportunity to comment on the council endorsed report that will be publicly exhibited in the near future.

#### **BVRG Survey**

After release of the Consultative Draft, the BVRG took the opportunity to survey members and residents in and around the Study Area in order to better inform us of their views and assist us in representing them. We thank those who replied.

The survey attracted a 12.3% response from 676 households. Electronic copies of our submission to Council may be obtained by emailing [bvrg@optusnet.com.au](mailto:bvrg@optusnet.com.au) and type REQUEST UDF BVRG Submission in the subject line.

With the spotlight on local planning your committee decided to include a brochure on the BVRG and we are pleased to welcome a number of new members as a result of that initiative.

### **In Summary**

We believe that the Draft Plan recognised the special nature of the Blackburn Centre but that there are several issues which remain unresolved, including more thoroughly considered boundaries of the Blackburn Neighbourhood Activity Centre and of the bulk and height of buildings, commercial and residential, within the centre, especially north of Railway Road.

### **Why is your view important?**

A VCAT Hearing a few years ago (P665/2006) concerning an application for a development in Railway Road brought home to us very clearly that (in the words of the Tribunal) there is a '...policy vacuum in relation to the built form outcomes for the Railway Road frontages.' Furthermore, we were reminded that most residents are prevented from recording objections to height, bulk, setback or related issues concerning proposed Business Zone developments. Unless the recommendations that emerge from this Study result in specific planning policies governing future development in and around central Blackburn we are likely to see a general erosion of its character.

We are likely to observe

- the removal of trees once, very much a part of the local fabric, which helped soften the views of the slope up to Whitehorse Road
- we are likely to see more mid-winter shadows of taller new buildings on the north side of Railway Road reach the buildings opposite
- we are likely to see more decisions in favour of significantly increased residential density that results in increased problems with traffic circulation and parking

Certainly there is room for more offices and higher density housing – but not at the expense of those features that make it an attractive and pleasant place for those who live and work here. So this Study provides the main opportunity for you to contribute to the formulation of conditions governing the future shape of central Blackburn, especially that part north of Railway Road not already covered by Local Planning Policies.

### **What Happens Next?**

Council considered and adopted a report on the UDF at a meeting on Monday 26 July 2010. Community members who submitted feedback, will receive a letter following the councils decision. Council will then seek authorisation from the Minister for Planning to prepare and exhibit an Amendment to the Whitehorse Planning Scheme. This means that the residents can make further comment on the document. Depending on the weight of submissions council will decide if a panel hearing is warranted, and, if any changes are made, the final document is then endorsed by council and passed to the Minister for Planning for approval.

Documents relating to the UDF study can be found on Council's special website at  
[megamile\\_blackburn@whitehorse.vic.gov.au](mailto:megamile_blackburn@whitehorse.vic.gov.au).

### **Whitehorse Planning Scheme - three yearly review**

The three yearly review of the Whitehorse Planning Scheme included two community workshops, one in late April and another in early May and BVRG was represented by Elaine Atkinson and David Morrison at the latter. The subsequent Report was endorsed by Council on 28 June and submitted to the Minister.

Issues raised by BVRG included:

- The difficulty of interpreting conflicting policies in relation to development applications in Natural or Minimal Change Areas outside of but close to activity centre boundaries.
- The ability to specify that fences require a permit in SLO areas.
- Setbacks of upper stories in multistorey developments.

At the risk of making sweeping generalisations it could be said that the present Scheme was found to be largely relevant as a guide to the use and development of land in the municipality but that its application and interpretation is the cause of most resident angst. This situation arises mainly because of the refusal to introduce more prescriptive ordinances governing development and the increasing frequency with which the Minister and the Planning Tribunal override the local planning authority.

The full report can be found at

<http://www.whitehorse.vic.gov.au/ignitionSuite/uploads/docs/Whitehorse%20Planning%20Scheme%20Review.pdf>

## **Seventh Day Adventist College's Site Redevelopments**

At its meeting of 28th June 2010 Councillors voted to grant a Permit under the Whitehorse Planning Scheme to the Nunawading Christian College in Central Road for construction of a new school oval, tennis courts and car parking area, and the removal of vegetation, subject to a number of conditions including careful management and net gain offsets for environmentally endangered vegetation. The Nunawading Christian College had engaged consultants to prepare a Net Gain Offset Management Plan to address the loss of native vegetation associated with construction of a new oval, mainly by allocation of suitable alternative designated areas on SDA college site.

A number of community groups objected to the proposal on the basis of:

- Loss of high value vegetation
- Lack of sustainability principles in relation to storm water harvesting and recycling.
- No master plan for the whole site.

Whilst net gain offsets go some way to addressing the vegetation loss Councillors ignored their own sustainability principles to ensure that high value Melbourne drinking water will be used to water the oval. The most cost effective time to implement water harvesting and reticulation systems is during the construction stage. Water harvesting would also reduce peak water flows into Gardiners Creek and Blackburn Lake reducing the impact of flooding.

## **'Bellbird' Site Redevelopment**

We reported last year that we had objected to this application due to the associated request for parking space dispensation and the requirement for vehicle access at one of the most congested traffic locations in our locality – at the Blackburn Road intersection with South Parade and the railway crossing. The Council took the same view and, more recently, so did VCAT.

The Chamber of Commerce found the rejection by VCAT a failure of the planning system, stating in the *Whitehorse Leader* 12 April, that *'parking was not a problem in the centre,'*. BVRG has been concerned for a long time that continued parking dispensation for new developments is adding parking pressure on nearby streets. BVRG also considers that if the centre is going to attract patrons it must provide them with convenient and safe access – not having to park their cars away on the fringes.

Anecdotal evidence from local residents is that limited parking is available, particularly in the middle of the day and often only long distances from the shops being visited. Lack of convenient parking is one of the main reasons why car owners tend to seek service elsewhere.

In the *Whitehorse Leader* on 7 July Centre Manager Rebecca Webb was reported as being justifiably concerned at the lack of consultation over a decision to erect a 25m rail radio tower and the permanent loss of two parking spaces, *'We are so tight on parking spots here; losing any more could really affect the strip.'*

## **IGA Supermarket**

The store management invited BVRG to comment on the operation of the new store now that it had been 'up and running' for some time. BVRG prepared a short summary of points that were noted by the committee and others.

Suggested matters included:

- making the external loading bay and the right-of-way more attractive and welcoming
- consider 45 degree on-street parking north of the store
- checking the legality of customers backing out across an unbroken line to exit
- the desirability of revamping the check-out system so that the often unused trolley check-out is consistently used for customers with many goods.

Residents are invited to comment direct to Mr John Morris at BLACKBURN IGA plus LIQUOR, 66 South Parade, Blackburn, Ph 9877 1003.

## **Blackburn District Environment Protection Fund**

BVRG is pleased to report the successful first year of the Fund. BVRG was an early supporter of the fund and in its recent newsletter it was reported that "the past year has been one of 'bedding in' the necessary administrative structures that will support the fund as it grows". The fund is registered with the Taxation Department so that donations are tax deductible and is on the Department of Environments register of Environmental Organisations. The fund has a website ([home.vicnet.net.au/~badepf/](http://home.vicnet.net.au/~badepf/)) and is supported by the City of Whitehorse website and the Our Community website, both of which broaden the exposure of the fund and also allow for donations on line.'

The Fund made its first grant on 21st November 2009 worth \$9500 to the Blackburn Lake Advisory Committee for projects related to environmental education for school and tertiary students from southeast Melbourne and digitisation of the natural history slide collection held at the Blackburn Lake visitors centre.

## **Other Matters of Local Interest**

### **Going Down?**

In April we reported that the Planning Minister, Mr Madden, had called-in the 38 storey Box Hill tower proposal from VCAT so that it could be assessed by his department. On 1 June the Minister announced that the Governor in Council had accepted his recommendation that the 39 (sic) storey development should not proceed, adding that "The Victorian Government agrees with council's assessment that this design does not support the policy objectives of *Melbourne @ 5 Million* and has refused the permit."

The Minister had faced increasing criticism over his handling of this matter and following his recent announcement the more cynical observers have suggested that it is not unrelated to the fact that a state election will be held in the next few months.

### **Sawmill at Taralye?**

BVRG became aware of a dispute between neighbours and Taralye, the oral language centre for deaf children on Blackburn Road, regarding a tree lopping business operating from the centre which was outside of planning regulations. Thankfully the matter was resolved when the business ceased operation after council intervention.

### **... and visiting VCAT**

As usual there are a number of ongoing planning permit appeals at VCAT in which Blackburn residents are involved and the BVRG has sought to be represented in two of these.

2 and 2A Laburnum Street - We reported Council's rejection in the last Bulletin; that is now set for Hearing at 10.00am on Tuesday 7 September [VCAT Reference Number P120/2010]

Uniting Church Sign - Our other concern was with an application lodged last year for an illuminated free standing Uniting Church sign to be erected near the corner of Blackburn Road and The Avenue. Council rejected this earlier this year as being detrimental to the neighbourhood character defined in Overlay schedules and contrary to several related planning ordinances. The applicant



requested a VCAT review and the Tribunal referred it to Mediation on Wednesday 22 September 2010 at 2.15 pm [VCAT Reference Number P 1293/2010].

It is at the discretion of the Mediator as to whether observers are admitted to what is essentially a confidential session but if you wish to support our representatives by attending either Hearing, please note the date but check the VCAT website after 4.30pm on the previous day as dates and times are subject to change.

### **State Planning Policies**

Kenneth Davidson wrote in The Age on *July 12, 2010* that "the government was doing its best to push Planning Scheme Amendment VC67 through Parliament. If it is passed, it will take 46,600 hectares out of the green wedge land for urban development, create reservations for a new outer-metro ring road and the E6 freeway and, in clause 12, change the planning laws to allow construction of high-rise development along existing tram and bus routes".

The Coalition combined with the Greens to oppose parts of the bill meaning that the whole bill was rejected until redrawn and reintroduced. The proposal has been contentious and has generated protests on the steps of Parliament House.

The Bill has been redrafted as Amendment VC68 in a more simplified format. With the support of the Liberal party the Parliament has now passed this amendment.

Amendment VC68 expands Melbourne's Urban Growth Boundary, and puts in place Public Acquisition Overlays for the proposed 15,000 hectare native grasslands reserve, the Regional Rail Link and the Outer Metropolitan Ring / E6 Transport Corridor. Unlike Amendment VC67, Amendment VC68 does not include the changes to Clause 12 of the Victoria Planning Provisions which were intended to translate the policy elements of Melbourne 2030, a planning update: Melbourne @ 5 million into planning schemes. A separate planning scheme amendment will be prepared to implement the Melbourne @ 5 million policies.

### **Major Cases List**

From 3 May 2010, planning developments worth more than \$5 million have been automatically included in the new Major Cases List of VCAT, although an applicant can opt out at any time. The List operates as a sub-list of the Planning and Environment List and the objective is to complete such cases (from lodgement to decision) within sixteen weeks.

One year's special funding enabled the List to be established in order to expedite the resolution of such projects. It remains to be seen whether, as claimed, its operation "*will not compromise the quality of decision-making or reduce the substantive or procedural rights for any parties or objectors, or affect the handling of other cases in the Planning and Environment List.*"

We have already seen Aldi in Box Hill claim that the increased project cost of their rejected Station Street application brings it into the Major Cases category.

See the VCAT website (Introduction of the Major Cases List) for further information.

### **Transforming VCAT**

The recent VCAT Review Report has led to the production of a Discussion Paper on the development of a three-year strategic plan under this rather imaginative title. As Save Our Suburbs (SOS) has commented, the Report focused mainly on operational and administrative issues but, while it made some very timely and useful 'user friendly' recommendations, it did not come to grips with most community complaints about planning issues, citing a number of these in its website; [www.saveoursuburbs.org.au](http://www.saveoursuburbs.org.au).

The release of the Discussion paper, although it largely reflected the emphasis of the Report, did however provide an opportunity for further comment on the main issues. It is proposed that there be a community engagement process every two years. Further details are on the VCAT website.

## **Victorian Environmental Assessment Council (VEAC)**

### **Investigation of Remnant Native Vegetation**

The vulnerability of native vegetation in the metropolitan environment is increasingly obvious to anyone involved in planning and in February 2009 we took up the invitation to submit comments on the VEAC Investigation of Remnant Native Vegetation. On 28 June 2010 VEAC released a Discussion Paper summarising the extensive investigation and to seek written comments by 30 August. They are also hosting a number of workshops around the State.

More details are on their website at

<http://www.veac.vic.gov.au/investigation/remnant-native-vegetation-investigation/reports>

In its report on the Gippsland Plain bioregion, which includes Whitehorse, the report indicated that approximately 100% of the bioregion is fragmented with about 25% of native vegetation intact, half held privately and half in public hands and that the best quality vegetation is publicly owned. Public land includes a small number of large patches including islands such as French Island and state parks. Blackburn Lake Sanctuary and parts of the Seventh Day Adventists site retain patches of very high value remnant vegetation. One of the key findings of the study was the need to retain existing high value remnant vegetation.

'By far the strongest consensus on any issue in the scientific literature is that for the retention of existing native vegetation. Even scientific papers advocating other courses of action typically emphasise the primacy of minimising the loss of existing native vegetation before moving on to other options. Many scientists argue that no other activities substitute for retaining existing vegetation.' Remnant Native Vegetation Investigation Discussion Paper Key issue 7.3.2.

## **BVRG Matters – A New Financial Year**

We trust that the long haul back from the economic recession continues. Several new businesses have opened in Blackburn but empty premises still indicate the fragility of the commercial world.

Meanwhile the BVRG has maintained its modest annual membership fee of \$5 for the financial year 2010/2011 and trusts that you will subscribe again by completing and returning the enclosed 2010/2011 Subscription Renewal Form as soon as possible. The fewer reminders required the less administrative time involved and the valuable volunteer effort can be devoted to local planning issues.

### **Blackburn Village Residents Group Inc. Committee**

Correspondence or payments may be delivered to your nearest committee member. New members are always welcome and if you are interested in joining the BVRG and/or the 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
Secretary	Elaine Atkinson	Phone 9878 1328	1 Laurel Grove, Blackburn
Treasurer	Peng Lee	Phone 9878 4350	5 Patterson Street, Blackburn
Committee	Ron Grainger	Phone 9877 3348	25 Main Street, Blackburn
	Aaron Baker	Phone 9877 1773	16 Ronley Street, Blackburn
	Bernadette Cahill	Phone 9877 7556	39 Blackburn Road, Blackburn
Editor	Allison Summers	Phone 0413 188 049	13 Orion Street, Vermont

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

#### **Enclosed**

New Membership Application Form – please pass onto your neighbours  
BVRG Membership Renewal Form for the financial year 2010/2011 (if we haven't received your renewal)