



BLACKBURN VILLAGE RESIDENTS GROUP INC.

Protecting the distinctive features of Blackburn since 1987

BULLETIN

Bulletin No. 72

February 2011

Twenty-four up

Welcome to the start of the Group's twenty-fourth year – and a special welcome to the many new members who joined us following the community survey we conducted in order to represent resident interests in relation to the Urban Design Framework (UDF) Study.

Your new Committee will continue to monitor the progress of this and other potential changes to the Planning Scheme and over the coming months will doubtless need to review the effect on Blackburn of planning policies introduced by a new State Government. These and other issues are referred to in more detail below. Meanwhile we urge individual members to respond to permit applications which they see as threatening their amenity.

Some of you reading this Bulletin were respondents to our UDF survey who asked to be kept informed of developments and it was decided that this would best be done by temporarily adding you to our mailing list. Please note that we shall include you in our next mailing but not beyond – unless you decide to take up membership.

We have been able to retain our low membership subscription of \$5 and thank those who have paid their current fees promptly, adding special thanks to those who also made a donation. If you haven't yet paid your annual subscription a final reminder is enclosed.

The AGM and new Committee

The Annual General Meeting was held on 11 November 2010 when reports were received of yet another busy year – a year which included the BVRG's formal involvement in ten Planning Scheme issues, several of which required BVRG representation at Victorian Civil and Administrative Tribunal (VCAT) Hearings.

There were a number of changes in the Committee (see listing at the end of this Bulletin) and we record a warm welcome to new members Ray Summers and Mike Taafe while farewelling Bernadette Cahill and Elaine Atkinson. Bernadette, with her qualifications and experience in planning and design, had made a welcome return to the Committee for a second term while Elaine not only undertook important administrative tasks at a time when assistance in that area was sorely needed but did so in a competent and efficient manner as well as representing the Group at planning meetings and Tribunals.

Our President David Morrison has been granted leave of absence while in Antarctica though fortunately will be able to remain in electronic contact.

Megamile West and Blackburn Activity Centres; the UDF

Council still awaits authority from the Minister to prepare and exhibit this Framework – after setting a cracking pace in the early stages it later seemed to have gone to rest in the upper levels of the system. This may prove to have been a welcome pause, given the distractions of the November elections and the seasonal holidays.

Although some of the election campaign proposals had the potential to affect the local scene, direct solutions to traffic and transport problems, such as railway station upgrades and road/rail grade separation, we believe, beyond the scope of the Framework Plan.

Keep watching out for announcements on this major planning document.

VCAT Hearings

As previously reported the BVRG was a party to the following applications -

2-2a Laburnum Street

The VCAT determination on this protracted appeal was that "*The decision of the Responsible Authority (Whitehorse Council) in relation to permit application no. WH/2009/454 is affirmed. No permit is granted.*" And the key issue in reaching that decision was "*The failure to adopt a design which integrates with the fall displayed by the review site results in a large built form which is substantially elevated above ground level.*"

No public comment was made about what we saw as the casual indifference with which the applicants (a firm of architects) prepared their revised plans – including retention of errors from the first version's overshadowing indicators which were out by 90 degrees.

A new application has been made to develop this site. As it only proposes a minor reduction in scale, the BVRG has lodged another objection.

Uniting Church Signage

As no agreement could be reached by the parties attending a VCAT Mediation Hearing on 22 September 2010 a formal Hearing was held on 20 December and we were notified in January that the Tribunal upheld the decision of Council and did not grant a permit for the sign.

The Tribunal drew attention to the fact that while a permit was required for such a sign under the Neighbourhood Character Overlay it was not under the Significant Landscape Overlay, unless within 4 metres of any vegetation that required a permit to be removed, destroyed or lopped. This would seem to be another anomaly which Council should address.

Are Requirements Sufficient?

In our last Bulletin we queried the apparent absence of permits for rebuilding the burned section of the former Neighbourhood House on the corner of Blackburn Road and The Avenue. Apparently a Building Permit had been issued by a private building surveyor but details of this were not required to be lodged with Council. Therefore, at least up to 7 October, no building inspection of the new structure had been conducted and they had no means of checking whether the replacement of that part destroyed by fire was not of some different design. We have put to Council that this situation highlights a shortcoming in the planning system which they should seek to remedy.

The BVRG has also been concerned at the absence of a requirement for a planning permit to construct front fences/walls within 4 metres of a 'protected' tree in Significant Overlay Areas and this was one of the matters considered in the recent review of the Whitehorse Planning Scheme.

On 24 January Council agreed to seek an appropriate control to apply to all SLO areas, along with exemptions for building and second storey set-backs and inclusion of a more explicit definition of lopping and pruning. All these will be set out in Amendment C133 subject to receiving the authorisation of the Minister.

A New State Government

In the run up to the November election former local Member, Tony Robinson, announced approval for refurbishment of the busy Blackburn Railway Station, including access by lift as an alternative to the underpass. The Liberal National coalition, now in government, announced that if they won power they would commence planning and development for elimination of the Blackburn Road level crossing.

During the same period the then leader of the opposition, Ted Baillieu, now Premier, pledged introduction of a new planning policy under which Labor's "contentious new laws that allow for high-rise residential blocks along major tram, train and bus routes across Melbourne would be scrapped."

He added that Melbourne's so-called development "activity centres" in suburbs including Box Hill would be retained but given explicit boundaries while residential and open-space areas outside those boundaries would be designated as "no development zones."

In early December the new Planning Minister, Matthew Guy, announced revision of Clause 16 in Amendment VC71. But, as the Save Our Suburbs (SOS) President has pointed out it is difficult from a reading of the new Clause to interpret this as implementing a policy of scrapping high density housing along major transport routes. It is hoped that that stated intention will soon be made more explicit and that there will be no delay in the promised introduction of other curbs on the spread of excessive development into residential areas.

The foreshadowed elimination of the Blackburn Road railway crossing will present some complicated engineering, economic and social challenges, too complicated to discuss in detail here. However, we trust that new local member, Dee Ryall, will insist on provision being made for genuine community consultation, not least on any related proposals for a railway station upgrade and on measures to ensure that a busier Blackburn Road does not further divide connections between east and west Blackburn.

The 'Bellbird' Site: A new proposal

The BVRG saw this new proposal as a far more sensitive approach to the regeneration of the property on the corner of South Parade and Blackburn Road (130-132 South Parade). While we still have some concerns regarding traffic and parking and would hope more attention will be given to signage design and landscaping, these are matters to which the Council should give close attention. In particular, given that it is intended that one of the leasable areas be taken up by Australia Post, the measures designed to cope with the expected generation of more pedestrian and vehicular traffic will need careful scrutiny.

Having objected to the previous proposal for redevelopment of the site the BVRG has a particular interest in the outcome of this new application. It pays regard (as hopefully all future applications in the Centre will) to the fact that rejection of the previous application by Council was upheld by the Tribunal (P1433/2009) on the grounds that the policy for parking provision was specifically designed in the interests of all those using the Centre and to simply suggest that long term parking

will sort itself out without affecting either short term spaces or nearby residential areas was unsatisfactory.

The new application also seeks additional controls in Blackburn Road with the object of reducing any adverse impact of additional traffic. This will require the sympathetic consideration by the roads authority.

Our long held view that a lack of convenient parking facilities must have a detrimental effect on businesses has recently been echoed by local traders (see last *Bulletin* and page one article in *Whitehorse Leader* of 12 January). The trick is to find the best mix of controls to apply to what is essentially a finite resource.

Watch these Spaces

Late last year, near the end of his term of office, the then Mayor, Bill Pemberton, rightly took pride in recording his commitment, along with that of fellow councillors, to ensuring that the community and future generations of Whitehorse had the ability to access and enjoy public open space.

Indeed it reminded us how important it was that early last year Council finally agreed that developers should make a 4% contribution towards acquisition and maintenance of open space, a requirement long sought by this group together with other community groups – Concerned Residents of Whitehorse Action Group (CROWAG).

But it also reminded us that, in terms of public open space, Whitehorse is starting from a relatively low base and that the legacy of past neglect has accentuated the imbalance between a burgeoning Whitehorse population and recreational open space.

An article in an October issue of *Melbourne Weekly Eastern* brought that situation into clearer focus. It featured Chris White, President of the Junction Road Parklands group, who recalled the long battle his group had had to retain the area as parkland after Vic Roads compulsorily acquired it at no cost but which, when surplus to their requirements, proposed it be given over to housing development. He added that it could only be saved for open space if the public, payed through their taxes for land ‘...which we collectively already own...’. He added that, since the early 1990s, during the long campaign to preserve public open space, the disinterest of past councils had seen at least 29 sports ovals lost to houses.

And the comparatively low ranking of Whitehorse in terms of open space was once again confirmed by the release last October of the Victorian Environmental Assessment Council’s (VEAC) discussion paper on their *Melbourne Metropolitan Investigation*. Some relevant statistics were summarised by the Blackburn and District Tree Preservation Society; ‘The total area of public open space in Whitehorse is 644.6 ha, representing 10.4% of the municipal area, compared with the metropolitan average of 11.4%. It represents 4.3 ha per 1,000 population, compared to a metropolitan average of 5.8 ha. Figures for surrounding municipalities are: Boroondara, 9.6%, 3.6 ha; Manningham, 15.8%, 9.5 ha; Maroondah, 11.0%, 5.8 ha; Monash, 9.9%, 4.0 ha.’ (We might add, in fairness to Boroondara, that although it has less open space per total area and per 1,000 population it did receive a special mention because most of its residents have access to open space within a walkable distance of 400 metres - see page 105 of the paper on the VEAC website).

It is obvious, as the VEAC paper also notes, that as Melbourne’s population increases, new public open space will be needed just to allow current levels of open space provision to be maintained. In brief, where access to and enjoyment of open space is concerned, Whitehorse cannot afford to rest on its laurels.

We record this with some feeling as Council only recently approved funding to cover the newest piece of public open space in Blackburn – alongside Central Road – and despite our repeated requests over the past year have not engaged the community in preliminary consideration of landscape plans

References - VEAC Paper (Boroondara) pp.105,111 ; Mayor Whitehorse Update 4 November 2010; Chris White Melbourne Weekly Eastern MYVOICE 26 October 2010
BBDTPS October Newsletter

Follow-up Subscriptions

We thank all those who promptly lodged their 2010/2011 subscriptions. If you haven't yet done so, a reminder notice is enclosed and we appeal for your response, not least to reduce administrative time.

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