



## BLACKBURN VILLAGE RESIDENTS GROUP INC.

Protecting the distinctive features of Blackburn since 1987

# BULLETIN

[www.bvrg.org](http://www.bvrg.org)

**Bulletin 98**

**June 2021**

### **2021/22 Subscriptions Due.**

2021/22 subscription notice is enclosed. Our committee has endorsed a small increase in subscriptions which have not been adjusted for some time. The annual subscription is now \$10 for individuals and \$15 for families, \$100 one-time life membership remains unchanged. **Banking is now with Bendigo Bank, Blackburn South. See new EFT details below.**

It is almost a year since our last hard copy Bulletin. A lot has happened in that time and, as we put this latest bulletin together, we are in yet another COVID 19 lockdown.

Committee changes - after 10 years as treasurer, Peng Lee retired, we thank him and wish him well. Chris Hurley is our new treasurer and Robyn Timmins Vice President.

The pandemic has not slowed the rate of development pressure. Single house redevelopment and medium and high-density construction in Blackburn continues apace with the resultant tree and canopy loss at alarming levels.

The recent draft Urban Forest Strategy prepared by Whitehorse shows that across Whitehorse, tree canopy loss is more than 1% per year and already at low levels at around 18% of the municipality. The strategy aims to reach 30% by 2050. The aim of this strategy has the full support of BVRG and many in the community.

The 'on the ground' experiences of residents, however, is that Council does not walk the talk, when protecting tree canopy. It has been timid in its application of Significant Landscape Overlay controls, afforded to them in the Whitehorse Planning Scheme, for both VicSmart and normal planning applications that seek to remove trees.

Since February 2020 the former Taralye site, now under new ownership, more than 20 significant trees have been removed without the required planning application and yellow public notice, inviting community comment. We have learned that the enforcement team at Whitehorse had granted permission for removal, bypassing the prescribed normal process through the planning scheme.

We ask, how can the community be confident in Council when one part is promoting a strategy to increase tree canopy targets while, at the same time, another part of the Council is wilfully streamlining the loss of trees, canopy, and habitat?

The strength of BVRG is in its strong community membership and we invite you to renew your membership to allow BVRG to continue to represent residents.

In our last bulletin we reported on some major planning activities. We briefly update those below.

## **SLO9 (tree protection for Whitehorse) - Not quite there yet!**

In March 2016 Council started consideration of municipality wide tree controls. Since 2018 a planning amendment to introduce a Significant Landscape Overlay (SLO9) has been waiting ministerial sign off. The Planning Minister, Richard Winn, however, has only agreed to interim controls, first for 6 months and then extended another 3 times, for 12 months, 6 months and 12 months to 30 June 2021.

The last extension was granted to enable time for the Department of Environment, Land, Water and Planning (DELWP) to a review of the SLO controls in the Victoria Planning Provisions to '*establish a consistent, statewide approach to the application of planning tools for tree protection,*'

Time is running out on the latest extension (and for trees left to protect), and despite inquiries to DWELP, and to Council, public consultation to the SLO review seems to be a long way off. Again, we have requested that the Minister extend interim controls.

The gestation period for these tree controls in Whitehorse has been longer than 5 years, our concern about a lack of commitment still remains.

## **North-East Link Project (NEL).**

The North-East Link Project is now well underway. Issues are emerging about disruption to residents and tree and canopy loss greater than expected.

The impacts for Blackburn will be apparent toward the end of the project as increases in traffic along Middleborough, Blackburn and Springvale Roads becomes more congested and local streets will become rat runs.

## **Strategic Direction for Box Hill.**

Progress on the City of Whitehorse **Structure Plan**, new Urban Design Framework and draft planning scheme controls have not progressed since our last newsletter. A draft structure plan has been prepared and an amendment to the planning scheme will be exhibited for public comment. A panel review will likely follow, and ministerial approval will be required before changes can be implemented. As indicated in our last

bulletin the draft plan proposes limits on building heights (35 levels), increased street level setbacks in some areas, avoidance of overshadowing and amenity improvements.

Vicinity at Box Hill, well ahead of structure plan policy sign off, have advanced their concept design, and have lodged a planning application for the first stage of redevelopment - a commercial/residential tower of 48 storeys replacing the existing Coles and associated buildings.

Council has also adopted an **integrated transport strategy** for Box Hill MAC. Available from the following link:

[https://oursay-files.s3-ap-southeast-2.amazonaws.com/production/fm/osp-ug-266/transport/final\\_box\\_hill\\_its\\_rev1\\_17-08-2020 - public.pdf](https://oursay-files.s3-ap-southeast-2.amazonaws.com/production/fm/osp-ug-266/transport/final_box_hill_its_rev1_17-08-2020 - public.pdf)

The strategy establishes '*a program of transport infrastructure and policy upgrades aimed at delivering an efficient and sustainable transport future that aligns with Council and State Government's objectives.*'

**Suburban Rail Loop (SRL)** - Stage 1 will connect Box Hill with Deakin University, Monash University as well as the Frankston, Dandenong, and Glen Waverley rail lines.

Planning is underway, and geotechnical work has commenced. If you have a view on what this project should look like or want to learn a bit more, visit <https://engage.vic.gov.au/suburban-rail-loop-stage-one>.

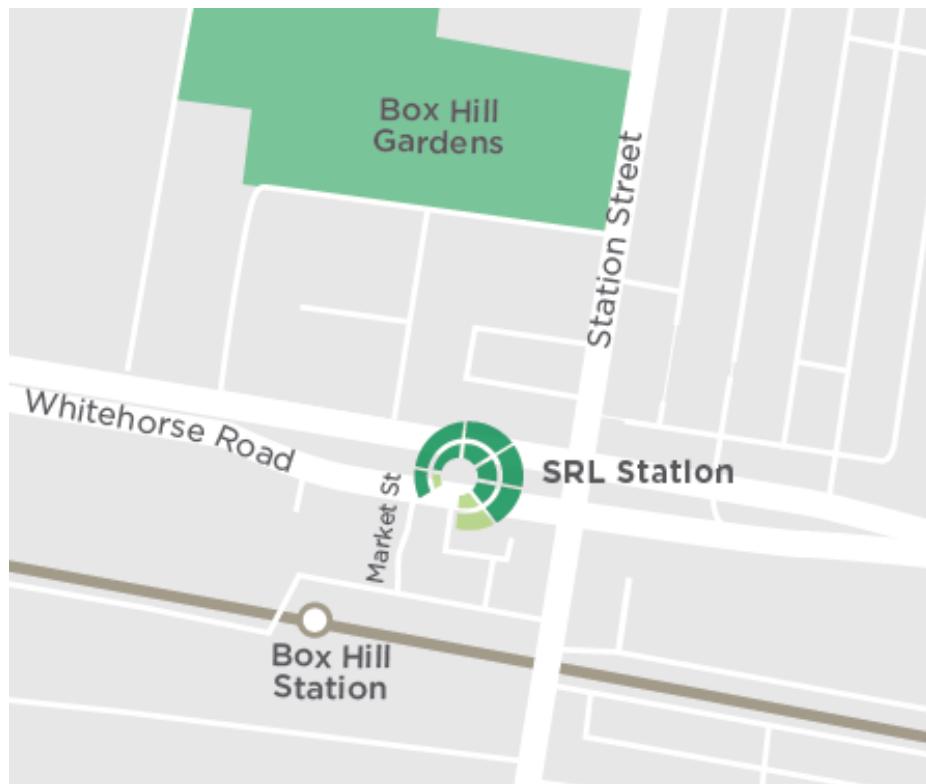


Figure 1. Proposed Box Hill Station Location for SRL.

## The last of Level Crossing works.

The works for the Blackburn level crossing removal have been completed, including the extension of the shared path from Blackburn Station to Middleborough Road through Laburnum Park. The loss of trees in Main Street to allow the bike path now presents as a concrete and steel streetscape, further eroding the treed environment that typified Blackburn. The community however did manage a better outcome than proposed at Laburnum Park, where Council and VicRoads engaged with community members in good faith to achieve a realigned path, reducing loss of open space and allowing for a new relocated playground.

BVRG requests for replacement of previously disconnected path lights between Glen Ebor Avenue and Morton Park were completed with solar lighting. Installation followed COVID lockdowns that saw many more people walking in our parks. The new lighting makes the path much more attractive and safer at night.

As we look at how the level crossing removal has changed Blackburn Village with the loss of landscaping and trees, spare a thought for residents and traders at Mont Albert and Surrey Hills who are about to have a combined station replace the existing two stations with loss of open space and trees along Lorne Parade. Residents also get none of the anticipated open space bridging links between north and south communities at the respective villages. You can view plans and provide input from the following link: <https://levelcrossings.vic.gov.au/projects/union-road-surrey-hills/news>

## Local Planning Issues.

BVRG continues to provide support to and encourages members to be proactive when impacted by inappropriate planning applications. The Whitehorse Planning Scheme provides clear guidance on the preferred character outcomes for a residential area within Blackburn significant landscape overlays.

### VCAT Hearings

BVRG has made submissions with affected residents for planning applications heard by VCAT. Hearings are now mainly conducted via Zoom on the internet due to COVID 19. These changes are likely to remain permanent. For objectors able to manage a computer it means that hearings can be attended without leaving home. For some it is a less hostile way of having objections considered. BVRG strike rate for applications to be denied at VCAT is good:

**18 Glen Ebor Avenue Blackburn.** An application, rejected by Council, for 4X2 storey units (later amended to 3x2), without adequate space to meet the tall tree and landscape requirements of the SLO2 was appealed at VCAT by the developer. Member Ian Potts, in his conclusion dated 1st February 2021, stated *'that the impact on the streetscape and the failure to respond appropriately to the neighbourhood character would not be an acceptable planning outcome given the purposes of the NRZ1, objectives of the SLO2 and related policy settings ... Accordingly, no permit should be issued.'*

**9-13 Frankcom Street** - in December 2017 VCAT approved a development in this growth zone for 35 apartments on 3 consolidated sites. The site was on-sold to a new owner who wanted to amend the plans increasing to 50 apartments. Residents, and resident groups objected, on the basis that it was a new proposal. Council agreed and the application was rejected. The developer appealed to VCAT and in November 2020 the hearing was convened. VCAT rejected the application because it was considered a transformation rather than an amendment and should be readvertised if it is to proceed.

### **Future VCAT hearings**

Two other cases that are currently being heard by VCAT.

**1 Andrew Street, Forest Hill** - Council approved the application for construction of a single dwelling with conditions, that included the retention of a significant tree and additional tree planting. A VCAT appeal has been lodged to be heard 28-29 June 2021.

**18 Masons Road, Blackburn.** Council rejected the application for construction of a single dwelling. Issues of concern included unacceptable amenity impacts by way of visual bulk, inadequate setbacks, changes to natural ground levels and drainage due to excessive underground works, landscaping and failure to achieve a Bush Character for the site. The appeal hearing concluded in late May 2021. The VCAT decision is expected in 6 weeks.

### **Other Planning Applications**

BVRG continues to object to developments that fail to meet the landscape objectives of significant landscape overlays (SLO). We encourage members to do likewise. BVRG web page on Planning Issues ([bvrg.org/planning-issues/](http://bvrg.org/planning-issues/)) includes many links to reference material as well as information to help in making submissions.

By demonstrating community support for landscape objectives through objections, council planners and developers are reminded that the planning scheme matters. The best outcome is for applications to meet planning guidelines. The next best outcome is that Council imposes strict conditions or where the developer makes changes in line with preferred character. Best outcomes are only rarely achieved, however.

74 Main Street, Blackburn is a site that has been subject to development applications for a number of years since 2015, through different owners. Council recently approved a large house development with some loss of significant trees. The approved plan however was much better than was originally proposed and came about because the owners were willing to consider different options.

But even where strict conditions apply, developers do not always follow them. Council's compliance enforcement area is under resourced and reliant on community vigilance and even then, council is often slow to respond.

The first stage of the Seventh Day Adventist Pavilions retirement village, Central Road, Blackburn is nearing completion. Members will recall that this development has had a long and tortured history. It was finally approved in October 2015. The VCAT determination included mandatory conditions that, nearby residents have reported, have not been met. BVRG in mid-March this year wrote to Council seeking details. Matters raised include excessive external lighting, landscaping deficiencies, offset planting arrangements for trees cut down, and changes to the approved plan. Council is yet to reply to our letter.

In May BVRG also submitted an objection to the removal of 6 trees on 110 Blackburn Road. The new owners proposed replacing the indigenous Mealy Stringy Bark trees in the front yard with 5 Japanese Maples neatly planted along the boundary. BVRG and BDTPS lobbied to have the yellow planning notice displayed to alert residents to the potential tree removal.

## Submissions.

**Inquiry into Environmental Infrastructure.** The COVID lockdown of last winter highlighted the shortage of public open space such as parks and reserves when people, forced into lockdown, descended on the available parks in droves for exercise. The state government initiated an inquiry to which BVRG made a submission. Public submissions can be seen by following the link: - [Parliament of Victoria - Inquiry into Environmental Infrastructure for Growing Populations](#)

**Canterbury Road and Main Street intersection** – BVRG raised safety concerns about this intersection with VicRoads and Council in early 2018 following an accident, where a BVRG member was hit by a car (but not seriously injured) near the crossing, one of numerous accidents reported to police.

At the time neither VicRoads nor Council considered the issue a priority. At a recent meeting with council engineers, Cr Lane and Cr Skilbeck, representatives from VicPol, Whitehorse Active Transport Group and BVRG it was agreed that Council would consider options for safety improvements and advocate to VicRoads for improved traffic management. In our submission we made suggestions including:

- Speed limits reduced to 40km/h.
- Synchronised traffic signalling that includes lights at Main Street and Canterbury Road intersection.
- Additional pedestrian crossings.
- Relocating bus stops further north.
- Add traffic calming along Main Street.

## Community Consultation & Engagement.

**Our Say.org** - Whitehorse council has established a community consultation and engagement portal on its web site at: <https://oursay.org/whitehorsecitycouncil>

Feedback and suggestions can be provided on a range of council matters. Anyone can register to receive notice of engagement opportunities or simply log in at any time. BVRG has made recent BVRG submissions to:

- Whitehorse Draft 2040 Community Vision
- A New Urban Forest Strategy for Whitehorse
- Draft Whitehorse Community Engagement Policy 2021

**Eastsider News.** <http://www.eastsidernews.org.au/> Since the Whitehorse Leader newspaper stopped being delivered there has been a lack of local news. Some local volunteers have set up a free on-line newspaper that is produced bi-monthly. Simply subscribe to receive a copy in your email inbox.

## Changed banking arrangements.

In the past 3 months, BVRG accounts were transferred to Bendigo Bank (Canterbury Road, Blackburn South). Cheques and cash will continue to be accepted as payments for subscriptions. Members are encouraged to use electronic funds transfers (EFT) where possible. See payment details below.

### Payment Details:

**EFT** - Account Name – Blackburn Village Residents Group

Account Number – 182035808

BSB – 633000

Details – please include your first initial and surname e.g., J *McKenzie* or *McKenzie Family*

**Post** - send this page with your payment to:

Blackburn Village Residents' Group  
PO Box 406, Blackburn 3130

## Do you have a planning issue in your area?

Get nearby residents active, lodge objections and encourage neighbours to join BVRG to ensure that the community retains its voice. See new membership application form overleaf.

## Committee Members.

President	Mike Taafe	Ph 0409 800 422	16 Eustace Street, Blackburn
Vice President	Robyn Timmins	Ph 98770161	11 Windemere Crt, Blackburn
Secretary	David Morrison	Ph 9894 2531	49 Glen Ebor Ave, Blackburn
Treasurer	Chris Hurley	Ph 0408530313	Jefferey Street, Blackburn
Committee	Anne Payne	Ph 9878 1152	81 Central Road, Blackburn
	Brad Hogan	Ph 0419 131 224	3 Lillian Street, Nunawading
	Lyn Smith	Ph 8812 2282	2 Parkside Street, Blackburn
	Peter Dickson	Ph 9877 2532	37 Fuchsia Street, Blackburn



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Email: [bvrg@ymail.com](mailto:bvrg@ymail.com)

Post: PO Box 406, Blackburn. 3130

Phone: 9894 2531

### First Time Member Application

**Each applicant pays \$5 Joining Fee plus \$10 Annual Membership for an individual or \$15 for families.**

I/We. (Print full name(s)).....

Address ..... Postcode.....

Phone ..... Mobile.....Email.....

wish to be member(s) of the Blackburn Village Residents Group Inc. (A0049305U). If application is accepted, I/we agree to be bound by the rules of the BVRG.

Signature of Applicant (1) ..... Date.... / .... / .....

Signature of Applicant (2) ..... Date.... / .... / .....

#### Payment:

**EFT** - Pay to bank account below and email this page to [bvrg@ymail.com](mailto:bvrg@ymail.com)

Account Name – Blackburn Village Residents Group

Account Number – 182035808

BSB – 633000

Details – please include your first initial and surname e.g. J McKenzie or McKenzie Family

**Post** - Send this page with your payment to:

Blackburn Village Residents' Group  
PO Box 406, Blackburn 3130

<b>Checklist (tick)</b> -	\$10 Individual Member + \$5 joining fee. <input type="checkbox"/> - .....
	\$15 Family Membership + \$5 joining fee. <input type="checkbox"/> - .....
	\$100 Life Membership <input type="checkbox"/> - .....
	\$ Donation <input type="checkbox"/> - .....
	\$ Total <input type="checkbox"/> - .....

Official use only.

We ..... members of the BVRG support nomination

Signature of Nominator..... Date ..... / ..... / .....

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