



MALVERN EAST GROUP

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MEG NEWSLETTER....APRIL/MAY 2015

From the Convenor's Desk I wonder sometimes if anyone in any government has ever thought that endless growth is not the answer to society's woes. I don't claim to have the answers but am acutely aware that 'our mindless worship of growth' has not solved the problems of the world let alone those in Australia. It seems that Melbourne a once beautiful Victorian city will continue the obsession with growth...up and out. The 'up' will comprise an endless supply of 'dogboxes' (our future slums) and the 'out' an endless supply of poorly serviced McMansions. MEG has always tried to promote the notion of 'striking a balance' but we haven't got very far. We must be delusional.

MEG's Anniversay

2015 marks the 10th anniversary of MEG's existence. It's been a long and often exhausting time with many landmarks along the way. We need now to evaluate what we've achieved and with our members decide on our future. We would appreciate your views. Our AGM will be held on Thursday September 10 at the Kildara Centre in Stanhope St. Malvern. Please mark that date in your diary.

Advice to objectors

MEG has it on good authority that it is unwise for objectors to a planning application to withdraw their objections...i.e. even if the applicant comes up with plans that are acceptable. Once you withdraw you can never have a say in what happens on that site. If the applicant 'on sells' with or without a Permit and you don't like what the new owner proposes it's your bad luck. If the owner having acquired a Permit makes changes that require a further Permit you don't have a say. Objectors are often encouraged to withdraw if a solution to a problem is achieved. MEG's advice is **don't withdraw**.

Fire Risk in High-Rise...Non-compliant products.

Age April 29...

"Hundreds of high-rise buildings will need to be investigated for fire prone exteriors after a report into a tower inferno in Docklands exposed the use of flammable and non-compliant material."

On the same date the H.S. named the builder and said this builder had erected more than 870 projects. MEG wonders where the 870 buildings are and how many more developments have flawed material. The Age article quoted the CEO of Fire Protection Association of Victoria who said that the particular apartment cladding was widely used and added...

"There are tens of thousands of non-compliant buildings with a range of non-compliant products."

How does that make you feel about all this stuff being built around us?

"The Sky's the Limit"

Professor Michael Buxton of RMIT is quoted in the Leader on April 14.

"We are building the worst quality and densest residential high-rise apartments in the world...." and Minister Wynne acknowledged that and said *"there were some poorly designed apartments in Melbourne."* GOSH... who would have thought it!

Contaminated Sites

Age April 13 ...A report about soil and water-table contamination *"was completed just before ex-Planning Minister Guy announced the re-zoning of the Fishermans Bend Urban Renewal Area."* According to the article by Clay Lucas the EPA *"is launching an investigation into toxic groundwater across the massive site."* A drive-by assessment of individual sites by Golder Associates in mid-2012 warned of 20 *"high risk" sites which would cost more than \$6 million per hectare to clean up. Two would probably cost more than \$10 million."*

MEG wonders if the applications for 11 apartment towers approved by Mr. Guy are on any of the identified contaminated sites.

Developers stealing amenity

A letter in the Age on April 7 suggests that if developers are permitted to 'steal' your amenity they should be made to compensate the affected resident(s). The letter-writer asserts that such a system *"would make developers (and renovators) think more carefully about appropriate development."* We think this has some merit.

Another letter on April 7 talks about ***"rampant inconsiderate greed in action."***

Now doesn't that say it all!

Developer 'lost millions'...

The Age April 13 reported that David Marriner (of Regent Theatre fame) had received a permit from ex Planning Minister Guy for a 32 storey hotel combined with the re-furbishment of The Forum. Melbourne CC took the decision to VCAT and Deputy President Helen Gibson found that Mr Guy *"lacked the power to make this decision."* She said it should have been made by the Council. It seems that the hotel and the re-furbishment should never have been considered as one project.

"A spokesperson for Mr. Guy said he had made the decision on the advice of his department." Did you really blame the employees Mr. Guy? Shame on you!

The Marriner's Group's planning consultant Bill Kuszniarczyk was often heard on a certain radio station declaring his faith in the "fairness" of VCAT as the umpire in planning disputes. Given his views on the subject of VCAT decisions we guess that he won't be advising the Marriner Group to take the decision to the Supreme Court...or will he?

The world's most liveable city

On April 4 the Age Traveller announced that 'Vienna is the world's most liveable city. Gosh! How did we manage to lose that accolade? Was it something we said?

And before anyone tells us we **know** there is more than one index for rating liveability and we don't know which one has put Vienna on top but we have heard Robert Doyle say on radio that Melbourne is **one** of the world's most liveable cities. That makes it sound as if we haven't cracked it on any index. Are we surprised!

Tax on foreign property buyers

In Sunday Age on May 2 it was reported that State Labor Government has announced *"foreign nationals will pay a new tax equivalent to 3% of the purchase price of houses."* For example on an \$800,000 property there'll be an extra \$24,000 in addition to \$43,000 in stamp duty. There is no indication that foreign investors who buy apartments 'off the plan' will have to pay the 3%. They are already exempt from stamp duty. A National Bank survey shows that *"foreign demand for new properties in Victoria has leapt from about 5% in 2011 to more than 30% by the end of 2014."*

Needless to say the Property Council opposes this tax and needless to say MEG thinks 3% is pathetic and will stop no-one.

RMIT & VCAT

On Mar. 30 The Age reported on RMIT research into that organization we love to hate.

"Councils are almost redundant in the decision-making for controversial residential developments in Melbourne's suburbs...." This is partly because no Council has the financial resources that developers have. We have attended many VCAT hearings over a number of years where Council has had one advocate and the developer has had a QC, instructing solicitor and a plethora of 'expert' witnesses giving unsworn evidence and being believed.

The figures quoted by RMIT are:

88% of permit applications refused by councilors went to VCAT.

73% of council decisions were set aside and the permit granted

(and a whopping) 85% of residents' challenges to NODs issued by council failed.

The report did not distinguish between refusals by Planning Departments and refusals by Councillors.

Needless to say the Property Council thinks this is great. It *"indicates that the Tribunal was doing its job and councils were not."* Asher Jude from the Property Council said, *"The Tribunal's job is to determine points of law."*

Well! Well! Well! MEG heard some years ago a Tribunal member say to a County Court judge (resident objector)..."*this is not a court of law*" and more recently to a QC (resident objector)..."*this is not a court of law.*"

Well is it or isn't it? What exactly is it?

Locals don't need more input

On Mar.12 in a letter to Minister Wynne the Property Council's Jennifer Cunick opposed *"the government's plans to add additional weight to community opinion in regard to VCAT decision-making."* The Property Council doesn't think that would be 'fair.' So help us!

Sometimes we feel as if we live in 'looking glass land.'

And further on the subject of "weight to community opinion"....does this mean numbers of objections (good or bad, pro formas or individual objections) or will it be based on the quality of objections? Needless to say State Government is not specific and communities have different views. MEG supports the notion of quality of objections but we suspect that it will end up being numbers.

Community Consultation Committee

The CCC of which MEG is a member met with Minister Wynne on April 7. We asked for a number of matters to be addressed amongst which were an IBAC or Ombudsman's investigation into issues raised in the Auditor General's damning report on the Caulfield Racecourse Reserve, minimum standards for apartments ASAP, a greater voice for community opinion at VCAT.

Minister Wynne indicated that his priority was to "change the conversation" about planning matters....whatever that might mean! He will let the 'zones' settle for a while and will bring back the original panel (Roz Hansen *et al*) to recommend any changes...so help us!

He nearly had another heart attack at our suggestion of building a new city. (Did we want him to build another Brasilia?) He is adamant about population growth...supports it wholeheartedly. He will put a "minimum standards" paper out for community consultation later in the year...(will this EVER happen?) He said that there was no need to develop the "leafy suburbs" (tell that to Stonnington residents!) as there is plenty of land close to the CBD...no mention of the cost of de-contamination. He also advised us that the Heritage Act will be up for review this year and community views will be requested.

We met later in the month with the Senior Adviser to the Attorney General regarding the operation of VCAT, the costs, the order of presentation, the "unsworn" evidence of expert witnesses and the various matters of conduct of participants which in most cases absolutely appalls residents. We don't think he has ever attended a VCAT hearing and seemed surprised at some of the things he heard.

And does MEG consider that we got anywhere with either person? We are not by nature optimistic about any political party.

Strange logic

The Age Feb. 28...school sites are being sold to meet a target of \$225 million. This operation was put into practice by the Naphthine Government. How many sites were sold by them is not clear but it is reported that *"The department had exceeded its target at the end of the 2013/2014 financial year, reaping \$142.2 million from the sale of assets."* The report indicates that about 75 schools are 'deemed surplus.'

A letter-writer in the Age on Mar 12 wonders why we are selling off school grounds when it is predicted that Victoria will need an extra 448 new primary schools classes every year over the next decade to cope with its booming student population. She calls this 'strange logic.' Even the Grattan Institute said on Feb. 28 that *"governments should be very careful about selling school assets or land that may be needed in the future."*

City to spring up north of CBD

H.S. April 22...we are told that a new city called Cloverton is *"expected to be the largest master-planned community developed in Victoria, having 8 schools, a tertiary institution, parklands and a retirement village."* It's a 114 hectare site 35 km from the city. There's a station at Donnybrook near the Hume Highway. Does this sound like a **new** city to you or is it just another suburb tacked onto Melbourne?

Caulfield Race Course & Reserve Development

On April 28 a MEG Committee member attended a Glen Eira Council meeting to hear the outcome of a Planning Application by MRC's, developer BPG Caulfield Village Pty. Ltd., for changes to Stages 1, 2 and 3 of the Residential Precinct and Mixed Use Precinct. The changes were approved in a 5 to 4 vote. (Gosh...what a surprise!) The original number of dwellings was 1285 and after the meeting it will be 2063 and may go to 3000.

Apparently the building on the 'triangle' which was Crown land and isn't Crown Land any more could be 22 storeys.

Cabrini Health

Bus. Age Feb.28 *"Kennards Self Storage is paying a speculated \$12million for a Hawthorn East Office that the non-profit vendor Cabrini Health bought for \$2.5 million in 1996."* That's not a bad profit for a non-profit organization, is it?

From John St.

In late April a MEG member in John St. rang to report the presence in the street of a large tourist bus filled with people from Asian countries all of whom took copious numbers of photos of John St. and surrounds. A male in a silver Mercedes (sound familiar?) was there too. After the photo shoot they all disappeared into the Vanguard office. We understand that Vanguard is, or will be, marketing the gems in the 18 storey thing.

Chadstone Shopping Centre

The new Bus Interchange at CSC should be completed by August 2015 and we are told that it is "state of the art." The new Target store is supposed to open in August too but apparently there are some doubts about its completion date.

When the present building activity on this 132,000sq.m. site we are told that Chadstone will have over 10,000 car spaces. That's something for your heart to bleed over and your lungs to take in...so to speak!

We are also told that there is much confusion about the shuttle bus and anger about the lack of accurate information from staff on the Information desks. An irate user commented online about "...the disastrous inadequacy of the fashion backwater customer disservice."

Holmesglen TAFE

On April 17 we read that Holmesglen Institute lost \$13.8 million in 2014. You might remember that Holmesglen owns 11-13 Chadstone Rd. and has a permit for 6 two storey

townhouses for the site. Does anyone know why they haven't started building? One would think they could make a huge profit on such a development.

887 Dandenong Rd. 875-879 Dandenong Rd. 865-871 Dandenong Rd.

887 and 875-879 Dandenong Rd. have both been lost at VCAT. 865-871 was recently lodged. These are all 8 storeys (plus the lift overrun), token retail component (because the sites are zoned Commercial 1) and all AWFUL. The 7 storey building at 857 is nearly finished and then we'll have a WALL on the southern side of the Gascoigne from Clarence to Finch Sts. This, of course, will set a precedent for a similar WALL from Finch to Bates St. and one from Boardman to Clarence Sts.

All of the significant trees on a number of sites between Tooronga and Bates are either to be destroyed or already have been. Comments from the Pl. Dept. indicate that if the building is to go ahead the tree(s) must go. So much for the 'greening of Stonnington.'

At the Panel hearing for C173 Council asked for a 25m discretionary height limit from Boardman to Bates and no height limit from Tooronga to Boardman. MEG did not want this but was helpless against the combined might of Council and developers. C173 was lodged with Mr. Guy in Oct. 2013 and is still not signed off but remains the deciding document. MEG weeps for those residents at the interface.

82,84 & 86 Burke Rd.

In August 2014 VCAT refused a permit for a 3 storey, 23 dwelling proposal for this site. The applicant has now lodged a new application for a 3 storey building with 21 apts. This time they have a firm called 'The Urban Leaf' working for them. (It's just the one leaf you understand not a whole tree!) An application for 3 storeys, 20 apts and 24 car spaces at 86 Burke Rd. was refused by Councillors on May 4 and owners of 84 Burke Rd. have lodged an application for 3 storeys. It makes the 8 storey wall on the service lane of Dandenong Rd. appear even more appalling doesn't it?

590 Orrong Rd.

You all know the saga of this planning application. There will be 488 apartments on the two and a half hectare site. (There's 322 at the corner of Tooronga & Dandenong Rds. on a site that's less than half a hectare!) LendLease is promoting the apts on the Orrong Rd. site and calling the development Toorak Park. It's not in Toorak but is incorporating ready access to Toorak station which is also not in Toorak and beside Council's Toorak Park which is not in Toorak either! At a recent Council Mtg a councillor asked that Lendlease be approached to change the name of its development because it detracted from the name of Council's own park!

It is estimated by Tract Design that the development will have 35% of the site given over to parkland which responds to "leafy surrounding suburbs such as Toorak, Armadale and Prahran." *"The surroundings will be lush but the apartments are designed with minimal and pared back aesthetics."* (Age May 2.)

We had a look at the sample apartment early in May and believe me it was really 'pared back.' There wasn't even a bedroom!

Prime Piece of Real Estate in Malvern East

The Leader reported on April 7 that Council had bought land previously occupied by the now defunct East Malvern RSL Bowling Club which closed about 5 years ago. The land was valued at \$4million. CEO Warren Roberts said, *"Concept plans will be developed with community consultation if and when the city of Stonnington has acquired the site. The site is intended to be used as public open space."*

So has the site been purchased by Council or hasn't it? The Leader article does not make it clear but indicates that Council has 'ongoing negotiations with the RSL.'

114-116 Argyll St.

This is an application for 10 dwellings with basement car parking. The applicant lodged an FTD appeal on October 23/14 and Council issued a Refusal to Grant on Oct. 24 unaware that an appeal had already been lodged. During the VCAT hearing in February the issue of a Cultural Heritage Management Plan re potential aboriginal cultural heritage implications on the site of the proposal. The applicant produced this but Council was not satisfied that on the balance of probabilities the areas of cultural sensitivity had not been significantly disturbed. More time was needed. VCAT cancelled the FTD appeal and told the applicants that they could appeal Against Refusal to Grant. No date has been set for the next hearing.

MEG members involved with this case say that there is a possibility that this could have significance for any application within 200m of the creek.

Application for 57 storeys on corner of Toorak Rd. & Chapel St.

This site already has a VCAT permit for 43 storeys. The applicant wanted MORE. (Are we surprised?) Council's Pl. Dept. recommended that a Permit be granted and Councillors issued a Refusal. The applicant appealed this decision and as we write this newsletter the case is being heard in VCAT. The proposal has basement car parking and part of the plan is to extend the basement **under** the footpath! That's a new one! They not only wanted MORE on top but MORE underground as well. Is there no end to the wants of developers!

Planning Applications

Listed are some of the Planning Applications in which MEG Members are involved. There is the inevitable no. of applications for part demolition, alterations & additions in Heritage Overlays. We wonder if there's an original house left in Stonnington.

1(a) The Avenue & 239-241 Waverley Rd. (Cresthaven) Aged Care Facility. Permit Refused. VCAT hearing April. Awaiting decision.

2 Maroora St. 3 two storey dwellings on a lot. Awaiting Pl. Dept. recommendation.

945-947 Dandenong Rd. (Masonic Temple) 5 storeys for 93 St. Accom. Units. Awaiting Pl. Dept's recommendation

19 Rotherwood Dr. 3 two storey dwellings. NOD issued.

32 Tooronga Rd. Dual Occ. Permit granted.

251 Waverley Rd. Multi-unit Dev. in GRZ...4 dwellings.

114-116 Argyll St. 10 two storey dwellings. Appeal against Refusal to Grant. Revised from appeal against FTD.

1-3 Olive St. Childcare Centre for 125 children. Approved with conditions at Council Mtg Mar.2. Councillors decided that all traffic to & from Centre be on Darling Rd.

48 Emo Rd. Part Dem. & alterations on a lot less than 500 sq.m. and in a H.O.

9 Chaucer St. Dem. Of existing dwelling and constr. of new dwelling in H.O.

84 Burke Rd. Constr. multi-dwelling dev. in GRZ, reduction of car parking req.

15 Paxton St. Constr. of 2 dwellings on a lot in a GRZ.

13 Glenbrook Av. Constr. of a new dwelling on a lot in an NCO.

7 John St. 2 storey dwelling on a lot less than 500 sq.m. Restrictive Covenant. Info req.

57 Midlothian St. Dual occ.

131-133 Waverley Rd. 4 storeys. Mixed use. 2 shops, 29 dwellings, 31 car spaces. On advertising.

568 Waverley Rd. Dual occ.

8 Macgregor St. Dual occ. On advertising.

251 Waverley Rd. 4 three storey townhouses, 3 with 2 car spaces, 1 with 1 car space.

72, 74 & 76 Serrell St. Refusal to Grant appealed. VCAT hearing May 4th.

74 Macgregor St. Constr. of additional dwelling on a lot.

568 Waverley Rd. Dual occ.