



Newsletter No. 28 – April 2012

From the Convenor's Desk

This is our first newsletter for 2012. Our time has been taken up with a number of Consultative Meetings, Council Meetings, the Chadstone Information Night, Focus Group Meetings re the Chadstone Shopping Centre, the Public Meeting about Chadstone and then consultation with members in that area prior to writing the MEG submission to Council which FYI we have attached to this newsletter. We have also spent some time on an Application for Community Grants. We have decided to hold a Forum for Council Candidates as we did in 2008. For such a Forum we need a central location and we are hoping that Council will allow us to use the foyer at Malvern Town Hall again. In order to have a hope of getting that we have to go through due process. You will hear a lot about the Forum later on but in the meantime pencil Oct. 17 in your diaries. You can see that we haven't just been sitting around twiddling our thumbs in recent months.

In this newsletter we want to clarify some issues regarding M2030 and its companion document Melbourne @ 5 Million...i.e. as far as it's possible to clarify anything regarding Planning in this State... as well as giving you some State and local news. We'll also refer to the application re Chadstone Shopping Centre from Colonial First State Global Asset Management and the Gandel Group for an Amendment to the Planning Scheme (C154) and explain the difference between this and an ordinary Planning Application. We have realised that there is some confusion about this matter.

Melbourne 2030...and All of That The Baillieu Government promised to rid us of this contentious document and the Amendment to M2030, Melbourne @ 5 Million. We have read over and over again in the press that these documents "have been annulled," "are now redundant," "buried, unmourned and unloved," and so on. MEG has never seen a statement from the Minister for Planning that confirms ANY of these statements. We've heard that he likes skyscrapers, that he wants to transform the city into a mini Manhattan, that he is committed to urban renewal but NEVER has he pronounced that M2030 is officially redundant. It is still used by developers in documentation regarding planning applications. It is used by Planning Departments, Council and VCAT. In the AGE on Mar.17 we read that "Melbourne's ever-increasing population has made aspects of it current by default." The Age went on to say, "Self-professed 'interventionist' Planning Minister Matthew Guy said a replacement strategy would be released late this year." And further on in the same article, "But chat to industry players, including planners, developers and agents and it would appear **the core elements of M2030 are very much alive and well right now.**" So we can continue to expect high-density development near public transport, shopping and community infrastructure. Stonnington has all of this.

Ministerial Panel on Planning

Previously we reported to you that a MEG representative had been one of 3 residents who appeared before this Panel on Sept.27/11. You may be interested to know that the Panel report went to the Minister in December 2011 and has not yet

been released. It's interesting to note that it was reported in the Age on Nov. 29/11 that the Chairperson of that Panel Geoff Underwood "has faced claims of a conflict after it was revealed that his consulting firm, Spade Consultants, had been lobbying the government on behalf of developers." Rumour has it that recommendations have been made regarding the matter of expediting the planning process by introducing a prescriptive code...i.e. to replace ResCode. As far as we know this means that Councils, with community input, will set their own rules. Jason Dowling reported in the Age on March 15 that "councils and communities will define what development is allowed in their area, including height and density, and the applications matching the definition will be fast-tracked through the planning system." (Sounds to us like the New Residential Zones proposal supported by the previous Government!) Now while you're absorbing that gem just remember that developers live in the community and therefore can be part of such a process. (MEG has been involved in more than one planning application to which developers have been objectors.) Dowling went on to say, "The new planning system is expected to apply to more than one in five development applications and will require them to be processed within 10 working days with **no notification or appeal rights for neighbours.**"

Planning Minister Sued We live in exciting times! How often have we wanted to take action against any one of the Planning Ministers with whom we've been blessed since the inception of MEG! How often have we wished that Parliamentary Committees had the power to compel Ministers and their staff to appear before them and tell the truth! It looks as if that's what actually going to happen and it should prove to be fascinating reading.

According to the Age Jan.20 the would-be developer of the land at Ventnor is suing Minister Guy for his backflip over a re-zoning decision. (First he re-zoned and then he didn't!) The buyer of the land, Carley Nicholls, claims that she was assured by the Minister's office and the Planning Department in September 2011 that the re-zoning would proceed. To discover why the Minister revoked his initial decision to re-zone we'll have to wait for the court case.

In the meantime a snippet in the Age on Mar. 26 refers to a memo from the secretary of DPCD reminding staff about their responsibilities in "creating, viewing and releasing" government information. Information is to be disclosed only "in the legitimate course of your work duties", "when proper authority has been given", "when you are required to do so by law" or "**when you are called to give evidence in court.**" Is it possible that this timely reminder is because DPCD officers will be required to give sworn evidence in court in the case against the Minister?

Melbourne's Vacancy Rate A report in the Age on Jan.26 states that Melbourne's vacancy rate is now 4.4%. The report states that this is "the result of a surge of apartment building and slowing population growth." Dare we hope that Melbourne's population growth continues to decline so that the infrastructure has a chance to at least catch up? On Mar.31 the Age reported that Melbourne had grown by 666,000 during the last 10 years and that by mid-2011 our estimated population was 4,137,432. Our growth has out-stripped every other state in the Commonwealth with no commensurate growth in infrastructure...and we constantly hear about the sewage in the Yarra River and the bay! Are we surprised?

How Dense is Dense? Business Age (Mar. 31) reports that a Singapore developer has lodged an application for a 66 level building at 150 Queen St. for 555

apartments which requires approval by Minister Guy and at 199 Williams St. there is another dense apartment project with 547 apartments and 94 car spaces which has been approved by Minister Guy. “Both these proposals are more dense than what were considered the most ambitious projects under the leadership of former planning minister Justin Madden in his last months.” Behind the State Library at 276 Russell St. VCAT approved a 36 level tower on a 381sq.m. block with 154 apartments and no car spaces....and so on and on we go, getting denser and denser. We could be forgiven for thinking that these are purpose-built student accommodation. Speaking of that, see our *snippet* below from a MEG member in Prahran.

Building Commission Corruption On April 4 The Age reported that “30 officials and consultants who for Victoria’s building industry watchdog are being investigated for serious misconduct and harassment.” This is the result of an Ombudsman inquiry. The report indicates that “the Building Commission’s complaints handling process which has long been a source of frustration for hundreds of home owners is to be overhauled.” On April 5 a further report states that the Commission’s \$3 million deficit is blamed on exorbitant spending, “including hiring corporate boxes at the football to entertain construction industry executives.” Beggars belief doesn’t it? Planning Minister Guy has promised a major reform. That will be a great relief for residents.

Chadstone Shopping Centre... Amendment to the Planning Scheme 128 submissions were received by Council with regard to Amendment C154. Stonnington Planning Department’s report on this Amendment went to Council Meeting on April 2. As there has been opposition to what the proponents have proposed Council recommended on April

2 that the Minister appoint a Panel. A Directions Hearing will be on April 23 at Planning Panels Victoria 8 Nicholson St. East Melbourne and the hearing will commence on May 14 at the same address. All submitters will be notified of the details and those who have lodged submissions to Council may lodge submissions to the Panel and may also opt to present a submission in person. All sessions are open to the public. Council will be the first presenter on May 14, followed by the proponents, Government Departments and Agencies, Community Groups and individual submitters. This will take about 2 weeks. Subsequently the Panel will send a Report and Recommendation to Council. Councillors will consider that Recommendation and accept it, accept part of it, add further conditions or reject it. Their decision will go to the Minister who will make a final decision. Amendments to the Planning Scheme are NOT a matter for VCAT.

Not Getting the Leader? If you live in Malvern East and the Leader is not being delivered there is a new number for deliveries in Malvern East...9563 3228. If you don’t live in Malvern East ring Don on 9819 1139 and, if all else fails, ring both of them.

267-271 Waverley Rd. Yet again this site is in the news...this time not for just an “over the top” Planning Application but for destruction of the heritage façade that the developer was ordered by VCAT to retain. On March 11, the Leader reported that the developer may be prosecuted. Stonnington Council was forced to approve the demolition due to safety concerns after the roof had been removed. Councillors have expressed their concern at the sloppy work of the developer.

857 Dandenong Rd. This site has been sold on with a Permit for 110 student accommodation units one shop and 16 car spaces.. The new owner has lodged an

application for 59 one & two bedroom apartments in a 7 storey building with 52 car spaces at ground level. There is a number of instances in the new application where the applicant has exceeded the previously approved VCAT envelope...i.e. no setback from St. John's Lane, a number of terraces and balconies jutting into the public realm and 6 bicycle spaces on the footpath in Dandenong Rd. Council's Urban Designer pointed this out when asked for comments by the Planning Dept. Alas, the Dept. did not support these comments and accordingly did not include in Conditions of Permit that the VCAT approved envelope should be the "default position." Two residents of Chanak St. as objectors to the application (guess who?) wrote to Councillors asking that the Urban Designer's comments be included in the Conditions of Permit. We sent the email with the request for conditions to the few MEG members in this area hoping for some support and non-MEG members hopped onto the band wagon. The saga will be continued at the next Council Meeting.

875-879 Dandenong Rd. This application for a 6 storey building with 55 one & two bedroom apartments and 2 levels of basement car parking for 59 car spaces is almost adjacent to 857 Dandenong Rd. All car movements will enter and exit from St. John's Lane. That will be appalling for the residents on that Lane. MEG believes there will be amendments to the plans. We heard on the grapevine that the sale of the site is conditional on the developer getting a Permit. At the Consultative Meeting the architect for the developer gave details of the proposal for this 7 storey development and told us (proudly) that the façade would be covered with metal sheeting with the **image of a tree** imprinted on the metal. Now how about that for an environmentally friendly addition!

590 Orrong Rd. The Minister did not impose mandatory height limits for this development as requested by residents and Council nor did he sign off on the Urban Design Framework approved by Council. The appeal lodged by LendLease for Refusal to Grant a Permit will commence on May 28 and has been set down for 12 days.

From a MEG Member in Prahran

There is an application re a purpose-built student accommodation development in Sth Yarra for removal of the 173 Agreement which includes conditions such as that requirement that the accommodation must be occupied by bona fide students. MEG wonders if the 'Change of Use' is because of the downturn in the number of students or is it because these little dog-boxes are too expensive for students? How many purpose-built student accommodation buildings in Stonnington are actually occupied by students and how often does Council check this out? How many more applications will Stonnington receive regarding 'change of use' for student accommodation developments?

Planning Applications Please note that we list **some** of the applications in Malvern East.

- 267-271 Waverley Rd. Multi-unit development, ground floor shops, 2 and 4 storeys of residences. Appeal Against Failure to Determine. Awaiting Date.
- 100 Waverley Rd. (McDonalds) Amendment of Permit to allow for 24 hour trading. (As this is an Amendment to existing Permit the applicant can go straight to VCAT.) Hearing date June 22.
- 35 Belgrave Rd. Pt. dem. alterations & additions to dwelling in H.O. Appeal Against Refusal to Grant. Awaiting date.
- 4 Belgrave Rd. Part use of land for animal husbandry in a Res.1

- zone. Appeal Against Refusal to Grant. Awaiting date.
- 12-16 Carrum St. 3 storey dev. 25 units, 31 car spaces. Appeal Against Refusal to Grant. Awaiting date.
 - 42 Central Park Rd. Pt. dem., alterations & additions to a dwelling in a H.O. Appeal Against Decision to Grant. Awaiting date.
 - 68 Emo Rd. Alterations & additions to dwelling in a H.O. Appeal Against Refusal to extend Permit Time.
 - 7 Wattle Grove Dual Occ. Appeal Against Refusal to Grant. VCAT Refused to Grant a Permit.
 - 25 Belgrave Rd. Second dwelling on a lot in a Heritage Overlay.
 - 34 Chanak St... Extension of dwelling on a lot less than 500sq.m.
 - 29 Anderson St. Construction of 2 dwellings on a lot.
 - 52-56 The Boulevard Four 2 storey units on The Boulevard with 2 more along Argyll St.
 - 214-218 Waverley Rd. Multi-unit dev. 3 storeys, basement car park.
 - 19 Rotherwood Dr. Multi-unit dev. 2 storeys and basement car park.
 - 22A Findon St. Additions & alterations to existing dwelling. Appeal Against Decision to Grant. Appeal lost. VCAT issued Permit.
 - 221 Waverley Rd. Medical Centre. Permit issued.
 - 6 Chanak St. Extension to existing residence. NOD issued. Appeal Against Decision to Grant. April 4. Appeal lost. VCAT issued a Permit.