



Malvern East Group

MEG Supports **PLANNING BACKLASH**

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Newsletter April-May 2009

From the Convenor's Desk

This newsletter is later than usual. There has been so much to do with regard to the MEG meeting in March, MEG's submission re the New Residential Zones, dealing with the many queries we receive, keeping up with what's going on in Planning, lobbying politicians with three other members of the Planning Backlash Working Group re the introduction of DACs, trying to track down just where we are with regard to Stonnington's Neighbourhood Character Study... and living a life outside MEG activities. (Sometimes I hardly have enough time for the latter!).

You will have noted from previous planning applications lists that our Heritage Areas are being compromised by the endless applications for "part demolition, alterations & additions" to dwellings in the overlays. ResCode Cl.55 does not apply when assessment of these applications is made so no amenity issues are considered. Retention of the heritage facade is the only consideration and it's the only reason for a Planning Application. (Single houses outside the overlays on lots more than 500sq.m. do not require a Planning Permit). Hence 'McMansions' proliferate throughout the Heritage Overlays and the ubiquitous 'dual occs.' are slowly but surely taking over the areas outside the overlays, resulting in more and more moonscaped sites, fewer trees, less and less open space, more and more buildings in the space we treasure so much. If (when) the Government pushes through the New Residential Zones proposal we can expect much more of that and it won't be 2 storey developments. 3 storey and 4 storeys plus will be the order of the day. The government is obsessed with densification and the death of the leafy suburbs which form a significant portion of the lungs of the city. I hope all our members lodged a

submission re NRZ...though I think that's a faint hope!

New Residential Zones

If you would like a copy of MEG's submission to DPCD (Dept of Planning & Community Development) re NRZ please let us know.

You can read MEG's submission and some from other residents' Groups on the Marvellous Melbourne website ... www.marvellousmelbourne.org All submissions will be on the DPCD website sometime in the future. We have little faith that the Government's bureaucrats will consider opposition to this proposal. Stonnington Councillors expressed serious concerns about it at Council Meeting on April 6/09 and endorsed a Recommendation from the Planning Department that said we would prefer to rely on our own Housing Strategy and Neighbourhood Character Study.

Neighbourhood Character Study

After 18 months of work this study was submitted to the Dept. in January 2007. Council still has not received permission from the Minister to exhibit it as a Planning Scheme Amendment. Members of our Strategic Planning staff have said that they are having ongoing discussions with DPCD. In a letter to VCAT, Council said that a request for authorisation of the Amendment "was sent to the Minister, however the Minister has denied this request. The Minister will not grant Council's authorisation request until it has undertaken a study to identify locations for housing opportunities in identified activity centres, key development sites and other areas close to public transport and services."

As we pointed out in our submission re NRZ, this covers almost the entire municipality. What hope do we have!!!!

VCAT Review...Submissions

The long-awaited Review of VCAT is about to occur and we are asked to submit our views and issues. In April '08 MEG and other Community Groups submitted a list of issues to be discussed at a Community Groups' Forum in October '08. Deputy President Helen Gibson deemed that most of our issues were "innappropriate for discussion". Justice Kevin Bell and Helen Gibson chaired the Forum and when MEG spoke we were pleased to note that all of the issues (except one) we had presented in April and that had been deemed "inappropriate" had been brought up by other groups. With Kevin Bell present, discussion had been allowed. Information about submissions is available on: <http://www.vcatreview.com/> or you can ring VCAT on 9628 9700. Your experience(s) at a VCAT hearing are relevant and it is in your interests to submit to this review. Submissions are due on June 8/09.

Review of the Planning & Environment Act

You can also submit to this Review. It is certainly more difficult than submitting to the VCAT Review but the Discussion Paper contains some issues that will seriously affect residents. The Paper includes suggestions that will further exclude the community from planning decisions. It seeks to extend the 'call in' powers of the Planning Minister, limit notification requirements and give Councils power to exclude certain objections lodged by residents. Ring Information Victoria on 1300 366 356 to obtain a copy of the Discussion Paper and have your submissions in by May 9.

Waverley Rd. Neighbourhood Activity Centre

On March 2/09 Councillors voted to request the Minister to appoint an Independent Panel to consider submissions regarding this Amendment. As the area from Bates St. to Boardman St. had not been in the proposal presented at the Community Consultation session but has since been included in the Amendment, Cr. O'Shea

moved that the recommendation from Council be ...'from Bates to Boardman, a 3 storey height limit and from Boardman to Tooronga, 4 storeys.' 51 submissions re this Planning Scheme Amendment were received by Council. All of these submitters will have an opportunity to present to the Panel.

Snippets

Reg Hunt Site The future of the Reg Hunt site is finally decided. VCAT has issued a permit for a 6 storey development with 77 units for a Retirement Village.

Mr. Gandel Chadstone's customers will be pleased to read that Mr. Gandel of Chadstone Shopping Centre fame has paid "about \$10million for a big property in Point Leo Rd. Merricks abutting two substantial and adjoining waterfront parcels he bought on Frankston-Flinders Rd about 4 years ago." (Age...Domain Apr. 5/09). He already owns Melbourne's most expensive house in Toorak, estimated at \$35million. Good to know where your dollars are going!

Stonington Mansion Site The former stables at the Stonington Mansion site have been sold as a separate residence. 75 homes will be built on this site on land owned by the people of Victoria. A disgraceful episode in the history of development in this state.

Are You Getting The Leader? Residents of Malvern East not receiving the local paper should ring Don on 9819 1139. He is responsible for distribution in our suburb. Believe us when we tell you that he is immediately effective. If you live in another suburb in Stonnington, ring PMP on 9936 3636 and ask for the number of the person in charge of your area.

Do You Rent Out Individual Rooms to Four or More People?

In the Leader (Jan. 27/09) an advertisement with this heading went on to state, "You may be classified as a rooming house operator." Health regulations have always applied to rooming houses with 6 or more residents. This figure has now been lowered. The property must be registered with Council annually, must meet basic health and hygiene standards and the

owner(s) must allow the property to be inspected by Environmental Health Officers.
MEG hears many instances of houses operating as 'rooming houses'. They are usually used for student accommodation ...(or student exploitation?) If you are aware of such situations please ring Council's Health Dept. and/or the Dept. of Human Services.

In the Monash Journal (Mar. 30/09) we read of a "Rogue House Probe". The investigation comes as a number of questionable rooming houses run by VAC (Victorian Accommodation Centre) have been discovered in the south-east suburbs. Opposition housing spokesperson Wendy Lovell told the Journal that there are "about 13 potentially unregistered rooming houses in Monash suburbs." And in the Journal (April 6/09) an article headed 'Rogue Landlords On Notice' a report notes "as private rental vacancy rates plummet more Victorians are finding themselves at the mercy of rogue rooming house operators in Clayton and Oakleigh East." MEG wonders exactly how many 'rogue landlords' are operating unregistered rooming houses in Stonnington suburbs.

Democracy in the State of Victoria

Ten years ago when Mr. Brumby was Leader of the Opposition, he wrote a 46-page booklet called *Restoring Democracy*. He wrote, "When governments are careless with democracy, when they tolerate double standards in their ranks, they send out a powerful message. They tell people that decency counts for nothing. They tell us that fairness is for fools." (Age Mar. 5/09). Fine words indeed and very telling when we read in The Age on Mar. 19/09 that the erstwhile Minister for Planning overruled a vote of Parliament. Greens MLC Colleen Hartland said that Mr. Madden had not respected the democratic process in exempting the Barwon Heads bridge decision from the requirements of the Planning and Environment Act. Overruling Parliament sets new standards for democracy in Victoria.

A Media Release on Feb. 5/09 is headed "Brumby's Plan to Nobble VCAT." Matthew Guy (Shadow Planning Minister) commented Mr. Brumby's interventionist planning regime will see the Government

working in partnership with VCAT. Previously Government has always has declared that VCAT was the 'independent umpire'. We've always believed that VCAT was just another arm of Government and that it had to bow to the Government's wishes. Well now it's official. It does!!! Mr. Brumby is quoted in the Herald Sun (Feb. 5/09) saying that the Government would work with VCAT to clear its backlog of 1876 appeals. Exactly what that means escapes us. Which cases will have a Government-paid Q.C. supporting the developer?

Further to this an Age article April 10/09 announced *Brumby sidelines councils...State wields powers to fast-track developments*. Mr. Madden has already called in 670 Chapel St. On April 10 he called in the Amcor site in Abbotsford, Pentridge site in Coburg, Werribee Plaza, Waurin Ponds Shopping Centre and Monash/Caulfield. The last one is a mystery to us. The Priority Development Panel had given approval for that application some years ago and the Caulfield Plaza was due to close in March '09 so the development could occur. There was a rumour that the commencement had been put back. Why Mr. Madden is calling it in is quite beyond us. Has power gone to his head? Perish the thought! After all, his Leader is all for democracy. We know that because he said so!

VCAT Upholds Democracy

Those of you who have been through the VCAT process will find that heading hard to believe but, in a landmark decision, Deputy President Helen Gibson and Mary Ann Taranto ruled that Khyat's Hotel in Brighton could not be demolished and replaced with a 5 storey development because the hotel "is so important to the social fabric and cultural identity of Brighton." (Age April 1/09). They said that, "while the number of objections, 4300, was not enough to refuse the application, the consistency of their message was evidence of cultural significance." (There is no Heritage Overlay on the hotel).

Is this a case of VCAT thumbing its collective nose at the Government's threat to intervene in cases before it?

This could work in our favour but we suppose we shouldn't get carried away.

Added to this is the Supreme Court ruling in the Romsey Hotel case deemed that "community opposition was a relevant consideration" and that the application for poker machines at that venue was likely to be "detrimental to well-being because it diminishes the citizens' sense of happiness and contentment in their community."

Green Gardens Are The Only Way We Can Cool Our Cities

"A Californian study has found that the average electricity saving per tree due to lower air-conditioning use ranges from 70-90 kilowatt hours per year..." (Age Jan 23/09). "Melbourne has a rich assortment of trees, shrubs and grassed areas.....much of it on private land....this green infrastructure is a legacy of generations of gardeners..." Trees represent an asset that should not be squandered. "A mature tree can store as much as 10metric tonnes of carbon. Then there are the other environmental benefits they can provide...stormwater retention, dust settling and air pollution absorption." MEG constantly deplores the constant, reckless removal of vegetation. We wonder if the people responsible for this urban vandalism have any idea of the damage they are doing to our city. Does greed really rule the world?

Planning Applications

88 The Boulevard Change of Use from residence to Boarding House for 15 students.
78 Paxton St. 3 storeys. Basement Parking. 9 units. Amended Plans to be lodged.
105 Brunel St. Alt. & Addns to dwelling in Neigh. Ch. Overlay.
1978 Malvern Rd. Alt. & Addns to dwelling in H.O.
57 Repton Rd. Alt. & Addns to dwelling in H.O.
72 Kerferd St. Alt. & Addns to dwelling in H.O.
16 Hillard St. Dual Occ. in H.O.
29 Brunel St. New dwelling in Neigh. Ch. Overlay.
833-843 Dandenong Rd. Multi-storey bldg. Offices & shops. Withdrawn.

1103 Dandenong Rd. & 1 Darling Rd. Emergency Animal Care Facility.
29 Davies St. New dwelling on a lot less than 500 sq.m.

Planning Decisions

122 Finch St. Dem. & Alt. & Addns. to dwelling in H.O.
8 Warley Rd. Dual Occ. Permit Refused by VCAT.
20 Goode St. Dual Occ. Permit.
3 Belgrave Rd. Alt. & Addns. in H.O. Permit.
22 Epping St. Alt. & Addns. in H.O. Permit.
9 The Rialto West Alt. & Addns. in H.O. Permit.
63 Tooronga Rd. Alt. & Addns in H.O. Permit.
27 Belson St. Alt. & Addns in H.O. Permit.
44 Rothesay Av. New Dwelling in S.B.O.
825 Dandenong Rd. Bldgs & Works for shop at ground floor level. Permit Refused.
34 Moama Rd. Alt. & Addns to dwelling on a lot less than 500 sq.m. Permit.
17 Washington Av. Alt. & Addns to dwelling on a lot less than 500 sq.m. Permit.
1 Brunel St. Constr. of dwelling in S.B.O. Permit.
38 Grant St. Home Occupation. Swim School in Residential Area.
*Bus Shelters & Advertising...*Permit Issued by VCAT.

VCAT Appeals

62-64 Burke Rd. Multi-unit dev. Against Refusal. May 26/09.
949 Dandenong Rd. St. Accom. Against Failure to Determine. Mar. 4/09.
1287-1291 Dandenong Rd. 65 units. Against Amendment to VCAT Decision. Feb. 3/09.
13 Paxton St. Dual Occ. Feb. 11/09.
100 Waverley Rd. McDonalds Restaurant. Awaiting Decision.
19 Prior Rd. Three 2 storey dwellings. Against Refusal. May 15/09.
1039-1041 Dandenong Rd. Child Care Centre. Against Refusal. April 6/09.
1287-1289 Dandenong Rd. 6 storey Retirement Village. Permit Issued.
945-947 Dandenong Rd. St. Acc. 60 units. Lapsed due to lack of response to request for more info. Appeal lodged.
11-13 Darling Rd. 3 storeys. 17 units. Against Refusal. May 14/09.

267-271 Waverley Rd. Dem. of 3 shops in H.O. 5 storeys for 3 shops and 17 dwellings. Against Refusal. June 15/09.
66-68 The Boulevard. Four 2 storey dwellings. Against Refusal. Awaiting decision.

616-618 Warrigal Rd. Shop and St. Accom. Against Failure to Determine. May 7/09.
31 Nirvana Av. Part Dem., Alt. & Addns. to dwelling in H.O. Permit issued. Against Conditions. June 10/09.
615 Waverley Rd. St. Accom. for 20 units. Awaiting Date.