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MEG NEWSLETTER ...APRIL/MAY...2014

From the Convenor's desk

It seems that more and more things happen in the area of Planning and endless applications are being lodged. We seem to be at the mercy of the "densification bullies." We wonder if large and small developers are getting in before the Minister signs off on the Reformed Residential Zones...i.e. if he ever does!

It would be great if all MEG members would write to our local MP Michael O'Brien asking him to approach Minister Guy about having the "Zones" (Amendment C187) signed off ASAP.

Michael has agreed to speak at our AGM. You could include in your letter that you look forward to meeting him at MEG's AGM on Wednesday October 1/14. More about that later.

The Minister & the Mayor

On Feb.15/14 the Age reported that Minister Guy had intervened in a Planning Application and approved a tower at 661 Chapel St. Sth Yarra after Council had refused it in October 2013. Not only had the Minister approved the 90m tower in an area which has a preferred height of 38m but he had also reduced the developer open space contribution from 5% to 2%. Council had met with the Minister on Dec.5/13 and he had assured them that he would not be intervening on individual sites.

The Mayor made a statement at Council Mtg Feb. 17/14 deploring the actions of the Minister. MEG sent that statement to all our members so you are all aware of what was said. Needless to say the statement was met with fury from the Minister and it was reported in the Leader that he told Council to "get off their backsides." There's no doubt that the best form of defence is righteous outrage and attack!

The saga and acrimony was continued with a motion by Sue Pennicuik (Greens MLC) on March 12/14 seeking to have the Minister's decision overturned. This was greeted with more outrage from the Minister who accused the Mayor of hypocrisy. The Mayor retaliated at Council Meeting March 24 with another statement assuring the community that he was **not** a hypocrite.

Where does the community of Stonnington stand now?

Several of our Planning Scheme Amendments have been with the Minister's office for months and have not been signed off and the one that was affecting Malvern East residents the most is C173. The Minister was asked repeatedly prior to the VCAT case for the 18storey tower to sign off on Council's Recommendation for C173....and he didn't! It remains in limbo and it doesn't really matter what he does with it now. The case for the 18 storey 'thing' is lost.

We recall that the Amendment for our Neighbourhood Character Study gathered dust at the previous Minister's office for over 4 years! It seems that we have reverted to that same pattern of operation with this Minister....and we had such high hopes!

Amendment C175...Neighbourhood Character Policy

Council has prepared a new Neighbourhood Character Policy and residents were asked in 2013 to comment. MEG lodged a submission but declined to speak at the recent Panel Hearing. We were not surprised to see that in its submission to the Panel Cabrini demanded that the entire Amendment be abandoned. Wonder why??? The Panel decided

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that the Amendment would be put on hold until the 'Zones' amendment has been dealt with by the Minister. We are kept in a constant state of limbo with regard to action from State Government.

Accolades for the Minister

Frank Nagel of Biggin & Scott in Werribee was quoted in Bus.Age on Mar.29...

*"Minister for Planning Matthew Guy's commitment to resolving Precinct Structure Plans has set a framework in which **developers can buy with comfort**.There is no doubt that all interstate buyers can now consider the **planning regime in Victoria the best in the country**."*

We're so glad that developers think we're a pushover...and they are quite right!

Brickbats for the Minister

With regard to re-zoning land for development in the Spring Creek area near Torquay Resident's Association spokesperson Sid Pope said, *"He (Mr. Guy) ignores community consultation and attacks a very brave council. It's a win for developers."* Age Mar.21

Accolades for VCAT....from the President of VCAT

The final article in the Sunday Age VCAT series was a statement from Justice Greg Garde, President of VCAT on Mar.9...He says,

"VCAT must obey the law. The law requires the Tribunal to independently apply the Planning & Environment ACT 1987, council planning schemes and state and local planning policies."

We agree but we want to know why VCAT **does not do this**. He went on to say, *"It gives a fair hearing to councils, developers and objectors."*

What absolute tosh!

Brickbats for VCAT

In the Age (April 26/14) VCAT approved demolition of 2 heritage protected houses so that the owner of a mansion could expand the grounds around the mansion in Middle Park. A neighbor who opposed the plans said *"hijacked by wealthy property owners with access to expensive legal advice and heritage consultants."* In Bus. Age on the same day it was reported that *"Boroondara Council is pursuing through the Supreme Court of Appeals a decision to demolish another historic home, Arden, in Hawthorn East which VCAT also gave permission for demolition."*

191-193 & 195 Wattletree Rd.

You might remember that this was an application for a car park (beside the Cabrini car park) for 191-193 Wattletree Rd. and a 4 storey building for medical suites and dwellings at 195 Wattletree. Council issued a Refusal to Grant and an appeal by the applicant to VCAT resulted in VCAT endorsing Council's Refusal.

A MEG member in a nearby street marvelled at the wisdom of VCAT in this case and deplored its lack of wisdom with regard to the 18 storey 'thing' bang on single story houses in John St. Malvern East.

MEG spends a considerable amount of time and energy trying to achieve some consistency with regard to VCAT. Often it seems like a lost cause.

1341 Dandenong Rd. (Chadstone Shopping Centre)

In Council's Quarterly VCAT Report (Notice Paper March 24/14 we found this gem *"the Tribunal found that the Centre Management were best placed to manage the car park given they had a direct commercial incentive to ensure that customers were able to find a car park in the most efficient manner possible."*

Clearly VCAT has never seen the "whizz bang" lights system **not** working in the Chadstone carparks. We have noticed recently that not only is the wretched system unable to locate

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small cars but the lights often don't work efficiently...e.g. a lane will show a number of green lights which supposedly indicate empty spaces. Ecstatic drivers converge on that lane only to find that the lights are faulty and **there are no spaces.**

So much for the wisdom of VCAT.

Reg Hunt Site This may be our very last word on this site. A planning application (yes another one!) has been lodged with Council. It's for a 24 hour Residential Aged Care facility of 2 and 3 storeys in 'art deco' style, 64 beds, 45 car spaces (mainly for staff) with an estimated cost of \$12,500,000. Work has actually started on the site...lots of digging! At last there may be a resolution that is acceptable to residents in the area.

Old Weeroona Site...Waverley Rd.

Just as we had mailed our last newsletter the "SOLD" sign went up on the board. There has been much activity since then. Buildings have been demolished and a \$20,000,000 application has been lodged. This is for 59 dwellings...20 in a 3 storey apartment bldg. and 39 two & three storey townhouses in 5 separate buildings, basement carparking for the apartments and for one of the townhouse buildings. To the north of the site is the large balance of 398-402 Waverley Rd. which has an existing permit for a 4 storey retirement/nursing home. Council has requested further information which must be lodged by May 31. The application will not be advertised before this is received.

1(a) The Avenue & 239 & 241 Waverley Rd.

This is another huge proposal with an estimated cost of \$26,000,000. It is proposed that the existing buildings of the Aged Care facility be demolished along with the 2 dwellings to the east of the facility. There will be a 3 storey residential aged care facility with 120 beds and basement car parking. The ground floor is to be comprised of a lobby, offices, a wellness centre, shops and individual private rooms. An internal street is proposed. Levels 2 & 3 contain individual private rooms. The "internal street" theme is to be continued at these levels with lounge, dining and activity rooms. Council has requested further information.

857 Dandenong Rd. & 875-879 Dandenong Rd. & 887 Dandenong Rd.

You may have noticed that the building on the corner of Dandenong Rd. and Clarence St. has been demolished to make way for the first of the 7 storey developments between Clarence and Finch Sts. Spare a thought for the residents who live on St. John's Lane. Units at 875-879 are being sold and no doubt that 7 storey development will begin in the near future. While we were contemplating the mayhem to which residents will be subjected with these 2 site 'lo & behold' yet another \$10,000,000 application has been lodged for the site at 887 Dandenong. This one is for 8 storeys, 42 dwellings, 31 car spaces and to justify the "Mixed Use"...i.e. commercial component...they've thrown in one café.

Caulfield Racecourse Development

Great news received yesterday! The statutory authority VicRoads has refused to give permission for the first stage of this development to go ahead. Changes must be made to the development plans. VicRoads states that "*the traffic analysis is based on a different development scenario*"... i.e. the scenario is different from the one envisaged in the Incorporated Plan. (*Well! Well! Well! Are we surprised!*) There are "*significant safety and operational concerns*," says VicRoads. Comments on the Glen Eira Debates site about this entire debacle are enlightening! One can only hope that Stonnington Councillors will read them. We have sent this information to the Mayor. This development will have a huge adverse impact on residents of Malvern East and Stonnington Council did not lodge an objection.

"Sky is the Limit for City Growth"HS reported recently (April 3/14) ..."*Councils are being asked to reach for the skies to meet Melbourne's continuing population boom. Higher*

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density housing...including high-rise buildings up to 13.5m tall...is on the Napthine Government's agenda to meet the demand."

(Only 13.5m!...Tell that to the residents of John St. and those who live on St. John's Lane!))

Apparently Minister Guy is not happy about certain Councils locking up much of the residential areas in the Neighbourhood Zone. He wants more **growth areas**.

In the article the Minister is quoted, *"In the purest sense most (Councils) have not given us what we asked for."*

Has the Minister considered that Councils gave him **what the people asked for?**

Perhaps we'll get a chance to ask our local member that question at MEG Mtg. on October 1/14.

A Regional Port

A letter in the Age on April 12 talked about a matter that MEG has discussed with MPs on a number of occasions ...and has been brushed off.

"Portland has one of the deepest ports in the world." Why won't State Governments give consideration to using that instead of Hastings? If Hastings is to be developed as **the** port Stonnington suburbs (and others) will have 'mile long' freight trains thundering through every night...and that's apart from the environmental damage that will ensue if a second port is established at Hastings.

There is an unused railway to Portland. Consider the employment opportunities in re-building that so freight can be brought to the towns and cities of Victoria and the employment opportunities in the Western District with harbor facilities on their doorstep. MEG simply does not understand this obsession with having so much centred in Melbourne.

The letter-writer asks, *"Could Portland be part of regional proposals? Why not develop its existing export facilities and build up import structures for today's and future needs?"* **Why indeed?**

Ward Meeting

Needless to say there were several parking issues mentioned at the East Ward Meeting on April 10. We suggest that if cars are parked across your driveway or part of your driveway limiting your access or egress ring 9200 8215. Avoid the Menu by pressing 5 immediately. Give your address and the Reg. No. of the offending vehicle. We can guarantee that a Parking Officer will be there within 30mins. and a fine will be issued. The car won't be towed away but it won't be parked there again. We were given this advice by Service Centre staff,

FTD...NOD

These terms are often used with regard to Planning Applications and we have heard residents being really angry about FTD...**Failure to Determine**...sometimes to the extent of aggressively attacking Planners. FTD occurs frequently with regard to large applications and we need to understand that it is **not** a failure by Council. If Council has not reached a decision within 60 statutory days an applicant can appeal to VCAT for FTD. It is usually impossible for Council to meet all of the statutory requirements for the hundreds of applications it receives each year within the 60 days particularly for the Major Cases. 60 days is simply not enough time to meet all the statutory requirements. MEG and Planning Backlash have frequently asked the Attorney General to change the 60 day requirement (at least for Major Cases) to 90 days. As usual he agrees with us but **nothing is changed**. Residents should remember that if an appeal for FTD has been lodged Council will always come to a decision prior to the VCAT hearing.

NOD is a Notice of Decision This simply means that all parties are notified of Council's decision to issue a Permit if there is no appeal to VCAT. Objectors have 21 days to lodge an appeal to VCAT against a NOD.

Planning Applications

We list *some* of the recent applications and indicate the status of some other applications we have mentioned in previous newsletters.

- 24 Ardrie Rd.** 2 additional dwellings for st. acc. VCAT issued Permit.
49-51 Waverley Rd. Liquor License for café. Permit issued.
2 Maroora St. 5 dwellings on a lot. Withdrawn.
102 Manning Rd. Constr. of 2 dwellings. NOD issued Council Mtg. April 14.
23 Coolgardie Av. Constr. of second dwelling on a lot in H.O. Cons.Mtg. April 2. Applicant requested permission to lodge amended plans.
26-28 Emo Rd. Alterations to existing dwelling & addn. of 2 other dwellings on site. On advertising.
36 Ferncroft Av. Construction of 3 dwellings Info requested.
16 Ardrie Rd. Extension of existing dwelling and constr. of boundary to boundary second dwelling on a lot. On advertising.
114-116 Argyll St. 10 dwellings, 3 storeys plus basement. On advertising.
28 Midlothian St. 2 dwellings on a lot. Info. requested.
31 John St. Extension to dwelling on a lot less than 500 sq.m. Info. requested.
636 Warrigal Rd. 2 dwellings on a lot. Info requested.
8 Villers Sq. Pt. dem. & alterations to dwelling in H.O. Info requested.
14 Arcadia Av. 2 dwellings on a lot. Info requested.
37 Berrima Av. Pt. dem & bldgs. on a lot in H.O. Permit issued.
1A Bowen St. 3 dwellings on a lot. Advertising complete.
1 Sylvester Cr. 3 storey dev. Cons Mtg. held. Awaiting decision.
1-3 Olive St. Pt. dem. And use & dev. of land for a child care centre for 145 children and car parking dispensation. 38 objections. Cons. Mtg. April 29.
8 Prior Rd. Constr. of 2 dwellings on a lot. Advertising complete.
176 Wattletree Rd. Medical Centre. Awaiting Planner Assessment.
28 Abbotsford Rd. 2 dwellings on a lot. Permit issued.
2-4 Alma St. 2 dwellings on a lot. On Advertising.
10 Carrum & 18-20 Camira Multi-unit development. Amended plans received.
9 & 11 Camira Multi-unit development. (\$10,000,000) NOD issued. 11/3/14.

From the Convenor

A further word from me regarding an article in the Age on April 17..

"Public land sales soar."

The Assistant Treasurer's Office said, "*The money received from any sale of **surplus** land is re-invested back into vital services and infrastructure, such as hospitals, roads and schools.*"

My hackles rise whenever I hear of **public** land being sold. That's **our** land.

Buildings on many of these sites could be used by the community and revert to their original use as the demographics change...e.g. school sites. Trees could be planted on empty sites to combat heat and pollution factors. Such a lack of foresight in selling them off to developers is the hallmark of all Governments. Sometimes one despairs!