



# Malvern East Group

MEG Supports *PLANNING BACKLASH*

Phone/Fax 9572 3205

Email [meg@chezsamuel.com](mailto:meg@chezsamuel.com)

Web <http://www.chezsamuel.com/meghome.php>

## Newsletter August-September 2009

### From the Convenor's Desk

This is my final MEG newsletter. I have decided to resign from the position of MEG Convenor at our AGM on November 18/09 so this is my last chance to wax lyrical. I lived in St. Andrews in Scotland at a time when Britain was 'going down the drain' economically speaking. I was bemoaning the situation until a wise Scot said to me, "Well we've got the best kept ruins in the world so the tourists will keep coming." Sadly, we are reaching a stage when we haven't got the "best kept" anything. Plans for the Windsor Hotel will "tidy up" that corner of Burke St. says Robert Doyle. Demolition of the art deco building Lonsdale House will make way for the retail giant Myer to expand so that there will be more THINGS for people to BUY. Demolition of the Capitol Bakery in Sth. Yarra will make way for a massive 38 storey conglomeration...and there's much more. Theft of public land is reaching gigantic proportions. Stonington Mansion site, Royal Park, Kew Cottages site, the public land around Caulfield racecourse...the list is endless. It would be wonderful if we adopted a position of saving the environment, saving our heritage, saving our significant buildings, saving our public land and dispensed with the present philosophy of 'search and destroy.'

### Membership Renewal

Thanks to so many of you who have renewed your MEG subscription. It's good to have that fiddly job over early in the financial year. If you haven't renewed and intend to do so we would appreciate your doing so as soon as possible. We cull our Membership List annually.

### MEG Website

The MEG website is in a sorry state. Is there anyone out there in MEG land who could volunteer to bring it up to date? If so please contact MEG.

### Defeat of DACs...A Saga

#### Act 1. Scene 1 Enter the Residents

On Feb.10/09 Jack Roach, President of BRAG, Mary Drost, Convenor of Planning Backlash and Ann Reid, Convenor of MEG began a series of time-consuming visits to key members of the Upper House to lobby for the defeat of the DACs legislation. Clifford Hayes, Deputy Mayor of Bayside, joined us at two of those meetings. By the end of April we believed that we had locked in the vote.

#### Scene 2 Enter the Councillors

In May, Mayor Claude Ullin rang MEG and asked that a meeting be arranged to try to deal with the Government's planning policies, in particular the DACs legislation. On Sunday May 24, the Mayors of Stonnington, Boroondarra, Yarra, the Deputy Mayor of Bayside, the Convenors of Planning Backlash and MEG held a meeting at MEG's headquarters in Chanak St. ...(Do you like that? It sounds like a war cabinet, doesn't it?) At that meeting the Coalition of Councillors (CCC) was born. It was decided to hold a Rally on June 10 around the time we believed the DACs bill would come before the Upper House and Mary Drost would contact the 150 groups that comprise Planning Backlash to ask for their support.

#### Scene 3 Councillors and Residents Work Together

The 'cabinet' with the addition of a Pt. Phillip Councillor and the Planning Manager of Boroondarra met again at Boroondarra on May 28 and at Malvern

Town Hall on June 4. In the meantime, Mary worked like a beaver. The MEG Wkg Gr. worked like minor beavers, as did other groups, and the Councillors worked at getting the support of their own Councils and of other Councils.

On June 9 a full page letter signed by 60 Councillors was published in the Age, the rally was on June 10 and on June 11 the DACs legislation was defeated in the Upper House.

### **Act 2. Scene 1 Enter the Press**

On June 16 the Stonnington Leader reported that "the mayor had joined the Malvern East Group" at the protest rally against the DACs and the Boroondarra Leader reported that "the mayor had joined the Boroondarra Residents' Action Group (BRAG) at the rally."

In the August edition of Stonnington News the mayor declared, "Following a targeted campaign by the Coalition of Concerned Councillors--a group of concerned councillors from across the State--the Bill (DACs) was defeated in the Upper House." Well, there you go! Nary a word about the work of the residents' groups slaving away with our limited resources nor the successful lobbying by 3 residents months prior to the defeat of the Bill!

### **Scene 2 Councillors 'Go it Alone'**

About the same time we received an email from a **resident** in Mt. Eliza with a media release announcing that CCC had started a Facebook page to inform the community of "the true extent of Ministerial intervention in planning." (If you don't have access to Facebook you'll never know.)

### **Act 3. Scene 1 Enter the M.Ps.**

Finally a rumour has reached us through our group network informing us that the DACs Bill is emerging again. The Bill cannot be presented to Parliament in its previous form. It is rumoured that it will be combined with the 'tax grab' legislation and if (when) it is rejected in the Upper House again it will go before the Dispute Resolution Committee and the end result could mean an early election.

A quote from our last newsletter, " It is a foolhardy or arrogant government that ignores the people it serves."

### **Residents Lose Rights**

A report on Aug. 17 outlined new legislation that will strip the community of its right to object to road and railway projects. The changes will give Planning Minister Justin Madden the power to fast-track projects declared 'major' by Premier John Brumby. Win one, lose one!

### **Ministerial Intervention**

Minister Madden's action in employing at our expense a Q.C. to represent him at the VCAT hearing re the 38 storey proposal was successful. His action in 'calling in' a 16 storey proposal in River St. Sth. Yarra was also successful. Council had decreed in its Structure Plan that the height be 10 storeys. The Ministerial Panel gave the applicant 16 storeys. We don't know yet the result of his intervention in the application near Melbourne High. You might remember that for that part of Chapel St. he set a height limit of 38m and the applicant wanted 51.9m. (Melbourne High is blessed with influential 'old boys.')

At that hearing there were so many Q.C.s, barristers and expert witnesses for both sides that one was almost blinded by the brilliance. Jeremy Gobbo Q.C. represented Council, Simon Molesworth Q.C. the objectors and Chris Canavan Q.C. was employed by the developer. Chris Canavan was extremely annoyed with the Minister for placing a last-minute height limit on the application. It wasn't "fair" to the applicant. So help me! The following week Chris Canavan stopped attacking the Minister and represented him at the now famous 38 **storey** hearing.

The Minister then got Prahran in his sight. He wrote to VCAT saying that he wanted the 12 storey building on the old RVIB site in High St. to be approved...and it was. And we thought VCAT was an independent body!

In Maribynong, too, the Minister has intervened. In Business Age July 25 it was reported that a site in Footscray would accommodate a 10 storey building. Council's Structure Plan developed after much consultation and expense states a 10 storey height limit. A reliable source has informed MEG that the Minister has said that he wants 25 storeys on that site. So much for democracy...and for Structure Plans.

### **Waverley Rd. Urban Design Framework Plan**

This UDF has been extended to include part of Dandenong Rd. to Tooronga Rd. The 3 day Panel Hearing commenced on Aug.17. MEG's submission was presented by Andrew Dixon. In order to co-ordinate submissions, a meeting was held at "MEG's headquarters" on Aug.5 with the Manager of Strategic Planning, the planner who will present Council's case, MEG and a resident of Boardman St. The developer Lazzcorp is the only other presenter. Lazzcorp just happens to have an application in for 833-843 Dandenong Rd. (cnr of Boardman) for 6 storeys (18.8m)...1 cafe, 3 shops, 84 apartments, 82 car spaces and car parking dispensation. Lazzcorp employed 2 expert witnesses whose statements opposed the Amendment. We wonder if that's because the Lazzcorp proposal exceeds the height of 4 storeys proposed by Council!

### **Ex-Premiers Turn NIMBY (Age July 6/09)**

Steve Bracks and Joan Kirner have joined forces to oppose a Ron Walker development for 369 apartments in Williamstown. They **live** in Williamstown. "An outrageous development," they said. Mrs. Kirner told Minister Madden that it shouldn't be called in. She's quite right! He shouldn't be calling in what's proposed in **our** backyard either but we don't have any ex-Labor premiers living in Stonnington.

### **Tram Corridors the Next Target**

Consultants SGS (Spiller, Gibbons & Swan) are collaborating with DPCD to produce a policy that will ensure developments of up to 6 storeys along Melbourne's tram corridors are given the go-ahead. They are using policies followed by Moreland and Darebin Councils, both Labor-dominated Councils, to impose on the rest of the city endless canyons of development. If you live along or behind a tram corridor be fearful. These people will not even consider the notion of populating Victoria. Their minds, like those in Government, can only think in terms of jamming more and more people into the city. They're known as the "ram, jam and cram crowd." If you live on a tram corridor or behind one, be warned.

They're out to overwhelm you! In the Age Aug. 29 we noted an ad. from DPCD calling for tenders from 'suitably qualified parties' to conduct housing capacity assessments across 31 local government areas of Melbourne. Anyone interested?

### **Monash Caulfield Site**

In the Age July 8 we read that "Monash University had backed out of a \$300million project that was to include its new law school because developer Grollo Equiset failed to secure the money to start building." Monash 'Village' was to comprise 436 student apartments, two office buildings, a shopping centre and underground car parking. Minister Madden had already fast-tracked that project. The Leader reported that the "traders were up in arms" because they had expected to move out last December and had already made alternative arrangements to rent elsewhere.

### **Caulfield Village (5 hectares around the Racecourse)**

These monstrous developments are always called 'villages' aren't they? Business Age (Aug.1) reported that the \$750 million 'village' including office towers, (12 and 15 storeys) apartments (10 storeys), a 100 room serviced apartment complex, and "over 55" community with 250 units, a shopping centre with supermarket, specialty shops, 2 cafe and restaurant precincts should start within a year. The project will be on public display by December. It will probably proceed "west to east" which means that the aged-care units, apartments and shops will be built before the office towers. What the report failed to mention is that much of this land is public land bequeathed by Queen Victoria to the people of Victoria for recreational purposes. Is there no end to greed?

### **Developments 50k from Melbourne (Age Aug.1 & 29)**

Meanwhile 50k from the city in Cardinia Shire, VicUrban (in charge of Docklands) aims to house 15,000 and have businesses which will employ 6000 people. The town centre will be built first at the station and a mix of housing including up to 7 storeys of apartments near the station. Australand is doing a similar

development near Wallan. Both of these estates are just outside Melbourne's proposed new urban growth boundary. Hardly what one could call decentralisation!

### **VCAT Meeting**

On July 14 group leaders met again with Judge Bell and again pointed out that VCAT was not delivering 'fair and equitable' decisions. In the Age on Aug.12 we read that Judge Bell agrees with us. He is concerned about consistency in decision-making and he believes that altering the balance in favour of more prescriptive planning standards would achieve this. He also believes that VCAT could assist self-represented parties to make their case. That's us!!! He wants to help us!!! It's a miracle!!! It seems that all the meetings and all the submissions may have (at last) made a difference.

We were going to suggest that a new body be set up to deal with misconduct by VCAT members, the same as the one that has recently been set up to look at misbehaviour by judges and magistrates but perhaps we won't need to push for this. We'll see!

### **Cash for Comment**

Business people paid \$5000 for lunch with Government Ministers on August 7. Mr. Brumby said it was a normal fund-raising activity that is done by political parties. (No community group could afford that amount of money in order to have access to Govt. Ministers.) Mr. Brumby assured the community that Minister Madden would not attend and shortly after this assurance was given Minister Madden appeared at the function. We thought he had defied the Premier but a reliable Parliamentary source has informed us that Justin's staff omitted to tell him that the Premier didn't want him there as it wouldn't be appropriate, given the number of large planning proposals he was dealing with.

### **Anti-Corruption Policy (Age Aug.8)**

The coalition has released its "anti-corruption and accountability policy." The establishment of such a body has been consistently rejected by the State Government. Planning Backlash has called for such a commission to

investigate why developers have such easy access to the Planning Minister.

### **Housing Melbourne**

In the Age Aug. 8 a number of 'experts' presented their views about 'growing Melbourne from within.' 'No need to expand the urban growth boundary', they said, 'there's plenty of empty land that can be used for housing within the present confines of Melbourne.' Only one of these 'experts' had an opinion about building houses in **Victoria**. Cr.Bill McArthur, President of the MAV said, "Rural and regional Victoria shouldn't be forgotten and must form a part of the solution." On Aug. 25 Peter Ryan Leader of the Nationals said, "It is vital that balanced development occurs across our rural and regional areas." On Aug.31 the Age reported that Essential Economics found that "regional cities have the capacity to accommodate large increases in population, particularly in view of significant available land supply for residential development and employment." MEG believes that the population spread should be across the state where there is water and that the push should be started where the broadband cables are being laid now.

### **Snippets**

#### ***Something Good at Chadstone***

For the chocolate-lovers...a Lindt Chocolate Cafe opened in the new west wing extension at Chadstone on August 19. Lindt joins Chanel and Louis Vuitton. (Age Aug.1) Just below the swish shops is a McCafe!

#### ***Near Chadstone***

The owners of a discount outlet chain DFO have bought a site at 675 Warrigal Rd. It is rumoured that a DFO-type discount outlet might occupy space in the new Chadstone complex. (Age Aug. 22)

#### ***Visit to Villers Square***

Pop round to Villers Square and see if you can pick the eyesore that was built with a permit from VCAT. You won't have much difficulty spotting the one that sticks out like a sore thumb.

#### ***At the Aria Awards***

Mal Logan, an invaluable member of the MEG Wkg Gr., played with the 'Dingoes' when they were inducted into the Hall of

Fame on Aug. 27. The entire week was a full-on celebration for 'musos.' Rachel told me that Mal had bought a new suit. Ah, what fame does to one who is never seen in anything but casuals!

### **Malvern East Featured in Domain**

On Aug. 8, "This example of classic, tree-lined suburbia holds its own against its swankier neighbours." We've got 'wide streets, wide blocks, a parade of period houses'...AND we've 'even managed to snag the Fashion Capital.' How lucky can we be! We thought it was the Car Park Capital.

### **McDonalds**

Domain didn't mention that Malvern East has a McDonalds in Chadstone Rd., a McCafe in the **new** part of Chadstone and another McDonalds yet to come in Waverley Rd. How can one suburb be so lucky! *N.B. There's a strong rumour around that McDonalds at 100 Waverley Rd will not proceed because of the restrictions of the site. Here's hoping!*

### **Reg Hunt Site**

We'd like you to know that not a blow has been struck on this site. Has Becton got financial problems?

### **Boarding Houses**

In the Age on July 15 it was announced that the Government had appointed 12 people to deal with non-complying boarding houses. They will have their registration cancelled if they don't comply. Apparently the Government is not aware that large numbers of these places aren't registered at all. The owners prey on vulnerable people without a qualm.

### **VCAT Refuses Student Housing Application**

The applicant for Student Housing at 615 Waverley Rd. has been refused a permit, not once, but twice. It's a miracle!

### **Stonnington's Student Housing Policy**

A word of advice...if you are objecting to an application for Student Housing make sure you consult our Student Housing Policy as well as other relevant planning policies. We worked hard to get that Policy into the Planning Scheme and, though it's a watered-down version of

what we really wanted, it's better than nothing.

**Lowering the Ceiling Heights.** *The developer is to get 2 more storeys at 670 Chapel St. Since being called in by the Minister plans show that ceiling heights have been reduced and apartments have been made smaller. Instead of the development comprising 164 apartments there will be 398. Unbelievable!*

### **Planning Decisions**

**36 Emo Rd.** Extensions at rear of dwelling. Permit

**17 Bates St.** Pt. dem., alt. & addns to existing dwelling in H.O. Permit

**12 Deakin St.** Constr. of carport on a lot less than 500 sq.m. Permit

**2 Prior Rd.** Removal of restrictive covenant. Permit

**17 Kingston St.** Pt. dem., alt. & addns. to dwelling in H.O. Permit

**2 Shrewsbury St.** 2 lot subdivision...Permit.

**1103 Dandenong Rd. & 1 Darling Rd.** Vet. Clinic, bldgs & works in Bus. 2 Zone and use of 1 Darling Rd. as car park.

Permit

**18 Kerferd St.** Pt. dem., alt. & addns to dwelling in H.O. Permit.

**6 Emo Rd.** 2 lot subdivision. Permit.

**83 Brunel St.** Alt. & addns. to dwelling on a lot less than 500sq.m. in Neigh. Ch. Overlay. Permit

**24 Karma Av.** Pt. dem., alt. & addns to dwelling in H.O. Permit

**1 Oak Gr.** 2 lot subdivision. Permit

**20 Grant St.** 2 lot subdivision. Permit

**17 Sylvester Cr.** 2 lot subdivision. Permit

**12 Chadstone Rd.** 2 lot subdivision. Permit

**2B Hedgeley Av. & Dene Av.** 2 lot subdivision. Permit

**78 Paxton St.** 3 storeys, 9 apts. basement car parking. Permit Refused.

**1389 Dandenong Rd.** *Demolition. Construction of 3 storey bldg. for 10 flats over basement car park for 15 spaces. Permit Refused (See VCAT Appeals.)*

**8 Warley Rd.** *Dual Occ. Notice of Decision to Grant a Permit. (Council Mtg. Sept.7)*

### **Planning Applications**

**833-843 Dandenong Rd.** 6 Storeys. 1 cafe, 3 shops, 84 flats, 82 car spaces.  
**8 Warley Rd.** Dual Occ. Amended plans brought to Cons. Mtg.  
**16 Hillard St.** Dual Occ. Amended plans lodged. Re-advertised.  
**91 Toorong Rd.** 2 lot subdivision  
**8 Nott St.** Pt. dem., alt. & addns to dwelling in H.O.  
**2 Central Pk Rd.** Alt. & addns. to dwelling in H.O.  
**1997-2005 Malvern Rd.** Retirement village for 60 units. 75 car spaces.  
**66 Kerferd St.** Pt. dem., alt. & addns to dwelling in H.O.  
**2 Coppin St.** Pt. dem. alt. & addns to dwelling in H.O.  
**20-22 Arcadia Av.** 5 lot subdivision.  
**28 Dene Av.** 2 lot sub-division  
**1 McArthur St.** Alt. & addns to dwelling on a lot less than 500 sq.m.  
**267-271 Waverley Rd.** Student Accom. 5 Storeys, 3 shops, 27 units.  
**123 Manning Rd.** 2 dwellings on a lot.  
**52 Belgrave Rd.** 2 lot subdivision.  
**42 Repton Rd.** Pt. dem., alt. & addns to dwelling on a lot less than 500 sq.m.  
**51 Midlothian St.** Dual Occ.  
**951-955 Dandenong Rd.** 4 storeys. 71 apts. & car parking. Car parking dispensation required.

### **VCAT Appeals**

**195 Waverley Rd.** 3 storeys, shops & dwellings. Against Refusal. June 24. Decision dated Aug.5 applicant given 45 days to present amended plans to VCAT. (A second bite at the cherry!)  
**66-68 The Boulevard** 4 two-storey dwellings. Against Failure. July 3. Permit issued for 3 two-storey dwellings.  
**385-387 Waverley Rd.** Demolition and constr. of 4 two-storey dwellings. Against Refusal. July 27. Awaiting Decision.  
**828 Dandenong Rd.** Bldgs & works to allow shop use at ground level and car parking dispensation. Against Refusal. Aug.3  
**20 Goode St.** Dual Occ. Against Decision to Grant. Aug.31.  
**52,54 & 56 the Boulevard** 7 two-storey dwellings. Against Failure. Aug. 6 & 7. Awaiting decision.  
**1389 Dandenong Rd.** 3 storeys, 10 flats, basement parking for 15 spaces. Failure to Determine. Oct. 19.

**616-618 Warrigal Rd.** Shop & student accomm. 29 apts., 8 car spaces. May 7. Permit issued.

### **REMINDER**

AGM - Wednesday Nov.18  
Guest Speaker: Matthew Guy  
Shadow Planning Minister

### **DETAILS FOLLOWING**