



Malvern East Group

MEG Supports *PLANNING BACKLASH*

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From the Convenor's Desk

A 20th century Australian poet referred to our cities as *teeming sores teetering on the edge of this vast continent*. One can only speculate on how he would describe them now. Every political party seems bent on **growth**... both up and out. Minister Guy wants the CBD to resemble a mini-Manhattan. Both political parties voted for an extension to the Urban Growth Boundary last year. Recently we saw State Government push through Parliament yet another extension of the Urban Growth Boundary into fertile farmland. The Age reported on June 21 that Melbourne now includes Bacchus Marsh, Mt. Macedon, Lancefield, Kinglake, Warburton East and all areas in between.

Does this mean that in the not too distant future we'll be able to re-name Victoria and call the whole state Melbourne. Am I exaggerating? Probably... but only marginally!

Membership Renewal It's that time of the year again. Membership subscriptions were due on July 1. There is a Membership Renewal Form at the end of this newsletter. If you intend to renew your MEG subscription we would be grateful if you would do it ASAP so that we can get that paperwork over and done with quickly.

More About the Building Commission No sooner had we sent out our last newsletter indicating the flaws in the Building Commission that another article appeared in the Age on April 11 regarding this matter. It appears that the Former Planning Minister Justin Madden was warned about unregistered inspectors operating in the building industry.

"The commission was given documentary evidence in 2003 that exposed a prominent Melbourne surveying firm using unregistered inspectors." It took two and a half years for this to be investigated. Two men from that firm were found guilty, fined \$500 each and asked to pay \$2,250 each in costs. If you've had any building done during the last 10 years we hope your building inspector was registered. It's possible that your insurance company won't cover work that has been approved by an unregistered inspector.

SAD Syndrome We are SAD about lots of things...loss of space, loss of trees, loss of both public and private open space and the general loss of residential amenity but are you aware that the SAD

Syndrome is a medical condition? We quote from expert witness evidence in a Report to the Advisory Committee in 2002 re Stage 2 of the Beacon Cove... *The importance of access to direct sunlight, for mental health reasons, is considered another relevant aspect of the environmental psychology context to the current proposal. Seasonal Affective Disorder is a recognized mood and mental health condition triggered by reduced exposure to natural light and treatable by increased exposure (Rosenthal & Blehar, 1989). Findings from clinical research of this condition confirms **the importance of ready access to direct sunlight as being a health issue, not just an amenity.*** On June 2 the Age reported that a recent parliamentary report which examined the link between planning and public health recommended that State Government establish targets for the provision of **green and open public space**. "Poor planning including a lack of open spaces and public transport infrastructure leads to poor health and places a heavy burden on the public health system."

Didn't they know that in 2002...indeed before 2002? Private open space is good too. Backyards are good too. Why is every Government hell-bent on removing these necessities from the people? Glen Eira Municipality has the least amount of public open space per capita in Victoria. Stonnington runs a close second...and development continues with only an occasional hiccup to stop the flow of concrete. Melbourne Weekly reported on June 13 that Stonnington loses 10% of its urban foliage each year due to development. Doesn't it make you want to open your windows and shout, "We've had enough and we're not taking any more!"

Sell-Off of Public Spaces On June 13 Jason Dowling reported in the Age that Government-owned businesses are selling off public land. Melbourne Water and VicRoads are two of these agencies engaged in the process of selling **our** land to developers. On June 23 Dowling reported that "train stations and old rail yards are being targeted for high density residential and retail developments with at least 10 sites already identified"...and Stonnington has 2 of those sites. Prahran and Windsor stations "are identified for intense development." So we have a third Government agency hopping onto the bandwagon. VicTrack is selling **our** land too. How can they think of jamming more into those areas in the western part of Stonnington? Given the annual loss of open space to development surely these Government agencies could start a process of 'greening' these areas instead of

selling them to developers. We could have a 'green corridor' along the rail lines in the entire state. It's a vain hope!

Government Declares War on Red Tape Minister Guy will soon introduce VicSmart which is a system to fast-track 'small' planning applications. (FYI Stonnington already fast-tracks 'small' applications and makes a decision on these within 14 days so we don't need any more 'fast-tracking, Minister Guy!) A Media Release from the Planning Minister on May 11 stated that "Red tape is stifling the economy in Victoria, particularly in the construction industry." Well it appears that we have to expedite things in the construction industry because we don't have much else going on in the Victorian economy except construction. The Media Release indicates that people should be able "to start and run a business, to farm productively (we assume that's on land somewhere that the Planning Minister hasn't set aside for housing!) ...**and** (get this one!) **build an extension**, a new front fence or lop a tree.

The Minister is going to reform the Planning Scheme through a re-zoning process, introduce a code assessment track for simple, low-impact permit applications, etc. etc. ...Make it all EASY!!! We don't yet know who is going to decide on the rules for these applications nor do we know what the rules will be nor do we know when it will start but no doubt someone will tell us. **There will be no third party rights in this new process despite protestations to the contrary.**

Another residents' group fears that this legislation is a dangerous and unnecessary erosion of democratic rights which will reduce transparency and set a precedent for future legislation dealing with larger development issues. We hope they're wrong.

Meeting with Minister Guy On June 12, fifteen Group Leaders from North, South, East and West of the metropolitan area met with the Minister for nearly 2 hours. All groups are appalled at what's happening in the various municipalities loss of both private and public open space, suburbs being systematically ruined through excessive development, endless extensions to the Urban Growth Boundary, 'call-ins' by the Minister. We were assured by Minister Guy that he intended to protect the suburbs by introducing new 'zoning' legislation as soon as he had Cabinet approval to do so. MEG's feeling is that by the time he actually does something the suburbs will be well on the way to being ruined. Again dissatisfaction regarding VCAT was discussed. We are aware that this is not in the Planning Minister's portfolio but we felt that he should be collaborating with the Attorney General to legislate changes to the VCAT Act.

Meeting with Ministers Guy & Clarke Following the meeting with the Planning Minister 3 members of the Planning Backlash Working Group met with both Ministers in yet another attempt to get something done about VCAT. MEG obediently trekked into Spring St. with Jack Roach from BRAG and Mary Drost

(Convenor of Planning Backlash) on June 21 to outline **again** the major and minor issues we have with the VCAT process all of which we had expressed in submissions (and at forums) regarding the so-called 'transformation of VCAT' during the reign of the Labor Party. Minor issues such as the installation of microphones in the Hearing Rooms can be dealt with almost immediately. There was agreement from both Ministers regarding the vexed question of Amended Plans. Minister Guy believes that the plans that come to Council and that are subsequently the subject of appeal should be the plans that VCAT members deal with...i.e. no more substitution. Whether this result actually comes about is a moot point. In fact whether **anything** results from these meetings remains to be seen.

Amendment C161 Alas, MEG did not have time to write a submission regarding this significant Amendment to the Planning Scheme. It is a Review of Stonnington's Municipal Strategic Statement and sets the broad picture with regard to future development in the municipality. There was no Information Meeting and in our opinion the exhibition period was far too short to do an adequate response to such a lengthy document. A snippet we picked up from it is that State Government requires municipalities to state the projected population increase for the next 15 years. In our case the projection is for an increase of 13,350 people and 7610 dwellings. (No decreases allowed!) In the *Strategic Framework Plan* a key development site has been added near East Malvern station (being under-utilised VicTrack and United Energy land.) This information was not in the exhibited document but in April 2 Notice Paper. The area could be made into a pocket park in our opinion. Not every piece of spare land has to have a building!

VCAT Quarterly Report from Council (See June 4 Notice Paper.) It dealt with the 4th quarter of 2011 and the first in 2012. Total number of cases at VCAT involving Council during those two periods was 77. 47 of these were wins for Council (61%) and 15 losses (19%). The remainder was in the category of part-wins/losses. Sometimes amended plans which addressed Council's concerns were circulated...and in MEG's opinion could have been done **before** the case went to VCAT. Of the 15 losses 6 arose from Councillor overturn of officer recommendation. There were 3 officer overturns which were upheld by the Tribunal. The total cost to ratepayers during this period was \$182,824.

Amendment C154...CSC The lengthy Panel process is over and we are awaiting the Panel's recommendation. The applicants' case for the massive increase in the building envelope (minus any specific information) was put to the Panel over a four and a half day period. Needless to say they had a plethora of expert witnesses, a Q.C., a barrister, an assortment of people and equipment. Council put its case in one and a half days. MEG submitted on the final day of the hearing and you can view our submission on the

website. If you want a hard copy please ring and we'll get one to you. A number of residents presented to the Panel on the final days. The applicants were adamant about not giving any specific details of their proposal. They simply want a huge envelope and then they'll do exactly what, where they want and the residents will have no third party rights.

Reg Hunt Site There isn't any action on this site except, as we reported previously, the weeds grow apace but we want you to know that the owner of the site Becton Property Group "is again at the mercy of its lenders.." (Bus. Age June2) "The Melbourne-based property developer which has net assets of less than \$800,000 and a debt of \$200 million....faced a write-down of up to \$30 million on its retirement village assets." For those readers who live around the urban forest we suggest that you don't hold your collective breath waiting for a start to Becton's retirement village in your part of Stonnington.

857 Dandenong Rd. The saga of this site continues. On April 2 Council supported a recommendation from the Planning Department to approve the new application for this site even though it exceeded the VCAT approved envelope. At the following Council Meeting East Ward Councillors submitted a Notice of Motion to rescind that decision and support a Decision to Grant a Permit which included the 720mm setback from St. John's Lane. Councillors supported this with an agreement from the applicant to set the building back but not the basement. Some objectors lodged an appeal to VCAT Against Decision to Grant. Subsequently the applicant lodged an appeal Against Conditions. A Practice Day Hearing is set down for July 13, Mediation on July 30 and a Merits Hearing commencing on September 13 for 3 days. MEG doubts that these matters will be settled through Mediation and both appeals will be heard in September. It's possible for the applicant to act at any time on the Permit for student accommodation that came with his purchase of the site.

100 Waverley Rd. The VCAT hearing regarding McDonalds wanting to trade for 24 hours was completed on July 4. It had been extended to 2 days at considerable expense to the residents who had submitted grounds to VCAT. If you feel like contributing a small (or large) amount towards the cost of residents' representation you can get in touch with Andrew Dixon through MEG or at 100waverley@live.com. Andrew would be more than happy to hear from you.

590 Orrong Rd. The lengthy VCAT hearing is over and the decision by VCAT is to issue a Permit for the application by LendLease. Needless to say the applicant had a plethora of expert witnesses (just like the owners of Chadstone) who gave lengthy (and barely audible) 'evidence' about how wonderful this massive development is and what an asset to the community it will be once the Permit has been granted. Needless to say they had submitted amended plans

(where are you Minister Clarke?) and they also submitted new documentation during the hearing.

Item (e) at Council Meetings This item is 'Questions to Council from Members of the Public.' Any person in Stonnington can submit in writing or by email a request for particular information from Council on or before the day of a Council Meeting. The name of the questioner is made public at the meeting but the actual question is not. Under Local Law Council must give you the information you request in writing within 10 working days. Since Council decided some years ago not to read out the questions this item is rarely used. Let's start using it.

Planning Applications The following is information on **some** of the applications in Malvern East.

26-28 Emo Rd. Alterations to existing apartment bldg. including construction of 2 extra apartments. Recent application.

95-97 Waverley Rd. Additional apartment. Recent application.

100 Waverley Rd. VCAT appeal. Amendment to Planning Scheme to allow MacDonaldis to have 24 hour trading. Hearing dates June 22 & July 4.

25 Belgrave Rd. Second dwelling on a lot in a H.O. Info. Requested.

7 Wattle Grove Two storey dwelling on a lot less than 500 sq.m.

339 Waverley Rd. Alterations to existing dwelling & addn of a second dwelling on a lot.

100 Argyll St. Construction of 3 dwellings on a lot.

857 Dandenong Rd. VCAT appeal ...7 storey multi-dwelling dev. Applicant has appealed Against Conditions of Permit. Some objectors have appealed Against Decision to Grant. Practice Day Hearing July 13. Mediation July 30. Hearing date September 13.

875-879 Dandenong Rd. VCAT appeal Against Failure to Determine. 7 storey multi-unit dev. Not settled by Mediation on June 22. Hearing July 30 for 4 days.

35 Belgrave Rd. VCAT appeal Against Decision to Grant. Pt. dem., alterations & additions to dwelling in H.O.

267-271 Waverley Rd. VCAT appeal Against Failure to Determine. Multi-unit dev. Ground floor shops plus 2 & 4 storey residences. Hearing July 17 & 18.

12-16 Carrum St. VCAT appeal Against Refusal to Grant. 3 storey dev. 25 units, 31 car spaces. Awaiting Date.

42 Central Park Rd. VCAT appeal Against Decision to Grant. Pt. dem. Alterations & additions to dwelling in H.O.

19 Rotherwood Dr. Multi-unit dev. 2 storeys, basement car park. Decision at Council Meeting July 23.

1 Clarence St. Awaiting amended plans.

123 Manning Rd. VCAT appeal. Against Refusal to Grant. Constr. of 2 dwellings on a lot in a Res.1 zone. Awaiting date.

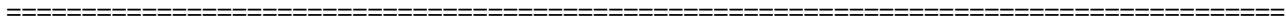
2 Villers Square... Buildings & works in H.O.

8 Gordon Gr. Malvern. 3 storey dev. with basement car park.

BREAKING NEWS JULY 11

Just as we were preparing to send the newsletter out we received news that Minister Guy has issued a Media Release regarding new zoning laws. A HS report headed **“Planning Reform to Protect Backyards from Development** states,” Subdivisions will be banned and much-loved big backyards protected under sweeping changes to save the family character of Melbourne neighbourhoods.” There will be a Neighbourhood Residential Zone, a General Residential Zone and New Residential Zone. Development will be pushed in the New Residential Zone centred on areas such as train stations and shopping strips. There is

much more detail in the HS report and in the Minister’s Press Releases which we will forward to you on request. It will now be up to us to take part in any Community Consultation sessions Council will hold regarding which zones will go where. Much of the work has already been done in Stonnington in our Neighbourhood Character Study which languished at DPCD for over 4 years and then was refused by Minister Guy in 2011. Because of changes in the neighbourhoods since then revision of this document will be required but at least now we have a chance of protecting some of our suburbs from incessant development. Let’s hope it’s not too late.



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MEMBERSHIP RENEWAL FOR PERIOD TO JUNE 30

Family Name: _____ Given Names: _____
Email: _____

If your physical address and other contact details have changed, please attach your new details

If you have E-mail, please provide your email address above to ensure that we have a correct current E-mail

Please renew my membership of the MALVERN EAST GROUP (MEG)

Signature of Applicant.....Date.....

Membership contribution \$5.00 per person Total \$ _____
To save costs and minimise administrative work, no receipts will be issued unless requested