



Malvern East Group

MEG Supports **PLANNING BACKLASH**

Phone/Fax 9572 3205

Email meg@chezsamuel.com

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

Newsletter June-July 2009

From the Convenor's Desk

A report in the Age on June 20/09 has made me an instant Royalist. A letter signed "Charles" to the Qatari royals brought an immediate halt to a \$2.04 billion project on the Chelsea Barracks site. The plan was for "550 apartments in a cluster of glass, concrete and copper towers" opposite Christopher Wren's Royal Hospital. It was utterly at odds with the "elegant surrounds". Charles' letter achieved what thousands of letters from the public could not achieve. So I hope you will join me in my campaign "Charles, King of Australia". He might be able to rescue us from "the ugly excesses of the architectural elite". In fact he could become our Planning Minister. That's a thought!

The Leader

When we rang the number we gave you in our last newsletter to report that the Leader wasn't being delivered, Don GROANED because he'd had so many calls from MEG members. We were heartened by the news. At least some people actually read the newsletter. Don begged us to give you the number of the warehouse in Malvern East so here 'tis...9569 2900...and his name is Don too!

Membership Renewal

MEG Membership Subscription is due on July 1/09. Please find attached a Membership Renewal Form.

Latest Planning News

Protest Rally Thank you to the Stonnington residents and particularly to MEG members who attended the "Restore our Rights" Rally on June 10. An estimated 500 people sent a message to the Government telling its members that we

want to be heard. Brian Waters S.C. said at the rally that "the right to participate in public life is foundational to a functioning democracy". Messrs Brumby and Madden seem to have decreed that we no longer have a democracy. By removing the rights of notice, objection and appeal from certain planning proposals they have undermined the basic tenets of democracy. The editorial in The Age on May 21/09 "Responsible Planning Involves Hearing All Sides" began with this message ... "It is a foolhardy or arrogant government that ignores the people it serves" and ended with "...a balance needs to be struck between fast-tracking a project and steamrolling a community. **The Kennett Government learnt to its cost the consequence of not listening. This Government should heed the lesson**". DACS legislation (Development Assessment Committees) was defeated in the Upper House that week and Minister Madden immediately announced that he would take over decision-making in Activity Centres!

New Residential Zones

It was great that so many MEG members lodged submissions re this proposal. We were appalled to read the letter from DPCD about the Panel Hearings. The whole thing is a "done deal". The Panel has been appointed to make recommendations for the implementation of NRZ. Cramming more people into established areas is the aim!

Urban Growth Boundary

Shortly after the 'let's have a democracy' message was sent to the Government yet another extension of the Urban Growth Boundary was announced. This brought a storm of criticism and another advocate for strategically-directed decentralization,

Brian Buckley, cited the Irish model as one that we should be considering. You will remember that David O'Brien spoke to MEG members about this in March '09. The Government has been told and told about the possibilities for decentralisation and its members are simply unable to comprehend anything but making Melbourne even bigger and more unwieldy than it is now. In Ireland, Dublin's population has been capped at 40% of the total population. Meanwhile Melbourne's population is now almost 80% of the population of Victoria...and growing. Minister Madden wrote in The Age on June 25 that "opposition to a bigger Melbourne smacks of cultural snobbery". Such staggering arrogance combined with equally staggering ignorance is unbelievable. Not one thought is given to the people in the 'new' areas who are in danger of having their home and land compulsorily acquired or, if they sell, will be forced to pay a tax of \$95,000 per hectare...the buyer/developer won't have to pay the tax, the vendor will. Not one sentence is devoted to protecting the leafy suburbs which contribute so much to the liveability of Melbourne. What we seek to protect he seeks to destroy. There is to be "more intense housing development in the city along tram routes and the orbital bus routes, in areas close to train stations and on large sites available through urban renewal". (Has he left out ANYTHING?) Added to all of that the Minister says "if there is a comprehensive alternative to protecting and managing our growth and liveability, we are yet to hear it." He should be asking David O'Brien and Brian Buckley...or even ask MEG...or have a taxpayer trip to Ireland...or read The Age!

Meanwhile....

On April 19/09 Jason Black, President of the Planning Institute of Australia's Victorian Division, has offered a solution to Minister Madden's dilemma at a Melbourne planning summit, from which the community was excluded because the registration fee was \$950. He said that the leafy eastern suburbs must be destroyed. "Spacious suburban blocks should be levelled and the homes replaced with 3-6 storey buildings." Target suburbs include Brighton, Camberwell, Balwyn, Ormond and Preston.

Whew!!!! We didn't get a mention. Just who IS Jason Black?

Ministerial Intervention

The Minister didn't understand the word 'democracy'...just doesn't get it! He has called in 2 projects in Sth.Yarra and has employed a taxpayer-funded Q.C. to intervene for the developer at the VCAT hearing re the 38 storey (not metres) application on the corner of Toorak Rd & Chapel St. But he did hear Lindsay Fox when he lobbied against the 52.9metres application for the corner of Chapel St & Alexandra Av. Melbourne High would have been affected by this so when a prominent Melbourne High 'old boy' made noises to the Minister, he decreed that the height was to be no more than 38m. Undaunted by this ministerial edict, the developer has appealed to VCAT against a Council Refusal to Grant a Permit. The hearing will commence on July 6. We wonder if the Minister will send a Q.C. to VCAT to oppose the developer!

Introduction of VC56

We have received so much information and misinformation about VC56 that we believe it is fraught with difficulties. This law did not have to be debated in Parliament. It was simply gazetted and is now part of the Act. (Democracy at work again!) It seems that developers will be able to bypass the planning process with \$3billion dollars of Federal funding provided for school building projects and social housing. It also seems that developers will only have to include a token amount of social housing in their projects. At present, there is an application at 85 High St. Prahran for a development of 108 apartments, 40 of which will be for social housing. This has been refused by the Planning Department but it is possible to contemplate that the developer could withdraw the application and apply for funding through VC56 and bypass Council and the residents entirely. We have heard that the number of social housing units in a development which receives this special funding could be a much smaller percentage. There is no information available regarding the feasibility of this 'mixed' housing in one development with regard to the newly formed Owners' Corporations which have replaced the Body 'Corps'. For example, AGMs for Owners' Corporations require the

attendance of 50% of the lot owners. In the case of 85 High St. would the Government's presence indicate that 40 'owners' are present? Complaints about neighbours or the building must be submitted to the OC in writing using the prescribed standardised form. Unresolved disputes require a full history of the dispute before a complaint can be taken to CAV or VCAT. If the grievance procedure is not followed correctly VCAT will not hear it. CAV is limited in providing conciliation/mediation services. Of course the Government should have covered everything prior to its hasty inclusion of VC56 in the Act. As it didn't bother to do so we believe Stonnington Council should seek a comprehensive legal opinion about the entire issue.

The one thing we are absolutely certain about is that we, the people, are to be excluded from the process. It's that word 'democracy' again!

Waiting List for Public Housing ... 38,980

This is an appalling record for any Government. How can an affluent society such as ours permit the **fact** of homelessness? How can a Government permit situations such as those reported in the Sunday Age on June 21?..."Housing rogues untroubled by watchdog." It's reported that CAV's inability "to bring rogue operators to account has allowed them to flourish and exploit the city's most vulnerable." The Victorian Accommodation Centre and Northern Suburbs Accommodation companies have 220 houses throughout Melbourne, often operating under the most appalling conditions.

Typically the charges in these rooming houses are \$175 a week for a single room, \$250 a week for a room with a double bed and \$30 extra per child. Government rental allowance subsidises these rents. Last year, the State Government handed responsibility for rooming houses to Local Government without providing them with extra resources to cope with the situation. MEG hears of many situations like this in Stonnington and Monash Municipalities and there is little that Councils can do about it. We know of one instance in Stonnington where an unregistered rooming house was reported to Council, Human Services and

the Australian Taxation Office and to date nothing has been done.

So while Minister Madden is busy extending the urban growth boundary, desecrating the suburbs, calling us names and trying to control the people on his electoral staff, the city's most vulnerable are ignored. It's called 'democracy'.

Snippets

Submissions

MEG has lodged submissions re the Review of the Planning and Environment Act, New Residential Zones and the Review of VCAT. *Stonnington Council*

On May 5/09 The Age reported that Cr. Athanasopoulos, who is under investigation by Local Government Victoria, said that the Government should sack the entire council, because relationships at Stonnington were "so toxic the council was unable to make proper decisions." The Mayor said the claim was "fanciful".

Gandel Gossip

It was reported that Ian Gandel signed a sales contract of sale for a 5-bedroom property in Brighton...selling price \$16 million...but the buyer opted out under the 3 day cooling off provision. (The Age May 17/09). Is there a shortage of funds in the Gandel dynasty?

Morton Ray Masonic Temple

Council approved Amendment C105 which provides for permanent heritage protection for the building.

\$35,000

Council has accepted this amount to be used in collecting data for the Housing Growth Requirement. It is to be used in developing housing strategies and implementation initiatives. Sounds ominous!

Panel Hearing

A Directions Hearing will be held on Friday July 17 at Malvern Town Hall to deal with administrative matters re Panel Hearings for submitters re the Waverley Road Urban Design Framework Plan. The timetable for the main hearing will be prepared on the basis of information supplied by persons who wish to be heard.

Service Station Site at Terminus

At last Council has received an application for the site on the corner of Waverley Rd. and Oak Grove. It's for a multi-residential development for 26 units, basement car park and 3 storeys above ground. Cost of development is \$5,500,000. It is not yet advertised.

Meeting with VCAT President

Resident groups' representatives will meet with Judge Bell at 4.30pm July 14, at 55 Kings St Melb.

Malvern East Resident

Bernadette Olle, artist and garden designer, was reported in A2 of The Age on June 13..."The environment is not going to be affected if we don't have a euphorbia or a rose bush, but it will be if we don't keep the trees." How true!

And a final word from MEG

"A society is judged not only by what it creates, but by what it refuses to destroy." (Source unknown.)

Re lists of Planning Applications, Decisions and VCAT Hearings are not up-to-date. Information from Council has been 'thin on the ground' lately. No up-to-date info. re Planning Decisions and little re Planning Applications.

Planning Applications

88 Argyll St. Change of use from residence to Boarding House for 15 students.

Refused by Planning Dept.

78 Paxton St. Basement car parking. 9 units. Amended plans lodged but not re-advertised. Amendments minimal.

16 Hillard St. Dual occ. in H.O. (A 3 storey tetrahedron at rear of existing dwelling.) Amended plans to be submitted.

26 Chanak St. Alt. & addns to dwelling on a lot less than 500 sq.m.

18 Coppin St. Alt. & addns to dwelling in H.O.

17 Kingston St. Part.dem, alt. & addns to dwelling in H.O.

951-955 Dandenong Rd. 4 storey bldg, 71 apartments & car parking including reduction in car parking requirements.

1 Beaver St. Part. dem. construction of fencing & gates, new driveway & pedestrian pathway in H.O.

1389 Dandenong Rd. 3 storeys, 10 apartments. (See VCAT Appeals.)

253 Waverley Rd. (Service Station Site)

Multi-unit dev. 3 storeys for 26 units and basement car parking.

38 Grant St. Home occ. Swim School. Permit

62 Burke Rd. Single dwelling on a lot under 500 sq.m. Permit.

64 Burke Rd. Multi-unit dev. 6 single storey units. Permit.

949 Dandenong Rd. Student Accom. 60 units. Permit.

VCAT Appeals

62-64 Burke Rd. Multi-unit development. Against Refusal. May 26. Withdrawn.

100 Waverley Rd. McDonalds Restaurant. Permit issued with 41 conditions.

1039-1041 Dandenong Rd. Child Care Centre. Against Refusal. Refused by VCAT.

19 Prior Rd. Three 2 storey dwellings on a single lot. Against Refusal. Permit issued by VCAT for two 2 storey dwellings and one single storey with conditions. Permit issued at the end of a 3 hour hearing. No real consideration of the 'pros and cons'.

11-13 Darling Rd. 3 storeys. 17 units. Basement parking. Against Refusal. May 14. Permit Refused.

267-271 Waverley Rd. Dem. of 3 shops in H.O. 5 storeys (amended to 4) and 17 dwellings. Basement car parking. Against Refusal. June 15. Awaiting decision.

66-68 The Boulevard Four 2 storey dwellings. Against Refusal. Awaiting decision.

31 NirvanaAv. Part.dem. alt. & addns to dwelling in H.O. Against conditions. June 10. Permit issued.

20 Goode St. Two 2 storey dwellings on single lot. Against conditions. June 17 Permit issued.

195 Waverley Rd. Shop and dwellings and car parking dispensation. Against Refusal. June 24. Awaiting decision.

615 Waverley Rd. Student Accommodation. 20 units. August 6.

616-618 Warrigal Rd. Shop & student accommodation. Against Failure to Determine. May 7. Awaiting decision.

52, 54 & 56 The Boulevard Dem. of existing bldg. 8 two storey dwellings. Against Failure to Determine. (Council has now refused the application.)

1389 Dandenong Rd. 3 storeys, 10 units. Against Failure to Determine. Awaiting date.

945 Dandenong Rd. 6 Storeys. Student Accom. 71 units...14 car spaces. Lapsed due to applicant's failure to respond to a request for more information. Appeal lodged. July 10.