



Malvern East Group

MEG Supports *PLANNING BACKLASH*

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MEG NEWSLETTER....MAY/JUNE 2016

From the Convenor's Desk

I was away for 5 weeks so missed all the April news. However there seems to be plenty to report to you before and after April.

We had intended sending you a questionnaire regarding MEG and its future but time has got away from us so we'll talk about that at a later date. There is one question we could put to you now? **"What can YOU do for MEG?"**

Do keep in mind that every residents' group has a finite life there comes a time when we need to assess the level of our usefulness to the community. Perhaps you could give it some thought during the next few months.

"Mad as Hell" Meeting on May 29th at Camberwell

About 350 people attended this meeting where residents from across Melbourne expressed their anger at the way Melbourne is being developed. We are attaching with this newsletter a "Bill of Rights" prepared by the Boroondara Residents Action Group (BRAG) for Planning Backlash. We want your views on this document. Tell us what you agree with, what you want added, what you want deleted. Let MEG know your thoughts by email, in writing or a quick phone call. This document has the potential to be a planning blueprint for Melbourne so **"HAVE YOUR SAY!" Do not leave it to someone else.**

\$10 million to Trades Hall building

H.S. May 16 *"Last week Mr. Wynne confirmed that the government would contribute \$10 million to a required up-grade of Trades Hall."* This was granted despite the fact that the Trades Hall is *"currently benefiting"* from *"a special assistance program"* which gave them 20 years of tax breaks *"to be used for the conservation of the Trades Hall building."*

We understand this \$10 million has come from a \$22.2 million fund to help restore Victoria's Heritage places. (Age May 14) Alas, no such munificence for the Princess Mary building...or any other "lost" heritage place destroyed to make way for yet another skyscraper.

More action from Minister Wynne

H.S. May 18 he *"removed mandatory height controls for certain commercial precincts in suburbs such as Hawthorn, Canterbury and Surrey Hills."* He has said he wouldn't change the zones set up by ex-Planning Minister Guy. We in Stonnington needn't worry about his removing mandatory height limits in any commercial zones...as far as we know we didn't get

any **mandatory** height limits in such areas when zoning changes were made by Matthew Guy. On June 9 it was reported in the Age that Minister Wynne has *“intervened to grant special conditions for a Spring St. tower proposed by a property fund chaired by the son of former Labor premier John Cain.”* It’s all GO with Planning Ministers isn’t it?

And from ex-Planning Minister Guy

In the H.S. on May 6 Matthew Guy declared that ‘Population is state’s biggest challenge.’ Sunday Age May 15...*Opposition Leader Matthew Guy “weighed into the population debate arguing that decentralisation is part of the answer to tackling Victoria’s long-term growth.”* (From MEG Convenor...it has been my mantra for some years now that *“strategically-directed, incentive driven decentralisation”* should be any Government’s policy. The obsession with increasing Melbourne’s population so that this city is “bigger than Sydney” or some such tosh simply contributes to the fact that our large cities are ‘teeming sores’ teetering on the edge of this vast continent.

Now we want to know if Mr. Guy has a **plan** or might have a **plan** or is it all just words? In 2009 MEG asked David O’Brien (Planning Barrister) to speak at a meeting about this very topic because he had a **plan** for decentralisation. He told us “how statewide opportunities for development can be harnessed.” Subsequently we suggested to ex-Planning Minister Guy that he consult with David when he was MLC for Western Region in the Napthine government. To our knowledge this was not done.

Gosh...we were so surprised!!

Age May 27...We were surprised...nay, astonished... to read that” *property developer Harry Triguboff tops the 2016 BRW Rich List ...”* A **property developer** ousts Gina Rinehart in the wealth stakes! Who would have thought it possible! Mr. Triguboff is owner of Meriton Group and is listed as having \$10.62 billion. Obscene, isn’t it?

“Party Favours”

A two page report by Gina McColl on this topic appeared in the Sunday Age on May 22. The article cites the example of 661 Chapel St. which ex- Planning Minister Guy re-zoned at the request of Michael Yates who later sold a section of the site for a profit of \$11million. Yates is a key member of the Liberals’ fund-raising body the “Enterprise Club 500.” Property developers feature as donors to both political parties. This is illegal in NSW. A MEG member asked David Davis MLC (Shadow Planning Minister) at the May 29 meeting if he would vote to ban the practice of donations to political parties. Mr. Davis hedged a little when the questioner tried to get a specific answer...and we are no wiser. Would he or wouldn’t he?

It is MEG’s view that political campaigns should be publicly funded and the public funds accounted for.

Review of VCAT fees

MEG did not lodge a submission regarding the Government’s proposed fee structure but it came to our attention that included in the fine print is a hidden gem. State Government is proposing to charge objectors who lodge a Statement of Grounds and who wish to be heard a fee of \$51. One wonders how many more obstacles they can manage to put in the way of people who don’t want some hideous ‘thing’ in their backyards. We also heard that applicants can now take Council to VCAT for costs if Council has failed to make a decision about an application within 60 days. Applicants can be awarded the cost of lodgement of the application and fees for one day of the hearing. Can you believe it?

VCAT was set up to be a low cost Tribunal which dispensed 'natural justice' for the people!

Council secrecy under review

Age Mar.8 *"Secrecy and accountability at all Victorian councils will be investigated by Ombudsman Deborah Glass including closed council meetings, record-keeping practices and confidential decision-making."* The Ombudsman said that members of the public occasionally mention that decisions by Councils are made 'behind closed doors' or 'in secret.' *"Secrecy in government can create conditions in which improper conduct and poor administration can flourish. It also fuels suspicions of wrongdoing and erodes community trust," Ms Glass said.* We'd be interested to hear **your** opinion.

A Backyard is worth as much as a house

Age May 14..."*The once common backyard is so highly sought after by home buyers that the land value of some blocks now rivals Melbourne's median house price.*" Protecting our backyards and trees from 'development creep' is MEG's most important issue and, needless to say, the one that is most threatened.

Meanwhile there's a '**Bid to give city greens veins.**' (Age May 13) *"People and Parks Foundation is looking for ways to combat the city's cement creep with a new "green veins" vision...a localised version of Melbourne's green wedge areas."* They call it the Urban Forest Project. They want continuous corridors along waterways, major roads, beside railway lines and they want to join up existing green spaces. They want *"to enshrine the proposed urban forest corridors in the refresh of Melbourne's planning blueprint "Plan Melbourne."* MEG wishes them all the luck in the world. We have **tried and tried!**

Meanwhile in London's Daily Express during April we noticed two headlines **Green belt under siege despite vow to protect it** and **Hands off our green belt.** The writers were protesting against the British Prime Minister's policy to build 'nearly 275,000 homes in London's 'green belt.' Absolutely no country is safe from the 'cement creep.'

Meanwhile we should all plant a tree in 2016.

Chadstone operators suing Myer for \$20 million

H.S. Feb. 19 *"Investment management company Perpetual and the Gandel family's Bridgehead Pty Ptd.---who jointly own the shopping centre---claim Myer has been underpaying rent increases due to a 'mistake' 18 years ago in drafting its lease."*

The article goes on to say that Myer sold Chadstone Shopping Centre to the Gandel Group for \$37 million in 1983. CSC is now valued at over \$3 billion.

"Myer, which entered a 30 year lease at Chadstone in 1998 has so far refused to pay."

The case went to the Supreme Court in February.

Does anyone out there in MEG land know what happened?

(N.B . On the 'party donors' list (Age May 22) is the "billionaire-owned Gandel Group which gave \$25,000 to the ALP State Branch and \$40,500 to the Liberals...")

Bicycle Lanes for Chadstone Rd.

At Council Meeting May 23 Cr. Davie moved that any consideration of the construction of bike lanes in Chadstone Rd. be postponed and be considered in the future Cycling Strategy Implementation program. 76% of the residents who had responded to this proposal were against it. 102 properties were notified and 25 responded. Not much enthusiasm for special consideration for cyclists in Chadstone Rd!

13 Glenbrook Av. This is an application to extend an existing dwelling. Usually this would cause little or no angst but this one is situated in the first Neighbourhood Character Overlay in Victoria. In recent years Council has added a number of NCOs to streets in Stonnington but the Hedgeley Dene Precinct is unique in many ways. Not only is it the first NCO it also has very specific requirements for new dwellings or extensions to existing dwellings. It appears that the proposed extension to No.13 doesn't meet these specifications. Amended plans have been submitted and it will be interesting to see how the applicant has dealt with the criticisms of objectors and how the Planning Dept. & Councillors view it.

Cabrini Hospital

Cabrini's application for a 7 storey building (plus the lift overrun) failed the 'amenity' test at Council Meeting April 11th. The Planning Dept. had recommended approval for the proposal (which MEG understands would have added a mere 48 beds of luxury accommodation) but Councillors took note of residential amenity and approved a building of the same height that Cabrini has on its eastern side. Councillors also deleted Cabrini's request to have the 'donor's' name in lights on the Isabella St. side of the building. It was a clever move by Councillors to reduce the proposal and for the time being Cabrini's rather excessive wings had been clipped. No doubt it's not the last we'll hear of it.

N.B. No sooner had we written the above item than we heard that Cabrini had lodged an Appeal against Conditions. They want 7 storeys. They want the donor's name in lights. They want everything they didn't get in the Councillors' decision. Practice Day Hearing on July 1.

11-15 Chadstone Rd.

This site has a long history since the owners of Chadstone Shopping Centre swapped it for 2 Chadstone Rd. 2 Chadstone Rd. had been owned by Holmesglen TAFE for some years and CSC owners wanted it so they could widen the access to the shopping centre for buses. After the 'swap' the College lodged an application for a 3 storey purpose-built student accommodation development for 100 students for 11-15. That was refused by Council and VCAT and the site languished. Sometime later Holmesglen demolished the 3 houses on the site and after another 'longish' period lodged an application for 6 two storey townhouses. The application was approved and after some time Holmesglen sold the site with the Permit to a local developer who has now lodged an application for a two storey Child Care Centre. The site is in an RGZ. Such a centre is an 'as of right' use in this zone but it requires a Permit so the application was duly lodged.. A Consultative Mtg was held in May and the application will now be decided by Council.

MEG wonders what the next application for 11-15 will be. Will the Child Care Centre get through? Will it actually be built? It's like a 'sitcom' isn't it? We eagerly await the next episode.

267-271 Waverley Rd.

This is another development site with a long history. It's in an H.O. and the protected façade was 'accidentally' demolished along with the buildings some years ago. The site has changed hands, another application has been lodged and finally it is to go ahead. We think it's a 2 storey development with shops at ground level and apartments above. It is our understanding that the heritage façade is to be rebuilt...but we're not sure! It's all been so complicated!

207-213 Waverley Rd. (Cnr. of Waverley & Emo) This was an application for a Mixed Use 5 storey building with the usual inadequate number of car spaces, the usual excessive number of dwellings above commercial uses. The applicant had lodged an appeal to VCAT against Council's Refusal to Grant a Permit. Prior to the hearing date of June 14 a mediation session was held between the applicant's reps., Council and the objectors' representative and a compromise was reached. One storey was deleted resulting in 10 fewer apartments and extra parking was arranged for visitor parking and loading bays.

Cnr Belgrave & Waverley Rds. (ex-Dairy Bell site)

This 6 storey application was refused by Council and an appeal was lodged against Refusal to Grant. Residents got together and became a formidable force with excellent networking skills. They employed a planner and did a considerable amount of work themselves. Half-way through the hearing one of the Members was recused and Deputy President Dwyer decided that one Member couldn't proceed on her own. A Compulsory Conference was ordered and a compromise was reached. One storey was removed, greater setbacks were given and the significant drainage problems were dealt with. At the VCAT hearing for **887 Dandenong Rd.** one Member was recused and Deputy President Gibson decided that Member Hewitt could hear the case alone.

MEG has told our members often that '*VCAT operates on whim*' and '*it all depends on who you get*' and '*who knows what they'll do.*' Now we just weep for those residents at the interface of the awful stuff.

And talking of awful stuff....18 storeys on the corner of Dandenong & Tooronga Rds.

The old Tattersalls building is destroyed. The hell for residents will really begin when the excavations for all the basement parking commences. We advise our members to have photos of the rooms of their houses taken BEFORE the building starts so that if cracks start appearing you have photographic evidence of when they occurred and you can take action re costs for repairs. This building will have 322 apartments with as many car spaces in the basement so there will be a lot of excavation with the accompanying dust and noise and street closures and general horror...and for how many years!

Dandenong Rd. (Service Lane between Clarence & Finch Sts.)

You know about the 7 & 8 storey 'things' in this area...all approved by VCAT. We noticed last week that the building which used to be rented by Monash is to be called "**Harvard.**" *Is it so named because Harvard is a university and this building used to be rented by a university? Surely not!*

To the west of "**Harvard**" is "**The Gascoigne**" which is **not** in the Gascoigne and on the western side is "**The Clarence**" the one which has changed its address from 857 Dandenong Rd. to 2 Clarence St....and 887 Dandenong Rd. on the corner of Finch St. and Dandenong Rd. is called...**Finch!** Are we surprised? They all sound so swish and they look so awful! No wonder we become cynical.

Warning to residents who 'had a floor removed' at mediation

We sound a warning to those residents who have managed to have a floor removed from the application they have opposed. There was a Permit for 7 storeys for 875-879 Dandenong Rd. After a couple of years and before the development started the developer

lodged an application for an 8th storey ...and got it!!! This is a habit of developers and they invariably get away with it at VCAT. So do remember that nothing is certain until the thing is built and occupied and that should remind you **never to withdraw an objection**. If you formally withdraw you have forfeited your right to object to any proposal for that site.

Caulfield Racecourse Reserve

MEG's representative on all matters to do with CRR is Mathew Knight and we are grateful to him for the constant update of the "doings" of the MRC Trustees who run Caulfield Reserve. These "doings" are to be changed after a Parliamentary Working Group set up by Minister Neville provides a report to the Minister...(no longer Lisa Neville but Lily D'Ambrosia). Mathew represented MEG at a hearing of stakeholders in April and with the Glen Eira Residents Association presented some future management options. Glen Eira Cr. Magee set up camp on the Reserve in late May to draw the new Minister's attention to the need for change in the management of the Reserve. (Age May 31) We think we can assure residents that there will be no more 'rave' concerts at Caulfield and it seems that in the future management of OUR land will be conducted in a way that is more favourable to the needs of the community.

In the Sunday Age on May 8 Councillor Mary Delahunty (Glen Eira Council) wrote that "*for 150 years the MRC has wielded undue influence over the public land at Caulfield Racecourse Reserve.*" How right she was!

*(Latest news...Mathew Knight has sent us photos of signs at CRRT.. **Public Land and Parking!** Apparently the MRC is at last doing the right thing just when they're going to lose management of CRR!)*

Planning Applications in and around Malvern East

39 Ardrie Rd. Pt. dem., alterations & additions to dwelling on a lot less than 500 sq.m. in a H.O.

70 Ardrie Rd. Construction of 2 dwellings on a lot in a GRZ.

1131 Dandenong Rd. 4 storeys, 20 dwellings, basement car parking for 21 cars. No visitor parking.

28 Burke Rd. (Shop on cnr. Burke & Waverley Rds.) Application for a packaged liquor licence.

12 Chadstone Rd. Constr. of 2 dwellings on a lot in a GRZ.

455 Waverley Rd. Constr. of ground floor and first floor extension to dwelling on a lot less than 500 sq.m. in a GRZ.

3 Westgarth St. Pt. dem. Bldg. & works to a dwelling in a H.O.

171 Wattletree Rd. 4 storeys, 21 apts. 25 car spaces, 9 bike spaces in Residential Growth Zone. (RGZ2)

19 Clarence St. Dem. Rear of bldg. and single storey ext. & swimming pool in an NCO.

12 Coonil Cr. Pt.dem. alterations & addns to dwelling in H.O. and illuminated swimming pool adjacent to northern boundary.

VCAT Hearings

3 Wattle Grove Constr. of 2 dwellings on a lot in NRZ. Against Refusal of Permit. 19/5/16.

8 Kerferd St. Pt.dem. & alterations & additions to dwelling in H.O. Against decision to grant. 14/6/16.

118 Finch St. Pt. dem., building & works in H.O. Against conditions. 15/6/16

1009-1011 Dandenong Rd. Multi-dwelling dev. in RGZ & reduction of car pkg. requirements. Against Refusal of Permit. 7/7/16.

21-23 Waverley Rd. Restaurant & caretakers' dwelling in Commercial 1 Zone, liquor licence, reduction in car pking req. and waiver of loading bay req. Against Decision to Grant. 11/8/16.**13**

Illowa St. Constr. of multi-unit dev. In RGZ and associated car pking reduction. Against Refusal of Permit. 7/10/2016.

Membership Renewals are due on July 1/2016. If you intend to renew your subscription we would appreciate it if you would do it ASAP. Thank you for your continuing support.



MALVERN EAST GROUP
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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 \$ _____

N.B Couples can use the one form.

Please remember to let us know what you think of items in the attached "Bill of Rights."

RESIDENTS' BILL OF RIGHTS (RBR)

We, the current residents of Melbourne, country and coastal areas of Victoria, call on the government and opposition at all levels to act to protect our homes, communities and cities from over-development.

WE REJECT:

- The current trend of excessive population growth through the ever increasing levels of immigration.
- The excessive influence of vested interests and lobby groups upon residential planning and government decision making.
- The increasing densification of residential areas and the consequent impact on our infrastructure without commensurate infrastructure upgrades at all levels.
- The continual changes to planning law and regulations that provides no certainty for the peaceful enjoyment of our neighbourhoods by the current and future residents.
- The continual urban sprawl into Melbourne's green fringe and farming land.

We DEMAND:

- Population growth targets to be limited to sustainable levels based on OECD averages which is currently around 0.63%. (Australia's rate of growth is currently around 1.7%).
- Infrastructure be upgraded to meet current needs and kept ahead of requirements to meet our cities population growth requirements.
- A bipartisan planning environment that provides certainty and protects residential areas against densification in any form.
- Councils to be the sole "responsible Authority" for issuing planning permits and building permits.
- VCAT's role to be confined to resolution of legal planning disputes and ensuring that lawful planning regulations are met.
- FIRB rules and penalties designed and strictly applied to prevent destruction of existing housing stock and neighbourhood character by foreign nationals.
- Expansion and development of regional cities and associated infrastructure to support population growth and lifestyle quality.

- Developer donations be deemed illegal with mandatory disqualification, forfeiture, or dismissal from or of any current or future development.
- Protection of current open space and tree canopy with requirement to retain or replace vegetation on all new or redevelopment sites.
- Government, at all levels, legally required to assess and protect the interests of residents ahead of developers' interests.
- All planning committees and reference groups must have at reasonable resident representation.
- Legislate to ensure permits can be refused where a poll of residents/owners living within 300m radius of the proposed development indicates objection by the majority of existing residents/owners.
- A national uniform code be developed to define minimum dwelling size, minimum open space per bedroom and maximum occupancy limits.
- Enforceable minimum Victorian building standards regulations administered by an independent authority.
- Any breach of a planning permit or building standards should result in a prosecution by the relevant authority or the State or local Government to ensure proper rectification
- Developers to meet infrastructure costs necessary for new developments including drainage, sewage, water supply, telecommunications, gas and electricity.
- Developers to be required to contribute to a general community/Council infrastructure fund, based on number of bedrooms or estimated improved value of the property.
- Neighbourhood character, architecture and heritage requirements to be met by every new residential development.
- Establishment and enforcement of resident and visitor car parking standards, for new multi-dwelling developments, at the rate of 0.75 spaces per bedroom, for residents and 0.25 spaces for visitors.
- Character protection for heritage and traditional local shopping strips.



Published & authorized by *PLANNING BACKLASH*, on behalf of it's 250 supporting residents' groups in Melbourne, country & coastal areas.
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