



# Malvern East Group

MEG Supports **PLANNING BACKLASH**

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## MEG NEWSLETTER.....NOVEMBER/DECEMBER 2018

### From the Convenor's Desk

This is our last newsletter for 2018 and I want you to know that the most meaningful thing I've read recently was in Sunday Life on Dec.2 when Katy Lette wrote,

*"I wish I were young enough to know everything."*

I also wish I were wise enough to understand how the electorate managed to ensure that we are stuck with some absolutely disastrous planning policies for the foreseeable future. Judging by recent enlightened decisions by VCAT we may end up befriendng a sworn enemy. Life is all about "swings and roundabouts" isn't it? For the moment MEG will plough on informing and enlightening you to the best of our ability.

### VCAT & 'good news' stories...believe it or not!

Stonnington Council Notice Paper...Nov.19.2018...Item 7 ... VCAT Quarterly Report.....  
April -...September 2018

*"30 cases were determined by VCAT in the second quarter of 2018 and the number went up to 35 in the third quarter. Both figures are higher than the normal range of between 20 and 25 per quarter."* Council's Appeals Co-ordinator reported that in the second quarter there were 10 outright wins and 7 losses and in the third quarter there were 12 wins and 7 losses. Two significant wins were in South and North Wards respectively....one at 24-26 Chapel St. Windsor and the airspace above the railway cutting., the other at 61 Kensington Rd.,52 Rockley Rd. and 135-141 Alexandra Av. where the applicant sought to convert an existing Planning Permit from an Aged Care Facility to an apartment block.

Another significant win was in Sth Ward and it has ramifications for every heritage precinct in Victoria. 271-273 Dandenong Rd. In a Red Dot decision VCAT refused the demolition of two C graded dwellings and decided in favour of our planning objective **"to conserve places of heritage significance."**

For a number of MEG members in the Malvern area a significant decision was a Refusal to Grant a Permit for three 2 storey plus roof top terrace dwellings at 22 & 22A Winter St. Malvern, a decision that was based on non-compliance with Neighbourhood Character.

### A final word on the matter of VCAT decisions

In the Sunday Age on Dec.2 we read that....

*"the area in front of a galley kitchen cannot be counted as living space  
the Tribunal ruled....."*

VCAT has previously ruled that living areas in one bedroom units must be at least 3.3m wide

**not including the space needed to use the kitchen where cupboard doors open and a resident stands to use a sink.** The developer said that the Tribunal member ruled that the area for the kitchen and living are to be separate and he believed that they could overlap. Hard to believe that money can talk so loudly to a developer and so many of us can't hear the noise it's making...not even a VCAT member!

In The Age on Nov. 22 Paul Keating wrote a column in support of Richard Wynne's candidacy in the Richmond electorate and declared that "*Wynne has placed appropriate height controls in sensitive areas, protected heritage, insisted upon better apartment design, both in size and design.*"

An apologist for Minister Wynne told MEG that he had ruled on size in his "Better Apartments" Amendment by raising the height because if the ceilings are higher the size is greater. So help us!

### **AND just 2 days before the last State Government.....**

That's right! **2 days before the Govt. went into caretaker mode**, Minister Wynne announced new concessions for developers in the 'aged care' sector.

In The Weekly SOURCE on Nov.13 we read that "*aged care developers will now be able to build up to 5 storeys even in heavily-protected residential areas.*"

They can also use up to 80% of the site and screening on windows has been reduced to 1.2m.

*"We've listened to the (aged care) sector who say they can offer better care at better value if they can make better use of the land."*

Now if we change "aged care sector" to "any ol' developer" we have the REAL story!

**BEWARE OF THIS PLANNING MINISTER!**

### **Buying a unit! Beware of potential dangers!**

Clay Lucas reported in Sunday Age on Nov. 18 about an apartment building in Williams Rd. Sth Yarra. This building is "*one of 158 residences and offices that a Victorian Building Authority report has revealed are dangerous because of highly flammable polyethylene cladding.*" To repair this situation in the Williams Rd. building the cost is \$50,000 per property. Apparently the Supreme Court ruled in 2017 "*that, after an occupancy permit was issued for a building, the VBA could not direct the builders to fix non-compliant works.*"

The following week the Sunday Age issued an "**Off-the plan warning as prices drop.**" Buyer's Advocate Australia has warned buyers that "*valuation is less than the sale price*" and that "*it was fraught with danger.*" Risk Wise founder warned of "*unit saturation.*" From Buyer's Advocate Australia, "*Developers are trying to squeeze far too much into their profit margins and compromising on size and space. There are more cons to pros in buying off the plan.*"

Don't say you weren't warned!

### **Fire Brigade hampered by lack of space.**

*"The lack of space between houses is preventing firefighters from accessing areas between homes in an emergency and, as Melbourne expands, there are real fears it could be putting lives at risk."* (Sunday Age Nov.25) Melbourne University urban planning professor Alan Marsh said, "*Though houses in established inner-city areas like Fitzroy had been built closely*

*together in the past, these were built with fire-proofed brick walls in between each property to lessen the transfer of fire."*

MEG reports that some 20 years ago a residents' organisation contacted the Melbourne Metropolitan Fire Brigade and tried to enlist their co-operation in having the then Planning Minister introduce regulations to prevent the present situation. It seems that wisdom comes from residents' groups and not from the paid employees for whom residents pay!

### **Saving Melbourne's Tree Canopy**

Some words from Kelvin Thomson that apply to every municipality in the State and words that State Government should take to heart.

*"Trees cool the municipality on warm day, provide food and shelter for wildlife, increase property values and ease stormwater flows into streets and waterways. Contact with nature can improve mood and lower levels of stress, anxiety and depression.....areas with high levels of vegetation have been shown to experience approximately 50% lower crime levels .....tree canopy also reduces skin cancer and heat stress."*

Even though State Government is hell-bent on destroying vast numbers of large canopy trees to build 'something or other' it seems that the greatest loss of our tree canopy is on private property. As development increases and the 'backyard' decreases so does the number of trees decrease.

MEG urges you AGAIN to plant a tree for 2018 or firmly resolve to do it in 2019!

*(Andrew Dixon has **promised** to do this in 2019!)*

### **Noisy streets a health risk**

In The Age on Nov.10 Jim Malo reported that the World Health Organisation lists a range of health problems emanating from existence on noisy streets. *"Heart disease, tinnitus, sleep disruption and cognitive impairment in children were all flagged as potential health risks posed by living with an unacceptable level of noise."*

Alas, noise-proofing homes is not really an option because of the cost. Residents living in "truck" areas like Maribyrnong would like, *"night-time and weekend curfews which are mainly about giving people respite."*

It may surprise you to know that State Government Planning Panels forced Chadstone Shopping Centre to retain the curfew on Chadstone Rd. for the sake of the residents.

### **Public housing at crisis point**

Clay Lucas reported in The Age on Nov.9 that *"public housing is a new crisis point."*

He said that the annual report from the Department of Health and Human Services *"reveals that there are 24,000 children on the waiting list, while only 96 family units and 22 "older persons: units were created in the public housing sector."*

**Before the election** Labor pledged 1000 new public housing units (if re-elected) *"mostly in Geelong and Ballarat."* (They must have been marginal seats!)

Clay Lucas writes, *"But unlike the swag of votes politicians see in new roads and rail lines, public housing struggles to attract dollars".....and MEG would venture to add.....'votes.'*

### **Build a city!**

3AW website..Dec.10 Scott Keck, Chairman of Charter Keck Dramer, a leading Australian independent strategic property consulting firm, says *"the State needs a new megacity to deal with Melbourne's exploding population AND Seymour is just the place to build it."*

We can't count the number of times we have said, "Build a city" and no-one would listen to us. MEG wonders if the present State Government will listen to Scott Keck!

### **News on the local front**

#### **SAGA of the STADIUM on PARKLAND**

There were 4 Concept Plans up for public comment by November 30. Generally speaking residents in the area want none of them but if forced to make a choice it seems that the site on Chadstone Rd. is the most popular. It is also the most expensive. It impacts the least on residential areas. It seems that Council would prefer the site near Quentin Rd. That's the cheapest one.

Let's be realistic...MEG doesn't know of ANY residents in Stonnington who might want a sports stadium within spitting distance of their property but most Councillors would like some residents to 'just shut up and put up with it.'

The FOI case which a local resident has brought against Stonnington Council for failure to release certain documents relating to this saga will be heard at VCAT on Jan.29/2019.

#### **Meanwhile...at the tennis clubs!**

Herald Sun ..Dec.9 Stonnington Council has told the Victorian Tennis Academy that their leases on the Malvern Tennis Centre and Orrong Park Tennis Centre will not be renewed. On Dec.10 a resident was heard on 3AW calling for an investigation into Stonnington Council with regard to the millions to be spent on a stadium at Percy Treuvaud Memorial Park and the failure to renew these leases.

#### **"Grog added to the Menu"**

That was the title of an article in the Leader on Nov. 27 after Council had approved 8 new licences in Chadstone Shopping Centre. MEG understands that 35 venues at CSC now have licences. This situation is part of the IPO (Incorporated Planning Overlay) for CSC and Council is not in a position to refuse any application that is covered by the IPO.

#### **Meanwhile at Chadstone Shopping Centre something's missing!**

While CSC lodges Planning applications for liquor licences and sundry Secondary Amendments for a variety of changes and additions it fails to meet basic requirements. In the Leader on Dec.4 Councillor Atwell reports that CSC promised Council a year ago that *"it would instal a specially equipped Changing Places facility as part of its ongoing redevelopment works, yet nothing has been done."* This is a facility for adults and children with special needs to go to the toilet or be changed by their carers. *"They're life-changing facilities for people with disabilities," Cr. Atwell said.*

MEG would like you to know that there is **no money for CSC** in providing such a facility so people with special needs will just have to wait. After all, first things first!

#### **"Lew walks away from Chapel St."**

Business Age Nov. 3 reported that Solomon Lew has closed 3 of his stores in Chapel St. because the rents are too high. *"Mr. Lew has been on the warpath against landlords for several years over unrealistically high rents."* According to The Age article Chapel St. has a vacancy rate of 18.1%. Mr. Lew's company (Premier) had asked the landlords for a 70% decrease in rents and this had been refused.

Mr. Lew is currently at war with the Board of Myer.....as well as with landlords in Chapel St..

### **1-5 Hurstmon Street....Malvern East**

Bus. Age Nov. 17. This site has a Permit for 46 apartments and the 1,791 sq.m. site is up For Sale via public auction on December 12 at 10-30a.m.

### **Site of vacant Holy Eucharist School**

This Primary School on Dandenong Rd. was amalgamated with St.Mary's School in Manning Rd. some time ago and since then negotiations have been conducted with a number of organisations re future use of the site. The decision has now been made that in 2019 it will be the Year 9 Campus of De La Salle. The school building is being refurbished to meet the requirements for a contemporary space for Year 9 pupils.

(Reference ...Nov.2018 Parish Monthly Newsletter)

### **Breaking News.**

On the grapevine MEG has heard that Stonnington's CEO will be leaving us in March 2019.

### **Food Waste recycling in Stonnington**

At Council Meeting on Dec.3 Councillors resolved to implement a trial of kerbside food waste recycling early in 2019 and incorporate it as part of the existing garden waste service in one collection area (650-700 properties). The trial will be subject to a detailed evaluation.

### **Caulfield Racecourse Reserve Trust**

The next Community Information session is on Thursday December 13 in the Peter Lawrence Room in the MRC grandstand from 7-8 p.m. We wonder what further advantages the MRC has gained since our last session when we heard that they had managed to get a 65 year lease at a slightly increased rent.

The Caulfield Leader of Dec.4 reported that the new tenancy agreement has "*come under fire*" from a Glen Eira Councillor. Cr. Tony Athanasopoulos "*also slammed other aspects of the deal, including plans for a second track, increased parking in the centre of the racecourse and a potential doubling of race meets.*" Cr. Joel Silver said "*the MRC was effectively 'squatting' on the land.*"

MEG agrees and feels that it's about time someone, anyone, took the new Trust, the MRC and State Government to task over the use of OUR land.

## **Planning Applications in and around Malvern East**

**20 Dundonald Av.** Dual occ in GRZ.

**5 Durward Rd.** Dual occ. in NRZ...lodged Oct. 2018. (Previous application for dual occ. was given a NOD by Council and refused by VCAT in April 2018.)

**301 Waverley Rd.** Secondary Amendment...extension of trading hours.

**11 Chapman St.** Two 5 bedroom, 3 storey dwellings. NOD issued on Nov.14/2018.

**44 Emo Rd.** Pt. Dem. & works to dwelling in H.O.

**1405 Dandenong Rd.** Secondary Amendment to increase wall heights of a 4 storey building. Permit issued Council Mtg. Oct.1

**100 Waverley Rd. (McDonalds)...** Secondary Amendment to Condition 11 of Permit.  
Applicant seeks to have this condition re opening hours deleted so the business can operate for 24 hours. At present opening hours are from 6 a.m. to 11 p.m. daily.

**Please note that there are SO MANY applications lodged at this time of the year that we can't possibly keep up with all of them. If you have use of a computer you can access the information from the Stonnington website.**

**Go to "Planning & Development" and scroll down to "Planning Register." Follow the steps indicated to find any applications in your street.**