



Malvern East Group

MEG Supports *PLANNING BACKLASH*

C/- 14 Chanak Street,
Malvern East Vic 3145
Phone/Fax 9572 3205
Email meg@chezsamuel.com
Web <http://www.chezsamuel.com>

MEG NEWSLETTER.....SEPTEMBER/OCTOBER...2018

From the Convenor's desk

Our AGM was held on October 25 and we extend our thanks to all the people who made an effort to attend. Our Guest Speaker was the Shadow Attorney General and we had asked him to speak about a potential "Reform of VCAT." Those who were there can form their own opinion on what was said about that topic. We really didn't hear much about how a Coalition Government might reform VCAT although the Shadow Attorney General conceded that the balance was not right and he was an advocate for local democracy.

It seemed that the issue of the night was the huge increase in Victoria's population, specifically the increase in the number of people living in Melbourne and we heard about the Coalition's proposals for increasing the population in the regions. I wholeheartedly support decentralisation as long as the WHOLE of Victoria is considered in the plan and not just Geelong, Ballarat and Bendigo which are at risk of becoming endangered species just as much as endless inappropriate development is threatening the once beautiful city of Melbourne.

VCAT and the ONTARIO SOLUTION

The last Ontario Government replaced the Municipal Board (their equivalent of VCAT) with the Local Planning Appeals Tribunal. This move was to speed up the appeals process and give more power to the municipalities..i.e the Councils. LPAT has less power to overturn Councils decisions. Hearings are quicker because the Tribunal must rely on written submissions and there are no 'expert witnesses.' The emphasis is on local planning. There had been some concern that some decisions did not originate locally and were motivated by outside influences.

(Any of the above ringing any bells???)

The Municipal Board had been criticised for being too 'developer' friendly! Gosh! The new LPAT has the role of a straightforward appeals tribunal which reviews the decisions made by Council. It cannot make decisions on its own. It is not like our VCAT which often assumes the role of a 'de facto' planning authority.

This is what we wanted the Shadow Attorney General to discuss at our AGM.

Caulfield Racecourse Reserve....54 hectares of land owned by the people of Victoria

Caulfield Racecourse Reserve Trust has entered into a lease agreement with the MRC (Melbourne Racing Club) ...and please don't hold your collective breath.

The annual rent for 54 hectares of our land is to be increased from \$72,000 to \$375,000 for the next 5 years and it will be reviewed then. (Cheap land at our very doorstep!) After that

the review of the rent will take place every 10 years. It's a long-term lease.....no less than 65 years! The MRC intends to upgrade facilities and infrastructure during that period.

"This lease provides the long term access security for the MRC to progress their vision."

That statement was in an email that we received from the Trust.

MEG is not sure exactly what 'progress their vision' actually means!

Training will be phased out during that period and this will allow for increased community access and use of **our** reserve. (Good stuff, isn't it?) The lease to the MRC includes use of car parks for their events other than racing and the public can continue to use the reserve when the MRC is not using it! (Mind boggling!) The lease provides security of tenure for the MRC....and MEG has no doubt that the community is pleased with that part of the lease! Mentioned in this information from the Trust is the fact that it is anticipated that racing will be moved from Sandown to Caulfield and accordingly the number of race days will be increased from present 22-24 to an unspecified figure and this may include night racing! As this will involve lighting of the whole Reserve, we extend our sympathy to the ducks! The Trust (a quaint term) will hold regular community information sessions and an AGM.

Next Community Information Session is on December 13.

Jobs in Regional Victoria

Monique Hore reported in the H.S. on Sept.24 that "*country businesses are rolling out the welcome mat for new workers to fill thousands of vacancies in regional and rural Victoria.*"

Federal Government data indicates that 6000 of these jobs were advertised online in August. Categories included CEOs, engineers, corporate managers, teachers, doctors, vets, labourers and farmers. "*Bendigo and the High Country recorded the highest number of vacancies 1700, followed by Gippsland with more than 1200.*"

Hore's report states that, "*Chemist Warehouse Mildura has previously been forced to hire international workers on visas to plug crucial staff shortages.*"

MEG would also add to this report that youth unemployment in Shepparton was recently estimated at 16%.

Affordable housing is available in our State and it would seem that jobs are there too so what is the problem with people living in areas other than Melbourne? It is up to State Government to address this anachronism and provide the answers. Rapid Rail Transport is clearly part of the answer so let's get on with it and stop the endless talk about it.

Councils behind closed doors

The most secret Council in Victoria ...(no, it's not Stonnington)...is East Gippsland Shire which held 42 % of its meetings "behind closed doors" in 2016-2017. (The Age..Sept. 3) One resident who ran for Council on a platform of 'open and transparent government' polled the greatest number of votes and he claims that the secrecy has become a "cultural thing." Next to the East Gippsland Shire Council was Melbourne City Council and next was Whittlesea. The least secretive of all 79 Councils in the State are Greater Dandenong and Mt. Alexander. The Mayor of Mt.Alexander said "*the Council did not require ratepayers to submit questions to be answered in public meetings beforehand. They vote for us, they need to see we are doing what we promised to do.*" In Stonnington questions may be submitted to Council in writing on or before the day of the meeting. The questions are read out at the meeting and residents will receive a written reply within 10 working days. Residents are not permitted to speak at Stonnington Council meetings.

"*Secrecy breeds suspicion,*" according to the Ombudsman.

In The Age on Aug.30 we read that *“Increasingly Victoria is a secret state. Almost every aspect of our government, our legal system and our public services is pervaded by a creeping lack of transparency.”* Victoria’s Information Commissioner is quoted in the article saying that in large parts of the Government sector it’s about, *“How can I refuse disclosure?”*

Dangerous cladding

In The Age on Sept. 19 Simon Johanson wrote about *“the lack of transparency around the spread and use of the hazardous material that caused the Lacrosse tower fire in Melbourne’s Docklands and the deadly Grenfell blaze in London.”*

Prospective buyers of units are asking real estate agents about the cladding and are being told that *“it’s all in the S32.”* The Section 32 clause in real estate transactions is supposed to contain potential issues for buyers. One potential buyer mentioned in this article checked the S32 and found no mention of any cladding issues. He wanted some reassurance about the type of cladding that had been used in construction. A state audit had identified 1400 buildings with non-compliant cladding. He lodged an FOI request to the building authority in March *“asking for the list of buildings’ names and locations.”* This was refused. The reasons (excuses) for refusal were.... *“Disclosing the information increased the potential of terrorism or arson offences, would cause speculation and confusion and might reflect badly on the professionalism of the companies and the people involved...”*

And you thought we had OPEN government, didn’t you?

(Note the report on the situation in Stonnington in Local News)

Developers consider potential of space over rail lines

Developers are looking at building in the “air space” over railway lines. This is owned by VicTrack. In The Age Property section on Sept. 22 Professor Giles-Corti of RMIT says that there is *“great potential here to resolve population growth issues.”* She said that *“some people don’t want to live on the fringe.”* (Gosh!) Stonnington has had 2 such applications. Both were refused by Council. One such decision at 121 Commercial Rd. Sth Yarra was overruled by the ‘de fact’ planning authority VCAT and the other, a 24 storey proposal in Windsor, has been refused by VCAT. Giles-Corti says that there are **some drawbacks** like interrupted sleep from train noise, potential health problems from electromagnetic fields and other types of pollution.

We’re glad that she doesn’t hold back on nominating the disadvantages. MEG could think of a few more.

She does mention that the benefits include *“being able to build more social and affordable housing.”* The article indicates that *“public parks, open spaces **and even STADIUMS**”* in the space and MEG is not sure whether the ‘public parks and open spaces’ are to go UNDER the lines or in the airspace above them and as for the STADIUMS...well, we’ll have to tell Stonnington Council about that possibility!

Local News

Percy Treyvaud Memorial Park

The proposal to build a stadium at this location continues to be fraught with difficulty and we hope the difficulties continue and multiply. The latest is the discovery of 103 covenants on the land.

(Council Meeting...Sept.17.... The Leader Sept.25) Legal advice to Council is that this matter should be taken to the Supreme Court *"where the covenants could be interpreted and modified."* There are beneficiaries to these covenants. The Leader article refers to *"the removal of redundant road reserves and drainage and sewerage easements."* A surveyor has been employed to begin the process of consolidating different land titles.

A quick look at the history of the proposal to use our land to build a stadium shows a bruising fight with the Chadstone Bowling & Recreation Clubs, an unhealed division in Council and in the community, the exit of two senior members of staff, ratepayers landed with a bill which seems to have no 'ball park' figure, a VCAT hearing with legal representation by Council to prevent a resident acquiring the "needs analysis" document and a 'secret' document "Proposed development of a stadium." The Merits hearing at VCAT will be in January 2019 and legal counsel will be employed again for Council to defeat a resident. As well as employing a Surveyor, Council has also appointed a Barrister to represent Council in a Supreme Court case regarding the titles and covenants.

What price we are being forced to pay to have a huge structure built on open space when Council has resolved not to lose **one millimetre of open space.?** Despite any opinion to the contrary **open space will be lost.**

No less than 4 Concept Plans have been prepared and are now available for viewing. MEG suggests that it is **difficult to make valid comments** when there is no information report re traffic/parking issues. There is also no arborist's assessment and no geotechnic report and Council is asking you for comment

Meanwhile at the other end of M.E. there's Penpraze Park

The first Stonnington Council resolved to allow Malvern Primary School sole use of this land between the hours of 8.30 and 4.30 every school day. MEG does not know the details of the arrangement between Council and the School Council. We do not know if the school makes a payment to Council for the privilege of excluding the people who own the land from using it during those hours. We do know that VCAT showed interest in this arrangement when we pointed out that in the documents for 781-807 Dandenong Rd. (the 18 storey thing) the applicant had designated Penpraze Park as a local park in which the 1000 or so residents of the proposed 332 apartments could frolic to their hearts' content. Alas, VCAT didn't show enough interest in this shaky statement to refuse the application.

A recent letter-box drop informed us that the school had applied to State Government in the "Pick a Project" to have the park re-surfaced!

State Government gave the school the grant and the park will be re-surfaced and MEG hears on the grapevine that the "carcinogenic turf" will be used. "They're cooking the kids!" (That's the expression used by Dr. Greg Moore of Melbourne University when referring to artificial turf.)

Combustible cladding in Stonnington

Council Notice Paper..September 17 Stonnington took part in the Statewide Cladding Audit in March 2018. The number of buildings in Stonnington with the dangerous cladding totals 55. Enforcement, rectification and compliance will take a number of years.

This is a case of "buyer beware" for all prospective unit buyers. MEG does not know if prospective buyers can obtain information from Council regarding the status of cladding on any apartment building in Stonnington.

Note the report above on '**dangerous cladding.**'

Angel Tavern site.....641-651 Dandenong Rd. Malvern....near Malvern Station.

The Panel recommendation re height limits for this site was for 7 and 10 storeys.

In true 'developer' fashion the applicant has brushed this aside as if it were an annoying fly and submitted an application for a **17 storey** component and a **10 storey** component with shops, offices and food & drink premises. There will be a total of 270 apartments, 365 car parks and 203 bicycle spaces. Part of the Heritage listed Angel Tavern will be demolished and the rest of it will be overwhelmed by two huge monoliths.

The best thing we could say about this is that it's not like the 18 storey 'thing' ...i.e abutting single storey homes and it's on a larger site with fewer apartments....AND it's not too late to lodge your objection. (Application No. is 0643/18.)

252 Waverley Rd. This is an application to construct 3 semi-detached 3 storey dwellings each with 4 bedrooms and the Planning Dept. Recommendation in Council Notice Paper Oct. 15 was for a Refusal to Grant a Permit. In Dec.2017 a large, well-established Norfolk Island Pine tree was removed from the rear of the site without Council's permission and this arbitrary action by the applicant formed part of the Refusal and you can read the all the reasons for Refusal to Grant on p.53 of the Notice Paper.

781-807 Dandenong Rd. (Cnr. Tooronga & Dandenong Rds.)

We noticed that the owners of this 'thing' are to pay Council an open space levy of \$1,250,000. MEG wonders where that might be spent.

Prestigious Development Site.....(aren't they all?)

(Bus. Age Sept.15) Evancourt Motel....1015-1019 Dandenong Rd. 1964 sq.m. Licensed for 36 rooms...surrounded by Monash University, Caulfield Racecourse, Caulfield Plaza and Carnegie Central. Short walk to both Caulfield and Carnegie stations. In short, a developer's dream!

22 & 22A Winter St. Malvern

There was a proposal to demolish the house on this large site (done!) and build three 2 storey houses with rooftop terraces. Council Planning Department issued a Notice of Refusal to Grant a Permit and the applicant appealed to VCAT. To our surprise and delight VCAT also refused to grant a Permit. Both Council's and VCAT's decision was largely based on the non-compliance with the neighbourhood character of the street even though it was so close to a Major Activity Centre. We live in hope of more such decisions.

Our very own green canopy

Did you know that the municipality of Stonnington loses **1000 trees** a year? This is in both the public and private realms. This loss means that the area becomes gradually more polluted, the "heat" affect is greater and our mental health is at risk. State Government has demolished thousands of trees in recent year for Sky Rail, for the 'main drain,' (see Sydare Reserve), for the Metro tunnel and for road widenings....and for anything else they can think of!

Permits from Council to destroy 'significant trees' to allow development usually have a condition that replacement trees are planted. The 'replacements' won't give us what we've lost for about 30 years or so.

Bottle shop at Malvern Vale hotel to be demolished

A 5 storey building with 2 basement levels will be constructed on this site. There will be a hotel lobby and reception and 7 hotel rooms on the ground floor. A total of 78 hotel room will be on the remaining floors. 41 car spaces in the basement will be for occupants of the hotel rooms and the remaining 11 for staff. 24 bicycle spaces are provided.

Chadstone Shopping Centre

If you ever want to know what's happening at Chadstone go to *eplanning* on the Stonnington website and enter 'Dandenong Rd.' There is page after page of Planning Applications from CSC most of which are Secondary Consent amendments and because they are Secondary Consent they are not advertised so all sorts of things happen in that place without the knowledge of the residents who live in the vicinity. The most recent one we've seen is an application to use the land at the old Sheridan Hall site for temporary parking. Does this mean that Vicinity & Gandell own The Sheridan Hall site and that CSC intends to "spread its wings" into the immediate residential area? MEG is just asking????

A few of the Planning Applications in and around Malvern East

152 Darling Rd. Refusal to Grant....constr. of additional dwelling on a lot in GRZ. Appealed. VCAT hearing Aug.22/18.

228 Burke Rd. Glen iris 3 storey dev. with 16 apts.

275 Waverley Rd. Constr. of 4 storey commercial bldg. including basement & reduction in car pking req.

642 Warrigal Rd. Removal of Restrictive Covenant. Notice of Decision to Grant. Appealed against NOD. VCAT Feb.22/19

18 Batesford Rd. Dual occ. in GRZ. Advertising complete.

306 Waverley Rd. Pt. dem. & construction of 4 storey mixed use dev. VCAT appeal against Refusal to Grant Permit. Dec. 16/2018.

1341 Dandenong Rd. (Chadstone Shopping Centre) Bldgs & works not in accordance with IPO. VCAT appeal Against Conditions. Nov.12.

1399-1401 Dandenong Rd. Multi-dwelling dev. VCAT appeal Against Refusal to Grant Permit. Mediation Jan 16...Merits Hearing Mar.4