

## From the Convenors

The job of convening and organizing MEG will now be shared between two people: Ann Reid and George Mackey. Our sincere thanks to David Dammery for 'filling in' for six months. Ann will write submissions on behalf of MEG and the "Local news" section of the newsletter, help MEG members with Planning Applications, and represent MEG on [Planning Backlash](http://www.marvellousmelbourne.org/drupal/?q=node/6) <http://www.marvellousmelbourne.org/drupal/?q=node/6>. George will write the bulk of the newsletter, help MEG members with traffic and parking issues, and liaise with Council on your behalf. Alas, he will not be able to extricate you from paying a parking fine but he will explain the process to have your fine reviewed! You can contact George on 0418 675 153.

## What a difference a day makes

*"What a difference a day makes  
Twenty-four little hours  
Brought the sun and the flowers  
Where there used to be rain."*

When considering events in the Victorian planning arena since the November newsletter, it's hard not to recall the ever-popular lyrics by Maria Grever in 1934: what a difference a day makes, indeed...or in our case, what a difference an election makes!

- Amendment VC71 (Clause 16) giving carte blanche to development along transport corridors: **dead!**
- The Melbourne @ 5 Million population strategy: high rise, high density development within 400 metres of a tram, train or bus route: **dead!**
- VC75 has replaced VC71. This purports to protect Neighbourhood Character but in our opinion it is not strong enough. Minister Guy promises more, *but most of the pro-development bureaucrats from the Madden era are still there.*

Just as new Planning Minister, [Matthew Guy](http://www.parliament.vic.gov.au/members/id/1611) <http://www.parliament.vic.gov.au/members/id/1611> has swept aside the policy document [Melbourne @ 5 Million](http://www.dpcd.vic.gov.au/planning/plansandpolicies/managing-melbournes-growth/melbourne-2030-a-planning-update-melbourne-@-5-million), we now look forward to the removal of [Melbourne 2030: Planning for Sustainable Growth](http://www.dpcd.vic.gov.au/planning/plansandpolicies/managing-melbournes-growth/melbourne-2030-a-planning-update-melbourne-@-5-million) <http://www.dpcd.vic.gov.au/planning/plansandpolicies/managing-melbournes-growth/melbourne-2030-a-planning-update-melbourne-@-5-million>. In its place we would like to see a carefully constructed strategic plan for the growth of Melbourne and the State, developed with the community and Government in true partnership.

MEG would add a cautionary note before too much celebratory champagne is consumed: VC71 (Clause 16) and *Melbourne @ 5 Million* may well be dead, but - to use a rather graphic analogy - the carcasses

have not yet been dismembered nor have the bits been burnt. These gross abuses of Government power by the previous Government were driven by the philosophy of economic growth fuelled by population growth - and this is *still* Federal and State Government policy.

## Meanwhile, back at the ranch...

[Tony Burke](http://www.aph.gov.au/house/members/member.asp?id=DYW) MP <http://www.aph.gov.au/house/members/member.asp?id=DYW>, Federal Minister for Sustainability, Environment, Water, Population and Communities has called for public submissions to help "...to inform the government as it develops the [Sustainable Population Strategy](http://www.environment.gov.au/sustainability/population/)" <http://www.environment.gov.au/sustainability/population/>

This process will require the Minister to balance the expectations of a very wide set of stakeholders, in the knowledge that many Australians are living witnesses to the slow decline of our public and social infrastructure. Minister Burke is the first Australian politician in over 40 years to attempt the development of a population policy, and we wish him well. Submissions close in mid-March 2011.

## Have your say about population growth!

It is safe to assume that big business will argue that 'we'll all be ruined' if historically high levels of immigration are scaled back. It is safe also to assume that the 'ram, jam and cram' crowd will submit their vision for a high rise, high density Australia. **MEG therefore urges members to submit opinions about sustainable population growth.** Submissions could focus on the myths surrounding the cost of supporting ageing Australians, the sheer nonsense of a national economic growth model based on importing people, and the absolute laziness of large employers wanting access to an indefinite supply of overseas labour, rather than training our own people. Oh, and you could ask the Minister just when we can expect to see all this new infrastructure – hospitals, schools, power stations, public transport and government services - all needed **now** to upgrade ageing assets and services already either broken or operating at near-full capacity.

Finally, Planning Minister, Matthew Guy has been reported as saying that "Melbourne should not become bigger at the expense of its liveability."<sup>1</sup> We are all in for an interesting year, and there is only one piece of advice that MEG can offer with any degree of certainty - whenever you hear a developer or a politician use the word 'sustainable', be on your guard and pay attention to the detail!

<sup>1</sup><http://www.heraldsun.com.au/news/victoria/bigger-may-not-be-better-for-melbourne/story-e6frf7kx-1226005987008>

## What's MEG been doing?

As MEG's representative on the Planning Backlash Committee, along with eight residents from across the city, Ann Reid met for an hour with new Planning Minister Matthew Guy on 23 December to briefly outline MEG's concerns about planning issues. On 27 January, Ann plus two others from Planning Backlash met with the new Attorney General, [Robert Clark](http://www.parliament.vic.gov.au/members/id/75) <http://www.parliament.vic.gov.au/members/id/75> to advise him of serious flaws in the [VCAT](#) (Victorian Civil and Administrative Tribunal) process and to canvas ways of correcting these through legislation. MEG is grateful to [Mary Drost](#) of Planning Backlash for arranging these meetings. Minister Guy has already taken significant action in rescinding VC71 and the contentious Clause 16, and there have been some minor changes at VCAT: we now have the 'right of reply' at a hearing and we are able to obtain recordings of hearings at a nominal cost. After our meeting with the Attorney General we anticipate further changes so that 'fair and equitable' outcomes will become reality and not mere words.

### VEAC: don't sell our public land!

MEG lodged a submission to the Victorian Environmental Assessment Council's Discussion Paper on Public Land in January 2011. We emphasised that we believe that there should be no compromise on our often-stated position regarding the importance of public land: no public land should be sold; the land belongs to the people not to Government authorities, and any land deemed to be 'surplus' should become public park space.

As Stonnington has less public land than any municipality other than Glen Eira<sup>1</sup>, it is MEG's position that we should be *extending* what little public park space we have, not selling or, as in the case of the Stonnington Mansion site, *giving it away!*

<sup>1</sup>Source: Stonnington Leader <http://stonnington-leader.wherelive.com.au/news/story/boom-boom-no-room/>

### VCAT Practice Note

MEG lodged a submission regarding changes by VCAT to the rules regarding amended plans. Our position is that there should be no amendments to plans *after* an appeal has been lodged. We believe that VCAT is just 'tinkering around the edges' with their proposal.

### VEC Electoral Representation Review

Preliminary submissions from a number of MEG members were sent to the [VEC](#) (Victorian Electoral Commission). Those that we've seen have argued for a return to the system of single councillor wards i.e. nine wards and nine councillors. If you agree with this position let Ann know and she will write a submission (due 20 April) from MEG after the Preliminary Report by the VEC. Otherwise she'll lodge her own submission supporting this position.

## Local news: Malvern East & Beyond

### 11, 13 & 15 Chadstone Rd, Malvern East

This application by Holmesglen TAFE for a 3-storey building for 100 student units has been refused by VCAT. Council refused to grant a permit for the application. An experienced Town Planner put Council's case to the VCAT Member. Three residents from Bowen St employed a Planning Solicitor to present their concerns at the hearing, a large number of residents authorised one resident to speak for them and two other residents spoke on their own behalf. If Holmesglen had won the case the development was to be funded by the National Rental Support Scheme. What's next for this site?

### 857 Dandenong Rd, Malvern East

After a three-day hearing, VCAT Members decided not to issue a permit for this application...but if the applicant made changes to the plans, as indicated by them, and presented further amended plans to VCAT, the two Members would make a decision. Council and objectors may make written comments but only on the newly amended plans. Officially this is called 'interim orders' - MEG calls it giving the applicant 'a second bite at the cherry' and it means that VCAT Members have the right to 'morph into' the Responsible Authority. MEG believes that any amended plans should result in a fresh application to the *actual* Responsible Authority ie *your Council!* Objectors to this development have been granted an extra day at VCAT in order to present a case based on the argument that policies of the previous government were used in the case for the applicant and these are no longer applicable. The hearing is scheduled for 9 March.

### Caulfield Racecourse Development(s)

The 'independent' panel report on the massive development proposed by the Melbourne Race Club (MRC) has been submitted to the Glen Eira Council. At the time of writing Council is still to vote on whether to accept, reject or modify the panel's recommendations. Stonnington Council has voted to support Glen Eira Council's objection to the MRC's proposed use of crown land. On a separate note, planning application notices have appeared at the far side of the racecourse, indicating a proposal to subdivide some of the land into seven separate lots.

### 44 Washington Av, Malvern East

Council and residents opposed this massive dual occupancy and needless to say the decision was appealed. Our MEG member has been active in researching every possible avenue to oppose the appeal at VCAT. She has taken MEG's advice along the way and recently has gone into VCAT to actually *observe* what happens at a hearing. The case will be heard on 11 March.

### **82-84 Manning Rd, Malvern East**

This is an application by Loreto Property Group for a 2-storey building for 11 units to be used as a convent. Council has approved the proposal with conditions. The applicant has appealed against the conditions and a resident has appealed against the Decision to Grant. Mediation was set down for 17 February however there was no resolution so both cases will go to a full hearing.

### **Service station site at Malvern East terminus**

The first application for this site was refused by VCAT. The applicant has lodged a new application with Council. A MEG member has letter-boxed the area just in case any potential objectors missed the Yellow Notice.

### **McDonalds, Malvern East...AGAIN!**

McDonalds has appealed against a Council decision regarding signage. The hearing is set for 4 April. Meanwhile a huge sign above the building on the corner of Dandenong Rd and Derby S. in Glen Eira council area (not Stonnington) informs all and sundry that McDonalds is open for 24 hours, however MEG is not sure the permit is for 24 hours!

### **3 Winter St, Malvern**

MEG was asked by residents of Winter St to help with the process of opposing this application for a 4-storey building between the Toy Library and Child Care Centre opposite Coles in Winter St. The application has been refused by Council and the appeal is set for 13-14 April.

### **78 Millewa St, Malvern East**

The VCAT hearing is scheduled for 2 May. The appeal is against Failure to Determine. The application for four 2-storey dwellings has been refused by Council.

### **52-56 The Boulevard, Malvern East**

Once again residents of Malvern Meadows Estate - with Council's support - have won a VCAT case. Led by the seemingly indefatigable Ross Mentiplay (a MEG member) residents in this area near Holmesglen have fought development after development.

### **2 Stirling Ave, Malvern East**

This is yet another development being opposed by Ross Mentiplay and the residents of Malvern Meadows Estate. This application is for two extra three-bedroom dwellings on a site with an area of 696sq.m. Council has refused to grant a Permit.

### **24 Hyslop Parade, Malvern East**

This application for four 2-storey dwellings was originally approved by Council. A neighbour lodged

an appeal against the decision to Grant a Permit, and the appeal is scheduled for 30 March.

### **197 Waverley Rd, Malvern East**

This development comprises 4-storeys, two offices, nine dwellings, 12 car spaces on the ground floor with access from a rear lane. Council's preferred height in the Waverley Rd Urban Design Framework in this section of Waverley Rd is 3-storeys... developers always push the boundaries! MEG anticipates a Council refusal.

Meanwhile another application for 4-storeys at 195 Waverley Rd has been lodged.

### **590 Orrong Rd, Armadale**

On 20 December Council refused the application by VivasLendLease for re-zoning this site to Mixed-Use. Council meetings about this massive development have been packed with hundreds of concerned residents. It's now back to the drawing boards for Lend Lease and pressure on Council's Strategic Planning staff to prepare an Urban Design Framework for this huge site.

### **43-storeys for Stonnington area!**

Developers of the site on the corner of Toorak Rd and Chapel St have a VCAT permit for 38-storeys. This height is contrary to Council policy which was ignored by VCAT. The developer was supported by former Planning Minister Justin Madden who lodged a written submission to VCAT urging approval of the application. Not satisfied with this, the developers have appealed to VCAT for an amendment to the permit so that they can add another 5-storeys. At least there will be no help for them this time from Justin Madden!

## **The planning appeals process**

### **...where to get information and assistance**

If you are concerned about a specific development, have a look at MEG's website to get comprehensive advice about the objections process, particularly:

- **Advice to Residents**  
A step-by-step description of options available if concerned about a development in your area
- **Do You Need Support?**  
An invitation to receive advice and support from MEG if you are worried about a proposed development. Share copies of this invitation with neighbours who are also concerned.
- **Help for Objectors**  
Go to MEG's website, click on "Help for Objectors"  
<http://malverneastgroup.freehostia.com/meghome.php>