



# Malvern East Group

## MEG Supports *PLANNING BACKLASH*

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### MEG NEWSLETTER.....May 2017

#### From the Convenor's Desk

**RESTORE OUR RIGHTS  
A RALLY  
STEPS OF PARLIAMENT  
THURSDAY JUNE 8 at 1P.M.**

So many things have happened in the world of what's euphemistically known as PLANNING that we think you need to know about some of them. We won't be including in this newsletter the section on Planning Applications because we want to give you plenty of warning about the Rally and time is short. Under the new system forced on Council by State Government it takes too long to search out even SOME of them.

Please note time and place of the Rally. This has been instigated by Planning Backlash, the umbrella organisation of a coalition of 250 residents' groups across Victoria.

Angered by the changes made in the Plan Melbourne document residents' groups are uniting to show the Government that we want to have a say in what happens in our streets. For too long we have been governed by the developer's dollar and the present State Government has outdone all others in passing power to those who seek to destroy rather than protect this city.

Apart from an occasional concession **in marginal seats** (his own seat of Yarra is one) the Minister has shown us that what he wants for Melbourne is **densification**. No more can we wallow in the safety of being in an NRZ with only 2 dwellings per lot allowed. "More than two," cries the Minister and his cohorts. On the grapevine we hear that not even Heritage Overlays will be safe from **densification**.

**So we urge you to come to the rally. Wave something red.**

**Cheer the speakers and let those inside Parliament House hear your voice.**

(Minister Wynne will be asked to speak to you. We suspect he'll be a 'no show'.)

#### **Freedom of Information**

If you have been involved in a Planning Application recently you may be aware that much of the information which used to be available to Stonnington residents is no longer in the file. You may view a hard copy of the application at 311 Glenferrie Rd. but the file does not contain inter-departmental correspondence. You cannot read any information from the various sections of Council...e.g. Traffic & Parking, Infrastructure, Urban Design, Landscape, Heritage advice, etc.

You have to be able to read plans and assess impacts without anything other than the applicants' documents. If you access the file online you have to go to **eplanning** and be reasonably expert in using a computer and suffer teeth-grinding frustration. If the application has been to a Council Meeting for decision the report is available to you in the relevant Notice Paper which is FREE!!! If a decision has been reached by the Planning Department all that is available on the website is the **decision**. If you want to know how that decision was reached you have to lodge an FOI request and PAY. Stonnington used to be **the** Council which made EVERYTHING available to residents. This is no longer the case and we have been told that to allow us access to all information means that Council is not complying with the Communications Act... apparently for reasons of privacy....and that all Councils will have to follow the same system in order to comply. We used to live, work and play in a democracy. Relish that thought because there's even worse to come in a very short time if we don't make an effort to stop it.

**If you don't like the sound of that come to the Rally on June 8 and demand our rights.**

#### **And what's to come is....**

Vic Smart has been extended and is to be further extended. VicSmart is a fast planning process for straightforward, simple applications. More and more categories are being moved by the Government into VicSmart. This system has a turnaround time of 10 days...i.e. Council staff must assess it within 10days WITHOUT your input. Code Assess is to be our 'new' system for assessment of planning applications. With Code Assess the applicant does the assessment and ticks off each part of the Code and you have no say.

We suggest you read Item 6 of the Notice Paper for Council Meeting May 22 for more information on changes to the zones....Reformed Residential Zones 2017.

Stuart Moseley has been appointed CEO of the Victorian Planning Authority He has (apart from an unfortunate surname) brought to fruition this system in other states and now, with the blessing of State Government is going to "do us over." We understand that Mr. Moseley is a proponent of "big" councils. Settle back for amalgamation of existing councils!

**If you don't like the sound of that then come to the Rally on June 8 at 1p.m.and protest.**

#### **President of VCAT**

The CCC of Planning Backlash met with Justice Garde recently and spent a fruitless 30 minutes trying to persuade him to hold a Forum for Residents as Justices Kevin Bell and Iain Ross had done some years ago. When it was made clear to us that this wasn't going to happen we tried to ascertain his specific powers with regard to process. For example, we wanted to know if he could insist that all expert witnesses in the Planning & Environment section of VCAT should be made to give **sworn evidence** as they do in the others sections of VCAT. Well, they can be asked to do that by the Member....grinding of teeth from us! We asked if he could alter the order of presentation and have the developer present his case first. Well, the order can be altered by the Member....more grinding of teeth from us! These were simple examples of a complete waste of our time. We have never seen either of the above...and we're never likely to see them. The system is weighted against the residents.

**If you don't like it come to the Rally on June 8 to give voice to the cry "Restore our Rights."**

### **Developers' power slammed**

Sunday Age...May 7...re the Review of the Property Law of the Owners Corporation Act. Guess who was one of dozens who addressed the obligations of developers regarding this issue....none other than Justice Garde. Those who wrote to the enquiry were concerned that **'developers exerted a disproportionate power'** in early stages of owners' corporations. We venture to say ...not only in the early stages of those corporations but In EVERY stage of the development from conception to completion. It seems that Justice Garde who was a submitter to the Inquiry thinks they do at the Owners' Corporation stage but at the VCAT stage fairness is the operative word. "Presently the Act requires developers to act honestly and in good faith for five years ..." That statement about the Act governing Owners' Corporations leaves us speechless! HOW can a regulation actually **expect developers to act honestly?**

### **Interesting situation looming**

In the Age on May 12 Clay Lucas reported that residents of Freshwater Place, a luxury Southbank apartment tower will be overshadowed by the new Crown development which Mr. Wynne approved .while breaking all of his own rules in doing so. Residents of Freshwater Place have united with other city residents and the Greens in an attempt to have Parliament revoke Mr. Wynne's decision. *"Parliament retains the right of veto over the Planning Minister's decisions"*... according to Greg Barber, Greens Leader. David Davis, Shadow Minister for Planning, has said that the Opposition *"would decide soon on whether to join the Greens."* Will they or won't they bite the bullet?

### **It's almost like money speaks**

We mention this case in Coburg because it's relevant to our long-standing opposition to the practice of "donations to political parties." This was reported in the Age on April 4. In 2011 Healthscope applied for a large extension to its John Fawkner hospital in Coburg. It lodged plans with Moreland C.C. and donated \$5000 to the Liberal Party which was in power. Council rejected the application and Healthscope appealed the decision. VCAT refused because a restrictive covenant prevented anything other than a single house being built on the site. Great news! The covenant had preserved the character of the area. Between June 2012 and 2014 Healthscope donated \$18,700 to the Victorian Liberal Party and Minister Guy removed the covenant. In 2014, the Liberal Party lost the election and the Labor Party called in the application. Minister Wynne approved the Healthscope's plan in November 2015. His decision followed Healthscope's \$8,550 donation to the Victorian Labor party and another \$5000 to the State Labor branch in 2015-2016. It also gave a total of \$24,400 to the Liberal Party in 2014-2015 and 2015-2016. The Age asked Mr. Guy twice why he had removed the covenant . Mr. Guy did not respond. **Money is the only one speaking in this saga!**

### **Sky Rail**

The controversial Sky Rail project which Mr. Wynne exempted from public consultation is to be 'disguised' under an innovative design proposal. (H.S. May 6). There's to be a lightweight membrane installed independent of the rail infrastructure. *"This will be clad in a highly reflective mirror-like material that would reflect the landscape at ground level*

*thereby hiding the concrete at ground level.*” The authority believes that this will improve the look of skyrail and discourage graffiti. They want *“to minimise the effect of unsightly structures.”* That’s encouraging isn’t it? Meanwhile literally hundreds of trees have been destroyed and now they are going to reflect some landscaping.

We might tell you that this is not a new idea. A developer of a site in Orrong Rd. used black glass to reflect the street trees as his Landscape Plan...even had an ‘expert witness’ at VCAT suggest, as part of the Landscape Plan, Council should plant two more street trees so more trees would be reflected. Yes, of course the developer was given a Permit by VCAT.

### **More trees destroyed**

Twenty four trees have been destroyed to make way for the new Prahran Secondary College. They will not be replaced because there won’t be enough room on site to plant trees.

In every newsletter we report the destruction of more and more trees. 24 here, hundreds for sky rail, hundreds and hundreds for the metro tunnel, hundreds gone to make way for more and more development. When will it stop? When we can no longer breathe?

Even our own Council which purports to support the development of an Urban Forest Strategy issues permits to developers to destroy significant trees.

The street tree in Finch St. that is taking its final breath just as the development at 887 Dandenong Rd. (corner of Finch & Dandenong) is completed is to be replaced by 150L tree. That’s about a 4-5m height.

Council officers have assured MEG that the developer will be required to remove the dead tree and supply the replacement. We believe a fine will be imposed. How much is a huge plane tree worth? The replacement tree will take more than a lifetime to grow and we have already lost 2 significant trees from that site. Permits were issued by Council for their destruction.

**Time and time again MEG has urged you to “plant a tree.” We urge you again.**

### **The Stadium**

About 400 people attended the East Ward Meeting on April 19, about 40 -50 at the South Ward meeting and about the same at the North Ward Meeting. **The** topic at the East Ward meeting was the possible destruction of the popular Chadstone Bowling and Recreation Club to be replaced by a 4 court stadium for netball and basketball.

The clubs on site at the moment have proved to be a viable and vital part of community life and community activity since the 1950’s and the local community wants things to stay the way they are now. The Feasibility Study which Council is undertaking to see if it would be a viable proposition to destroy the lot and build an indoor stadium seems to us to be a waste of Council money and resources and is having a negative impact on the City of Stonnington in that it seems to be pitting East against West. It is remarkably stupid to wilfully create such a division in a municipality that is by its very nature a divided one anyway.

In 2015 it was reported to the then Council that there were 9 possible sites for the stadium.

#### **No-one told members of the Chadstone Bowling and Recreation Clubs.**

The then Ward Councillors remained silent as did Council staff. This is bewildering to say the least.

MEG does not understand the secrecy surrounding this issue. MEG does not understand when or why this particular site was chosen for the expensive Feasibility Study. MEG does not understand why a Public Meeting was not called by Council with this issue the only item

on the agenda and in doing so allowing other members of East Ward at the Ward Meeting a chance to bring their particular issues out in the open.

This sort of flawed process makes for more division in a municipality which should be and, indeed, could be united in one cause....i.e. protection of our streets, of our trees, of the very air we breathe.

### **Alternative site for the stadium**

At the East Ward meeting Terry Croft, a retired civil engineer, talked about a viable site for the stadium which would not conflict with an existing use. This proposal was reported in the Stonnington Leader on May 16. The vacant site is near the ninth green of the Malvern Valley Golf Course. It's a flood-prone site but with modern engineering techniques this problem could be easily overcome. Mr. Croft lodged a comprehensive study of the site including plans for the building with Council in January but Council failed to investigate. A resident of the Malvern Meadows Estate has done some research about this site and has found that many years ago it was Lomond Park and due to a variety of factors it has become over the years an unsightly dump. It seems that technically it's public open space but has not been used as such for a long time.

MEG does not understand why a vacant site of the appropriate size was not included in the original list. MEG does not understand why it was not included in the 'short' list submitted to Councillors in August 2015. MEG does not understand why Mr. Croft's submission was not considered when he submitted it in January 2017.

MEG simply does not understand the secrecy surrounding just about everything!

#### ***(Breaking news re feasibility study for the stadium)***

*(At Council Meeting May 22 Council officer reported that an independent firm has been employed to review all of the sites considered for the stadium including the one that had not been considered...i.e. Lomond Park. She also reported that consultation with the community will take place in June and that residents will be given 2 weeks notice of this.*

*For the moment the Chadstone Bowling and Recreation Clubs are safe from destruction.)*

### **Amendment C223...Major Activity Centre....Glenferrie Rd./High St.**

It would seem that the Panel Hearing for this Amendment will be sooner rather than later...probably in September.

Without any controls, even such issues as 'preferred heights' (which are the fairly weak tools the Government allows except in marginal seats!) this Major Activity Centre is ripe for the picking. Already the 4,300 sq.m. site on the corner of Dandenong & Glenferrie Rds is 'For Sale' with air rights over the railway track courtesy of VicTrak. That could be "an anything goes" site like the one on the corner of Dandenong & Tooronga Rds in Malvern East where construction of the 18 storey 'thing' has begun.

In Amendment C175 we did our best to get a height limit on the area from Tooronga Rd. to Boardman St. and we FAILED! We couldn't even get a discretionary height limit. Submitters to C223 should be alerted.

**If you don't like what Government-appointed Panels do go the Rally on June 8.**

### **At the eastern end of our city...Chadstone office tower**

It was reported in Business Age on April 8 that the Cotton On Group has leased the final floor of "Chadstone Shopping Centre's new \$85 million office tower." That's now called Tower One. Tower Two will be the taller hotel complex still to be built.

*“The \$5 billion centre, the largest in Australia is undergoing its 40<sup>th</sup> revamp in nearly 25 years.” So good to hear!*

### **And at the western end of our city...developer versus developer**

*“Developer Paul Fridman has failed in an ambitious bid to construct a 37 storey tower, two and a half times the local height limit, on a South Yarra block next to Larry Kestelman’s \$500million Capitol Grand building.” (Bus. Age April 8)*

Mr. Kestelman objected to 37 storeys going up beside his development. Mr. Fridman’s building was described as “dominant and overbearing” and Council refused it saying “it was too high, bulky and lacked suitable balconies.”

Meg wonders WHAT the world is coming to when developers can’t agree!

### **FYI...Factors in assessing liveability of a city**

Space versus overcrowding...traffic congestion...air pollution...water, sewerage and electricity...crime...health...education...cost of food...telephone services.

*(The source is Population Crisis Committee Washington D.C...Time Magazine...Dec.10/1990)*

### **And from the Lord Mayor of Melbourne after the Vic Market rally..**

*“We’ll take their concerns into consideration but the project will go ahead.”*

Says it all, doesn’t it? Could almost have come from the Premier or the Planning Minister!

### **Well, let’s show them at the Rally on June 8 at 1p.m. on the steps of Parliament House!**

#### **The Rally**

We have included in this mailout a flyer from Mary Drost, Convenor of Planning Backlash, advertising the gathering of the people on June 8. We can think of no other way of letting the Government know that we’ve had enough.

It would be great if you would send it out to people on your own mailing lists or make copies and deliver it to your neighbour, friends, relatives, enemies...to anyone.

#### **Last minute items**

1. A MEG volunteer has asked us to include this link in our mailout. Please sign the E-Petition and help to preserve a Victorian icon. Send the link to your friends and family. Thousands of signatures are needed.

[https://www.parliament.vic.gov.au/index.php?option=com\\_rsform&view=rsform&formId=74&Itemid=1054&petition\\_id=17](https://www.parliament.vic.gov.au/index.php?option=com_rsform&view=rsform&formId=74&Itemid=1054&petition_id=17)

2...Our Treasurer Andrew Dixon asks you to read this article. The issue was mentioned at the South Ward meeting.

<http://www.theage.com.au/victoria/guns-for-hire-dishonest-tactics-used-to-strip-protected-trees-from-development-sites-20170517-gw6ve1.html>