

SOS

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S U B U R B S

INC

Reg. No. A 0036067S (VIC)

Save Our Suburbs Planning for the Future Public Forum

RMIT, Saturday November 12, 2005.

With the State Election looming next year, protecting Melbourne's deserved status as one of the world's most livable cities has become of great importance, particularly with the implementation of the State Government's Melbourne 2030 plan.

The forum will explore current planning problems and differing views on the future development of our City, from Planning Minister Rob Hulls and shadow Minister Ted Baillieu, and speakers from councils, the academic community and industry.

Topics will include the real story on activity centers, public transport and petrol prices, population projections, height controls, council planning processes, the operation of VCAT and the destruction of neighbourhood character by inappropriate infill development.

Watch out for further details in the next SOS mail out!

Save Our Suburbs (Vic)

Notice of Annual General Meeting

SOS will hold its AGM this year on the 25th of October, at 7.30pm at the St Josephs Hall, Stanhope Street, Malvern (the same location as last year). At this meeting SOS will

- confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
- receive from the Committee reports upon the transactions of the Association during the last preceding financial year;
- elect officers of the Association and the ordinary members of the Committee; and
- receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.

The hall will be opened by 6.45pm if you would like to come and talk informally before the meeting.

Candidates should send their nominations to:

The Secretary
PO Box 1078
North Caulfield, 3161
Victoria

Nominations for the committee must:

- be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
- be delivered to the Secretary of the Association not less than seven days before the date fixed for the holding of the annual general meeting.

Proxy forms should also be sent to the Secretary at the above address, and the Secretary must receive them no later than 24 hours before the meeting (ie 7.30pm, 24th October). We have include one with the newsletter for your convenience.

In addition, if the election is a contested one, the committee has agreed to send to members a list of all candidates that have nominated by the end of the 14th of October 2005, and up to 200 words that each candidate has supplied (which must be provided by the end of the 14th of October). This will also appear on the SOS website.

*For more details, go to
<http://www.saveoursuburbs.org.au/AGM2005.htm>*

Cheryl Forge

New President's Address

Dear Member

Since the last newsletter, former SOS President Nigel Kirby has resigned due to work



pressures. The SOS committee would like to thank Nigel for the work he has done towards fixing planning in Victoria. The committee has appointed me to replace Nigel as President until the next AGM (on the 25 October, see the notice on this page).

In other committee news, Heinz Reitmeier has been appointed to the committee. Members will know Heinz from a number of recent articles in this newsletter, and residents near Langwarrin would be aware of his active opposition to inappropriate development in the area.

This is a crucial time for SOS as it is clear that the current planning regime, and the implementation of Melbourne 2030 in particular, are not delivering the outcomes expected by residents.

At our recent meeting of Municipal Representatives, the top priority areas for SOS were identified as:

- 1) Melbourne 2030
- 2) VCAT
- 3) Planning controls
- 4) Council Processes

Even though there are clear problems in all these areas, the state government, councils, and VCAT seem uninterested in addressing them — instead they appear to be playing a 'pass the parcel'

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blame game, with each stating the problems aren't in their area.

While SOS can't get involved in every planning case problem (we simply don't have the resources, and there are so many of them!), we are actively lobbying to address the fundamental issues that cause these problems, and in addition will pick strategic planning cases to include in our lobbying effort. While Melbourne 2030 is a key problem — it is effectively being implemented as "anything that is higher density should be approved" - the other three areas are also causing significant problems. There appears to be little point in having local planning policies when VCAT can override them, and does so quite often. Residents are fed up with the 'optional' nature of the current planning system.

Councils are the next problem, with key issues such as community consultation, lack of transparent process, access to planning files, permits granted without notification to surrounding residents, inconsistent decision making, not applying for mandatory height limits, and sometimes what seems to be more interest in protecting poor planning decisions than protecting residential amenity.

Even though there are clear problems ... the state government, councils, and VCAT seem uninterested in addressing them — instead they appear to be playing a 'pass the parcel' blame game, with each stating the problems aren't in their area.

With many Councils having an election in November, now is an excellent time for you to ring you councilor and ask them what they are going to do about planning in your area, and if they are prepared to support SOS in its push for change with the State Government. In addition, if you are an SOS member and thinking of running for Council this November (something we strongly encourage if you have the time), could you please contact me to see how we can assist.

Over the last few months I have been meeting a number of councils, planning organizations and residents groups across Melbourne, with the aim of coordinating efforts in having the key problems addressed. If you run a local community group that I haven't made it to yet, please send me an email so that I can organize a time to do so.

Members would have noticed that our

web site continues to develop. We now have up-to-date news on the front page, and the forum — where you can write your own comments or ask questions — is up and running. We are also trying to keep track of when SOS is mentioned in the media, so if you see us in your local paper please send me an email.

Finally, an important date to keep free is the 12th of November, as SOS will again run a full day planning forum at RMIT (see notice on page 1). The Planning Minister (Rob Hulls), the shadow Planning Minister (Ted Baillieu), will both be speaking, as well as a range of well known planning experts. Please come!

Ian Quick, President SOS

Rail Alliance reminds Bracks — extend Epping line to South Morang

The Rail Alliance has been working to have the 1999 pre-election Labor party promise to extend the Epping Line to South Morang realised.

The Alliance includes the Public Transport Users Association (PTUA),

the Whittlesea Rate Payers Association and the Friends of South Morang.

Four thousand residents have signed a Friends of South Morang petition calling for the extension to be built, and seven thousand signed a similar petition organised by the "Whittlesea Leader".

Whittlesea will soon be the fastest growing area in Victoria with 18,000 new households being established in the near future.

The PTUA estimates the cost of the South Morang extension at \$38 million. This doesn't include land acquisition because land has already been set aside for the rail corridor.

The extension is just one of a number of heavy and light rail line extensions that are required if the Government's Melbourne 2030 strategy is to have any chance of being successfully implemented. Melbourne 2030 is designed to boost residential densities primarily in areas served by mass transit interchanges.

Perhaps the Bracks Government should fund these sorts of basic infrastructure projects instead of throwing \$93 million at the road-based development of large commercial and residential sites in Dandenong, which was announced in late September.

A public meeting on the South Morang extension will be held in Whittlesea on 18 October 2005, 7-9pm and a rally is planned to march along the rail corridor in November.

From the Treasurer's Desk

Following the elections last November, and my subsequent introduction to the responsibilities of an SOS Treasurer, I have found myself on a steep learning curve.

Learning curves don't harm anyone. But I have also found myself greatly impressed by the strong support the Association has received from so many Members over a long period of time, and by the generosity of so many of you who often include a donation with your renewal. Please be assured all Committee Members appreciate the value of this additional funding and the benefits it helps provide over time. And thank you.

That's all for now folks!

Joy Steward



<www.saveoursuburbs.org.au>

Go to our new web forum, where not only can you have your say, you can also access the SOS residents' guide for objectors and read about other peoples' cases.

Or email your story and photos to: Ray Smith, SOS Newsletter Coordinator, <newsletter@saveoursuburbs.org.au>

If you don't have Internet access, post your typed or hand-written letter to 13 Toronto Avenue, Doncaster 3108.

SOS reserves the right to edit contributions.

Plan 2030: a scheme set for failure

from The Age, March 31, 2005, by Kenneth Davidson

The planning model for Melbourne won't stop the sprawl or the cars, writes Kenneth Davidson.

Think Melbourne 2030. Think rattlesnake. The rattlesnake mesmerises its prey with the noise made by its tail. This allows its fangs at the business end to bite and paralyse its prey.

Melbourne's 192-page planning document, released with fanfare by the Bracks Government in 2002, provides a similar diversion while the real players in the development process — VicRoads, the developers and owners of the big shopping malls — get on with the job of carving up Melbourne.

The job of the Government is to pacify the mob when it gets a bit restive, especially when nasty things happen in its backyard.

To call the process "Planning Los Angeles-style" is to bastardise the word planning. It is more in the nature of "Development Dallas" mode, which at least makes a virtue of its frontier, laissez-faire approach.

The rattle that can be heard in the planning debate is the dispute involving those who say Melburnians, in contrast with Sydneysiders, don't want and won't live in high-rise apartments and, even as elderly empty-nesters, want to remain in their free-standing houses on their quarter-acre block.

Ergo, Melbourne's future is a choice between suburban sprawl connected with a network of freeways or high-rise apartments connected by public transport and, given a democratic choice, Melburnians have a clear preference for the sprawl.

Not so. Even the McMansion developments in the outer suburbs are built on plots close in size to an eighth of an acre and it is possible to construct a viable public transport system that connects those developments.

As shown in Perth, and Vancouver in Canada, public transport liberates families from the tyranny of needing two cars. Melburnians aren't even offered a choice. Out Epping way, in new suburbs

such as Aurora, the freeway, in the form of the half-billion-dollar Craigieburn bypass, is being built in anticipation of demand.

How does this fit with Melbourne 2030's stated aim to double public transport's share of mechanised transport from the present 9 per cent to 20 per cent in 2020?

The central idea in Melbourne 2030 is to concentrate development around the existing heavy rail network, connected by buses to the immediate catchment area.

This means Melburnians can shop, conduct basic commercial activities and commute to the CBD and other centres on the rail network for work or more specialised activities, without having to use a car.

But if the Government is serious about this, why, of Melbourne 2030's 25 designated principal activity centres, have 10 been included that can be reached only by car (or the totally inadequate bus service)?

It seems that the simple answer is that they are already big and may as well be allowed to maintain their momentum and get bigger, even if their further development will be at the expense of older, local shopping centres that were originally developed around access to heavy rail.

While the "realists" and the "idealists" have been banging on about the relevance of Melbourne 2030 to Melbourne's development, the Gandel Group, which owns the Chadstone shopping centre, has been going through the approval process to expand the complex into the 3.6-hectare site it bought from the Catholic University.

This will involve the building of an additional 1400 car parking places and a widening of Warrigal Road (which provides access from the Monash Freeway and the Princes Highway) from four to eight lanes.

The previous planning minister, Mary Delahunty, set up a panel to examine the proposal. This panel said the

development would not jeopardise other traders or commercial centres nearby, although it "might not be an optimum outcome" in terms of Melbourne 2030.

Because Chadstone is not a growth centre, it is axiomatic that surrounding shopping centres already on railway stations such as Oakleigh will be adversely affected by the development.

The proposal is now in the hands of the new Planning Minister, Rob Hulls, who is expected to approve it. The only victory of sorts by the myriad critics of the development (residents, traders and councils) has been the recommendation that the development include a feasibility study of an underground rail link between Alamein and Oakleigh through Chadstone and an extension of the Waverley Road tram line to Chadstone.

These proposals can be brushed aside on the grounds that there are any number of extensions and upgrades to the existing urban rail network that would have a higher priority.

At least the proposals have the virtue of reminding people of the criteria that should determine designated activity centres.

In stark contrast, Sydney has enjoyed a pro-active planning regime that has ensured that from the beginning of mall development in the 1960s, virtually all regional shopping malls were opened in designated, rail-based centres such as Parramatta and Bankstown.

It is a policy that is supported by mall owners. Sydney activity centre development is a virtuous circle, Melbourne's is a vicious spiral.

The difference? A modicum of intelligence to appreciate the problem and, above all, political vision, leadership and gumption which, dare one say it, Melbourne appears to lack by comparison with Sydney, despite Sydney's reputation for corruption.

Reprinted with Permission from Kenneth Davidson, who is an Age writer, and co-editor of the 'Dissent' Magazine (www.dissent.com.au)
mailto: kdLv@ozemail.com.au



This is what SOS said two years ago...

SOS's SUBMISSION MELBOURNE 2030

Despite the misconceptions of many, our organisation has consistently maintained a positive approach to planning issues in seeking to protect the legitimate rights of residents.

Our support for Melbourne 2030, as evidenced in our press release of October 2002, was established on the basis that the broad objectives were consistent with long standing SOS policies dating from 1998.

SOS restates its support of Melbourne 2030. However, our support is conditional on the adoption of all relevant SOS policies and in particular:

- A detailed analysis of the prioritisation for targeting population across the five zones taking account of the benefit of first directing population growth into Victorian regional centres.
- A more prescriptive approach to the implementation of RESCODE to provide



greater certainty for all stakeholders and protect against intrusion of inappropriate development into non targeted residential zones. To ensure that there is no creep of activity centre development.

- Reform of VCAT to remove the right of applicants and objectors to seek to overturn or re-write properly constituted local policy.
- Cancellation of the status of seriously entertained legislation until such time as local communities and their councils have decided on the location and form of high density development.
- A review of selection techniques for determining which are the best areas to direct higher density development.

The full document can be viewed on our website. Or, call us for a copy to be sent to you.

SOS has been increasingly concerned with the proper implementation of M2030 ever since it was introduced.

Because our worst misgivings have unfortunately been realised, SOS is now calling for a moratorium on M2030 until all the parameters that it is allegedly based on have been implemented.

That includes:

- a transparent re-assessment of the population projections the whole concept is predicated on:
- the completion of activity centre structure plans
- planning and budgeting for an upgraded and metro-wide fully integrated public transport network as well as community and open space infrastructure, and
- controls to protect existing residential areas from inappropriate development.

Your SOS committee

SOS's committee is, from left to right, Ray Smith, newsletter coordinator, Cheryl Forge, Secretary, Ian Quick, President, Ian Wood, Vice President, Joy Steward, Treasurer, Sheryl O'Donnell, Richard Rozen and, in the insert, Heinz Reitmeier.



Mitcham Towers decision highlights need for reform of VCAT and the Planning Act

by Ian Quick, President and Ian Wood, Vice-President, Save Our Suburbs Inc



The infamous Mitcham Towers taken from Maroondah Highway, looking East. They make a mockery of Minister Hulls' claim that councils and their communities must work to develop these local policies if they want to have some control over their own neighbourhoods.

The Supreme Court decision on the Mitcham Towers is a fiasco and a dangerous precedent for all suburban areas anywhere near a public transport route. It highlights the fact that the Government should have allowed councils both the time and resources to put structure plans and other controls in place first to regulate M2030 before it ever became operational.

Contrary to the public assertions of Planning Minister Rob Hulls, it is clear from the VCAT decision of Justice Morris on Mitcham Towers on 7.9.04 that M2030 was the driving force behind its approval. A large proportion of the decision deals with discussion about activity centers and the requirements of M2030.

When the Supreme Court decision on the Mitcham Towers was announced, both Justice Morris and Minister Hulls claimed that the development was simply in line with the Whitehorse Council Planning Scheme, also indicating that the Council was to blame for not having submitted interim structure plans or requested interim mandatory height controls.

But the application was lodged on 3.9.03, well before these controls were available.

The new controls that SOS successfully lobbied for over the last few years were not even offered to councils until late 2004. These were the mandatory height controls for neighbourhood activity centers and for residential areas (the new R3 zones), as well as the possibility of councils being able to implement short-term interim structure plans for activity centers as protection against over-development while full structure plans were being developed. Full structure plans take several years

to produce with on-going community consultation, and the practice guidance note for preparation of structure plans for activity centers wasn't published by DSE until December 2003. Until then, councils couldn't be expected to even start preparing their structure plans.

And the departmental guidelines for developments of more than three storeys weren't formally adopted until last November (2004).

It's a farce to introduce new planning laws that require detailed strategic planning responses from councils without allowing time for those controls to be developed and put in place first.

The Mitcham decision ... highlights the need to amend the role of VCAT to one of overseeing the integrity of council procedures, instead of acting as a central planning authority.

At the same time, the Government is taking a piece-meal approach to planning reform by continually "band-aiding" the planning legislation. This just allows further exercise of discretion, more avenues for appeals to VCAT and less certainty, adding to the complexity of planning assessments and making it harder for council planners to meet statutory deadlines.

And this is despite the fact that all parties — councils, residents and developers — want more certainty. The Planning Act of 1987 is now way out of date and needs to be re-written with more mandatory provisions, not

just continually patched up with layer after layer of discretionary guidelines.

The Minister misses the point when he talks about planning for Melbourne to evolve into a compact European city instead of a Los Angeles sprawl — the issue is really about the sensitive location and scale of higher density development and the prior provision of local public transport, open space, social facilities and other services. The Government's own description of neighbourhood centres, like the Mitcham Towers site, is only for three or four storey buildings.

The Mitcham decision also highlights the need to amend the role of VCAT to one of overseeing the integrity of council procedures, instead of acting as a central planning authority.

Local policies can only become law after community consultation, appraisal by a panel and the approval of the Minister — which also means they shouldn't conflict with State policies. VCAT's role should then be to ensure that these properly established local policies are followed.

This approach would oversee and strengthen the processes and policies councils use to assess development applications. Instead, VCAT ignores safeguarding the integrity of council processes and hears cases on their planning merits as a replacement Responsible Authority, in some cases overturning local policies in favour of general state urban consolidation guidelines.

This makes a mockery of Minister Hulls' claim that councils and their communities must work to develop these local policies if they want to have some control over their own neighbourhoods.

Council accountability and photocopying charges — improving public access to planning files

by Ian Wood, Community Planning Consultant



The City of Yarra has a high speed digital copier you can use to copy planning files and an area where you can sit to read through a file. All councils should be doing something similar.

SOS believes that, among other things, most Councils need to improve their accountability with respect to public access to town planning files.

According to the Ministerial Practice Note of December, 1999 (see website link below), the guiding principle is to maximise ease of access for those involved in the planning decision-making or enforcement process. The relevant documentation that must be made available for inspection at the Council offices includes plans and associated reports forming part of the development application (or planning amendment).

The Practice Note suggests that 'user-pays' principles should apply to the costs of photocopying, with a minimum fee to cover reasonable administrative and service costs.

Reasonable user-pays copying costs can be estimated by assuming a basic rate of around \$15/hr if a staff member does the actual copying individually by hand, at around 4p/min (i.e. just over 6c/p), plus actual costs of 10–15c/p for paper, maintenance and capital cost.

So each A4 page should cost around 15–25 cents if copied by staff and 10–15 cents for objectors to copy themselves. The City of Yarra cut self-copy charges from 20c to 10c per A4 and A3 page and upgraded their photocopy to a fast digital one two years ago, while other councils like Manningham charge 20c per A4 and 40c per A3.

A few councils, like Glen Eira, operate in breach of the ministerial directive by not allowing direct inspection of planning files or any self-copying of documentation within those files. Copies of documents at Glen Eira must be requested over the counter for copying by staff at \$1 per A4 page! As Arthur Daly would've said, "a nice li'l earner!"

This also means that if you don't know

what other useful documents may be in the file, you can't ask for them! You could in theory request the entire file to be copied but the cost of doing so at Glen Eira is an obvious deterrent (even if staff would agree to such a request).

And don't let staff at any council prevent you from getting copies of planning file documents by using the excuse that development application plans are copyright. The Practice Note stresses that an applicant gives an implied license to the planning authority to use the plans for the public planning process, including relevant community consultation. As long as plans or other documents are used only for these purposes, no breach of copyright will occur.

Advice from Yarra Council's legal advisors also indicates that even closed files (ie, after all appeals have been decided) should be available to local resident/objectors for inspection and copying, except for legally confidential information (such as legal advice subject to legal professional privilege) and any documents containing information subject to the Privacy Act (e.g. individuals' addresses, etc).

However, note that councils are not allowed to let third parties view building permits unless they have written permission from the owner of the property in question. But building permits may still be accessed via an FoI request (\$20) — and a wait usually of the full statutory 45 days. Although copying building permits is not allowed, objectors can make notes and hand-copied drawings from building plans.

NB: you can't access the Practice and Advisory Notes directly — once into the DSE homepage, select "Planning", then "Planning Practice Notes and Advisory Notes", then "Improving access to planning documents" (12/99, three pages; PDF — 117 Kb)

Network contact members

Ballarat	Greg Henderson	5331 3537
Banyule	Jane Crone	9457 1675
	Kirsten Burke	9435 2978
	Noel Withers	9435 4513
Bayside	Cheryl May	9596 1823
	Jocelyn Lee	9596 6835
Boroondara	Adele Barrett	9836 0640
Brimbank	Marilyn Canet	9390 5788
Geelong	Judy & Bob Hutchinson	5278 7203
Glen Eira	Cheryl Forge	9509 6290
Hobsons Bay	David Moore	9397 5773
	Patsy Toop	9397 7666
Kingston	Janelle House	9772 4862
Knox	Jill Wright	9762 7632
	Greg & Gayle Mackenzie	9739 8585
Langwarren	Heinz Reitmeyer	97757487
Manningham	Rosa Miot	9842 1292
	Ray Smith	9848 1534
Maribyrnong	Alan Ross	9317 7732
Moonee Valley	Diane Adey	9379 4513
	Michael Gill	9379 9686
Moreland	Ronnie Whitmore	9380 1481
Mornington Peninsula	Arthur Moore	5975 6148
Port Phillip	Sheryl O'Donnell	9527 1075
Stonnington	Ann Reid	9572 3205
	Dianne Duck	9576 1492
	Tom Moloney	9510 3540
Whitehorse	Philip Warren-Smith	9898 6107
	Judy Sharples	9890 8038
Yarra	Ian Wood	9429 3581
SOS Liaison Officer	Ronnie Whitmore	9380 1481

Note: Municipal representatives needed in Darebin and Frankston. Please contact Ronnie Whitmore if you can help.

CONTACT SOS

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Our website,

www.saveoursuburbs.org.au

now includes an Objectors Guide for Residents and a discussion forum where SOS members and members of the public can have their say and discuss issues with each other.