

# Voice

## 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.

## A WATERSHED VICTORY

SOS stalwarts, Ronnie and Steve Whitmore received last-minute help from an unexpected source when a five year planning dispute involving their Brunswick East home was resolved in their - and their Moreland community's favour.

The genesis of the dispute was an application to build two double-storey townhouses in the middle of a row of Victorian cottages - and next door to Ronnie and Steve's who then embarked, with total support from neighbours and local residents, on a long-running battle to protect their amenity and preserve the distinctive features of the neighbourhood.

While their well-orchestrated protests resulted in this application being refused by Moreland Council, the developer used a legal loophole to build one of the townhouses up against Ronnie and Steve's cottage and then applied, last year, to build a smaller permanent second home on the remaining land.

More protests and lobbying resulted in this application being refused and referred to the Victorian Civil and Administration Tribunal (VCAT) - where the last-minute intervention occurred.

The intervention arrived on the morning of the first day of the hearing in the form of an announcement of a decision by the Planning Minister, Mary Delahunty to rewrite the Moreland

Planning Scheme to limit the property in question (42 Phillip Street) to one dwelling.

The Minister's decision - a first for the Bracks Government, was made on the grounds 'of fairness and public interest'. As Ms Delahunty said in her announcement, "The Bracks Government does not intervene lightly in the planning process. In this case it became necessary because of the unusual circumstances of the case.'

Ronnie and Steve, their supporters, Moreland Council (and SOS!) are understandably delighted at the outcome of what has been an exhaustive and exhausting campaign to ensure the preservation of neighbourhood character and amenity. As Ronnie said, 'This won't stop the house that's already blocking our sunlight, but it shows that people cannot twist the rules to get whatever they want.'

SOS President, Nigel Kirby echoed these sentiments. 'This is a strong message to all developers that they will not be able to trample on the rights of ordinary citizens with impunity.'

Needless to say, Ronnie and Steve's fight may not be completely over: there is a strong likelihood that the developer will appeal the Minister's decision .....

ISSN 1440-6977  
PUBLICATION OF  
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## PRESIDENT'S ADDRESS

You are all no doubt aware of the release of Melbourne 2030, the new planning blueprint for Melbourne. This issue has dominated your committee's deliberations for the last six months.



We recently held a forum for our affiliate organisations to help us to deal with this major challenge. There is no doubt that Melbourne 2030 will present many great challenges for us in the coming months and years.

Our forum was addressed by Dr Paul Mees, Faculty of Architecture at Melbourne University and well known advocate for public transport. Paul had a number of very thought provoking messages which helped to identify strategies for future action.

The committee has resolved to pursue an agenda that includes:

- Councils working with their communities to develop community based responses to Melbourne 2030.
- Council planning schemes being accorded greater statutory power.
- Seeking an amendment to the Planning and Environment Act to allow Councils to refuse to consider applications that are not in accord with their planning schemes. Under this amendment, the developer could not take the application on appeal to VCAT, only the decision of the council to refuse to accept the application.

To give effect to our objectives we are planning to hold a conference, tentatively planned for late September for all our members as well as Council officers, Councillors and other interested groups.

We have invited the Universities of Melbourne and RMIT as well as the Victorian Local Governance Association (VLGA) and the Municipal Association of Victoria (MAV) to co-sponsor the event.

. You will receive plenty of notice. If you wish to have your name put on our email address list please send us an email with your details to [sosmelbourne@sos.org.au](mailto:sosmelbourne@sos.org.au)

In any event, you will be sent you an invitation to attend this conference as soon as the details are known.

**Nigel Kirby**

Residents Voice Issue 14, August 2003 1

# ANSWERING THE CRITICS

Some readers will have seen the weekly advertisements which property developers Fasham-Johnson Pty. Ltd. have submitted to Good Weekend (part of The Age on Saturdays). The advertisements have taken the form of an opinion column and one recurring theme has been criticism of objectors to planning applications. Whilst it is yet to be seen whether The Age is willing to publish a letter contesting the assertions made by one of its advertisers, SOS has sent the following letter to Good Weekend in the hope that they will do just that.

In recent times Trevor Fasham has advertised in 'Good Weekend' discussing his views regarding the property development industry, and attacked those daring to exercise their democratic right to object to planning applications.

Fasham's 'column' (April 13) lamented the time taken to process applications blaming both 'ill informed' objectors and councils. Save Our Suburbs believes residents should have a say in what occurs around them, particularly when proposals are overwhelming and detrimental to amenity.

## TIMELY ESSENTIAL SERVICES FOR NEW COMMUNITIES

The following statement was released by the Minister for Planning in late 2002 and is presented here for the interest of SOS members.

Residents of new housing developments across Victoria will have more timely access to essential services under a new initiative announced today by the Minister for Planning, Mary Delahunty.

Ms Delahunty said the Bracks Government had approved a new developer contributions system to ensure essential community services were ready for residents when they moved into their new homes.

"Communities in new urban developments on Melbourne's fringe have often had to wait for extended periods for basic family and children's services," she said.

"Community infrastructure such as pre-schools, maternal and child health centres and public meeting areas are essential to the well-being of these and other developing communities."

Ms Delahunty said the current developer contributions system, where developers fund new infrastructure, had not been widely applied to council planning schemes due to its complexity.

The Government has developed a package of reforms to simplify the system, including:

- developers will fund essential facilities such as child care centres, community centres and pre-schools at the time the subdivision is created, rather than when building permits are issued;
- clearer principles for sharing the costs of infrastructure amongst developers;
- guidance for developers and councils on how to prepare development contributions plans;
- simpler options for charging for development contributions plans;
- removal of a cap on community infrastructure levies to fund a wider range of facilities; and

Fasham complained (May 10) about that tiresome process called mediation. He misses the point and needs to take mediation seriously. This is not a process through which to force a result, but by definition an action to achieve a mutually acceptable outcome.

His desire to shift costs onto objectors hoping to stifle opposition ignores the fact that it is the developer who initiates projects for profit whilst objectors simply try to avoid detrimental outcomes. Residents have no reason to act vexatiously.

We agree with Fasham that the current system takes too long to reach conclusion and that the costs are too high but for vastly different reasons from those he suggests. Neighbourhoods should be pleasant and cooperative places to live, not where disputes destroy communities.

**Nigel Kirby**  
President, Save Our Suburbs Inc.

- State agencies to prepare and administer their own development contributions plans for infrastructure such as arterial roads and public transport.

"The new system will ensure that both developers and new builders contribute to a wider range of services for families much earlier on in the development of these new estates," she said.

"Councils will have the opportunity to collect funds from developers for a broader range of facilities, such as childcare centres, as well as the traditional funds for roads, drainage works and open space.

"By making it easier to prepare and administer development contributions plans, the new system will ensure greater transparency and accountability for the development industry and local communities.

"The new system will give certainty to these groups that the money collected is being spent on delivering the basic infrastructure outlined in the development contributions plan."

Ms Delahunty said the new system is consistent with Melbourne 2030: Planning for sustainable growth, which aims to better manage the sequence of development in growth areas so that services are available from early in the life of new communities.

"The changes will help to create more liveable neighbourhoods in metropolitan Melbourne by introducing a more efficient and sustainable pattern of settlement," she said.

"This initiative will also help ensure we have a fairer city, one where people have access to the services they need.

"This Government listens, then acts, and we have consulted through a steering committee, with representation from local councils, the development industry and government agencies, in preparing the new system."

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<b>Bass Coast Shire</b>	Carola Adolf	5678 22866
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<b>Yarra</b>	Ian Wood	9429 3581
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Note: Municipal representatives needed in Darebin and Frankston. Please contact Ed or Ronnie if you can help.