



The Hon. **KELVIN THOMSON** - Convenor Email: [pleasant123@me.com](mailto:pleasant123@me.com)

## CONVENOR'S REPORT No. 24 - MARCH 31 2023

# WHERE TO FROM HERE? VICTORIAN LOCAL GOVERNMENT ELECTIONS 2024

**It feels as if the best opportunity for resident action groups to influence Victoria's planning and heritage processes and outcomes will be the Local Government Elections, to be held in October 2024.**

To arrest the steady decline of resident say in planning matters, we need Councillors and Councils who will push back against attempts to deprive them of a say, and speak up on behalf of residents. Ideally resident action groups should be standing their own candidates, which will draw attention to their concerns if nothing else. But if that is not practical, residents should definitely be seeking to work out which candidates support them on the key issues, and which ones do not, and make sure voters are aware of the difference.

We would encourage groups to contact candidates directly and seek to meet with them, or put on public forums so they can be quizzed in public about planning issues. They should also be sent questionnaires about these issues. Planning Democracy intends to develop a questionnaire which should be suitable, sometimes with local modifications, for local government candidates. Ian Morgans prepared a very good questionnaire which we used prior to the Victorian State Election, and the material in it will be our starting point.

I invite groups and supporters to let me know which issues they would like to see us prioritise, and which questions they like to see us ask, in the lead up to the Council elections. For example, one issue which supporters have been raising is VCAT reform. This could involve asking candidates to support lower fees for residents taking cases to VCAT, support preventing developers from amending their applications after they have gone to Council (and thereby blindsiding residents), and support stopping the "heads I win, tails you lose" system, whereby if a developer's application is refused, they can lodge another similar one five minutes later. Your experience and suggestions would be very welcome.

The Local Government Act 2020 introduced changes to Council ward structures. From October 2024 Metropolitan, interface, and regional city councils must all have single-councillor wards. Large and small rural shire councils can be unsubdivided, or have multi-councillor wards with an equal number of Councillors per ward, or have single-councillor wards.

State Government panels are changing the ward structures for various Councils to reflect this. Residents have a right to provide their views about the electoral structure that would best support representation in their community, by making a submission. For details on how and when to do this in your area, go to the VEC (Victorian Electoral Commission) website.

## SAVE OUR CANOPY TREES

**The Combined Residents of Whitehorse Action Group (CROWAG) is having a Public Forum this Saturday 1 April, titled "Save our Canopy Trees". The Forum will go from 1.30 – 5pm, at The Hub, 96 Springvale Road Nunawading. The keynote speaker will be Dr Greg Moore. Ian Hundley will also be speaking.**

A couple of years ago Associate Professor Joe Hurley from the Centre of Urban Research, RMIT University was involved in a national survey of local government about urban tree cover. It received responses such as "On public land we are making fantastic progress, ... but on private land we fight a losing battle because we effectively have no power to prevent tree losses and limited influence over developer decision making". It found there was a need for systematic monitoring and evaluation of urban vegetation over time. I look forward to seeing you at the Forum.

# PLANNING AND HERITAGE INQUIRY

**There is still no movement at the station concerning the re-establishment of the Legislative Council Inquiry into Planning and Heritage protections. A number of Planning Democracy supporters have spoken with Victorian MPs about the need for this to happen. Others have lined up meetings, or are in the process of doing so. I will keep you posted.**

## LEVEL CROSSING REMOVAL FOI

As I have previously reported, Brian Duggan lodged a Freedom of Information request with the Level Crossing Removal Authority seeking the data on which decisions about which level crossings get removed and which ones don't. The LXRA refused to provide the information. Brian went to the Office of the Victorian Information Commissioner, which agreed with Brian that the information should be made public.

The LXRA still refused to hand over the information, and has appealed to VCAT. At a meeting of the parties, it agreed to hand over data about actual level crossing use etc, but refused to hand over projections about future use etc. It claimed these were "opinion".

This is a weak argument. If the LXRA is using this information, Victorians have a right to see it. And the precedent is bad. If someone were to seek enrolment data for schools that was being used to justify closing a school somewhere, or opening a new one, I don't believe the Education Department should be able to say, "we're not going to show you our future or projected enrolment data, as it is opinion".

Large amounts of taxpayer dollars go into infrastructure projects. Taxpayers are entitled to see what information Government is using to make decisions about which infrastructure to build.



## VCAT PROTEST?

One of our supporter groups has raised the idea of a protest at VCAT to draw attention to the various ways VCAT processes and outcomes are rigged against residents. Can groups have a discussion amongst themselves and let me know if you are interested in this idea, and whether you would go to such a protest? VCAT's offices are at 55 King St. There could be an element of danger involved, from fast-moving King's Counsel.

## LET THERE BE LIGHT – BRUNSWICK RESIDENTS HAVE A WIN

Merri-bek Council has rejected a proposed 7 storey apartment building which would have extinguished access to sunlight essential for the health and happiness of the family living in a single level home next door in Dods St Brunswick. The family say that if the tower goes ahead, it will overshadow their home for most of the day, and leave them with just 2 hours a day sunlight in their backyard. It will also reduce the usefulness of their solar panels and battery. Over 400 local residents opposed the proposal, and Protectors of Public Lands Secretary, Michael Petit, a Dods Street resident, played a prominent role in the campaign.

Of course, the developer still has appeal options, to VCAT and potentially beyond, but the decision could be an important precedent concerning access to sunlight. It is an issue we have discussed in these Reports before; one which is very important for physical and mental health, and one which is not given enough importance by planning authorities.



## PLANNING DEMOCRACY

**Let me know if your group is doing something, or something is happening in your neighbourhood, that we all should be aware of.**

**Email: [pleasant123@me.com](mailto:pleasant123@me.com)**



## PLANNING SCHEME AMENDMENT ST PHILLIP ST BRUNSWICK EAST

Merri-bek Council hasn't emerged so well from another planning battle in Brunswick. This one involved an application to remove a State Government overlay restricting a site to a single dwelling.

Around 20 years ago the Council asked the State Government to impose the overlay. Now they have asked the State Government to remove it.

I presented to the Planning Panel evidence as to why the overlay should remain – indeed the case against densifying Brunswick is stronger now than it was back then. So too did planning expert Stephen Rowley. The panel received 10 submissions from the public; all opposing removal of the overlay. However, the Panel saw fit to disregard these submissions and go with the Plan Melbourne mantra of denser, ever denser. More dwellings won't make land in Brunswick any cheaper; on the contrary.

## GUEST SPEAKER AT FITZROY RESIDENTS ASSOCIATION

I will be the Guest Speaker at the next Fitzroy Residents Association Pub Talk. This will be at The Stone Hotel, corner of Johnston and Brunswick Street Fitzroy, on Monday 8 May from 6pm. Finger food and venue hire are covered in the \$20 cost. Drinks are available at bar prices.

## JOHN CURTIN HOTEL

In 2022 the National Trust of Victoria and the Victorian Trades Hall Council jointly nominated the John Curtin Hotel to the Victorian Heritage Register, following news the pub was to be sold. Since then, the Executive Director of Heritage Victoria has recommended that the Hotel be included on the Register. There is a process of submissions, after which the Heritage Council will determine the outcome of the nomination.

The National Trust reports that the publican of the Hotel has signed a 10 year lease with the new owners of the Hotel, which will enable the historic pub to continue its current use.

## ROYAL EXHIBITION BUILDING AND CARLTON GARDENS

The Victorian Heritage Council will be holding hearings into the World Heritage Environs Area Strategy Plan for the Royal Exhibition Building and Carlton Gardens between 15 and 24 May.

Margaret O'Brien has written to Federal Environment Minister Tanya Plibersek to ask her to be represented at the hearings. If the Strategy Plan is to genuinely improve the management and protection of this world heritage listed site, the Federal Government needs to be more engaged than it has been over the past two decades since it was initially listed.

Bea McNicholas will be presenting to the Council on May 23. In a previous submission in September 2021 she sought "Maintaining the existing low height heritage character of the entire WHEA (World Heritage Environs Area) area in Yarra and as such the need for mandatory planning controls that support this", and "Discourage high wall signs, major promotion signs, panel signs, pole signs, internally illuminated/animated signs, and sky signs within the WHEA".

## WESTERN PORT WOODLANDS ALLIANCE FORMED

The Bass Coast Distinctive Area and Landscape Hearings started on 6 March. The Victorian National Parks Association has teamed up with Save Western Port Woodlands and the South Gippsland Conservation Society as the Western Port Woodlands Alliance. They will be making the case at these hearings for the woodlands to have stricter planning overlays that reflect their high conservation values.

The State Government says the Bass Coast Distinctive Area and Landscape process will help guide protection and management of the woodlands, and the conflict between sandmining and development, and the biodiversity of the woodlands. Anne Heath Mennell says the Distinctive Area and Landscape declared area covers the Shire, but has no remit to consider the Western Port region as a whole. These woodlands are important, and deserve better protection than they presently have.



## MAB ATTEMPTS TO SILENCE WESTMEADOWS RESIDENTS

I have previously reported that Hume Council has rejected plans by the developer MAB to build housing on land next to the Tullamarine Toxic Waste Dump. Residents living next to a toxic waste dump – what could possibly go wrong?

Now I am hearing reports that the developer has gone to the State Government to seek a planning process – presumably under the Planning and Environment Act – that by-passes Hume Council and local residents. Such a process would be undemocratic and inappropriate. Local residents are entitled to have their views heard, both directly and through their Council.



## STOP THE GREAT WALL OF FRANKSTON

Planning experts and community and environmental groups across Victoria are uniting to demand mandatory height controls to stop a future wall of high-rise developments in Frankston's City centre, adjacent to the Kananook Creek, and within 200 metres of the coastline.

Plans are already at the Frankston City Council for 14, 15 and 16 storey towers at the Frankston Waterfront Precinct. Unlike neighbouring coastal councils that strictly limit building height to two storeys near the coast, Frankston has no mandatory heights for its coastal areas. Port Phillip Conservation Council Secretary Jenny Warfe says "This dystopian vision for the future threatens coastal residents and tourists alike who currently enjoy access to stunning coastal views, access to beaches and bays and shared amenity".

Community groups and residents are appealing to VCAT against a 5 to 4 Frankston City Council decision to permit a 14 storey 50 metre high tower in the Waterfront Precinct. Hot on its heels, Council is now considering an application for an even higher 16 storey 60 metre high apartment tower on an adjoining site. Give them an inch, and they'll take a mile.

Claims that high rise towers help environmental sustainability and housing affordability are both utterly false, and an attempted Jeddi mind trick. These towers will generate massive greenhouse gas emissions, both in their construction and in their operation. They will also increase the price of land in the area, and make it even harder for would be first home buyers to compete with developers and afford a home in Frankston.

## KILMORE LAND UPDATE

Ian Stewart has been advised by Mitchell Shire Council that the applicant has gone to VCAT seeking to remove the Reserve status from the East Street land (so it can sell it). Council adopted a resolution saying that if the applicant hadn't gone to VCAT, it would have refused the application because

- **The applicant has not satisfied Council that the land need not be used for the purpose for which the land is currently reserved or used.**
- **The applicant has not provided any information in relation to the likely future use or development of the land.**
- **The removal of the reserve designation is not justified at this time.**

This is a good resolution from Council. It is regrettable that applicants can run off to VCAT after lodging applications, before Council has made a decision – the time frame within which Councils have to make a decision is too short. This is another issue we might want to pursue through next year's Council elections.

## KEYSBOROUGH UNITING CHURCH

Gaye Guest reports that she had a good meeting with local MP Tim Richardson in Chelsea, where she and others were able to discuss the plight of the Keysborough Uniting Church, which was built in 1877 but has fallen into a state of disrepair.

## BANYULE URBAN FOREST STRATEGY

Banyule Council has released its Draft Urban Forest Strategy. Key targets and indicators of the Draft Strategy are:

- **A minimum average cover of 27% by 2050 for all suburbs, and no net loss in suburbs already exceeding that level.**
- **A minimum 45% canopy for the footpath network in each suburb by 2050**
- **Plant the remaining approximately 10,000 vacant street tree sites over a 5-50 year period.**

The time for community comment has passed, but for further details about the strategy, contact Urban Forestry Coordinator Ben de Klepper, email [ben.deklepper@banyule.vic.gov.au](mailto:ben.deklepper@banyule.vic.gov.au).

## SAVE DINGLEY VILLAGE AND KINGSWOOD

Amendment C203king, a rezoning plan for all of Kingston, is currently being heard at Kingston Council. Kevin Poulter, President of the Save Kingswood group Inc, reports that this zoning plan has "incredible implications for Dingley Village", taking it from one and two storey detached homes to nearly one thousand three storey units. He says that AustralianSuper is trying to have their controversial golf course residential development plan approved through this rezoning process.



# WATTLE PARK UPDATE

Heritage Victoria has advised local residents that the construction of a new playscape and associated landscaping works are being carried out in accordance with the heritage permit P34848 which Heritage Victoria has given for these works. This advice is in response to resident concerns about the impact of the works on Wattle Park.

Heritage Victoria has acknowledged that the tram bodies, one of which was the subject of an arson attack, are in a very poor state of repair. They have approved Parks Victoria's plan to repair, rather than replace, the trams. The conservation works will be supervised by Bendigo Tramways. Residents continue to be concerned about the state of Wattle Park following the works.

## VICINITY TOWERS AT BOX HILL

Vicinity Centres want to develop seven residential and commercial towers, the tallest of which would be 50 storeys, at Box Hill. Four of the towers would be higher than Box Hill's current tallest building, which is 36 storeys. Whitehorse Council has described the planned development as "fatally flawed", with inappropriate building heights and inadequate consultation. It has raised concerns about height, open space, wind tunnelling, overshadowing, and transport impacts. Professor Michael Buxton has said that the Development Facilitation Program, which enables projects like this to be taken out of the hands of local Councils, is "making a mockery of proper planning process".

The proposal is called draft amendment C245whse. Ian Hundley has sent me his submission concerning it. He makes the point that we should have learnt from the development of high-rise public housing towers in the 1960s in Melbourne, and the adverse social consequences that accompanied them. He mentions that one Whitehorse Councillor said she no longer goes to Box Hill – its streetscape is arid and disconnected from those who live there.

Ian also notes that the Victorian Government does not appear to have a policy on population growth, but simply assumes that the Victorian population will continue to grow quickly, and that this is a good thing. Ian recommends that the Government abandon the proposal, which "would make the Box Hill Metropolitan Activity Centre an even worse place in which to live or to visit".

## THE HUMAN SCALE

Ian Hundley has drawn my attention to the work of the architect Jan Gehl, and his focus on the "Human Scale". It is about making cities more human-centred, user-friendly, and liveable. Jan Gehl says that "In the last 50 years, architects have forgotten what a good human scale is".

In 2015 he gave a lecture about good habitat for people. He says that when he graduated, architects were taught to design modernist large buildings. However, he married a psychologist, who accused modernist architects of not thinking about the impact of cities on people.

There is a Youtube video of his presentation titled, "In the search for the human scale", which is well worth listening to.



## NSW STATE ELECTION

Labor was successful in the NSW State Election, and is now in government both Federally and in every mainland State and Territory. It is a remarkable degree of dominance, and bodes ill for the Liberal Party. As I reported after the Victorian Election last year, I think the Liberal Party are victims of their own failure to support home ownership.

Benjamin Clark, writing in Crikey in August 2022, reported polling that home owners were more likely to vote conservative, and renters more likely to vote for left of centre parties. In Australia home ownership has been in relentless decline for the past twenty years. Young people, in particular, have not been able to afford a home, and it is young people in particular who have deserted the coalition parties in droves.

I believe that the Liberal Party under John Howard sowed the wind, and it is now reaping the whirlwind. It doubled the migration program, which fuelled job insecurity and rising housing prices and housing unaffordability. And its encouragement of privatisation, deregulation, free trade and competition policy – which admittedly were started by its predecessors – stoked casualisation of the workforce, with knock on consequences for job security. And it's pretty hard to get a home loan from the bank if you don't have a full time, secure job. Young people have been given little by conservative parties, and are giving little back in return.

## MEDIA DESERTS

One thing the mainstream media doesn't report much is that it is vanishing. So you need to look to a source such as US Democratic Presidential candidate Bernie Sanders for information about this. In his recent book, *It's OK to Be Angry About Capitalism*, he addresses the alarming growth of news deserts in the US – cities and regions where there are no local news outlets at all. In the absence of knowing what is happening in their neighbourhood, people become entangled in the seductive conspiracy threads of social media.

I believe this is a real problem in Melbourne. The death of local newspapers has made it much harder to have the kind of serious debate about planning, housing, environment, heritage and quality of life issues that really should be discussed and debated and decided at a local level.



**Become a Planning Democracy friend on Facebook. I have done posts in the last few weeks on the Western Port Woodlands Alliance, Brunswick Residents Fighting to Keep their Sunlight, the John Curtin Hotel, the CROWAG Save our Canopy Trees Forum, the Great Wall of Frankston, Banyule Urban Forest Strategy, and the Vicinity Development at Box Hill.**



***Thanks as always for your support. You can opt out of receiving these Reports by replying to this email and typing STOP in the subject line. That's all folks, till next time. Keep up the good work!***  
**PLANNING DEMOCRACY**  
**Email: [pleasant123@me.com](mailto:pleasant123@me.com)**

## AUSTRALIAN POPULATION SURGE

Macrobusiness has reported that Australia is experiencing the biggest 2 year population surge in its history, growing by an additional 900,000 people in 2 years – 650,000 extra migrants and 250,000 more births than deaths.

It quotes the National Australia Bank as saying the immigration surge has "contributed to a sharp tightening in the rental market, where vacancy rates have fallen to around 1% in most cities". I watched Channel 7's report of this news. It was breathtakingly ecologically illiterate, completely failing to mention the impact of this growth on our carbon emissions or on the natural world.

## COMING EVENTS



## AUSTRALIAN HERITAGE FESTIVAL

The National Trust's Australian Heritage Festival digital program is now available.

A variety of events will be held across Victoria from 18 April to 18 May.

For example, La Trobe's Cottage, located on the corner of Birdwood Avenue and Dallas Brookes Drive, will be open from 1pm to 3 pm on the 23rd and 30th of April.

## NATIONAL TRUST PENTRIDGE PRISON TOURS

Pentridge will be open from Monday 3 April, with tours 7 days a week from 9am to 6 pm, and H Division night tours from 6.30pm on Friday evenings. Each tour is hosted by a National Trust trained guide to offer site specific information and storytelling. Tickets can be purchased from the National Trust of Australia (Victoria).