



# PLANNING DEMOCRACY

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

## CONVENOR'S REPORT No. 23 - MARCH 3, 2023

### HERITAGE AMENDMENT BILL 2023

The Victorian Government has introduced the Heritage Amendment Bill 2023 into the Legislative Assembly. It is expected to be debated there next week. It provides for online access to heritage documents and notices and Heritage Council hearings. It makes a number of amendments to existing Heritage Act processes, for example requiring permits to be issued in 45 business days rather than 60 days, therefore removing the issue of weekends and public holidays. It will require the Heritage Council to provide reasons for decisions on whether to include a place or object on the Victorian Heritage Register.

It will allow Government agencies to apply to the Executive Director of Heritage Victoria to exclude a place or object from the Victorian Heritage Register. The Minister's Second Reading Speech says that "Government agencies tasked with delivering major transport projects in Victoria have sought greater certainty on their obligations under the Heritage Act". They want to establish "the heritage significance of any place or object affected by a major project early in the planning stages". In theory there is nothing wrong with this. The question is whether those agencies, and indeed Heritage Victoria, are genuine about heritage assessment, or see it as merely a box to be ticked before starting up the bulldozers and excavators.

### Victorian Departmental Restructure

From the 1<sup>st</sup> January, the Victorian Department of Planning has moved to be part of the Department of Transport and Planning. It was formerly part of the Department of Environment, Land, Water and Planning (DELWP). This Department has become the Department of Energy, Environment and Climate Action. Deputy Premier Jacinta Allan is the Minister for Transport and Infrastructure. She is also the Minister for the Suburban Rail Loop. Sonya Kilkenny is the Minister for Planning.

### Australian Architecture President Bells The Cat

Tone Wheeler, President of the Australian Architecture Association, has written an outstanding article for [architectureanddesign.com.au](http://architectureanddesign.com.au), which was reproduced in The Age last Friday 24 February. The title - "We ruin suburbia with homes twice as big on half the block" - brilliantly sums up the thesis. He talks about his fortunate childhood in suburban Melbourne and Sydney, and contrasts that with contemporary suburbia - "tiny blocks with huge, sealed-up two-storey houses, no backyards or gardens, no trees, and five degrees hotter than the inner suburbs."

He has a razor sharp identification of the problem. "When a house twice the size goes on a block half the size, it can no longer be a bungalow. It doubles to two storeys, and even then, it has a tiny garden, with no room for trees. The two storeys built to the boundaries overshadow the neighbours and invade their privacy. The increased bulk creates dominant forms where once street trees hid the single-storey bungalows". He concludes by saying "Not that all '60s suburbs were great, but nothing failed on the scale of the (recently built) vast, dark-roofed, treeless, overheated suburbs... It didn't happen overnight; it took 60 years to destroy the high quality of the original suburbs". The full article is attached.

### LEGISLATIVE COUNCIL PLANNING AND HERITAGE INQUIRY

This week I met with Liberal MP for Kew Jess Wilson, who is the Shadow Minister for Finance and Shadow Minister for Home Ownership. I urged the Opposition to support the restarting of the Legislative Council Committee into Planning and Heritage Protections. I also outlined Planning Democracy's other "asks" as per the questionnaire we distributed to parties and candidates prior to last year's State Election. We also discussed the importance of home ownership, which has been in steady and relentless decline in Victoria over the past 20 years. I pointed out that supply side solutions have been urged and tried for the past 20 years, but have failed to stem the decline.

Ian Morgans and I have joined with a request by the Kingston Residents Association to meet with Planning Minister Kilkenny. If this request is successful, we will discuss the Legislative Council Inquiry, as well as other planning and heritage issues. The Royal Historical Society and other supporters have been initiating contact with the Greens.

## SUBMISSIONS CLOSING ON WORLD HERITAGE MANAGEMENT PLAN FOR ROYAL EXHIBITION BUILDING AND CARLTON GARDENS

Although the official closing date for submissions is today, thanks to Bea McNicholas for advice that submissions will be accepted till 9am Monday 6 March, on the revised draft of the World Heritage Management Plan for the Royal Exhibition Building and Carlton Gardens. It has been an incredibly long, detailed and exhausting process. Margaret O'Brien (Friends of Royal Exhibition Building and Carlton Gardens), Fiona Bell (Protectors of Public Lands Inc) and Bea McNicholas (Director, Walk in St Kilda and Environs) have stayed the course, trying to ensure the public interest in this World Heritage listed site is protected. We are indebted to them for this.

I have made use of their work in preparing a submission to the Review from Planning Democracy. It is attached. I argue the case for more formal community input, for a single management body to look after the site, as happens at the Sydney Opera House and Port Arthur, for better protection of the Buffer Zone, and for the Australian Government to step up and play a greater role in both management and funding.

Bea McNicholas has advised that the Australian Garden History Society is going to do a submission focussed on the Carlton Gardens. They are concerned about the continued staging of the Melbourne International Flower and Garden Show there, and say "The outstanding universal value attributed to the gardens as a setting for the exhibition spaces is invisible for the periods this major event occupies the gardens south".

**Submissions can be emailed to [heritage.policy@delwp.vic.gov.au](mailto:heritage.policy@delwp.vic.gov.au).**

Fed up with far too much tree loss in our suburbs?

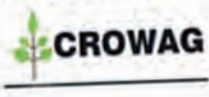

**Public Forum**  
**SAVE OUR CANOPY TREES**

The Hub, 96 Springvale Road Nunawading  
1<sup>st</sup> April, 2023, 1.30-5.00 pm. It's FREE

**Keynote speaker - Dr Greg Moore OAM.**  
Chair National Trust Victoria's Register of Significant Tree Committee

[Click here to Book Today or find more details.](#)

Combined Residents of Whitehorse  
Action Group Inc. [www.crowag.com](http://www.crowag.com)



## SPEECH TO CROWAG AND APRIL FORUM

My presentation on "**Protecting Democracy and Public Amenity**" to the Combined Residents of Whitehorse Action Groups on 15 February was successful and well attended. Thanks to Ross Gillespie and the other organisers of this event. I have attached a copy of my speech.

CROWAG is continuing its good work with a Public Forum on 1 April titled, Save Our Canopy Trees.

The keynote speaker will be Dr Greg Moore. Benalla resident David Blore has informed me that Greg Moore spoke recently to a public meeting of 140 residents in Benalla and was very well received. He is well worth hearing.

## Level Crossing Removal FOI

I have discussed with Save Buckley St convenor Brian Duggan his FOI request for documents from the LXRA and VicRoads about the ranking and selection process for level crossing removals on the Craigieburn line. As reported in the Herald-Sun, some data was handed over to Brian, but the LXRA is refusing to share projected traffic data for 2026 and 2034. It's hard to see why information like this should not be publicly available. The case returns to VCAT in April, with a full hearing expected in September.



## WAR ON PLASTIC – CLEAN UP AUSTRALIA DAY

This Sunday morning is Clean Up Australia Day. There are many events happening, so plenty of opportunities to get out into our beautiful public spaces and rid them of plastic and other litter. I will be at the Five Mile Creek Reserve, accessed from Government Road Essendon, but of course there are many other sites to choose from. Typically gloves, bags, and litter pickers are provided, but you should bring a hat and sunscreen and wear suitable footwear.

The Boomerang Alliance has put out a good proposal to greatly reduce the use of soft plastics. But as well as pushing for policy reform to transition away from plastic, we need to be aware that rubbish begets rubbish, and look after our precious parks and open spaces.



## **SOUTH AUSTRALIA'S PLANNING MINISTER FLAGS CHANGED APPROACH**

**Annely Aeuckens has sent me a report advising that the South Australian Minister for Planning, Nick Champion, has signalled a departure from the targets outlined in previous 30 year plans for Adelaide. The 30 Year Plan for Greater Adelaide was released in 2010 and updated in 2017. It has a target of 85% of all new housing to be built within established urban areas by 2045.**

Minister Champion has signalled that he is not a fan of arbitrary targets. He also said that "Urban sprawl has been a kind of whipping boy – I don't think that language helps". This is consistent with SA Premier Peter Malinauskas, who has said that urban sprawl is "not a dirty word".

The approach raises interesting questions for all of us. Urban sprawl may not be a dirty word, but it comes with impacts on biodiversity and vegetation cover, as well as transport and numerous other infrastructure challenges. And, of course, property developers and governments may well intend to have their cake and eat it too, embracing urban sprawl without really giving away their plans for infill.

Nevertheless, there is no doubt that the infill and densification we are experiencing in Melbourne has been immensely damaging to our living conditions. No amount of property developer and government spin can disguise this relentless decline. Alternative approaches are at least worthy of consideration.

## **MAYBE SOUTH AUSTRALIA IS FINE JUST AS IT IS**

Of course there is another possible approach, flagged in an article by Matthew Abraham in InDaily on 23 February, titled "**Maybe South Australia is fine just as it is**". Mr Abraham says that with Adelaide's infrastructure struggling to keep up with the current rate of population growth, why would a rapid influx of people make the state a better place to live?

He notes that the Royal Automobile Association President has proposed an extra 200,000 people for South Australia, joining the News Corporation "Bigger, Better" campaign along with the University of South Australia, Elders and SkyCity casino. He asks "Does anyone seriously think that throwing an extra 200,000 people into the mix in less than a decade will improve our quality of life?" **He argues that South Australia is about the right size now. "If anything, it's a bit big for its boots". He suggests that South Australia's political and business brains have a crack at the "Smaller, Better", argument.**

## **CAULFIELD RACECOURSE HERITAGE WIN**

Helen Fischer, from the Glen Eira Climate Action Network, reports that the Heritage Council of Victoria has determined that Caulfield Racecourse is of cultural significance to the State of Victoria, and is to be included as a Registered Place in the Victorian Heritage Register.

This excellent outcome is a tribute to the work of local residents. They intend to continue campaigning to protect the trees, open space and southern lake from overdevelopment.

## **JACK DYER STAND**

Annette Cooper informs me that the City of Melbourne has proposed a planning amendment to apply an individual Heritage Overlay to the Punt Road Oval (including the Jack Dyer Stand), instead of it being part of a Heritage Overlay precinct. I understand that this is intended to give it greater protection. Heritage Victoria has recommended that the site should not be included in the Victorian Heritage Register, but the final decision rests with the Heritage Council of Victoria.

In 2020 Annette wrote to the President and CEO of the Richmond Football Club, saying "The Jack Dyer Stand is over 100 years old, and is significant from an historic, aesthetic and community point of view. It is perhaps the structure most synonymous with the Richmond Football Club and ground, and is a landmark in Melbourne, clearly visible from the road and railway lines. It has witnessed all facets of Australian Football history – the VFA, VFL and AFL (as well as the Richmond Cricket Club – for which it was built) and is one of the few remaining stands of this era to have such a continuous link with a football club. Spectators have watched their football and cricketing heroes play from this stand".

## **REGIONAL VICTORIANS OPPOSED TO DUCK SHOOTING**



Regional Victorians Opposed to Duck Shooting have organised a letter from 90 community organisations and businesses to Victorian Government Ministers calling for a ban on duck shooting.

The letter argues that shooting should be banned because of cruelty concerns and adverse impacts to community health, safety, and regional economies. Sonya Kilkenny, who is Minister for Outdoor Recreation as well as Minister for Planning, is yet to make a decision concerning the 2023 duck shooting season.

## SURREY HILLS AND MONT ALBERT



I reported in my last Report the successful Whitehorse Council Motion for a Heritage Overlay for the Avenue of Honour trees in Churchill Street Mont Albert. I went along to a celebration of this on 14 February and took some photos of this well-attended event.

Yvonne Bowyer from the Surrey Hills and Mont Albert Progress Association has posted on the Association's Facebook page, and also the Surrey Hills, Mont Albert and Surrounds Discussion facebook group, advice for local residents while level crossing works take place between now and May. She says that with work taking place 24 hours a day, 7 days a week, road closures, parking issues, noise issues, and heavy vehicles using the roads, life is going to be extremely difficult for the local community.

She urges residents to continue to support local traders, who get no compensation for the disruption to their businesses, to report safety issues to the LXP 1800 105 105 or [contact@levelcrossings.vic.gov.au](mailto:contact@levelcrossings.vic.gov.au), and if need be to seek confidential counselling assistance from the free and independent service provided by the LXP. **To access this call 1300 830 687 and quote CSLX.**

## LIKE SOME SORT OF GIANT, CONCRETE ZOMBIE

Maroubra Labor MP Michael Daley has described Harry Triguboff's Meriton's latest application for Little Bay as "some sort of giant, concrete zombie living on terrorising community". He says the project needs to be killed and stay dead, and has accused the NSW Government of bending the rules in favour of big developers.

The Government established a "Rezoning Pathways" Program in December, which enables big developers to nominate projects for rezoning approval by the state. To qualify, a project in metropolitan Sydney must enable at least 1000 new dwellings. Randwick's Labor Mayor said "It is completely outrageous that the NSW government thinks it's appropriate to give them a third opportunity to essentially build a new high-rise suburb overshadowing a beach. Even worse, they're keeping the community in the dark and gagging public servants. This is scandalous in the extreme".



## 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)**

## POLLUTION FROM TRAFFIC MORE DANGEROUS THAN ROAD TOLL

Rosemary West (Green Wedges) has passed on a report from The Age (Patrick Hatch) 24 Feb, titled "**The hidden road toll: Pollution may kill 10 times more than crashes**". GP and public health expert Dr Vicki Karalis has referred to growing evidence that rates of heart disease, lung cancer, stroke, diabetes and childhood asthma have been vastly underestimated. Traffic pollution could be causing more than 11,000 deaths in Australia every year, 10 times the number who die in car crashes.

## WATTLE PARK FOLLOW UP

I reported last time on a meeting I attended with local residents and Parks Victoria officers to discuss the works that have been done there. Local residents followed up with a letter to Parks Victoria, and have now received a reply. In it, Sofi De Lesantis, Regional Director of Parks Victoria's Melbourne Region Operations Division, acknowledges that their heritage assets are in poor condition and that "we need to plan to rectify this". The community engagement side of the Masterplan for Wattle Park will be done by EngageVic. **Anyone interested in being kept informed or attending information/consultation sessions is encouraged to add their contact details by going to the link <https://engage.vic.gov.au/wattle-park-upgrades>.**

## **PLANNING PANEL VICTORIA 42 ST PHILLIP ST BRUNSWICK**

This week I presented to the Planning Panel established to consider the removal of the Specific Control Overlay at 42 St Phillip St Brunswick. I have previously reported on the history of this site – the overlay was put in place around 20 years ago in response to a very specific set of circumstances.

In my view the reasons for it were valid then, and they are valid now. We await the Panel's recommendation.

## **RATEPAYERS VICTORIA COUNCIL WATCH**

Ratepayers Victoria has introduced a concept called Council Watch. It seeks to establish a Council- focused representative group in each of Victoria's 79 Councils. The plan is for the groups to use social media as a link to the community. It intends to complement existing community groups, and isn't restricted to ratepayers – renters and others are welcome.

The groups will be monitoring Councils actions with a "what it means to the community" framework. To get involved, contact Ratepayers Victoria via their website. Speaking as a resident of Merri-bek, where your recycling bin spends more time out in the street awaiting collection than it does inside your property, I imagine this proposal will have a few takers.

## **SUNBURY HIGH RISE VCAT CASE**

The developer has filed a Statement of Grounds on which they intend to rely in the VCAT case P14/2023 – 52 O'Shanassy Street Sunbury. Peter Gavin, who has appealed to VCAT against Hume Council's decision to allow the high rise, would welcome advice or assistance from anyone familiar with VCAT cases, on how best to respond to them when the Hearing takes place. I have attached a copy of the developer statement. Any thoughts, or offers to assist Peter in preparing for this, would be very welcome.

## **RYMAN HEALTH DEVELOPMENT AT THE OLD REG ANSETT ESTATE**

In December VCAT decided to allow Ryman Health's amended development plan for the old Reg Ansett estate to go ahead. The only avenue now apparently open to prevent this development from proceeding is for the State Planning Minister to call it in.

The Liberal Member for Mornington, Chris Crewther, has raised the issue in State Parliament, asking the Minister to do this. He also asked her to protect the neighbouring decommissioned South East Water reservoir by rehabilitating it as a public wetland. Thanks to Steve Karakitsos of the South Eastern Centre for Sustainability for passing this on.

## **SENIORS AND DISABLED SHUT OUT BY NEW HOUSING DEVELOPMENTS**

Fawkner Residents Association spokesperson Joe Perri says that new housing developments in Fawkner and Merri-bek do not cater for older or disabled residents. He says "In suburbs like Fawkner, the growing housing trend is predominantly multi-storey, crowded together townhouses with insufficient carparking, no visitor carpark or parking suitable for a health provider, no yard for fresh air and exercise, unsuitable entry for a mobility challenged senior or adult, absence of single-floor living, or doors or hallways suitable to accommodate a wheelchair or walking frame". Joe says that the low standards in place make "a mockery of policies of inclusivity and anti-discrimination". It's a good point. Fine words about disability ring hollow if in practice Council's Design Excellence Scorecard is only used, in Joe's words "to incentivise large scale yield obsessed developers".

## **WESTERN PORT BIOSPHERE RESERVE**

Neil Daly has continued his campaign for a community-based forum on the future of Western Port. In the Bass Coast Post, he has elaborated on two ideas. The first is to extend the UNESCO Western Port Biosphere Reserve to encompass a greater percentage of the Western Port Catchment area. He believes this would offer better protection of the area being impacted by sand mining, and better protect the Lang Lang Proving Ground.

He also advocates a regional business plan based on a carbon-neutral, nature-based circular- economy capable of producing and sustaining regenerative and ecologically friendly non-toxic produce, goods and services.



## VICTRACK AND VEGETATION

Ian Hundley has been pursuing VicTrack over its vegetation management policy (or lack of it). He has now received a reply to a letter he wrote to Ingrid Stitt, Minister for the Environment. The reply, from the Department's Native Vegetation Regulation Team Leader, is not very promising, but is at least candid. It says "Our Division is not well placed to provide the detailed response you are hoping for. I suspect that any revegetation would need to consider that the (rail) reserve's primary purpose is for transport infrastructure".

No doubt it is. But the implication that Vic Track therefore has no responsibilities in relation to native vegetation cannot pass unchallenged. Tree canopy cover is in decline, with severe adverse consequences for both people and wildlife. Unless there is a whole of government commitment to reversing this, and particularly from agencies who manage significant land parcels, tree canopy cover will continue to decline.

## KILMORE UPDATE

The Supreme Court has just upheld an appeal by the developer on a point of law against the decision of VCAT to refuse their application to develop multiple units on land at 21-27 George St Kilmore. The matter will go back to VCAT to be heard by a different Tribunal member. The decision seems to turn on the VCAT Tribunal's member's decision take an unaccompanied inspection of the site. The decision shows again how the planning system favours those with money. The applicant could afford to go all the way to the Supreme Court; while the residents could not be represented there and indeed kept right away from proceedings for fear of costs being awarded against them.

The Victorian Government has announced a further \$450,000 from the Victorian Racing Industry Fund to help fund a large barn constructed with 114 tie up stalls inside. The project may well be worthwhile, but there is certainly a double standard in planning issues where Governments, Government agencies, and Councils are involved.

On the one hand, Councillors get told, especially by their officers, that they shouldn't get involved in or support community campaigns on planning issues because of the risk of "apprehended bias" – that they will be seen to have prejudged the issue before Council makes a decision about it.

On the other hand, Governments, Government agencies and Councils make announcements about projects they intend to fund, with full media fanfare, even when the projects require planning approvals. The idea that they don't then have a bias in favour of the project doesn't pass the pub test.

## MARIBYRNONG RIVER FLOOD INQUIRY

The Age reported this week that major developments on the Maribyrnong River floodplain, including part of the Metro Tunnel project, may have contributed to last year's disastrous Maribyrnong River floods. The Metro Tunnel in Kensington is protected by a flood wall alleged to be large enough to withstand a one-in-1000 year deluge, and is one of a number of projects built on flood prone land along the Maribyrnong River.

## KINGSTON COUNCIL COMMUNITY PANEL

Rosemary West reports that Kingston Council is inviting expressions of interest for interested citizens to join a Community Panel of 200 to consider and provide input into Council projects and services. Registrations close on 27 March. You can apply at <https://www.sortitionfoundation.org/kingston2023> represent.

## MOONEE VALLEY RACECOURSE RESIDENCES NOW SELLING

The Moonee Valley Racecourse high-rise development known as Trackside House now has apartments for sale. The real estate agents say that the 2, 3 and 4 bed residences range in price from \$710,000 to \$5 million.

So much for high-rise densification promoting housing affordability. When this project was first mooted, you could buy a nice 3 or 4 bedroom house, with a nice garden, in Essendon for less than \$710,000.

## POPULATION GROWTH DRIVING HIGH HOUSE PRICES

Research by financial and property services groups LongView and PEXA, reported in Macrobusiness, argues that demographic factors like rapid population growth, rather than interest rates, are the key reason Australia's housing prices have soared in recent decades. LongView executive chair Evan Thornley said "Nearly every developed country has had record-low interest rates, supply constraints and government subsidisation of housing". "What sets Australia apart is its consistently high population growth and urban concentration. Australian cities are unusual – they are few, they are large, and they all have dense CBDs... Australia's population dynamics means our land appreciates faster and more consistently than almost anywhere else in the developed world".

PEXA Chief Executive Glenn King said Australian cities are becoming too big, which is eroding living standards.

## THE AUSTRALIAN POPULATION RESEARCH INSTITUTE SURVEY

The latest research by The Australian Population Research Institute has found that 65% of Australians don't think that Australia needs more people, as opposed to 35% who agree with the proposition that Australia needs more people. This is consistent with previous polling on population growth issues. Just 18% supported a return to net migration of 240,000 a year or higher. 28% preferred net migration at a somewhat lower level, 17% preferred net migration at much lower levels, and 25% preferred no net migration at all – that is, new arrivals should balance out departures.

The reasons given for not supporting population growth were "our cities are overcrowded and there is too much traffic", "hospitals are overcrowded", "the natural environment is under stress with the number of people we already have", and "adding more people will push up the cost of housing".

There was no evidence of racial motivations. Voters from Asian, African, Middle Eastern and other NESB birthplaces all disagreed with returning to pre-pandemic levels of migration, with only minor variations in the responses from different background groups. There is of course a massive disconnect between what the voters want, and what is happening.

**facebook**

**Become a Planning Democracy friend on Facebook. I have done posts recently on "We Ruin Suburbia with Homes Twice as Big on Blocks Half as Big", the Mont Albert Avenue of Honour, and "Protecting Democracy and Public Amenity."**



**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)**

## COMING EVENTS

**Sunday 5 March**

10am-12 Noon

**Clean Up Australia Day**

**Thursday 9 March**

4-6pm.

**Information session with Vicinity, who wish to develop seven towers, the tallest of which will be 50 storeys, in Box Hill. Vicinity Centres North Precinct, Ground Floor, opposite Optus. More details on their website.**

**Sunday 19 March**

**Sustainable House Day. Webinars enabling you to hear from home owners who have real experience implementing sustainable design. They cover finding a sustainable architect and builder, building with natural materials, insulation, energy efficiency and more. Visit the Sustainable House Day website for more information.**

**Sunday 26 March**

**National Trust Open Day at Gulf Station,  
1029 Melba Highway, Yarra Glen.**

**Monday 3 April (and beyond)**

**National Trust Pentridge Prison Tours.  
7 days a week from 9 am to 6pm; H Division night tours from 6.30pm on Friday evenings.  
Tickets can be purchased from the National Trust.**