



# PLANNING DEMOCRACY

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

## CONVENOR'S REPORT No. 22 - FEBRUARY 11, 2023

### VICTORIAN PARLIAMENT RESUMES

The Victorian Parliament has resumed for 2023. I haven't heard anything about re-starting of the Legislative Council Inquiry into the adequacy of our Planning and Heritage Protections, which was cut short in an untimely way in the previous Parliament. If anyone hears of any developments on this front, please let me know.

If anyone makes contact with their local Victorian Lower or Upper House MPs, could you please put in a plug for the recommencement of the Inquiry? Both the Liberal and Greens Parties committed to supporting the re-establishment of the Inquiry in response to our Questionnaires prior to last year's election. They should be fertile ground for people who live in Liberal or Greens held electorates.

### PROTECTING DEMOCRACY AND PUBLIC AMENITY – WEDNESDAY EVENING IN BLACKBURN

**I will be the Guest Presenter at a Forum this Wednesday 15 February at the Blackburn Lake Visitor Centre, Central Road Blackburn. The Forum has been organised by the Combined Residents of Whitehorse Action Groups (CROWAG) and will run from 7.30 pm till 9pm.**

The issues we plan to cover include –

- How does Planning Democracy help advance democracy?
- What is compromising the recovery of canopy trees in Victoria, and driving the growth and development juggernaut? Why do Councils fall into line with this?
- What are the limitations on Councils, such as the 20 penalty point limit for illegal tree removal (less than \$4000), the extent of powers delegated from Councillors to Planning Officers, the requirement that there be 12 objections to an application for it to go to a Council Meeting, the report and consent provisions of the Building Regulations?
- Are Councils limited in their ability to comment on development applications, and effectively represent residents?

**COVID protocols will apply, requiring the wearing of masks unless speaking. Seating is limited, and attendance is allocated on a "first in" basis. Bookings are essential, and can be made by email to [crowaginc@gmail.com](mailto:crowaginc@gmail.com), or by phone to CROWAG Secretary David Morrison on 0400 085 549.**

facebook

**Become a Planning Democracy friend on facebook. I have done posts recently on the Maribyrnong River Flood Community Information Sessions, the Great Wall of Frankston, Lake Knox, VCAT delays, and the application for high rise at 477 Sydney Road Coburg.**



## UPDATE

The good news is that the Knox Council has refused two applications by Development Victoria for a residential subdivision on the former Department of Primary Industries site at the corner of Burwood Highway and Scoresby Road in Knoxfield.

Council's grounds for refusal included the impact of the proposal on the Blue-billed Duck (a Vulnerable Species) and on the Dwarf Galaxias fish (an Endangered Species). Other grounds for refusal included the proposed extensive removal of native vegetation, failing to provide an appropriate or active interface to Scoresby Road, and the extent of the residential subdivision encroaching into the designated Mixed Use area of the Comprehensive Development Plan.

Council had received more than 1170 objections in total across both applications, which is a great credit to the Save Lake Knox campaign.

***The bad news is that Development Victoria is appealing against Council's decision. Watch this space.***

## RYMAN HEALTHCARE MOUNT ELIZA DEVELOPMENT

I have written to both the Mornington Peninsula Council and to the Planning Minister concerning the VCAT decision to override Council's refusal to allow the Ryman Health development at Kunyung Road Mount Eliza. Council has taken the view, I believe correctly, that "the proposal for a large scale residential aged care facility and/or retirement village, on land which is outside the urban growth boundary, is an inappropriate development at odds with the amenity of the surrounding green wedge". Council argued at VCAT that the development would detrimentally affect coastal character and the visual and scenic qualities of the coastline, with an unacceptable loss of habitat.

The proposal attracted 1068 letters of objection. I believe that VCAT's overruling of this decision has the capacity to seriously undermine the Green Wedge. I have encouraged Council to closely examine its options for an appeal to the Supreme Court. I have also encouraged the Planning Minister Sonia Kirkenny to use her Ministerial powers to overturn the VCAT decision.

***The land needs to be saved for a more desirable purpose, in keeping with the adjoining Green Wedge and the protections articulated in the Mornington Peninsula Green Wedge Management Plan of 2019.***

## APRIL PUBLIC FORUM – SAVE OUR CANOPY TREES

*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)



***The Combined Residents of Whitehorse Action Groups are doing a Public Forum for anyone concerned about the steady loss of tree canopy cover in their suburb, who would like to do something about it. It will be on 1 April, and is an excellent follow up to our Tree Canopy Cover Forum in Moorabbin in September last year.***



**stopthegreatwall@gmail.com.**

Over 1100 people have signed the change.org petition to Stop the Great Wall of Frankston. You can help the Protectors of Public Lands and the local groups fighting to stop Frankston becoming a poor imitation Gold Coast by signing the petition and helping them get to 1500 signatures. You can also let Frankston Councillors know your views at [councillors@frankston.vic.gov.au](mailto:councillors@frankston.vic.gov.au), and get involved in the campaign by contacting **stopthegreatwall@gmail.com.**

## LONG RESERVE LANGWARRIN

Jason Toomer is the Head Petitioner of a Save Long Island Petition opposing the development of 19R Long Street, Langwarrin. The petition contains 1751 signatures. Long Reserve is a well-established biodiverse habitat, home to a large number of native birds, animals, insects and reptiles. Frankston Council is considering the establishment of a kindergarten, Maternal Child and Health Care rooms and a parents' room on the site.

Of course these are good and worthy purposes, but the question is whether it is OK to bulldoze public open space and vegetation in the pursuit of a worthy purpose, or whether it should be sited elsewhere. Yes it costs money to buy private land for such developments, but to treat public open space land as having no value is monumental folly.

The objectors to the proposal have cited environmental concerns, heritage concerns, community health and wellbeing concerns, and traffic and safety concerns, in their objections.

## CONCRETE COMING OUT OF THE MOONEE PONDS CREEK

Way back in 1988, when I was first elected to the Victorian Parliament, I set up the Moonee Ponds Creek Association, now called the Friends of Moonee Ponds Creek. Our headline objective was to remove the concrete lining which the MMBW had covered over the creek in the 1970s, when the Tullamarine Freeway was being built.

In partnership with others we did many good things – tree planting, wetlands creation, stopping inappropriate development and public land selloffs. However, action on the concrete eluded us. Until now. A stretch of concrete from Strathmore North Primary School downstream is now being removed. It is a fine precedent, both for the rest of the creek and for other waterways which have suffered the indignity of being concrete lined in an era when engineering solutions were viewed as the only solutions.

It has attracted media attention, spawned Opinion Pieces about the value of waterways in their natural state, got favourable comment from celebrity gardener Costa Georgiadis, and generated a wave of optimism about the creek's future.

Here is a photo of me wielding a sledgehammer at an event to celebrate the removal of the concrete.



***Note: I didn't actually use the sledgehammer; that bit was all PR stunt.***



## WAR ON PLASTIC – MOONEE PONDS CREEK LITTER TEAM

The Victorian Government has introduced a ban on the sale and supply of a broad range of single use plastics. The ban covers drinking straws, cutlery, plates, drink stirrers, cotton bud sticks, expanded polystyrene food service items, and expanded polystyrene drink containers. The ban applies to conventional, degradable, and compostable plastics.

I have created a Moonee Ponds Creek Litter Clean Up Team Facebook Page, with help from Neil Sutton, the Litter Lead on the Chain of Ponds Collaboration. We helped a Moonee Valley Sustainability Clean Up last weekend along the Moonee Ponds Creek from Reynard Street Pascoe Vale downstream along the Cross Keys Reserve. Here is a photo of us.

On Clean Up Australia Day, Sunday 5 March, we will be tackling the area where the Five Mile Creek flows into the Moonee Ponds Creek – access from Government Road Essendon. I encourage our supporters to help out Clean Up Australia events in their neighbourhood. 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.

## KILMORE LAND UPDATE

Last Monday night (6 Feb) the Mitchell Shire Council had a meeting with the Kilmore Racing Club to discuss the Club's application to remove the Municipal Reserve classification of the land at East Street, on the grounds that the land is now privately owned by the Racing Club, and not in public ownership.

The Mayor, Cr Fiona Stevens, asked the Club to provide documentation about how the Club came to own the land, rather than the trustees who Council had given the land to previously. The Club was unable to provide documentation, or to answer the Mayor's questions about whether this transaction was in keeping with the intent of the trusteeship, and why it had not been made public at the time.

I suspect the Racing Club will not produce documentation of the 2004 transaction. It would make a great little issue for an investigative journalist! Greg Mier has done an outstanding job supporting the local resident group (KADRRA) – hats off to him

## KINGSTON COASTAL TREES

A Kingston Councillor has come up with a Motion to delete trees from the Kingston coastal management plan, apparently because they spoil the view of Port Phillip Bay. I think the expression **"can't see the wood for the trees"** might be applicable here.

The 13km Kingston indigenous vegetated foreshore is a large linear natural asset and habitat corridor. Nina Earl reports that fortunately Council was deluged with objections to this proposal. Council has sought further information about the issue, and Nina thinks it unlikely that the Motion will succeed.

## SAVE KINGSWOOD GOLF COURSE

Recently I met on site with Kevin Poulter (President) and other members of the Save Kingswood Group. They have been opposing plans by Australian Super for an 823 dwelling development on the former Kingswood Golf Course at Dingley. The proposal received 8000 objections. The Kingston Council and the local Federal MP (Mark Dreyfus) oppose the proposal. The issue is currently in the hands of the State Minister for Planning.

The Save Kingswood Group says the golf course land is a great open space and environmental asset.

The Australian Super proposal would represent massive overdevelopment. Kevin Poulter says the golf course is on a flood plain. He has done extensive research into the issue. His conclusion is that if the development proceeds, La Nina weather patterns in future could result in Dingley Village being highly susceptible to flooding. Probably the best outcome would be for the course to be sold to Kingston Council and managed by them as a golf course – I understand the Council would be willing to operate the golf course there.

You can get involved in this campaign by contacting Kevin at [savedingley@gmail.com](mailto:savedingley@gmail.com).



Save Kingswood Group incorporated



# WATTLE PARK UPDATE

This week I was invited by several local residents to a meeting they had arranged with Parks Victoria to discuss Parks Victoria's Wattle Park works. These residents are concerned at the damage Parks Victoria has done to what is a heritage listed Park, one of only 3 natural bushland parks in Melbourne's metropolitan area. In particular they were horrified at the vandalism to the heritage trams, including a fire, which has happened since the works started.

Parks Victoria was unapologetic about the works it has done, but noted that it will now be preparing a Master Plan and Conservation Management Plan for Wattle Park, and invited local residents to get involved in this. These Plans should have preceded the works.

Nevertheless, following the meeting local residents have written to Parks Victoria asking to be involved in the development of these Plans. In particular they are anxious to see the restoration of the historic pond and fountain, and 2 bitumen tennis courts. They have languished since Parks Victoria took over the management of Wattle Park, and are now in a state of disrepair.

## MORE SIGNIFICANT TREES ADDED TO MELBOURNE CITY REGISTER

Protectors of Public Lands President Fiona Bell and Secretary Michael Petit have welcomed the City of Melbourne adding 119 "exceptional" trees to its 160 tree existing register. The register protects both the tree and the root zone around them. Fiona Bell said "Increasing populations and greater density of buildings mean there are fewer trees and an increased heat island effect. Trees in general provide many health and environmental benefits to wildlife as well as humans".

## JETSKIS IN PORT PHILLIP BAY

The danger posed by Jetskis to other users of our beaches has been in the news over the summer. Dr Vicki Karalis AM and Nina Earl report that the City of Kingston has taken up the issue with the State Government. Council is advocating for improved public safety and amenity through better regulation within 1km of the shoreline, considering the impact to other users caused by noise pollution, and increased regulatory capacity and patrol frequency by responsible agencies, including Maritime Safety Victoria, Parks Victoria, and the Water Police Branch.

Council also wants to see improved regulatory signage – bigger and in plain English – improved Licencing Requirements, and greater awareness of permitted personal water craft zones, and swimming only zones.



## WORLD HERITAGE REVIEW – REVISED WORLD HERITAGE MANAGEMENT PLAN

Bea McNicholas has drawn to my attention that submissions for the World Heritage Review – Revised World Heritage Management Plan are now due to Engage Victoria by 3 March. After that, the World Heritage Steering Committee intends to submit the revised draft World Heritage Management Plan to the Minister for Planning. Submissions can be made on the new Draft Part 1, which covers who manages the site, its significance, and overarching management policies. They can also be made on other aspects of the Plan.

The Friends of Royal Exhibition Building and Carlton Gardens (Margaret O'Brien) and Protectors of Public Lands (Fiona Bell) have expressed concern that the present management arrangements for the Royal Exhibition Building and Carlton Gardens are inadequate, and very inferior to those applied to Port Arthur or the Sydney Opera House.

## HERITAGE OVERLAY FOR AVENUE OF HONOUR TREES IN MONT ALBERT

On 30 January Whitehorse Council carried a Motion moved by Councillor Amanda McNeill, seconded Cr Prue Cutts, for a Heritage Overlay for the Avenue of Honour trees in Churchill Street, Mont Albert.

The Surrey Hills and Mont Albert Progress Association, Combined Residents of Whitehorse Action Group, the RSL, veterans' families and local residents all supported the Motion. I wrote in support of it on behalf of Planning Democracy.

## PLANNING PANEL MERRI-BEK PLANNING SCHEME AMENDMENT 219

I have previously reported on the decision by Merri-bek Council to appoint a Planning Panel to consider removing a State Government restriction on a property to a single dwelling. After both Council and VCAT had rejected the property owner's application to build 2 dwellings on the site, the owner built a single dwelling on the property boundary, leaving space for a second dwelling and thumbing his nose at both Council and VCAT. The Minister then intervened with the restriction.

***Council now has a case of Stockholm Syndrome, and apparently supports a second dwelling. I will be appearing at the Planning Panel Hearing on Monday 27 February. I will argue that you shouldn't profit from your own wrongdoing.***

## REGIONAL VICTORIANS AFFECTED BY DUCK SHOOTING

Regional Victorians have been writing to their local newspapers – thankfully they still have local newspapers – to express their opposition to duck shooting. They make important points about the impact of the shooting on the quality of life of people living near affected wetlands.

One wrote ***"Imagine if hundreds of heavily armed and camouflaged duck shooters descended on the parks and wetlands in Melbourne?"*** Another wrote ***"During duck shooting season landholders and residents located near wetlands experience a very taxing time on their mental health, wellbeing and livelihoods. Some are forced to relocate livestock off their properties as the stock are in danger of being struck by stray pellets and spooked by gunfire which subsequently scares them through fences onto roadways. Some farmers are forced to pay money to agist stock elsewhere away from the gunfire for the duration of the hunting season".*** Another wrote ***"A ban on duck shooting will be very much welcomed in the regions. After all, those living there are the ones who have to live with the cruelty, noise, trespass, mental anguish, environmental damage and danger".***

## VCAT KNOCKS BACK EAST MELBOURNE APARTMENT BUILDING

Inner City News reports that VCAT has refused a permit for a nine storey residential tower at 94-96 Wellington Parade. It is a win for the local residents of the East Melbourne Group, who raised concerns that the adjacent Victorian heritage-listed Elizabeth House, a two storey Italianate-style historic mansion, would be impacted if the development went ahead.

The VCAT members said the applicant "has not provided an appropriate built form response to its heritage context". The proposal had been rejected by the City of Melbourne – the proposed height of 29.91 metres exceeded the maximum height limit in the area by 5.91 metres. I note the arrogance of developers who seem to think that height limits are a game, and need not be taken seriously.

The East Melbourne Group Planning Convenor Greg Bisinella said the decision created "what we see as some legal precedent that consideration must be given to not just the precinct but the adjoining properties". Indeed. You would think the World Heritage listed Royal Exhibition Building would enjoy similar consideration.

## RIGHT TO A HEALTHY ENVIRONMENT

Liz Sanzaro from the Croydon Conservation Society is fighting plans by the Level Crossing Removal Project to remove 2.3 kms of indigenous mature planting for access during the Croydon Station uplift. The planting was done by members of the Croydon Conservation Society over 40 years ago. It is dedicated as a memorial planting to one of Croydon's founding fathers.

Liz notes that last year the United Nations General Assembly declared that everyone on the planet has the right to a healthy environment. She says the removal of the trees is inconsistent with this. It would have environmental impacts, including the creation of a concrete heat sink, and increased risk of flooding from hard surfaces. It would raise air quality issues, with new sets of traffic lights being installed. It would damage living amenity, with the loss of the noise barrier the trees now provide between the railway and the residents.



## 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)**

# UPDATES

## ROTHERWOOD

Unfortunately, the Boroondara Council UPS Committee has supported the officers' recommendation to permit the demolition of Rotherwood, at 570 Riversdale Rd Camberwell.

This art deco building was built in 1939 by Barry Humphries father, Eric Humphries. The demolition of an 84 year old building and its replacement by a block of flats will continue the unfortunate practice of demolishing Melbourne's heritage buildings. This practice has become more common in recent years, whereas logic suggests that over time heritage becomes more valuable, and should be better protected than in the past. I had written to Council opposing the demolition.

## RYMAN HEALTH "LIONSVILLE" ESSENDON

The City of Moonee Valley has postponed consideration of Ryman Health's plan for high rise residential towers overlooking the Moonee Ponds Creek and Five Mile Creek in Essendon, at the request of the applicant.

The Moonee Ponds Creek is the boundary of Moonee Valley and Merri-bek Councils along this area. The Merri-bek Council has written to Moonee Valley Council expressing opposition to the proposal. It says "The design, scale, siting, bulk and appearance of the proposed development would be detrimental to the significance of the Moonee Ponds Creek corridor by way of visual bulk and overshadowing", and is contrary to the Moonee Valley Planning Scheme clauses which seek to protect waterways, and ensure buildings and works are not visually dominant when viewed from the waterway corridor.

## VicTrack VEGETATION STANDARDS

Ian Hundley recently wrote to VicTrack for advice on whether there are standards they apply for the maintenance of vegetation, including trees, on land they control. VicTrack replied that "If the land is managed by our internal leasing team, it is forwarded to them to be actioned with the private tenant and if the land is vacant and managed internally, it is managed by the internal maintenance team.

Most of the times, while VicTrack is the custodian of this land, it is leased to Metro Trains Melbourne or V/Line or ARTC or other rail operators who are responsible for the maintenance".

***We're taking that as a "No".***

## 'WE DON'T WANT TO BECOME MANHATTAN OVERNIGHT'

The Brunswick Voice reports that local residents in Dods St Brunswick are urging Merri-bek Council to reject a seven storey apartment building that they fear could be a stalking horse for even more high-rise development in the neighbourhood. The site presently has a single storey house on it; the developer wants to build seven storeys, one storey taller than the area's height limit. Another developer treating residents and Council height limits with contempt.

Local resident Michael Petit, who is also the Secretary of Protectors of Public Lands, says the application is "the most egregious ambit planning application sought in a residential street in some time". He says, "We don't want to become Manhattan overnight". Or in a carbon constrained, post-pandemic world, maybe ever.

## WESTERN PORT

Neil Daly is calling for a planning workshop to be titled "Western Port Country – a new beginning". Writing in the Bass Coast Post, he records a conference held in 2014, called the "Scenario planning for the Westernport Bay Region" community workshop. He says the conference, over 5 days with 75 participants from 40 organisations, was very successful. He would like another similar conference, to see that Western Port is better managed and protected.

The full article can be found at <https://www.basscoastpost.com/neil-daly/lets-get-together>.



## PLANNING DEREGULATION FAILS TO MAKE HOUSING AFFORDABLE

The HIA-CoreLogic Residential Land Report shows that Australian residential lot prices have soared over the past decade. The median lot price across Sydney and Melbourne more than doubled in the decade to September 2022.

Macrobusiness points out that the surge happened despite the median lot size shrinking. Land price per square rose even more aggressively. As Macrobusiness says, "Australia is transforming into a nation where housing choice is becoming limited to an expensive shoebox apartment or an expensive tiny lot far away from amenities".

This is having knock on consequences for rents, which are becoming increasingly unaffordable. Melbourne has experienced a 36.5% fall in rental supply over the past year. Meriton has emailed its leasing team advising them to increase rents aggressively, amid a "hot" rental market and the strong return of international students.

The Property Council admits that the cause is rapid population growth. However, they continue to campaign for 200,000 plus net migration programs, and even more of the policies of planning deregulation that have failed young Australians so dismally in the last decades. Their crocodile tears cut no grass with me.

## WORKING FROM HOME INCREASES PRODUCTIVITY

Macrobusiness also carries a report, from the Becker Friedman Institute at the University of Chicago, that work from home saved about 2 hours per week per worker in 2021 and 2022, and will probably save one hour per week post pandemic. On average workers put 40% of the time saved into extra work, and around 11% to caregiving activities. So both employers, and the workers themselves, are better off. Demands by the property industry that workers return to their CBD offices are motivated entirely by self interest, rather than by the public interest.

## KEYSBOROUGH UNITING CHURCH CHAPEL

Gaye Guest is a Keysborough resident campaigning to protect the 1877 Keysborough Uniting Church Chapel. The church is historically significant as John Beswicke, a heritage architect, designed the church, as well as other significant buildings around Melbourne. He was the son of Elizabeth Keys, of the Keys family after whom Keysborough is named. Unfortunately, the chapel has been left derelict and is a victim of theft and vandalism.

Gaye and Elizabeth Grasso have set up a facebook page, Friends of Keysborough Historic Chapel, where you can find further information.

## COMING EVENTS

**Saturday 11 February**

3pm to 5pm.

**Melbourne Water**

**Maribyrnong River Flood**

**Community Information**

**Session for Moonee Valley**

**residents. Clocktower Centre,**

**750 Mount Alexander Rd,**

**Moonee Ponds.**

**Wednesday 15 February**

7.30 – 9pm

**CROWAG Public Meeting.**

**Guest Speaker**

**Kelvin Thomson.**

**Protecting Democracy**

**and Public**

**Amenity. Blackburn**

**Lake Visitor Centre**

**Central Road Blackburn.**

**Saturday 18 February**

2pm – 3.30pm.

**National Sustainable**

**Living Festival Event.**

**"The Power of Localisation".**

**The Capitol,**

**113 Swanston Street**

**Melbourne.**

**Presentation by**

**Helena Norberg-Hodge,**

**founder and director**

**of Local Futures. Free Event.**

**Thursday 16 February**

6.30pm – 8.30 pm

**Maribyrnong River**

**Flood Community**

**Information Session**

**for Brimbank**

**residents. Keilor Meeting Place,**

**Old Shire hall,**

**777 Calder Hwy Service Road,**

**Keilor.**

**Sunday 26 February**

10am – 3pm.

**33 rd National Trust**

**Teddy Bears Picnic.**

**Rippon Lea Estate. Face painting &**

**fairground attractions.**

**Tickets from the National Trust.**

*That's all folks*  
**PLANNING DEMOCRACY**  
**Email: [pleasant123@me.com](mailto:pleasant123@me.com) FACEBOOK**