

**Submission  
No 133**

**INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN  
PLANNING FRAMEWORK**

**Organisation:** MEG (Malvern East Group)

**Date Received:** 31 January 2022



# Malvern East Group

## MEG Supports *PLANNING BACKLASH*

C/- 14 Chanak Street,  
Malvern East Vic 3145  
Phone/Fax 9572 3205

Web <http://www.chezsamuel.com>

### SUBMISSION TO HERITAGE INQUIRY....JANUARY 2022

#### Introducing MEG

MEG is a group of local residents which deals with planning issues. It was formed in 2005 when a number of residents held a meeting to express their deep concern about the proliferation of developments that threatened residential amenity and was systematically destroying the character of the neighbourhood.

MEG has been recognised at National level as part of Australia's **social history**. In 2009 we agreed to allow the National Library of Australia to archive the MEG website (and associated publications) in Canberra in perpetuity and we have also been added to the State Library's online catalogue.

At local level we provide assistance re process to local residents who wish to oppose inappropriate development. We have made submissions to both Local and State Governments re the multitude of proposals which continue *ad nauseum* to threaten the built form and residential amenity of our community.

We are appalled not only at the erosion of our rights but at the systematic destruction of a once gracious Victorian city in what was known as "the garden state."

In this submission we deal with ...

- (a) What is 'heritage'?
- (b) How can it be protected?
- © Should it be protected?

In "Suburban Backlash" Miles Lewis tells us that the Australian Heritage Commission says that Heritage is about **"the things we want to keep"** and that the International Council on Monuments and Sites suggests that the term means **"places of cultural significance."**

A MEG member suggests that **heritage buildings serve as "important punctuation points"** in our State's history. They show visually what the economic, cultural and political situations were at a particular time in our history.

A MEG Committee member takes his view from the Bathurst Regional Council.  
**"Heritage is those items and places that are valued by the community and is preserved for future generations. Heritage values can range from local to world significance. Heritage matters. It is valued by the community because it provides links to the past and contributes to world significance."**

It seems that 'heritage' is an important "cog in the wheel" of human existence and as such **must** be preserved. It is not a matter of choice as the present government appears to see it. It is a requirement of a civilized society.

Along with the neighbourhood character it gives us a sense of place and forms part of the accumulated memory of our origins and of the way each area has evolved. Future development should both respect and add to this 'layering of community memory and history.'

### **Stonnington Council & Heritage**

In the period 1998-1999 the newly formed Stonnington City Council sought to impose 'heritage' controls to the undisguised anger of a number of wealthy homeowners who joined together to form a group called "Stonnington Citizens for a Democratic Society" later known as the "Stonnington Democrats." Their contention was that private property was exactly that....i.e. private....and that no government should have any control over what a property owner could do with something he/she owned. This battle is still being fought when 'heritage' issues are on the agenda.

Subsequently, Stonnington developed Heritage Policies which are often stymied by State Governments requiring development and are certainly limited by the fact that owners of heritage properties often do not want their freedoms limited by Council policy just like the Stonnington Democrats. For example, owners of heritage properties cannot 'mimic' the architecture of the particular dwelling. Whatever is added to a listed property or even to an unlisted property in a Heritage Overlay must be a contrast to the original. This results in the ubiquitous "box on the back" that litter our Heritage Overlays and just as often in facadism...the bane of the heritage experts.

During the last 20 years in particular our built heritage has been under threat. Developments are degrading the neighbourhood character of our suburbs. We had a brief respite from endless development with the introduction of the residential zones but alterations to those by the present Minister have eroded their initial value. It seems that the people are almost powerless to save anything of historic value.

Recently a Stonnington councillor in supporting the demolition of a house in the highly significant Heritage Overlay of the Gascoigne Estate declared that "it is not beautiful nor is it charismatic!" Of course a home in a Heritage Overlay does not require 'beauty' in order to be saved from the wrecker's ball and we can find no reference to the need for 'charisma' in the context of 'heritage.' It would seem that at least some decisions are made 'on the run' possibly in the interests of **votes** from the neighbours and the owner who is seeking demolition.

**Given the above example MEG's opinion is that decisions on individual 'heritage' issues should be made by people who are not seeking votes 'at the next election' and people who are not seeking 'donations' to the individual or the Party to fight 'the next election.' The need for votes tends to distort the issue.**

A recent and utterly devastating decision by Minister Wynne is the demolition by the Melbourne Racing Club of the stables and significant trees at Caulfield Racecourse. On Christmas Eve in 2021 Minister Wynne gave the nod to Amendment C229 that allowed the MRC to perform this act of vandalism in the interests of accelerating the \$570 million development of the public land it occupies. Even the Aleppo Pine that was grown from a seed from the Lone Pine at Gallipoli was gone in a matter of minutes. There was no consultation with Glen Eira Council, with the community nor with the Caulfield Racecourse Reserve Trust.. One can only speculate on what persuaded Mr. Wynne to accede to the MRC's request for destruction. We are pleased to note that an application by the Glen Eira Historical Society to Heritage Victoria has resulted in an Interim Protection Order being issued by the Heritage Council...too late to save so much but from now on the MRC, an aggressive developer, a tenant of Public Land, will be under great scrutiny and because of the IPO no further changes can be made while Heritage Victoria considers its position. Mr. Wynne justified his action by saying that he acted as he did because the MRC's actions were of "**significant public benefit.**" Apparently this benefit was not specified and MEG fails to perceive it.

Korowa has an application before VCAT to build a primary school and day care centre on Malvern Rd. (WITH synthetic surfaces, of course.) The application involves the demolition of 3 Art Deco dwellings and a Californian bungalow. There is no protection

for these homes. They are on a main road and main roads are targeted for development.

Such policy was promoted in order to divert development away from the residential hinterland. Of course it didn't. Instead the policy has seen the destruction of swathes of historic homes across the city. Toorak Rd, Malvern Rd. High St. and Wattletree Rd. have been systematically scarred by the demolition of beautiful old homes replaced by prison grey (or white and grey) lumps of apartments, most of which have as decoration vertical and/or horizontal prison bars which remind us constantly of the prison origins of white settlement in this country.

The fear with the Korowa application (and with so many others) is that Minister Wynne will step in and 'give it the nod.' He has overridden both Council and VCAT decisions in Stonnington ...and elsewhere ...and in the case of Village Way in Toorak Village he stepped in before an appeal to VCAT could be heard.

It is quite clear to residents across the city that the **powers of the Minister for Planning must be curbed** despite the VPA (a creature of State Government) in its last letter for 2021 giving the present Minister a hearty endorsement for his co-operation with its 'fast-tracking' program particularly with major cases.

In Melbourne 2030 and subsequent planning documents relating to managing growth there is always a mention of "*protecting the built heritage that survives to give us a deserved reputation as one the world's great Victorian era cities.....*"

Of course this is utter nonsense given what has happened in the CBD itself, let alone in the suburbs where a huge proportion of the Victorian era buildings are either gone completely or survive as mere facades of the grand buildings that once existed.

Given the destruction of so many buildings of the Victorian and Edwardian eras during the 20 years of Labor Party reign in Victoria, to protect what is left we need to have 'heritage' issues dealt with by means other than government at any level. Clearly, the present Government has no interest in the preservation of our history, councillors are not trained to do so and Planning Ministers are either badly advised or unforgivably ignorant. Because of the 'need for votes' and/or 'donations to the party' government at all levels should be excluded from making decisions regarding 'heritage' issues.

### **A possible solution**

MEG would support the notion of each municipality having a 'heritage committee' with resident representation to deal only with applications that involve heritage issues. The door for appeals against any decision made by such a committee should be left open and any appeal against a 'committee decision' to be heard by a 'heritage tribunal' with similar powers to those of VCAT but with no overriding of such decisions by the Planning Minister.

### **Role of the Planning Minister**

The power that lies in the hands of the Planning Minister both to override and/or pre-empt both Council and VCAT decisions must be removed. These actions, though usually often requested by developers and always applauded by them are abhorred by the community in general.

### **High St. Windsor**

In the Herald Sun on Jan.8/2022 Mitch Clarke wrote that the Minister is accused of using the Christmas period to...

*"secretly fast-track a controversial development rejected by the Council and the Victorian Civil and Administrative Tribunal."*

The Minister overrode both a Refusal of the Application by Council and a Refusal by VCAT after being approached by the developer.

A local resident said that "*money-hungry developers*" have the ability to achieve "*backdoor approval*" for proposals that "*are changing the face of Melbourne forever.*" This is seen as an abuse of power and action must be taken to curb the powers of the Planning Minister.

**Some brief comments about a number of other issues  
in the list of matters to be considered by the Parliamentary Committee.**

**Social housing...**This should be a mandatory element of multi-storey developments.

**Height limits and mandatory apartment sizes.** The Planning Minister said mandating apartment size was not necessary. The Property Council applauded this decision. The pandemic has seen the necessity for apartment sizes to be mandated.

**Penalties for illegal demolition.** This has been "waiting in the wings" for over 20 years. The Planning Minister's pursuit of the developers who razed the Corkman Hotel is bewildering considering his wholehearted approval of other developers who follow the same procedure.

**Penalties for removal of significant trees** Councils should not have to go to the Magistrates Court in order to impose a fine on those who remove significant trees. In fining individuals for destroying significant trees we are left with the dilemma of how to deal with State and Local governments which do the same thing.