



MELBOURNE SOUTH YARRA RESIDENTS GROUP INC.

Established by the residents of South Yarra in 1969

13 June 2014

Ms Kathy Alexander
Chief Executive Officer
City of Melbourne
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MELBOURNE VIC 3001

By email:
Kathy.Alexander@melbourne.vic.gov.au

Dear Madam

Residential Zoning Changes

The Melbourne South Yarra Residents Group has on a number of occasions expressed its dissatisfaction with the processes and manner in which the rezoning of the City of Melbourne under the new state legislation has been handled by Council and the purpose of this letter is to explain our concerns to you in the hope that changes will be made now and in the future.

At the outset I enclose a copy of the submissions lodged by our group dated 24 April and a subsequent letter to David Mayes dated 22 May that was prompted by the unsatisfactory responses we had been receiving from the planning department. You may recall that it was upon reporting our concerns to you, through your secretary, that we finally received the phone call from David Mayes on 16 May that is referred to in the second of those letters.

However, let me describe the sequence of events that have caused so much dissatisfaction to our members and widely across other ratepayer groups.

1. In March 2013 the state planning minister announced new legislation changing the residential zoning arrangements throughout the state. In his media release dated 5 March 2013 he states:

"A key feature will be the new neighbourhood Residential Zone which will be the strictest planning zone in Australia, aimed at protecting existing suburb's neighbourhood character.

The Coalition Government's reforms to residential zones reflect what communities have been calling for for many years - certainty for neighbourhoods and protection from inappropriate development.

These reforms will protect what Melbournians love about Melbourne. Our streetscapes, our amenity and our liveability which are too valuable to ignore. The City of Melbourne is invited to put submissions to the Minister describing the zoning they would like to have in place in their municipality and the

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Minister makes it plain that the intention is that the new zones will come into effect on 1 July 2014."

2. In particular the new Neighbourhood Residential Zone (**NRZ**) limited development to two occupancies per lot with a maximum building height of 8 metres (two storeys) both of which have been major causes of concern, disputation and cost for many years.
3. We the ratepayers considered this to be a unique opportunity to protect the well-known streets in South Yarra that are blessed with heritage, diversity and neighbourhood character recognised by all as being a unique feature of this part of Melbourne. No doubt the same will apply to other parts established during the early days of Melbourne.
4. However, in March 2014 when we met with David Mayes he gave us the rezoning proposal of the City of Melbourne planning department in which, to our surprise, not a single street or building was zoned NRZ. All that has been done in 12 months was to maintain the status quo and substitute General Residential for Residential 1 for the whole of South Yarra.
5. In other words, 12 months of work by the planning department produced nothing but the most simplistic of outcomes and failed to take any advantage of the opportunity to provide additional protection by using the NRZ. The explanation given to me by David Mayes for doing nothing more than this was that the present zoning "seems to be working pretty well" and there was therefore no reason to change it. That is patently not true. It does not work well for ratepayers and councillors and planning officers failed completely to act in the best interests of ratepayers and the city.
6. By not publishing this initial proposal until March this year meant that the time remaining for ratepayers to be involved and to express their views was substantially reduced. We had until 25 April to lodge our submissions with the planning department and that month was fully occupied understanding the changes, circulating information to our members and drafting our submissions of which you have a copy.
7. Furthermore, as it was our view that if we were to have any influence upon the negative views of the planning department it was necessary to be talking to them before they prepared their further report for submission to council. My attempts to arrange such a meeting were unsuccessful as evidenced in my attached letter to David Mayes dated 22 May and the only contact I was able to have, as a result of your intervention, was a telephone conversation with David Mayes on 16 May which was quite unsatisfactory. Again I was told it was to be left to the Standing Committee to make the decisions.
8. On 22 May we then saw for the first time the revised report of the planning department which was to go to Council for approval on 3 June. That report, while applying the NRZ to a number of the areas we had designated was hard to understand because the colouring of the NRZ areas was so poor and in addition there were a number of obvious inconsistencies which were hard to explain, for example, why one side of Leopold Street and Park Street was included but not the other and why the building height limit was not 8 metres instead of 12.
9. Unfortunately we then had only 8 business days before this first substantive report was considered by Council. Furthermore, when we were able to arrange a meeting

with the planning officers on 29 May it was obvious there would be no changes to that report before it was considered by Council.

10. Nevertheless at the council meeting on 3 June some 150 or so ratepayers attended and 20 or 30 made submissions objecting to the inadequacy or incompleteness of the report and the time for discussion with a number requesting its approval be adjourned until it is given proper consideration and proper consultation takes place with ratepayers. Those objections were ignored, the usual "growth" or pro-developer views were expressed by councillors who demonstrated no understanding of the legislation and that growth was already well catered for in other parts of the city. The discussion by councillors was generally ill-informed and biased, most of them paid little if any attention to any of the submissions being put by the ratepayers and there was wide dissatisfaction amongst those present with the way these important matters were dealt with.

As I was told by David Mayes earlier in these discussions it was the intention of the council to leave the matter in the hands of the standing committee established by the state government. That is not the organisation that understands the issues and needs of ratepayers of the City of Melbourne and it is the councillors, ratepayers and officers after proper consultation with ratepayers who should be defining what these needs are and that opportunity has been lost.

The handling of this process has in our view been disgraceful and it is difficult to avoid the conclusion that from the outset council decided they did not want any change or any restrictions upon development and that this process would ensure that outcome. Ratepayers were given only 8 days to consider the final and only substantive report with no opportunity to discuss it or have any input. This was entirely unsatisfactory as the final report was the only important one.

In order to restore some fairness on this occasion we request that as ratepayers prepare their submissions to the Standing Committee we be given access to council planners and be provided with appropriate support before the Standing Committee.

I hope that such a process will not be repeated. However, I am led to believe this is not a unique occurrence in the City of Melbourne where an application is lodged, time is allowed for objection, the application is then substantially changed and ratepayers are not given details and the opportunity to comment. I trust this will not be the case, for example, with the current "Goodrest" application.

We have taken this unusual step of writing to you in this manner because of the seriousness of the issue and our complete failure to obtain any redress from David Mayes, Geoff Lawler or council. It is completely unsatisfactory and the Melbourne South Yarra Residents Group will do all it can to highlight the deficiencies and press for appropriate procedures and consideration being given by council and its officers to all such matters.

Yours faithfully



Michael Butcher
President

Enc 2