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Victorian Civil and Administrative Tribunal
55 King Street Melbourne
Victoria 3000 Australia

25 July 2011

Dear Sir

VCAT Reference No: P1053/2011
18 Brahe Place & 6-8 Garden Avenue, & 10-12 Garden Avenue,
East Melbourne

As a resident of East Melbourne I am a party to this case.

I have given a statement of grounds in my email dated 23 May 2011. I stand by this statement but I wish to reiterate the most important issues for consideration by the Tribunal.

In planning terms the major issues are:

1. The increased traffic in Brahe Place will introduce major safety, living and property value issues particularly for the residents of 11 George Street whose front door opens immediately onto this very narrow lane.
2. The land occupancy intrudes upon the adjoining property titles for its amenities.
3. The excessive height intrudes upon the heritage aspects not only of the immediate area but also upon East Melbourne where every breach is a precedent which threatens the integrity of this unique Australian and Melbourne legacy.

However, the issue of greatest concern is the sheer financial and emotional pressure which is being asserted against the local community by a developer who stands to gain far in excess of the costs he will incur in this action.

He will make his financial gains at the expense of the immediate neighbours and the local community who have no means of recovering their costs or the devaluation of their properties or their living circumstances.

The developer is in possession of a property where the market value is set by the development envelope allowable by the planning regulations. He pushed well beyond that envelope in his planning application to the responsible authority. When his application was justifiably rejected in full, instead of submitting a revised application which was within the envelope, he took his case to a Tribunal where, as a matter of record, the chances for the local residents are significantly reduced and their costs greatly increased.

He has purchased a series of "expert opinions." Are those opinions any more "expert" than those of the local Historical Society for example, or the residents who have to endure the many impacts on their lives?

Would those "experts" have given exactly the same opinions had the local community been able to afford them?

There are constant and repeated pressures from well-heeled speculators to exceed any and all of the existing planning limits. The windfall benefits of success in court are self-evident. Local residents resist the pressures as best they can but they cannot match the financial clout of the speculators especially when taken on one-at-a-time in expensive court proceedings. Such pressures should be resolved, not through the courts, but through the regular planning reviews which take place in State and local government.

I submit, once again, that the Tribunal should reject this appeal and advise the developer to conform with the planning regulations.

Yours sincerely

Graham Shepherd