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VCAT: no housing near hazard

Friday, 1 February 2013 [previous article](#)

The Star
By ALESHA CAPONE
9th October 2012 09:10:29 AM

VCAT has ruled against the construction of three townhouses across from Shell's Newport Fuel Terminal.

<http://www.austlii.edu.au/au/cases/vic/VCAT/2012/1184.html>

The decision overturned a Hobsons Bay City Council decision to allow the

development plus the destruction of an existing weatherboard dwelling on High St, Newport.

The VCAT verdict supported Shell's submission which said there should be no increase in the number of homes "in such close proximity to a major hazard facility".

Shell's Newport Terminal has 40 storage tanks containing fuels, lubricants and solvents.

Risk assessor Brian Cooper told the tribunal a large fire or a vapour cloud explosion from the terminal could impact on the proposed townhouses although the likelihood of these events was low.

VCAT's judgement also said the Newport Terminal was important to Victoria's economic development and "needed to be protected from inappropriate development and adequate buffer distances from sensitive uses maintained".

A Worksafe barrister told VCAT if a major incident happened at the Newport Terminal the proposed development was close enough to risk a fatality among residents.

A representative of Hobsons Bay City Council said the townhouse proposal met all the requirements under its planning scheme and should be approved.

<http://www.starnewsgroup.com.au/star/williamstown-altona-laverton/369/story/155012.html>

SW Comment: Shell had to take council to VCAT to overturn its decision to allow housing too close to a MHF. VERY interesting Red Dot case.

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Wind farm planning in state hit by crosswinds

Thursday, 7 February 2013

The Age

by JASON DOWLING - 07/02/13, 3:00 AM

“WIND farm planning in Victoria is in turmoil with a case before Victoria's planning tribunal revealing explosive telephone calls and emails between a senior government planning official and lawyers for a wind farm developer. The case involves a request to Planning Minister Matthew Guy to approve plans for a 20-turbine wind farm at Naroghid near Warrnambool and also to extend the time for a previous permit issued for the proposal.

In March last year, **senior planning official David Hodge**, acting as delegate

from Mr Guy, refused the plans for the wind farm.

The applicant, Naroghid Wind Farm Pty Ltd, has now taken Mr Guy to the Victorian Civil and Administrative Tribunal seeking a review of the decision and also applying to have it determined unlawful, arguing the decision maker was "biased towards the applicant".

The day after the refusal decision was made, William Grinter, a solicitor with Middletons law firm (now K&L Gates) emailed Mr Guy requesting an extension of time for the wind farm permit.

In an affidavit, Mr Grinter said **Mr Hodge from the Department of Planning called him the next day and said, "You do not email the minister directly." Mr Hodge then described Mr Grinter as "incompetent" and as a "rock star" and said "you are a f---ing idiot".**

In a later email, Mr Hodge said Mr Grinter's conduct demonstrated "a complete **lack of understanding of how to achieve 'outcomes' for clients**" and that "there is no substance to the service or advice you provide to the clients you represent"....."

SW Comment: What a case this is! EXTRAORDINARY. Can't email the minister and lack of understanding of achieving outcomes.. Maybe some community members need to demand a face to face with David Hodge rather than being turned down by the minister!

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Supporters of Save Williamstown can ask to
join a Facebook Group - updates

Monday, 11 February 2013

Save Williamstown is on Facebook Groups

Please join with other supporters of Save Williamstown.
There you can join in conversations about all the issues

The other groups you may wish to join:

Williamstown Past Present Future

<http://www.facebook.com>

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Council decides a risk assessment is urgent

Tuesday, 12 February 2013

Media Release Thursday, 14 February 2013

HOBSONS BAY COUNCIL

Lobbying for safety and better planning for hazard facilities

Hobsons Bay City Council will continue to advocate to the state government and major hazard facility operators to urgently conduct risk assessments of their facilities in Hobsons Bay.

The Council will also work closely with local MPs to push for the assessments to help with safety and planning around major hazard facilities.

Mayor of Hobsons Bay Councillor Angela Altair said Hobsons Bay was home to eight major hazard facilities and careful planning was needed to ensure the facilities and the community could co-exist safely.

“We will continue to lobby the state government to address planning gaps around development near major hazard facilities, to provide clear direction and ensure consistency and community safety,” said Cr Altair.

“This is important for planning permit applications, such as the former Port Phillip Woollen Mills site, where a planned development is near a major hazard facility.””

http://www.hobsonsbay.vic.gov.au/Council/Media_and_news/February_2013/Lobbying_for_safety_and_better_planning_for_hazard_facilities

SW Comment: Council procrastinated on this issue from when we asked detailed questions in November 2010. At last they are treating the matter as urgent and seeking funding for the assessment from the MHF operators (Mobil and Port of Melbourne). If councillors had not changed the recommendations of the officers, we would not have moved one step forward. Well done councillors in at last being rational about safety.

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High-density in firing line

Wednesday, 13 February 2013

Herald Sun

by: John Masanauskas February 13, 2013 6:33PM

Boomers cop a spray from Guy

A SENIOR Baillieu Government minister has slammed baby boomers who restrict housing options for young people by opposing highdensity development.

The spray came as a new report warns that Melbourne's outer growth suburbs need a \$10 billion investment over the next 15 years to meet increasing demand for schools, hospitals, aged care facilities, public

transport and other services.

Planning Minister Matthew Guy said that a solution to housing affordability was more apartment towers in the inner city as long as issues such as streetscape, public realm and setbacks were properly addressed. “But I do not accept that we should shut down our CBD and Southbank to any further development because as mall, vocal band of financially well-off baby boomers believe that 40-storey apartment buildings are somehow academically inferior to a squat seven-storey, medium density building with an artist-in-residence centre in its basement,” he said.

Mr Guy said that those who opposed housing growth were helping to shut young people out of the housing market.

“If we simply build one style of housing . . . then younger generations will never own a home in this country,” he said.

“We’ll end up having two distinct classes — those who own property and those who do not.”....”

<http://www.dailytelegraph.com.au/news/national/development-is-crucial-to-support-for-government-backer/story-fndo2dsc-1226578197740>

SW Comment: This isn't just boomers protesting in Williamstown - it all ages and a huge number of existing residents and workers in the area who know they can't cope high density apartment near an MHF and heritage area.

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Development is crucial to support for government backer

Thursday, 14 February 2013

Herald Sun

by: John Masanauskas February 14, 2013 6:33PM

“A KEY backer of the Baillieu Government's planning reforms has threatened to withdraw its support unless the Government guarantees more development opportunities in suburban areas. Property Council executive director Jennifer Cunich said the industry was concerned that proposed low- growth residential zones would restrict development too much.

"If implemented, they risk devaluing every property in Melbourne by removing their long-term development potential. Such an outcome could undermine the retirement plans for millions," she said "The proposed reforms will not enjoy the support of the Property Council unless the development restrictions are offset by guaranteed development opportunities in attractive high growth areas."....."

....Evolve Development director Ash Williams called for the creation of a new metro planning authority to streamline such projects in sites that are "hotly contested" by local residents.

"(We need) a planning system that's based on rational assessment rather than political and emotional assessment," he told a Property Council seminar.

Michael Barlow, from planning consultant firm Urbis, called on the Government to be more forceful in selling the need for housing growth in established suburbs.

"What the community possibly don't always understand is it's not only the immigrants that we are seeking to house, but it's their kids and their later life," he said....."

<http://www.dailytelegraph.com.au/news/national/development-is-crucial-to-support-for-government-backer/story-fndo2dsc-1226578197740>

SW Comment: Seems like our developers and their planning consultants are getting tetchy about residents groups such as Save Williamstown impacting their plans to profit at our misery. Pushing the minister and his department for results looks to be moving a step forward.

PROBLEM IS UNLIKE THE DEVELOPER WE DON'T THINK SAFETY IS A "FURPHY" - WE DON'T THINK HERITAGE HAS TO BE A TOORAK MANSION - WE DON'T THINK EDUCATION DOESN'T MATTER BECAUSE WE USE STATE GOVT SCHOOLS

PLUS WE HOLD THE RATIONAL GROUND AND IT IS THE DEVELOEPS AND THEIR PLANNING CONSULTANTS TRYING TO MANIPULATE THE POLITICAL SYSTEM.

WILLIAMSTOWN IS A BEAUTIFUL SMALL TOWN WHICH MIXES FAR MORE AMENITY THAN MOST OF THE PURELY RESIDENTIAL SUBURBS OF THE INNER EAST.

LAY OFF OUR SUBURB AND OUR INDUSTRY - WE WILL ALWAYS FIGHT FOR WHAT IS MORALLY RIGHT AND IT DOESN'T MATTER HOW MANY FINANCIAL FAVOURS ARE CALLED IN, THE BAILLIEU GOVT WILL NOT DESTROY THE HEART OF WILLIAMSTOWN.

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Historic Woollen Mill awaits wrecker's ball

Sunday, 17 February 2013 [previous article](#)

<http://www.hobsonsbayweekly.com.au/story/279553/historic-woollen-mill-awaits-wreckers-ball/>

Hobsons Bay Weekly
By GOYA DMYTRYSHCHAK
Aug. 29, 2012, 1:59 a.m

WILLIAMSTOWN residents are outraged at a developer's bid to demolish

the old Nugget boot polish factory at the former Port Phillip Woollen Mill development site in Williamstown.

Meanwhile, investigations into the Oriental Hotel, which the same developer wants to demolish, reveal it could be Victoria's oldest three-storey brick hotel, dating back to 1854.

Urbis has applied, on behalf of Nelson Place Village Pty Ltd, to raze virtually all buildings between Windsor Terrace and Kanowna, Cecil and Aitken streets. The exception is the Britannia Hotel, which was the subject of an earlier application rejected by Hobsons Bay Council.

Demolition would make way for plans by Nelson Place Village Pty Ltd to build more than 400 dwellings, including four towers up to 13 storeys high. As reported by the Weekly, a construction management plan shows 765 apartments and 25 townhouses could be built on the site bounded by Nelson Place and Ann, Aitken and Kanowna streets. Eighty-eight submissions to date have been received by the council in response to a demolition application for the Nugget site.

The application to demolish the Oriental has not been advertised so submissions are not yet being received.....

SW Comment: Evolve wants to demolish heritage sites and replace with large modern buildings with about 2000 residents. They don't care about our heritage or our infrastructure or safety on the Peninsula

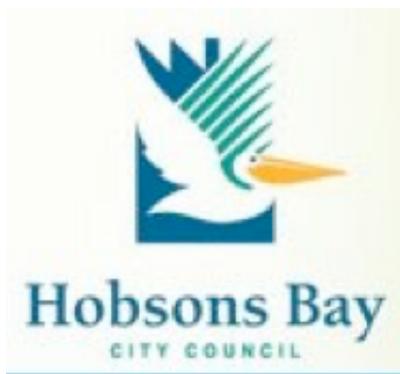
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Council decides MHF Operators should do a Risk Assessment URGENTLY at Pt Gellibrand

Tuesday, 19 February 2013

Hobsons Bay Council Meeting

MEDIA STATEMENT including statement by Mayor Angela Altair

Lobbying for safety and better planning for hazard facilities

Thursday, 14 February 2013

Hobsons Bay City Council will continue to advocate to the state government and major hazard facility operators to urgently conduct risk assessments of their facilities in Hobsons Bay.

The Council will also work closely with local MPs to push for the assessments to help with safety and planning around major hazard facilities.

Mayor of Hobsons Bay Councillor Angela Altair said Hobsons Bay was home to eight major hazard facilities and careful planning was needed to ensure the facilities and the community could co-exist safely.

"We will continue to lobby the state government to address planning gaps around development near major hazard facilities, to provide clear direction and ensure consistency and community safety," said Cr Altair.

"This is important for planning permit applications, such as the former Port Phillip Woolen Mills site, where a planned development is near a major hazard facility."



Minutes

12 February 2013

http://www.hobsonsbay.vic.gov.au/Council/Council_meetings/Ordinary_Council_Meeting_12_February_2013?minutes

7.1.1 MAJOR HAZARD FACILITY PLANNING

PURPOSE

To inform the Council on its obligations in relation to safety matters and land use planning around major hazard facilities.

MOTION

Moved Cr Paul Morgan, seconded Cr Colleen Gates, that the Council:

1. Receive and note this report and continue to advocate to the state government and respective major hazard facility operators to urgently conduct a risk assessment of all major hazard facilities in Hobsons Bay.
2. Work closely with local MPs to achieve this outcome.

CARRIED

SW comment: 3 years after Save Williamstown asked questions of council in November 2010, the new council has altered the officers recommendation for Major Hazard Facility Planning and resolved that council advocate with MHF operators to urgently conduct a risk assessment and work with local MPs. This is a first step forward in the right direction. A

risk assessment is needed before anyone can say where it is safe to put residential dwellings and density will matter for safety.

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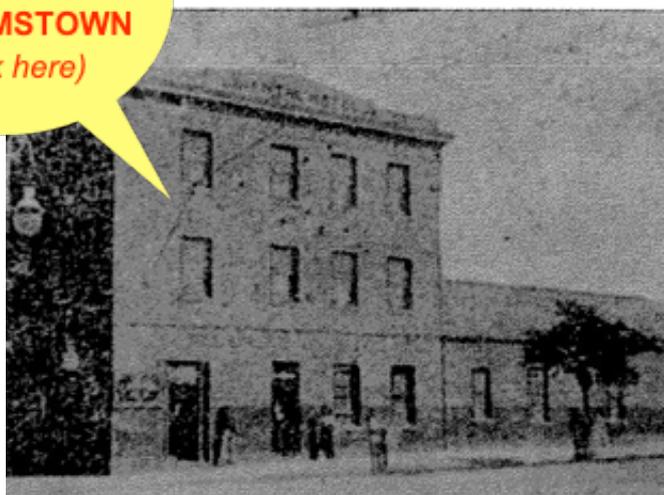
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The Oriental Hotel, 1904. Source: 'Williamstown Illustrated'.



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Council refuses 2 applications - decides for Oriental Hotel Heritage & Evolve's Development Density OTT

Thursday, 21 February 2013

Hobsons Bay Council Special Planning Committee
21 February 2013

Council Decision on PA1225060 and PA1225056 [view here](#)
Both applications were refused.

Objectors arguments for protecting heritage in Williamstown and protecting the peninsula from inappropriate high density dwellings received the support of the council's Special Planning Committee

Fabulous speeches by residents of Williamstown were applauded in the council chamber.

Bryan Hayes presented detailed and impressive research on the Oriental Hotel - the earliest remaining brick hotel. Built in 1854 and structurally unaltered since that time. He added to the information of the heritage adviser and questioned why the information he had supplied to the council's heritage adviser had not been acknowledged noting that large payments were made for the heritage report when he had provided a lot of factual background. The extreme contrast of the heritage report for the developer which noted no significance for the old hotel and recommended it be demolished. Bryan showed that the building was not just a Williamstown treasure but of significance to Victoria. The developers had made no effort to maintain the building and it had been dangerously neglected.

SW wonders why the O'Brien family who were the purchasers of the old Woollen Mills about 2005 had not looked at opportunities to use the hotel - particularly as PJ O'Brien runs a chain of successful Irish Pubs. Being adjacent to the shipyards with their 1500 employees and in the tourist haven of Williamstown, it would be an ideal place for them to run a business after restoring the old hotel. Seems like business opportunities are not the focus of the owners and developers - just spreading the risk by seeking off-plan purchasers. But the zoning is MIXED USE buildings other than residential are acceptable.

Others spoke about a range of issues:

- Quality of life in Williamstown and not letting it be destroyed by overdevelopment
- Omission of objectors material from the SPC agenda report in relation to shipping dangers when an highly qualified objector had submitted a 6 page objection including many facts
- Comparison of Buncefield distances with dangers up to Ann St, with photo of Buncefield office submitted by Mobil to PPWMAC, and ship explosion at Providence New York
- Failure to consider Planning Scheme 52.10 about hazards and false reference to the Worksafe Advisory Area which these applications were not in and therefore it was an irrelevant part of the report
- Abuse of process in C75 and C86 in relation to C33 panel hearings which the Mayor refused to hear
- Council's obligations under the Occupational Health and Safety Act and by failing to produce and consider a Risk Assessment prior to considering the applications they were likely to be in breach of the act
- Traffic and parking were already congested and reference was made to the gridlock experienced at New Year
- Transport links being more like the outer eastern suburbs with lengthy

- travel times to the city
- Alternative industrial / business uses and the inappropriate residential applications
 - Seeking reduction of parking would impact on the existing residents and workers at BAE
 - Schools are already overfull and although children from the development would qualify for places existing families would be pushed out of the schools
 - Emergency Evacuation Plans only for workers - exemplified by the plan submitted with the 178 dwelling application around the Nugget Factory and the fact the "Residents are not an entity capable of organising in an emergency"
 - Refusal by the developer to cooperate in a Masterplanning process designed to wear the community and council down with multiple applications and confusing addresses

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The Strand to lose views of the City with expansion of Webb Dock suddenly approved by Minister Guy

Friday, 22 February 2013

News from News Ltd

<http://www.news.com.au/national/billion-dollar-docks-expansion-gets-green-light/story-fndo4cq1-1226583025236>

“The Port of Melbourne is set to get a \$1.6 billion expansion. Picture: Andy Rogers Source: Herald Sun

WORK on the \$1.6 billion expansion of Melbourne's port capacity is set to start with planning approval given for the project.

About 3000 jobs will be created with the redevelopment of Webb Dock to

ensure Melbourne remains the nation's leading container and general cargo port.

Special lanes linking the dock with the West Gate Freeway will be built to divert trucks from routes such as Williamstown Rd.....

....."We have ensured that quality landscape and vegetation buffers be designed," he said.

Noise walls will be built to reduce the impact of port operations on residents.

Webb Dock, between Williamstown and Port Melbourne, will handle up to 1.3 million of the 5.5 million containers a year expected by 2025.

Swanson Dock will also need to substantially increase its capacity....."

Contact john.masanauskas@news.com.au

To join the protest group

go to

<http://www.stopwebbdock.com.au>

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Responses from Director of Planning Hobsons Bay Council to Public Question Time

Monday, 25 February 2013

Below are the responses received from Council's Director of Planning, Peter Gaschk. Public Questions were put to councillors at the council meeting on 12 February 2013

Received by mail - Monday, 25 February 2013

Response to Daniel McKinnon's questions:

Your request that Council facilitates a debate on emergency management is an issue which can be raised with the Council for consideration, however there is already a Municipal Emergency Management Committee in place, of

which Council is one of many members. The police are the lead agency in this committee. Contact should be made with the Director Works and Assets to discuss this matter in more detail.

Your second question regarding the extent of the risk assessment was addressed under item 7.1.1 of the Ordinary Council Meeting 12 February 2013. The resolution adopted by Council was to:

1. Receive and note this report and continue to advocate to the state government and respective major hazard facility operators to urgently conduct a risk assessment of all major hazard facilities in Hobsons Bay.
2. Work closely with local MPs to achieve this outcome. As a result of this resolution Council is currently advocating the State Government and respective MHF operators to facilitate a comprehensive Risk Assessment for all MHFs in Hobsons Bay.

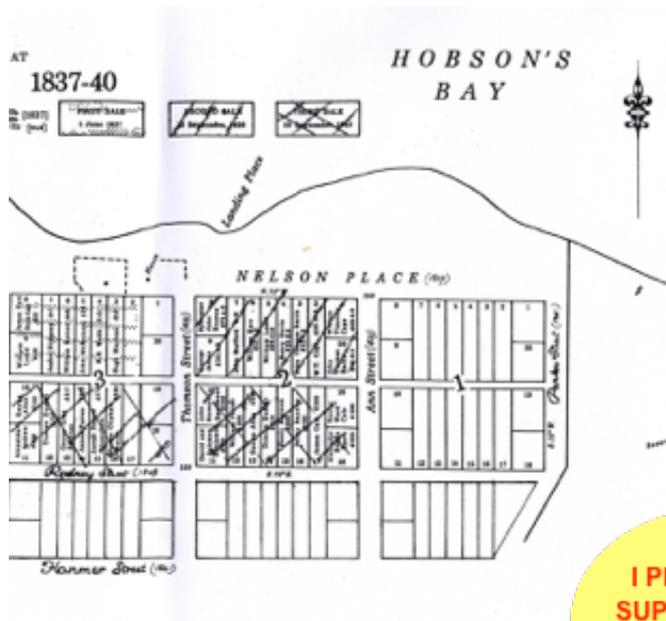
Your final question referred to the preparation of an evacuation plan for the Former Port Phillip Woollen Mills site. I can advise that the proponent/developer is required to prepare an evacuation plan for an area of the site identified by WorkSafe and shown in the Hobsons Bay Planning Scheme provisions. The matter of an evacuation assembly area would need to be considered as part of this process.

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Will Evolve apartments in Williamstown be aimed at young people getting into the market or asian investors

Monday, 25 February 2013

We have seen a lot in the news recently about developers in Melbourne turning to asian investors to support their building programmes...

<http://m.theaustralian.com.au/archive/business-old/boutique-makes-its-mark/story-e6frg9gx-1225710403463>

Evolve development Group makes its mark

"..."Land sales have been steady this year after getting a spurt from the first-home buyers grant boost.

"If interest rates remain low, and jobs secure, we don't expect much to change."..."

If other Evolve projects are being marketed in Asia, will the Former Port Phillip Woollen Mill Site apartments also be sold to Asian Investors. Huge numbers of rental properties with landlords overseas?



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Another F Word from Ashley Williams

Wednesday, 27 February 2013

Herald Sun

Developer **furious** at "selfish" residents

By John Masanauskas

February 27, 2013

8:00AM

<http://www.heraldsun.com.au/realestate/investing/developer-furious-at-selfish-residents/story-fndcursx-1226586508083>

“A LEADING developer has slammed "selfish" residents who block major housing projects.

Evolve Development director Ashley Williams said some councils were buckling under intense pressure from objector groups who resisted change.

Mr Williams and his partners have been waging an eight-year battle to get approval for their \$200 million development Nelson Place Village in Williamstown.....

SW COMMENT:

The Developer is using another F word.. First it was "Safety is a FURPHY" now it is FURIOUS with residents. His PR lady is obviously working hard for her crust...

HERALD SUN ARTICLE TODAY "Developer furious at "selfish" residents"

In reality Ashley Williams and Mr Grand Prix Ron Walker of EVOLVE DEVELOPMENT want to put new residents in the safety buffer zone of a Major Hazard Facility in residential buildings unsuitable for residential use. They want to use the planning process to make our councillors responsible as the “responsible authority” signing off on these plans. Well we’ve got news for you Mr Williams, you can’t force councillors to do such a foolish thing... because it will be the council who have to defend the indefensible in a Royal Commission which would have to be called if there were a ship or MHF explosion on Pt Gellibrand and the developer having got approval from Council walks away scot free....

So as for selfish - it sort of defies logic that Ashley Williams SINGLE PERSON motivated by profit it NOT selfish ie is doing some sort of community service and THE COMMUNITY like 10,000 of us are selfish. Maybe he needs to go back to school. With a civil engineering background on major projects such as the construction of Citylink in the muds below the Yarra River - he should be acutely aware of the value of risk assessment before suggesting people should live in houses in a Major Hazard danger zone. Of the 100 townhouses in the 800 dwelling proposal, a number are sited in the Worksafe Advisory Area. See proposals on Hobsons Bay Council Greenlight Planning Website

https://greenlight.e-vis.com.au/hbcc/public/main.aspx?frm=uc_applicationDisplay_Open.ascx&appTypeId=1&mId=103&AppId=151268

and read the “Emergency Evacuation Plan” which deals with construction workers who are employees or contractors of Evolve but as for residents it merely says - hand over to residents” and that is all a bit tricky because

RESIDENTS ARE NOT AN ENTITY CAPABLE OF ORGANISING IN AN EMERGENCY - Workplaces are...

Also interesting to read in the Herald Sun article (linked above) that ".....Mr Williams said that such developments provided housing choices for younger people seeking their first home and older people wanting to downsize...." when we know from this YouTube video that he is spruiking sales to asian investors for cheap housing



ASHLEY WILLIAMS SPEAKING TO ASIANS ABOUT INVESTING IN
EVOLVE'S MELBOURNE PROPERTY DEVELOPMENTS

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Figure 3 *The Oriental Hotel, 1904. Source: 'Williamstown Illustrated'.*



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Williamstown hotel demolition over to VCAT

Wednesday, 27 February 2013

Developer lashes out after failed bid to demolish one of Victoria's oldest hotels.....

See:

Hobsons Bay Weekly

By GOYA DMYTRYSHCHAK Feb. 26, 2013, 4:33 p.m.

<http://www.hobsonsbayweekly.com.au/story/1327338/williamstown-hotel-demolition-over-to-vcat/?cs=1203>

“A DEVELOPER planning to build a high-rise development at Williamstown has lashed out at Hobsons Bay Council after it rejected an application to demolish one of Victoria's most historic hotels.

Evolve Development managing director Ashley Williams said he would appeal to the Victorian Civil and Administrative Tribunal to reverse the council's refusal to allow the demolition of the Oriental Hotel.

The demolition of Williamstown's second-oldest building and possibly the state's first three-storey brick hotel, circa 1854, would pave the way for a six- storey, 83-dwelling apartment block.

The council also refused an application for a four-storey, 51-dwelling development next door.

Evolve's final development of the entire Port Phillip Woollen Mill site could add 2000 people to Williamstown's population.....

....Emotions ran high at last Thursday's special planning committee meeting of the council, where some of the 220 objectors to the Oriental's demolition and high-rise development pleaded with councillors to protect their community. Many said decisions should be adjourned until a risk assessment was done, given the development site fell within a 300-metre safety buffer from Mobil's tank farm supplying half Victoria's fuel.

Ann Street resident Ralph Humphries feared residents would be unable to evacuate from the peninsula in the event of "another Coode Island," referring to a 1991 chemical explosion caused by lightning which ignited 8.5 million litres of chemicals.

"As far as the Oriental is concerned, I came to Williamstown because, like the signs outside say, 'This is an historic seaport'. And if we start wrecking all the historical buildings in the place, it stops being an historic seaport and we get a kind of Beacon Cove effect and that is just no good at all."

SW Comment:

Evolve has created its own problems - if they had listened to Port of Melbourne at the 2006 Panel Hearings of the Hobsons Bay Industrial Land Management Strategy when they said RESIDENTIAL IS INAPPROPRIATE instead of persuading ministers to call in decisions and refusing to allow experts on shipping dangers to have their expertise recorded as such (at the Port Phillip Woollen Mill Advisory Committee) because they lived in the maritime community of Williamstown - then they wouldn't have wasted all this time promoting the indefensible.

The community doesn't get paid for our time unlike the multitude of pipers calling to the tune of Evolve BUT the community has its heart in the heritage, the specialist industries and jobs of Williamstown, the local lifestyle and the local economy, the infrastructure needs, the community and education services needs, the tourism needs and unquestionably that

BASIC need of people (including new neighbours) living in a safe environment.

AND WE DO NOT CALL THAT BEING SELFISH..

Only the developers are selfish..... because they want to walk away with bucket loads of money....

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