

**Submission  
No 218**

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

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## Inquiry into the protections within the Victorian Planning Framework

Mr Greg Jones

**Organisation Name:**  
**Your position or role:**

### YOUR SUBMISSION

**Submission:**  
environmental sustainability and vegetation protection;  
Which is it Government? Much has been said about ...

Global warming,  
Climate change,  
Trees cooling effect in urban forests,  
Trees filtering of toxins and  
Trees providing oxygen.

BUT at the same time Government is trying to establish new trees, there is not enough protection for existing.

A case in point:  
AustralianSuper purchased the Kingswood Golf Course Park via their subsidiary, ASRP1 (AustralianSuper Residential Property No.1) with  
no attempt to ask Kingston council if rezoning would be possible and  
no consultation of residents.

Even though rezoning has not been decided, the proponent pathologically tries again and again to remove trees and bush from this habitat sanctuary and filter of toxins, cooling, plus oxygen production.

They made 21 separate applications to remove 21 trees. A stunt to make it almost impossible for residents to object. When Council rejected their application, they responded with 21 appeals at VCAT. Again to stomp on democracy and the environment.

8,000 people objected to rezoning Kingswood Golf Course Park, so Kingston Council abandoned the application.  
AustralianSuper the used the might only a \$225 billion dollar company can exercise and applied to the Minister to override local laws.

AustralianSuper (through their subsidiary ASRP1) have applied to remove approximately 100 trees over a number of years. Not satisfied with the Council's rejection, they have now appealed to VCAT.

looking at their latest attempt to destroy two more trees. Their own arborist stated one tree had a one in five hundred million risk of harm!

If the above is not proof of abuse of the system, what is?

(2) environmental sustainability and vegetation protection - continued

AustralianSuper is using an old developer's trick.

Make scorched earth, so there is nothing left to save.

Another despicable trick is to cut down trees and if caught out, they simply pay the fine.

There needs to be greater consequences, that even AustralianSuper - a \$250 Billion dollar company - will not just shrug off.

Even naming and shaming is important to Super funds who are reckless with the environment, as that is against Super Fund's rules.

They have also used glyphosate-based herbicide ("industrial" Roundup) which has acute toxicity and Carcinogenicity, therefore banned in many countries.

So of course they almost certainly killed many ...

Echidnas,  
skinks,  
Lizards,  
snakes and  
would affect the health of foraging birds.

There can be little doubt that neglect or poison killed the endangered orchids, found by Monash University.

AustralianSuper has pillaged the Kingswood greens constantly for years, even though the site is not rezoned.

They also incessantly clear trees and bush and have applied for 100 trees to be removed - yet the site is still zoned Special Use - not scorched earth.

Developers must be much more liable for the safety of wildlife. At present AustralianSuper has no plan or obligation to save protected wildlife.

Nor any plan or concern about the many snakes rushing in front of bulldozers into the resident's backyards.

Further - they appear to be doing nothing to protect the endangered Grey headed flying fox.

(3) delivering certainty and fairness in planning decisions for communities, including but not limited to —

(1) mandatory height limits and minimum apartment sizes;

A abysmal use of power...

The Planning Minister wants to impose a three storey height limit in part of Dingley Village, even though

residents ...

Are extremely against it  
There is no need  
Its hugely against Village Character  
Kingston is meeting growth requirements  
there are no three storey buildings for kilometres, up to Nepean highway,  
the nearest train stations are up to an hour away in peak hour traffic  
Council does not want it.

Also AustralianSuper wants to build 700 three storey units in Dingley Village, which is highly against Council policy, and has no precedent, as the entire Village is one and two storey.  
Council should have the last say.

Shocking precedent, to be avoided...

There needs to be laws against developers purchasing Golf Courses, Parks and more, that are not zoned residential. And then expect to obtain rezoning.

Unless this is addressed, there will be an appalling precedent - a glut of purchases, where "big brother" expects to overdevelop parks, without rezoning permission.

Quote: the Hon. Mark Dreyfus "That's not how planning works."

"Superlots" and "Overlays" need to be banned.

Both are a blatant attempt to take Planning out of Council's hands and sometimes even the Minister.

For example, a recent rabbit-warren cluster near the corner of Springvale Road and Cheltenham road Keysborough is hitting the headlines for all the wrong reasons. It didn't go to public Council and especially not residents for comment.

Then near completion, it was found they developers omitted a footpath required to reach many stores and the Doctor. Also a gas meter is one metre from an intersection frequented by trucks!  
Save millions and an incredible thousands of hours, with this one change.

A practice that needs to be banned immediately - applications by developers for rezoning, accompanied by construction plans in extreme detail.

This was done when AustralianSuper made their first development application and it cost thousands of hours by the developer and wasted thousands of hours of council's time, and therefore cost millions of dollars of both party's money. Only to be decided the plan was unacceptable.

What a shocking waste!

Combined rezoning and development applications should, in the first instance, be made and accompanied with specifications and concepts. No more than say, 20 pages, instead of over a thousand pages.

If re-zoning was approved, that is the time to produce reams of detailed building plans.

(b) protecting Green Wedges and the urban growth boundary;  
Residents want to see investment, so the open paddocks can be "community benefit".  
The Urban growth boundary should reach far beyond current.

(c) community concerns about VCAT appeal processes;  
VCAT needs to represent the people, with Board members representing, residents and the environment.  
VCAT can also be very expensive for residents.

Currently VCAT is known as the developer's best friend.

(d) protecting third party appeal rights;  
? please explain

(e) the role of Ministerial call-ins;

- Should almost never happen. Even though it could go in favour of residents, it's an unacceptable method for one man, (The Minister) to decide that Residents and Councils don't know what they are talking about on local issues, demolishing Democracy.

An example of the insane activity of developers when they have no leash...

In addition to appealing to VCAT to destroy 21 trees, at the time of writing AustralianSuper have new applications with Council for three more.

All the trees they want to remove to suit their development, only need a trim at most.

Their own arborist rated this tree as a one in Five Hundred Million risk of harm!

(4) protecting heritage in Victoria, including but not limited to —

(a) to (e) are outside of our scope

(a) the adequacy of current criteria and processes for heritage protection; (b) possible federal involvement in heritage protection;

(c) separating heritage protection from the planning administration;

(d) establishing a heritage tribunal to hear heritage appeals;

(e) the appointment of independent local and state heritage advisers;

(f) the role of Councils in heritage protection;

(g) penalties for illegal demolitions and tree removals;

Needs to be of a size and type that makes big developers take notice.

How do you get a \$225 Billion dollar company like AustralianSuper to take notice?

1/ Make fines in proportion to the value of the company, up to millions of dollars

2/ Have executives liable

3/ Name and shame them, with a requirement they publish a half page apology in the highest circulation newspaper.

4/ Make good the damage with like for like (or as close as possible). Not just a sapling replacing a giant tree.

5/ There should be NO offset of trees removed, at some distant tree farm! Besides, when will the offset trees be cut down as well?! Only on site offset should be permitted.

Developers should not be able to remove trees (of any size), vegetation and fauna, including birds, until

(1) a permit to develop is issued and

(2) they apply to council to remove specified items.

(5) ensuring residential zones are delivering the type of housing that communities want;

Totally agree. This is a grim mockery at present. Council and residents to work together, with activities like feedback and steering committees.

Neighbourhood character should not be just an idle throw-away line!

Floods

MUCH more investigation is needed regarding the potential for floods on possible sites. The Kingswood Golf course is a natural flood plain and they are trying to ignore that, resulting in a certain increase in floods over Dingley Village.

Melbourne Water's knowledge of flood-prone areas is very limited, because when the floods occur, they are rarely called out to inspect. I can prove this with a vast library of flood images in Dingley Village.

For example, one house has been flooded for 11 years, whilst Melbourne Water dithers. Damage amounts to hundreds of thousands of dollars, but all they can say is - if the nearby land is developed, the developers will have to install a new drain.

They neglect to say where the water will then go.

### **FILE ATTACHMENTS**

**File1:**

**File2:**

**File3:**

**Signature:**

Greg Jones