

**Submission
No 145**

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

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LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE Inquiry into Protections within the Victorian Planning Framework

Prologue

The Victorian planning framework is broken.

Badly.

We remind Parliament that they are elected by the people, to represent the people.

Not to take office and decide “We know better than the people, so we will impose our ideology and views on them, with no say or feedback.”

There are objection methods, but all too often tokenism and after much effort by residents, they are ultimately dismissed. That is not the democracy generations have fought for.

For many years, Planning has been anti-residents, with large numbers of objectors being overridden by processes and organisations like VCAT.

Regularly Councils are obliged to approve **appalling developments**, because they know if they reject an application, VCAT will approve it – and most likely also deny any restrictions by the Council.

To put a human side to the story, Melbourne’s leafy suburbs are being destroyed and I know of people who have cried themselves to sleep at night over senseless greed by developers. At least ten families have moved out of our town (Dingley Village), because they fear what’s coming.

Worse – one resident in Kingston moved with his family, because a tower was being constructed beside him, only to find his new address is now under threat of government – imposed zoning changes.

Government–imposed zoning changes

Not needed, not asked for by council, only enjoyed by the “sardine” mob, who think Melbourne must have high density and high-rise. That ideology is nonsensical, anti-residents and causes a need for bankrupting the state with tunnels and mega-freeways.

In the meantime land lies idle just outside Dandenong and beyond, that would be ideal for 15 minute “home to work” communities. Even existing industry in that area like Jayco Caravans, is crying out for employees.

The Planning Minister has ever-increasing dictatorial powers.

Residents plus **Councils** are appalled to have planning decisions taken from them. A jaw-dropping example is when 8,000 people objected to development on Kingswood Golf Course Park, Dingley Village and Council rejected the application, was that the end of it?

NO!

Minister Wynne took the decision-making from Kingston Council and appointed a committee to make a recommendation. **Then he alone will decide.**

This is the same Minister who responded to “A Current Affair”

“The minister said he has always encouraged councils to make decisions in line with the expectations of their local community”.

Why have a process, if it is stomped on by VCAT and the Planning Minister?

Where is the Democracy?

Politicians who address this will get votes.

Our response to the terms of reference is on the following pages...

(1) the high cost of housing, including but not limited to –

(a) provision of social housing

Residents are fearful that social housing candidates may include people who been on the wrong side of the law. However one development included social housing, and the apartments were randomly selected from the overall pool, dispersed through the estate.

That can be helpful. People want to group according to their socioeconomic backgrounds, so most prefer Social Housing is in new estates only for this purpose.

(b) access for first home buyers

No specific ideas here, as when houses are cheap enough, investors snap them up. Government grants and low interest loans can help, but not guaranteed as the solution.

(c) the cost of rental accommodation;

Not in our scope. The above applies.

(d) population policy, state and local;

The population policy is highly flawed. Government believes “sardine clusters” and towers are the answers. They are not.

You only need to look to other highly populated countries like USA, where houses on half an acre to one acre are common, in lovely neighbourhoods.

The “Sardine policy” causes much misery in Melbourne, plus the need for staggering projects to move traffic and people, causing gross pollution.

They say it costs too much to make home to work clusters in places like South Dandenong and beyond, but has anyone considered the untold Billions spent on freeways and tunnels?

More on this will be presented if I speak at a hearing.

(e) factors encouraging housing as an investment vehicle;

Prices. Solutions are a matter for Government.

(f) mandatory affordable housing in new housing developments;

See (a).

(2) 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.

Just before sending this document, I looked 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!** (See page eight)

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.

For more click [HERE](#) and on the next page



Above: Prior to AustralianSuper (ASRP1) destroying the greens



Above: Oct. 1, 2019, after AustralianSuper (ASRP1) pillaged the greens and poisoned with glyphosate-based herbicide

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 –

(a) 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.

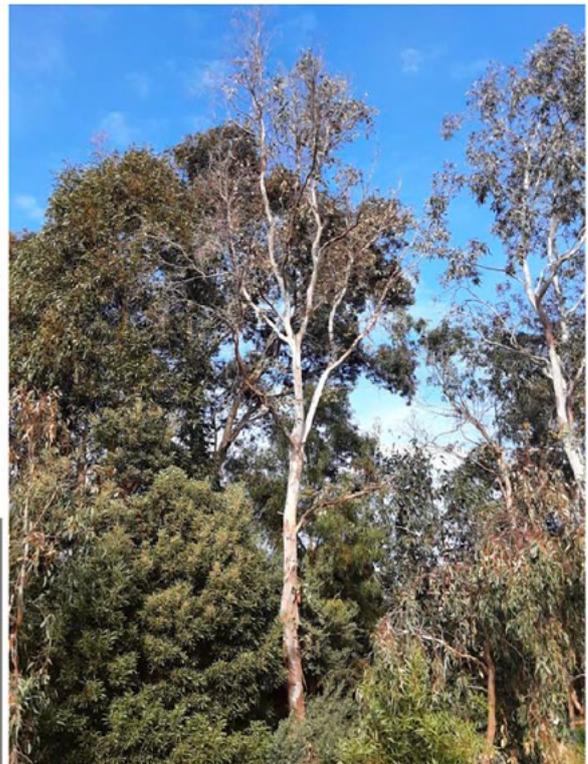
Their own arborist rated this tree as a one in Five Hundred Million risk of harm!

Asset ID:	1316
Botanical Name:	<i>Eucalyptus camaldulensis</i>
Common Name:	River Red Gum
Origin:	Indigenous
Age:	Semi mature
Height & Width (m):	12 x 4
DBH (cm):	26
Health:	Poor
Structure:	Fair
ULE:	Less than 5 years

Works: Removal

Comments

Failure Potential:	3. Moderate
Failure Size:	4. 26-100mm
Target Rating:	5. Human Occupancy, 2min/week to 1min/month
Risk of Harm:	1 in 500000000
Risk Category	Very low



(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

(a) a permit to develop is issued and

(b) 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.

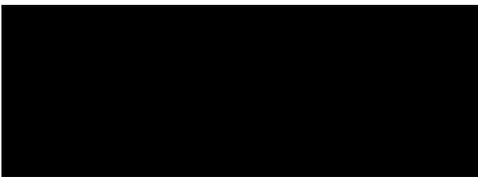
For example, one house has been flooded for 11 years, whilst Melbourne Water dithers. Damage amounts to hundreds of thousands of dollars, but all they can say is - if the nearby land is developed, the developers will have to install a new drain.

They neglect to say where the water will then go.

**Whoever solves all these issues will receive
6,000+ votes in Dingley Village alone.**

Residents should have a say in major changes to their area and environment.

Yours faithfully



Kevin Poulter
President
Save Kingswood Group inc.