

**Submission
No 179**

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

Name: Name withheld

Date Received: 31 January 2022

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withheld

Inquiry into the protections within the Victorian Planning Framework

[REDACTED]

Organisation Name:
Your position or role:

YOUR SUBMISSION

Submission:

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FILE ATTACHMENTS

File1: [61f7aaec0bdb9-Vic Parliament InquiryJan2022 Planning and Heritage.pdf](#)

File2: [61f7aaec0ca61-AFR 31 May 2021 Victoria lags after decade of decline.pdf](#)

File3: [61f7aaec0d6ec-Thrown in a loop How Daniel Andrews' biggest project was cooked up behind closed doors.pdf](#)

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Submission to the Inquiry into the protections within the Victorian Planning Framework

Victorian communities are now paying a high price for an inadequate and weak planning system which is being well and truly exploited – not just by well-resourced private developers – but our own State Government.

This State Government has exploited the Ministerial discretion and overridden any pretence of planning democracy that previously existed in our state planning system.

This is being illustrated by the current anti-democratic “Big Build” which – coupled with unchecked population growth in pre-pandemic years – is continuing to lower Victoria’s standard of living, as measured by per capita income growth:

Victorians under the Andrews Labor government have become poorer than all other states and territories except South Australia, after years of weak household incomes, deteriorating economic growth per person and poor productivity, a devastating new analysis by leading economist Saul Eslake reveals. ([AFR May 31, 2021 – full article attached](#))

Short term Politics Renders long term strategic policy meaningless

Communities around Melbourne and in regional areas have literally worked over decades through local and state government planning processes to ensure that long term strategic policy reflects the values, heritage and needs of these communities.

But these long-standing policies are now being trashed by Ministerial overrides which make a mockery of democratic planning processes and are remaking our communities into concrete jungles, devoid of any character or greenery while drastically reducing liveability and amenity.

There are many examples of this in recent years in Melbourne:

- the way in which level crossing projects have been managed and imposed on our local suburbs, including the project’s ability to override long term environmental impacts to internationally listed RAMSAR wetlands in Edithvale;
- the M11 extension, otherwise known as the “Mordialloc Bypass” which has brought concrete freeway overpasses to local suburbs better known for trees and wetlands, not to mention its outrageous incursion in the unique and environmentally significant Braeside Park.

But it has got a lot worse for the South East of Melbourne, as the Andrew’s government now wants to place an industrial-sized train stabling complex in Heatherton, in Kingston’s Green Wedge, once again overriding decades of strategic planning policy.

How to destroy decades of strategic planning over an evening dinner with mates

In the case of Heatherton, in Kingston’s Green Wedge, the strategic policy story begins way back in the pre-1970s when planners with forethought imagined the needs of a growing city:

The Future Growth of Melbourne (1967): The 1967 Future Growth of Melbourne report by the metropolitan planning authority drew the first concept plan of Metropolitan Melbourne's growth corridors and "areas in which special protection may be needed", including the area covered by the proposed location of the Stabling Complex. "Planning policies relating to the areas in which population is established must therefore recognise their needs and at the same time ensure that the needs of urban populations for relief from urbanity are satisfied."

Planning Policies for Melbourne Metropolitan Region (1971): This reinforced the 1967 observations on the merit of the green wedge concept, noting that within the defined wedges it is not intended that urban development should take place. "It is desirable that non-urban areas should include maximum portions of areas, which contain significant landscapes and habitat, have historic or scientific interest, significant agricultural resources, water catchments and flood basins."

The three metropolitan strategies of 1981, 1987 and 1995 maintained the protection of the green wedges.

Melbourne 2030: introduced the Urban Growth Boundary and the new Green Wedge Zones as new planning scheme provisions to secure the protection of metropolitan green wedges. These reports recognised the valuable mineral resources of the Kingston Green Wedge and the extractive industries that would/were taking place, which were followed by landfill industries, but strategic policy recognised that these would all have finite lifespans and that a future plan needed to be put in place to balance future needs of a growing urban Melbourne and the demand for very different social and environmental outcomes.

The Non-Urban Areas Policy (Clause 21.10) recognised this and set out clear objectives for the green wedge: namely to protect and enhance environmental values; protect agriculture; protect and develop the scenic and landscape values of non-urban areas; to provide for open space and recreation; and protect the viability of extractive and landfilling industries (and the Moorabbin Airport).

In more recent years, we have had the Kingston Green Wedge Management Plan and following this the C143 Amendment. The Kingston City Council worked for many years to develop and implement the Kingston Green Wedge Management Plan, which included extensive consultation with the local community who voiced their preference for waste management activities to be finally phased out of the Green Wedge once landfills were capped. This included the re-zoning of the area which includes the Andrews Government's choice for the SRL Stabling Complex site to Green Wedge A Zone.

In 1994, the Chain of Parks idea was formalised in the report, Sandbelt Open Space Project, which recommended a series of parklands stretching from Warrigal Road, Heatherton to Springvale Road, Dingley. Successive councils and state governments, and the community have supported the concept of a Chain of Parks since it was first suggested and the development of Karkarook Park was an important catalyst project.

The most important thing to happen for the local community – and very patient residents – was the Green Wedge Management Plan in 2011- 12. It gave the opportunity for residents in the area and land owners in the green wedge to voice their concerns and hopes for the future. This was significant because in the years prior to this the council was split – the issue of the green wedge

highly divisive – and there were people who were captured by minority landowners who were landbanking and lobbying heavily for a change in zoning to reap the one-off windfall gains that could come from subdivision.

The Green Wedge Management Plan was also important because it signalled to State Government that the local council and community was getting its house in order in terms of putting in a transparent process to plan for the future of the Kingston Green Wedge. Needless to say, in these consultations the community was very clear: phase out landfill activities and transition to the Chain of Parks promise. This process was finalised in April 2012 when the final report was released. But the uncertainty for local residents didn't end with the Plan and its adoption by Council. Key parts of it had to be implemented to ensure that we weren't continually campaigning against waste and recycling operators who were seeking to extend or expand their operations.

In fact, when another application for a concrete crusher occurred in 2013 many residents had objector fatigue – they were worn out by the constant uncertainty. They couldn't understand why they needed to justify their concerns for health, amenity, safety, quality of life – basic rights of other residents in other areas – year after year.

Council was well aware of this problem so they made progress to implement action plans from the Green Wedge Plan – the most important of these was to re-zone the areas where waste activities dominated from Special Use Zone to Green Wedge (the C143 Amendment). This was the final nail in the coffin for landfill operators that were reaching the end of their active life and were considering extending/expanding their operations.

But the State Government has the power to override planning policy, irrespective of how long and considered the policy process has been.

Now Kingston residents are faced with all this strategic policy being set aside and overridden by a decision taken by the Premier to build the SRL with no reference to any Planning or Transport strategic policy; not even the relevant departments were involved:

Originally codenamed Operation Halo, this was an infrastructure project so secret that board members of the government agency responsible for its delivery knew nothing about it until it was announced and the senior transport bureaucrat working on its design was legally gagged from telling his boss. All but a handful of government ministers were also kept in the dark. – The Age August 15, 2021 (see full article attached)

Another key outcome of this opaque and unilateral policy process is that projects are poorly planned, executed, have records of running over time, over budget with extensive impacts on communities for many, many years:

An infrastructure program lacking micro foundations described by the Victorian Auditor General as overestimating benefits, underestimating costs, and deficient in technical standards (such as engineering standards and network integrity controls). – AFR 24 May 2021 (see full article attached)

Politics is overriding decades of strategic policy planning and another key feature of this process is the use of Planning Panels by the Planning Ministers to achieve political ends. This is done by using ridiculously tight Terms of Reference which mean that Panels must look at the issues with a very narrow focus which is usually – approve project at all costs and focus purely on mitigation and inappropriate and inadequate offsets.

A key example of this was the *Clarinda Recycling Facility Advisory Committee*, held in 2020, which the local community thought was about ensuring that a concrete crushing company which was now operating a business which was zoned a “prohibited use” could not extend its permit, but became a debate about how that same company could meet its contractual obligations to the State Government to provide for building materials to its infrastructure pipeline.

This highlights another serious problem with the planning process, and that is the issue of conflicts of interest.

Conflicts of interest and self interest

There is something wrong with State Planning policy when the planning rules which apply to everyone else do not apply to State Government contractors. This appears to be the case for contractors involved in the so called “Big Build” – Delta, Lantrak, and Alex Fraser Group – who all operate in the Kingston Green Wedge and will benefit from the SRL construction phase and in particular its close proximity to their green wedge operations. In 2020, the Minister for Planning granted a 15 extension to an interim permit for the Alex Fraser Group. This was despite the company being on notice to relocate for years and the C143 Amendment (approved by the same Planning Minister) rendered their activity a “prohibited use” in the green wedge. The SRL stabling location was yet to be announced but at this hearing their expert witness relied on the future SRL work to help justify this request for an extension to their permit.

Delta (whose land will be used for the stabling yard) and Lantrak are also major contractors for the Big Build. Lantrak brings Metro Tunnel soil and spoil to their Clarinda site on Old Dandenong Road and is responsible for the return of heavy trucks hurtling down Kingston Road and dust from stockpiled soil. Delta too carts soil into their site on Kingston Road and following the rezoning of their land under the C143 Amendment, both companies can now be sure that they will be able to sell the land to the State Government which couldn't be developed for anything else.

Consultation

The other key characteristic of this non-democratic approach to planning in Victoria is the appointment of Authorities which keep Ministers at arm's length from their communities and render local MPs absolutely redundant in their role as local voices in the State Parliament.

Instead, this “clever” government uses the Authority – whether it be a Level Crossing Authority, or the SRL Authority – to set up Precinct groups so consultation can be stage-managed and frustrated.

In the case of the Heatherton and Clarinda communities (the most heavily impacted by the proposed SRL East), not only was there no Precinct Group, they were forbidden from joining the Cheltenham Precinct Group (or any other for that matter).

Not that this would have made any difference, as all members of the Cheltenham Precinct Group had to sign a confidentiality agreement, which meant they were not allowed to speak to their communities about what was discussed at these “consultations”!

Conclusion

This approach to planning is:

- completely destroying community confidence in the planning process
- destroying the key character and liveability of our suburbs and city
- destroying important urban ecology and urban biodiversity
- destroying the role that Green Wedges play in providing connectivity and respite for species, particularly in the event of bushfires and other climatic events
- destroying any chance of green wedges playing an important role in future climate change mitigation e.g. reducing urban heat stress