

**Submission  
No 213**

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

**Organisation:** Protectors of Public Lands Victoria Inc.

**Date Received:** 6 February 2022

## Inquiry into the protections within the Victorian Planning Framework

Ms Fiona Bell

**Organisation Name:**Protectors of Public Lands Victoria Inc.

**Your position or role:** President

### YOUR SUBMISSION

**Submission:**

Submission attached

### FILE ATTACHMENTS

**File1:** [61ff3a580d00d-ParliamentaryFinal 3Inquiry Vic.PlanningFramework.docx](#)

**File2:**

**File3:**

**Signature:**

Fiona Bell



## **PROTECTORS OF PUBLIC LANDS VICTORIA INC.**

PO BOX 197, PARKVILLE VIC 3052

### **Submission by Protectors of Public Lands Victoria Inc (PPLVic.Inc)**

**February 2022**

*Our guiding principle is never to forget that significant public lands do not belong to the Government of the day, they belong to the people. Governments must keep these lands in public ownership and control for present and future generations, properly conserved and managed.*

*Let us also acknowledge the Traditional Owners of these lands and pay our respects to their Elders, past, present and emerging.*

The **Protectors of Public Lands Vic. Inc** welcomes the opportunity to participate in this **Inquiry into the Victorian Planning Framework**.

#### **EXECUTIVE SUMMARY**

This extremely important Parliamentary Enquiry highlights the many failings of the current system and on the conflicting issues and motivations of all who are involved in the Victorian Planning Framework.

There are many vital issues. Heritage is important and an economic, social and cultural driver for tourism, and for local appreciation of place and history. It is often greatly undervalued and poorly protected. Many important historic buildings are demolished and others retained with just a facade. There appear to be conflicts of interest behind some heritage losses. New developments are favoured and planning laws weak.

Environmental sustainability and vegetation protection is also undervalued and frequently overlooked and disregarded, despite the recognition that Climate Change is a threat to the world.

International travellers recognise heritage, including that of our First Nations people, as a strong motivation for visiting Australian cities, villages and regions. There are gaps in the World Heritage protections and we

highlight some of these in relation to the Royal Exhibition Building and Carlton Gardens.

There are gaps between the laws for protection of local heritage, Victorian Heritage and Federal issues, and difficulties in how referrals are made under the EPBC Act.

Ministerial call-ins occur frequently and allow for no possible opposition or consultation. They deny the citizens a right to information or comment.

It is hoped that this Inquiry will start to clarify these and other issues and will be continued by the subsequent Parliament.

## **INTRODUCTION**

This has very broad terms of reference, all very important, however some not directly within the purview of our organisation.

We have a major interest and knowledge of issues related to:

### **(2) Environmental sustainability and vegetation protection.**

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

- (a) mandatory height limits and minimum apartment sizes;
- (b) protecting Green Wedges and the urban growth boundary;
- (c) community concerns about VCAT appeal processes;
- (d) protecting third party appeal rights;

(e) the role of Ministerial call-ins;

### **(4) Protecting heritage in Victoria,** including but not limited to —

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

## **DISCUSSION**

The point of this inquiry is to look into the adequacy of the Planning and Environment Act of 1987, and the Victorian planning framework regarding planning and heritage protection.

The Planning and Environment Act anticipates change, which must be achieved in an orderly manner and an environment which needs protection. Changes incorporate growth of the human footprint and human activities. These replace the natural environment and at a later stage they change or replace the already built environment.

The Planning and Environment Act assumes that the built environment as it expands is subject to certain controls and that these controls are in the public interest both in the present into the long-term future.

The effect of the built environment on the natural environment means that they are appropriately paired in the Planning and Environment Act.

The early planners of Melbourne assumed that the city would grow in population. They gave us a very liveable city by providing parks, open spaces and space for future traffic. Now there are population levels and activities they could not have imagined in detail, yet they planned for future changes.

Since some of these issues were last reviewed 35 years ago, in 1987, there have been enormous changes, including those caused by Climate Change. This has, among other things contributed to increased flooding and bushfires. There is now increased use of plastics, more pollution, more deforestation and huge population increases. Additional population requires more housing, more foods, more waste disposal and more clearing of land and reducing vegetation and therefore massive effects on wildlife populations. The recent COVID pandemic has also created many changes.

This review will be quite short lived and finish with the election in approximately September 2022. We hope the review will be continued by the next Parliament as it will reveal the heart of our society, and govern the way people live, work and play, and determine what heritage and wildlife is left for the next generation.

## **FUTURE DEVELOPMENTS AND NECESSARY REFORMS**

Over the last 20 years successive state governments have issued various planning blueprints to accommodate population growth. Year after year Melbourne was accommodating around 100,000 extra people per year. There has been a recent pause only because of Covid -19. Inevitably the changes required to accommodate rapid population growth have necessitated a down-grading of amenity through more crowded suburbs, more traffic and a terrible loss of tree canopy cover on both public and private land.

The rate of change has eroded our democracy. Significant changes to people's environment imposed from a government authority are almost always distressing. These sorts of changes include - loss of parkland, change of use of parkland, densification of suburbs, loss of tree canopy (just as our suburbs are getting hotter

and exacerbating this), loss of natural areas in the suburbs, pressure on Green Wedges, loss of farmland, disruption and expense from replacement of infrastructure, constant building works, including those to create new roads and freeways and upgrade public transport. There is some pressure for some people, especially older people, to relocate from their family homes, and more people have moved to country areas due to an ability to work from home. This has not always been what they wished to do but due to economic necessity.

Planning should be about ensuring an optimum degree of amenity and liveability, which in reality means limiting density, including the heights of buildings as more people move into apartments rather than houses. It also involves availability of transport, open spaces and all amenities.

The planning system should provide a guarantee that density will remain reasonably constant. If it does not the community is under stress and in serial battles against the erosion of their amenity. This takes up their time and energy, which they could be giving to enhance their community and family lives. This is the opposite of what has happened in recent decades where planning has been about increasing density.

There has been a lot of SPIN from various state governments to persuade people that density where they live must be increased to accommodate population growth. The stress of this is supposed to be ameliorated by having input into how this is done. Thus residents become part of the plot to degrade their own urban and suburban environments. They are damned if they do and damned if they don't. Various online consultation avenues are now made available which replace the tables and butchers' paper of 20 years ago

Both exercises can be unrewarding and there is rarely any indication that anything the average person says is actually listened to, let alone acted on. Much so-called Consultation is disregarded. Matters have quite often already been decided on by governments and public servants and the consultation is just for show.

Planning a liveable future means firstly, an agreed upon vision and then a plan to get there. We need to maintain the essential values of the vision whilst ensuring that it remains recognisable.

## **RECENT ACTIONS AND CONCERNS**

Our organisation has been recently involved with Green Wedges, freeways, public transport issues, developments within parks, Ecosystem Decline, the World Heritage Management Plan and developments within the World Heritage Environs Area. We have also been involved with other issues related to preservation of local and National heritage values as well as World Heritage. Many issues have arisen related to planning and the desire for developers to disregard Heritage values over big developments and making money.

There seems to be a structural imbalance which favours new development and often disregards or undervalues heritage issues. Some policies are written by the same people and/or company who then represent conflicting sides for councils, developers. This means the advisers write the rules and make the decisions.

**There are suspicions that some Councils may support developments involving considerable infrastructure due to a strong development bias or possibly involving conflicts of interest.**

Councils can find it difficult to amend planning codes and the State Minister for Planning has the last word and can approve and deny various developments, including mandatory height limits.

The issue of affordability of housing, including rental costs and inadequate provision of social housing is important for our society.

We will point out some particular areas of difficulty with planning issues relating to recent involvement by PPLVic.Inc.

**(2) Environmental sustainability and vegetation protection.**

**PPLVic.Inc** supports the State Government's target to significantly reduce the state's greenhouse gas emissions. Climate change is an enormous threat to all people and also to cultural heritage, and biodiversity. The retention of trees and valuing their cooling effect on the urban heat island effect is vital.

Some very old and significant trees are removed from many development sites, to make way for buildings, roads and rail development. This is reducing habitat for birds and animals as well as depriving the countryside, towns and cities of the cooling effects of the lost vegetation. Permits are easy to obtain.

Often there is talk of replacing a removed large tree with several small ones, however when old trees, maybe 100 years old are removed it takes another 100 years for the so-called replacement to grow. Meanwhile hollows found in old trees are not available as habitat for wildlife.

Numerous trees have been removed from many areas, including around 100 heritage trees in St Kilda Rd. to pave the way for the Metro Tunnel project.

Farmland gets **rezoned** and turned into housing land in country towns and suburban areas. Forested areas on farmland have trees removed and the penalties are small. There are severe effects on some animal populations and along with bushfires, we have seen a devastating effect on many animal and bird populations as their habitat is destroyed and populations become isolated from each other. This can weaken the populations due to inbreeding and lack of genetic diversity in an area,

**Inadequate tree protection and inadequate penalties.**

Roads are given priority over environmental issues in so many cases. A recent "lost cause" for us was the **Mordialloc Freeway** where the road took priority even over RAMSAR wetlands.

**See submission and information below. Also Age articles about Caulfield tree destruction.**

1. Protecting **Green Wedges** and the urban growth boundary;

This needs to be a priority in Melbourne as it expands due to increasing populations. Green Wedges have in places been reduced, built on and used inappropriately. This will cause long term problems for Melbourne. The Mordialloc Freeway went through the Green Wedge.

Please see attached submission from **Michael Buxton**, Professor of Environment and Planning at the school of Global, Urban and Social Studies RMIT University.

This was written for the 2020 DELWP consultation on Green Wedges.

- (4) Protecting **Heritage** in Victoria, including but not limited to —
- (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) (f) the role of Councils in heritage protection;
  - (g) penalties for illegal demolitions and tree removals;
- (5) ensuring residential zones are delivering the type of housing that communities want

## **Heritage**

We have concerns about local heritage, Victorian Heritage Registered and World Heritage. Different rules, criteria processes and laws apply for each.

There are gaps in local protections, and between local and state heritage protections.

The **National Trust** is extremely knowledgeable but is not a statutory body, so although it may greatly value a property, that does not protect it by law. It can be a long and difficult process to have a heritage place recognised and protected by law.

The appointment of independent local and state heritage advisers could be beneficial here and the National Trust could be one of these advisers.

Numerous wonderful heritage buildings are lost every year in Victoria. In the suburbs of Melbourne we see spacious old houses demolished and a block of flats then replaces them. The character of suburbs is changed.

Heritage buildings are undervalued and not repurposed as would be possible in many cases. They are demolished so that the developers can make a lot of money and so that there is greater density of housing. Some demolitions may be necessary, but not of buildings with identified heritage significance.

Other buildings are demolished except for the front room or two rooms leaving a mere facade as a glimpse of what the heritage used to be. Sometimes there are ambiguous council regulations. There could be a Heritage Overlay to protect the building but a DDO that allows for multi storeys.

In many suburbs the Council Heritage dictates that what is built on the back of a heritage home has to be very different and instantly recognisable as being new. This can end up with the frequently seen addition that resembles a black shipping container tacked onto the rear of a lovely heritage home. Is this strictly necessary? Could an addition that blends in and complements the old often be a better way?

**Illegal demolitions**, such as the Corkman Irish Pub, 2016, often result in very small punishments for the developer and little incentive to not do the illegal demolition. This was a mere “slap on the wrist”.

Another issue is **demolition by neglect**, where buildings are abandoned, vandalised and not maintained which later results in their falling down or burnt down, often by vandals and squatters.

Some councils do not have a Heritage advisor and it is left to Planning officers to deal with heritage matters. This is often not done well, due to lack of training and knowledge, and therefore heritage values are not recognised or protected adequately.

The suggestion of establishing a **heritage tribunal** to hear heritage appeals could be very beneficial as those involved would have the specialist knowledge needed.

Local heritage, Victorian Heritage and World Heritage (WH) have lately intersected with results that we believe will significantly diminish the value of the World Heritage Environs Area of the **Royal Exhibition Building and Carlton Gardens**. There is currently a review of the management of the whole WH site and environs. PPL Vic.Inc has contributed to this review.

## **WORLD HERITAGE ISSUES**

There were many gaps in the existing protection of the World Heritage Environs Area of the Royal Exhibition Building and Carlton Gardens site and area in 2009 and we welcome the additional present proposed measures for protection.

PPL Victoria Inc. is impressed by the new suite of World Heritage Environs Area Strategy/Review documents released in July 2021, especially in relation to the urgently needed planning controls. These planning controls are urgently needed to protect the environs from inappropriate development.

It seems desirable however to add a little more to the DDO's and enhance some aspects of some City of Yarra suggestions and recommendations. Overall, we agree with the City of Yarra submission. There are some issues within the City of Melbourne area that need to be addressed.

## **OUTCOMES AND DIFFICULTIES THAT HAVE ARISEN SINCE SEPTEMBER 2021**

Since the last submissions made in September 2021, there have been some additional changes, recommendations some recent planning decisions concerning buildings within the WHEA.

Recent proposed developments within the WHEA have highlighted the need for additional laws, rules and safeguard for the WHEA.

### **St. Vincent's Aikenhead Centre for Medical Discovery ACMD**

The recent St. Vincent's Aikenhead Centre for Medical Discovery ACMD proposal is within the WHEA but is not within the previous demarcation of the WHEA Area of Greater Sensitivity. As a result, it seems to be exempt from the high standards needed for keeping the World Heritage values safe, in accordance with UNESCO rules.

There was a Victorian Planning Panel presiding over this development, rather than the City of Yarra which wished to not grant a permit. This Planning Panel seems to not give sufficient respect to the World Heritage Buffer Zone with this proposed development. This is directly across the road from the WH Carlton Gardens. As a result the proposal of the ACMD is taller, shinier and more ostentatious in design than the previous St. Vincent's building and we believe it will greatly detract from the Carlton Gardens.

In addition the **1890 Brennan Hall**, valued by the National Trust as being of **National Importance**, will be destroyed, except for the facade and a few meters behind, and it is part of the heritage environs that create a WH context for the Royal Exhibition Building and Carlton Gardens.

The land the St Vincent's occupies has had no specific height limit for the area of the WHEA. So the proposed new ACMD is practically 15 meters taller than the old building, and we believe will be visually dominating.

The Draft Yarra Planning Scheme change proposes some height limits, including a 46.5 meter height limit for this site. This would ensure the new ACMD was no higher than the present building.

This proposal, being within the WHEA is subject to the Federal Minister for the Environment ruling as to whether it is a "Controlled Action" under the EPBC Act. Before the Planning Panels met, a referral was made, but it was only for the demolition of the old building, and now in January 2022 they have referred themselves under the EPBC act concerning the proposed new building for which a judgement as to whether it is a "Controlled Action" is yet to be made. It seems rather odd that it is up to the developer to refer themselves under the EPBC Act.



Figure 2 Brenan Hall Front Façade

Another development, this time within the WHEA and the Area of Greater Sensitivity is the proposed building at **1-9 Gertrude St Fitzroy**. After 9 days at VCAT this 5-storey building, of 19.95 meters was approved, with minor modifications.

This was opposed by Yarra council and many others on the grounds that the local heritage was “low scale”, however without actual **mandatory height limits**, the VCAT case was won by the developer despite the proposed building being in a local heritage area as well as the World Heritage Environs Area.

Heritage Victoria was able only to write an objection to this development, and not appear at the subsequent 9-day VCAT Hearing. HV needed additional funding and legal representation which apparently was not forthcoming.

The VCAT approval is, for what we believe will be a dominant eyesore opposite the actual Royal Exhibition Building, rising up at the rear of the VHR Royal Terrace. This too will detract from the views both to and from the REB dome and gardens. The Promenade Deck of the REB will soon open and this new development within the WHEA will be dominating, too tall and unacceptable.

The 2021 Draft Yarra Planning Scheme now proposes a 9-meter height limit on that site, which would allow for protection of views both towards and from the dome of the REB. This was not a law at the time of the VCAT ruling.

This proposal, being within the WHEA and Area of Greater Sensitivity is also subject to the Federal Minister for the Environment ruling as to whether it is a “Controlled Action” under the EPBC Act. Up to now, in January 2022, they have not referred themselves under the EPBC act.

The Minister is aware of this proposed development and has been told that we believe that it will have a highly significant adverse effect on the World Heritage values of the environs area.

## REFERRAL UNDER THE EPBC ACT

Under the EPBC Act, all actions which may have a significant impact on matters of national environmental significance (defined as ‘controlled actions’) must receive prior approval from the Minister for the Environment (the Minister). Developers are supposed to refer themselves. This does not always happen. A developer may justify their non-referral by saying that although the action was within the WHEA it would not have a significant action. We believe that the **Shangri-La Hotel**, 308 Exhibition St, Melbourne, was built in the WHEA buffer zone but was never referred under the EPBC act. At 62 storeys high and promoted for its views over the Carlton Gardens, and looming over the Royal Society building, one might imagine there was an impact on World Heritage that should have been reviewed.



We are waiting to see if an EPBC referral is made for 1-9 Gertrude St Fitzroy.

It would be more sensible if all developments proposed for within the WHEA were referred under the EPBC act by another authority, such as Heritage Victoria, rather than the developer themselves.

## **ADDITIONAL WORLD HERITAGE ISSUES**

a. World Heritage management issues from steering committees have not been readily available to the public which means a **lack of scrutiny and transparency**. Minutes and agendas were previously published on the Heritage Victoria website but this practice ceased due to resourcing. The Steering Committee is reconsidering this practice and is likely to publish again in the future. The Steering Committee can regulate its own proceedings and is not required to report on its activities unless directed by the Minister. Heritage Victoria is currently reporting progress in relation to the overall World Heritage Management Plan review to DELWP and this should appear in DELWP annual reports.

b. We queried about the location of the reports on WH Royal Exhibition Building and Carlton Gardens including from Victoria to the Federal government and from the federal Minister to UNESCO. It appears that there are not requirements for regular reporting.

Nor is it clear how the WH Committee relates to the Australian Heritage Council, given it seems the City of Melbourne's TOR are limited to World and National Heritage.

Overall, there is difficult for people to access accurate information about the World Heritage Royal Exhibition Building and Carlton Gardens, and communication between the City of Melbourne, which controls the Carlton Gardens, state heritage, national heritage and UNESCO is also unclear.

## **VHR issue with Royal Park**

In 1854 Royal Park was 625 hectares and now it is approximately 170 hectares as various developments including hospitals and housing have greatly reduced its size since its inception.

We have had many recent issues with Royal Park and proposed developments. There have been many developments, including some by decree of the minister including the State Netball and Hockey Centre and the Commonwealth Games Village.

Below is an example of more erosion of the heritage value of Royal Park.

### **1. October 2020. ROYAL PARK, FLEMINGTON ROAD, PARKVILLE PERMIT APPLICATION P30681**

Construct new electrical substation, demolish existing amenities building, relocate tree & associated works

Submissions to be made to the Department of Environment, Land, Water and Planning.(DELWP)

We wrote “ We are appalled by the proposed addition of a large and ugly edifice that is the proposed tramway electric substation. It would dominate this section of Royal Park. It is an edifice with an entirely new and industrial use within the park. We do not deny that a substation is needed for the larger trams to function in this area, but challenge that it should be in a historic and heritage park.



Artist's impression: North-west view

**VHR H2337 Statement of Significance, Criterion E, recognising: The park landscape provides significant internal and external vistas.”**

Alternative sites for the substation were available but would have had to be purchased, and this site in Royal Park seems to be considered Free Land, that was not very valued. It was considered that the new substation did not detract greatly from that area of park, and besides, it is a big park so that did not matter very much. A permit was granted with just a change of brick colour.

**Heritage was not valued.**

**Wattle Park** is another VHR park threatened with inappropriate development. (2022) There are plans to fill it with more paved roads and inappropriate infrastructure that is not in the Master Plan.

**Fawkner Park** (late 2021-2) is another example of development involving removal of trees, changing historic paths and paving an area of green open space as a basket ball and skating area. This has reduced the Heritage values of this VHR park and these were done with little consultation and contrary to the Master Plan.

Other developments in many areas have been built as there was no specific height limit for the area to stop the tall buildings, that many have seen as inappropriate, from being built.

**2. Concerning Ministerial call-ins.**

There is no possible opposition when the Minister decrees a certain development is going ahead. These happen quite frequently and involve the building of new roads and freeways, new railway lines including the

underground loop and rail to the airport. They also involve the new sport developments, such as the development in Ikon Park, in Princes Park Carlton North. Primarily this development is supposed be a home for women's football and base for the Carlton Football Club. What was once a local football ground becomes a rebuilt stadium with tall MCG style lighting for broadcasting sport or anything else. There was zero consultation for this development, using at least \$35 million of public money. Total cost projected to \$50 million. The lack of consultation with any residents nearby for the use, traffic, or parking is alarming.



- **VCAT for Planning Issues** is often out of the reach of the average citizen. Many people find it very intimidating to go to a tribunal. There are fees to pay, and a great deal of legal and planning knowledge is required.

Increasingly lawyers, planners and even QC's are employed to defend cases of people and companies with considerable funds. It is not just a civilian tribunal any more but is often very expensive and requires considerable professional input.

People who appear without legal representation may be not taken very seriously. They have less chance of success when opposing someone who is legally represented as they have less legal knowledge.

## Conclusion

Planning laws are supposed to protect our environment and heritage. Once heritage, trees and nature and wildlife is gone it is gone forever, never to be appreciated by future generations. Heritage buildings can be preserved, adapted and reused with current safety standards. Protecting and preserving heritage does not mean a lack of progress, but doing it a bit differently or in a different location for the betterment of society.

Fiona Bell

President, Protectors of Public Lands Victoria Inc,

## References:

### Objection to proposed Mordialloc Freeway

13/3/2019

I am Fiona Bell, making this submission opposing the proposed Mordialloc Freeway on behalf of of Protectors of Public Lands Victoria Inc. which is a coalition of over 80 groups dedicated to protecting and maintaining sites of environmental and heritage significance.

### Grounds for opposition of this proposal:

#### 1. Alienation of public parkland and reduction of green open space.

The proposed Mordialloc Freeway would cut through the precious **South East Green Wedge** which is adjacent to Braeside Park. Green Wedges were designed to preserve agricultural land and protect the natural environments of the areas. Melbourne is a sprawling city with an increasing population of people who often live in houses or flats with little or no gardens.

Parks, gardens and open spaces are very precious, and are increasingly being shown to be very important for both the **mental and physical health** of people in cities. They encourage exercise, many other interests and social interactions.

The Mordialloc Freeway would take over 150 hectares of what was green open space and waterways and this also contributes to the **heat island effect** in our increasingly warming world due to climate change. The removal of approximately 1,000 trees for this freeway construction would be very regrettable. Trees remove carbon dioxide from our increasingly polluted planet. Some endangered floral species would also be removed including Seasonal Herbaceous Freshwater and Natural Damp Grassland.

Also adversely affected would be the nearby nurseries, and market gardens providing plants and fresh food for Melbourne.

The massive cost of \$375 million would do little to alleviate congestion on the roads and is likely to cause additional traffic problems on nearby roads, as well as increase noise and air pollution.

## 2. Negative effects on the ecosystem flora and fauna.

The land affected by the proposed Mordialloc Freeway is very special. **Braeside Park** itself is a wonderful park that has over half a million visitors a year. Braeside Park includes wetlands, red gum woodlands and heathlands. It is highly valued in the community and many runs, events, and social functions occur in this natural bush setting and nature loving and watching groups go there. Dogs and other pets are not allowed because of the need to protect the wildlife it contains.

It has great biodiversity and unique flora and fauna. It is home to many native plants and trees, as well as animals including echidnas, possums, bats, fish, frogs, reptiles, and eels and numerous bird species, some extremely rare. In addition, there are also many species of insect, worms, crustaceans and molluscs, and these provide food for some of the species mentioned above and are essential to the ecosystem and web of life.

There are many wetlands along the path of the proposed Mordialloc Freeway and these are very likely to be adversely affected by both the construction process and the finished freeway. There is risk of damage and a major environmental impact on the flora and wild life they contain. The wetland components including Waterways Wetlands, Woodlands Wetlands, Braeside Park wetlands and the nearby Edithvale Seaford wetlands (RAMSAR listed and of designated of International importance) are all basically part of the ancient Carrum Carrum swamp and rich in wildlife.

There are at least 2 threatened bird species and numerous other rare birds that frequent the area. The wetland dwelling **endangered Australasian Bittern**, and the **critically endangered Curlew Sandpiper** migrates from Siberia and comes to Australia in our summer. Threats to them include loss of feeding and roosting habitat, fragmentation of sites, human disturbance and pollution. [Ref Australian Govt. Dept. of Environment and Energy](#) The proposed Mordialloc Freeway would cut through an important part of many rare birds' territory. The risk of pollution of wetland water from the sinking of the pylons, lights, traffic noise (despite the acoustic barriers), likelihood of more cars hitting and killing birds and animals, and of traffic accidents causing more pollution due to oil and chemical spills all pose an unacceptable threat to the endangered species, and other species in this area.

### 3. Noise and Light Pollution

Noise from the proposed freeway will impact the lives of people as well as wildlife, despite acoustic barriers beside some parts of the proposed Mordialloc Freeway. The proposed absence of acoustic barriers near Braeside Park would adversely affect park visitors and wildlife. Acoustic barriers, if in place, however, would be visually very ugly and ruin the landscape and ambience of the park.

The **lighting** on the proposed Mordialloc Freeway will also have major impacts on both human and wildlife populations. Birds, including the numerous migratory birds and nocturnal animals will be disrupted by extra light above and near the freeway and roosting and nesting will be affected near the freeway due to both noise and light.

The proposed 9 KM Mordialloc Freeway with on and off ramps and bridges will encroach on and adversely affect the parklands and wetlands it goes through. It will also serve to divide the different bodies of water and this is a problem for birds to **lose the connectivity between the areas**. It will restrict the flyways of some birds because they will be deterred by noise and light of the freeway and also risk being struck by cars if they do fly over it. They are very unlikely to fly under it. The area under the roadway will be in permanent shadow which will change the ecology of the water and plant life underneath with unpredictable consequences.

**Richard Loyn**, environmental ecologist, gave his expert evidence regarding the ill effects on birds and the environment of the proposed freeway.

### 4. Water Contamination

There is an unacceptable risk of groundwater contamination, which would have a very adverse effect on all the nearby wetlands. The construction of the Mordialloc Freeway involves drilling into acid sulphate soils and the landfill sites in the Dingley area in order to sink pylons. The landfill site used to be a refuse tip and contains any number of pollutants which are poisonous, and these could also react with acid sulphate soils and cause additional serious contamination of the groundwater of the wetlands. This could flow on to contaminate Mordialloc Creek, Edithvale Seaford wetlands and later Port Phillip Bay. Contaminants include those from industrial sites and include heavy metals and phenols. Road accidents on the freeway could also provide additional contaminants.

Already it has been found that there is pollution of the groundwater in the landfill area including benzene, boron, nickel and zinc. It would be disastrous for humans, flora and fauna if the ground water was significantly poisoned by pollutants due to the pylons. The status of RAMSAR listed Edithvale Seaford wetlands would also be at risk.

### 5. Air Pollution

**Air quality** will decrease with increased numbers of vehicles on the proposed freeway. More vehicles would include large trucks with diesel engines. Cycling and

walking paths next to the freeway seem to be a very unhealthy proposition especially with the inhalation of fumes including small diesel particles. The suburbs adjoining the freeway will also be affected adversely in their air quality.

The proposed Mordialloc Freeway with its bridges and acoustic barriers will look very unattractive and detract greatly from the landscape and natural beauty of the area, as well as causing problems for flying birds.

## Summary and Alternatives

The proposed Mordialloc Freeway poses an unacceptable risk to the local environment, people, flora and fauna on what is a very environmentally sensitive area

The Inquiry and Advisory Committee has a great deal of detail from the many scientific assessments, as well as opinions from environmental and community groups and individuals who have written submissions opposing this development project.

The Environmental Effects Statement (EES) indicates that there are still many serious possible hazards associated with this project.

Public open space is very precious and we are custodians of it. I and many others believe it is sheer folly and dangerous to our environment to build this freeway which takes large areas of public open space.

There are many suggestions about how to improve traffic flow with existing roads and also how to improve the **public transport** in the area so people will need to drive less often. New bus routes could be in place and the frequency of the bus services improved. Footpaths and bicycle paths and lanes could be improved and upgraded which would encourage more walking and cycling. The \$375 million dollars for this proposed Mordialloc Freeway could be far better spent on those alternative projects for a more sustainable Melbourne. We have also not yet seen the **business case** for the Mordialloc Freeway. The claim of saving "up to 10 minutes" is highly debatable and a tiny saving anyway.

The proposed Mordialloc Freeway land reservation would be better utilized as more open space and Green Wedge land. The abandonment of the Healesville Freeway has resulted in the Healesville Freeway Reservation being transformed into parkland, open space and various public facilities and some housing. Mordialloc Freeway land could transform the area for instance by:

- Enabling the extension of Braeside Park across to include the Woodlands Wetlands and the adjacent red gum forest which is environmentally significant.
- Enabling the extension of the Waterways Wetlands to include the Freeway reservation.
- The triangle between the Freeway reservation and the Waterways suburb could become additional wetlands as I believe is desired by Melbourne Water.

More sustainable solutions are needed for Melbourne than the proposed Mordialloc Freeway.

**Fiona Bell**    **Protectors of Public Lands Vic. Inc.**

Mordialloc Freeway risks polluting water feeding to UN-protected wetlands, documents reveal

## **Mordialloc Freeway risks polluting water feeding to UN-protected wetlands, documents reveal**

By [Timna Jacks](#)

February 24, 2019 — 6.23pm

An elevated freeway that will slice up rare bushland in Melbourne's suburban south-east risks polluting bodies of water that feed UN-protected wetlands, government documents reveal.

Environmental groups are sounding the alarm over the 9.7-kilometre Mordialloc Freeway, a road linking the Mornington Peninsula and Dingley Bypass that will cut through the area's green wedge.

The \$375 million freeway set to carry 80,000 vehicles a day will soar above tranquil residential estates in Waterways and Aspendale Gardens and continue along the edge of Braeside Park, with a series of ramps connecting major arterial roads.

The area is renowned for its extensive park areas and wetlands, including the Edithvale-Seaford wetlands, which is recognised by the United Nations as an environmentally significant site.

But the health of the wetlands could be in jeopardy if the freeway is built, according to official documents that warn toxic chemicals underground could be disturbed during piling and excavation works.

A 7000-page government report on the impacts of the freeway set to be built by 2021 warns construction works could expose the soil, groundwater and wetlands to toxic chemicals from former landfills underground.

The "likelihood of encountering contaminated soil in landfilled areas is high", the document states.

"Given the nature of the construction works, disturbance of acid sulfate soil cannot be totally avoided."

The area's groundwater and wetlands feeds the UN-protected site, but the documents say the site itself will not be contaminated as it is 650 metres from the freeway.

The evidence will be presented during three weeks of Environmental Effects Statement (EES) hearings set up to examine the road's environmental impact, which start on Monday.

## **Green Wedges**

### **Comments on *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper, DELWP. 2020***

#### **Michael Buxton**

The context to this consultation paper reveals a failure of the Labor government to take timely action to maintain and restore the Bracks government policy direction towards green wedge protection. The Bracks government adopted an integrated policy, legislative and statutory planning package towards green wedge protection which aroused considerable international interest. This approach was characterised by: the expression of a strong policy basis in the main metropolitan strategic policy, *Melbourne 2030*, supported by two detailed and specific policy documents on the Urban Growth Boundary and Green Wedges incorporated as documents into relevant planning schemes; the insertion of green wedge protective policy into the State Planning Policy Framework; amending the Planning and Environment Act to provide legislative protection for an urban growth boundary and for minimum subdivision provisions through Part 3AA (Metropolitan Green Wedge Protection) requiring ratification of both houses of parliament for any change to the UGB or subdivision minimums in green wedge zones; and new green wedge zones designed to meet the specific requirements and needs of the green wedges and a broader Melbourne green belt.

The Brumby Labor government significantly altered the urban growth boundary in 2010 by excising 43,000 hectares from the green wedges for urban development with the support of parliament. The election of a Liberal-National coalition government led to significant alterations to the Bracks government integrated approach, mainly by deleting the Melbourne 2030 documents as incorporated documents, so significantly weakening the policy framework, and by weakening the protective provisions of the Green Wedge zone and the Rural Conservation Zone by expanding the number of urban related uses permitted in the

green wedges. The Labor government was re-elected in 2014 but until the release of this consultation paper has taken no action to restore the provisions deleted by the coalition government between 2010-14.

### **The 2020 approach**

The government made 2018 election commitments to permanently protect Melbourne's green wedges from 'overdevelopment' by strengthening statutory planning controls, clarify the definition of 'permitted land use' and establish permanent planning controls and legislation to protect and support agricultural land surrounding Melbourne

The paper proposes linking legislative policy provisions to planning and other legislative green wedge provisions, and legislative and ministerial requirements to prepare Green Wedge Management Plans and for their adoption. This repeats the Bracks approach, and therefore to be welcomed. However, it does not provide the same strong policy context as the 2002 policy provisions. One weakness of the 2002 Green Wedge Protection provisions was that they did not prevent the rezoning of land in the defined green wedges-green belt area to allow for uses that are prohibited in the current zones or to allow subdivision which is prohibited under Part 3AA of the Planning and Environment Act. This allows a minister to subvert the intent of the legislative protective provisions and should be rectified.

It expands the green wedge area to a 100km radius from central Melbourne comprising 12 green wedge areas across 17 municipalities as well as a broader peri-urban area that crosses 16 additional municipalities. It does recognise that Melbourne has a green belt not just green wedges though the expanded area is welcome.

The paper argues that existing policy and planning measures are no longer effective because of because of land speculation and pressure for farmland conversion including for urban related and rural-residential purposes. It argues that planning controls need strengthening to protect agricultural land and food production, prevent land use conflicts, protect natural features and related economic and health benefits and to provide for greater certainty.

The paper defines a long-term scenario based on the importance of protecting all agricultural land, maintaining food production, protecting biodiversity and the special quality of natural landscape features. It seeks to protect these values by strengthening legislative and planning controls and provide a more certain and consistent planning system to contain urban development within the UGB, protect agricultural production and prevent incompatible urban related uses. The document recognises the critical need to "give non-urban rural uses primacy, provide a non-urban break between urban uses of land and green wedges, and protect land in green wedge areas from inappropriate use and development" (p.13).

It recognises traditional values of green belt stated since the original MMBW policy documents: food production, water supply, natural habitat and contributing to an environmentally sustainable and liveable city, and as locations of important cultural heritage, tourism, recreation, open space, and mineral and stone resources. It recognises the importance

of continuing protection of these values from threats posed by increasing population and development pressures.

### **Non-urban policy**

The paper proposes to update state planning policy to clearly articulate the preferred outcomes for Melbourne's green wedges specifically by revising the objectives of Clause 11.01 of the VPP (Green Wedges: Metropolitan Melbourne) to include: 'To maintain the important non-urban purpose of the green wedges and avoid use and development that would adversely affect their future productive use or environmental significance'; 'to support preferred land uses and encourage uses that contribute to the non-urban landscape and character'. This policy framework is still significantly weaker than the Melbourne 2030 policy context. It is essential that a hierarchy of principles be established and that the primacy of non-urban uses is recognised as the fundamental policy principle.

### **Green wedge management plans**

The paper correctly identifies that not all councils have prepared these, that confusion exists over whether they are strategic land use or management plans, and refers to their inconsistent structure. It should also refer to their inconsistent quality.

### **Regional green wedge policy**

The paper seeks "greater certainty in policy, zones and planning provisions on the use and development of land in the green wedges. This will in part be addressed by the Plan Melbourne Implementation Plan, which aims to progress regional planning by developing Land Use Framework Plans for each of Melbourne's six metropolitan regions (Action 1)". It argues that "regional policies are intended to guide council planning, management and decision-making on green wedges within their municipality" (p 18). Regional differences exist between natural values and land uses in green wedge areas. However, greater certainty may be undermined by detailed regional plans which contradict state policy on green wedge uses and developments. Any regional planning must be consistent with state green wedge policy and legislative provisions.

The processes for Distinctive Areas of State Significance can actually act to weaken the intent of strong state controls. Localised Planning Statements are intended to be incorporated into the State Planning Policy Framework at clause 11.05-2 for Distinctive Areas of State Significance. These statements are not mandatory and contain qualified wording; boundaries can be changed through a structure planning process; development is to be balanced with conservation; tourism and other developments will occur on rural land.

Policy options for regional policy for Melbourne's agricultural land are often inconsistent with the protection of green wedge environmental and agricultural values. For example, they "encourage opportunities for growth and diversification of other activities complementary to agriculture that leverage the advantages of proximity to the city of Melbourne and its local markets; support the establishment and expansion of infrastructure that benefits agriculture; recognise the economic and employment contributions of Melbourne's agricultural land to

local communities, the region and the State of Victoria” (p 30). In particular, criteria to identify agricultural areas with strategic significance for agriculture include “existing land use and integration with industry – land that is currently used for intensive agricultural purposes or supports the viability of an agricultural area” (p 29). Such policies would suggest the inclusion of uses which are incompatible with rural uses, such as commercial uses, retailing, accommodation and the like. This focus is inconsistent with the policy stating the primacy of the non-urban land uses of green wedge areas (p 15).

### **Policy context**

The paper correctly argues that a strong policy context to protect agricultural land and natural values has not prevented loss of agricultural land for urban uses since “proposals to establish dwellings and other incompatible land uses in agricultural areas have been considered in a piecemeal and ad hoc manner” (p 29). This is because policy on its own is a weak form of control as ‘soft law’, and the use provisions in the zones allow for such incompatible development, particularly after the 2013 amendments to the green wedge zones.

### **Protection of agricultural land**

The paper highlights the importance of protecting all agricultural land, not just land deemed to be strategically significant to “mitigate further pressure on ‘non-strategic’ agricultural land” and to “ensure enough land is safeguarded for agriculture to ensure that Melbourne retains sufficient flexibility and resilience for future challenges to the city’s food production” (p 29). The paper proposes that all agricultural land be protected, a vitally important principle.

### **Right to farm**

The proposal for a right to farm provision is flawed in its current form. It does not include any requirement for right to farm legislation to recognise the importance of natural values on farm land and prevent farming to override protection of biodiversity, habitat and natural values. Such environmental issues extend well beyond those which are the concern of the EPA into a broad range of land uses. This section says nothing about land use provisions which are incompatible with farming or which are used to intrude on long term farming activity, such as the impact of second houses or excisions. The statement “the best way to protect the right to farm is to prevent incompatible uses and development from establishing in agricultural areas in the first place” (p 31) is accurate but is not reflected in the option.

An alternative to right to farm legislation is the declaration of agricultural areas as long term primary land use areas which exclude all non-rural related uses. Such a declaration gives primacy to food production over non-urban uses and reorients attention from the need to protect agriculture from an expanding urban area to the permanent exclusion of urban related uses from the declared agricultural zone.

### **Rural subdivisions, and dwellings on rural land**

The paper's proposals to extend the legislative controls on subdivision currently in the green wedges to agricultural land within 100 km of Melbourne is a major contribution to the protection of farming (p 38). Similarly, the proposal to prohibit the creation of a lot for an existing dwelling that is smaller than the minimum lot size would prevent the incremental creation of lots for existing multiple housing. However, the issue of incremental dwelling construction on existing small lots is ignored. Existing land fragmentation is one of the most significant threats to the future of peri-urban farming. Melbourne 2030 estimated in excess of 50,000 such lots in the green wedge areas and several RMIT studies have identified tens of thousands of existing lots in broader peri-urban councils (over 50,000 lots in one study of five municipalities alone). There are three ways to control this problem: the use of a tenement control, the requirement of a minimum lot size (initially proposed in the 2006 rural zones) and the use of section 173 agreement. The aversion by planners to the use of such techniques simply illustrates the short sightedness and inadequacy of planners and should not determine policy on such a critical issue today. Again, the paper recognises the problems from incremental construction of dwellings on peri-urban areas but in this case avoids the obvious solutions. Map 9 does not show the lots without existing dwellings. Neither does the document show the number of such lots, omitting therefore to indicate the size of the problem of land fragmentation. In the absence of such measures, the options on p 40, though useful, will not solve the problems caused by ad hoc construction of dwellings on rural lots.

The Green Wedge zone prohibits second dwellings on a lot and excisions. This prohibition should be extended to the Rural Conservation Zone and to any other zone used in the green wedges and the broader study area.

### **Rural land uses**

The options on p 40, though useful, are not sufficient to prevent the progressive introduction of inappropriate land uses which are incompatible with agricultural and rural activities generally. Such measures as policy and practice notes are classically 'soft law' and ultimately circumvented. Only stronger statutory requirements, both legislative and in planning schemes, will achieve the paper's aim of preventing the ad hoc introduction of urban related land uses which are incompatible with the continuation of agriculture and other rural uses. The paper's early overriding principle of maintaining the primacy of rural related uses and preventing the introduction of uses incompatible with this principle is not adequately maintained in sections such as 3.2.2. The original protective intent of the Green Wedge and Green Wedge A zones have been progressively subverted through the introduction of urban related uses, including commercial uses, and factory farming. The zone should be thoroughly reviewed to exclude all such uses and to concentrate on supporting the traditional policy intentions for green wedges.

### **Irrigated agriculture**

The options for safeguarding agricultural land with potential access to alternative water are supported (p 44, 47). It should be noted that much peri-urban agriculture does not rely on the provision of water from a system outside farms. This is a major strength for Melbourne's peri-urban agriculture and when coupled with a relatively benign climate, soil types and

proximity to markets has provided Victorian peri-urban agriculture with a significant advantage over irrigated agriculture linked to major river systems in times of drought.

### **Land use diversification**

The paper is correct in arguing that the success of value-adding poses “significant risks” to the ongoing agricultural use of land by introducing incompatible uses and by inflating land values beyond the productive land value (p 49). However, the paper’s proposal for a balance is the wrong approach. Urban related uses, including commercial, retail and other such uses, are incompatible with rural production uses and must be prohibited if farming is to continue as a viable activity. The issue of farm viability is central to this discussion. An option such as allowing a percentage of produce sold to be sourced from local producers within 5 km of the use (p 49) allows a dangerous expansion of activity which could act as a precedent for further incremental change.

### **Host farms and other rural accommodation**

Rural accommodation is an activity which is incompatible with the protection of agriculture and other rural values. It is a commercial activity. No matter how it is defined it has tenuous or non-existing links with farming. Host farms intended to provide accommodation for rural workers are routinely used for commercial leasing or bed-and-breakfast use. Conditions on their use are routinely ignored and not enforced. Such accommodation is also often leased for long term use. The green wedges and broader peri-urban area are littered with examples of such blatant illegal activity.

### **The urban-rural interface and land uses**

The concept of transitional land uses is incompatible with a permanent urban growth boundary but both concepts are proposed as part of an urban-rural interface in section 3.3. The paper proposes two classes of ‘interface’ uses: alternative zones to the Green Wedge or Rural Conservation zones, such as the Rural Living and Farming zones; and the introduction of urban related uses such as School, Place of Worship, Place of Assembly, Rural industry, Leisure and Recreation and Food and Drink premises.

**All such uses should be prohibited in the green wedges as incompatible with green wedge policy. To allow such uses as an interface conflicts with the primary intention of the paper to exclude uses which are incompatible with rural values.** This approach also conflicts with the nature of the urban growth boundary (UGB) and the intention of green wedge zones. The Melbourne 2030 plan linked these two measures as part of a complete package. To be effective, a UGB must be a clear and inflexible line. The paper’s questioning of this principle indicates a fundamental misunderstanding of the purpose of an effective UGB. Permitting urban related land uses into green wedges outside the UGB, in effect, expands the urban area into landscapes intended by the UGB to be non-urban, subverting the intention to exclude. The government between 2002-10 failed to use the UGB for an ancillary purpose of redirecting urban investment back into the metropolitan area and increasing both the average residential densities and quality of development in the urban growth corridors. Its declaration

to maintain a 15 year corridor land supply and its 2010 expansion of the UGB expressed this failure.

Allowing such uses outside the urban growth corridors also increases car dependency. Planning thus builds in increased congestion by placing such uses outside residential areas necessitating extensive car travel on often inadequate roads. Building in such car dependency conflicts with fundamental principles of urban design for corridor development. Such provisions would design in further failure in urban corridor planning.

The green wedge zone was intended to be a specific zone designed for a specific purpose – to protect the green wedges and the broader Melbourne green belt generally identified with the Melbourne Statistical Division or the broader catchment. It replaced the former Rural zone, which had only three prohibited uses, and was designed to establish a level of protection for green wedges which recognised the special characteristics of these areas apart from the broader rural zones. The main green wedge zone drew explicitly from the original MMBW farming zone and attempted to return the main zone for the green wedges to the strict regulatory provisions of the MMBW zone. This excluded all urban related uses.

Accommodation provisions in the Green wedge zones were introduced to limit the misuse of rural areas for such commercial use. The government in 2006 introduced three limitations – limits on accommodation numbers, requirements for minimum land sizes, and linking the uses to agricultural activity. The use of an ‘in conjunction’ provision has been ineffectual. None of these controls has been fully successful. All accommodation uses should be prohibited as incompatible with the non urban values and the purposes of green wedges. Accommodation has also been linked to other commercial uses such as restaurant and function centre. The same limits were introduced to control such additional uses. However, they clearly are incompatible with the protection of green wedge values and also should be prohibited. Similarly, the proposal to limit the use of exhibition centre and hall is an improvement. However, such uses, along with caravan park, should be prohibited as incompatible with the purposes of green wedge policy.

Any existing section 2 use should not be made a section 1 use – such a change would only worsen the existing problems arising from such uses. Any use not specified as a section 2 use should be prohibited, restoring this position in the original Green Wedge zone.

To allow other zones such as the Rural Living and the Farming zone in the green wedges misunderstands the original purpose of this specific zone and introduces a range of additional uses, as section 1 or 2 uses, which are incompatible with the protection of green wedges. In particular, the Farming Zone allows Group accommodation, Residential hotel and Restaurant without the controls on these uses in the Green Wedge zone. It allows Industry. Other uses include Rural industry, Host farm, Landscape gardening supplies, Leisure and recreation, Manufacturing sales, and large shed based agriculture and cattle feedlot uses. None of these are compatible with the purposes of green wedge policies or the purpose designed green wedge zone.

With the changes to the rural zones introduced by the government in 2013, some of these incompatible uses, particularly group accommodation, residential hotel and restaurant -

without the limits of the Green Wedge zone - were introduced into the Rural Conservation zone. This consultation paper identifies this anomaly by including the option (p 58) to amend the Rural Conservation Zone to insert conditions of use for 'Group accommodation' and 'Residential hotels' to be consistent with Green Wedge Zone and Green Wedge A Zone (i.e. minimum lot size requirements, maximum number of bedrooms/dwellings, 'in conjunction with' test). However, all such uses should be prohibited ant the Rural Conservation zone returned to its original uses, making it compatible again with the purposes of green wedge policy.

M.Buxton

## Heritage trees destroyed in Caulfield Racecourse redevelopment

By [Cara Waters](#)

January 21, 2022 — 11.45am The Age

A number of trees, some more than 100 years old, have been removed from the entrance to Caulfield Racecourse after a Christmas Eve amendment by the Planning Minister overruled controls on a \$570 million development of the area.

Residents and community groups were shocked to see the trees cut down this week after [Planning Minister Richard Wynne](#) approved the amendment, overriding local council and heritage planning controls and removing any right of objection.

Trees at the entrance to Caulfield Racecourse are cut down on Thursday following a Christmas Eve intervention by the planning minister. *Credit:Scott McNaughton*

Almost 70 trees will be removed under the redevelopment plan. One of the trees facing destruction on Friday is an Aleppo pine grown from the seed of Gallipoli's Lone Pine.

Melbourne Racing Club member Anthony Del Monaco was disappointed the trees were cut down without consultation. He said he was concerned about the preservation of heritage buildings in the precinct.

"Because it has gone through the state government there are no public plans released, even the council don't have the plans," he said.

"It is hard to know what trees are going and what buildings are going. It's fair enough that there is a redevelopment. It's just a matter of whether there were other options which would have involved retaining the trees and heritage buildings."

Heritage trees were cut down with chainsaws on Thursday. *Credit:Scott McNaughton*

The work is part of a \$570 million redevelopment that will transform the racecourse [into a sporting and entertainment precinct](#) more than 10 times the size of the Melbourne Cricket

Ground with a large concert space, indoor sport complex and up to seven sporting fields within the perimeter of the racetrack.

The explanatory report for the planning amendment stated it was required because the redevelopment would deliver “significant public benefit” through investment and improvement to a state-significant sporting and entertainment precinct and immediate benefits to Victoria’s economy.

No notice was given to the community of the amendment.

Anne Kilpatrick, of volunteer organisation Glen Eira Historical Society, said the elm trees were more than 100 years old and majestic in their own right, as well as being a significant part of the history of the area.

Plans for the redevelopment of Caulfield Racecourse with night racing, walking and cycling trails, restaurants and affordable housing.

“We are very concerned about this major threat to history and heritage of the racecourse, which has been assessed as being of state significance, although, until now, no one seems to have sought state heritage protection for it,” she said. “It currently has no heritage protection.”

Andrew Paxton, general manager of the Caulfield Racecourse Reserve Trust, said the trust was not consulted on the planning scheme amendment.

Glen Eira City councillor David Zyngier was frustrated that Mr Wynne had over-ridden the council’s heritage classification of the Caulfield Public Reserve and Racecourse.

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**[Horse racing](#)**

**[‘New era’ at Caulfield as horse training makes way for \\$570m transformation](#)**

“Taking the approval process out of the hands of the appropriate local planning authority [the council] will put greed before heritage, and remove any public participation in what is, or could be, an incredible community asset,” he said.

A spokesman for the Melbourne Racing Club said the trees were being removed so that work could start on the Caulfield Masterplan, which was first announced in 2019.

“As part of the works, some of the 66 trees on site will be removed or relocated,” he said. “Seventy-three new trees will be planted as part of the upgrade work, which includes access and public realm improvements for users of the reserve.”

The spokesman would not say how many trees were being removed rather than relocated, but said the completed masterplan would provide a net gain of 31 trees on site.

A spokeswoman for the Victorian government said after the trees were removed at Caulfield Racecourse, Heritage Victoria received a nomination for an interim protection order for the precinct.

“It is currently considering this nomination,” the spokeswoman said. “Under the Heritage Act, anyone can nominate an area or object to the Heritage Register. The matter is then independently assessed by the Heritage Council,” she said.

The Age

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## ‘Planning mess’: Outcry over Caulfield Racecourse redevelopment

By [Cara Waters](#) and [Damien Ractliffe](#)

February 1, 2022 — 12.01pm

The destruction of 100-year-old trees for the redevelopment of Caulfield Racecourse has caused community outcry, but local authorities are unclear who bears the ultimate responsibility.

[Demolition work](#) at Caulfield began on January 10 after a Christmas Eve amendment by Planning Minister Richard Wynne overruled heritage and council controls on the [\\$570 million development](#) of the racetrack and surrounding area.

One of the 42 trees destroyed was an Aleppo pine grown from the seed of Gallipoli’s Lone Pine. The works also involved the demolition of a toilet block and asphalt removal.

Heritage trees were cut down with chainsaws, prompting the interim protection order.  
*Credit: Scott McNaughton*

Work stopped this week after Heritage Victoria made an interim protection order on January 27 that means it must sign off on any work in the next four months.

Mr Wynne’s amendment to the planning scheme was requested by the Melbourne Racing Club. A spokesman said the club had done “everything by the book” and had consulted on its plans with club members, the broader racing industry and the local council.

“We will also continue to do the right thing and work with Heritage Victoria on how we can proceed where appropriate,” the spokesman

An artist's impression of the proposed Caulfield Racecourse redevelopment.

The Caulfield Racecourse Reserve Trust said it was aware of the planned demolition work but did not realise it would start without any chance for public consultation.

Andrew Paxton, general manager of the trust, said it was unusual that Mr Wynne approved a planning amendment scheme, which did not require public exhibition, on Christmas Eve.

"The community of Glen Eira have an expectation of consultation and being engaged," Mr Paxton said.

The local council said it was unaware of the demolition work until it had occurred, noting it had lodged a request with the government on August 18 last year, asking Mr Wynne to authorise a heritage amendment to protect the racecourse.

The local council said it was "blindsided" by the minister's actions and the destruction of the trees. *Credit: Scott McNaughton*

Glen Eira Council said it was yet to receive a response from Mr Wynne, and confirmed it was the Glen Eira Historical Society that had applied for, and secured, the interim protection order after some trees had already been cut down.

Historical society volunteer Anne Kilpatrick said: "We're a small little volunteer-run organisation, so not geared up to dealing with an entity like the Melbourne Racing Club.

"What we've come around to realising is that somebody needs to step up for this. In this instance, we thought, well, no one else is, we will do that."

Glen Eira mayor Jim McGee said the council had been "blindsided" by the demolition work.

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[Horse racing](#)

### ['New era' at Caulfield as horse training makes way for \\$570m transformation](#)

"They've given the Melbourne Racing Club the go-ahead to do whatever they like and, unfortunately, they've started by destroying what I believe to be heritage buildings, destroying heritage trees and just going hell for leather," he said.

"It's just another example of the Melbourne Racing Club paying absolutely no attention to residents. They haven't done it in 150 years, so I'm not surprised that they are not doing it today."

In a letter to Mr Wynne, Cr McGee said the process for approving the redevelopment work on Christmas Eve appeared misleading and secretive.

“The community are rightly outraged about what’s happening at the racecourse,” he said.

Mr Wynne said the government had engaged extensively with the council, including as recently as last year, on its [plans to redevelop the racecourse area](#) into a “people-friendly community recreation space”.



[1:17](#)

## **Trees removed at Caulfield Racecourse**

A number of heritage trees have been destroyed in the redevelopment of Caulfield Racecourse.

“It beggars belief that the Glen Eira Council is claiming to be surprised by the development occurring at Caulfield Racecourse Reserve – which the government has made significant investments in to unlock open space for the community,” he said.

But many people, including Melbourne Racing Club members, said they were surprised by the works.

“We have been racing at Caulfield for 150 years and most people would be very surprised that nothing at Caulfield has any sort of heritage protection,” club member Anthony Del Monaco said. “[The] question is why the club, the council or the government haven’t taken action earlier to get heritage protection for this much-cherished state asset, and avoided the planning mess that has resulted.”

State MP for Caulfield David Southwick said the community had been consulted about the plans for the construction of buildings and new sports fields, but not about the demolition work or removal of heritage trees and buildings.

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“They’ve gone so heavily in terms of consulting with the community about what could be in the middle of the racecourse, yet they’ve forgotten to actually look at protecting some of the heritage value around the actual precinct itself,” he said.

“There’s been no consultation with them, and the fact that the minister on the 24th – Christmas Eve – can effectively rubber stamp something and have these trees, including an Aleppo pine, destroyed I think is really upsetting.”

Mr Southwick said the way the redevelopment was handled had important implications for planning across the state.

“[If] you’ve got one minister, a planning minister, who can do whatever he likes in anyone’s backyard without any third-party appeal, then he’s a real concern for any Victorian right now,” he said.



[1:17](#)

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State MP for Caulfield David Southwick said the community had been consulted about the plans for the construction of buildings and new sports fields, but not about the demolition work or removal of heritage trees and buildings.

From The Age