

Planning and Heritage Inquiry submission

1. Ensuring residential zones are delivering the type of housing that communities want, including:
 - Prioritising community voice and concern over developers and money
 - Discussions about different zones need to be had across the community. While it is important to include community groups, individuals also need to be included. The Vic Government needs to have a pro-active role in inviting all to be involved. This could include greater promotion of possible changes, and advertising in media to invite all people, plus a deliberate slowing down of the process in the case of increased density, apartments, smaller blocks and new developments.
 - As local Councils make many decisions about implementing zones, it is important to consider their role. Developers should be advised of all restrictions before or when they lodge planning permits to Council. These should not be able to be negotiated away. Strong regulation is the only way to avoid inappropriate and overdevelopment. Before any plans for developments are considered by Councils, the local community needs to be contacted and advised of plans being lodged. While people currently can object, it is not easy or simple enough to find out where possible developments are being planned to occur.
 - The Victorian Government needs to ensure all Councils adhere to restrictions. Local arrangements, such as the Foothills Policy, provide valuable information and should not be overlooked or ignored in planning decisions, but be the central source of information.
 - In my local area, we have an issue of an inappropriate and overdevelopment. Glengollan Village, which runs aged care and a nursing home, bought residential land (2-8 St Elmo Avenue, Ferntree Gully) backing onto some 11 properties, and plans to build an 8-12m high nursing home, allowing for slope and a roof which contains climate control air conditioning. It will tower over the single storey neighbours and even dwarf two double storey townhouses on St Elmo Avenue.
 - The area of land is large but has several issues which make building such a monster environmentally unethical. There is a creek and sensitive environmental conditions, including rare Indigenous plants. There are several non-Indigenous trees which provide privacy, which Glengollan has stated it will remove.
 - St Elmo Avenue leads is the only road into a small neighbourhood area. The increased traffic (with insufficient parking for nursing staff and administrative staff – as Glengollan wishes to move its administration to the property also) is an accident waiting to happen. The lack of access for emergency services will increase risk of serious health and safety issues for residents.

- There are social issues, with Glengollan a registered charity but not acting in a community-oriented way. Historically, Glengollan was set up to help low-income people. It worked well with the local community, and there was a good connection (including locals attending fetes and book sales at Glengollan to help with fundraising). After a change of Board Members, Glengollan has acted as a business, rather than a charity. It has increased its profit over the last few years and has built properties which are out the reach of low-income people. Glengollan's charity status appears to have never been checked or regulated. The ACNC should be proactive in regulating charities, rather than continuing its "set and forget" attitude currently in force. Glengollan's actions, in pushing to build this nursing home in an appropriate location, have led to social anxiety and stress for local residents. The neighbours in this part of Ferntree Gully are not, and have never been, anti-nursing home, but are against inappropriate development.
- Glengollan has a current nursing home and could demolish and rebuild on the current site, but chooses not to. It could relocate its current nursing residents in the build process, but this would cost money. Glengollan has stated it will demolish the current nursing home. It remains to be seen what it would do with the extra land – but considering its recent actions, it would be reasonable to assume it would build more units out of the reach of financially-disadvantaged people.
- Part of the reason Glengollan has devised this overdevelopment is the ability to build, due to the very poor Vic Government legislation. Amendments are required. See point 2. for further information. The community has emailed and written to local Members of Parliament, with an unsatisfactory response. The Vic Government needs to actually reply to community members personally and not with a "proforma" response. Stonewalling will not help, and will only reduce confidence in the democratic process.
- While the Knox Council unanimously voted against the planning permit, Glengollan has taken the matter to VCAT. It has the money and language to argue at VCAT. It can afford representation. This is not the case of local residents, many of whom are retired and cannot work to raise funds. There is no free representation which can equal that of Glengollan's. This is not fair.
- This process is a common story. If people cannot obtain free and adequate representation, they have to self-represent. No matter how intelligent the local community is, we do not have the knowledge or skills of qualified and experienced legal representation. This leads to people feeling neither the process or decisions are fair.
- The consequence of a lack of confidence in decision-making is a lack of confidence in democratic institutions and in democracy itself.

2. Delivering certainty and fairness in planning decisions for communities including:
- Mandatory height submissions and minimum apartment sizes
 - Heights in the suburbs and suburban fringes must be kept within community comfort levels. Most housing in suburbs is single storey or, less frequently, double storey. Properties above double storey do not fit in with the neighbourhood character or local area rules, such as the Foothills policy in Ferntree Gully.
 - A huge issue is the separation of State and Council. Vic Planning could create a limit of double storeys in suburbs, but then Councils create other rules, or interpret them in other ways. In the case of overdevelopment, the Victorian Government needs to stand up for its rules. Brushing off residents' concerns and pushing the decision to Councils is not transparent and does not provide confidence for communities.
 - Vic Government legislation needs to be fair to the whole community. Recent legislation allowing any nursing home to be built on any land is unacceptable. It is very poor legislation which requires amendments. It should work with the residents, not be a quick solution to a problem of ageing. The lack of any real discussion or contact from the Government is dispiriting and leads to cynicism. Some amendments this legislation requires are:
 - Only allowing nursing homes on appropriate lands, not in the middle of established residential areas.
 - If nursing homes can be rebuilt on the same land, this should be the norm, rather than building new structures and then selling off the original land for profit.
 - Proposals from charities should be scrutinised to see if they are actually charitable.
 - The grant process needs to be independently assessed, to ensure they are being used correctly and that organisations are correctly assessed.
 - The need for any new development should be based on evidence, not profit.
 - Nursing homes should not be able to be built on or near sensitive environments.
 - Nursing homes should not be automatically sky scrapers. This does not even reflect the need or desire of nursing home residents.
 - Single story should be the norm. Buildings higher than that should be the exception, with evidence as to how they are vitally required, rather than desired by developers.
 - The other side of this argument is that every community will have its own needs, which must be recognised. The Foothills Policy, for example, should be applied in Ferntree Gully as it clearly relates to the topographical environment and society. The Vic Government does not need to reinvent the wheel.
 - The use of land is another issue. There is an assumption that where there is land, overdevelopment is acceptable. People live in areas of larger blocks as

they want breathing space, not more and more high-rise overdevelopments. The golden rule is to see what the people want and need, not what will make money for developers or governments. Ferntree Gully is a good example of larger blocks and lower development. Where there are units, they are mostly single storey, as in small houses, rather than flats.

- While there are fewer apartments in the outer suburbs compared to the inner city, any apartments or units we have need to reflect the suburban feel. This means they need to be larger, with windows from each bedroom and outdoor space, even this is just from a large balcony. Even in the city, who would want to live in a “dog box” which is small, dark and with large numbers of resident density within a building? These may make money for developers, but are not for good living.
- Protecting Green Wedges and the urban growth boundary
 - People who live in Green Wedge and other protected areas like to have space and sight lines which reflect trees, not roofs. People who choose to live in inner areas may do so for proximity to Melbourne City, or work. They may compromise on green space and sight lines to reduce travel time and to be closer to the city action of diverse eateries, theatre, sport precincts and cultural experiences. People in the outer suburbs have to travel to enjoy these events and experiences, but compromise the travel with having wide, open spaces to enjoy. We like our larger blocks, parks, quieter streets and clean air.
 - We need to maintain farming and agricultural areas for food and livestock. We have had many orchards pulled down for housing. This should be highly regulated. I live in a ‘90s development that was built on a bulb farm. It is a peaceful, well-organised single storey area. Governments need to learn what works in an area and what doesn’t. It also needs to learn from mistakes and poor planning. This housing area has no large trees, as they would have been removed to build. The building should have been created around the environment. A person stating to represent Glengollan said they would “raze” the block at 2-8 St Elmo Avenue, Ferntree Gully, and remove all trees. This is unacceptable. A much smaller development could be built around the existing trees.
 - Indigenous trees are incredibly special, but even introduced species create habitat and safety for birds and fauna. The trees on the block at 2-8 St Elmo Avenue provide habitat, protection for native and non-native animals. They provide shade to the block and greenery to residents who are on higher land. All trees need to be considered as remaining on proposed development sites, unless they can be proven to be unsafe. Even the trees with ivy climbing on them have good canopies and need to be maintained.
- Community concerns about VCAT appeal process
 - Members are appointed, not voted in, which leads to lack of confidence and accountability. The people need to have a say in who is on independent panels, as VCAT should be.

- Lack of true representation for individuals and small communities as can't compete with rich developers who can claim costs on tax.
- No free legal help for individuals so legalese is a barrier to even attending.
- The role of Ministerial call-ins
 - This is political, subjective and open to corruption, or the appearance of it, and not likely to increase community confidence in the system.
 - The hands-off process, on the other side, can mean Ministers "wash their hands of the matter", leading to elected Ministers not actually doing their job, but passing it to appointed people (like expecting public servants to be politicians).
 - There is a similarity to local councils and the planning department staff. At Knox Council, the objections were decided by the Councillors only as there were so many objections. Usually, the planning department staff make the decisions. Community beliefs are that the people we vote in make the decisions. While there are too many decisions to be made by so few, there is a very strong fear, and chance, of public servants running the show. Public servants should not be creating or directing policy. This should be for people who have been elected.
- 3. Environmental sustainability and vegetation protection, including:
 - Protection of green space, Indigenous plant life and restrictions on development in sensitive areas
 - Ferntree Gully needs protection from overdevelopment, including from inappropriately sized buildings. The sensitive site at 2-8 St Elmo Avenue has a creek (continuing from Koolunga Native Reserve) at the bottom of the block, providing an important habitat for native animals and birds, plus in its isolated space has rare plants which need to be left undisturbed. It has numerous trees, some Indigenous and some non-native, which contribute to habitat and safety for fauna.
- 4. The high cost of housing, including:
 - Provision of social, public and charitable housing
 - Social housing is different to public housing. While social housing has its uses, it should not replace public housing, which needs to be varied, well-maintained and abundant. The public housing list needs to be reduced, with Vic government investment and maintenance.
 - Charitable housing, provided by approved charities should be regulated and made available for low-income people. In this way, charities which provide housing need to be regularly assessed. Glengollan Village is an approved charity. When was it last checked? With profits doubling in 5 years, and units being sold for upwards of \$800,000, I question if this is charity, or a business. If it is a business, it should not be able to access grants, and tax implications need to be the same as for other businesses.
 - Population policy, state and local
 - In line with increasing public housing, its availability and access to more people, housing can be made cheaper for people in need, and this will make

other rentable properties in less demand. This would help people who want to rent, or who don't qualify for public housing but are not in a position to obtain a mortgage.

- While we rely on migrant intakes due to low birth rates, we should not only rely on migrants themselves, but encourage resettlement of refugees and overseas family members.
 - State governments need to decide on population, but in conjunction with local councils, when increases are suggested.
 - Factors encouraging housing as an investment vehicle
 - Encouraging housing as investment is not something that should be encouraged. While investment properties allow houses to be rentable, there is something very wrong with encouraging wealth at the expense of other people's stability. People should be able to find stable, safe housing which is affordable. If we allow too much incentive to buy houses to rent out, fewer are available for low-income people who don't qualify for public housing.
 - Mandatory affordable housing in new housing developments
 - I would like to see affordable housing in all areas, new developments and existing areas. Public housing can address access to housing in existing areas, and social housing can play a role too.
5. Protecting heritage in Victoria, including:
- Separating heritage protection from planning administration
 - This is akin to separating historical protection from money-driven demolition. Back in the mid-2000s, McDonalds built in Tecoma. The oldest building was removed. It had a long history of being a dairy in an almost regional area. Heritage Victoria was too late to save it. If there had been a separation of heritage protection and planning administration, there may have been more time to assess it, and save it. Developers are not interested in local community or history. We cannot allow money-driven processes to rule over historically significant buildings, and the social effect they hold.
 - Establishing a heritage tribunal to hear tribunal appeals
 - There needs to be a specific, socially-oriented tribunal to decide on heritage issues. I would like to see VCAT being required to weigh equally the social impact to the economic value of any development.
 - The role of Councils in heritage protection
 - Councils should have the local role of providing information to an independent body dealing with heritage issues. Councils should have the local knowledge and be able to provide information about a building's historical and social value. I would not want to see planning departments having any control over heritage decisions.
 - Penalties for illegal demolitions and tree removals
 - This applies to all properties. While illegal demolition usually affects heritage properties, illegal, unethical and immoral tree removals are rife. These are done by developers, Councils and the Victorian government.

- Recently, Glengollan Village in Ferntree Gully was given permission to demolish a house and remove minor amounts of vegetation. The tree removal contractors chopped down a tree which they had not been given permission to remove. This was referred to Council's fines services, but is that enough? I hear of developers who do chop down trees not approved to be removed and pay a fine, as it means they can squeeze in even more buildings or parking. The fines are insufficient and are not a deterrent. I would increase them to make them a deterrent.
- Knox Council had a notice up to chop down on a mature gum on a nature strip outside of 2-8 St Elmo Aveune, Ferntree Gully. The gum had a hollow, being used by native birds. When residents contacted, it was confirmed the tree was not allowed to be removed. So even in one planning department of one council, the process did not work – one part was going to illegally remove the nature strip tree, despite it recently having a positive inspection and its removal not approved under a planning permit. Perhaps planning departments are too large and processes need to be simplified, and made clearer, especially when things go wrong.
- The Victorian government has removed Djap Wurrung birthing trees in order to extend the Western Highway. This is relevant as we all need to protect all areas, and the Vic Government needs to reduce development as an overall process of caring for the environment.