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General Public

(Group: Save Knoxfield)

INTRODUCTION

City of Knox residents and particularly Knoxfield residents have been losing our indigenous canopy trees and under-story to developers who are supposedly building in-fill. Knoxfield has very bad public transport; you can't even get to church on a Sunday without a car.

Over 1,500 Knoxfield residents signed a petition asking for a temporary stop to this development so all parties could get together and work out a better result. Save Knoxfield was formed to save our neighbourhood character and our wildlife, which is enhanced because of its close proximity to the Dandenong Ranges, which is an important tourism area. It is a wildlife corridor from the Dandenong Creek through to Egan-Lee Reserve then onto Lakewood Reserve.

The members of our Group believe that planning in our area should be controlled by the Knox City Council and that the increasing government interventions are abhorrent.

Councils and their communities need to be able to rely upon prescriptive guidelines that have been through a democratic consultative process for inclusion in their planning policies.

Our Council's decisions should not be subject to routine over-rules by the undemocratic, VCAT process which is dominated by planners with their expert witnesses playing a well-written and rehearsed role exactly like you would see it a play. There is no way the average citizen, no matter how well organized, can win at VCAT. The Victorian State Planning Scheme clearly states it is designed to protect the environment, which is largely ignored.

We do accept there is a need for an appeal process that is independent of government and the planning industry but it needs to look at all aspects.

Whilst we are not clear on how this might be set up, it seems that planners making decisions on planning is subject to too much tunnel vision and decision-making that heavily favours the industry.

We repeat that any appeal process must be, and seen to be, totally independent of the planning industry and the government.

4. OBJECTIVES

We reject that notion that housing affordability should be included in the planning process nor are we prepared to have wealth included although all development issues should include health (including mental) and wellbeing matters.

We do accept and insist that specific objectives relating to heritage and culture and neighbourhood should be included to ensure protection against unacceptable development in sensitive areas.

5 & 6. PROCESS

This section deals with streamlining applications. We are firmly of the opinion that a more comprehensive application form could allow for differences in complexity of a proposal.

We go on to suggest a system of pre-lodgement certification by private practitioners. We say that this would lead to diminution of Council's control over planning and this notion is rejected.

The idea of cutting red-tape by having three classes of notification is rejected. We say that general notification must be mandatory in every case involving multi-dwelling, commercial, mixed use or industrial developments.

We believe that triggers for wider notification could be included where development sites are of wider community interest.

With regard to "objections" we say that this term should be replaced with "submission" and these could be specific to the submitter or could be related to broad community concerns.

Planning decisions must remain open and inclusive as possible especially in view of the government's appalling implementation of Melbourne 2030 (as referred to above) and the exploitation by some developers in their applications to Council and appeals to VCAT. The current Act requires all "objections" to be considered by the responsible authority. However if the responsible authority determines to reject an "objection" it should be on properly considered grounds, whether substantive or procedural; e.g. the objector does not disclose a proper basis for refusal, the objector does not have standing or the objection is out of time.

The public interest is best served by affording all stakeholders reasonable opportunity to participate in the appeal process and be advised of the grounds on which the objection was considered and finally determined.

Anything less would make the review process opaque and open to abuse.

7. PLANNING SCHEMES & AMENDMENTS

Criticism of “pro former” objections is not relevant. The fact that some responses are pro forma or raise common or similar issues is not a valid reason to disregard them.

To say they can add significantly to the processing costs of planning authorities is a specious argument. It is generally very difficult to engage community in planning or development issues even when their own interests as community stakeholders are affected.

To devalue or discount submissions of those who do get involved is a denial of natural justice and will inevitably lead to unrepresentative decision-making and lack of transparency.

We say that this happens far too often especially at VCAT where pro-former Form B’s are virtually ignored.

8. SIGNIFICANT PROJECTS

The discussion paper points to the lack of formal criteria about which projects are of state significance thereby allowing the Planning Minister to intervene at VCAT or “call in” a particular project; and suggests that such criteria would make the decision making process more transparent.

Rubbish! The current provisions of law regulating the exercise of Ministerial power are totally inadequate and the scope for abuse is very high. There are many instances of abuse of Ministerial power.

Development at all costs will create slums that will cost money in the future to fix. They will add to Climate Change and increase heat-related deaths.

There must be a specific process for assessment of state significant projects and the exercise of Ministerial intervention must be strictly prescribed and subject to review.

FINALLY

We note the potential action for consideration on page 59 indicating the desire to extend the powers to the Minister under Act 171 & 172.

We say that the Minister already exercises such power too often to the detriment of many local communities and we demand that this potential action be deleted.

To provide Ministers with unfettered power results in dictatorial government action and puts much of the decision making in the hands of the faceless bureaucrats in the Planning Department.

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