

For the first time in many years, KCA took Frankston City Council to VCAT, appealing Council's decision to allow a development, which would stretch for 100 metres along the Nepean Highway, south of Armstrongs Road in Seaford, and house upwards of 300 people, to proceed.

Our primary concern about taking this action was that we were doing it on behalf of the members of KCA and local residents, making the assumption that is what you would have wanted us to do. It was not an easy decision to make: we estimated it would cost up to \$5,000 and would consume an enormous amount of time on the part of the four Committee members who formed a sub-committee to pursue the Appeal. (In the event it took up, conservatively speaking, between 200 and 250 hours of voluntary time – not an exercise we would want to repeat in a hurry!). We were supported, initially at least, by a total of 31 formal objectors to the proposal, one of whom decided to join KCA through to the Appeal process. However, none of the remaining objectors came forward with any further offers of support, which did give the Committee some reason to pause on the basis that members and other local residents weren't, in all reality, worried about the effect on the Creek reserves that the proposal might engender.

Nevertheless we went ahead on our Appeal on the general grounds of flooding (with two basement level car parks, the development's foundations would be below sea level), the management of Coastal Acid Sulphate Soils (these soils are prevalent in the Wetlands and when disturbed – such as by heavy construction equipment in low-lying areas – release sulphuric acid which can leach into the waterway), density of dwellings (in a previous – and unrelated - development application on the same site, VCAT rejected a proposal for 81 dwellings; the current proposal was for no less than 157), traffic flow and access to and from the site (in an early statement of its conditions, VicRoads wrote that “for safety reasons the development warrants the inclusion of a right turn treatment” while noting that it “might be difficult to achieve on that part of the Highway”. That “safety reason” and road treatment were not mentioned again by VicRoads. Finally we referred to what we felt were a number of technical State and Local Planning issues which, at the end of the day, were generally de-fused with a set of amended plans.

Over one day of a Compulsory Conference and two days of Hearing, at which countless Expert Witnesses (at a cost to the developer, he told us, of \$50,000) were ranged against your retired (and retiring) Committee Members, we lost the battle. I say we lost the battle because the final outcome is not problem-free for the developer: Melbourne Water, after vacillating four times between saying it had no objections to demanding major changes to the proposal, compromised by insisting on a number of restrictive caveats being placed on each dwelling's title, mainly to do with the possibilities of flooding and the existence of associated protection works. This could well deter potential buyers or affect final selling prices. The VCAT Panel also required best practice to be followed in the management of Acid Sulphate Soil. This could make the total cost of the build uneconomic.

So, we lost the battle but not necessarily the war; even though our Appeal wasn't successful, I do not believe KCA wasted its time or money on this. We believed we had to make a stand and it would have preyed on our conscience had we not done so.

Trevor Nock, Secretary, KCA