

**Submission  
No 101**

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

**Organisation:** Warrandyte Community Association

**Date Received:** 30 January 2022

## Inquiry into the protections within the Victorian Planning Framework

Mr Terry Tovey

**Organisation Name:** Warrandyte Community Association

**Your position or role:** President

### YOUR SUBMISSION

#### Submission:

SUBMISSION

TO  
THE LEGISLATIVE COUNCIL'S ENVIRONMENT AND PLANNING COMMITTEE  
INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK

From the Warrandyte Community Association

This submission is concerned with the Committee's terms of reference which relate to protecting Green Wedges and the urban growth boundary and related environmental protections.

In 1966 the then Minister for Local Government, Rupert Hamer, wrote to the Metropolitan Board of Works and the Town and Country Planning Board asking them to address the problems of a present and future expanding Melbourne. He wrote "nobody could happily contemplate a future metropolis of seemingly endless suburbia ... future planning should take full account of the surrounding countryside as a vital part of the metropolitan environment."

Out of this was born the vision for Melbourne's green wedges: non-suburban wedges lying between developing growth corridors, the 'lungs of Melbourne'. Hamer's vision was that no citizen should be more than twenty minutes from a green wedge. A vision which resonates with the current aspiration for Walkable Melbourne, which seeks to ensure that residents can live within a 20 minute walk of key services such as schools, food services, medical care, etc.

Unfortunately, these 'lungs of Melbourne' have been much abused since their formation and creeping urbanisation threatens their very existence. Unless strong action is taken now to protect them Melbourne's green wedges will be incrementally annihilated.

The problem is that responsibility for protecting the green wedges is fragmented. There is no body within the machinery of government which has as its sole responsibility the protection of these vital community assets.

This submission proposes a solution to this problem: the creation of a Green Wedges Commissioner with responsibility for the welfare of the green wedges, much as we now have a Birrarung Council which is responsible for the welfare of the Yarra River.

#### The Problem

A number of factors have contributed to the decline of the green wedges. These include:

1. Inadequate or poorly drafted legislation and regulation
2. A planning and legal system which allows well-funded commercial interests and their lawyers to exploit the inadequate legislative and regulatory framework
3. The defence of green wedges and the public interest falls to inadequately resourced community groups
4. Management of green wedges is spread across multiple local councils with varying degrees of competence, resources and integrity
5. Bad-faith governments

## The Solution

Melbourne's green wedges need an advocate, a champion who can protect the public's interest in these important assets.

Our suggestion is the creation of a statutory office of Green Wedges Commissioner. The Commissioner would be responsible to the Parliament through the Minister for the Environment and Climate Change.

The Commissioner's responsibilities could include:

1. Ensuring that the legislative objectives of the green wedges are being met
2. Monitoring the well being of the green wedges and identifying problems associated with their management
3. Monitoring relevant decisions of the VCAT and the courts
4. Identifying where there is a need for co-ordination across various levels of government, departments and agencies where their decisions impact on the green wedges
5. Advocating for the green wedges within government and at relevant tribunals
6. Reporting to the Minister and the Parliament on the well-being of the green wedges and recommending appropriate legislative and regulatory changes for their continuing protection.

## A Case Study

A current case involving Melbourne Water clearly illustrates why there is a need for a coordinated and coherent approach to green wedge protection across government.

Melbourne Water is in possession of 1300 hectares of land in Christmas Hills, within the Nillumbik green wedge. The land is a mixture of bushland and pasture. This land was reserved over 50 years ago for a possible holding reservoir which Melbourne Water now says is surplus to its requirements. While some of this land is to be added to the Warrandyte-King Lake Nature Reserve, Melbourne Water is proposing to subdivide and sell off the bulk of it because of a narrow government requirement to maximise the monetary value of surplus land disposal. There are two worrying consequences of the Melbourne Water proposal.

Firstly, it turns a large tract of green wedge bush into residential lots with consequent loss of biodiversity and habitat. Furthermore, residential development in these areas also creates unacceptable and unnecessary bushfire risk.

Secondly, the agricultural component of this land is to be fragmented through subdivision into smaller,

hobby farm-sized lots where meaningful agriculture is unlikely to take place.

While the Government advocates for the protection of biodiversity and professes a desire to support agriculture within 100km of Melbourne, one of its agencies behaves in a completely contrary manner.

Here we have a situation where green wedge land which is currently in public ownership is likely to be sold off without any evident debate within government as to whether this is in the public interest or not.

Where is the contribution to this necessary debate from the Department of Environment Land Water and Planning? Not in evidence.

Where is the contribution of the Department of Agriculture on the desirability of fragmenting pasture land close to Melbourne? Not in evidence.

Where is the contribution from fire agencies about the desirability of introducing more residential lots in a high fire risk area? Not in evidence.

Elsewhere around Melbourne the government scrambles to retrieve open spaces for public enjoyment while its agencies look the other way as land already in public ownership is marked for sale and subdivision. No agency, it would seem, is responsible for public interest advocacy in this matter, and that is the problem for all of Melbourne's green wedges.

There is no agency of government responsible for protecting the public interest and ensuring that the vision for Melbourne's green wedges is maintained and fulfilled.

Terry Tovey  
President  
On behalf of the Warrandyte Community Association

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I have uploaded my submission

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Terry Tovey  
President

On behalf of the Warrandyte Community Association

**FILE ATTACHMENTS**

**File1:** [61f6814b90a34-SUBMISSION Legislative Council Inquiry.docx](#)

**File2:**

**File3:**

**Signature:**

Terry Tovey