

**Submission
No 127**

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

Organisation: Green Wedges Coalition

Date Received: 31 January 2022

Green Wedges Coalition:

A vision for Melbourne

PARLIAMENT OF VICTORIA - COMMITTEES

**LEGISLATIVE COUNCIL ENVIRONMENT AND
PLANNING COMMITTEE**

**Inquiry into the adequacy of the Planning and
Environment Act 1987 and the Victorian Planning
Framework in relation to planning and heritage
protection.**

GREEN WEDGES COALITION SUBMISSION

31 January 2022

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ENVIRONMENTAL SUSTAINABILITY AND VEGETATION PROTECTION;

The Green Wedges and Metropolitan Melbourne

1. Protection and enhancement of the natural environment in Green Wedges is a major issue for metropolitan Melbourne as the health of these natural ecosystems is vital to sustaining the benefits derived from indigenous vegetation communities and associated habitat for native fauna, cleaner air and water and reduced heat impacts of climate change.
2. The natural environment is a major component protected under existing planning policy for the Green Wedges and the scope of this issue can be appreciated from the map below that shows the extent of the Green Wedges that cover some 600,000 hectares.



(Source: The Department of Environment, Land, Water and Planning)

Need to protect all indigenous vegetation communities

3. There is a need for recognition of the vital importance of indigenous vegetation cover in the Green Wedges and its vital contribution to the sustainability and liveability of Melbourne as a major metropolis.
4. There is an understandable focus on 'at risk' species of indigenous flora and fauna under National and State legislation. But at the same time there needs to be a similar focus on protecting all indigenous vegetation communities. Not only do the indigenous vegetation communities provide the natural environment and habitat on which at risk fauna and flora depend for their long term survival but are fundamental to the State Government achieving its policy of achieving net gain in the quantity and quality of indigenous vegetation in the Green Wedges.

5. Our indigenous vegetation communities in the Green Wedges provide:
 - Habitat for all indigenous fauna and flora
 - Canopy cover that reduces the heat island impacts in Melbourne.
 - Critical connections between ecosystems. This includes natural wildlife corridors between otherwise isolated public nature reserves (e.g. National Parks and Council Reserves). This is particularly important with the need for migration of indigenous species to meet changes conditions under climate change.
 - Protection of the natural infrastructure of our waterways.
6. The State Government response to the State of Environment Report 2018 recognised the shift in conservation management towards considering whole ecosystems and landscapes, rather than focusing on a single threatened species.

Strengthening planning policy for the Green Wedges

7. The Green Wedges Coalition strongly advocates that the strengthening of the current planning policy for the protection and enhancement of the values of the Green Wedges as recognised by the Green Wedge Zone, Rural Conservation Zone, Green Wedge A Zone and Clause 51.02 (Metropolitan Green Wedge Land) is critical to protecting and enhancing the natural ecosystems that are so vital to the liveability and environmental health of metropolitan Melbourne.
8. There is growing pressure for built development in all of these Zones and the current planning provisions are not strong enough to stop a cumulative deleterious impact on biodiversity values resulting in the deterioration, fragmentation and loss of indigenous vegetation communities and habitat.
9. Our Coalition also supports the need to protect sustainable agricultural land, as proposed in the Planning for Melbourne's Green Wedges and Agricultural Land project. We note that farmers often keep a bush block for its biodiversity value and that they find this enhances productivity.

Need to reintroduce 'net gain' as a key requirement of the planning system

10. Plan Melbourne sets as its desired planning outcomes for the green wedges and peri-urban areas to:

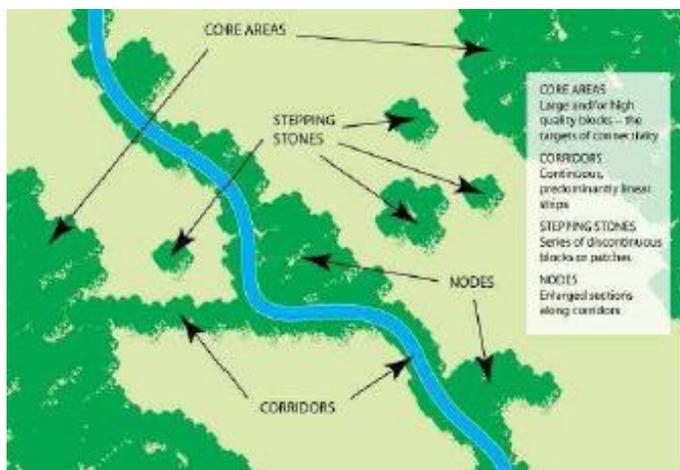
*Maintain and enhance the diversity of indigenous flora and fauna habitats and species and **achieve a net gain** in the quantity and quality of native vegetation.*
11. There needs to be a discussion about how this is to be achieved. For example, Clause 52.17 Native vegetation currently has as its purpose '**ensuring a policy of 'no net loss' of native vegetation**'. This would seem to be at odds with Plan Melbourne. We do note that under the original Native Vegetation Management Framework when controls on the clearing of native vegetation were first introduced there was a net gain policy.
12. The application of the 'no net loss' policy is at odds with the need to increase vegetation cover in response to climate change and is in fact contributing to the continuing net loss of native vegetation.
13. It is also a concern that trading the protection of a species or ecological community for off-sets elsewhere will not halt the decline of that species or community. Environmental offsetting should only be used as a last resort with genuine effort made by a proponent to avoid or mitigate impacts

as a matter of priority. Instead as suggested by Professor Sarah Bekessy from RMIT's Centre for Urban Research rather than 'off-sets', developers should be required to improve remaining green space as a form of "on-setting". We submit that such on-setting should be required as well as a refined, more rigorous form of off-setting.

14. The Green Wedges Coalition believes that all applications for built form and associated infrastructure should be subject to a Land Management Plan that clearly demonstrates not only the protection of existing indigenous vegetation but how it will be managed into the future for net gain. Councils and other authorities may need to be funded to enforce these environmental and Green Wedge protections as many if not all Councils may have difficulty affording to enforce these provisions.

Connectivity

15. Plan Melbourne identifies that existing green spaces need to be protected and new green spaces need to be created to improve **landscape connectivity** and resilience. While revegetation of such corridors needs to focus on indigenous planting, it is also important to protect other Victorian native plants unless they are impacting on indigenous remnants.
16. The vital importance of landscape connectivity for nature conservation is well recognised and documented internationally. It is vital to connecting otherwise isolated parks and reserves. This is essential to enable genetic diversity to make species more robust to changes in environment conditions. Connectivity increases the size of habitat availability and most significantly in this era of climate change enables species to migrate to from increasing hostile changes conditions to more suitable habitat for their survival.
17. A diagram sourced from work done by the Cardinia Environment Coalition has produced a useful diagram to show the different types of connectivity. Both road corridors and waterways are avenues for connectivity.



1.

Source: Cardinia Environment Coalition

The ongoing loss of Melbourne's Volcanic Plains Grasslands

18. The western and northern periphery of Melbourne (green wedge, outer suburbs and growth corridor) is significant for grassland conservation. It previously supported the largest concentration of high quality grassland on the Volcanic Plain – mainly due to urban land speculation reducing the impacts of introduced pasture conversion and cropping. As recently as the 1980s and early 1990s large paddocks of kangaroo grassland, rich in herbs were common here. However over the last 3 decades urban expansion and development, and weed invasions, have reduced Melbourne's grasslands to scattered fragments of their previous extent.
19. In particular the massive expansion of the urban growth boundary in 2010 and 2012 has taken its toll, removing many of a diverse network of grassland sites, and connecting waterway habitats. In-fill development in established suburbs has also resulted in on-going loss of remaining high quality grassland sites. Successive Governments and development approvals have typically allowed clearing in exchange for distant off-sets on the Volcanic Plains.
20. Melbourne's grasslands are important not only for biodiversity, but also for providing natural open-space and a connection to nature for rapidly expanding urban communities and many different migrant groups. Without the grasslands, and connecting waterway corridors, Melbourne's west risks becoming a vast, alienating urban sprawl, with little access to natural open space and more prone to social problems as a result.
21. The cultural significance of Melbourne's grasslands is immense, as there is evidence they have in part resulted from well developed farming practices of aborigines over thousands of years. The ancient astronomical stone circle in the grasslands at Wurdi Youang near the You Yangs is testament to this culture. With the loss of the grasslands, the connection to ancient aboriginal culture and way of life is also diminished.
22. Whilst the extent of Melbourne's grasslands has been drastically reduced in recent decades there is still the opportunity to protect a diverse grassland conservation network across the green wedge, growth corridor and western suburbs. However Government must act now before it's too late, implementing conservation reserves which were promised, and protecting high quality grassland sites on urban development land.
23. To date, of the 12,000 ha proposed Western Grassland Reserves covered by the Acquisition Overlay only about 1000 ha has yet been acquired, and our members and former members fought losing battles at the time and are still working with local environmental groups trying to save environmentally significant remnants along the various creeks running through these now Urban Growth Zones.

Examples of ongoing planning policy issues impacting ecosystem decline

Uncapped built development.

24. There was commitment made by the Planning Minister in the lead up to the 2018 State Elections to 'put a cap on the size of developments'.

25. Excessive built form development and associated infrastructure is a major issue impacting on the Rural Conservation Zone and Green Wedge Zone. There is an ongoing and significant cumulative detrimental impact of such individual developments on our natural ecosystems.
26. Both a number of ‘Places of worship’ and tourism developments provide examples that amply illustrate the impact of excessive built form and associated infrastructure. Some of these are tabulated below.

Property	Zoning	Site area ha	Building max height (m)	Total building footprint Sq metres
RSSB Aust P/L Place of Worship 2 Boundary Rd, Carrum Downs	GWZ	26.3	11.25	11,835
Coptic Church, 785 Thompsons Rd, Lyndhurst	GWZ	21.68	23.3	15,000
Hiltonia Hot Springs development, 282 Brown Rd, Fingal	GWZ	14.87		2,772 ⁽²⁾
Buddhist Temple, 105 Taylors Rd, Skye	GWZ	2.21	10.62	2,173
Kingston City Church, 448-450 Heatherton Rd, Clayton South	GWZ	0.68	10	2,826
St George Jacobite, Syrian Orthodox Church 419 Centre Dandenong Road, Heatherton	GWZ	0.603	12	833

27. Also the dumping of clean fill is another emerging and rapidly escalating issue that has the potential to have a significant impact on ecosystem decline.
28. The Green Wedges Coalition considers as a basic principle, all new proposed built form and associated infrastructure (e.g. parking, access roads etc) should always be subordinate to rural uses that encompass the values fundamental to the Green Wedges.
29. The cap on the size of developments needs to both address minimising the building footprint but also containing that within a defined building envelope.

FIG 1 - UNCONSTRAINED AND DISPERSED

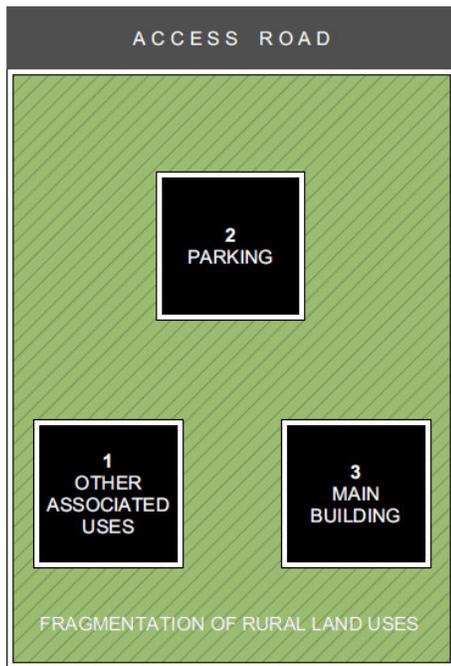


FIG 2 - CONSTRAINED BY ENVELOPE

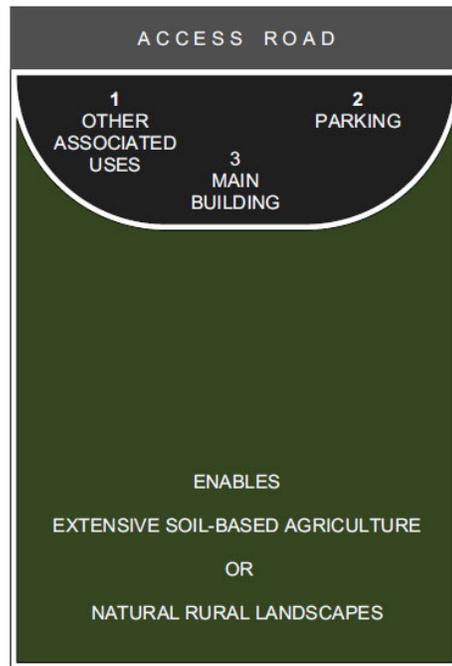


Figure 1 shows the typical type of approach to built form development in planning applications evidenced by the Green Wedges Coalition. It may comply with having a low footprint as defined by the immediate area covered by buildings and hard surfaces but it effectively fragments and effectively destroys rural land uses that protect the values that are fundamental to the purpose of the Green Wedge Zones.

Figure 2 confines the built form and associated infrastructure to a building envelope and allows for the same level of built form but enables continuation or enhancement of rural uses that support the values of the Green Wedges. The placement of the development near the road is purely for illustrative purposes to shown the confinement of the built form but in reality would need to respond to best placement for a given site.

30. Failure to apply a building envelope will make imposition of any minimal footprint as meaningless given the capacity for the spread of buildings to fragment any given site and effectively negate any rural uses.
31. It is proposed that all future planning applications for built development in the Green Wedges must be accompanied by a Land Management Plan. This is not proposing any additional red tape but rather a formal and transparent process for addressing the decision guidelines as stipulated the planning provisions for the Green Wedge Zone and Rural Conservation Zone.
32. Other examples of ongoing major detrimental impacts on indigenous vegetation that need to be addressed in any move to strengthen the planning provisions to protect biodiversity are uncontrolled grazing and pig farming.

Uncontrolled grazing

33. Uncontrolled grazing is a major issue for the loss of indigenous and other native vegetation.
34. Clearance controls for native vegetation under *Clause 52.17 Native vegetation* do not apply to grazing. Specifically, 'Grazing' is exempt from clearance controls in relation to freehold land and Crown land in accordance with a license, permit or lease granted under applicable legislation.
35. Grazing encompasses any animals covered the definition of '**Animal husbandry**' in the VPPs that encompasses 'Land used to keep, breed, board, or train animals, including birds' and would include cattle, sheep, horses, racing dogs, pigs, etc.
36. Achieving protection and enhancement of native vegetation communities on private land is complex as there are many types of private land use.
37. The only effective way of protecting native vegetation, whether planted seedlings or natural regeneration, from grazing animals on private land is by some of fencing, either of individual plants or areas for regeneration.
38. The Decision guidelines for the RCZ and GWZ require for 'Rural issues' that the responsible authority as appropriate must consider (inter alia):
 - *The environmental capacity of the site to sustain the rural enterprise.*
 - *The need to prepare an integrated land management plan.*
39. It is within the power of municipal councils under their planning schemes to require a land management plan in relation to any proposed rural enterprise involving Animal production to address the issues of whether a site has the environmental capacity to sustain a rural enterprise.
40. An example of a Land Management Plan is to be found on the Nillumbik Shire website that says that '*These plans should generally accompany planning applications that seek new development and /or the introduction of new land uses on land in rural or environmentally significant areas*'.
41. There is no more work in terms of the planning process as the preparation of a Land Management Plan by the applicant is fundamentally being required to address, in a structured way, the questions in the existing Decision Guidelines for the GWZ, GWAZ and RCZ. It is reasonable to assume that carrying capacity and fencing will be important aspects of any such plan.

Pig farming

42. Pig farming was originally defined as 'Intensive animal husbandry' in the VPPs and was prohibited in the RCZ and GWZ. Subsequently under the State Government's 'Sustainable Animal Industries Initiative' in 2018 the pig farm was put under the more general heading of Animal production and intensive animal production was limited to cattle feedlots and intensive dairy farms.
43. Pig farming risks the degradation of natural resources including indigenous vegetation (and other native revegetation), soil erosion and offsite effluent pollution.
44. Clause 53.16 PIG FARM has as its purpose 'To facilitate the establishment and expansion of pig farms in a manner consistent with orderly and proper planning and the protection of the environment.
45. Clause 53.16-2 specifies conditions under which pig farm planning applications are exempt from notice and third party review. This means that a pig farm could be established without the knowledge of surrounding land owners and without any right to object.

46. Clause 53.16-3 contains a series of Decision guidelines but these by their very nature are not mandatory and it is not immediately evident that local government has the necessary 'in-house' expertise to adequately assess such nominated 'low risk' planning applications, in accord with the *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines June 2108*.
47. While there may be some justification for applying this in rural areas outside the Melbourne metropolitan area, it is fraught with difficulty for the generally smaller lots found in the RCZ. Where the issues relating to the Decision guidelines especially in relation to '*The need to protect amenity of existing uses on adjoining land*' and '*The impact of the use of the land on the surrounding area, including from emission of noise, light, vibration, odour, dust, or waste product*' becomes so much more concentrated with the high likelihood of close neighbouring properties.
48. It could be argued *that* pig farming should be a prohibited use in the RCZ. But that at the very least all applications in the Green Wedges, no matter what the size should be the subject of the normal provisions of Section 2 uses for notification and right to object.

Case history: Friends of the Glenfern Green Wedge

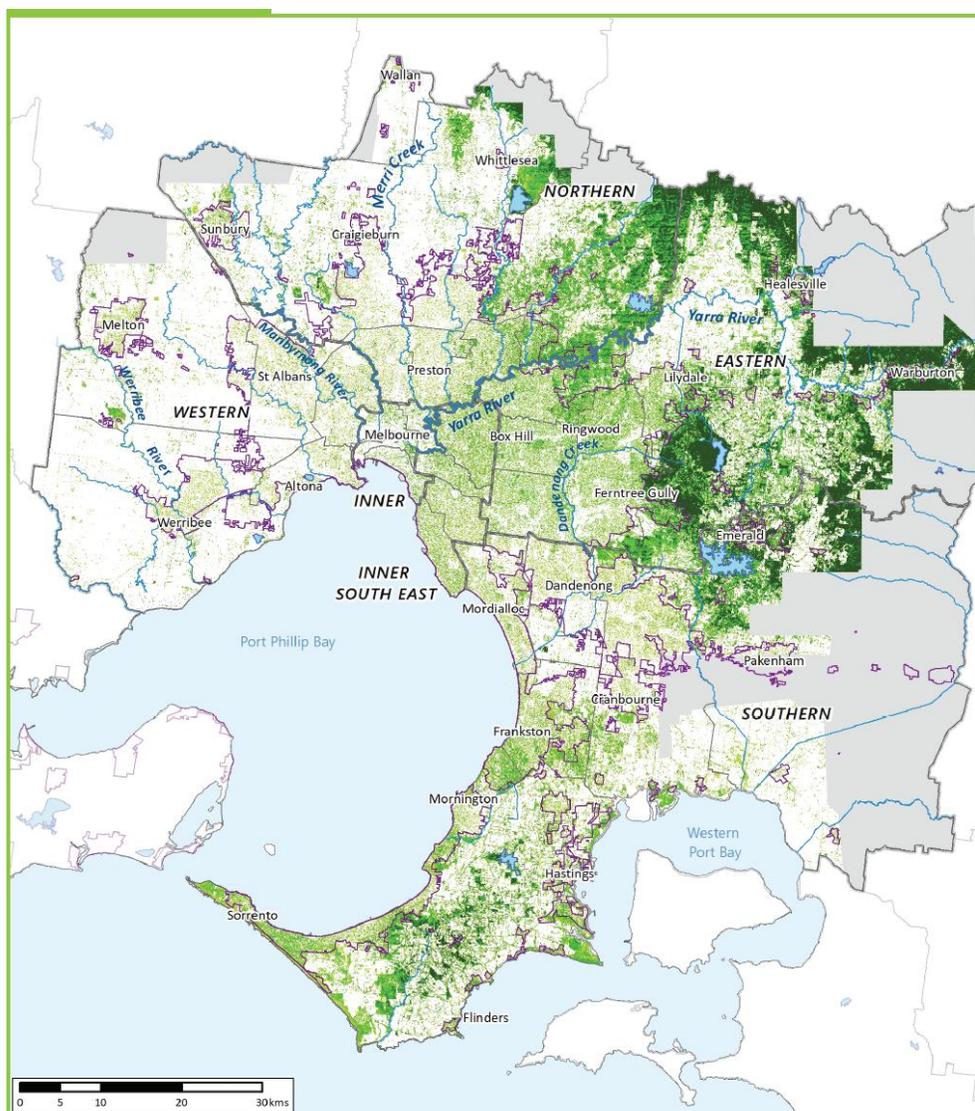
49. The Friends of the Glenfern Green Wedge (FGGW) is a volunteer environment group of approximately 30 members operating in of Knox in the Southern Ranges Green Wedge and neighbouring areas of the Yarra Ranges. The group is also an active member of the Green Wedge Coalition. The FGGW group offers a typical example or 'case history' of the activities undertaken by local communities in efforts to save their precious flora and fauna.
50. The numbers of threatened species in Knox is typical of other urban areas. The *Sites of Biological Significance* surveys commissioned by Knox Council in 2010 and conducted by Dr Graeme Lorimer indicate that that there is less than 3% remnant vegetation remaining in Knox. The study found of Knox's local plant species, 39% are locally critically endangered, 23% Endangered, 17% Vulnerable, and 6% Locally extinct. In addition, Knox has many other plants and animals recorded on state and federal threatened-species lists, e.g. the State-Wide Integrated Flora and Fauna Teams (SWIFT) website documents 37 species of threatened birds, 5 species of threatened mammals and 2 species of threatened fish.
51. A further indication of the dire situation regarding species decline, FGGW commissioned a report by Birdlife Australia in 2011, which looked at bird species in the area of Ferny Creek. The report details 200 birds that have been recorded in the area. Of these, 11 are sited as endangered, 16 vulnerable, 4 critically endangered, and 4 near-threatened. Also, the report identifies 12 birds on Australian Government bi-lateral agreement with Japan (JAMBA) and China (CAMBA). FGGW has been conducting regular monthly bird surveys on the Ferny Creek Reserve since December 2015 and their surveys are entered into the *Atlas of Australian Birds*. They have personally sighted many of these rare species, including the JAMBA- and CAMBA-listed cattle egret and Latham's snipe.
52. FGGW has worked on Ferny Creek in Upper Ferntree Gully for approximately 10 years. The group works collaboratively with Knox Council, Melbourne Water, and other friends' groups (e.g. the Knox Environment Society) in propagating local plants and rehabilitating local sites, particularly the reserve on Ferny Creek. This reserve was 'won' by fighting a subdivision through Knox Council and VCAT over a period of approximately 5 years. Since then, FGGW has continued to care for the site

through revegetation, weeding and monitoring of flora and fauna. This is typical of many local friends' groups, who in addition to revegetation and maintenance works, also often undertake 'citizen science' monitoring of birds, frogs, insects, marsupials, etc. through apps such as the Melbourne Water Frog Census.

53. Every time the community is told by developers, council, planning panels and other authorities that we must be prepared to 'compromise', we often point out that in Knox, we have already compromised at a ratio of 98% (us) to 3% (developers), and when we are asked to further compromise, this brings us to the brink of 100% compromise on our part – there will soon be nothing left to compromise. When you have only 3% remnant vegetation as in Knox, lots of 'small compromises' add up significantly and the overall result is catastrophic, which is why we are facing mass extinctions of species. For this reason, groups such as FGGW find themselves continually in the position (in addition to all their work on the ground in rehabilitating and caring for local sites) of having to lobby council, state and federal governments, appearing before VCAT, and planning panels, or participating in community consultations such as the Healthy Waterways Strategy, in order to have some input.
54. In many ways, we become the last line of defence because governments do not have the will to put into place the necessary legislation and to implement it. Government should be the first line of defence, and we call on governments at all levels to acknowledge their responsibilities and put the environment first. The usual government rhetoric of any means possible to achieve healthy economy overlooks the fact that you can't have a healthy economy without people being in good health, and people's health depends on health of the environment as well as on food security and on the public open spaces we need for our mental health. We need to ensure the survival of every species not just our own – they all matter, because we are all connected.

Support of Melbourne's Urban Forestry Strategy

55. In 2018, a report called 'Resilient Melbourne' was released by the 'The Nature Conservancy' under its Resilient Cities initiative. This initiative is being planned and implemented in conjunction with stakeholders including the State Government and 32 Metropolitan Melbourne municipalities. One of the long term objectives of this report under the heading of 'A healthier Environment' is to enable strong natural assets and ecosystems alongside a growing population.
56. In this regard a major initiative released in June 2019 by the Nature Conservancy was an urban forestry strategy called 'Living Melbourne: Our metropolitan urban forest'. It warns that
- Changes in urban form, a growing population and climate change – including increasing urban heat – leave Melbourne's greenery vulnerable, and could severely compromise the benefits derived from urban nature like cleaner air and water, reduced heat and habitat for wildlife.*
57. A map of the Melbourne Metropolitan area showing Melbourne's urban forest is reproduced below. This map shows a definition of the distribution of canopy cover as measured by vegetation height.



58. The title of 'Urban forests' could lead to a misunderstanding of the role of the 'rural' Green Wedges. Clearly the Urban Forestry strategy covers the whole of the Metropolitan Melbourne area that encompasses the 17 Green Wedge municipal councils out of the total of 33 involved in planning and implementing the strategy. This is emphasised by Table 2 from the Urban Forestry Strategy reproduced below which nominates targets by regional groupings of municipal councils that includes all the Green Wedge councils.

Table 2: Targets for tree canopy, and for canopy and shrubs, by region to 2050

Region	Local government authorities	Existing 2015		Target 2030		Target 2040		Target 2050	
		Total % tree canopy	Total % tree canopy & shrubs	Total % tree canopy	Total % tree canopy & shrubs	Total % tree canopy	Total % tree canopy & shrubs	Total % tree canopy	Total % tree canopy & shrubs
Western	Brimbank, Hobsons Bay, Maribymong, Melton, Moonee Valley, Wyndham	4	15	9	20	14	25	20	30
Northern	Banyule, Darebin, Hume, Mitchell, Moreland, Nillumbik, Whittlesea	12	24	17	29	22	34	27	39
Inner	Melbourne, Port Phillip, Yarra	13	18	18	23	23	28	28	33
Southern	Casey, Frankston, Greater Dandenong, Kingston, Cardinia, Mornington Peninsula	16	34	21	39	26	44	30	50
Inner South-East	Bayside, Boroondara, Glen Eira, Stonnington	22	39	24	44	27	49	30	50
Eastern	Knox, Manningham, Maroondah, Monash, Whitehorse, Yarra Ranges	25	44	27	49	29	50	30	50

Note: figures rounded to nearest whole number

59. The extent of the potential for a substantial detrimental impact can be gauged by the fact that the Green Wedges account for some 68% of the total area of metropolitan Melbourne. More than half of that Green Wedges land is privately owned and there is enormous pressure for built development. Unless there is serious strengthening of Green Wedges planning policy to put a cap on built development, the finding of the ‘Resilient Melbourne’ indicate a serious loss of indigenous vegetation communities.
60. At present the focus of the Urban Forests strategy is on the middle and inner suburbs. These are obviously are very important in reducing the impact of the ‘heat island’ effect in those increasingly more densely populated areas but has a real danger of ignoring potential for overall major loss of indigenous vegetation communities and need for revegetation in the Green Wedges that make up almost 70% of the Melbourne metropolitan areas.
61. There is a need to:
- Protect and enhance all existing indigenous vegetation communities in the Green Wedge.
 - Implement the policy in *Plan Melbourne 2017-2050* to maintain and enhance the diversity of native flora and fauna habitats and species and **achieve a net gain** in the quantity and quality of native vegetation.
 - Expand the current focus of the Urban Forestry initiative under Resilient Melbourne to recognise the importance of the Green Wedges for protecting and enhancing metropolitan Melbourne’s indigenous vegetation communities.

Green infrastructure

62. *Victoria's 30-Year Infrastructure Strategy* (December 2016) identifies that 'Green infrastructure' should be considered alongside other infrastructure planning in urban environments. The benefits of green infrastructure include:
- *Providing shade to mitigate the 'heat island effect' to address the challenges of climate change, heat related death and increasing urban densities.*
 - *Protecting and enhancing natural environments and supporting biodiversity by providing the critical connections within and between ecosystems.*
 - *Reducing emissions and addressing air quality, including acting as a carbon sink.*
 - *Providing a more efficient and effective means of managing stormwater to protect against flooding.*
 - *Delivering energy savings through natural temperature regulation.*
63. This supports the need put more funding into programs such as the Urban Forestry initiative discussed above that delivers these benefits and to acknowledge that existing grasslands, woodlands and wetlands are already serving as carbon sinks and need to be protected as such.

Protection of waterways

64. In addition, *Victoria's 30-Year Infrastructure Strategy* (December 2016) also identified that:
- An assessment of waterway health by the Victorian Government in 2010 found that 23 per cent of river length was in excellent or good condition, 43 per cent in moderate condition, and 32 per cent in poor or very poor condition. Basins in eastern Victoria had more river length in good or excellent condition compared to the rest of the state (see Figure 16). Soil erosion, land clearing and stormwater run-off are some key factors influencing waterway health. Pressures on inland waterways are expected to increase with population growth and climate change.
65. The 1971 metropolitan plans provided growth corridors along the higher land along with the historic transport corridors, while the Green Wedges are based on the waterways and wetlands.
66. A number of important issues have been identified by community groups working in this area in regard to future land use planning policy and they are:
- Concerns about the effective application of the legal framework provided by the State Environment Protection Policies that potentially provides strong protections for our waterways. For example Clause 14.02-1S requires a 30 metre-wide buffer along each side of a waterway but this is not being rigorously enforced. Similarly, *The Healthy Waterways Strategy* needs proactive support from local councils to ensure it translates into real outcomes.
 - The need for protection of waterways to be part of all conversations on policy involving land use planning. For example, DELPW's community consultations on 'Protecting Strategic Agricultural Land . . .' (April 2019) did not mention creeks and rivers in its criteria for discussion. Though it did give priority to protecting irrigated agricultural land.
 - Need to ensure good communication between government, water authorities, and community in order to achieve better outcomes for our waterways. It has been reported that a frequent scenario occurring is confusion (between local council, water authorities, and land owners) over responsibility for managing creeks and associated buffer zones.

67. Overall, authorities both State and Local government need to be proactive in working with landowners and informing them of assistance they are entitled to in regard to managing waterways on their properties in order to achieve the objectives of the Victorian Planning Provisions. This is particularly important when applications for subdivision arise, as these provide opportunities to put into place protections for waterways via 173 Agreements and land management plans.

Funding

68. Funding is always a major problem for biodiversity related programs. The provision/delivery of private landholder engagement that encourages the protection of significant species and habitats through education, support and incentives is essential, along with greater government effort and resources focusing on increasing the opportunities for and willingness of landholders to restore and protect biodiversity on private lands.
69. A strong argument can be made for increasing State Government funding for biodiversity as there are considerable overall strong community benefits. Two areas of importance to the State Government that could increase opportunities for biodiversity funding are tackling the impacts of climate change and protecting essential natural or green infrastructure.

DELIVERING CERTAINTY AND FAIRNESS IN PLANNING DECISIONS FOR COMMUNITIES

Protecting Green Wedges and the urban growth boundary

Maintaining a strong vision and permanent UGB

70. Melbourne's Green Wedges were born of the vision of the then Minister for Local Government, Rupert Hamer, in the 1960's. *As documented in Planning Melbourne: Lessons for a Sustainable City* Hamer was concerned that a widely dispersed metropolis unless carefully planned;
- raised a threat to the surrounding countryside....nobody could happily contemplate a future metropolis of seemingly endless suburbia spreading outward indefinitely. It must be strongly emphasised that future .planning should take full account of the surrounding countryside as a vital part of the metropolitan environment.*
71. This vision for the Green Wedges was realised in the 1971 planning policies for the Melbourne Metropolitan Region.
72. Melbourne 2030 Implementation Plan 5 Green Wedges (October 2002) described the Green Wedges as "the open landscapes that was set aside more than 30 years ago to conserve rural activities and significant natural features and resources between growth areas of metropolitan Melbourne as they spread out along major road and rail links."
73. Effectively today the Green Wedges form a belt around the core of the inner and middle ring suburbs.
74. In Plan Melbourne 2017-2050, the role of the Green Wedges is recognised in Chapter 4 as one of the six major 'Directions' making Melbourne a distinctive and liveable city with quality design and amenity.
75. Plan Melbourne, has a rather ambiguous vision for the Green Wedges that does not clearly enunciate a policy to protect and enhance rural land use. By not adopting such an overall policy and describing a range of 'valued attributes' it risks lacking a coherent direction and as such detracting from the big picture, the protection and enhancement of rural land use.

76. This significance of the Green Wedges for the future of Melbourne is really put into perspective when it is understood that this belt of rural land comprises some 605,000 hectares or 68% of the Melbourne metropolitan area. It has huge impact on the liveability of Melbourne and its sustainability as a healthy functioning environment.
77. The rural values of the Green Wedges are underpinned by soil-based agriculture, the natural environment and scenic rural landscapes.
78. The original vision for the Green Wedges is in danger of being lost with these rural land uses being increasingly threatened by urbanisation resulting from the cumulative approval of excessive built development and associated infrastructure.
79. When the requirement for both Houses of Parliament to approve any proposed changes in the Urban Growth Boundary was introduced in 2003 there was some reason to expect that the UGB was permanent as it seemed unlikely both the major sides of politics (Labor and Liberal-National Coalition) would agree on any extension of the UGB.
80. But history has shown otherwise.
81. In July 2010, the Government and Opposition voted together to approve the expansion of the Urban Growth Boundary (VC68) to take 43,600 ha of green wedge land for urban development.
82. In 2012 the newly-elected State Government set up a Logical Inclusions Advisory Committee and proceeded in 2012 to take a further 6000 ha out of the Green Wedges for urban development.
83. The extent of the changes to the Green Wedges between 2002 and 2018 is illustrated below

2. 2002



2018



84. With the huge projected pressure for the rapid increase in Melbourne's population, any pushes for further expansion of the UGB (reduction of the Green Wedges) need to be firmly rebutted and resisted by the major parliamentary parties, all of which are now firmly committed to a permanent UGB.
85. Plan *Melbourne 2017-2050* has as its *Policy 2.1.1* to:

Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city.

With long term priorities including:

- *reducing urban sprawl*
- *increasing metropolitan housing densities in the right places*
- *ensuring Melbourne's established suburbs accommodate a greater share of Melbourne's growth*

- *creating a more consolidated city of 20 minute neighbourhoods with good access to public transport and services*
 - *protecting the values of non-urban land, opportunities for productive agriculture and significant landscapes*
86. Carrying through the policies for urban development in *Plan Melbourne* should mean no further expansion of the UGB.
87. Even Plan Melbourne's commitment to a permanent Urban Growth Boundary has not stopped land speculation and the resultant land banking. This distorts the property market by increasing land values for land in the Green Wedges
88. The urgency of addressing this issue is exacerbated by the continuing push by some Green Wedge municipalities to rezone Green Wedge land for urban development. Most recently this is evidenced by the proposed option in the PMGWAL Consultation Paper for an urban-rural transition area.
89. There is a need to continually emphasise that the UGB is permanent and hard boundary between urban and rural land uses.
90. There is a very real threat that without major strengthening of the planning provisions for the Green Wedges that the city could become a metropolis of seemingly endless suburbia dominated by built form and associated infrastructure.

Community concerns about VCAT appeal processes;

91. Municipal planning schemes are complex documents and the community needs help in understanding and interpretation the myriad of policy contained in the schemes at both the state and local levels.
92. Community groups cannot afford to get advice from professional planning consultants and going to local government can be fraught with difficulty if a planning permit approval being contested has been given by the council itself and the disagreement is with the interpretation of the planning scheme policy provisions either by council officers or councillors.
93. This complexity is compounded by a lack of consistency in the intent of policy provisions by VCAT. Three elements of particular concern are (1) the interpretation and application of the 'In conjunction' condition, (2) the capacity for 'innominate uses' and (3) the application of 'ancillary' uses. Included as a result of these issues is the need to make planning schemes more prescriptive.

'In Conjunction' condition

94. It would appear that a reasonable interpretation of the purpose of the 'in-conjunction' condition is to ensure that a built development is subordinate to rural uses. It is not why clear it applies to some form of built development and not others. For example it applies 'residential hotels' but not 'Primary or Secondary schools. .
95. A recent VCAT decision would seem to throw into doubt the interpretation of the 'in conjunction' consideration and highlights the need to clarify its purpose and application to support the overall purpose of the Green Wedge zones to maintain a rural environment. The VCAT decision threw into doubt the nature of the relationship between a residential hotel as secondary use and a winery as a primary use with no requirement established for primary use to be of a bigger scale than the secondary use. This appears contrary intention to the 'in conjunction, condition in the Green Wedge zones.
96. The "in conjunction" condition as specified in Clause 51.02 provides no requirements for the scale of the relationship between the primary and 'in conjunction land uses.
97. The current Decision guidelines for 'Design and siting issues' in the GWZ and RZC provide no requirements for capping the size of built development for either municipal councils or VCAT.

98. In addition, the conditions that apply to restaurants and the like in the RCZ need to be explicitly spelt out in *Clause 35.06 Rural Conservation Zone*. At the moment anyone unfamiliar with the complexities of Victoria's Planning Provisions would read *Clause 35.06-1 Table of uses* and in Section 2 uses read Restaurants and Residential hotels as requiring no conditions to be met. Whereas going to *Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions* clearly spells out the fact that a Residential hotel and Restaurant are prohibited unless they comply with conditions relating to being used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.
99. The Planning Minister in a press release in November 2018 committed to the implementation of a cap on the size of development' to ensure that any built form use (such as a Residential hotel) should be subordinate in area to rural land uses appropriate to the Green Wedges.
100. Make the planning policy more prescriptive so that the meaning of the 'in conjunction' clause is explicit and ensures that it relates to making built form uses subordinate in scale to rural land uses.
101. Amend Clause 35.06 to include the in-conjunction conditions relating to Freezing and cool storage, Group accommodation, Residential hotel and Restaurant.

Innominate uses

102. At the end of the description of 'Section 2 – Permit required' in the GWZ, GWAZ and RCZ it states that 'Any other use not in Section 1 or 3 can be considered. This enables applicants to introduce 'new uses' for which there is no definition in the planning provisions and potentially advocate for uses that are contrary to the purposes of the zones. This process can produce an unwarranted and unfair fudging of the proposed uses under the planning system.
103. It is proposed that the capacity for innominate uses be removed for all private land in Green Wedge zones and that in future there be a requirement for all future uses to be both listed and defined.
104. There is a need to remove past changes to the Green Wedge and rural zones that deem any use not listed in Section 1 (as-of-right) or Section 3 (prohibited) at be treated as Section 2 uses (subject to permit). All discretionary uses should be identified in Section 2 with no provision for innominate (unclassified) uses. Any use not in Sections 1 or 2 should be prohibited.

Ancillary uses

105. There is a need to stop the ability of applicants to avoid constraints of uses in the Green Wedges by characterising uses as Ancillary.
106. For example, in Nillumbik Shire in the Green Wedge Zone, sheds are permitted without the need for a planning permit where they are ancillary to Grazing animal production and there is no overlay that could trigger the requirement for a planning permit (e.g. Significant Landscape Overlay). . All that is needed is a building permit and that is applied to directly to the Council without any requirement for notice to surrounding landowners. The nature of this issue is exacerbated by the fact that there appears no size limit on such sheds or the number on a given property.
107. The need to amend the current Decision guidelines for 'Design and siting issues' in the GWZ and RZC to cap the size of built development to ensure that built form is always subordinate to rural uses.
108. There is need to remove the application of ancillary uses as a means of introducing inappropriate uses in the Green Wedges.

Making the Planning Scheme more prescriptive

109. The Planning Scheme needs more 'musts' and fewer 'should consider' as this creates too much discretion and results in a waste of time and resources in planning disputes mainly about Section 2

Uses. It should not be difficult to make the Scheme more definitive which would ultimately advantage applicants and the community.

110. This is particularly so in regard to curbing the current trend for the excessive bulk and scale of built form developments and associated infrastructure in the Green Wedges.
111. Another major issue is the lack of specificity in the application of the 'in conjunction' condition in the Green Wedges. Built form should be subordinate to rural land uses but this regularly does not happen (e.g. places of worship) in the Green Wedges.
112. Yet other built form developments subject to permit have no conditions attached and rely on the Decision guidelines in the Green Wedge zones that do not provide any useful design and siting guidelines to address the issue of excessive bulk and scale.
113. A tsunami of applications for religious schools and places of worship threatens to blight the environment, agriculture and rural landscapes of the Southern Ranges Green Wedge and neighbouring wedges. Places of worship and schools and inappropriate urban-style built developments that ought to be prohibited in the Green Wedges as they were in the original 2002 draft Green Wedge protection package.

Excessive VCAT fees

114. There is a need to reduce the excessive VCAT fees for a community group or individual to appear at VCAT. These high costs are an unreasonable impediment for third party participation in planning decisions.'
115. Often it is only the community that provides a safeguard to ensure adequate attention is given to social and environmental aspects of planning permit applications.

Need for independent planning advice for the community

116. The State Government needs to provide to provide expert advice to the community in regard to understanding and interpreting the Victoria Planning Provisions in relation to the Green Wedges. It is not good enough to say just speak to your local council may often be compromised as they will often be the party that have made the decision to approve a planning application that is the subject of the community objections.

Protecting third party appeal rights;

VicSmart application - inappropriate deregulation

117. In the Green Wedges it is not appropriate for the construction of a building or works with an estimated value of up to \$250,000 to not be subject to notice and third party objection rights.
118. It is entirely unclear why the value of up to \$250,000 was chosen. In an urban situation, given the high cost of residential construction it may be appropriate. In a rural context a structure costing up to \$250,000 is likely to be a large an intrusive built form. In addition there is concern about sequential applications for the same property.
119. It is proposed that the value of structures should be reduced to something more appropriate to a rural environment in the Green Wedges or remove this exemption from notice and third party objections and making it part of a normal section 2 planning application?

The role of Ministerial call-ins;

123. The Green Wedges Coalition supports the dual track planning scheme.

124. We have found Ministerial call-ins preferable to the 50:50 chance at VCAT to resolve appeals Councils that are unsupportive of Green Wedge values and have approved inappropriate developments.
125. However, since the State Government is outing its Big Build agenda ahead of planning scheme consistency there have been some terrible decisions made as a result of Ministerial call-ins, notable the approval of the Alex Fraser concrete crusher. We, along with Kingston Council asked the Minister to call this in, anticipating that he would remain consistent to his 2015 decision to rezone Kingston's former landfills to Green Wedge A Zone in order to protect them against materials recycling uses like Alex Fraser.

PROTECTING HERITAGE IN VICTORIA

126. The Green Wedges Coalition has dealt with cases where it has been important to protect heritage values in the Green Wedges, most notably recently the Ryman HealthCare application for a retirement village on the Mondah Mansion site in Mount Eliza.
127. We support initiatives to improve heritage protection.

Green Wedges Coalition (Incorporated as the Green Wedges Guardians Alliance – registration number A0046546X)

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For any further information or clarification please contact Rosemary West, Coordinator, Green Wedges Coalition [REDACTED] or Alan Thatcher [REDACTED]