

**Submission
No 195**

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

Organisation: Defenders of the South East Green Wedge Inc.

Date Received: 1 February 2022



Defenders of the South East Green Wedge Inc

An alliance of conservation and community groups
dedicated to the protection of the South East Green Wedge
Assoc No A004392R

Tel: [REDACTED]

Email: [REDACTED]

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

Defenders of the South East Green Wedge Inc. Submission

Defenders of the South East Green Wedge Inc. (DSEGW) strongly supports the *Inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian Planning Framework in relation to planning and heritage protection*, moved by the Legislative Council, 28 October 2020.

DSEGW is an alliance of conservation and community groups dedicated to the protection of the South East Green Wedge. We formed in 2001 in response to the rapid erosion of its rural land.

The South East Green Wedge separates the bayside corridor from Dandenong and the growth areas of Cranbourne and it:

- Stops this region becoming a vast suburban sprawl and helps create a sense of community by providing open space between suburbs.
- Contains productive farms and other rural activities.
- Provides the large buffers required around important activities and infrastructure, such as extractive industry, landfill operations, airports, sewerage works and offensive industry.
- Provides space for recreation and conservation.
- Plays a big part in establishing Melbourne's reputation as one of the world's most liveable cities.

Protection of the Green Wedge has been government policy since the 1960s.

In the decades since the Planning and Environment Act 1987 the face, density and diversity of Melbourne's population has changed far beyond that envisaged in the 1987 Act. It is therefore most timely to strengthen the Act to protect the community and spaces against inappropriate developments and activities.

Our submission is concerned with sections:

(2) *environmental sustainability and vegetation protection*;

Our green wedge's vulnerability to development pressure has led to a continuing loss of open space, vegetation, environmental resources, biodiversity and productive farmland.

(3) *delivering certainty and fairness in planning decisions* for communities, including but not limited to

(b) *protecting Melbourne's Green Wedges and the urban growth boundary*;

It has been long-standing planning policy to protect Melbourne's green wedges from urban development. The zone provisions and regulations emphasise non-urban uses as being their prime uses. A successful green wedge excludes non-urban uses and resists the expansion into it of nearby urban and commercial growth.

The main factor in successfully retaining the green wedge is the ability to withstand the continual and intense pressure from developers. The lower cost of land in the green wedge has also acted as an incentive for development.

Over time local councils have initiated many amendments that support local development in preference to upholding state policy. These incremental changes have added up to significant losses that erode the green wedge and threaten its survival. Furthermore, they establish precedents that encourage even more incursions that are disastrous to the notion and intent of the green wedge. The Act needs to be strengthened to support councils to uphold the Planning Framework.

Since 2012 population density and other pressures have increased on this unique environmental resource so close to where people live, exacerbated by the need to address climate change and the consequences of the corona virus pandemic.

Plan Melbourne 2017-2050 at Direction 1.4 states '*Non-urban land uses in the green wedges and peri-urban areas should be carefully planned and managed to avoid irreversible land-use change and support their ongoing productivity.*'

Outcome 4 states that '*green wedges and peri-urban areas provide opportunities for the community to connect with nature, improving health outcomes, as well as maintaining the ecosystem services that underpin Victoria's prosperity.*'

Action 73 - Green wedge management plans – is to '*support local government to complete and implement green wedge management plans to protect and enhance the agricultural, biodiversity, environmental, natural resource, tourism, landscape and other value of Melbourne's green wedges*' thus continuing to reinforce the long-standing policy to protect non-urban values in the green wedge and the economic and social benefits of its environmental values.

Some of the threats to realising these priorities in the South East green wedge are the proposed Suburban Rail Loop Stabling Yards, non-compatible uses such as landfills, truck parks and recycling industries, inappropriate built-scale developments, pressure to rezone for urban development, so-called 'transition' areas, water security and inconsistent decision-making.

The excessive bulk and scale of built form development such as schools and religious organisations with associated infrastructure such as access roads and car parking effectively change the green wedge to an urban form. Approval of large-scale buildings threatens the openness and general nature of the green wedge.

It quickly became evident during the Covid-19 pandemic that the community highly valued the green spaces near their homes. Strengthening protections for green wedges and urban agricultural land will ensure the community can continue to maintain and enjoy the benefits provided by green wedges.

Developers and their customers argue that projects bring desirable employment and economic benefits, but their cost-benefit calculations never consider, let alone factor in, the significant net loss of benefits to the natural environment and the community. Melbourne's increasing urban sprawl, losses of tree cover and climate change will further negatively impact on the health of the community with consequent costs that have never been considered.

(c) community concerns about VCAT appeal processes;

Despite community objections and Council's rejection of inappropriate developments, VCAT more often than not overturns their decision. To not preserve and protect productive agricultural land and environmental assets so close to Melbourne is beyond comprehension.

Regrettably this scenario is replicated across Melbourne's green wedges where the green wedge is being incrementally carved up. The imperative to protect and enhance this finite and unique urban asset is now greater than ever, exacerbated by the consequences of climate change and the Corona virus pandemic.

Proposals should not be assessed in isolation, but also for their congruence with the green wedge purposes and intent in the planning scheme.

The Planning Framework needs to remove the loopholes in the green wedge planning scheme to disallow VCAT siding with developers in applications for inappropriate uses in the green wedge.

VCAT fees are prohibitive for community groups or an individual to appeal a decision at VCAT. This may have the intention of reducing the number of vexatious appellants but has the highly undesirable effect of preventing interested and informed third parties from participating in planning decisions. Nor can community groups or individuals afford the extremely high cost of solicitors and expert witnesses.

The community brings a different viewpoint to a development from that of the proponent. This enables social and environmental factors to be considered in planning applications.

(e) ***the role of Ministerial call-ins;***

In our experience a Ministerial call-in provides a more equitable opportunity than VCAT for all parties to be heard to resolve appeals on contentious and inappropriate developments.

The Green Wedge and its environmental attributes are pivotal to the wellbeing of Melbourne and its residents, but also form key commitments made by the Victorian Government.

In summary, DSEGW supports strengthening the Act and the Planning Framework to prevent the continual loss of open space, vegetation, environmental resources, biodiversity and productive farmland with their benefits for the community.

Diana Donohue
Secretary, Defenders of the South East Green Wedge Inc.

Monday 31 January 2022