

Advocacy watchlist 2018

**Edition No. 1
February 2018**

Please note that it is intended this document will be updated on a monthly basis or as warranted by additional information.

To ensure you are reading the latest version go to the Green Wedges Coalition website at

www.gwc.org.au

VISION FOR THE GREEN WEDGES

The vision for the Green Wedges was driven by the then Minister for Local Government, Rupert Hamer, in the late 1960's. He directed the Metropolitan Board of Works, the planning authority at the time, that in planning for the future of Melbourne '...nobody could happily contemplate a future metropolis of seemingly endless suburbia spreading out to infinity' and that '...It must be strongly emphasised that the future planning should take account of the surrounding countryside as a vital part of the metropolitan environment.' This was a bold vision to contain urban sprawl, building on a highly treasured British planning tradition of urban green belts, and was incorporated in 1971

MAP GREEN WEDGE 2017



Map 19

Melbourne's green wedges and peri-urban areas

- | | |
|--|--|
| Green wedge land | Road network |
| Peri-urban area | Rail network |
| 100-km radius from central Melbourne | Transport gateway - major airport |
| Capital city | Transport gateway - airport |
| Regional city | Transport gateway - seaport |
| Regional centre | Urban area |
| Peri-urban town | Urban growth boundary |
| | Local government area boundary |

Contents

PURPOSE	4
THE GREEN WEDGES CHARTER	5
1. STATE GOVERNMENT.....	9
SMART PLANNING PROGRAM	10
SUSTAINABLE ANIMAL INDUSTRIES	15
URBAN GROWTH BOUNDARY	18
2. PLANNING APPLICATIONS.....	19
SUNBURY GREEN WEDGE	20
‘Cleanfill’ sites – Hume Local Government Area	21
NILLUMBIK GREEN WEDGE.....	23
Case Study: Residential development, 2 Pigeon Bank Road, City of Nillumbik.....	24
SOUTHERN RANGES GREEN WEDGE	25
Proposed subdivision: 220 Glenfern Road, Lysterfield (Yarra Ranges Shire).....	26
Case Study: Subdivision: History of planning and development of Glenfern Road Green Wedge.....	27
SOUTH EAST GREEN WEDGE.....	30
Proposed Bangholme Produce Market, City of Greater Dandenong.	31
448-450 Proposed Place of worship: Heatherton road, Clayton South (City of Kingston)	33
Proposed subdivision: Cruden Farm, City of Frankston.....	38
Proposed Place of worship: Coptic Church, 785 Thompsons Road, Lyndhurst, VIC 3975	41
Proposed outbuilding: 655 Robinsons Road, Langwarrin	44
Proposed Place of worship: Buddhist Temple Complex, 105 Taylors Road, Skye	45
Case Study: RSSB Place of Worship, City of Frankston,	46
Case Study: Proposed school and Place of worship: Lighthouse Christian College, Thompsons Road, Skye, City of Frankston.....	48
MORNINGTON PENINSULA GREEN WEDGE.....	50
Proposed tourism development: ‘Hilltonia Tourist development’, Mornington Peninsula Shire.....	51
Proposed school carpark: Padua College car park proposal, Mornington Peninsula Shire.	53
Proposed subdivision: ‘Ansett’ land – 90 Kunyung Road, Mount Eliza	54
WESTERNPORT GREEN WEDGE	55
Proposed Place of worship: 33 Officer Road, Officer (Shire of Cardinia)	56
3. PLANNING SCHEME AMENDMENTS	58
SOUTH EAST GREEN WEDGE.....	59
Planning Scheme Amendment C143, City of Greater Dandenong (existing)	60
YARRA VALLEY AND YARRA AND DANDENONG RANGES GREEN WEDGE.....	61
Planning Scheme Amendment C148, Yarra Ranges Shire (proposed).....	62
Yarra Ranges Planning Scheme Amendment C143 - Low Density Residential Zone	65
4. GREEN WEDGE MANAGEMENT PLANS.....	66
SUNBURY GREEN WEDGE	67
Rural Hume Integrated Growth Area Plans (City of Hume)	68
NILLUMBIK GREEN WEDGE.....	69
Review of Green Wedge Management Plan: Nillumbik Shire	70
SOUTH EAST GREEN WEDGE.....	71
New Green Wedge Management Plan: City of Frankston.....	72
WESTERNPORT GREEN WEDGE	75
New Green Wedge Management Plan: Casey City	76
MORNINGTON PENINSULA GREEN WEDGE.....	81
Mornington Peninsula Shire.....	82

PURPOSE

The purpose of this document is to provide a resource document that identifies the specific issues of concern to the Green Wedges Coalition and its partner organisations across all the Green Wedges.

The advocacy themes are divided into:

- State Government Programs

The main programs of immediate concern at present are the Smart Planning Program and the Sustainable Animals Industries initiative. These two programs have the potential to destroy the rural values of the Green Wedges.

- Planning applications

Most of the time and energy of community organisations in the Green Wedges is taken up with objecting to proposed planning applications that are contrary to the purposes of the Green Wedge zones. These are statutory planning matters and revolve around the interpretation of Victoria's Planning Provisions.

- Planning Scheme Amendments

Planning scheme amendments involve strategic planning and proposed changes to municipal planning schemes. They have the potential for major deleterious impacts on the future of Green Wedge areas.

- Green Wedge Management Plans

In 2002 it was envisaged by the then State Government that all 11 designated Green Wedge areas would have Green Wedge Management Plans. The purpose of these Green Wedge Management Plans is spelt out in the State Government's Planning Practice Note 31 *Preparing a Green Wedge Management Plan*.

The reality is that these plans are being prepared based on municipal boundaries rather than integrated across boundaries as originally proposed. This is the inevitable result of the State's strategic planning process that is focussed on individual municipalities.

These Management Plans are fundamental to the future of the Green Wedges on a municipality by municipality basis. The main forms of coordination across the municipalities by the State Government are limited to the need to conform to the requirements of the State Planning Policy Framework and the provision of broad guidelines. Each management plan has to be the subject of the typical strategic planning process and ultimately signed off by the Minister for Planning.

The advocacy issues in this document are those identified by the Green Wedges Coalition and its partner community organisations that encompass the 11 Green Wedges areas designated in 2002..

The Green Wedges Coalition is also involved with community organisations that have issues for the future of the peri-urban areas immediately surrounding the hinterland of the Melbourne metropolitan area.

While most of the items in this document refer to active matters, a number of case studies have also been included as they are deemed to provide valuable information and guide to community groups facing similar issues in their own Green Wedges.

Please send any information on specific issues of importance to the future of the protection of the Green Wedges to the Alan Thatcher, Secretary, Green Wedges Coalition at email: alancthatcher@gmail.com.

THE GREEN WEDGES CHARTER

History and purpose

The green wedges are a community asset of incalculable value to the people of Greater Melbourne. The Victorian Government has the prime responsibility for protecting them on our behalf.

The 1968-71 Melbourne metropolitan planning process officially established nine green wedges as non-urban zones for open space or parkland between Melbourne's main transport corridors. It outlined acceptable non-urban uses, including recreation, landscape protection, resource utilization, farming, flora and fauna and conservation.

The green wedges were to be Melbourne's breathing spaces: for the leisure, recreation and enjoyment of residents of the inner city as well as those who live in bush surroundings; for future as well as present generations. They were designed to separate the urban development along the transport corridors, to protect the catchments of our creeks and rivers and to link the city with the country, and with a more distant green belt of state forests and national parks.

The green wedges include the lands of the Wurundjeri, Bunurung and Wathurong traditional owners. Within their boundaries, substantial areas of environmentally significant indigenous grasslands, forests, remnant vegetation and wildlife habitat corridors have been protected. Within their boundaries, some of the most fertile land in the state has been conserved for agricultural purposes. Close to the city, market gardens are more sustainable, requiring less irrigation and lowering transport costs and greenhouse gas emissions.

This vision for Melbourne, handed down by our parents' generation, has helped make ours into one of the most liveable cities in the world. At a time of unrivalled prosperity, rising community awareness and appreciation of the value of green city spaces to our personal wellbeing, we regard maintaining the green wedges for future generations as a yardstick for our generation's commitment to developing a sustainable city in a sustainable world.

Yet by 2002, Melbourne's green wedges were on the brink of destruction. While development had spread out along the transport corridors, there was increasing pressure on municipal councils to allow development of the green wedges for urban, residential and industrial uses. Rates on green wedge farmers and conservationist landholders were becoming – and still are - prohibitive as market valuations increasingly reflected their development potential and as speculators bought in, closing down farms and other non-urban enterprises.

Recent history and policy

Green wedges were a Hamer Government legacy and the Liberal Party still has policy to protect them. The Kennett Government, however, deregulated planning in the green wedges by removing prohibitions on commercial, retail, industrial and other urban uses in rural zones and allowing these uses subject to permit.

The Bracks Government was elected in 1999 on a pledge to preserve the green wedges, along with the rest of the City's parks and open spaces. Labor's Greener Cities policy criticised the Kennett Liberal Government for initiating "an unprecedented assault on Melbourne's green spaces that have been protected from subdivision since 1970. Green belts, the Dandenong Ranges and the Mornington Peninsula are all being carved up."

Before the 1999 election, Labor promised to give "local municipalities greater power to protect the heritage and amenity of local communities", but some Councils did not exercise this power to protect residents' wishes and interests in maintaining green wedges. Instead they facilitated developers' proposals to alienate our green wedges.

Labor promised to “put the protection and enhancement of the natural and urban environment at the forefront of planning decision-making,” to control “the carve up of agricultural land areas near Melbourne,” and to “introduce effective legislation to control the ad hoc subdivision and inappropriate development of Melbourne’s green belt” But with the devolution of planning powers to local government, the erosion of Melbourne’s parks, open spaces and green wedges continued.

Concern at the number of development and rezoning applications going through municipal councils during the development of the Metropolitan Strategy brought together environment and community groups from Melbourne’s green wedges, the Mornington Peninsula and Yarra Ranges to draw up the first draft of this charter for the protection of the green wedges in 2002.

We called on the Government to incorporate into the Metropolitan Strategy a broader vision for the people of Melbourne, for a city with green open spaces, so we do not end up with wall-to-wall urban sprawl. We noted the need for vision and policy coordination to protect the green wedges across road, transport, housing, population policy and local government as well as planning and the environment.

In the light of Labor’s promises to assess the environmental impact of all cabinet submissions, we asked the Government to consider the impact of State and municipal infrastructure projects on the integrity and purpose of the green wedges. We called on the State Government and the Opposition to provide permanent protection for Melbourne’s green wedges and areas of special significance.

Green Wedge Protection

In September 2002, the Bracks Government responded with a package of legislative and planning measures to protect the green wedges as part of Melbourne 2030. The Opposition supported the green wedge protection legislation (which required a vote of Parliament for any further subdivision in the green wedges) when it was introduced to Parliament soon after.

The green wedge package incorporated our main charter points by:

- Preparing legislation to protect the non-urban zones in Melbourne’s green wedges and environmentally important fringe areas;
- Putting a halt to the rezoning of green wedge land until the legislation was adopted;
- Defining and legislating boundaries to include all of what is left of Melbourne’s green wedges;
- Resisting further rezoning of non-urban green wedge land for residential or industrial subdivisions or for the reduction of allotment sizes;
- Introducing new green wedge zoning to protect against accepted rural uses such as service stations and other commercial or industrial enterprises.

Our broader charter points still stand as a call to present and future governments to stem the development pressures on the city’s remaining green wedges:

- Co-ordinate policy to protect the green wedges across transport, roads, housing, population policy, agriculture and local government portfolios as well as planning and environment;
- Reform rural subsidy and rating policies so that green wedge councils receive pro rata rural subsidies to be passed on as rate rebates to protect green wedge landholders from excessive rates and to compensate them for conservation costs;
- Review the impact of all State and municipal infrastructure projects on the integrity and purpose of the green wedges, consider alternatives before such projects can proceed and refrain where impacts would be adverse;

- Continue the principle of green wedge protection by developing linear parks along watercourses and preserving and extending adjacent wetlands all the way to the sea;
- Encourage better transport planning based on European models for improving public transport and existing road systems, instead of freeways which attract new residential and industrial development to the green wedges;
- Review the performance of current infrastructure and planning authorities.

The Government's green wedge protection provisions largely protected the green wedges from the residential and industrial subdivision threats of 2002 until 2009. Until then, only one housing development was approved, as part of a marina development at Wyndham Cove.

However, the Urban Growth Boundary was altered in 2005 to increase the growth corridors by 11,500 hectares and loopholes emerged, partly through pressure from tourism and industry on the 2003 submission process, lax administration and VCAT decisions which ignored green wedge protection provisions. The four most serious loopholes were reformed in 2006 but threats continued of:

- Inappropriate commercial and industrial approvals such as a sawmill and a concrete batching plant.
- Large scale accommodation and other commercial developments such as restaurants; hotels, etc.,
- Over-development of tourist uses, e.g. by the exploitation of "in conjunction with agriculture";
- De facto residential development in the form of caravan parks offering cabins on small sites.
- Re-subdivision and construction on small lots and in old and inappropriate subdivisions previously protected by tenement controls.

Backdown: Urban encroachment into green wedges and our response

In 2007 we submitted to a Melbourne 2030 Audit process, which reaffirmed the importance of holding firm on the Urban Growth Boundary and in a 2008 report stated that there was no need to review the UGB. In December 2008, the Brumby Government substantially undermined its Green Wedge Protection policy and credentials by announcing a 50,000 ha investigation area to provide for urban growth. We strongly opposed this plan, through submissions, lobbying the Planning Minister and Opposition spokesman and MPs and joining other planning and landholder groups in public demonstrations.

In July 2010, the Government and Opposition ignored community concerns voted together to approve the expansion of the Urban Growth Boundary (VC68) to take 43,600 ha of green wedge land for urban development. Only the Greens MPs were steadfast in opposing this unsustainable exercise in suburban sprawl.

The director of the Growth Areas Authority Peter Seamer announced in 2011 that there was enough land to last for 25-50 years. But the newly-elected Baillieu Government was already working on its "Logical Inclusions" process and proceeded in 2012 to take a further 6000 ha out of the Green Wedges for urban development. (We saw them as Illogical Incursions.)

The Baillieu Government then threatened Non-Growth as well as Growth Councils with proposals to change the Green Wedge and Rural Conservation Zones to allow a plethora of urban uses and to take us back to the Kennett-era deregulation and further. Non-growth Councils were also invited to expand their UGBs by rezoning "anomalies" out of the Green Wedge, though only one or two councils voted to pursue this option and then only on a small scale. The Planning Minister decided not to proceed with deregulating the Green Wedge Zones, apart from allowing schools, but proceeded to allow a plethora of urban uses in the Rural Conservation Zone (incl. innominate uses) and to remove the "in conjunction" rule.

Fortunately, the ALP in opposition and now in government has returned to their former strong support for Green Wedges. In opposition, Labor voted with the Greens MLCs against the “Logical Inclusion” amendments and they have been elected to government on a pledge to protect and enhance the Green Wedges and to “lock down” the Urban Growth Boundary. The Liberal Party, in Coalition Government, also returned to policies for protecting Green Wedges by pledging a permanent UGB as part of the Plan Melbourne strategy.

We call on all parties to protect the green wedges by:

- Protecting environmentally significant and viable agricultural land within the green wedges and the expanded Urban Growth Boundary and resisting further UGB expansion;
- Restoring, maintaining and strengthening green wedge protection provisions;
- Refusing any further residential or industrial proposals in breach of existing green wedge planning provisions;
- Closing loopholes which permit inappropriate and over development;
- Requiring Councils to introduce Green Wedge Management Plans that comply with State green wedge protection provisions to provide for local variation and to prevent re-subdivision and construction on small lots and in old and inappropriate subdivisions where this would allow extra development.

1. STATE GOVERNMENT

The purpose of this chapter is to keep a watch on any initiatives by the State Government that relate to the future of the Green Wedges.

Smart planning program

Last updated: 17/01/18

Description

Green Wedge Coalition response

Submission to the state government discussion paper: reforming the Victorian planning provisions

The future of the Green Wedges is vital to the quality of life and the reputation of Melbourne as one of the world's most liveable cities.

Yet the Green Wedges are in danger of disappearing from both the ongoing encroachment of urban development and more insidiously a gradual increase in built development under uses permissible under existing non-urban zones. These uses and these threats will be exacerbated by the line-by-line program of deregulation and disintegration advanced in this discussion paper, which could lead to 'death by a thousand cuts' for the Green Wedges. .

The end result if this is allowed to proceed will be the destruction of the vision of the urban form for Melbourne first set in place in strategic planning for metropolitan area in the 1970's recognising the need to contain the urban sprawl avoiding a future metropolis of seemingly endless suburbia.

This is an extraordinary document and a very nasty surprise. The Andrews Government was elected on a policy of strong support for Green Wedges and for community involvement in planning. This proposal will undermine Green Wedge protection provisions and further exclude the community, including groups such as our members, from any involvement in the planning process for Green Wedge, urban or rural planning.

To protect Green Wedges we need more not less regulation. We need State Government to restore the regulatory provisions that were removed from the Green Wedge Zones in 2013, particularly the Rural Conservation Zone which covers most of the Nillumbik and Manningham Green Wedges and as well as the water catchments in these and other areas and the most environmentally significant land in other Green Wedges and in the peri-urban and rural areas. Please see attached a list of urgent reforms needed to close some of the loopholes that are allowing inappropriate development to spread through the Green Wedges.

There is very little direct recognition of policy provisions relating the Green Wedges in the discussion paper, apart from the deplorable proposal to get rid of Clause 57, the Particular Provision for Metropolitan Green Wedge Land. We strongly support the City of Kingston submission calling for this Clause 57 to be retained.

We also strongly support the Mornington Peninsula Shire Council submission concerns that these "reforms":

- *May water down the strength of (the) LPPF,*
- *May provide too much flexibility to 'as of right' land uses that cause genuine amenity and planning issues and*
- *Will reduce the rights of third parties in the planning permit process."*

We are confident that all of the 17 Green Wedge Councils will encounter similar problems, though not all will have yet become aware or concerned about them.

Most of the proposals are generally so vague and unspecific that it is impossible for anyone reading this discussion paper to have any clear idea of the likely outcomes, apart from the loss of third party rights and the movement of uses from Section 3 to Section 2 and from Section 2 to Section 1. Hence the timeline of next July for gazettal would clearly involve indecent haste - Though it is very clear that these "reforms" are designed to advantage the development and

planning industries (i.e. the planners who work for developers, not the Council or independent planners).

This process seems to have totally avoided any community input: The list of property and professional groups represented on the Reference Group indicates clearly who will be the beneficiaries of this carve-up of the planning scheme, with the exception of the Municipal Association of Victoria. The rest are: Australian Institute of Architects, Building Designers Association of Victoria, Housing Industry Association, Master Builders Association of Victoria, Planning Institute of Australia, Property Council of Australia, Urban Development Institute of Australia, Victorian Planning and Environmental Law Association. There has been no consultation with nor any representation on the advisory group of community planning groups such as ours. These proposals look remarkably similar to deregulatory proposals attempted in the time of the Brumby and Napthine Governments, probably at the behest of the same coalition of vested property and professional interests. Both of those governments dropped these plans in advance of upcoming elections and we earnestly hope this Government follows suit – for its own sake as well as ours.

We would of course support reform along the lines used in the paper to justify these reforms: ie to simplify and improve the operation of the planning scheme. But it looks to us as though these proposed plans will lead to other, less desirable outcomes, as a result of State Government, in effect, putting the foxes in charge of the chook house. The government needs to go back to square one and undertake wide-ranging consultation with the community members who will otherwise suffer the consequence of these hasty, ill-thought out, self-serving measures. To address some of the specific changes proposed:

ID No 39 Particular Provisions – Clause 57 Metropolitan Green Wedge Land

The proposal is to incorporate the Clause 57 requirements into existing VPP zones (such as the Green Wedge Zone) “in a way that is policy neutral and does not weaken its controls.” We don’t believe that is possible. Clause 57 is still vitally necessary to protect land covered by other zones in Green Wedges, such as the Rural Conservation Zone that covers most of Nilumbik and Manningham and the Special Use Zones that cover many golf courses and schools in Green Wedges. For instance, the owners of Capital Golf course in Kingston have repeatedly proposed extensive residential development on Capital Golf Course in Kingston, but have been stopped by Clause 57. When Kingston in 2014 proposed to rezone the Special Use Zone land that covered its former quarries to Green Wedge A Zone (to phase out the landfills and recycling) in accordance with its Green Wedge Plan, several landholders applied to subdivide, anticipating that GWAZ would then allow them to put houses on their land. But Clause 57 provided support for VCAT to overturn the Council approvals after the Defenders of the South east Green Wedge appealed the Council decisions.

When we protested to Minister Guy about his 2013 removal of many of the planning controls from the RCZ, he reminded us that Green Wedge land would still be protected by Clause 57. We have made submissions to the Ministers ever since that those controls need to be restored to the RCZ, which is particularly important in the peri-urban zones not covered by Clause 57, But Clause 57 is an important backstop for the Green Wedges, where we need more not less protection.

ID No 44 – Clause 74 General Definitions Land use Terms

The proposed changes in this section of the discussion paper, like many other sections, are too vague for the reader to get much idea of their likely outcomes.

We would welcome definitions of the many innominate uses, such as Contractor’s depot that currently tempt developers to apply for uses that are not permitted in the hope they will get them approved as innominate uses by a gullible council or VCAT Member. In the meantime, and even if this proposal is approved by the Minister, there will still be innominate uses devised by resourceful applicants and they should be prohibited as they were until 2013 in the Rural Conservation Zone

Before any proposals can be assessed, we and the rest of the community needs to see what they are: eg we need to see how you propose to treat contractor's depot before we can say whether it is more or less likely to lead to more inappropriate development in the Green Wedges.

In our view, schools and churches should be in urban areas where the students and parishioners live. We are concerned School and Place of Worship applications are leading to inappropriate building bulk that is at odds with the purposes of Green Wedges. Place of Worship applications are mushrooming all over the Green Wedges, some with huge built structures and associated infrastructure. There are four outstanding applications for Places of Worship in the South East Green Wedge alone, one that the Defenders of the South East Green Wedge is appealing to VCAT with towers as tall as a seven storied building. Plus several more have recently been approved.

We have written to the Minister submitting that conditions need to be added to Place of Worship in Green Wedges requiring

- That they must be designed only for the use of residents living in the Green Wedge. • A limit of 250 square metres on a Place of Worship in a Green Wedge Zone (the same as in a residential zone).
- Include a requirement in the Decision Guidelines that: applications must be accompanied by a report that demonstrates how the place of worship will be limited to the use of residents living in the Green Wedge.

In relation to schools we argue that it should go back what used to in place, i.e.: schools should be prohibited in the Green Wedges and Education Centres should again be permitted on condition that they:

- Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry, or Winery.
- The number of students present at any time must not exceed the number specified in a schedule to the zone or 150 students, whichever is the lesser.

We are also concerned about the changes to land use proposed in the proposed new policy provisions under the "Sustainable Animal Industries" discussion paper. Where pig farms are proposed **NOT** to be defined as **Intensive Animal Production**. The potentially destructive nature of pig farming on natural resources of our land is on a par with cattle feedlots. The latter, as do broiler farms, have strong regulation through codes of practice in recognition of both environmental and social issues (e.g. potential for conflict with neighbouring land uses.) We have similar concerns about new proposed planning provisions for the keeping of Greyhounds that allow the keeping of up to 20 greyhounds in the Rural Conservation Zone and 50 in the Green Wedge Zone without a permit.

ID 48 Other – Practice Notes

There urgently is the need for a new Planning Practice Note to relate to only allowing small footprints for buildings and associated infrastructure (e.g. roads) that are consistent with protection the values of the Green Wedges as designated in the purposes to the GWZ, RCZ and GWAZ. It is our experience that planning applications for built form in the form of such examples as tourist developments and places of worship are allowed by various municipalities without any serious regard to protecting Green Wedge values.

This current lack of planning controls for built form developments in Section 2 uses will if allowed to continue will effectively lead to the demise of the Green Wedges.

In addition, the Practice Note for the preparation of Green Wedge Management Plans needs to be revised to accentuate that municipal councils in the preparation of the plans must ensure that all parties are made aware of a seriously consider the requirements for Green Wedges under the SPPF and the purpose of the Green Wedge zones. It is our experience that some municipalities developing or revising GWMPs are ignoring the SPPF and that are, for example, proposing schedules to zones that are clearly inconsistent with the SPPF. Rather than handing more and

more responsibility to the municipal councils the State Government needs to take a much more proactive role. The local community keen only to have their land rezoned for residential development either are not aware of the SPPF or just are allowed to ignore it.

Discussion Paper Proposal 1: A simpler VPP structure with VicSmart assessment built in.

There is a proposal to integrate VicSmart provisions into the VPPs.

We do not agree with the proposal to embed VicSmart assessment pathway in appropriate particular provision and overlay schedules.

This process of devolving responsibility to the municipal councils for deciding on types of uses that will be treated as Vic Smart uses and hence not subject to third party objector rights may have some limited merit for urban land uses but is entirely inappropriate for Green Wedge areas.

It is our experience that statutory planners are generally overloaded with work and don't have the time or skills to address key aspects of the Decision guidelines for the GWZ, RCZ and GWAZ where, among many other factors, they are required to consider and assess a proposed permit application in regard to:

- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage, recreation and tourism.
- Whether the site is suitable for the use and development and the compatibility of the proposal with adjoining land uses.

It is our experience that these fundamental issues are not addressed but we are faced with planning reports basically just saying everything complies without any supporting studies or other evidence.

Then there are other issues relating specifically to rural, environmental, and siting and design issues.

This lack of sound consideration of existing planning applications with the Decision guidelines makes a mockery of applying VicSmart in the Green Wedge areas.

Rather than a trend to deregulation, then is a strong case for increased State Government intervention in the VPPs for the Green Wedges areas.

Review of all rural zones

We agree that the rural zones should be reviewed, but to provide more not less protection as seems to be envisaged in this discussion paper. In addition, there needs to much stronger emphasis on meeting the Decision guidelines. Our proposition is that all proposed planning permit applications must be assessed against each of the decision guidelines and documented in the planning officer's report.

Green wedge zones generally

- In accord with the Mornington Peninsula Shire, we are very concerned about reforms proposing to exempt dwelling extensions and ancillary outbuildings from requiring a planning permit and the application of VicSmart that allows developments up to \$250,000 without third party rights for objections. We agree with the council that this proposed reform is likely to result in the gradual creep of residential development onto agricultural land.
- Generally we are very concerned about the loose planning controls on Section 2 discretionary uses. Existing land use definitions are push to radical extremes by many proponents resulting in large footprint built form development. The lack of rigour in ensuring that discretionary uses must support the purpose of the Green Wedge zones will lead to the

eventual loss of the Green Wedges by urban sprawl. This will have serious repercussions for the liveability of the Melbourne Metropolitan area.

Rural Conservation Zone

- Specifically we want the changes to the RCZ instituted in 2013 reversed so that conditions are attached to uses to ensure they must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.
- Do not support schools as a Section 2 use as they are clearly incompatible, except for outdoor sports, with the purpose of the zone.
- Support 'Grazing animal production' as a Section 2 use provided this is genuine extensive animal husbandry, and that any supplementary feeding was genuinely supplementary, ie feeding hay in winter and at the height of summer when fodder is scarce and not a matter of routine. The proposed particular provision, 52.XX, should be applied as a condition in the zone.
- Support the continuation of 'Intensive animal production as a prohibited use. We do not support deletion of the current Intensive Animal Husbandry definition (which includes all forms of intensive use).

Green Wedge Zone

- Do not support a 'Pig farm' being a Section 1 use as they can be very destructive and in the absence of condition as to as to housing and land management.
- Do not support a 'Pig farm' as being a Section 2 use in the absence of an approved Code of Practice for housing, land management and effluent control.
- Do not support a streamlined permit process for 'not more than 8 sows + 1 boar + progeny' with no third party rights as council planners do not have the skills and knowledge to assess issues related to land management issues, specifically the capability of the land to accommodate the proposed use, compatibility with adjoining land users and other key rural and environmental issues required to be addressed under the Decision guidelines for the zone.

Conclusion

We are deeply concerned that the proposed changes are in many cases vague and ill-defined and that some would clearly contribute to the destruction of the Green Wedges.

Status

- The Green Wedges Coalition has been advised that the proposed first stage changes are to be put to Cabinet and gazetted in January 2018.
- State Government gazetted VC142 on 16 January 2018. The amendment is described as including:

....a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of the VPP.

A track changes version of the clauses is available at <http://planning-schemes.delwp.vic.gov.au/updates-and-amendments/amendment?id=09F524152485E51CCA2582150075AB9E>

Sustainable Animal Industries

Issues

Pig farming

One of the major issues with the proposed changes is the potential for major cumulative damage to flora, fauna and water quality values of the Green Wedges by inadvertently encouraging the establishment of 'cottage' farm industries with poor land management skills. For, example the proposal for keeping up to 8 sows, a boar and progeny, is proposed to be treated under VicSmart, subject only to the evaluation by a municipal planning officer and with no third party rights to objection. It is unlikely that municipal council officers will have either the time or expertise to properly evaluate these proposals.

Pig farming should be classified as an Intensive animal industry under the planning provisions and subject to a rigorous code of conduct as already applies to cattle feedlots and broiler farms.

Description

Green Wedges Coalition submission

The Green Wedges Coalition comments relate generally to the Green Wedge Zone (GWZ), Green Wedge A Zone (GWAZ) and Rural Conservation Zone (RCZ), though we are also concerned about the proposal to prohibit agriculture on former Green Wedge land that has been rezoned for industrial or residential use but where that use is not imminent.

In general, we are opposed to the proposed encroachment of intensive animal husbandry, formerly known as "sensitive uses" into the Green Wedge and peri-urban areas. We have strongly supported extensive agriculture in the Green Wedges and are concerned that the proposed changes will create and exacerbate conflicts between farmers practising extensive agriculture and those who wish to turn the Green Wedges into another Industry or Rural Activity Zone.

These proposals pose a serious threat to the environment, landscapes and rural amenity of the Green Wedges and should not be supported by any Government that professes to protect the Green Wedges from inappropriate development. We also have concerns that the quality of life of livestock will be diminished by these changes, at a time when even the supermarkets are responding to consumer pressure for more humane animal husbandry, e.g. free range rather than caged poultry for egg and meat production.

Green Wedge Zone

- Would support the proposed provisions in relation to 'Grazing animal production' with as of right in the GWZ provided this was genuine extensive animal husbandry, and that any supplementary feeding was genuinely supplementary, ie feeding hay in winter and at the height of summer when fodder is scarce. The proposed particular provision, 52.XX, should be applied as a condition in the zone.
- Do not support a 'Pig farm' being a Section 1 use as they can be very destructive and in the absence of condition as to as to housing and land management.
- Do not support a 'Pig farm' as being a Section 2 use in the absence of an approved Code of Practice for housing, land management and effluent control.
- Do not support a streamlined permit process for 'not more than 8 sows + 1 boar + progeny' with no third party rights as council planners do not have the skills and knowledge to assess issues related to land management issues, specifically the capability of the land to accommodate the proposed use, compatibility with adjoining land users and other key rural and environmental issues required to be addressed under the Decision guidelines for the zone.

- Do not support 'Poultry farm' being a Section 1 use.
- Do not support a streamlined permit process for 'up to 450 poultry and 25 emus and ostriches' with no third party rights as council planners do not have the skills and knowledge to assess issues related to land management issues, specifically the capability of the land to accommodate the proposed use, compatibility with adjoining land users and other key rural and environmental issues required to be addressed under the Decision guidelines for the zone.

Rural Conservation Zone

- Support 'Grazing animal production' as a Section 2 use provided this is genuine extensive animal husbandry, and that any supplementary feeding was genuinely supplementary, ie feeding hay in winter and at the height of summer when fodder is scarce and not a matter of routine. The proposed particular provision, 52.XX, should be applied as a condition in the zone.
- Support the continuation of 'Intensive animal production as a prohibited use. We do not support deletion of the current Intensive Animal Husbandry definition (which includes all forms of intensive use) and do not support other forms of intensive animal husbandry/production (unless specified in the zone) defaulting to the zone control for Agriculture, or innominate.
- In the 'Summary of zone changes' it talks about pig farm as being a Section 2 use in the RCZ but we cannot find any reference to it in the proposed changes to the zone provisions. We do not support any streamlined proposal for assessment of pig farms not subject to third party rights.

Green Wedge A Zone

- Support 'Grazing animal production' as a Section 2 use provided this is genuine extensive animal husbandry, and that any supplementary feeding was genuinely supplementary, ie feeding hay in winter and at the height of summer when fodder is scarce and not a matter of routine. The proposed particular provision, 52.XX, should be applied as a condition in the zone.
- Support the continuation of 'Intensive animal production as a prohibited use. We do not support deletion of the current Intensive Animal Husbandry definition (which includes all forms of intensive use) and do not support other forms of intensive animal husbandry/production (unless specified in the zone) defaulting to the zone control for Agriculture, or innominate.
- In the 'Summary of zone changes' it talks about pig farm as being a Section 2 use in the GWAZ but we cannot find any reference to it in the proposed changes to the zone provisions. We do not support any streamlined proposal for assessment of pig farms not subject to third party rights.

Status

- The Minister for Agriculture advised in a letter to all submitters of 21/12/2017 that "A draft revision of the planning reforms will be considered by the *Planning for sustainable animal industries* Implementation Reference Group in early 2018. It is anticipated the planning reforms will be gazetted in the first half of 2018".

The *Planning for sustainable animal industries* Implementation Reference Group members comprise (source Dept. of Agriculture website accessed 30/12/17):

Allan Bullen, Industry Member (Chicken Meat)

Ron Paynter, Industry Member (Dairy)

David Gibb, Industry Member (Victorian Farmers Federation)

Peter Wilkinson, Industry Member (Beef)

Janine Price, Industry Member, (Pork)

Michelle Croughan, Local Government Member

Margaret Abbey, Local Government Member

Jenny Blake, Community Member

Margaret Lewis, Community Member

Stuart Strachan, Community Member

John Walsh, Community Member

Urban growth boundary

There are a number of proposals that if adopted would see the Urban Growth Boundary changes to reduce the area of Green Wedge. The issues of current concern to the GREEN WEDGES COALITION are:

Planning Permit Applications

- Cruden Farm

Green Wedge Management Plans

- Casey Green Wedge Management Plan
- Frankston Green Wedge Management Plan

In all these cases the reader should refer to the sections in this document that specifically relate to Planning Permit Applications and Green Wedge Management Plans.

2. PLANNING APPLICATIONS

Sunbury Green Wedge

‘Cleanfill’ sites – Hume Local Government Area

Last updated 31/10/17

Key words: Cleanfill sites

Description of proposals

A ‘cleanfill’ site is a new type of landfill designed to accept tens of thousands of deliveries of waste ‘clean’ fill – unwanted earth and soil – hauled by large trucks with trailers from newly created suburbs. Bulldozers are used to spread and shape the fill over large swathes of previously grazed or cropped rural land.

‘Cleanfills’ have only recently been given planning permission, all in the Hume municipality, on Green Wedge rural land. Two ‘cleanfill’ sites, privately operated by the large greenfield land developer, Winslow Constructors Pty Ltd, have been permitted¹. These sites are a cheaper alternative for Winslow than the traditional disposing of unwanted ‘clean’ fill at EPA licensed landfills that attract the State Government’s landfill levy.

Two ‘cleanfill’ site applications in Hume have also been refused by the VCAT - both decisions affirming the view of the Hume Council – because of negative impacts on the landscape, environmental values and nearby residential amenity². However, a new planning application for ‘filling’ by Winslow is being foreshadowed for one of these refused sites.³

Why ‘cleanfill’ sites should be prohibited on Green Wedge land

- Contrary to intended Green Wedge land uses

The industrial scale disposal of ‘clean’ fill as waste on large acreages of productive rural land is not specifically permitted for Green Wedge land, nor prohibited, since this land use was not foreseen. This use of Green Wedge land for the waste disposal of ‘clean’ fill relies on permissions for unspecified non-prohibited or ‘innominate’ land uses.

These operations are tantamount to mining operations that import, rather than export, earth, soil and rock ‘mined’ from urban subdivisions.

The VCAT has determined that this land use should be supported because it assists urbanisation in non-Green Wedge areas, so long as negative amenity and environmental impacts are not excessive. The VCAT considers that cleanfills should be permitted in Green Wedges, just as essential urban-supporting infrastructure that cannot be sited in urban areas for amenity reasons can be permitted in Green Wedges.

The Green Wedge Coalition has argued before the VCAT that permissions for urban-supporting infrastructure are strictly limited to essential public infrastructure, such as airports, sewerage plants and landfills. ‘Cleanfills’ are non-essential, privately owned and operated alternatives to EPA-licensed landfills that are primarily intended to confer a private benefit for waste generators – the avoidance of the landfill levy⁴ - rather than a public benefit, while imposing social costs on residents and the environment.

The presumption that agricultural land uses can be successfully resumed after extensive filling, despite the risk of importing weeds and other soil pathogens, has yet to be tested as no ‘cleanfill’ has been completed. Both approved sites are well behind schedule – one has yet to commence

¹ in January 2014, by the Hume City Council at Oaklands Junction and, in June 2016, by the VCAT at Yuroke – see *Creative Landfill Pty Ltd v Hume CC* [2016] VCAT 1075.

² *Calleja Properties Pty Ltd v Hume CC (Includes Summary) (Red Dot)* [2016] VCAT 253; *Burns v Hume CC* [2017] VCAT 448.

³ See *Burns v Hume CC* [2017] VCAT 448.

⁴ See *Yarra Ranges SC v Bibiano (Red Dot)* [2016] VCAT 1881.

more than 16 months after a permit was issued and the other has still to be completed after almost 4 years when it was expected to be completed within 2 years. This calls into question the purported need for these sites and the claim that disruptions to residential amenity would be short-lived.

'Cleanfill' sites should be a prohibited land use on Green Wedge land.

- Contrary to State waste management policy

'Clean' fill can be productively re-used, such as for capping landfill cells, filling disused quarries and landscaping - and State waste policy prefers the re-use of resources over their disposal as waste. This is the rationale for the landfill levy and its avoidance and the undermining of waste minimisation objectives is being facilitated by planning authorities approving 'cleanfill' sites. The VCAT chose not to take State waste management policy (WMP) into account in making its decision on a recent 'cleanfill' site application⁵.

State WMP requires planning authorities to plan and minimise licensed landfill sites to no more than is necessary, recognising their negative impacts on residential amenity, as well as the need to promote recycling and the re-use of resources. Under current arrangements, 'cleanfill' sites can be approved on an unlimited basis, without regard to regional planning or State waste minimisation objectives.

Green Wedge residents have been 'ambushed' by unexpected planning applications for these sites, in contrast to traditional EPA-licensed landfills which are sited well away from residential areas in advance of residential settlement.

Status

- A new application by Winslow for a site that was refused a permit by the VCAT is now being foreshadowed, described as 'filling' for 'pasture improvement' rather than a 'cleanfill', to try to disguise the waste disposal benefit for Winslow. This large land developer is also seeking to own the rural land, as part of a subdivision proposal, that had been lodged with the Hume Council while the Winslow supported 'cleanfill' application was being assessed by the VCAT. While the Hume Council has since refused a permit for the subdivision, Winslow may appeal this decision to the VCAT before 25 November 2017.
- Winslow are seeking to absorb this rural site in Oaklands Junction into a large surrounding Winslow owned farming enterprise, allowing 'filling' intentions to be hidden and overshadowed by its diversification and investment in agriculture.

Further information: John Gilfillan, Resident representative for the Oaklands Junction 'cleanfill' site VCAT appeal, contact stopthecleanfill@gmail.com.

⁵ See paragraphs 18-20 of *Burns v Hume CC* [2017] VCAT 448.

Nillumbik Green Wedge

Case Study: Residential development, 2 Pigeon Bank Road, City of Nillumbik.

Last updated 22/12/17/17

Key words: Single dwelling;

Description

The proposal at 2 Pigeon Bank Road seeks to remove a very large area of bushland in order to provide a “defendable space”. The permit conditions added by council will require even more removal of vegetation. The council sees the solution to fire risk as greater clearing rather than a limitation on habitation in unsuitable areas. It is arguable whether the property is defendable even with this level of vegetation removal.

The land is a steep heavily treed bush block in the Rural Conservation Zone of the Nillumbik Green Wedge. The Planning officer's recommendation to refuse the application for a permit was made on the basis that the proposal was on an undersized block for a dwelling in this zone, that it did not meet zone planning requirements, and that it constituted a fire risk. At the end of 2017 the newly-elected Nillumbik Council, against the Planning Officer's recommendations, granted a permit to construct a dwelling on this site.

Some councillors were recently elected with the support of a lobby group which is hostile to what they see as a planning scheme which places unnecessary restrictions on their property rights within the Green Wedge.

The fire management issue is likely to become more prominent in green wedges and other conservation areas. The same lobby group referred to earlier has proposed that in areas with Bushfire Management Overlays (BMO's) that the Native Vegetation Permitted Clearing Regulations not apply, and that the current allowed distances for fire clearing be significantly increased to give landholders the automatic right to clear native vegetation.

Status

- VCAT appeal hearing to be held 22 January 2018
- Developer has abandoned VCAT (22/12/17)

Southern Ranges Green Wedge

Proposed subdivision: 220 Glenfern Road, Lysterfield (Yarra Ranges Shire)

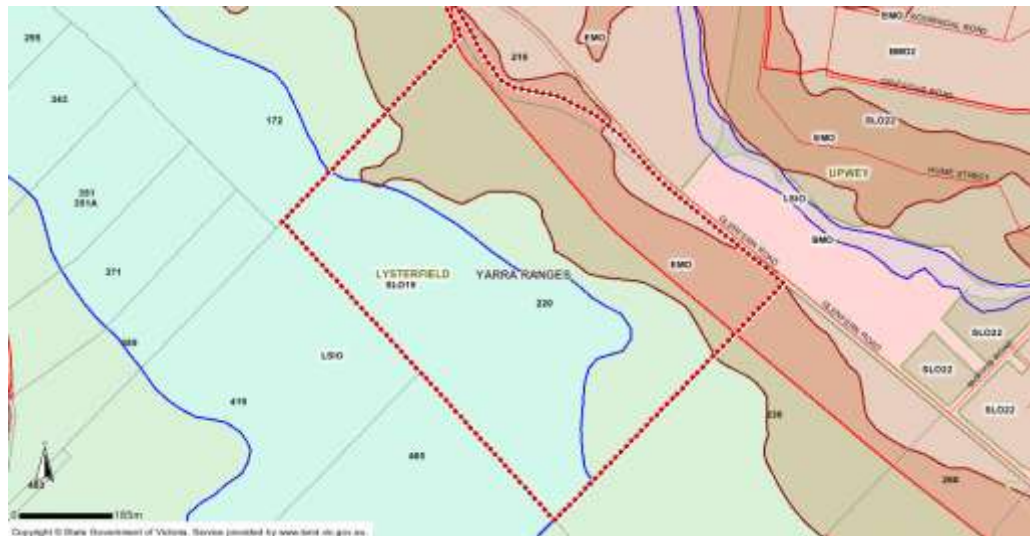
Key words: Subdivision

Last updated: 27/12/18

Description

This proposal is for the subdivision of Green Wedge land in the Lysterfield Valley.

The area is located in land zoned Green Wedge Zone / Schedule 6 (GWZ6). The subject site is partially covered by a Significant Landscape Overlay / Schedule 19 (SLO19) and the Environment Management Overlay (EMO). See map below.



Source: Planning Maps Online (accessed 18/01/18)

Basis of objection

Status

CASE STUDY: HISTORY OF PLANNING AND DEVELOPMENT OF GLENFERN RD GREEN WEDGE

Property located at 157 -173 Glenfern Rd, Upper Ferntree Gully extending to newly-created reserve on Ferny Creek

Description of site in question

- The Glenfern Green Wedge (GGW) property lies outside Urban Growth Boundary and is not close to transport or urban activity centres. It forms a critical buffer to Dandenong Ranges (listed as 'National Significance') and is adjacent to Glenfern Valley Bushlands ('State Significance'), Gilmour Park Retarding Basin ('Regional Significance'), and Lysterfield Valley (classified by the National Trust as a 'Significant Landscape'). It is also recognised as 'Biologically Significant' by Water Ecoscience and classified as an area of 'Cultural Heritage Significance' by Aboriginal Heritage Victoria.
- GGW is subject to Green Wedge Zone 2 regulations with a minimum lot size of 4 ha. The following overlays apply to the site: Erosion Management, Significant Landscape (Dandenong Foothills), Vegetation Protection, Environmental Significance (C49 amendment), and Special Building. It forms part of a vital, extensive bio-link covering the Dandenong Ranges, Churchill, and Jells parks, as well as the Corhanwarrabul, Monbulk, Dandenong, and Ferny creeks. Data from Birdlife Australia and Knox Council's *Sites of Biological Significance* surveys demonstrate rare and endangered flora and fauna on the site. Pertinently, less than 3% remnant vegetation remains in Knox and over 50% of indigenous plant species are threatened with local extinction.

History of planning application

- A permit for subdivision in relation to 157-173 Glenfern road, Upper Ferntree Gully was twice refused by Knox Council (Jan. 2011 and April 2013). The case was referred to VCAT on both occasions. The second application was approved by VCAT with some amendments and conditions applied (VCAT Ref. P2748/2012; Permit applic. P/2012/6342; Date of order, 10 May 2013). The final permit (May 2013) reduced the number of lots in the subdivision from 7 to 5 lots. The size of the each of the 5 lots varies between 4.6 to 6.1ha with building envelopes of 2.773 to 4.039m2.
- The Particular Provisions Clause 52.01 required a contribution to public open space, and as a result, a public reserve adjacent to Ferny Creek and New Rd was created (with an area of 4.1ha). In the first application by the developer, an offer of half this size was made as a contribution to public open space. However, we were able to argue successfully for an increase in this contribution. Most of the newly-created reserve lies on a flood plain and is unsuitable for building. As such, it should never have been proposed as a residential site.
- Our arguments against the development of GGW were made on the basis of the State Planning Policy Framework; the Knox Planning Scheme (incl. Municipal Strategic Statement and Particular Provisions); Green Wedge Zone principles and regulations; and federal international agreements concerning protection of migratory birds.⁶ Bushfire, flooding, noise and traffic safety were also relevant concerns. The issue of on-site waste disposal (septic) was critical to both VCAT cases as the site is not connected to town sewerage or water and independent reports commissioned by Council and the developers both concluded that the site was geologically unsuitable for the proposed system of waste management.
- Expert evidence, live testimony, and prepared statements against the proposed subdivision was provided to VCAT in reports by Euan Moore (Birdlife Australia), Richard Loyn (Arthur Rylah Institute), the Wurundjeri Tribe, Green Wedge Coalition, Prof. Michael Buxton (RMIT School of Global, Urban and Social Studies), Edward McNabb (Ninox Pursuits Environmental Services), Angus Witherby (Director of Wakefield Planning), the National Trust of Australia,

⁶ Details of the relevant clauses are in the reports prepared for VCAT by Friends of the Glenfern Green Wedge (copies available on request).

and Shire of Yarra Ranges Planning Department. Hence, the evidence supporting our arguments was weighty.

- The Friends of Glenfern Green Wedge believe the findings of the second VCAT case was demonstrably flawed in that the Tribunal member made incorrect statements of fact and showed bias as well as errors of judgement and process in his deliberations. Preliminary enquiries through solicitors indicated there were definite grounds to take this matter to the Supreme Court but costs were prohibitive. Major concerns were:
 - 7.1 Disregard of evidence provided by the Wurundjeri Tribe concerning indigenous cultural heritage.
 - 7.2 Failure to adequately assess according the sections of the planning scheme relating to biodiversity.
 - 7.3 Failure to adequately assess according to principles of the Green Wedge Zone.
 - 7.4 Incorrect statement of fact cited in the final decision, e.g., the removal of cattle from the site. (There was never any intention or promise of removal of cattle made during the VCAT hearing and cattle are still intermittently on the site today).

We note that the tribunal member ruling on this case was the same member who approved the MacDonalds in Tecoma in 2012. (VCAT No. P3933/2011). Public opinion and community benefit was not given due regard in either case – with detrimental consequences in our area.

Outcomes: Development of site after VCAT approval

- The building that has since occurred onsite has ignored many of the conditions imposed by VCAT, and Knox Council has failed to follow up or enforce them. The many matters contrary to planning permit conditions include: large buildings outside the specified envelope (highly intrusive on this National Trust registered landscape), not adhering to landscape plan, neglect of vegetation offsets, grazing of cattle, removal of native understory, lack of tree protection measures, unwarranted removal of dead trees, scarring of landscape, deep excavation and removed soil remaining exposed. Importantly - and despite extensive public discussion and assurances given prior to and during VCAT - Council refused to reveal what type of waste disposal system was eventually approved and in operation on this ecologically-sensitive site. Consequently, we were forced to put in a request through Freedom of Information.

Conclusion

- The experience of our Friends Group in working for the best outcome in this case testifies to the failure of the planning system and the need for tighter controls and means to enforce them. This reflects the situation in many of Melbourne's Green Wedges. The issues are complex and require care and time for proper consideration. Any attempt to 'fast track' the planning process will undermine the chances of achieving the best and fairest outcome for all.
- Scientific research testifies to the health and economic benefits to society of protecting our Green Wedges. These green spaces are essential for physical and psychological wellbeing of communities. The 'monetary value' of trees is now well recognised as is the fact that maintaining 'green spaces' can cut Australia's annual health bill by a billion dollars annually.⁷ The amount of volunteer hours donated by groups such as ours also represents a monetary value and 'voter- power' that politicians underestimate at their own peril.

Issues for the future of the Green Wedges raised by this case study

- Prohibitive cost for community groups to appeal to VCAT (Increased in 2013 and ranging from \$836.20 for a single dwelling irrespective of value to \$4,365.50 for a Major Case involving development greater than \$50M).
- Prohibitive costs of going to the Supreme Court.
- Unwillingness of new owners to comply by conditions imposed by VCAT and Knox Council. This includes fire prevention measures and weed control.

⁷ See for example: <http://www.abc.net.au/radionational/programs/themoney/turning-a-new-leaf:-the-value-of-green-investment/8858984>

- Steep costs of enforcement and lack of council willingness and ability to enforce conditions.
- Need for councils to undertake Green Wedge Management Plans.

For further information please contact Dr Johanna Selleck, President of Friends of the Glenfern Green Wedge Inc. Email: johannaselleck@optus.com.au.

South East Green Wedge

Proposed Bangholme Produce Market, City of Greater Dandenong.

Key word: Produce market;

Last updated 10/01/18

Description

This is a proposal for a \$15M wholesale fruit and vegetable market on Green Wedge land in the City of Greater Dandenong. The proposed development includes construction of three fresh produce market sheds (14,696m²), flower/plant shed (1,359m²), fish market shed (1,359m²), three warehouse buildings (8,877m²), sterilisation facilities, market services and supply building, waste services building and an administrative office building. Most of these building are 10 metres in height and, together with internal roads and parking, would result in hard-surface coverage of approximately 16.5 ha which would be 68% of the site and is equivalent to more than eight times the playing surface of the MCG. This land was purchased in 2009 and the purchaser has previously tried three times to have the property rezoned from Green Wedge to industrial zone, firstly through the Urban Growth Boundaries Anomalies process, then through Plan Melbourne Refresh and lastly via City of Greater Dandenong Amendment C143 for the implementation of the Greater Dandenong Green Wedge Management Plan.

The basis of the objection

The proposal is opposed because it would:

- Is contrary to the purpose of the Green Wedge Zone.
- Is contrary to the Green Wedge protection measures in the State and Local Planning Policies.
- Be inconsistent with the Greater Dandenong Green Wedge Management Plan.
- Would result in a large, intense and intrusive built form development that should be classified as an industrial use and located in an industrial zone.
- Contravene the objectives of Schedule 3 to the Environmental Significance Overlay.
- Have a substantial adverse impact of the amenity of the surrounding area.

Overall the proposal would result intrusion of built form into the Green Wedge that would have a massive footprint quite contrary to the purpose of the Green Wedge Zone to maintain and protect and open rural landscape.

The proponent is clearly trying to stretch the meaning of land use definitions to way beyond what a reasonable person would say is a market or rural industry appropriate to the protection of the purpose of the Green Wedge Zone. The market is clearly totally out of keeping with a community or trash and treasure market, the examples nested under Market in the Victoria Planning Provisions. These uses could be expected to be a small scale with temporary stalls set up for a short period of time and held at the most on a one day a week basis. Similarly Rural Industry is typically a small-scale operation processes local produce. It is also highly relevant that the proposal includes three very large warehouses that is a prohibited use in the Green Wedge Zone. The proponent has attempted to get around this prohibition by using the ancillary argument.

Status

- The Planning Permit Application (PLN 16/0072) was approved by the City of Greater Dandenong Council on 26 June 2017 and a subsequent rescission motion was defeated on 10 July 2017.
- The Defenders of the South East Green Wedge (DSEGW) have lodged an appeal to VCAT.

- There has been major press coverage in the AGE in an article entitled "Fruit and vegetable market approved by council in the green wedge faces hurdle". (1/09/17). In this article a spokesman for the Minister for Planning is quoted as saying "*This proposal clearly does not meet community expectations for developments in the green wedge, and the Minister is considering whether he needs to intervene*". <http://www.theage.com.au/victoria/fruit-and-vegetable-market-approved-by-council-in-green-wedge-faces-hurdle-20170901-gy92sc.html?btis>
- DSEGW wrote to the Planning Minister on 4/09/17 requesting him to call-in and refuse the application.
- VCAT appeal hearing set for two days starting 8 February 2018
- On 10 January 2018, the Planning Minister Wynne called in the permit application and will set up an expert planning committee to provide recommendation on the application. Needs to be established whether the planning committee will hold a public hearing.

Further information

Barry Ross, Secretary, DSEGW by email at defenders.segw@gmail.com

448-450 Proposed Place of worship: Heatherton road, Clayton South (City of Kingston)

Key words: Place of worship;

Last updated 13/01/18

Description

Place of Worship

Letter of objection

On 22/10/16, the Defenders of the South East Green Wedge sent a letter to the City of Kingston lodging and objection to the granting of a permit for the proposed Church development.

Overall, the objection is to the inappropriate bulk and scale of the proposed development with the two large 10 metre high buildings whose bulk, scale and 83% impermeable surface site coverage are completely unacceptable in the Green Wedge. Furthermore, the proposal is contrary to the purposes of the Green Wedge Zone and the recommendations of the Kingston Green Wedge Plan.

Following are the more detailed reasons:

- 1 The development should take place on the adjacent Special Use Zone 5 (SUZ5) land.

We believe that the Church should be located on the on the block next door with the existing Church. This would avoid the need for the church/school complex to spread onto what is almost a greenfield site and would minimise the impact of the proposed bulky, 10 metre tall building on the surrounding open Green Wedge landscape.

There is sufficient space available on the SUZ5 land to accommodate the proposed building with some minor modifications to the plans.

Our alternate proposal would also enable the school to develop playground and recreation areas on the subject site which would remove the need for it to rely on the land it leases from VicRoads that has an uncertain future.

Originally schools were a prohibited use in the Green Wedge Zone and the Kingston Planning Scheme was amended in 2009 to rezone the existing Kingston City Church and Heatherton Christian College to Special Use Zone (SUZ5). The threat of the church/school wishing to expand beyond its boundaries was anticipated by the Planning Panel which included the following statement in its report:

The Panel does not also consider this amendment sets any sort of precedent for further alienation of green wedge land, except perhaps for other existing schools in similar circumstances. The amendment addresses a very specific set of circumstances and thus does not in the Panel's mind 'open the floodgates'.

In considering such amendments there may be occasions when the weight of evidence and submissions against the intensification of use warrant refusal. However, this is not one of those occasions.

The SUZ5 was specifically created to allow for the Church and school develop the site for their current and future needs with buildings that would not otherwise be permitted in the Green Wedge. We say that as there is space available in the SUZ5 land for expansion, that is where the development should take place.

- The proposal is not justified

The stated justification for the development is that the existing Church facilities are at capacity and there is limited opportunity to expand at its current location.

The main feature of the proposed development is the auditorium with seating for up to 600 people.

The Heatherton Christian College Master Plan June 2007 provided for an auditorium with a capacity of 750 seats. So it appears that the justification for the proposal is rather dubious as the current proposal seems to allow for downsizing, not expansion.

- 3 Green Wedge Zone

The application proposes a high intensity use utilising most of the site with buildings and associated infrastructure. This is contrary to the purpose of the Green Wedge Zone that has been established to protect the open rural character of the area.

Our assessment of the proposal against the Green Wedge Zone Decision Guidelines. Follows to demonstrate how wide of the mark this application is,

Guidelines	Assessment
General issues	
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	SPPF Clause 11.04-7 This application fails to protection from inappropriate development by not protecting the key feature and values of the Green Wedge that is its rural character of the zone. LPPF Clause 21.06-3 This application fails to meet Objective 1 to ensure use and development protect and reinforce the existing rural landscape typology.
<i>How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.</i>	The proposed use is for a level of intensification of built form that clearly does not relate to rural land use.
<i>Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.</i>	As stated above, we believe that the Church should be located on the block next door with the existing Church. This would avoid the need for the church/school complex to spread onto what is almost a greenfield site and would minimise the impact the proposed bulky, 10 metre tall building on the surrounding open Green Wedge landscape.
<i>The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.</i>	This application quite clearly will have an adverse impact on the open rural character of the Green Wedge. The Kingston Green Wedge Plan does recognise the potential for the provision of educational uses but supports land use changes to allow for low intensity educational activities in line with protecting the rural character.
Design and siting issues	
<i>The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.</i>	This application clearly does not minimise the impact on the landscape. Only the contrary, it appears to have been designed to attract attention.
<i>The location and design of existing and proposed infrastructure services which minimizes the visual impact on the landscape.</i>	As above.
<i>The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.</i>	It clearly does not minimise the impact on the character of the area.

There is a wide range of uses involving built structures permitted as of right, or are subject to planning approval, allowed in the Green Wedge. The issue is that the test for approval of any future land use and development must be the capacity to protect and enhance the rural character of the Green Wedge.

- 4 Municipal Strategic Statement

Clause 21.10-2 contains the following:

Objective 9

To protect and further develop the scenic and landscape values of the Green Wedge.

Strategies to achieve this objective include:

- • *Ensure that all major developments within Kingston's Green Wedge (particularly in the Braeside area) contributes to the enhancement and re-creation of pre-settlement landscapes including wetlands and open woodlands.*
- • *Ensure all major development address the significant rural role and function of Kingston's Green Wedge through their site layout, building design and landscape elements, particularly in the Heatherton area.*

While the subject site is not high quality landscape, approval of this application would ensure that it never becomes one and instead would result in an out-of-place intrusion that would reduce the openness and general feel of the area.

The map labelled 'City of Kingston Non Urban Area Framework Plan' at the end of Clause 21.10-2 requires the "Preservation and improvement of landscape vistas" along Heatherton Road and some other roads. The proposal would be very much at odds with this requirement

- Kingston Green Wedge Plan

On page 79 the Kingston Green Wedge Plan recommends that places of worship be located in Green Wedge Intensive Areas. While it also says that low site coverage community facilities can be located in Low Intensity Areas, this obviously does not apply to the proposed place of worship with its non permeable site coverage of 83%.

We recognise that the Kingston Green Wedge Plan identifies churches as a potentially acceptable land use in the cluster of commercial development on the Clayton Road near Kingston Road. Our concern is that the proposed boundaries of this cluster are vague and should be confined to the area of existing development on the area bounded by Heatherton Road in the south, Victory Road in the north and Boundary Road.

The area immediately to the south of Heatherton Road is Green Wedge land characterised by an open rural landscape.

Our position is that this new proposal, an extension of the Kingston City Church and Heatherton Christian College, is an over intensification of land use in the Green Wedge that will act as a precedent for other church and school institutions to follow suite in making applications for similar level of use in the Green Wedge.

The Kingston Green Wedge Plan does recognise the potential for the provision of educational uses in the Action Plan where it supports land use changes to allow for low intensity educational activities (eg associated with substantial outdoor recreational facilities). This policy should apply to this proposed development.

This policy direction accords with the provisions of the Green Wedge Zone in Clause 35.04 that future land use and development must be designed in a way that protects, conserve and enhances the character of open rural landscapes.

Following is our assessment of how the proposed buildings fail to meet the Kingston Green Wedge Plan Building Design Guidelines for Low Intensity Areas that are relevant to our objection:

Building Design Guidelines	Assessment
<i>Buildings should be subordinate visually to the spacious, rural landscape.</i>	The buildings are clearly dominant; not subordinate to the rural landscape character.
<i>Minimise building footprints and limit the overall presence of built form to enhance the rural character and maintain a sense of openness.</i>	The building footprints cover 2,826 square metres which is 41.4% of the property and the total of the non permeable surface area of 5,680 square metres occupies a staggering 83.3% of the site. So the proposal completely fails to minimise the presence of built form to enhance the rural character and maintain a sense of openness.
<i>Avoid development on any property boundary.</i>	The development comes within 2 metres of the Boundary Road boundary and the southern boundary. These distances even fall well foul of the Guidelines for Intensive Areas which state: 'Site and orientate buildings so that they provide a consistent setback of at least 10 metres and are oriented parallel to the street.'
<i>Limit building heights to a maximum of 8 metres (2 storeys) above natural ground level.</i>	The proposed buildings are 10 metres tall which is 25% more than the maximum height of 8 metres
<i>Avoid large areas of non- permeable surfaces including yards, driveways and car parking areas.</i>	As stated above, the total area of the non permeable surface covers 83% of the site which is an absolutely unacceptably large amount for a Low Intensity Area.
<i>Utilise materials, colours and finishes that best immerse built form within the rural landscape (i.e. dark, natural colours, muted tones, matte finishes and non- reflective materials).</i>	The proposed buildings with their "dynamic and contemporary built form" are at right angles to the Guidelines for Low Intensity Areas.
<i>Bright, bold, extravagant colour schemes are to be avoided.</i>	The upper cladding of the buildings and bright signage represent a bold colour scheme.
<i>Use glazing and roofing materials of low reflectivity.</i>	The substantial amount of glazing incorporated in the buildings has the potential to cause reflection.
<i>Minimise the size and extent of signage and advertising, particularly internally illuminated signs.</i>	The three Business Identification Signs are internally illuminated, large and intrusive. As covered in following Section 6, two of these signs are prohibited under Clause 52.05-9.
<i>Locate signage on the building where possible, so that it complements the architecture.</i>	The signs are designed to be very visible and attract attention and do not complement the architecture.
<i>Avoid formal landscape design in the private realm (e.g. geometrically aligned/spaced tree avenues or garden beds) and hard surfaces in landscaping.</i>	The bulk of the landscaping and screening consists of trees planted in straight lines. This has been made necessary of the minimal space provided for landscaping, particularly along the street frontages that are visible to the public.
<i>Screen unsightly areas, large developments, or developments with an unavoidably urban character or large amounts of hard surface, with large scale native trees and vegetation.</i>	Because of the lack of open space, the proposed planting is grossly inadequate to properly screen this large and intrusive development.
<i>Encourage the use of traditional fencing materials (e.g. timber, post and wire) or transparent materials that allow a view to the property frontage.</i>	The proposed tubular steel is obviously not a traditional fencing material but the post and wire fences seem ok.

- Signage

The application provides for two 5.35m x 4.2m Business Identification Sign that each cover 22.47 square metres.

As the signs are over 10 square metres in size they meet the definition of a Panel Sign in Clause, ie:

5 A sign with an advertisement area exceeding 10 square metres.

In Clause 52.05-9 a Panel Sign is prohibited in Category 3 – High Amenity Areas.

A similar situation was covered by VCAT in Project Planning and Development Pty Ltd v Greater Dandenong CC [2008] VCAT 2261 (10 November 2008) where the Tribunal concluded a large Business Identification Sign was also a Panel Sign and:

It is my opinion that the sentence under clause 52.05-1 Advertising categories "if a sign can be interpreted in more than one way, the most restrictive requirement must be met" signals the death knell to a sign of the proposed size.

- **7 Precedent**

Approval of this proposed development would establish a planning precedent for the establishment of an urban land use in the Green Wedge. It would open the way for future applications for similar levels of urban built form justified with the argument that, as with this proposed use, they are part of an existing cluster of commercial/industrial/urban use. It would potentially lead to an expanding cumulative intrusion of the urbanised built form into the Green Wedge.

In the event that the Council were to support this planning application, we would like to ask the Council to answer the question of how you propose to protect the Green Wedge from pressure for incremental expansion of such high intensity urban style land use by similar planning applications?

- **8 How the Defenders of the South East Green Wedge would be affected by the grant of the permit.**

Our members' appreciation and enjoyment of the Green Wedge would be adversely affected if the proposed development were allowed to proceed. Our members also contend that the adverse effect of the proposal must be extended to the people of Melbourne as an impact on Kingston's Green Wedge area cannot be taken out of context with the purposes of all the Green Wedges as a whole.

Conclusion

To sum up, we consider the proposed application should be firmly rejected because it provides for two large buildings whose bulk and scale that would:

- Be most unsuitable for locating anywhere in a Green Wedge, in particular in the subject site that is classed as a Low Intensity Area.
- Not conform with or support the purposes of the Green Wedge Zone.
- Fail to meet the Decision Guidelines for the Green Wedge Zone.
- Fail to meet the Kingston Green Wedge Plan's Building Design Guidelines for Low Intensity Areas.

Status

- On hold pending the lodgement of amended plans.

Further information

Barry Ross, Secretary, DSEGW by email at defenders.segw@gmail.com

Proposed subdivision: Cruden Farm, City of Frankston

Key words: Subdivision; Urban Growth Boundary

Last updated:

Description

The 54ha property Cruden Farm at Langwarrin, home of the late Dame Elisabeth Murdoch, is treasured throughout Victoria for its outstanding natural and landscaped beauty. As an integral part of Dame Elisabeth's social and philanthropic works it regularly hosted countless charity and community events.

The subject of this application is the Cruden Farm Estate, which constitutes 33ha at 60 Cranbourne-Frankston Road, in the Mornington Peninsula Green Wedge. It includes the homestead residence, other smaller buildings and culturally and historically significant gardens. There is a further 4ha of bushland along part of the southern boundary of the estate which the Trustees are considering protecting through a Trust for Nature Covenant. The property is subject to environmental and heritage overlays.

Key planning issues

Clause 35.06 (*Rural Conservation Zone*) and Clause 57.01 (*Core Planning Provisions*) of the Frankston Planning Scheme prohibit the range of uses proposed by the Trustees for Cruden Estate.

The Trustees of the Cruden Farm Estate seek to:

- Amend Schedule 1 to Clause 57 (*Green Wedge*) to nominate Cruden Farm as being exempt from the Provisions of this Clause;
- Introduce an Incorporated Document '*Cruden Farm*' into the Planning Scheme under Schedule 1 to Clause 52.03 (*Specific Sites and Exclusions*) and Clause 81.1 (*Table of Documents Incorporated in this Scheme*) that will enable Cruden Farm Estate to be used for open space public access and a wider range of community activities;
- Excise a 14.6ha parcel of Rural Conservation Zone (RCZ) land and rezone to General Residential Zone (GRZ). The land is surplus to requirements of the Cruden Estate. This rezoning will also require the Urban Growth Boundary to be amended;
- Place a Development Plan Overlay (DPO) over the 14.6ha parcel to be rezoned GRZ and 1.2ha of existing GRZ land on the eastern edge of the site, for provision of 116 housing lots.

Current status

The Trustees withdrew the application from Frankston City Council's agenda of 14 August 2017 and indicated that it may be resubmitted in November.

The draft officer's report was distributed to councillors in the draft council meeting agenda.

Defenders of the South East Green Wedge's FOI application to Frankston City Council for access to...*an electronic copy of the officer report that was prepared for the Cruden Farm Rezoning Application that was to be included in the Agenda for the Council meeting on 14 August but was subsequently withdrawn...*was refused on the grounds that it would be contrary to the public interest, that it was a draft and release may mislead and misinform the public, and undermine proper processes associated with requests for planning scheme amendments.

An application for review of this decision has been made to the Information Commissioner.

A Management Plan prepared by Urbis proposes opening up the Cruden Farm Estate as a tourism gateway for Mornington Peninsula, third party private sector operators using part of the grounds for commercial uses such as café or art gallery, while the rest is operated on a not-for-profit basis.

The level of activity proposed for the Estate in the Urbis Report reveals a bewildering array of activities that threaten to destroy the dignified, rural atmosphere of the site. If all these activities are allowed to proceed, it would convert the Estate into some sort of multi-purpose theme park.

Many of the proposed activities are inconsistent with Statement of Intention B in the Keith and Elisabeth Murdoch Trust that says:

The principal purpose of the trust is to be the retention of 'Cruden Farm' as an area of public recreation, it being my wish that the gardens and other areas be retained largely in the form in which they are at present.

Clearly many of these proposed activities go well beyond 'public recreation'.

The Urbis report lacks any financial figures to support the assertion that proceeds from the proposed rezoning and sell-off for housing, estimated at \$25 to \$30 million, are needed to keep the grounds open for generations to come.

There is no discussion or evaluation of other options to rezoning, such as leasing of the paddocks for hobby farms, or subdividing and selling the paddocks as hobby farms, thus avoiding the need to rezone and move the UGB.

As proposed, the Incorporated Document gives the Trustees wide power to conduct an extensive range of activities.

"The purpose of the Incorporated Document is to enable a limited range of additional uses and activities on the main estate at Cruden Farm that would otherwise be prohibited by the underlying Rural Conservation Zone. This includes a range of complimentary uses such as Education (e.g. community education) a Place of Assembly or Leisure and Recreation that the current zone precludes. This means, for example, that adult education classes, outdoor sports and recreation (such as cross country running events) or even outdoor cinema could operate on the site."

The Incorporated Document also precludes any third party involvement, i.e. the public can't object.

The Urbis Report states that:

The Incorporated Document does not prohibit any use - it simply allows some uses to occur in addition to those allowed by the underlying zone.

The Trust proposes that a Legal agreement under Section 173 of the Planning and Environment Act be put in place to require that a Management Plan be approved by Frankston City Council and reviewed periodically by the Trust, to give effect to the opportunities discussed above.

The minimum lot size in the RCZ is 8ha i.e. 80,000 square metres. Subdivision into 116 lots of 600-800 square metres would require rezoning, approval by the Minister for Planning and ratification by both Houses of Parliament.

The spokesman for the Minister for Planning, Mr Wynne, has said the government was aware of "proposals to make Cruden Farm more accessible to the public, but our position on the urban growth boundary has not changed."

A subsequent statement on social media by Mr Paul Edbrooke, the Member for Frankston, stated that rezoning of the land for housing would not happen and the urban growth boundary would not be moved.

Policies specific to the green wedge set out in Plan Melbourne 2017-2050 include to:

- Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city
- Strengthen protection and management of green wedge land
- Protect and enhance valued attributes of distinctive areas and landscapes

Proposed Place of worship: Coptic Church, 785 Thompsons Road, Lyndhurst, VIC 3975

Key words: Place of worship

Last updated

Description of proposal

This application is for a large double storeyed Coptic Church in white coloured rendered bricks that would accommodate 500 people and cover 2,357 square metres. The building would have a height of 13.5 metres, a dome 20.8 metres tall and two towers each reaching 23.3 metres. In addition, the development would contain the following other uses, most of which are unrelated to the Church:

- Priests dwelling covering 298 square metres and contains six bedrooms.
- Sports complex building covering 1,441 square metres. No floor plan or any details the activities to be conducted have been provided.
- Plant nursery, storage shed and office and retail shop, covering 2656 square metres that will operate independently of the church
- Horse stables covering 8,174 square metres, for 16 separate stables, that the application optimistically claims would: ".....have the potential to produce horses to compete at the Cranbourne Racecourse, which would be of immense benefit to racing in Melbourne."
- Car parks with 179 spaces.
- Soccer pitch, standard size covering 7,140 square metres

The total area of all the buildings would be approx 1.5 ha.

The proposed development is on a pleasant, vacant rural property of 23.7 ha that is grassed with some clusters of low level shrubs and 18 native trees consisting of 15 mature River Red Gums, 6 of which are very old and have high landscape and wildlife habitat values, and 3 Black Wattles. Plus, there is some native significant native vegetation along the roadside reserve consisting of 8 Swamp Gums and 11 River Red Gums, two of which would be removed for a crossover into Taylors Road.

The surrounding area is open, flat, picturesque rural land with stands of remnant River Red Gums many of which predate European settlement and some of which are Aboriginal scar trees. Most of the nearby properties are large lots and are used for grazing and agistment.

An initial proposal was made to the Council in Feb '15 that included a chicken farm and a nursing home and hostel. Fortunately, the Council rejected these components.

The current application originally included an indoor recreation facility that contained badminton courts, basketball courts, squash courts, table tennis tables, physio clinic and a café. This was subsequently scaled down to a 1,441 square metre 'Sports Complex' with no floorplan provided or details about its use.

The inclusion of many completely inappropriate uses demonstrates the applicants' lack of understanding of the Green Wedge Zone conditions, the poor due diligence checks undertaken when they purchased the property in April '14 and their scant regard for Green Wedge landscape values.

The basis of objection

- The proposed development is contrary to the Green Wedge Management Plan

The proposed development would have a high detrimental impact on the Green Wedge landscape values and openness of the surrounding area.

The white church with its 23 metre towers, as tall as a seven storey building, and the other large buildings in the complex would dominate the rural landscape and spoil the openness of the area and the views of the pleasant rural countryside for local residents and people travelling along the busy Thompsons Road.

The development would be at right angles to the Siting and Design Guidelines in the Dandenong Green Wedge Management Plan that has the following objectives:

- Site and design buildings to protect and strengthen the rural character and overall sense of spaciousness of the Greater Dandenong Green Wedge.
 - Ensure buildings are visually subordinate and set into the spacious, rural landscape.
 - Maintain open views and vistas from roads and public spaces.
 - Minimise building footprints and the visibility of outbuildings and storage areas.
- The proposed development is contrary to the purpose of the Green Wedge Zone
- In the Decision Guidelines for the Green Wedge Zone there are a range of key issues not addressed in the proposal. They are:

General issues

- *The capability of the land to accommodate the proposed use or development.* This is particularly in relation to the use of the land for a plant nursery and horses. No detailed studies have been done to show the operational detail of these proposed enterprises. We will address this in more detail under “Rural issues”.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism. There has been no attempt in this proposal to address this issue. There is no analysis detailing how the proposed plant nursery and stables will relate to rural land use and diversification.
- *Whether the site is suitable for the use of development and the compatibility with adjoining land uses.* There have been no studies by any person or organization with agricultural expertise about the suitability of the site for the proposed use as a nursery or for horses. Horses for example if not managed properly, that includes number, meeting feeding and exercise requirements can have catastrophic detrimental impacts on the land (and there are many examples of this).

Rural issues

- *The maintenance of agricultural production and the impact on the rural economy.* There has been no information given on this and is fundamental to understanding the nature and feasibility of any proposed agricultural enterprise.
- *The environmental capacity of the site to sustain the rural enterprises.* Again there have been no expert studies provided in the planning application.
- *The need to prepare an integrated land management plan.* This is absolutely critical to any analysis of proposed rural enterprises and brings an overall informed view to the viability of the proposed uses.
- *The impact of the existing and proposed rural infrastructure.* It is proposed to build a nursery and stables. No information has been provided on the impact of this infrastructure.
- The potential for the future expansion of the use and development and impact of the adjoining and nearby agriculture and other land uses. Again no assessment provided.
- *The protection and retention of land for future sustainable agricultural activities.* The current siting and design of the place of worship and associated built structures, carparks and roads will maximize the detrimental impact on the protection and retention of land for future sustainable agricultural activities. While the total area of buildings is in the order of 1.5 ha, the current siting and design effectively spreads impact of the proposed place of worship and supporting built and hard surface development across the whole of the 16ha (?) site. This is made even worse by a road

system that extends the regular impact of users of the place of worship right to the back of the property. And why is the caretaker's cottage so remote? The impact is made even worse by the proposal for a soccer ground. Again no detailed information is given. Is this proposed to a "Major recreational and recreation facility" or a "Leisure and recreation facility?" In either case it is quite at odds from supporting and retaining agricultural use of the land.

Environmental issues

- *The location of on site effluent disposal areas to minimize impact of nutrient loads on waterways and native vegetation.* This is a fundamental environmental issue and given the proposal for the stables it is essential that detailed expert information is provided on this.

- The proposed development is an urban use

The main problem with this proposal is that it centres around the Coptic Church which is an urban use that is out-of-place in the Green Wedge and should be located in an urban area.

Clearly the church with its 500 seat capacity is designed to cater for parishioners who live in the urban area as only around 1,100 people live in the Dandenong Green Wedge.

Our view conforms with the following statement in the VCAT decision *Victory Worship Centre v Cardinia SC & Ors [2009] VCAT 810 (5 May 2009)* where the Tribunal affirmed Cardinia Council's decision to refuse to grant a permit for a Place of Worship on land in a Green Wedge Zone:

- *26 The zoning of the land in the Green Wedge Zone and policies in the state and local planning policy frameworks point to a rural land use and character for the land. It is a rural zone.*
- *27 Having considered the provisions of the zone and related policies, the Tribunal agrees with Council that the type of the proposed use is not ^[L]_{SEP} about agricultural production or rural pursuit but an urban use that is not compatible with a rural green wedge area. It does not meet the objectives and decision guidelines for use in the Green Wedge zone.*

- Loss of agricultural land

Approval of this application would mean that this land is lost to agriculture given the nature of the range of uses proposed and all of which are incompatible with agricultural land use. It would also conflict with neighbours pursuing agricultural pursuits, in particular the property next door, Silverdene Stud, which is a horse breeding and training operation. The noise, activity and traffic generated by the multiple activities proposed to take place on the site would destroy the existing peaceful nature of the area that is necessary for successful breeding and training establishments.

- Precedent

Approval of this application would set a dangerous precedent for more such development in the Green Wedge and would invite similar proposals for other large inappropriate buildings and intensive activities that would be a blight on the landscape.

Current status

- The Planning Permit Application (PLN 16/0268) was approved by the City of Greater Dandenong Council on 25 September 2017.
- The Defenders of the South East Green Wedge (DSEGW) lodged an appeal with VCAT on 12 October 2017.
- VCAT Hearing 30/04/18 (VCAT Order P2337/2017 -listed for 2 days)

Further information: Barry Ross, Secretary, Defenders of the South East Green Wedge by email at defenders.segw@gmail.com ^[L]_{SEP}

Proposed outbuilding: 655 Robinsons Road, Langwarrin

Key words: Outbuildings

Last updated:

Description of proposal

This proposal is for a planning application for the construction of a colourbond garage.

The basis of the objection

The objection was lodged with the City of Frankston in December 2017 and was to the outbuilding and office components of the above application because they are an unjustified overdevelopment of the site that contravene the Green Wedge Zone, the ESO and the State and Local policies for protecting the Green.

It is considered this application should be firmly rejected because:

- The Office and Store components are prohibited uses in the Rural Conservation Zone.
- The size and nature of the development is contrary to the purpose of the Rural Conservation Zone.
- The development is at right angles to the objectives of Schedule 1 to the Significant Landscape Overlay.

Status

Further information

Barry Ross, Secretary, Defenders of the South East Green Wedge by email at defenders.segw@gmail.com

Proposed Place of worship: Buddhist Temple Complex, 105 Taylors Road, Skye

PLANNING APPLICATION No 151/2017/P

105 TAYLORS ROAD, SKYE

(to be documented)

Case Study: RSSB Place of Worship, City of Frankston,

Key words: Place of worship

Last updated 5/10/17

Description

The RSSB Place of Worship, located at 2 Boundary Road & 724 Frankston Dandenong Road, Carrum Downs, was the subject of Planning Application No 730/2015/P.

The site is on the Urban Growth Boundary, the gateway to the northern part of the Frankston Green Wedge, which is mostly open grazing land dotted with stands of large River Red Gums.

This application by Radha Soami Satsang Beas (RSSB) was for their Australian headquarters. It consists of a boulevard entrance, vast dominant buildings, a large parking area, internal roads and extensive areas of lawns. The main hall, two ancillary administrative buildings and a guest dwelling are all two storeyed constructions with lifts.

The main building is 4,800m² with up to 700m² for an auditorium to seat 500. The footprint of the main hall is more than three times the size of St Paul's Cathedral in Melbourne. The main buildings would cater for upwards of around 3000 people, a use proposed only twice a year.

The ancillary buildings have a collective footprint of 2,000m² and being two storeys have a combined floor area of 4,000m². The total of all the buildings exceeds that of the Bunnings Frankston building. A barn is an additional 1,500 square metres.

The area of built form and associated infrastructure clearly dominates the 28% of the site set aside for 'agriculture', proposed as 1,200 olive trees and two modest vegetable patches to donate produce to charities.

The basis for the objection

- This is an urban use that adversely impacts on the rural landscape values of the Green Wedge. Contrary to respecting the rural character of the area, it instead imposes an extensive urban setting. The large, bulky buildings and formal landscaping are very much in conflict with the scenic and landscapes values of the area. Most importantly, it blurs the hard edge boundary between the Green Wedge and urban development.
- It contravenes the GW protection measures in State and Local Planning Policies and is inconsistent with Clause 57, Metropolitan Green Wedge Land. It does not conform with or support the purpose of the Green Wedge, to be retained as non-urban land and be proactively managed predominantly for agriculture, recreation and conservation, and to protect its environmental, scenic and landscape values.

The Yarra Ranges Council at its meeting on 9 December 2014 had previously refused an application for RSSB to build their headquarters at Chirnside Park. The grounds for refusal were that:

- The proposal was considered inappropriate as such a large scale development in a Green Wedge Zone, being a highly prominent site in a rural area.
- The proposed place of worship was considered a prohibited use under the Schedule to Clause 53 as the buildings and their use were clearly the predominate use of the site and would function with or without the agriculture being an ancillary use of the land.
- Furthermore the residential buildings to be used in conjunction with the place of worship, not agriculture, and were under those circumstances also prohibited under the provisions of the Green Wedge Zone.

- The site was inappropriate for the scale of the proposed use as it was not within or close to a town centre. The land would only be accessible by using private vehicles, with public transport not available and additionally no pedestrian or bicycle access available or proposed.
- The traffic generated by the proposal would be likely cause significant congestion at times.
- The proposal had significant environmental concerns, including removal of a rare tree and requiring significant transformation of the natural layout of the site.
- Overall that the site is considered unsuitable for a use and development of this scale and further the proposal failed to respond to the need to maintain the rural character of the landscape and respond to the constraints of the site.

Status

- On 16 July 2016 Frankston City Council granted RSSB a permit to construct a place of worship on the GW site. DSEGW appealed to VCAT.
- In the VCAT case, *Ross v Frankston CC [2017] VCAT 274 (23 February 2017)*, the Tribunal set aside Council's decision and ordered no permit be granted on the basis RSSB was a philosophical organisation, not a religion, and the use was for 'a place of assembly'. Surprisingly, the Tribunal found *'that the proposed use and development responds appropriately to a number of the planning controls, policies and constraints that apply to the review site.'*
- RSSB appealed to the Supreme Court which on 8 June 2017 determined the use satisfied the definition of 'place of worship' in the Planning Scheme and allowed the appeal.

Further information: Barry Ross, Secretary, Defenders of the South East Green Wedge by email at defenders.segw@gmail.com

Case Study: Proposed school and Place of worship: Lighthouse Christian College, Thompsons Road, Skye, City of Frankston

Key words: Place of worship; school

Last updated 26/09/17

Description of proposal

This 2.02 hectare site is on the southern side of fast-moving Thompsons Road, about 300 metres west of the intersection with Westernport Highway in Skye. Lighthouse Christian College Cranbourne Inc. proposed to build a primary school incorporating a place of worship. The school is intended for 200 children from preparatory grade to grade six and 20 staff. The Chapel Hall is to be used on Sundays by a congregation of 200 and on Friday evenings by a Youth program for 80 people.

The buildings' footprint has a total site coverage of 20.4% which is way out of character with the surrounding area, while the total impermeable site coverage would be a staggering 46%. Car parking is for 73 cars, with additional vehicle drop-off bays and parking areas for mini buses. The proposal involves the destruction of magnificent indigenous trees that are irreplaceable and form a significant connection with the pre-European settlement past. The surrounding area is sparsely populated and consists of large holdings being used for grazing and agistment agricultural purposes.

The basis of the objection

- **The proposal is contrary to the State and Local Planning Policies for protecting the Green Wedge.** It does not conform with or support the purpose of the Green Wedge Zone and adversely impacts on the Green Wedge landscape values of the surrounding area. It does not respect the rural character of the area. The bulk and size of the two large, intrusive buildings, coupled with the destruction of a number of irreplaceable, magnificent remnant River Red Gums, clearly will have a serious adverse impact on the open rural character of the Green Wedge and its landscape values.
- **The proposal does not conform with or achieve the objectives of Schedule 2 to the Significant Landscape Overlay** which specifically covers the River Red Gums in the Carrum Downs Area. Rather than attempt to conserve and enhance the remnant stands of River Red Gums, this proposal involves the clear felling of all but one of the 15 River Red Gums identified in the Tree Assessment Report. Eleven of these trees are 9 metres or more in height and are a very significant feature of the landscape. This includes one dead tree that provides valuable habitat. Some of these trees are very old indeed and form an important part of the landscape.
- **The development is an Urban Use** that should be located in an appropriately zoned urban area where it would be more convenient for the students and the youth group and church patrons. To locate a primary school on a dangerous and fast moving rural road in a relatively remote section of the Green Wedge precludes students from commuting by walking, cycling or public transport. It sets an unfortunate precedent for future applications for buildings on such relatively small lots and adds to the major cumulative impact on the open landscape qualities of the Green Wedge.
- The proposed development **does not conform with or support the purposes in Clause 57 Metropolitan Green Wedge Land.** Rather than promote agriculture the development eliminates the possibility of the land being used as productive agricultural land. The surrounding land is mostly used for grazing as could be the subject site.
- The benefit to a small community is substantially outweighed by the net community loss.

In the VCAT case *Victory Worship Centre v Cardinia SC & Ors* [2009] VCAT 810 (5 May 2009), the Tribunal summarised the situation as follows:

45 The heart of the matter is whether the proposal is consistent with the zone and relevant policies. The Tribunal thinks not. In weighing up whether the 'net' community benefit of the proposal which in this case is meeting the particular religious needs of a particular group in the community, the Tribunal is asked to set aside the zoning and policies for the land. This it cannot do. It therefore does not support the proposal.

The Tribunal's summary applied equally well to this application.

Current status

On 22 June 2017 Frankston City Council refused to grant a permit. The grounds for refusal were:

- *The proposal fails to satisfy the requirements of VicRoads in terms of operational efficiency of the arterial road network and public safety and the provision of adequate infrastructure.*
- *The proposal fails to satisfy State and Local Planning Policy Frameworks in regard to:*
 - *Road efficiency and public safety (Clauses 18.01, 18.02, 19.02, 21.11)*
 - *Vegetation removal and biodiversity (Clauses 12.01, 12.04, 21.04, 21.06)*
 - *Rural land use and landscape values (Clauses 14.01, 14.02)*
- *The proposal is contrary to the purpose of Clause 35.04, Green Wedge Zone.*
- *The proposal is contrary to the provisions of the Significant Landscape Overlay Schedule 2.*
- *The proposal would not contribute to the orderly and proper development of the area..*
- *The proposal would result in an overdevelopment of the site.*

VicRoads grounds

- *The proposal is inconsistent with Clause 56.03-3 of the Frankston Planning Scheme.*
- *The proposed development will have a detrimental impact on the operational efficiency of the arterial road network and on public safety.*
- *The proposal may significantly negate the operational efficiency of a state government funded project and future freeway interchange.*
- *There is a lack of adequate infrastructure (pedestrian crossing facility, drop off zones, bus stops etc) to support the land use and to ensure safety of all road users including those accessing the proposed facility.*

Further information

Barry Ross, Secretary, Defenders of the South East Green Wedge by email at

Mornington Peninsula Green Wedge

Proposed tourism development: ‘Hilltonia Tourist development’ , Mornington Peninsula Shire.

Key words: tourism;

Last updated 11/01/18

Description

The proposal is for a large scale tourism development, involving built works and associated infrastructure to the estimated value of \$15-20 million, in the Green Wedge Zone. It proposes: A main entry hub of 5 wings including: Main reception and lounge building, Restaurant and café, Deliveries storage and administrative building, VIP amenities, Wellness centre, Bath and changing building, Hot spring pools and changes facilities, 260 car parking spaces (60 staff and delivery service and 200 guest car park), Grassed overflow parking for 150 spaces.

Action to date

- GREEN WEDGES COALITION worked with the local community preparing a proposed basis for objection on the following grounds:

Bulk and scale contrary to the purpose of the Green Wedge Zone

- The objection to this proposal is that it of a scale and bulk that quite clearly does not conform with or support the purpose of the State and Local Planning Policy provisions for Green Wedge land.
- *Clause 11.05-2 Distinctive areas of state significance* of the State Planning Policy Framework has the objective of protecting and enhancing the valued attributes of specified distinctive areas that includes the Mornington Peninsula and states that planning must consider as relevant the **Mornington Peninsula Localised Planning Statement**.
- This proposed large scale tourism development with an estimated budget of \$15-20M development on approximately 15 ha of land is quite clearly contrary to:
 - The *Mornington Peninsula Planning Statement* that larger scale tourism-based development must maintain a low overall development footprint and need to demonstrate substantial net community benefit.
 - The purpose of Clause 57 Metropolitan Green Wedge Land of the planning scheme that states the need “To ensure that the scale and use is **compatible with the non-urban character of metropolitan green wedge land**”.
- In addition, the restaurant is not permissible because it does not meet the ‘in conjunction’ condition for the GWZ. It is our position that claiming a large restaurant as ancillary is not appropriate to the reasonable interpretation of the intent of the planning provisions.
- Besides the inappropriate bulk and scale of this proposed development, there is no evidence has been provided to in any way demonstrate the substantial net community of the development.

Green Wedge Management Plan

- The Interim Morning Peninsula Green Wedge Management Plan warns that “The basic resources – whether environment systems, land productivity or landscape quality are often more sensitive to changes than is appreciated – and **the accumulative effect of individual decisions can lead to a tipping point, where important qualities of a place cannot be easily recovered**”.
- Within Melbourne’s Green Wedges strategic planning policies seek to protect environmental, landscape and scenic values. The protection of these rural landscape values is central to the Metropolitan Green Wedge planning provisions (Clause 57) which seeks ‘*To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.*’

- A well thought through strategic approach needs to be taken and this can be achieved through the finalisation of the Mornington Peninsula Green Wedge Management Plan. What we need to see in the Green Wedge is future land use and development that:
 - Maintains the rural openness of the Green Wedge
 - Supports extensive agriculture
 - Protects cultural and natural environmental assets
 - Protects future opportunities for community outdoor recreation
 - Promotes tourism activities in conjunction with agriculture.

What we don't want to see is:

- Fragmentation and alienation of agriculture.
- Loss and deterioration of natural and cultural assets, including wildlife corridors.
- Increasing urbanisation resulting in an increasingly monotonous landscape and overall reduced quality of amenity of Mornington Peninsula.

Conclusion

- We ask the Council to reject this proposal. Once the rural land is lost to development it is lost forever. If permitted, the impact on the rural landscape of the cumulative result of approval of such inappropriate large scale tourism developments will result overtime in the total urbanisation of the Mornington Peninsula Shire and the loss of what makes the Peninsula such a special place. It could eventually become an over developed urbanised environment somewhat reminiscent of Surfers Paradise maybe without the high rise, although even that is open to question. The GREEN WEDGES COALITION asked the question **Is this the legacy you want to leave as councillors?**
- A formal objection to the granting of the permit was lodged at the local level.
- At its Planning Services Committee meeting of 4/09/17, the Council voted to refuse the permit application on the grounds that
 - The proposed use and development would be contrary to the purpose of the Green Wedge Zone.
 - This application fails to comply with the purpose of Clause 57 Metropolitan Green Wedge Land of the Planning Scheme that states the need "To ensure that the scale and use is compatible with the non-urban character of metropolitan green wedge land".
 - The proposed use and development does not meet the relevant objectives and strategies of the Mornington Peninsula Localised Planning statement, which is Clause 11.05-2 of the State Planning Policy Framework.
 - The proposed use and development fails to contribute to the character of the Green Wedge and does not meet the relevant objectives of Clause 21.09 (Planning for Rural Areas) and Clause 22.07 (Commercial and Industrial Uses in Rural Areas).
 - The proposed use and development would represent a significant impact to the natural topography of this special area referred to as 'The Cups' (Environmental Significance Overlay – Schedule 15).
 - This application fails to adequately address unknown environmental issues regarding groundwater contamination.
 - The extent of car parking and built form does not respect the landscape character of the area.
 - This application fails to comply with the Interim Mornington Peninsula Green Wedge Management Plan regarding the consideration that the environment systems, land 8. productivity or landscape quality are often more sensitive to changes than is appreciated and the accumulative effect of individual decisions can lead to a major impacts on the environment.

Status

- Proponent has appealed to VCAT. The hearing date is set for 9 April 2018 with a duration of 4 days.

Proposed school carpark: Padua College car park proposal, Mornington Peninsula Shire.

Key words: school;

Last updated: 11/01/18

Description

Grounds for objection

- The site of the planning permit application, 75 Oakbank Road, is located in the Green Wedge Zone (Schedule 3) and any proposed use for a car park must be used in conjunction with another Section 1 or Section 2 use on that site.
- Clause 64.02 'Land used in conjunction with another use' says if a provision of the planning scheme provides that a use of land must be used 'in conjunction with another use of the land that: (1) There must be an essential association between the two uses; and (2) The use must have a genuine, close and continuing functional relationship in its operation with the other use.
- That the car park is the major change in land use being proposed and in accordance with Clause 64.02 that should only be considered in relation to the site plan for 75 Oakbank Road located in the GWZ. Accordingly it contravenes the application of Victorias Planning Provisions for car parking in the Green Wedge Zone (GWZ) to be treated as an ancillary use to the main Padua College campus located on the other side of the Urban Growth Boundary on land zoned as Special Use Zone (SUZ) land.
- The proposed land use and development is contrary to the intent of Local Policy in the Mornington Peninsula Planning Scheme and the purpose of the Green Wedge Zone in relation to its potential to impact on adjoining agricultural land use and detrimentally impacting on the conservation of the character of open rural and scenic non-urban landscape.

Action to date

- Refusal of permit application by Mornington Peninsula Shire Council on the following grounds.
- Appeal to VCAT by proponent against the refusal of the planning permit by the Mornington Peninsula Shire Council.
- GREEN WEDGES COALITION lodged a submission to VCAT and requested to appear as an objector in support of the refusal on the following Statement of Grounds as stated above.
- VCAT has determined that a hearing will be held beginning on 24/01/18 and lasting two days.

Proposed subdivision: ‘Ansett’ land – 90 Kunyung Road, Mount Eliza

Issue

In a letter to Mr Kennett and Equity Trustees Board of Directors, the President of the South Eastern Centre for Sustainability described the intention to subdivide the ‘Ansett’ land as being of great concern to a wide range of organisations.

The decision to sell the Ansett Estate has caused considerable angst and consternation across Mt Eliza, the Mornington Peninsula and Melbourne with explicit support for its preservation as is by a multitude of organisations inclusive of, but not limited to, the Port Phillip Conservation Council, Planning Backlash, the Australian Wildlife Protection Council, the Western Region Environment Centre, the Port Phillip Eco centre, the Kunyung Residents group, the Mornington Ratepayers Association, the Mt Eliza Association for Environmental Care, the Mt Eliza Community Alliance, the South Eastern Centre for Sustainability and the Green Wedges Coalition. Broad political support at a Local, State and Federal level has also been received for the preservation of this key sliver of Green Wedge land providing the last link to Port Phillip Bay.

The overall concern is the need to curb overdevelopment and preserve the public amenity of the R.M. Ansett Estate.

Specific issues include:

- Need to protect significant wildlife habitat values.
- Need for publicly accessible recreational open space.
- Proposed development that is contrary to the purpose of the Green Wedge Zone.
- Pressure on the Urban Growth Boundary.

Description

It is a 22.3 hectare site located on the shores of Port Phillip Bay. It is mainly held in one title.

The land is located in the Green Wedge Zone / Schedule 3 (GWZ3).

Status

Westernport Green Wedge

Proposed Place of worship: 33 Officer Road, Officer (Shire of Cardinia)

Key words: Place of worship

Last updated:

Description

The proposal is for the use and development of the land for a place of worship and removal of native vegetation. (Planning application: Reference Number T170376).

The size of the site is 8.05ha.

The land is zoned Green Wedge Zone – Schedule 1 (GWZ1) and has the following overlays:

- Environmental Significance Overlay Schedule 1 (ESO1)
- Land Subject to Inundation Overlay (LSIO) - in part but not in development area.
- Bushfire Management Overlay (BMO) – in part but not in development area

Key planning considerations identified in the report to Council were:

- Consistency with the GWZ and location of the site.
- Environmental impacts.
- Impact on amenity of surrounds.

According to the documentation, the site is approximately 300m north of the Urban Growth Boundary.

The Planning Officer's report describes the topography of the land as undulating with the north portion of the site dissected by a watercourse and a centrally located dam. There is a watercourse with some riparian vegetation and the remaining areas of property being open grazing land.

The Planning Officer describes the immediate area surrounding the site as including rural residential properties with some farming activities, some stands of remnant vegetation and the UGB in close proximity to the south. **But a satellite view of the property using Google Maps would indicate that the immediately adjoining land is all open grazing country between Dickie Road and Officer Road and intensive agriculture (orchards) south of Dickie Road. East of Officer Road is also dominantly open grazing land.**

The proposed development for the site is:

- Use of the existing building and small addition on the site with a maximum of 100 patrons. It will operate seven days a week (6am – 10pm) with the proposed peak times being Sunday morning and Wednesday night.
- The use will include a community garden and will house 2-3 priests in the existing dwelling.
- The extension will be single storey to provide a prayer room with the provision of a single storey amenities building to the north of the existing building.
- A car park for 38 vehicles.
- Removal of 28 trees along the site frontage.

Basis of objection

On 26/10/17, an appeal to VCAT against the decision of the Cardinia Shire Council to grant the permit was lodged. The Statement of Grounds were that the proposal:

- Will lead to an unacceptable increase In traffic in the neighbourhood.
- Is out of character with the rural area
- Will result in unacceptable loss of vegetation and wildlife.
- Will result in unacceptable loss of privacy.
- Will result in future bush fire risk, which has not received adequate consideration.
- Is contrary to the purpose of the Green Wedge Zone.
- Will result in the potential fragmentation of agricultural land use in surrounding properties.

Status

- VCAT hearing date is set for 3 May 2018 with duration of 1 day.

3. PLANNING SCHEME AMENDMENTS

South East Green Wedge

Planning Scheme Amendment C143, City of Greater Dandenong (existing)

Description

The basis of the objection

Status

Yarra Valley and Yarra and Dandenong Ranges Green Wedge

Planning Scheme Amendment C148, Yarra Ranges Shire (proposed)

Description

This proposed amendment comprises a comprehensive revision of the planning scheme. It updates the planning scheme to reflect adopted Council strategies and to respond to emerging planning issues.

Action to date

- Proposed amendment commenced exhibition on 11/08/16 and submission closed on 6/10/16.
- The Green Wedges Coalition made a submission to the Yarra Ranges Shire proposed Planning Amendment C148 in October 2016.

In our submission, Green Wedge Coalition described one of the major threats to the future of the Green Wedges as being a 'death by a thousand cuts'. This refers to increasing evidence of planning applications that seek to enable uses that tip the balance from an open rural landscape to an urban built environment.

Each individual planning application may seem relatively innocuous but the cumulative impact of many similar planning decisions over time will see the loss of the Green Wedges.

The Green Wedge Coalition has a major concern about the proposed amendment putting in place a policy setting that enables increased residential development in the Yarra Ranges Green Wedge.

Maintaining the 'openness' is fundamental to the future of the Green Wedges. The Melbourne approach was modelled on the British tradition of green belts that started with the Greater London Plan and saw the first statutory green belt in the UK introduced in 1955. The UK National Planning Policy Framework describes the fundamental aim of green belt policy as being to prevent urban sprawl by keeping land permanently open and that the essential characteristics of green belts are their openness and permanence."

The vision for Melbourne's Green Wedges was driven by Sir Rupert Hamer who as the local government minister in the late 1960's directed the MMBW, the planning authority at the time, that in planning for the future of Melbourne that "nobody could happily contemplate a future metropolis of seemingly endless suburbia spreading out to infinity and that it must be strongly emphasised that the future planning should take account of the surrounding countryside as a vital part of the metropolitan environment"

In the Yarra Ranges, the Upper Yarra Valley & Dandenong Ranges Regional Strategy Plan (RSP) is a major planning instrument to protect the values of the Yarra Ranges Green Wedge. The Planning & Environment Act requires any proposed planning amendments to comply with the RSP. This does not stop change but means the controls cannot fall below the baseline set by the RSP. The RSP explicitly talks about controls being able to have "more restrictive land use, development or subdivision management controls" and requires council to ensure the incremental effects of individual changes ... do not prejudice the primary purposes and policies of the policy areas.

The proposed amendment C148 clearly has several major conflicts with the RSP and particularly the RSP primary purpose which is protection of the special features of the region, enhancement of the Shire's biodiversity and limiting residential development outside the UGB.

There are a number of broad areas of concern. This submission from the Green Wedge Coalition focuses on the issue of the potential for the proposed amendment to increase residential development in the Yarra Ranges Green Wedge. The issues relating to the proposed changes to the Environmental Significance Overlays (ESO) and Landscape Significance Overlays are equally important and are the subject in detail of other submissions from other GREEN WEDGES COALITION member organisations.

In summary our main points were:

- The need to maintain the substance of the Dandenong Regional Strategy Plan.

The Overview acknowledges that:

The approval of the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan in 1982 led to the introduction of a strict regime of subdivision control which limited the further subdivision of rural land.

And that

Despite the extent of earlier rural lot subdivision and fragmentation of large landholding, the Yarra Ranges Green Wedge has retained a strong rural character and still supports a significant agricultural sector.

We believe this confirms that the existing Regional Strategy Plan has proved to be an effective planning instrument and that any proposed changes to the planning scheme must maintain the substance of the RSP.

- The new MSS should clearly reflect the reflect the purposes of the Green Wedge zones.

It is our contention that the proposed change to the Municipal Strategic Statement (MSS) as exhibited will enable future land use and development that will result in greatly increased residential development outside the UGB destroying the primary values that are fundamental to the future of the Yarra Ranges Green Wedge.

The new MSS policy should clearly reflect the purpose of the GWZ, RCZ and GWAZ to protect the values of the Green Wedge as stated in the planning provisions for each zone. The proposed new MSS policy clearly puts an emphasis of rural living that is contrary to the purposes of those zones.

The proposed MSS identifies three categories of land use and settlement, being:

- Productive agricultural areas
- Rural landscape areas
- Rural residential areas

Both the 'Rural landscape areas' and 'Rural residential areas' are described in the proposed amendment as having most lots used for residential purposes in a rural or heavily treed setting. This identification of residential development as a major land use in the Green Wedges is totally contrary to the purpose of the both the GWZ and RCZ. It is inconsistent with the provisions for minimum lot sizes in GWZ and RCZ.

The MSS should instead identify and promote the forms of land use and development that will be consistent with the purposes of the Green Wedge zones encompassing commercial farming (full and part time) and the range of lifestyle uses.

The MSS should maintain the rural policy areas in the Regional Strategy Plan:

- Intensive Agriculture (used extensively for intensive agricultural activities such as fruits and berries, nursery stock and vegetables)
- Rural Landscape (range of more extensive farming uses, including part time farming)
- Rural Conservation (mainly conservation values with a limited area for grazing, part time farming and timber harvesting).

Overall the Yarra Ranges planning scheme must continue to realise the strategic policies developed by the Victorian Government for the Yarra Ranges as adopted in the Upper Yarra Valley & Dandenong Ranges Regional Strategy Plan with the overall aim for the region to:

....contain urban development to a level compatible with the conservation of the Region's rich environmental features and its high standards of amenity. The Regional Strategy Plan is

directed towards defining, in a very positive manner, boundaries and principles upon which containment is to be handled. It includes specific policies which deal with the transition between the Region and metropolitan Melbourne.

The Green Wedge Coalition contends that the proposed amendment does not provide the protection of the rural values of the Yarra Ranges Green Wedges afforded by the Regional Strategy Plan.

Status

- The latest advice for Yarra Ranges Shire Council of 11/01/18 is that the work on revising the ESO following receiving submissions after the exhibition of the proposed amendment is still to be completed. Then it will go to Council for referral to a Planning Panel.

Yarra Ranges Planning Scheme Amendment C143 - Low Density Residential Zone

Description

Action to date

Status

- The Yarra Ranges Shire Council in an email of 12/12/2017 advised the following. The Council wrote to the Minister for Planning in late 2014 advising him of Council's decision to support consideration of subdivision from a minimum lot size of 4000m² to 2000m² in some areas of the Low Density Residential Zone. An Advisory Committee was appointed by the Minister for Planning to look into the Yarra Ranges proposed changes to the Low Density Residential Zone. The Minister for Planning in December 2017 has decided to refuse to prepare, adopt and approve an Amendment. The Minister has recommended, rather than broad scale changes to the Low Density Residential Zone, that a more township, place based approach be used and response to identified bushfire risk can be further assessed.

4. GREEN WEDGE MANAGEMENT PLANS

Sunbury Green Wedge

Rural Hume Integrated Growth Area Plans (City of Hume)

Description

Action to date

Status

Nillumbik Green Wedge

Review of Green Wedge Management Plan: Nillumbik Shire

Description

At the Ordinary Council meeting of 29/08/17, the officer's briefing on the Nillumbik Planning Scheme Review identified three projects.

- **Project 1: Consolidate high level planning strategy with the community and demonstrate new strategic directions to enable living in the landscape.** This is the review of the Nillumbik Planning Scheme Planning Provisions and, to use the words in the report, seeking to simplify the Municipal Strategic Statement (MSS), the vision that guides strategic planning directions and planning action decision making.
- **Project 2: Re-engage the rural communities on the best way to manage the non-urban areas.** This project, as stated in the officer's report, is basically a full review of the Nillumbik Green Wedge Management Plan.
- **Project 3: Provide greater certainty for the future of under-sized blocks in rural areas.** This involves a technical review of undeveloped under-sized blocks (lots?) remaining in the rural areas as an input to the review of the Nillumbik Green Wedge Management Plan.

In discussions with council officers last year, Friends of Nillumbik were told that Projects 2 and 3, are essential inputs to the overall review of the planning scheme, and would precede Project 1.

On the advice from the Council, the NGWMP review process is due to start in the first half of this year with call for expressions of interest in being on the citizen's jury. Then the citizen's jury is scheduled to meet in the second half of 2018.

Action to date

- None

Status

- Awaiting public announcement by Nillumbik Shire Council that the review of the NGWMP is to commence.

Further information

Contact Alan Thatcher, Secretary, Green Wedges Coalition by email at alancthatcher@gmail.com

South East Green Wedge

New Green Wedge Management Plan: City of Frankston

Key words:

Last updated:

Description

Submission to the Frankston Green Wedge Management Plan Issues Paper (June 2017)

The Green Wedges Coalition and Defenders of the South East Green Wedge have reviewed the Frankston Green Wedge Management Plan Issues Paper (June 2017) and would like to make the following comments.

The Vision

In the late 1960's Sir Rupert Hamer, initiated the concept of the Green Wedges around Melbourne as an issue of strategic planning that was essential to the quality of life for the resident of Melbourne. At the time he wrote that:

Nobody could happily contemplate a future metropolis of seemingly endless suburbia spreading out to infinity... It must be strongly emphasised that the future planning should take account of the surrounding countryside as a vital part of the metropolitan environment.'

Today that vision has been maintained and the Green Wedges are a major contributor to Melbourne's reputation as the world's most liveable city.

We see containment of urban sprawl and connection with the country as the overarching vision for the plan.

Values and features to be protected

Local communities and individuals will identify what they see as the specific values and features to be protected and realised for the future.

Our overall concern is that is that those value and features should ultimately:

- Maintain the rural openness
- Have a low footprint for built form development
- Avoid the loss or alienation of agriculture.
- Protect cultural and natural environmental assets
- Preserve future opportunities for community outdoor recreation
- Avoid urbanisation.

Maintaining the existing Urban Growth Boundary

The State Government in Plan Melbourne 2017-2050 has a policy commitment to maintaining a permanent Urban Growth Boundary around Melbourne and we support this policy as essential to providing certainty to all parties by its essential role of reducing the basis for speculative investment based on an expectation of future rezoning of land to an urban use.

In this regard we don't understand the reference under 'Economic' where a key issue is identified as expansion of industrial areas into the Green Wedge. The State Government planning provisions for the Green Wedges 'Industry' is a prohibited use the Green Wedge Zone, other than industry uses for Materials recycling; Refuse disposal, Transfer station, Research and development centre and Rural Industry that are all Section 2 uses subject to a planning permit.

Any proposals for industrial uses, other than those previously mentioned for the Green Wedge, would require some form of zoning suitable for industrial development, an amendment to the planning scheme and approval from both Houses of Parliament for moving the Urban Growth Boundary.

Maintaining the rural character of the Green Wedge

The GREEN WEDGES COALITION and DSEGW have clearly identified that there is ongoing pressure for intensification of built development and the resultant trend towards urbanisation in the Green Wedges. This trend is a gradual process and is coming about largely as a result of the approval of individual planning permits involving significant built development for a given site. It is our substantial concern that the cumulative impact of these approvals will continue to lead, if unchecked, to a very significant incremental loss of the Green Wedges resulting from an open rural landscape transforming into an urban built environment.

Examples of this pressure on the Green Wedges across the Melbourne metropolitan area include current planning applications for places of worship (some with huge built structures and associated infrastructure), residential dwellings, education centres, large scale tourism developments, fruit and vegetable markets and breweries.

This situation has the potential to be exacerbated by the recent announcement that under Vic Smart in the Green Wedges “a range of low impact developments in rural areas (up to \$500,000) in agricultural settings and \$250,000 in more sensitive rural settings” could be approved without advertising at the discretion of the Chief Executive Officer or delegate of a given municipal council. From our experience many Section 2 uses could fall into these categories and that without strong guidelines uses that are contrary to the purposes of the Green Wedge zones could be approved individual municipal councils.

We are very concerned that the open rural landscape of the Green Wedges must be maintained and are pleased to note that in Plan Melbourne 2017-2050 the open farmed landscapes that dominate the Green Wedges are recognised as high-value landscapes to be protected and conserved.

In the United Kingdom there has long been a concern with green belts to contain urban sprawl and that their National Planning Policy Framework (NPPF) identifies that:

‘The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belts are their openness and permanence’.

We see this aspect of ‘rural openness’ as fundamental to the vision of Melbourne’s Green Wedges.

Our position is that the future success of the Green Wedge Management Plan depends on assessing every application for built form development in the Green Wedge zones against a ‘rural openness’ criteria.

The basic need is for all future land use and development in the Green Wedge to have a ‘low footprint’. This means any future proposed Section 2 use involving built form in the Green Wedge zones must not be of a bulk and scale that is contrary to the purpose of those zones.

This issue will need to be addressed through developing an agreed understanding of what is meant by ‘low foot print’ to achieve the protection of the rural open landscape. This will include the need to formulate planning policy that is incorporated in the Municipal Strategic Statement. It will also need to be supported by detailed design and siting guidelines relevant to the range of discretionary uses in the Green Wedge zones.

Pressure for residential development

Probably the single biggest factor that is and will lead to the loss of the values of all the Green Wedges is the ongoing pressure for residential development. This is despite the fact that residential development is not consistent with the purposes of the Green Wedge zones.

It is often put forward by parties advocating change as the only alternative to the existing use. But it is really important to understand that there is wide range of existing individual landholder uses that are consistent with the purposes of the Green Wedge zones. These were identified by the Port Phillip and Westernport Catchment Management Authority in a study of the types of land use in their catchment and are listed below.

- Commercial farmer
- Part-time farmer
- Green commercial farmer
- Hybrid farmer
- Green lifestyle (flora and fauna)
- Horse lifestyle

We believe the potential for supporting and encouraging these types of uses that usually both maintain the rural landscape and have a low built form footprint is essential to the future of the Green Wedges.

Status

Westernport Green Wedge

New Green Wedge Management Plan: Casey City

Last updated 13/11/2017

Issues

The Green Wedges Coalition provides in some detail our concern about the Draft Casey Western Port GWMP but in brief they are to:

- Abandon proposed changes of schedules to the Green Wedge A Zone accommodate urban style residential development. Effectively this implies a change to the Urban Growth Boundary and the consequent loss of Green Wedge land.
- Restoration of the prohibition on schools as an inappropriate use in complying with the purpose of the Green Wedges zones in Green Wedges.
- Add conditions for Places of Worship in the Green Wedge Zone, Green Wedge A Zone and Clause 57 that require them to be designed only for the use of residents living in that particular Green Wedge:
- Need to have more detailed discussion of the proposed habitat corridors, including their dimensions and proposals for implementation

Description

The City of Casey released the Draft Casey Western Port Green Wedge Management Plan for public exhibition in September 2017 and submissions invited from the public by the end of December 2017.

The Green Wedges Coalition lodged a submission in November 2017.

Green Wedges Coalition submission to Draft Casey Western Port Green Wedge Management Plan

The Green Wedges Coalition is concerned about the threat of the Green Wedge Management Plan being used as a vehicle to promote the rezoning and/or excision of Green Wedge land. Unfortunately, there seems to be nothing in the draft Green Wedge Management Plan nor was there any mention at the Casey Conservation Advisory Committee meeting that we were privileged to attend to advise residents about the constraints on a Green Wedge Management Plan that, as per Planning Practice Note 31, should:

Establish a strategic direction on for land use and development within the green wedge that is consistent with government policies and strategies that will protect and enhance the values and features identified within the green wedge.

Vision

The Green Wedges Coalition agrees with the proposed Vision for the Casey Western Port Green Wedge that the Casey Western Port Green Wedge will be '*a permanent green and rural area and will remain an internationally significant biodiversity habitat. Its agricultural industry will be strengthened and it will become a truly innovative and productive farming district for the long – term food security of Victoria.*'

This vision is consistent with the Plan Melbourne as an integral and leading component of the State Planning Policy Framework.

- Our coalition is concerned that Casey council decided to withdraw from the joint Casey-Cardinia Green Wedge Management Plan because Casey Council wanted to advocate for more subdivision of the Casey section of the Green Wedge, as this is contrary to State

Government policy for the Green Wedge zones and is likely to undermine the above vision, if it is ever implemented.

- We do not support the second paragraph of the Vision, which proposes to '*provide for rural lifestyle opportunities.*'

Even if it is unable to be implemented, as happened with most of the attempts to have Green Wedge land in the City of Kingston opened up for rural living style subdivision in the Council 2012-16 term, the proposals for more subdivision in this draft plan will create uncertainty and encourage landowners to have unrealistic expectations that they will at some future time be able to have their land rezoned for subdivision. This would have the added potential disadvantage in that it could be exploited by unscrupulous political operators seeking to fund state election campaigns by soliciting donations from Green Wedge landowners on the expectation that they could have their land rezoned. (Please see below links to Age articles about political fundraising from landowners who expected to have their land rezoned before the 2010 State election, including an article about the rezoning of the Carpenter property, Brompton Lodge.*)

This paragraph is at odds with the first paragraph cited above, and with the rest of the Vision, eg for a 'local economy ...driven by its agriculture and by an emerging tourism and recreation industry based on cycling and walking trails, food education and the Western Port coast.'

Residential development is not a purpose of any of the Green Wedge zones, and it is in conflict with the valid purposes listed in each of the Green Wedge and Rural Conservation Zones, as well as Clause 57. A few years ago, some of our members who attended a forum on agriculture in the Westernport Green Wedge recall farmers identifying rural residential subdivision and rural residential landowners as the main problems facing agriculture in the Green Wedge.

The draft plan refers to pressure for change, strong lobbying and to extensive consultation in support of recommendations to reduce the minimum subdivision lot sizes to the low density suburban sprawl that is strongly discouraged by State Government and responsible planning authorities generally. Yet on Page 11, we learn there were only 98 submissions in favour and 28 against proposals to subdivide land for closer settlement.

We suggest Casey Council might receive a different outcome from your consultation if you devised a more broadly based model that consulted the whole community and did not allow landholders to dominate. For instance, Kingston Council's Green Wedge Plan consultants Planisphere surveyed a random cross-section of 800 residents representative of all Kingston residents re area, age and gender. This found that "*Overwhelmingly, the broader community wants to see the Green Wedge used for 'green' uses – agriculture, open space, environmental wetlands and reserves, recreation.*" (*Kingston Green Wedge Plan p.48*)

Planisphere consulted, via town hall style meetings or submissions, 1200 people, and reported that while most of the landholders wanted to be able to subdivide, everyone else wanted the Green Wedge protected. Also these consultants advised that the role of a Green Wedge Management Plan is not to recommend moving the UGB or rezoning for urban uses.

Revision of precinct boundaries:

Our Coalition strongly opposes the boundary changes to the precincts advanced in the preceding joint Casey-Cardinia draft Green Wedge Management Plan for the Western Port Green Wedge, particularly the proposal to divide the former precinct for agriculture and horticulture into two: Precincts 1 and 3, with Precinct 3 to be devoted to the uneasy and probably incompatible combination of Rural Lifestyle and Agriculture. This will vastly reduce the area of the agricultural precinct compared with the earlier Westernport draft GWMP and will undermine Casey's highly successful agribusiness and the Bunyip Foodbowl.

Like most or all other submitters, we do not have access to the original joint Casey-Cardinia draft, but were fortunate in being able to attend the Casey Conservation Advisory Committee meeting at which officers displayed the first precinct map, which is not in the current draft, and made the comparison with the current draft. If there are other changes of which we are not aware from the joint plan that would facilitate subdivision or closer settlement in the Green Wedges, we would oppose them as well.

Precinct-based strategic directions

- **Precinct 1 – Casey Horticulture and Food Production Precinct.**

The Green Wedges Coalition is very supportive of the directions for this precinct that are consistent with the Vision with regard to maintaining a permanent green and rural area that supports a productive and innovative agricultural industry. We question the need to rezone the land to SUZ, although we note this will not involve any reduction in minimum subdivision sizes, and we understand that this has worked quite well for the Shire of Cardinia's agricultural land. Cardinia adopted the SUZ prior to the introduction of the Green Wedge zones in 2003-4, and since the Green Wedge Zone is designed to facilitate agriculture, we see no reason to move to the SUZ, especially as the main reason advanced by proponents is that it would allow more intensive agriculture in the Green Wedge, similar to the Rural Activity zones outside the Green Wedges, thus compromising the open landscapes that are fundamental to the value of Green Wedges.

- **Precinct 2 – Casey Urban Growth Boundary Interface and Environment Precinct.**

The Green Wedges Coalition objects strongly to the proposal for the creation of a Green Wedge A Zone (GWAZ) with a Schedule 1 that has a one hectare minimum subdivision area and a Schedule 6 that has a 0.92 ha minimum. This is entirely inconsistent with the GWMP Vision for a permanent green and rural area, the protection of biodiversity values, and the purpose of the GWAZ as stated in Clause 35.05.

The default minimum subdivision size of 8 hectares was set to enable land use and development that could comply with the purpose of the zone. This proposed GWAZ1 and GWAZ6 would be dominated by residential development and in no way could sustain a rural environment that complies with the requirements of the State Planning Policy for the Green Wedges.

- **Precinct 3 – Casey Rural Living and Agricultural Production Precinct.**

The Green Wedge zones are not designed to support rural living.

The Green Wedges Coalition strongly objects to the proposed 4 hectare minimum subdivision size, (for GWZ2) and even more strongly to the proposed two hectare minimum for GWZ1, as this is inconsistent with the purpose of this zone as defined in Clause 35.04 and with the intention of this precinct to support agricultural production. Moreover, a past study carried out by the Port Phillip and Westernport Catchment Management Authority established that 4 hectares is a particularly bad lot size – too small to run cattle as well as horses (leading to pasture degradation), too small justify the use of management tools such as a tractor, spray equipment etc., yet too big to manage without such mixed stocking and equipment.

- **Precinct 4 – Pearcedale Township Precinct.**

The Green Wedges Coalition has no criticism of this proposed precinct, provided there is no proposal to expand the township boundary. We suggest it would be more in keeping with the proposal to retain the rural residential character of Pearcedale township to rezone it to a township zone or NRZ, rather than the General Residential Zone, particularly now that the height limit for GRZ has been increased to 11m.

- **Precinct 5 – Coast Precinct.**

The future directions for the 'Coast and Rural Hinterland' are basically supported by the Green Wedges Coalition. But it is unclear what the proposed zoning is for this precinct.

There would need to be strong controls on tourist-related use where a low footprint is essential for any proposed development. No tourism or any other development must contravene the purpose of either the GWZ or RCZ in relation to the protection of rural and environmental values of the Green Wedge.

- **Our Coalition also strongly opposes the proposal to provide an area for schools and Places of Worship in Precinct 2**

Though we appreciate the proposal to discourage them in Precincts 1 and 3. In our view, churches or schools are urban uses that obstruct and clutter the open rural environments that are fundamental to Green Wedges and should be sited in urban areas where the parishioners and children live.

Our members have recently opposed an application to clear 14 river Redgums and other native vegetation for an 8.27m high religious school covering 46% of a 2.4 ha site in the Green Wedge at Frankston. Fortunately this application was refused by Frankston Council.

We are also concerned that Place of Worship applications are mushrooming all over the Green Wedges, some with huge built structures and associated infrastructure.

There are four outstanding applications for Places of Worship in the South East Green Wedge alone, one with towers as tall as a seven storeyed building. Plus several more have recently been approved, including one that was strongly opposed by residents in the Casey Southern Ranges Green Wedge.

We propose to ask the Planning Minister Richard Wynne to restore the prohibition on schools in Green Wedges and to add conditions for Places of Worship in the Green Wedge Zone, Green Wedge A Zone and Clause 57 that require them to be designed only for the use of residents living in that particular Green Wedge: We propose:

- A limit of 250 square metres on a Place of Worship in a Green Wedge Zone (the same as in a residential zone), and to
- Include a requirement in the Decision Guidelines that Applications must be accompanied by a report that demonstrates how the place of worship will be limited to the use of residents living in the Green Wedge.

- **Biodiversity**

The Green Wedges Coalition supports the Environmental Significance Statement (Clause 11.3) on P.30 of the draft plan.

However, we are concerned that there is no discussion of the habitat corridors that are shown only as areas of relatively High Contribution to Natural Values in the adjacent excellent Habitat Areas and Biodiversity map which is presumably drawn from the State and/or Federal Government's sub-regional species strategy for the southern Brown Bandicoot (SBB) and which covers both Casey and Cardinia parts of the Western Port Green Wedge. This map clearly shows the Growling Grass Frog habitat corridors and less clearly shows the main corridors nominated for SBB as orange lines linking the Cranbourne Royal Botanic Gardens through Devon Meadows with high quality habitat areas abutting Western Port around Cannons Creek, Blind Bight and Tooradin.

The Southern Brown Bandicoot (SBB) is listed as nationally endangered under the EPBC Act 1999 is classified as 'near threatened in Victoria' (source web www.dse.vic.gov.au).

In our view, the Green Wedge Management Plan ought to have more detailed discussion of the proposed habitat corridors, including their dimensions and proposals for implementation. At the CCAC meeting we were told only that habitat corridors could be provided when land is approved for subdivision, but even this will not happen unless at least the priority corridors are properly identified. We do not think it is adequate to leave the habitat corridors to some future Council biodiversity planning strategy, though no doubt such a strategy will be most constructive. Unless the potential habitat corridors are clearly defined

and included in the Green Wedge Management Plan and incorporated into the planning scheme, they are unlikely ever to be implemented.

Furthermore, we do not agree that subdivision is a necessary pre-cursor to the provision of habitat corridors, nor is it desirable in any circumstances. We are aware of excellent work that has been done, largely we understand by volunteers working under the auspices of the Cardinia Environment Coalition to have habitat corridors and bio-links provided on private properties adjacent to watercourses in the Cardinia Green Wedge. The Green Wedges Coalition is a member of the Environmental Stakeholder Group for the Metropolitan Strategic Assessment and would be keen to advocate for directing some of the available State Government offset funding to assisting Casey with development of these habitat corridors.

The draft plan states that *'the City of Casey has based its biodiversity planning on the development of habitat corridors and biolinks,'* yet none seem so far to have been provided: certainly none are discussed in this draft plan. It was particularly disappointing that the City of Casey provided no support for the Green Wedges Coalition's presentation to the Brompton Lodge Precinct Structure Plan panel, in which we proposed that a habitat corridor, ideally 80m wide, should be provided along the north-south waterway through the proposed development. Instead, the City of Casey proposed a 20m wide vegetated corridor along Cranbourne-Frankston Road and this was adopted by the panel.

Accordingly, there is now no effective or even potential habitat corridor linking the SBB colonies on Cranbourne Royal Botanic Gardens and Settlers Run to potential biolink / wildlife habitat corridors leading to potential areas for restoration of SBBs at the Langwarren Flora and Fauna Reserve, Burdetts Quarry and the Pines Flora and Fauna Reserve, as proposed by the City of Frankston in their Linkages study. The Brompton Lodge Native Vegetation Precinct Plan has taken a very narrow interpretation of the value of the existing habitat, looking only at the site and not its wider value as part of a corridor for the SBB. We consider that this approach is entirely inadequate in this day and age where increasing significance is being placed on the importance of biolinks to try and ensure as much as possible the ongoing survival of native fauna species by increasing the available habitat. And particularly where this is recognised as central to the City of Casey's biodiversity planning.

The Green Wedges Coalition's proposal consisted of a 30m vegetated core, surrounded by 25m buffers, a design agreed n by SBB experts Austin O'Malley of Practical Ecology, Terry Coates (of CRBG), Sara Maclagan and David Nicholls.

The movement of the SBB to a western corridor could still be enhanced in the future by the construction of culverts with any upgrade to the Western Port Highway and/or encouragement of movement from the Cranbourne- Frankston Road to the western corridor by protecting and enhancing a corridor link along the existing vegetation to the west of the site. This is essential to providing a regional approach to the protection of habitat at a regional level and not ending up with isolated areas of habitat.

Ideally, the corridors would need to be fenced to exclude cats and foxes. It would be possible to construct SBB permeable fencing to enable the SBB access adjacent land. Further work should be done now to design provision for biolinks suitable for the SBB.

Status

Further Information: Contact Rosemary West, Coordinator, Green Wedges Coalition at email rowest@ozemail.com.au or Alan Thatcher, Secretary, Green Wedges Coalition at alancthatcher@gamil.com

Mornington Peninsula Green Wedge

Mornington Peninsula Shire

Description

Action to date

Status