

# **DEFENDERS OF THE SOUTH EAST GREEN WEDGE INC SUBMISSION TO:**

## **GREATER DANDENONG CITY PROPOSED PLANNING SCHEME AMENDMENT C143**

**PANEL HEARING: TUESDAY 11 OCTOBER 2016**

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### **INTRODUCTION**

We are the Defenders of the South East Green Wedge Inc, an alliance of conservation and community groups dedicated to the protection of the South East Green Wedge. We were formed in 2001 in response to the rapid erosion of its rural land.

We support the general thrust of C143 for the implementation of the Greater Dandenong Green Wedge Management Plan.

We applaud the proposed recognition of the importance of the Green Wedge in the planning scheme and particularly note that Council acknowledges that the Green Wedge 'provides a green, spacious relief from the surrounding urban development', and has a major objective 'to ensure the open, landscape-dominated vistas throughout the Greater Dandenong Green Wedge are maintained and protected'.

We have concerns that the role of the Green Wedge needs to be strengthened in the Municipal Strategic Statement and have identified changes or additions that we think are important to achieving this.

We do have an objection to the inclusion of 'rural living' in the vision for the Green Wedge and the implication that it is a land use integral to future land use and development in the 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 is to prevent urban sprawl by keeping land permanently open; 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"

### **ISSUE: INCREASED RESIDENTIAL BUILT FORM DEVELOPMENT IN THE GREEN WEDGE**

#### **Clause 21.02 Municipal profile**

##### **Clause 21.02-1 Overview**

As the Green Wedge constitutes a highly significant 29% of the total area of the municipality (GWMP City of Greater Dandenong Dec 2014). It is the major contributor in protecting agricultural and environmental values, the character of the open rural and scenic non-urban landscapes, and in enhancing cultural heritage significance. The Overview should be amended to recognise the importance of the Green Wedge in the protection of the natural and cultural assets described in the last paragraph.

## **Clause 21.02-2 Regional context**

The Dandenong Green Wedge is recognised as forming part of the South East Green Wedge that extends in to the neighbouring municipalities of Kingston, Frankston and Casey. And that it includes many land uses of strategic importance to the surrounding region and to the wider metropolitan area.

One major regional issue for future land use and development in the Green Wedge is the Eastern Treatment Plant and related buffers..

The Eastern Treatment Plant (ETP) is currently protected by the buffer provided under Schedule 3 to the Environmental Significance Overlay.

We believe that an investigation needs to be undertaken to ascertain if the buffer needs to be expanded and strengthened for the following reasons:

- The EPA publication No 1518, March 2013, '*Recommended separation distances for industrial air emissions*' contains a formula in Section 11 for calculating separation distances for sewage treatment plants based on the population served. The ETP claims it serves 40% of Melbourne, which makes the 'Population' input figure 1,777,167 people. Inputting this population figure gives the following calculations for minimum separation distances:
  - - Aerobic Pondage: 6.67 kilometres.
  - - Facultative Pondage: 13.3 kilometres.Both types of pondage require considerably larger separation distances than that provided for in Schedule 3 to the Environmental Significance Overlay.
- The ETP is designated a Major Hazard Facility by WorkSafe Vic primarily because it has stockpiles of 40 tonnes of chlorine stored on site at any one time. The accidental release of the chlorine poses a very serious threat to the surrounding area.

According to the WorkSafe Vic production, '*Land use planning near a major hazard facility*' WorkSafe Vic produces maps of each major hazard facility showing the appropriate buffers. Unfortunately, WorkSafe Vic has not yet produced such a map for the ETP.

Late last year the Minister for Planning set up the Major Hazard Facilities Advisory Committee to provide advice on land use planning to better manage the interface areas between existing and new development and land use for major hazard facilities. The Advisory Committee completed its work and submitted a report with recommendations to the Minister on 30 May 2016. The report has not yet been made available to the public and the Minister has not yet acted on its recommendations.

We are concerned that Melbourne Water appears to have adopted a more relaxed approach to assessing development applications in the buffer zones as demonstrated by its recent decision not to object to the following proposals:

- An application for a produce market in the 'Bangholme Precinct' that would have up to 700 people on site. Melbourne Water vigorously opposed the rezoning of the 'Bangholme Precinct' at the 'Urban Growth Boundary Anomalies Advisory Committee in 2012. Their submission included a warning in Section 7.2 about the ETP being a Major Hazard Facility.
- An application for a Place of Worship, a two storeyed Guest House and a Caretaker's Residence in Carrum Downs, in the Frankston portion of the South East Green Wedge. The Place of Worship has a seating capacity of 3,500 people, is in the ETP buffer zone and immediately abuts the ETP site.

## **Clause 21.02-5 Open space and natural environment**

The Green Wedge is a major contributor to the open space and natural environment of the municipality and this should be recognised in this Clause. It should be included in the opening paragraph as it is where many of the assets identified in this opening paragraph are to be found. Loss of the Green Wedge would threaten many of these assets.

## **Clause 21.03 A Vision for Greater Dandenong**

### **Clause 21.03-1 Vision**

In *Clause 21.03-1 Vision* it needs to be clear that the Green Wedge does not have as part of its purpose to allow for **new** rural living but has a provision for a Green Wedge A Zone that is designed to 'recognise and protect the amenity of **existing** rural living areas. As such, reference to 'rural living' should be removed from the proposed addition and, at most, included as a separate statement relating to the protection of the amenity of existing rural areas. This distinction does need to be very specific as otherwise it could lead to a misinterpretation of the purpose of the Green Wedge.

### **Clause 21.03-2 Achieving the vision**

We fully support the proposed change under 'Sustainable Environment' that recognises the role of the Green Wedge as a break in built form development. This reinforces the role of the Green Wedges as originally intended in the inclusion in the planning scheme of the 17 green wedge municipalities. We do support the thrust of the comment in the Planisphere report (September 2016) about the need to better describe the nature of that 'break'. The wording needs to clearly encapsulate recognition of the need to maintain the rural open landscape in the Green Wedge and stop the incursion of further built form development.

### Clause 21.03-3 Strategic Framework Map

The Green Wedge as it covers an area of some 3,740ha or 29% of the municipality should be recognised as a significant major land use for Council's broad strategic directions for land use planning.

## **Clause 21.04 Land use**

### **Clause 21.04-4 Green Wedge**

The proposed objectives for Clause 21.04-4 are inadequate and we consider that the first objective (along with the accompanying 'Strategies') should be 'To maintain and enhance the openness and rural landscape values of the Green Wedge'.

This is important in recognising the fundamental importance in land use of the open and landscape dominated vistas recognised in the Overview and further reinforced in *Clause 21.05 Built Form* where the new *Clause 21.05-4 Green Wedge* includes as its first objective:

*To ensure the open, landscape-dominated vistas throughout the Greater Dandenong Green Wedge are maintained and protected.*

We do support the other two proposed objectives and particularly the recognition that:

*New use and development to (there is a typo in the proposed clause – it should say do not compromise) not compromise the establishment of preferred or established land uses in the Green Wedge (such as agriculture, recreation, equestrian and sporting activities).*

## **Clause 21.05 Built form**

We agree with the proposed inclusion that:

*The Green Wedge landscape has the potential to be threatened by new development and built form which does not respond positively to the local characteristics of the area.*

It should be made clear that there should be no new residential development other than allowed for under the GWAZ that recognises the need to protect 'the amenity of existing rural living areas'.

## Clause 21.05-2 Heritage

The Defenders consider that it is very important that the Aboriginal scarred trees be recognised in this clause. These are incredibly culturally important and irreplaceable assets that are worthy of the highest level of protection and also in recognition of their importance. *Clause 15.03-2 Aboriginal cultural heritage* in the State Planning Policy Framework recognises the State's commitment to ensure the protection and conservation of such important cultural heritage.

The scarred trees should be included on Maps 1 and 2 in Clause 22.03-2. Their locations are shown on Map 13 in the Greater Dandenong Green Wedge Management Plan where it is shown they are concentrated in specific locations including areas proposed for GWAZ and the subject of the Council post exhibition proposal for urban subdivision.

## Clause 21.05-4

We fully agree with the objective:

*To ensure the open, landscape-dominated vistas throughout the Greater Dandenong Green Wedge are maintained and protected*

It has to be clear that any new use and development is entirely consistent with the purpose of the GWZ and GWAZ and does not include new greenfield 'urban' housing development.

## Clause 21.06 Open space and natural environment

### Clause 21.06-2 Watercourses, wetlands/billabongs and habitats

Under Objective 1 the following fifth Strategy should be included

- 1.5 Implement the recommendation of the Mordialloc Creek Environmental Strategy and Opportunities Report to improve the quality of water entering Mordialloc Creek and Port Phillip Bay and to realise the potential of Mordialloc Creek as a water filtering system, as a wildlife habitat, as a flood storage system and as a landscape and recreation asset.

This report is mentioned in existing *Clause 22.02-4 Wetlands Precinct* under Policy Influences but does not appear to have been carried across to the revised clauses.

## Clause 22.02 Green Wedge Policy

### Clause 22.02-1 Policy basis

We consider that *Schedule 22.02-1 Policy basis* should be amended in line with our comment regarding reference to 'rural living' in *Clause 21.03-1 Vision* in the MSS.

### Clause 22.02-3 Policy

In addition, we consider that *Clause 22.02-3 Policy* should be changed to remove the term 'rural residential' and refer only to existing rural living areas. In this context, rural living does not constitute a preferred land use but rather accepts a practical reality that there are historically some existing areas that are currently typical of rural living and need to be recognised and their amenity protected as part of the GWAZ. Our suggested changes are as follows:

Precinct	Precinct Objective	Preferred Land Uses
2. Hutton Road North	To allow for continued use for outdoor recreation.	Open space and recreation.
3. Keys Road	To protect the amenity of existing rural living areas and ensure future land use and development is sensitive to the rural, open character of the Green Wedge and manages drainage impacts.	Open space, recreation and less intensive agricultural uses (e.g. market gardens).

At all times the Local Policy must be supportive of future land use and development that meets the purpose of the Green Wedge zones.

We agree with the Planisphere report (2016) that the wording of the third dot point under Built form and heritage should be amended to better reflect the wording and intent of the GWMP to read: “the existing open, landscape-dominated vistas and sense of spaciousness.”

This reinforces our point that the types of future preferred land uses in the Green Wedge must not include new rural residential development. It is not supported in the planning provisions for the Green Wedge zones and as stated in the Planisphere report:

*Subdivision of green wedge land effectively into a lot size and density akin to that typically found in an urban area is incompatible with the vision and objectives of the GWMP. (Point 137)*

## **COUNCIL PROPOSAL POST EXHIBITION**

Following on from the exhibition of the proposed amendment and receipt of submissions, the Council passed a resolution at its meeting on 14 June 2106 that Council:

- *4. in its presentation to the Panel, puts forward Council's view that since the Green Wedge Management Plan was adopted by Council in December 2014, Council has reconsidered its position in relation to elements of the Green Wedge Management Plan, and accordingly resolved with a 9:2 resolution of Council in January 2016, that Council supported the removal of the Keysborough Golf Club land from Green Wedge zoning and recommended its inclusion within the Urban Growth Boundary*
- *AND further advises the Panel, that notwithstanding Planning Officer views expressed in Attachment 2 that the one dwelling to 6 hectares be the default subdivisional size as expressed in the Green Wedge Management Plan, Council expresses its preparedness, subject to any recommendations by the Panel, to further amend the Green Wedge Management Plan to facilitate a less size-restrictive requirement for subdivision, than is presently required in the Green Wedge Management Plan, within the area recommended as being rezoned from Green Wedge to Green Wedge A;*
- *5. supports the application for the Green Wedge A zone and a Schedule that applies a minimum subdivision area of 2,000 square metres to the Keys Road Precinct.*
- *6. makes submissions in support of Council's position at the Panel hearing in respect of Amendment C143; and*
- *7. advises all submitters accordingly*

We respectfully suggest that any consideration of the Council resolution to remove the Keysborough Golf Club land (the Hutton Road North Precinct) from Green Wedge and include within the Urban Growth Boundary is a Ministerial matter and will be the subject of the State Government consideration for Plan Melbourne 2016. In addition, it would require to be approved by Parliament.

In relation to the Council resolution that the Green Wedge A Zone schedule apply to a minimum subdivision of 2000m<sup>2</sup>, this would effectively make the area an urban residential subdivision. As stated in Planning Practice Note 37 Rural Residential Development,

*The Green Wedge A Zone (GWAZ) is a 'rural' zone. It provides for lot sizes of 8 hectares and above. It applies to non-urban land outside the Urban Growth Boundary to protect and recognise the area's agricultural, environmental, historic, landscape, infrastructure, natural resource and rural living attributes.*

And that:

*Limited residential development can occur in other rural zones, but generally, land proposed for rural residential development should be included in the Low Density Residential Zone or the Rural Living Zone*

A lot size of 0.2ha is inconsistent with the purpose of the GWAZ. It is at odds with the proposed Clause 21.04-4 that supports new use and development that does not compromise the establishment of preferred or established land uses in the Green Wedge such as agriculture, recreation, equestrian and sporting activities. These are land uses consistent with the purpose of the GWAZ.

The proposed 0.2ha minimum lot size constitutes an urban residential subdivision and, as with the Keysborough Golf course land, any such proposed change would be a change to the UGB and any change to the subdivision area or movement of the UGB would need to be ratified by Parliament in line with Sections 46AF, AG & AH of the P&E Act.

The Keysborough Golf Course and Keys Road Precinct land are shown on Map 13 in the Green Wedge Management Plan as being rich in scarred trees, artefact scatter and areas of Aboriginal cultural heritage sensitivity. The conversion of these areas for residential subdivision would be disastrous for these priceless, irreplaceable assets that should be protected at all costs.

The changes proposed by Council should not be entertained as feasible changes to the proposed exhibited amendment.

The amendment does propose a 6ha minimum that will still enable the purpose of the GWAZ to be met.

In the Dandenong Journal (16/04/16) a Greater Dandenong City councillor was reported as supporting the submission from the Keysborough South Landowners and is quoted as saying that "A lot of green wedge land has been land-banked by investors for the inevitable change to come. So why not give people the opportunity to benefit from their investment?"

The Greater Dandenong Green Wedge Management Plan 2014 addresses this issue reporting that:

*Consultation with land owners and real estate agents revealed that land banking has been occurring within the Greater Dandenong Green Wedge, with some large land holdings owned by developers, as well as investors purchasing and holding land with the expectation of future rezoning. This is illustrated by the high amount of unused and rundown land and the low value uses occurring in the Greater Dandenong Green Wedge.*

There is nothing in the State and Local Planning Policies or the Council's Green Wedge Management Plan that gives any support to the development proposals.

## **SUMMARY**

In the 1960's, some 50 years ago the vision for, and implementation of, the Green Wedges was realised as a major part of the future form of the Melbourne's metropolitan area. This green belt is integral to the future of Melbourne's reputation as one of the world's most liveable cities. Imagining Melbourne without this green belt is like trying to imagine the centre of city without the ring of major parks, including the Royal Botanic Gardens and the Treasury, Fitzroy, and Exhibition gardens.

In considering this proposed amendment, it needs to be recognised that the Dandenong Green Wedge forms part of the South East Green Wedge that extends not only to the neighbouring municipalities of Kingston, Frankston and Casey but also the wider metropolitan area as a whole.

In summary our response is in two parts.

### **The proposed amendment as originally exhibited**

We applaud the proposed recognition of the importance of the Green Wedge in the planning scheme and the role Greater Dandenong Green Wedge Management Plan in providing future directions for protecting and maintaining this most valuable asset.

Our main concern is that the proposed amendment as originally exhibited inappropriately refers to rural living as a preferred land use and that we consider that *Clause 22.02-3 Policy* should be changed to remove the term 'rural residential' and refer only to existing rural living areas. We do accept a practical reality that there are historically some existing areas that are currently typical of rural living and that provision is made in the GWAZ for their amenity to be protected.

We agree with the insightful analysis in the Planisphere report (September 2016) to this panel that:

*The original reasons green wedges were set aside, as 'green breaks' in the urban environment, are more valid today than when they were established and there was little urban development around them.*

*The conundrum remains as to what the land can be productively used for, and this is one of the key issues a green wedge management plan tries to address. These plans cannot provide the complete answer however they can and should provide direction, priorities and certainty.*

*Certainty is one of the key objectives of the GWMP. The GWMP discusses the impact of speculation about change that potentially removes motivations for land owners to seek workable solutions within the constraints of the land and zoning. Without uncertainty about the green wedge being removed, altered or controls changed, options such as recreation, different forms of agriculture and other uses allowable within the zoning can become more viable alternatives.*

The Defenders of the South East Green Wedge strongly support the proposed amendment (subject only to the concerns we have addressed in this submission) as originally exhibited to implement the Greater Dandenong Green Wedge Management Plan.

#### **Post exhibition proposal by Council to reduce the minimum subdivision in GWAZ**

This proposal constitutes a major unacceptable change to the exhibited amendment C143. It is contrary to the Greater Dandenong Green Wedge Management Plan and the implementation of which is the subject of this proposed amendment and most seriously denies natural justice for all parties interested in this amendment to give consideration and response to this proposal by Council.

The Defenders do not support the Council proposal to amend the Green Wedge Management Plan to facilitate a less size-restrictive requirement for subdivision, than is presently required in the area recommended as being rezoned from Green Wedge to Green Wedge A, with a Schedule that applies a minimum subdivision area of 2,000 square metres to the Keys Road Precinct.

We do acknowledge that land owners have the right to request an amendment to the planning scheme to zone their land for urban residential development. However, this must be the subject of a separate amendment process. It cannot be piggybacked on Amendment C143 process which has an entirely different purpose that is to protect and maintain land use and development consistent with the purposes of the Green Wedge zones.

The future of the Urban Growth Boundary is a separate major issue facing the State Government in the formulation and release of Plan Melbourne 2016. Any recommendations for approval of such built form residential development proposals would pre-empt State Government policy on the future of the UGB.

If approved by Parliament it would set a precedent that would open the way for the end of the Dandenong portion of the Green Wedge and that would be vigorously pursued by similar investors across all the Green Wedges and potentially see the demise of the Green Wedges as a whole.

Defenders of the South East Green Wedge

11 October 2016