

Green Wedges Coalition

- a vision for Melbourne

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SUBMISSION TO LEGISLATIVE COUNCIL SELECT COMMITTEE INQUIRY ON PUBLIC LAND DEVELOPMENT

1. Background

The 1968-71 metropolitan planning process officially established nine Green Wedges as non-urban zones between Melbourne's main urban development corridors. It outlined acceptable non-urban uses, including recreation, flora and fauna conservation, landscape protection, resource utilization and farming. The protection of public land and of public open space is integral to the first two of these uses, but not necessarily to the others.

These non-urban zones, together with metropolitan parks and other fringe areas of special significance play a vital role in protecting areas which are critical for Melbourne's future as a livable city. They have been further protected by legislative and planning provisions introduced as part of Melbourne 2030, which added a further three green wedges.

The Green Wedges were to be Melbourne's breathing spaces, to separate the urban development designed to be confined to the transport corridors. But while development spread out along the transport corridors, there was increasing pressure on municipal councils to permit the development of the Green Wedges for residential and industrial uses. Hence in May 2002, representatives of the main environment or Green Wedge defender groups in each of Melbourne's nine green wedges formed the Green Wedges Coalition to make representations to State Government and to the Opposition for green wedge protection. (Attached please find the Green Wedges Charter which outlines the history of green wedges and our analysis of what policies are needed for their protection.

In this we were successful when the State Government announced green wedge protection policies before the 2002 election is to protect Melbourne's green wedges from subdivision and inappropriate urban uses. Opposition support for the green wedge protection legislation passed through the Legislative Assembly before the 2002 election meant support was bipartisan. (While a similar bill reintroduced after the election was not supported by the Opposition we were assured by the deputy leader Mr Honeywood that this was for process reasons and did not imply any withdrawal of Liberal support for green wedges.)

We now have 160 environmental and community group members, including resident, ratepayer and progress associations and strong community support, coordinated by the

peak environment coalition or green wedge protection or defender group in 11 of Melbourne's 12 green wedges. (Please see attached our membership contact list.)

2. Policy context: Green Wedges and Public Open Space

We appreciate the committee's direct reference to green wedges in this context of this Inquiry. However, we express reservations about assuming too firm a nexus between the two issues. While the green wedge protection provisions provide considerable protection for public open space within green wedges – by prohibiting urban development - that protection is by no means perfect:

- The purposes of green wedges, as set out in the green wedge zone provisions, include providing buffers for sand extraction and infrastructure eg airports and sustainable agriculture and hence are broader than the purposes of public land and public open space.
- We contend it is equally important for public open space to be protected in the urban areas where most people live as it is in the green wedges.
- Ninety per cent of green wedge land is estimated to be in private ownership and to be effective, green wedge protection provisions must go beyond the acquisition or protection of public land to protect private green wedge land for non-urban purposes.
- Of the 55 applications on the attached Green Wedges Coalition threats list, only two involved public land that had been sold or alienated for development. Most were on this list either because our members had been involved in objections to Council &/or VCAT or because of their special significance for other cases in which we have been involved.

We are aware that the Liberal Party's planning policy on which it went to the last election (LU) asserted that the Hamer Government had protected the green wedges by purchasing large tracts of land for National Parks. We do not in any way question the considerable foresight and achievements of the Hamer Government in purchasing what is now parkland (nor that of succeeding Labor Governments eg the Kirner Government's \$8 million purchase of Greens Bush on Mornington Peninsula, which must be one of the largest and most costly public land purchases of all time, at least in a peri-urban area now designated as green wedge). But it is estimated that 90 per cent of green wedge land is and was then in private ownership and considering the significance of agriculture (see our attached charter for our case that agriculture is more sustainable in the green wedges than elsewhere) this is necessarily so. Hence green wedge protection requires specific provisions beyond the acquisition of the most significant sites. These provisions necessarily include an Urban Growth Boundary and the core and green wedge zone provisions* currently in the planning scheme. It is these provisions which our members have been able to use to hold the line on green wedges.

We expressed considerable concern before the 2006 election that the Liberal Party's policy focussed almost entirely on land purchase as a means of protecting green wedges, and that it proposed to dismantle the Melbourne 2030 green wedge protection planning provisions - including the requirement that the Urban Growth Boundary could only be

changed by a vote of parliament - and to hand planning powers back to Councils. In our view this would lead to the serious erosion of the green wedges in all except perhaps a handful of municipalities. And as the history of Nillumbik almost showed, all it takes is one developer-dominated Council to lose the lot. **

A delegation of our members spoke to Mr Davis about this at the time and were impressed by his commitment to protecting green wedges and his expressed willingness to negotiate with us after the election to make ensure green wedge protection. We are aware of the strong support for green wedges by Liberal MPs on the Mornington Peninsula, where there is a high degree of community awareness and green wedge support, and by Liberal candidates who responded to the Green Wedges Coalition's election survey. We regret that Mr Davis no longer has the planning portfolio and would appreciate his assistance in arranging and if possible attending a meeting between the same delegation and his successor Mr Guy as we feel the continuity would be valuable.

We did warmly support the 2006 Liberal election policy to acquire environmentally significant sites in the green wedges and - we hope - elsewhere. However we were concerned that no specific sites were nominated for acquisition, despite several member groups making representation to candidates and MPs to commit to the purchase of, for instance, the environmentally significant development-threatened Bundanoon area outside Sunbury.

We are clear that for Green Wedges – or Public Open Space - to survive, they need bipartisan support. We did not expect that our continuing gatekeeper role would be required after the green wedge protection package was implemented in 2003-4 but it has and it has been intense.

3. Melbourne 2030 and green wedges

Our Coalition has strongly supported the intention and policy of Melbourne 2030: to stop the city's urban sprawl, consolidate urban development around public transport nodes and to ensure the city's livability by protecting its green wedges from inappropriate commercial development and tourism as well as protecting the amenity of its residential streets, its neighbourhood character, open space, heritage and environmental values.

In our submission to the Melbourne 2030 Audit (attached) we have submitted that the main problem with Melbourne 2030 is that it is not living up to the promise of successive planning ministers to "protect what we love about Melbourne." Specifically, the policies to protect the values described in the above sentence, including public open space, are generally lacking effective planning scheme underpinning. Accordingly, even in those cases in which municipal councils do the right thing by their communities and the environment by refusing environmentally destructive or otherwise inappropriate development that encroaches on open space, heritage etc., VCAT has often overturned Council decisions and ordered that permits be issued. (See attached our submission to the Planning Minister on VCAT. In the latest update of our list of threats to green wedges

(attached), we note that 35 (78 per cent) of 45 cases that have been determined have been approved, in most cases by VCAT overturning Council refusals. Of 11 VCAT cases contested by Barry Ross in the South-East Green Wedge, 8 were approved at VCAT. Of 12 significant cases contested by the Green Wedge Protection Group in Nillumbik since the May 2004 Zone implementations 10 were approved at VCAT, including 4 tourist overdevelopments and 4 re-subdivisions/use of old small lot titles. Prior to this only seven VCAT cases were contested and only two were approved.)

The main threats to green wedges are outlined in our Melbourne 2030 audit submission, which needs to be read with the attached list of specific development applications that have threatened green wedges and have in most cases? Been approved. These threats generally derive from

- loopholes in the zone provisions,
 - some of which were deliberately introduced by industry and tourism interests as part of the 2003 community submissions process of Melbourne 2030, eg the tourism over-development exemplified by the McLears Hill development on Mornington Peninsula and a similar development at Point Cook.
 - others which were discovered by resourceful developers and their consultant planners, in an attempt to get around the protective provisions, eg the 99-year leases used by Dromana Caravan Park to evade the prohibition of residential development in green wedges.

The four main loopholes, including the two listed above, were closed by State Government in October 2006, but are not fully effective due to:

- the pro-development bias and unprofessional disregard for State and local planning provisions and exhibited by most VCAT Members in their planning decisions. Hence, for example, McLears Hill Holiday Park ought to have been stopped by the tightening of the “in conjunction with agriculture” provisions, but Senior Member Liston and Member Potts overturned a unanimous Council refusal to approve this appalling development of 472 tourist cabins 150 seat restaurant, winery, cellar door, 80 room hotel, golf driving range, 150-berth boat dry storage, residence in conjunction with agriculture on 48 ha of land now grazed by livestock in February 2007. The token “in conjunction with agriculture” requirement is provided by six ha of grape vines. There are no nearby infrastructure eg transport, shops, and this virtual township of 2000 will add to the urban blight on the area in terms of visual amenity. This is a de facto residential development and is clearly the worst violation of the green wedge protection provisions we have since 2002.
- The failure of most green wedge councils to adopt green wedge management plans as directed by the Planning Minister or to defend the green wedge protection provisions in their planning practice. Notable exceptions include Nillumbik, Yarra Ranges and Mornington Peninsula Shire Councils, which are generally rigorous in defending their green wedges and Manningham, which is the first and as far as we are aware, only council to adopt a green wedge management plan, after community consultation in which our coalition was specifically included.

We are also clear that we cannot go on doing this forever: the “new” environmental priorities around global warming are drawing the energies of younger conservationists

away from the traditional knock-down drag-out often-losing battles to save local bushland from urban development, but when that bushland is cleared, there is a clear cost in greenhouse gas emissions as well as in biodiversity, community health and the other benefits of Public Open Space. Hence there is a need for a system that effectively protects Public Open Space that does not rely entirely on the efforts of small bands of unpaid volunteers.

4. State Government policy and public open space.

We contend it is equally important for public open space to be protected in the urban areas where most people live as it is in the green wedges. There is almost no State support for public open space and there needs to be.

Certainly the Government cannot be said to have lived up to its policy on public open space. State ALP policy, in its Greener Cities policy released before the 1999 State election, accused the Kennett Government of initiating "an unprecedented assault on Melbourne's green spaces," and of causing "Melbourne's much-treasured parks and gardens (to be) facing a greater threat to their survival than at any time in the city's history." In contrast, the policy stated, "Labor believes regional and local parks are priceless community assets that should be preserved and enhanced in public ownership in order to provide for the widest possible range of recreational use and passive enjoyment." To this end, "Labor will stop the erosion of our parks for commercial gain and restore them as community assets for use by all."

Opposition Planning spokesperson Matthew Guy said something similar about the Bracks/Brumby government in his speech to Parliament moving the establishment of this committee in May.

Neither major party emerges with much credit on this issue, and yet I am sure both have good intentions – you just have to look at their policy and pronouncements. Hence this Select Committee has the potential to come up with recommendations to give teeth to these policies and general good intentions.

The need to protect the city's public open space, along with green wedges, heritage, the environment and other "things we love about Melbourne" (words used by all three planning ministers since 2003), is clearly stated in Melbourne 2030 and Clause 12 of the planning scheme. But there are no provisions to make that protection work.

While green wedges have been relatively well (though not perfectly) protected by legislative and planning provisions including new zones, there is virtually no protection for public open space, which can be and is being sold off by Councils to raise funds for other municipal purposes as well as by State and Commonwealth Government. And while the Native Vegetation Framework and the Net Gain policy are excellent policies, they are clearly not working to protect the five per cent or so of our remnant native vegetation that is left.

5. Environmental conservation.

Our Coalition agreed to the Melbourne 2030 plan involving continued development along growth corridors and protection for the intervening green specifically on the undertaking that environmentally significant sites including remnant flora and fauna habitat would be protected in the growth corridor and green wedges.

The work of Sr Sarah Bekessy of RMIT and others indicates that this undertaking has not been honored. Dr Bekessy's work in identifying the biodiversity in the Greater Metropolitan Area – which she compares to Kakadu – and in identifying the threat to that biodiversity - is directly relevant to the loss of open space in the growth corridors and to the need for all land with environmentally significant habitat value to be protected.

Our concerns are spelled out more fully in our submission to the Land health and Biodiversity White Paper process (attached). Of the 11 threatened sites involving the loss of remnant flora and fauna habitat with which our members have been involved cited on page 2 of that submission, four involve the sale or alienation of public land.

Please also see attached a paper by Andrew Booth for the Green Wedges Coalition, Environment Victoria and Victorian National Parks Association. Before presenting to the inquiry, I would like to investigate how many of the 26 sites of threatened flora and fauna habitat listed by Mr Booth involve the sale or alienation of public land. However of the “top ten” sites nominated by Mr Booth in terms of their environmental significance and level of threat, at least four involved the sale or alienation of public land for development: Greswell Hill, Laverton Grasslands, Koonung-Mullum Creek Forestway, the Boggy Creek Wetlands).

6. Health

There is ample research to demonstrate the health benefits for people of the availability of public open space for passive and active recreation as well as unstructured children's play and passive contemplation. If necessary I could follow up a presentation by a Parks Victoria speaker at a Port Phillip and Westernport CMA seminar at Holmesglen TAFE in Kingston in 2006. One of the studies she reported found that recovery rates of patients in hospitals was better if they could get out into a garden or natural area, or even if they could see such an area outside their window.

On a broader scale, of course, green wedges are known as the lungs of Melbourne for several reasons and the same could be said for the Melbourne's public open space. The vegetation on the open space for which green wedges offer a measure of protection purifies the air by absorbing carbon dioxide and replacing it with oxygen. Farming in the green wedges, close to markets and recycled water resources, is more sustainable and healthy in terms of reducing greenhouse gas emissions and conserving water, thus allowing for greater environmental flows to be restored to the rivers further afield. Recreational trails, parks and sports grounds provide opportunities for healthy exercise in the fresh air.

However the protection provided by the existing provisions is far from perfect, largely because of VCAT's disregard for State and Local planning provisions relating to native vegetation and green wedges.

7. **Public open space sites taken up by our member groups in green wedges, urban areas or growth corridors sold or alienated for development or under threat** indicate a range of causes and consequences and illustrate the need for a variety of measures to ensure a proper community assessment and planning process that needs to be followed to evaluate community needs and environmental and other values and to ensure that public open space is not sold or alienated for development where such needs exist.

To list some examples:

- Devilbend Reservoir and surrounds has narrowly survived plans by Melbourne Water to sell off substantial separate titles for farmland. The green wedge protection provisions could not help here as they do not prevent the sale of existing titles or of subdivision to the 40 ha minimum adopted by Mornington Peninsula Shire Council. Thanks to a strong campaign by our local member group, the Westernport and Peninsula Protection Council, all of the land around the reservoir will be kept in public ownership for conservation purposes. WPPC and the Devilbend Foundation are now trying to find a way to purchase or keep a 40 ha allotment across the road from the reservoir.
- Hume Council managed to have the old Sunbury racecourse transferred from the green wedge to the urban area in 2003, although it is on the UGB, and vast development plans are now proceeding. This indicates that the fairly obvious fact that public land can more easily be subdivided for development if it is removed from the green wedge.
- Airports are seeing uncontrolled and often inappropriate development on public land owned by the Commonwealth Government, and therefore so far inaccessible to State or local planning controls. For instance:
 - Tullamarine Airport is a significant example of the sale (by long-term lease) and alienation of public land and public open space. There, the Federal Government has just approved some major non-aviation-related development in a green wedge.
 - Moorabbin Airport has also seen vast uncontrolled office, factory and retail development despite being in a green wedge. At present, there is considerable local concern about the Airport's plans to resume a popular local golf course to build more offices, factories and perhaps a hotel.
 - Other airports are subject to similar unrestricted development outside the green wedges.

- The only residential development approved since the introduction of the green wedge protection provisions in 2002, consisting of 240 houses approved at the Wyndham Cove Marina development, involves the sale by Council to the developer of \$1 million of Council-owned land. (see attached GWC threats list)
- Former SEC land along the banks of Kororoit Creek in Brimbank was sold in 2005 and has been approved for development of a 165 unit retirement village. (Tract consultants, application no. P106/2005, 609 Ballarat Rd., Sunshine) This site is environmentally significant, involves the removal of over 1000 trees and contains the only remnant grassland along the 16 K of Brimbank Creek frontage. It is next to an electricity transmission line, takes all space up to 30 m from the creek and involves moving the walking tracks onto the rocky escarpment area. This land is not in the green wedge, but the Green Wedges Charter adopted by our Coalition before there was an Urban Growth Boundary in 2002 includes riparian strips along watercourses as part of green wedges.
- Former Defence land in the green wedge between Beatty's Rd and the Ballarat Highway in Rockbank was sold to a Malaysian Development consortium called JLand and has subsequently been (so far unsuccessfully) pressuring State Government to amend the Urban Growth Boundary to permit residential development of the site. This land is highly environmentally significant and is an example of how Commonwealth land sales are leading to land-banking and pressure on the green wedge. We understand that this has led to other properties in the vicinity having also been acquired for speculation purposes.
- Two former Defence Department sites on the Maribyrnong River offer an interesting contrast (with each other and with Chicquita Park). The 11 ha Afton Hill site was saved from development despite the Commonwealth Government's resolve to sell it for residential development after the Moonee Valley Council backed the resident action campaign and worked with the local MHR Bob Sercombe to persuade the Commonwealth Government of the strong community need for the land as parkland. However residents are still fighting to save another site in Essendon.
- A former Melbourne Water Works depot was sold to the Steiner educational foundation, which subsequently applied to build a primary school "in conjunction with agriculture" on this remote site down a bush road. Cardinia Council refused the application on grounds that schools are clearly designated as an urban use in Melbourne 2030, but VCAT overruled Council and approved the application, despite the fact that there had never been any agriculture on the site. Subsequently, to prevent the green wedges becoming de facto education zones for private schools, the Planning Minister Hulls had to prohibit education centres – which had previously been permitted to allow farm management courses on farms etc. - in green wedges.

- An industrial-style Compost Screening, Storage and Sales operation has been approved by Council, upheld by VCAT in August 2005, on Melbourne Water land in the South East Green Wedge at Dandenong. (applicant Natural Recovery Systems P/L, Worsley Road, Bangholme, Ref No P1263/2005) in PUZ within the Eastern Treatment Plant site. This alienation of public land for private commercial development has damaged the amenity of the green wedge for nearby pastoral landholders and indicates a need to extend Clause 57 (covering the Core Provisions of green wedge land in GWZ, RCZ and SUZ) - to cover private uses on PUZ land.
- The Laverton RAAF air base were sold off by the Commonwealth Government for development with initial approval for a major commercial complex or business park and at the developer's request this has now been upgraded by the Planning Minister on the recommendation of a Priority Development Panel for residential development. The application for rezoning provided State Government with an opportunity to effectively apply the Native Vegetation Framework to protect the environmentally significant grassland on the site, but this was not taken up. The former airfield contains one of the best examples of endangered Basalt Plains Grassland in the Port Phillip Region if not the state. It has a rich diversity of rare and threatened species, but only a minority of the significant grassland will be preserved in reserves set aside by the Commonwealth Government at the time of the sale. This indicates the need for the Commonwealth to be required to protect all significant grassland on such a site and not merely a token amount, and for State Government to be required to apply its own Native Vegetation Framework, which should have required the removal of native vegetation to be avoided.
- Of the 55 applications on the Green Wedges Coalition threats list, only two involved public land that had been sold or alienated for development. Most were on this list either because our members were involved in objections to Council &/or VCAT or because of their special significance for other cases in which we have been involved. Of the 12 sites on the above list, six were owned by the Commonwealth Government, four by the State and only two by Councils. A further three sites included in Andrew Booths top ten environmentally threatened sites were owned by the State Government.

8. Conclusion:

We earnestly hope and request that this committee will be able to develop guidelines that should be followed when any level of government thinks they have surplus land (including property assets) to sell, to ensure that this is not an asset that would be valued by the community.

8.1 There is a need for appropriate provisions to ensure that public land is not sold or alienated without a proper, comprehensive public process to determine whether or not this land is needed for public purposes including:

- Public open space,
- Environmental conservation,
- Recreation
- Heritage protection, or
- other community purposes.

Land that is surplus to the needs of one level of government should be handed free to another level of government if community needs are identified.

8.2 We respectfully request that your committee investigates the NSW provisions relating to the protection of public lands, which we understand do achieve this purpose and recommends the adoption of these or similar provisions.

8.3 We submit that there is a need for an ongoing monitoring authority to oversee the protection of green wedges and public lands. This proposal builds on our earlier submission to the Melbourne 2030 Audit for the establishment of a Green Wedges Authority, similar to the Growth Areas Authority, which does a good job of promoting and governing the process of development in the growth corridors. We now suggest that this idea be broadened into a Green Wedges and Public Lands Authority. This should cover existing public open space in urban as well as green wedge areas and could also include requiring the provision of open space in growth areas and urban areas currently under-provided. It should have oversight over the performance of Councils, State and Commonwealth Government departments and instrumentalities and VCAT and should play a coordinating role between such agencies to ensure that more public lands do not fall between the cracks of public policy as the Laverton Grasslands and Moorabbin Golf Course have done.

Yours truly,

Rosemary West
Joint Coordinator Green Wedges Coalition

Attached:

1. Green Wedges Charter (giving a brief history of green wedges and summarising our current concerns and policies).
2. Green Wedges Coalition membership contact list (for each green wedge).
3. Joint letter and submission to Minister Thwaites, 2005, from GWC, EV & VNPA.
4. Report: *Melbourne's Native Vegetation Under Threat: development pressures and conservation solutions (2005)*, by Andrew Booth for EV, GWC, VNPA. (This identifies 26 environmentally significant sites under threat in the green wedges and urban areas.)
5. *GWC List of current and recent threats to green wedges re overdevelopment and inappropriate development May 2007*
6. GWC submission to planning minister on VCAT.