

Council Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 23 February 2021 commencing at 7:00pm.

Attachments

Carl Cowie
Chief Executive Officer

Thursday 25 February 2021

Distribution: Public

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Nillumbik Shire Council

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MEETING MINUTES
Health and Wellbeing Advisory Committee
Wednesday 9th September 2020
2:00pm – 3:30pm
Zoom

Attendees: Cr Grant Brooker, Melanie Holt, Vicki Martinez, Keera Weise, Sarah Lausberg, Rosie Haszler, Tina Robinson, Petra Begnell, Beth Dunlop, Sarah Quirk, Jacinta Geary, Lisa Dempster, Karly O'Donaghue and Pamela Johnson.

Apologies: Beth Dunlop and Pamela Johnson.

| Agenda item | Minutes | Actions |
|---|---|--|
| Welcome & Acknowledge ment of Country | Cr Brooker welcomed attendees and new members invited to introduce themselves. | |
| Actions from previous minutes | No outstanding actions from previous meeting | |
| Health and Wellbeing Plan Roadmap: Keera Weise | <ul style="list-style-type: none"> • Update provided on MPHWP planning roadmap outlining timeframes and next steps for evaluating and reviewing existing plan whilst commencing new planning cycle. • Presented community profile framework that provides the overarching matrix for the profile. • Consultation has highlighted the need for township level date. The new profile will provide township 'personalities', allowing for greater understanding of assets and needs at a very local level. • The profile will be ready for distribution from November 2020. • Contributions from the mapping exercise will be included in annual DHHS report. | Action: Present Community Profile at next meeting |

| Agenda item | Minutes | Actions |
|---|---|---|
| Mapping with partners: Keera Weise | <p>Thanked members for their contribution in the mapping of existing activities.</p> <p>Presented collated information on the 7 priority areas of the plan including members' current activity.</p> <p>Tabled presentation including mapping results.</p> <p>Members contributed with additional projects relating to priority areas and opportunities for partnership.</p> | <p>All members: Advise Keera of any additional activities</p> <p>KW: Include actions identified in discussion to mapping exercise.</p> |
| COVID-19 @ Nillumbik: Vicki Martinez | <p><u>Survey:</u></p> <ul style="list-style-type: none"> • The survey developed in partnership with healthAbility aims to understand local impacts on community of COVID-19. • 157 responses to date. • Request for partners to support distribution through networks. • Share results of survey at next meeting <p>https://participate.nillumbik.vic.gov.au/together-in-nillumbik</p> <p><u>Nillumbik Local Services Network:</u></p> <ul style="list-style-type: none"> • Partnership between Council, healthAbility Diamond Valley Community Support. • The network aim is to bring together service providers operating in Nillumbik from across sectors to support a more coordinated response to COVID-19 and beyond. • The Network meetings will be used as an opportunity to: explore community strengths and identify opportunities to collaborate and fill service gaps. • Meetings occur monthly, first Tuesday of the Month from 11.00am - 12.30pm • Membership is open and we welcome any MHWBP members to join. <p><u>COVID-19 internal taskforce.</u></p> <ul style="list-style-type: none"> • Internal organisational taskforce facilitating a corporate response to COVID 19. • Recognise COVID-19 recovery could take a number of years. • The upcoming Health and Wellbeing Plan will be paramount to that staged recovery. | <p>All members: Support the distribution of survey to networks.</p> <p>All members: Invitation to join Local Services Network. Contact Keera Weise if interested.</p> |

| Agenda item | Minutes | Actions |
|---------------------------|--|---------|
| COVID-19 check-in: | <p>Karly: Personal experience, remote learning is increasingly challenging. Professionally as a teacher at Monash University the mental health and wellbeing of students is paramount. Large focus on R U OK? Day tomorrow.</p> <p>Gambler's Help: Phone counselling service continuing to have a positive response with less reports of no shows. Positiveness on pokies remaining shut. Recent reports highlight challenges with superannuation early access scheme. The report showed high expenditure on gaming.</p> <p>healthAbility: Sarah is new to the Advisory Committee and is taking over Julia's role while she is on maternity leave. Services operating under a COVID-safe plan. Emphasis is on telehealth where possible.</p> <p>Aligned Leisure: Facilities remain closed. Online engagement with a number of groups. Challenges around people re-accessing services due to a decline in confidence and safety.</p> <p>North East Healthy Communities: Digital inclusion: delivery of factsheets. Trends across workforce, staff burnout.</p> <p>Relationships Victoria: Appointments consistent. Trends: people are accessing services they haven't before. Learning how to do that for the first time.</p> <p>Digital Inclusion: Continuing increase in digital divide. Seen to be further inequitable access for those who use prepaid who may only have small amounts of money to top up credit. I.e. \$10 is 1GB of data. NEHC digital inclusion guides will be released in coming month.</p> <p>YPRL: Digital divide very noticeable. Thinking ahead to 'new normal' with wi-fi hotspots located outside of the library to ensure accessible. Following on from NEHC comments a key aspect is the wellbeing of staff. Jane</p> | |

| Agenda item | Minutes | Actions |
|---|---|--|
| | <p>discussed ways they factor in the 'human' into work agenda.</p> <p>WHIN:</p> <p>Family violence rates continue to climb. Continue decrease in calls, but increase in chat functions indicating many women reaching out are unable to speak over the phone.</p> <p>Sexual and reproductive health has also seen increase challenges due to COVID-19 including access to abortion services.</p> <p>Staff and management from across the sector report IHP roles diverted to COVID-19 role.</p> | |
| <p>Priority area: Gender Equity WHIN to present.</p> | <p>Rebecca Tipper:</p> <p>Rebecca presented on Gender Equity and Prevention of Violence Against Women (PVAW) work taking place in the north metro region.</p> <p>Tabled:</p> <ul style="list-style-type: none"> - Power point presentation - Applying a gender lens to COVID-19 recovery - Nillumbik PVAW data factsheet <p>The achievements report can be found: https://www.whin.org.au/resources/preventing-violence-against-women-resources/</p> <p>The economic security fact sheet: https://www.whin.org.au/resources/economic-equality-resources/.</p> | |
| <p>Other business</p> | <p>National Prevention Strategy:</p> <p>Consultation about the draft National Prevention Strategy is open. Keera will be coordinating a Nillumbik response.</p> <p>https://www1.health.gov.au/internet/main/publishing.nsf/Content/national-preventive-health-strategy</p> | <p>All Members: Review draft and provide comments to Keera by 23 September</p> <p>KW: Coordinate feedback for submission.</p> |
| <p>Closing remarks</p> | <p>Thank you to Cr Brooker:</p> <p>Entering Council elections Melanie Holt thanked Cr Brooker on the behalf of the committee.</p> | <p>Melanie Holt</p> |

Next meeting: To be scheduled after caretaker period.

*as defined by the LGPRF guidelines.

| SERVICE AREA | RESPONSIBLE MEMBER | INDICATOR | MEASURE DESCRIPTION | EXPECTED RANGE* | 2018-2019 MILLUMBER SHIRE COUNCIL | 2019-2020 (MID-YEAR) | 2019-2020 | 2020-2021 (MID-YEAR) | SIMILAR COUNCILS | NSC WITHIN EXPECTED RANGE* | MID-YEAR COMMENTARY |
|--------------------|--|-----------------------------|--|----------------------|-----------------------------------|----------------------|-------------|----------------------|------------------|----------------------------|---|
| Animal Management | Executive Manager, Planning and Community Safety | Timeliness | Time taken to action animal management requests | 1 to 10 days | 1 day | 1 day | 1 day | 1 day | 2.12 days | ✓ | The majority of requests, including dog attacks and collection of wandering dogs, are actioned within one hour of receiving the request. Other requests, including nuisance barking dogs, are responded to within one business day. |
| | | Service standard | Animals reclaimed from council | 30% to 90% | 92.35% | 87.90% | 93.00% | 81.60% | 49.76% | ✓ | Whilst there has been a decrease in the amount of animals reclaimed, 10% of impoundments were surrendered animals and 5% of animals impounded were not dogs, but poultry and a rabbit. |
| | | Service cost | Cost of animal management service per registered animal | \$10 to \$70 | \$44.99 | \$44.99 | \$49.15 | \$49.15 | \$60.75 | ✓ | Cost of service is calculated at the end of the financial year. |
| | | Health and Safety | Animal management prosecutions | 0 to 50 prosecutions | 1 | 0 | 1 | 5 | 23 | ✓ | All (5) cases were dealt with in Court via virtual teleconference, with all cases issuing diversions. All cases were directed to pay legal costs and set amount to Save A Dog Scheme within set timeframe. |
| Aquatic Facilities | Director, Operations and Infrastructure | Service standard | Health inspections of aquatic facilities | 1 to 4 inspections | 0 | 0 | 0 | 1 | 2.36 | ✓ | New contract commenced in 2020-2021. Microbiological testing performed by EML (Chem) Pty Ltd. |
| | | Service cost | Cost of indoor aquatic facilities per visit | \$3 to \$10 | \$1.42 | (\$0.60) | \$0.09 | \$1.04 | \$3.08 | ✓ | Income was down due to closure of facility between July-Oct 2020. Income generated in Nov/Dec, but costs to run facility during lockdown continued. |
| | | Utilisation | Number of visits to aquatic facilities per head of municipal population | 1 to 10 visits | 2.21 visits | 5.9 visits | 8.90 visits | 1.1 visits | 3.46 visits | ✓ | High attendance due to lack of alternate options after COVID opening. No community sport for adults and limited health club options. |
| Food Safety | Executive Manager, Planning and Community Safety | Timeliness | Time taken to action food complaints | 1 to 10 days | 2.13 days | 1.88 days | 1.88 days | 1.47 days | 1.65 days | ✓ | 28 food related complaints received from Jan-Dec 2020. |
| | | Service standard | Percentage of required food safety assessments undertaken | 50% to 100% | 100.00% | 102.00% | 100.00% | 98.79% | 101.82% | ✓ | 245 of 248 current Class 1 and 2 premises inspected (3 not inspected due to temporary closure preventing assessment in reporting period). |
| | | Service cost | Cost of food safety service per premises | \$300 to \$1,200 | \$469.43 | \$469.43 | \$524.40 | \$524.40 | \$437.21 | ✓ | 2019-2020 end of financial year figure. To be updated at end of 2020-2021 financial year. |
| | | Health and Safety | Percentage of critical and major non-compliance outcome notifications followed up by council | 60% to 100% | 94.12% | 98.70% | 98.68% | 90.63% | 85.65% | ✓ | 32 inspection results were non-complaint, 3 were not followed up, as they occurred in the final weeks of the reporting period. |
| Governance | Executive Manager, Governance, Communications and Engagement | Transparency | Council decisions made at meetings closed to the public | 0% to 30% | 13.92% | 16.35% | 16.82% | 11.03% | 10.52% | ✓ | This relates to decisions made at meetings closed to the public in accordance with section 89(2) of the Local Government Act 2020. As required by the Act, the reasons why a meeting was closed to the public are recorded in the public version of the meeting minutes. |
| | | Consultation and Engagement | Community satisfaction with community consultation and engagement | 40 to 70 out of 100 | 63.5/100 | 63.5/100 | 67.7/100 | 63.5/100 | 63.5/100 | ✓ | This is the 2020 Annual Community Survey figure, captured in March 2020. |
| | | Attendance | Councillor attendance at council meetings | 80% to 100% | 99.16% | 100.00% | 100.00% | 100.00% | 90.07% | ✓ | No absences have been recorded at council meetings for the current term. |
| | | Service cost | Cost of governance per councillor | \$30,000 to \$80,000 | \$43,461.99 | \$21,600.00 | \$42,170.00 | \$18,332.29 | \$56,484.23 | ✓ | Cost includes training, conference and seminar costs, travel, mobile, internet, Councillor allowances and expenses and other miscellaneous expenditure. |
| | | Satisfaction | Community satisfaction with council decisions | 40 to 70 out of 100 | 64.5/100 | 64.5/100 | 66.7/100 | 64.5/100 | 57/100 | ✓ | This is the 2020 Annual Community Survey figure, captured in March 2020. |
| Libraries | Executive Manager, Communities | Utilisation | Number of times a library resource is borrowed | 1 to 9 items | 11.3 items | 2.69 items | 7.76 items | 1.35 items | 5.40 items | ✓ | Loan figures continue to be impacted by COVID-19 restrictions on public places. Click and Collect service points and Care boxes continue to be offered to vulnerable members. |
| | | Resource standard | Proportion of library resources less than 5 years old | 40% to 90% | 89.57% | 89.70% | 87.27% | 87.01% | 77.14% | ✓ | The Yarra Plenty Regional Library (YFRL) Collection Framework sets out how we will provide a current and relevant collection. Our performance measure for collections is 85% of the collection purchased in the last 5 years. This is being exceeded in this instance. There is an impact due to the COVID-19 restrictions as collections are not moving around the branches as normal. |
| | | Participation | Active library members in municipality | 10% to 40% | 30.17% | 17.65% | 28.19% | 17.08% | 12.95% | ✓ | Note the active borrower figure is from Quarter 2, 2020-2021 only and does not reflect the annual figure. YFRL active membership figures continue to be impacted by COVID-19 restrictions on public gathering. |
| | | Satisfaction | Participation in first MCH home visit | 90% to 110% | 99.28% | 103.33% | 97.50% | 100.75% | 96.99% | ✓ | In the first half of 2020-2021, the number of birth notifications received was closely linked to the number of home visits attended. |

| SERVICE AREA | RESPONSIBLE EMT MEMBER | INDICATOR | MEASURE DESCRIPTION | EXPECTED RANGE* | 2018-2019 HILL LUMBIA SHIRE COUNCIL | 2019-2020 (MID-YEAR) | 2019-2020 | 2020-2021 (MID-YEAR) | SIMILAR COUNCILS | NISC WITHIN EXPECTED RANGE* | MID-YEAR COMMENTARY |
|---------------------------|--|------------------|---|----------------------|-------------------------------------|----------------------|-----------------|----------------------|------------------|-----------------------------|--|
| Maternal and Child Health | Executive Manager, Communities | Service standard | Infant enrolments in the MCH service | 90% to 110% | 100.00% | 102.59% | 101.60% | 100.75% | 100.43% | ✓ | All birth notifications are enrolled. |
| | | Service cost | Cost of the MCH service | \$50 to \$200 | \$77.64 | \$77.64 | \$77.45 | \$116.07 | \$76.07 | ✓ | Costs have increased due to additional expenditure relating to Sleep & Settling funding, which at this stage Council does not have any additional EFT added in for. |
| | | Participation | Participation in the MCH service | 70% to 100% | 79.82% | 70.17% | 81.95% | 70.13% | 73.21% | ✓ | There has been stable participation despite COVID restrictions. |
| | | Participation | Participation in the MCH service by Aboriginal children | 60% to 100% | 69.44% | 60.00% | 76.32% | 76.13% | 77.50% | ✓ | There has been stable participation despite COVID restrictions. |
| Roads | Director, Operations and Infrastructure | Satisfaction | Sealed local road requests per 100km of sealed local roads | 10 to 120 requests | 89.61 requests | 6.7 requests | 112.61 requests | 56 requests | 63.79 requests | ✓ | Seasonal fluctuation affects these figures. |
| | | Condition | Sealed local roads maintained to condition standards | 80% to 100% | 89.83% | 89.83% | 94.00% | 91.64% | 96.44% | ✓ | Over 91.6% of sealed local roads within the Shire are maintained within relevant condition standards. |
| | | Service cost | Cost of sealed local road reconstruction per square metre | \$20 to \$200 | \$0.00 | \$0.00 | \$0.00 | \$177.90 | \$83.95 | ✓ | Costs relate to deep lift asphalt reconstruction due to unexpected deterioration of Chapel Road. |
| | | Service cost | Cost of sealed local road resealing per square metre | \$4 to \$30 | \$11.83 | \$10.30 | \$11.10 | \$0.00 | \$18.62 | ✓ | Council's resealing program is yet to commence. This will take place in Quarter 3 and 4 of 2020-2021. |
| | | Satisfaction | Community satisfaction with sealed local roads | 50 to 100 out of 100 | 65/100 | 65/100 | 69.9/100 | 69.9/100 | 69/100 | ✓ | This is the 2020 Annual Community Survey figure, captured in March 2020. |
| Statutory Planning | Executive Manager, Planning and Community Safety | Timeliness | Time taken to decide planning applications | 30 to 110 days | 96.5 days | 97 days | 101 days | 91 days | 90.06 days | ✓ | The median number of days for processing applications has decreased due to reduction in the backlog of older applications and the digitisation of the planning service. |
| | | Service standard | Planning applications decided within required time frames | 40% to 100% | 68.98% | 66.00% | 60.49% | 57.10% | 64.30% | ✓ | This is a 10% improvement from the first 6 months (Jan-June). These timeframes have improved through the reduction in the backlog of older applications, improved processes and regular review of timeframes. |
| | | Service cost | Cost of statutory planning service per planning application | \$500 to \$4,000 | \$2,265.07 | \$1,071.65 | \$2,517.21 | \$2,517.21 | \$2,965.35 | ✓ | As per 2019/2020 figure. This figure is provided/updated on a financial year basis. |
| | | Decision making | Council planning decisions upheld at VCAT | 30% to 100% | 61.54% | 71.00% | 65.00% | 89.00% | 62.56% | ✓ | A total of 9 decisions were submitted to VCAT for review, with 8 of those decisions upheld by VCAT. |
| Waste Collection | Director, Operations and Infrastructure | Satisfaction | Kerbside bin collection requests per 1,000 households | 10 to 300 requests | 222.53 requests | 91 requests | 190 requests | 129 requests | 193.05 requests | ✓ | The number of bin repair/damaged requests have slightly increased. |
| | | Service standard | Kerbside collection bins missed per 10,000 households | 1 to 20 bins | 11.75 bins | 12.26 bins | 13.32 bins | 8.24 bins | 6.16 bins | ✓ | The missed bin rate has decreased after the waste collection service was outsourced in July 2020 |
| | | Service cost | Cost of kerbside garbage bin collection service per bin | \$40 to \$150 | \$73.17 | \$38.64 | \$79.68 | \$38.25 | \$104.02 | ✓ | Cost of service is consistent with the same time in the previous year. |
| | | Service cost | Cost of kerbside recyclables collection service per bin | \$10 to \$80 | \$56.04 | \$20.02 | \$63.09 | \$52.81 | \$52.77 | ✓ | The cost of disposal had increased compared to 2019. |
| | | Waste diversion | Kerbside collection waste diverted from landfill | 20% to 60% | 59.06% | 53.06% | 59.60% | 75.00% | 46.42% | ✓ | The amount of green waste collected has increased during the first 6 months of 2020-2021, mainly due to increased rainfall. The amount of recycling sent to reprocessing is back to normal as compared to 2019 where 2 months of recyclable materials were diverted to landfill. |

| No | Action | Responsibility | Benefit of the action/ what is the added value? | Quarter 2 Progress | Status |
|---------------------------------------|--|---|---|--|--------------|
| ENGAGED, CONNECTED COMMUNITIES | | | | | |
| 1 | Develop a Community Vision for the shire , supported by a thorough community engagement process, in line with the Local Government Act 2020 | Executive Manager Business Transformation & Performance | Improve community trust through better communications and genuine engagement. | <p>The <i>Local Government Act 2020</i> requires councils to prepare a long term community vision for their municipality, with engagement from their community, by October 2021. Progress towards this has continued this quarter.</p> <p>In line with the effective use of Council resources, and in recognition of Council's obligations under the <i>Act</i>, along with other legislative and regulatory parameters, officers have proposed an integrated community engagement approach that seeks to engage the community to provide input into key strategic planning documents (including the Community Vision) under the banner of 'Our People, Our Place, Our Future'.</p> <p>Formal endorsement is currently being sought for the proposed integrated community engagement approach, which is scheduled to commence in late February 2021, in order to meet tight legislated timeframes for adopting a Community Vision.</p> | ON TRACK |
| 2 | Implement year 3 actions of the Customer First Strategy | Executive Manager Business Transformation & Performance | Improve community trust through better communications and genuine engagement. | <p>Implementation of the <i>Nilumbik Customer First Strategy</i> continues to improve customer experience and improved productivity of services. This quarter has seen a specific focus on preparations for the upgrade of new website content and architecture for Council's website, including:</p> <ul style="list-style-type: none"> • Worked closely with our vendor (OpenCities) to conduct analytics on the website and review the variable tone and style of content; and • Begin a series of workshops across the Council administration to engage all teams who currently have content on our website. The focus of these workshops has been to help teams identify what is important to their customers, review the current state of their content, and work towards updating existing pages and implementing new pages based on workshop reviews. | ON TRACK |
| 3 | Develop the Community Infrastructure Policy and associated guidelines that will support the preparation of a community infrastructure plan for the Shire | Director Operations & Infrastructure | Ensure that the provision of community infrastructure responds to community needs. | This action is being reviewed in the context of the <i>Local Government Act 2020</i> planning requirements, in particular the development of an Asset Plan. The Asset Plan will provide a view (both strategic and in financial terms) of how the Council proposes to manage the whole portfolio of assets that it owns and controls. A cross-functional approach continues to be developed to determine detailed scope and purpose. The Asset Plan is required to be adopted by Council by October 2022. | MINOR ISSUES |
| 4 | Continue cultural consultations with the Wurundjeri Tribe Council on a monthly basis, and establish a 'statement of commitment' (as a key action towards reconciliation) for endorsement by Council | Executive Manager Communities | Strengthen the focus on social inclusion, building social capital and connection within communities. | <p>Monthly meetings will continue throughout 2021 and have been scheduled with key Council staff and Wurundjeri Elders.</p> <p>The meetings will be open to all Council staff seeking Wurundjeri input on their projects. Cultural awareness training, an integral component of reconciliation activity, is planned for approximately 100 Council staff, Councillors, our Executive Management Team and a selection of other staff. This training is being delivered through the appointment of Indigenous Employment Partners.</p> | ON TRACK |
| ACTIVE AND CREATIVE PEOPLE | | | | | |
| 5 | Continue to deliver key community infrastructure projects in accordance with the adopted works program and budget | Director Operations & Infrastructure | Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities. | <p>Design works were completed in the quarter for the following lighting upgrade projects: Diamond Creek Netball Courts; Eltham Lower Park front oval; Eltham Rugby Oval; Diamond Hills Oval; and Hurstbridge East Oval. Design works included electrical conduits and lighting systems (poles and light fittings to comply with Australian Standards for sport fields).</p> <p>Design works and specifications completed for the Eltham Leisure Centre and Diamond Valley Sport and Fitness Centre solar panels.</p> | ON TRACK |

| No | Action | Responsibility | Benefit of the action/ what is the added value? | Quarter 2 Progress | Status |
|--------------------------------------|---|--|--|---|----------|
| 6 | Continue to implement the adopted Arts and Culture Plan | Executive Manager Communities | Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction. | Highlights from the quarter in support of the delivery of the Arts and Culture Plan include: <ul style="list-style-type: none">• The Panton Hill public art project continues with the team working through the Wurundjeri Council to identify a suitable artist for the commission.• Planning for the 'Art in the Time of COVID-19' exhibition (which opened in early February at Montsalvat) occurred, with the event exhibiting the works of 40 local and national artists commissioned through Council's support program for arts and culture during the pandemic.• Expressions of interest for the Nillumbik Prize for Contemporary Art closed with successful artists announced, in all 41 local and national artists will compete for the \$20,000 prize at an exhibition in May 2021 at Montsalvat.• The History and Heritage Grants opened to the community. | ON TRACK |
| 7 | Undertake an audit of performing arts venues in the shire, and develop a plan | Executive Manager Communities | Undertake an audit of performing arts venues in the Shire, and develop a performing arts plan | The development of the Performing Arts Plan will be informed by the overall consultation work for the next Arts and Culture Strategy 2022-2026 to ensure the Performing Arts Plan aligns with the new Council Plan and Arts and Culture Strategy. Council's new Arts Recovery Officer position will be involved in the development work and wider community outreach over the development of this plan. | ON TRACK |
| SAFE AND HEALTHY ENVIRONMENTS | | | | | |
| 8 | Undertake a review of the Planning Policy Framework in line with State Government requirements | Executive Manager Planning & Community Safety | Prepare and develop an improved and holistic approach to strategic planning. | In accordance with the Victorian Planning Policy Framework (PPF), all council planning schemes are required to be translated in stages, with all planning schemes expected to be translated by mid-2021. Key activity this quarter included an officer review of the first draft. Next steps include the Smart Planning workshop with the Department of Environment, Land, Water and Planning (DELWP) scheduled for March/April and subsequent briefing and report to Council in May to seek authorisation from the Minister for policy neutral section 20(4) planning scheme amendment to implement (deadline to be lodged by 30 June 2021). | ON TRACK |
| 9 | Implement the adopted Green Wedge Management Plan including the 'conversations' program | Executive Manager Planning & Community Safety and Director Operations & Infrastructure | Prepare and develop an improved and holistic approach to strategic planning. | A monitoring and implementation plan with priority key actions has been prepared and working groups have been formed to establish a Green Wedge conversations program for 2020-2021. Annual reporting on the plan will be conducted through Council's reporting processes. | ON TRACK |
| 10 | Undertake research and mapping to capture the existing status of the shire's agriculture industry , including identifying vacant and disused agricultural land, and identify future opportunities | Executive Manager Planning & Community Safety | Prepare and develop an improved and holistic approach to strategic planning. | The DELWP 'Planning for Melbourne's Green Wedges and Agricultural Land' consultation paper is out for public exhibition until 5 February 2021. This work follows on from earlier consultation on significant agricultural land in 2018 into which Council provided a submission. Council has secured an extension to the deadline for submissions to the consultation paper until 26 February 2021. Council's adopted submission was considered by Council at a briefing in January 2021 where changes were identified. Those changes have been made and a revised submission to the DELWP consultation paper will be considered by Council at the February Council Meeting, where a recommendation to adopt the submission will be made and to forward to DELWP. An updated version of the submission will also be placed on Council's website. This action will be complete with adoption and lodging of Council's submission to DELWP. | ON TRACK |

| No. | Action | Responsibility | Benefit of the action/ what is the added value? | Quarter 2 Progress | Status |
|-----|--|---|--|--|----------|
| 1 | Continue to implement the adopted Bushfire Mitigation Strategy | Executive Manager Governance, Communications & Engagement | Meet Council's responsibilities and community expectations for emergency management. | <p>The 2020-2021 Fire Hazard Inspection and Enforcement Program commenced on 19 October 2020. Key actions in the program include:</p> <ul style="list-style-type: none"> • The program was modified in line with increased COVID-19 restrictions and Fire Rescue Victoria footprint in Eltham. • Improved technology capability to ensure evidence based processes in place. • Over 9,194 property inspections have been undertaken. • 550 Fire Prevention Notices have been issued (already an increase of 307 from the previous year). 437 have fully complied, 8 failed and are being compulsory cleared. A further 105 properties are due to be reinspected in mid January. • Infringements of \$1,652 will be sent to each property owner who failed to comply. • The program will remain in place to the end of the Fire Danger Period which could be as late as May 2021. <p>A communications plan commenced with social media campaigns and content for the Nillumbik News spring and summer editions to help educate the community on fire risk and managing fuel on their property. The Prepare your Property letter was sent to over 9,000 property owners ahead of the Fire Danger Period.</p> | ON TRACK |
| 2 | Continue to implement the adopted Health and Wellbeing Plan and deliver Initiatives in partnership with the community | Executive Manager Communities | Develop policies, strategies, projects and partnerships to enhance the health and wellbeing of the community. | <p>COVID-19 has had a direct impact on people's lives within the Shire. In August 2020, Council in partnership healthAbility launched the Together in Nillumbik survey to gain an understanding of how COVID-19 was impacting the community. A total of 380 responses were received and the data was analysed. The report provided in November outlines the key social and economic themes and recommendations. Four themes were identified and a series of recommendations developed including Inclusion, Healthy Environments, Healthy Behaviours and Economic and Education.</p> <p>A draft Action Plan 2020-2021 has been completed in collaboration with various business units within Council. This is on track to submit to Department of Health and Human Services (DHHS) by 1 February 2021.</p> <p>Planning for Phase 1 of community engagement that will support the development of the 2021-2025 Municipal Public Health and Wellbeing Plan is well underway with engagement on track to commence in late February (as part of the Our People, Our Place and Our Future survey - see Action 1 above).</p> <p>Officers have commenced drafting the framework for the Municipal Public Health and Wellbeing Plan 2021-2025, which is scheduled to be presented to Council in March 2021. Work has commenced with ASDF Research to complete the development of the Community Profile that will also inform the 2021-2025 plan. This will be finalised in January 2021 and circulated to Councillors, officers and the community in February 2021.</p> | ON TRACK |
| 3 | Review of Integrated Water Management Plan aligned with Melbourne Water and DELWP strategies for water and waterway management | Director Operations & Infrastructure | Work with the local community to review and implement environmental policies to protect biodiversity and conserve natural resources. | Scoping commenced for the Upper Yarra Integrated Water Management Plan and Council's Environment and Sustainability Advisory Committee provided feedback on the impacts on waterways in the Upper Yarra catchment in Nillumbik. | ON TRACK |

| No | Action | Responsibility | Benefit of the action/ what is the added value? | Quarter 2 Progress | Status |
|-----------------------------|--|---|---|---|--------------|
| A PROSPEROUS ECONOMY | | | | | |
| 14 | Implement the adopted Economic Development Strategy | Executive Manager Planning & Community Safety | Encourage investment and development within the Shire to increase economic development and local employment, and broaden the rate base while at the same time preserving the Green Wedge. | <p>A Christmas in Nillumbik campaign was delivered this quarter, including a shop local element.</p> <p>Implementation and population of the Economic Development Customer Request Management System (CRMS) is complete and staff training is underway. This system will enable ongoing records to be maintained about business data, interactions and requests. The system will increase the ability to provide efficient and effective support to local businesses.</p> <p>The Yarra Ranges Tourism Partnership has provided a mentoring program for 5 leading Nillumbik tourism businesses through the Victoria Tourism Industry Council. This will commence in February.</p> <p>Currently finalising details of the Women in Business networking event on 17 March 2021. At this event, the inaugural Women in Business Mentoring program will be launched.</p> | ON TRACK |
| 15 | Implement the actions of the Planning Service Plan , including strong focuses on digital service delivery | Executive Manager Planning & Community Safety | Encourage investment and development within the Shire to increase economic development and local employment, and broaden the rate base while at the same time preserving the Green Wedge. | <p>Planning Services continues to implement actions out of the service plan with the digitisation project remaining on track. Customers are now able to lodge amendments to current planning applications online.</p> <p>Further actions have commenced including the online lodgement of objections to a planning application.</p> | ON TRACK |
| 16 | Prepare planning scheme amendments in line with the adopted Eltham and Diamond Creek Activity Centre Structure Plans (or alternatively as resolved at upcoming Ordinary Council Meetings) | Executive Manager Planning & Community Safety | Review existing precinct structure plans within activity centres to encourage investment and development. | This item was completed in Quarter 1. | COMPLETE |
| 17 | Develop a structure plan for the Wattle Glen township | Executive Manager Planning & Community Safety | Identify new economic development opportunities and improve amenity for our villages in conjunction with key stakeholders including residents. | <p>Council will be briefed in early February in regard to the proposed Wattle Glen Urban Design Framework and proposed study area and consultation outline.</p> <p>Subject to Council approval to continue with the project, the consultation for this project is aligned to the outcomes of the 'Our People, Our Place, Our Future' survey work and as a result, timelines have been pushed out. Officers will brief Council on consultation for the project and to seek approval for community engagement in March/April.</p> <p>This project will be completed in house and will not be completed until end of 2021 due to resourcing issues in undertaking the work during 2020.</p> | SLACK ISSUES |

| No | Action | Responsibility | Benefit of the action/ what is the added value? | Quarter 2 Progress | Status |
|-------------------------------|--|---|---|---|----------|
| RESPONSIBLE LEADERSHIP | | | | | |
| 18 | Continue to implement the Business Transformation Program to improve customer experience and improved productivity of services | Executive Manager Business Transformation & Performance | Ensure seamless service delivery and an open and responsive approach to our customers | <p>Our business transformation program continues following a three pillar approach of 'our people, our processes and our systems'. Key activities and outcomes for the quarter included:</p> <ul style="list-style-type: none"> • Goal 2 (Improve customer experience standards and measurement) of the Nillumbik Customer First Strategy is now fully embedded and measurement data normalised. • Newer focus continues to be on Goal 4 (Modern and effective customer channels and tools) of the strategy, which is underpinned by the Website Upgrade project. • Established a 'Ways of Working in the COVID Norm', and are supporting leaders and teams on the return to the office. • 78 new processes were mapped in Promapp (our business process mapping tool) during the quarter, with 781 processes now mapped in total. Review and improvement in the processes mapped will be a focus in 2021. • The new Electronic Document and Records Management System (EDRMS) and intranet are scheduled to go-live in late February. • GIS Upgrade project, 75% of teams have migrated onto the new platform, it is anticipated all teams will be using the new system by March/April. • The Asset Management System, work has commenced on the planning and implementation of the capital works project management module and integration with GIS. | ON TRACK |



Planning for Melbourne's Green Wedges and Agricultural Land

Consultation Paper

Department of Environment,
Land, Water and Planning
May 2020

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au or via the National Relay Service on 133 677 www.relayservice.com.au. This document is also available on the internet at www.delwp.vic.gov.au.

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Aboriginal Acknowledgement

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.

Message from the Minister



Melbourne's green wedges and the agricultural land beyond them have always been important to our city, which is one of the world's most liveable cities.

That's because our green wedges and agricultural areas are where our food and water come from. They literally feed and water us, while giving our city the room it needs to function.

Our green wedges and agricultural areas provide us with so much more than green space and fresh produce.

They are where we extract raw materials to build our houses, roads and train lines. They are home to our airports. In 2018, agriculture, fisheries and forestry sectors generated \$8.78 billion in economic activity and directly employed 16,500 people. These areas are also where we treat our sewage, and where we send our garbage for recycling.

And, yes, our green wedges also include some of the world's best parks, wetlands and nature reserves. Some attractions within our green wedges include Healesville Sanctuary and Puffing Billy. In addition to producing food, our agricultural land within 100km of Melbourne is also critical to our economic prosperity with thousands of jobs in agriculture, conservation, and tourism. These areas are also home to our best food and wine destinations on the Bellarine and Mornington Peninsulas, and in the Yarra Valley.

To fully understand the importance of Melbourne's green wedges to our city's future, though, you have to know their history – because our green wedges are as old as our suburbs.

They were created in the 1860s and 1870s when the first spokes of Melbourne's suburban rail network were laid. As Melbourne's industry and housing developed along those rail lines, the spaces in between were used for everything from agriculture to quarries to garbage. In the 1960s, with Melbourne in the midst of its second population boom, former Premier Sir Rupert Hamer formalised Melbourne's green wedges – expanding the city's planning area to a radius of 50 kilometres and protecting the spaces between those rail and road arteries for non-urban uses.

At the time, Melbourne realised it needed to protect its green wedges – together with other planning policies such as revitalising the inner city – so that the city remained liveable as its population grew to 5 million.

But, now that Melbourne has the liveable city of 5 million first envisaged in 1967, this generation needs to take the next step. We need to ensure our green wedges and our agricultural areas are used in ways that keep Melbourne liveable over the next 30 years as its population grows to 8 million.

Since 2017, the Government has – as part of the implementation of *Plan Melbourne* – investigated how the city is using its green wedges and its agricultural areas.

We've conducted public consultation on the strategic importance of Melbourne's agricultural land. We've studied non-urban land uses within a 100-kilometre radius of the central business district. We've developed a deep knowledge of the different ways different parts of the green wedges and agricultural areas are used – from the rich farming soil of Koo Wee Rup, to the water catchment areas for our reservoirs, to the strawberries of the Yarra Valley, to the gateway of Melbourne Airport, to the market gardens and water treatment plants of Werribee.

And we've identified the challenges and opportunities our green wedges and agricultural areas face. Challenges like the need to guard against the gentrification of vital farmlands – and protect farming activities close to our urban centres.

The harder we've looked at the issue the more certain we've become of the fact that our green wedges and agricultural areas are the reason why Melbourne is the best part of the best place in the world.

In other words, our green wedges and agricultural areas make Melbourne work.

That's why we will do whatever it takes to keep Melbourne's green wedges and agricultural areas working.

Richard Wynne
Minister for Planning

Planning for Melbourne's Green
Wedges and Agricultural Land

Abbreviations

| | |
|--------|--|
| BMO | Bushfire Management Overlay |
| BMP | Bushfire Management Plan |
| DELWP | Department of Environment, Land, Water and Planning |
| DTPLI | Department of Transport, Planning and Local Infrastructure |
| EIA | Extractive Industry Interest Areas |
| EPA | Environment Protection Authority |
| GWMP | Green Wedge Management Plan |
| LPP | Local Planning Policy |
| LPPF | Local Planning Policy Framework |
| LPS | Localised Planning Statement |
| LUFP | Land Use Framework Plan |
| MSS | Municipal Strategic Statement |
| PPF | Planning Policy Framework |
| RGP | Regional Growth Plan |
| SERA | Strategic Extractive Resource Area |
| SPPF | State Planning Policy Framework |
| SWRRIP | Statewide Waste and Resource Recovery Infrastructure Plan |
| UGB | Urban Growth Boundary |
| VCAT | Victorian Civil and Administrative Tribunal |
| VPP | Victoria Planning Provisions |
| WID | Werribee Irrigation District |

Executive summary

The green wedge and peri-urban areas (the study area) surrounding Melbourne provide a range of different and important services, capabilities and values that have regional and state significance. This area, the subject of this consultation paper, is within a 100km radius from central Melbourne. It comprises 12 green wedge areas across 17 municipalities as well as a broader peri-urban area that crosses 16 additional municipalities.

Major infrastructure such as airports and water treatment plants are located in these areas, as are sites of unique cultural heritage and biodiversity values. The natural features and open spaces in some of these areas also support a thriving tourist economy. Last but not least, these areas hold some of Victoria's most productive agricultural land.

While these areas have been largely protected from urban encroachment, existing policy and planning measures are no longer effective as we see:

- increasing land speculation and pressure to convert farmland to other uses
- increasing appetite for rural lifestyles and use of these areas for a range of urban activities
- incremental and irreversible loss of land that is agriculturally productive or has important non-urban uses
- more land use conflicts, particularly where urban areas adjoin rural areas.

Further, the changing needs of metropolitan Melbourne and of Victoria, as well as the challenges of a future posed by climate change, call for action today to ensure that our planning and policy strategies remain responsive to community and stakeholder needs and aspirations for these critically important areas.

The Victorian Government's commitment to protecting Melbourne's green wedge and peri-urban areas is outlined in Actions 17, 72 and 73 of *Plan Melbourne 2017–2050*. To deliver on this commitment, in 2018 the Department undertook a technical assessment of the study area's agricultural

capability, followed by consultations that involved more than 800 people. Local government, water authorities, government agencies and industry bodies were also consulted. More information on this process can be found at <https://engage.vic.gov.au/gwal>

Extensive feedback, from multiple workshops and more than 400 submissions, overwhelmingly highlighted stakeholder concerns and a wish that the planning system:

- protects and supports all of Melbourne's agricultural land
- minimises land use conflicts and protects the right to farm
- recognises the importance of access to water to support agriculture
- factors in long-term changes to safeguard the productive capability of land.

This consultation paper is informed by our work to date, including key stakeholder concerns conveyed to us in our consultations. Based on this work, we have refined our approach and outline in this paper a number of reform options that aim to deliver lasting protection of agricultural land and guide decision-making on our green wedge areas. In addition to ensuring that farmers can continue to grow, adapt and innovate in our green wedge and peri-urban areas, these options seek to:

- anticipate challenges to agricultural productivity under climate change
- realise the unique and strategic opportunities afforded by the study area's unique natural attributes, proximity to Melbourne and infrastructure capabilities
- protect the special qualities and significant features of the environmental, economic, cultural and health values of the study area for our communities
- achieve greater certainty and consistency of planning and decision-making across the study area to realise a sustainable future for our growing city and state.

This consultation paper, the technical assessment and findings of our previous consultations, are available at <https://engage.vic.gov.au/gwal>.

Planning for Melbourne's Green Wedges and Agricultural Land

Key options for planning reform

The options proposed in this paper address four key aspects of land use and development in Melbourne's green wedge and peri-urban areas. The section detailing the reforms proposed for each aspect is detailed below. Specific options relating to the actions for each of the four aspects are detailed in Appendix 1 of this consultation paper.

Next steps

Your views and ideas are important and will help shape a planning system that appropriately reflects community aspirations for Melbourne's green wedge and peri-urban areas, and adequately equips these areas for future challenges.

You are encouraged to make a submission and respond to the options raised.

| Aspects addressed by reform options | Actions proposed | Section in this consultation paper |
|--|---|------------------------------------|
| Strengthen legislative and policy frameworks to provide clear strategic direction | <ul style="list-style-type: none"> strengthen legislative and policy framework for Melbourne's green wedges strengthen legislative and policy framework for Melbourne's agricultural land | Section 3.1 |
| Support agricultural land use by strengthening rural zones and overlays | <ul style="list-style-type: none"> manage subdivision and dwelling development in agricultural areas improve decision-making on agricultural land future-proof Melbourne's food bowl strengthen referral and notice requirements support agricultural diversification, value-adding and innovation | Section 3.2 |
| Manage green wedge and peri-urban land through more consistent and coherent land use decision-making | <ul style="list-style-type: none"> manage the urban-rural interface manage discretionary and other uses of land | Section 3.3 |
| Improving design and development in green wedges to respond to the surrounding landscape | <ul style="list-style-type: none"> implement design and development guidelines introduce design requirements | Section 4 |



01

Purpose

The Department of Environment, Land, Water and Planning (DELWP or the Department) is seeking input and views from individuals, organisations and local communities on the planning of Melbourne's green wedges and agricultural land.

This paper provides background information and rationale for our proposed planning options to protect these areas. It outlines:

- a background and context to the issues
- the policy context of Melbourne's green wedges and peri-urban areas
- challenges and proposed options for public consideration and feedback.

1.1 Melbourne's green wedges and agricultural land

Melburnians are fortunate to have productive land of high natural amenity within close proximity to the city. The non-urban areas surrounding Melbourne are diverse and productive. This important hinterland surrounds the metropolitan area and is fundamental to food production, water supply, natural habitat and an environmentally sustainable and liveable city. They are also locations of important cultural heritage, tourism, recreation, open space, and mineral and stone resources.

The area that is the subject of this consultation paper consists of 12 designated green wedge areas across 17 municipalities surrounding the built-up urban area of Melbourne, as well as a broader peri-urban area that extends beyond the green wedges to a 100km radius from central Melbourne. There are a further 16 municipalities located all or partially in this peri-urban area. Map 1 shows the extent of Melbourne's green wedges and peri-urban areas (the study area).

The green wedge and peri-urban areas that we know and appreciate today are a legacy of the vision and planning decisions of the past. We need to continue to secure these valuable places in the face of increasing pressure from a growing population, a transitioning economy and changing climate.

Strategic planning for Melbourne's green wedges and peri-urban areas should ensure that their valued features, assets and industries are prioritised over other land uses. At the same time, it is important that the planning system balances economic, social and environmental considerations appropriately to secure a sustainable future for the city and the state.

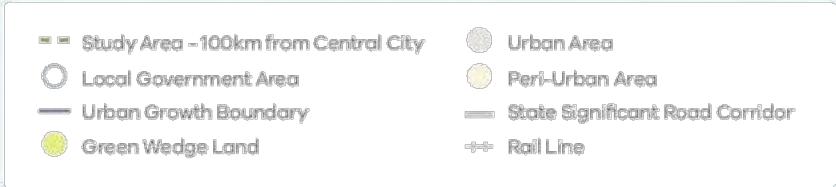
The Victorian Government is committed to protecting and enhancing the range of natural values, productive uses and essential services provided by Melbourne's green wedges and peri-urban areas. This consultation paper outlines the challenges and opportunities for the green wedges and agricultural land that surround Melbourne and presents a range of planning options to ensure that the benefits and values we enjoy now will continue for the future generations of all Victorians.

The green wedges and peri-urban areas covered by the study area are immensely important to the state's economy, community and environment, and support diverse non-urban land uses and activities.

Almost 30 per cent of the study area is public and Commonwealth land, including national parks, reserves and closed water catchments. This study area supplies clean drinking water and important ecosystem services, contributes significantly to the open space network and provides opportunities for people to connect with the natural environment. The green wedge and peri-urban areas support thriving visitor economies attracted to natural and rural landscapes, food and wine experiences, recreation and tourism opportunities.

Map 1

The study area — Melbourne's green wedge and peri-urban areas



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Planning for Melbourne's Green Wedges and Agricultural Land

Some of Victoria's most productive agricultural land is within the study area. A range of types, sizes and intensities of agriculture are undertaken, from commercial to hobby farming. Agricultural land on the city's fringe is an important source of fresh food for Melbourne's growing population, as well as a range of non-food agricultural products, such as nurseries, flower and turf production. The study area is relatively small in size but produces around 10 per cent of Victoria's gross value of agricultural production.

The study area also supplies sand and soil for Melbourne's infrastructure, housing and development needs. It contains important transport corridors, infrastructure and businesses that need to be buffered from residential and other incompatible land uses, including airports, ports, waste and resource recovery facilities and water treatment plants.

1.2 Why is this review needed?

Establishment of the green wedges and Melbourne's urban growth boundary (UGB) have helped to protect farmland and the natural environment from residential and other urban uses.

However, the changing needs of the city and state and the diversity of non-urban land uses mean that planning and management objectives of the study area will need to be reviewed to ensure its ongoing productivity and avoid irreversible changes to land use. It is also likely that current policies and planning controls are inadequate to meet the challenges of the future.

Planning controls for Melbourne's green wedges and agricultural land need to be strengthened to:

- adequately respond to land speculation and continued pressure to convert farmland to other uses
- respond to the high demand for rural living and the desire to use green wedges and agricultural land for a range of urban activities, including 'spillover' land uses (traditionally located in urban areas) to service the growing population (Melbourne's population is projected to reach 9 million by 2056)

- retain land for agriculture and other important non-urban uses, and prevent the incremental loss of this asset – an increasingly rare and finite resource around Melbourne
- prevent land use conflict (for example, conflict arising due to sensitive uses such as dwellings being located too close to agriculture)
- ensure that the planning system continues to support our farmers to grow, adapt and innovate
- reflect the rising importance of, and need to protect, agricultural production near Melbourne as temperatures increase and rainfall decreases, particularly in the north of Victoria
- protect the significant features and assets of the study area to improve environmental, economic, cultural and health and wellbeing outcomes for our communities
- provide greater certainty and consistency across the study area and support local government decision-making, robust planning controls and strategies to realise a sustainable growing city and state.

The Victorian Government has already introduced planning reforms for animal industries. New land use definitions and associated planning controls for animal industries came into effect in September 2018.

Importantly, the government has also committed to a comprehensive review of outer suburban and peri-urban land to identify areas of conservation and open space for permanent protection. This commitment builds on priorities in *Plan Melbourne 2017-2050* (Plan Melbourne) to develop a Metropolitan Open Space Strategy.

We have identified opportunities to align a number of our proposals relating to green wedges and agricultural land – outlined in this consultation paper – with the development of a robust and integrated framework that clearly and consistently defines appropriate land use across the diverse landscapes and communities of Melbourne's hinterland. The options in this consultation paper seek to improve the Victorian planning system by supporting agricultural land use more broadly and guiding decision-making on our green wedges.

1.3 Background to the consultation

In November 2018, the Victorian Government reconfirmed its commitment to permanently protect Melbourne’s green wedges from ‘overdevelopment’ by strengthening statutory planning controls. The commitment consisted of clarifying the definition of ‘permitted land use’, determining the appropriate size and scale of uses in non-urban settings, and establishing permanent planning controls and legislation to protect and support agricultural land surrounding Melbourne.

Melbourne’s metropolitan planning strategy, Plan Melbourne, outlines the Victorian Government’s blueprint to support jobs, housing and transport while building on the city’s legacy of distinctiveness, liveability and sustainability. The strategy delineates the importance of productive use of land and resources in Melbourne’s non-urban areas, and the need to strengthen protection and management of these areas. Plan Melbourne’s desired planning outcomes articulate a vision for these important regions and is an important reference for policy formulation and decision-making in relation to the study area (see Appendix 3).

The accompanying *Plan Melbourne Five-Year Implementation Plan* (Plan Melbourne Implementation Plan) outlines three priority government actions to achieve the plan’s vision for green wedge and peri-urban areas:

- Action 17 Support strategic planning for agriculture
- Action 72 Review green wedge planning provisions
- Action 73 Green Wedge Management Plans

To implement the government’s commitment, the Department has started work to better understand the study area, including stakeholder aspirations and concerns. This work is occurring over a number of phases (see Figure 1). Phase 1 was undertaken to understand how green wedge planning controls are performing and better understand the natural attributes of land surrounding Melbourne. This phase comprised a land capability assessment, land suitability modelling and targeted consultation with councils whose municipality includes green wedge land. Phase 1 was completed in 2018.

Phase 2 was undertaken during 2019 and focused on engaging with farmers, community members, industry, local government and stakeholders to test criteria for identifying strategic agricultural land around Melbourne. This phase was also undertaken to understand community aspirations for the planning of these areas. An independent report on the consultation findings, summarising what we heard, was released in September 2019.

In Phase 3 we used the consultation findings in Phase 2 to refine our approach and develop planning options for further community consultation. We considered the views and concerns articulated during the 2019 stakeholder consultation and identified key priorities as being critical to long-term and sustainable agriculture.



Planning for Melbourne's Green Wedges and Agricultural Land

Key messages from Phase 2 consultation

1.

Support all types and scales of agriculture for the long term.

2.

Safeguard agricultural land serviced by irrigation infrastructure.

3.

Make the best use of productive soils for soil-based agriculture.

4.

Strengthen the right to farm.

5.

Recognise the economic contribution of highly productive locations.

6.

Maintain flexibility to respond to future recycled water or stormwater access opportunities.

7.

Manage the interface between agriculture and non-farming neighbours, and minimise the risk of land use conflict.

8.

Ensure consistent decision making that prioritises agricultural use, its supporting industries and complementary land uses.

9.

Build on local knowledge and strategic work around agricultural land use planning.

10.

Support farmers to diversify, value-add and adjust to changing conditions.

A full summary of consultation findings is available at <https://www.planning.vic.gov.au/policy-and-strategy/green-wedges-and-agricultural-land#documents>.

We are currently in Phase 4 (see Figure 1). This public consultation paper incorporates the priorities identified in Phase 3 and proposes planning options to deliver lasting protection of agricultural land and to guide decision-making in our green wedge areas. As a result of previous consultation our proposed planning options seek to strengthen legislation, policy and agricultural zones to protect and support all agricultural land, not just 'strategic' areas. We have also proposed additional policies to achieve the best use of soil and water resources, and better align agricultural land use planning with water management policy and infrastructure provision. We now seek input and views from individuals, organisations and local communities on the proposed options.

Following consideration of public feedback on these planning options, the Victorian Government will commence implementation of the preferred options (Phase 5).

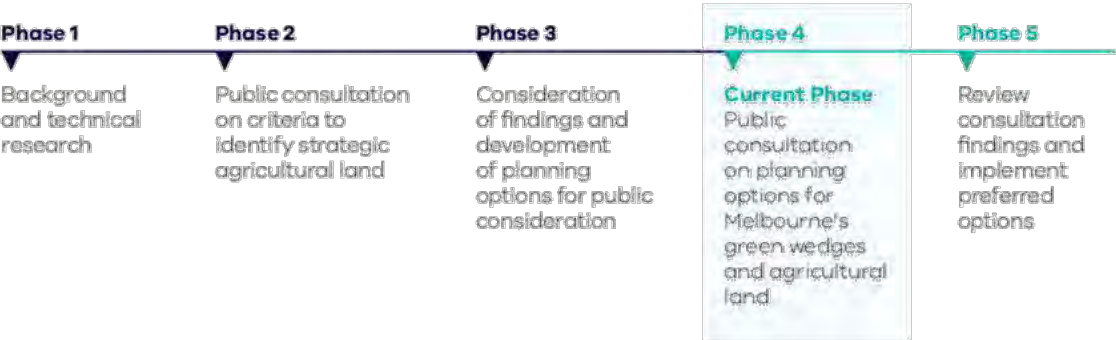


Figure 1 Project timeline



1.4 Vision and guiding principles

The planning options outlined in this consultation paper are intended to help realise the Victorian Government's draft vision for Melbourne's green wedges and areas of agricultural land, outlined as follows.

In 2050, Melbourne's urban footprint has been contained. A stable and consistently applied UGB has sent a clear message to all stakeholders and underscored our commitment to protecting the values of non-urban land and to retaining opportunities for productive agriculture. Consequently, land use speculation has reduced and farmers can invest in their farms with confidence.

The natural assets, open spaces and rural activities in our green wedge and peri-urban areas are protected, ensuring the ongoing provision of water, food and other natural resources to support the population. The use and development of land respect and resonate with the identified values of the green wedge and peri-urban areas in which they are located. These values include landscape and environmental values, non-urban amenity and contribution to a sustainable rural economy. Likewise, state and regionally significant infrastructure that could not be located within Melbourne's UGB provides significant ongoing benefits to communities while respecting the non-

urban activities and values of the broader green wedge and peri-urban areas.

Farming on the urban fringes continues to produce fresh healthy food for our growing population and contributes to the region's economic prosperity. Opportunities to exploit and broaden re-use of urban wastewater (recycled water and stormwater) have been realised, and long-term certainty has facilitated new investment in recycled water infrastructure. Similarly, farmers have innovated and adapted to climate change, implemented sustainable farming techniques and responded to market demands to ensure that the land remains healthy and productive, even under intensive use patterns. Agricultural land in Melbourne's food bowl has been protected in some of the state's most drought-resilient areas, and farmers have access to a secure supply of fit-for-purpose water.

Much of the natural biodiversity and unique landscapes of Melbourne in 2020 have been retained in 2050, as have the environmental values that have enabled the city's vital ecosystem services. The city and its surrounding areas continue to be enjoyed by residents and visitors alike. The social and economic values of Melbourne's local farms and agritourism are recognised, and leisure and recreational activities have strengthened local economies while supporting the diversification and viability of farming businesses.

The following principles underpin our approach to the challenges and proposed options in this consultation paper:

| Principle 1 | Principle 2 | Principle 3 | Principle 4 |
|--|---|---|---|
| The proposed options should be consistent with the desired planning outcomes for Melbourne's green wedges and agricultural land as outlined in Plan Melbourne. | The proposed options should recognise and strengthen agriculture as one of the primary land uses in Melbourne's green wedge and peri-urban areas. | The proposed options should respond to pressure from urban and incompatible land uses that threaten green wedge values and productivity of Melbourne's agricultural land. | The proposed options should ensure that applications to develop or change the use of land addresses public and natural interests and respects the roles and values of green wedge and peri-urban areas. |



02

Policies on Melbourne’s green wedges and agricultural land

2.1 Past policy settings

Environmental, social and economic consequences of urban expansion across landscapes have prompted successive governments worldwide to contain urban development and protect the assets of, and access to, rural areas. The policy expression of non-urban or ‘green wedge’ areas of metropolitan Melbourne first appeared in the Melbourne and Metropolitan Board of Works’ 1954 planning policy, Melbourne Metropolitan Planning Scheme 1954. In the seven decades that followed, policy on green wedge and peri-urban areas of Melbourne has evolved to focus on land specifically reserved for non-urban use and development.

With recognition of the strategic importance of agricultural production close to metropolitan markets, land use planning controls were introduced through the Victoria Planning Provisions (VPPs) and a UGB established to delineate the outward limit of urban development. The UGB continues to direct urban growth to areas with appropriate infrastructure and services and protect valuable green wedge and agricultural land from development pressures.

Appendix 2 contains a list of policy directions relating to the study area over the last 50 years.

2.2 Current policy framework

The Victorian planning system uses a range of instruments to govern the use and development of land. These instruments include regulation, Ministerial Directions, VPPs and planning schemes. Planning schemes are prepared by each municipal council in Victoria. All planning schemes must contain the VPPs, but each council can also set rules specific to local context. Figure 2 outlines the structure of planning schemes.

Planning schemes contain both policies and planning provisions (e.g. zones and overlays), guide the implementation of long-term strategies such as Plan Melbourne, and provide a framework for day-to-day decision-making on land use and development.

| | |
|-----------------|--|
| Policy Settings | ► Purpose and vision, Municipal Planning Strategy, Planning Policy Framework |
| Decision Rules | ► Zones, Overlays, Particular provisions, General provisions |
| Operation | ► Operational provisions |

Figure 2 Structure of Victorian planning schemes

Planning authorities use these instruments to achieve the desired outcomes that planning strategies and policies seek to realise. They are designed to guide land use practices and manage land use conflict for the benefit of the wider community.

Victoria’s state-strategic land use policy is outlined in the Planning Policy Framework (PPF), which is a part of every planning scheme. The PPF identifies issues of state importance and establishes:

- the general principles for land use and development in Victoria
- the specific policies dealing with settlement, environment, housing, economic development, infrastructure, and particular uses and development

Appendix 2 provides more detail on the planning framework for green wedges and peri-urban areas.



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There are additional existing and emerging government policies, strategies and plans that are relevant to social, economic and environmental issues affecting the study area, including:

- Water for Victoria — 2016
- Biodiversity 2037 — 2017
- Agriculture Victoria Strategy — 2017
- Victoria's Climate Change Framework — 2018
- Distinctive Areas and Landscapes Legislation — 2018
- Helping Victoria Grow: Extractive Resources Strategy — 2018
- Statewide Waste and Resource Recovery Infrastructure Plan — 2018
- Planning Reforms for Animal Industries — 2018
- Integrated Water Management Forums Strategic Directions Statements — 2018
- Regional Tourism Review — 2019
- Land Use Framework Plans for Melbourne's metropolitan regions (under development).

Appendix 4 details the above-listed initiatives.

2.3 The suite of rural zones in the study area

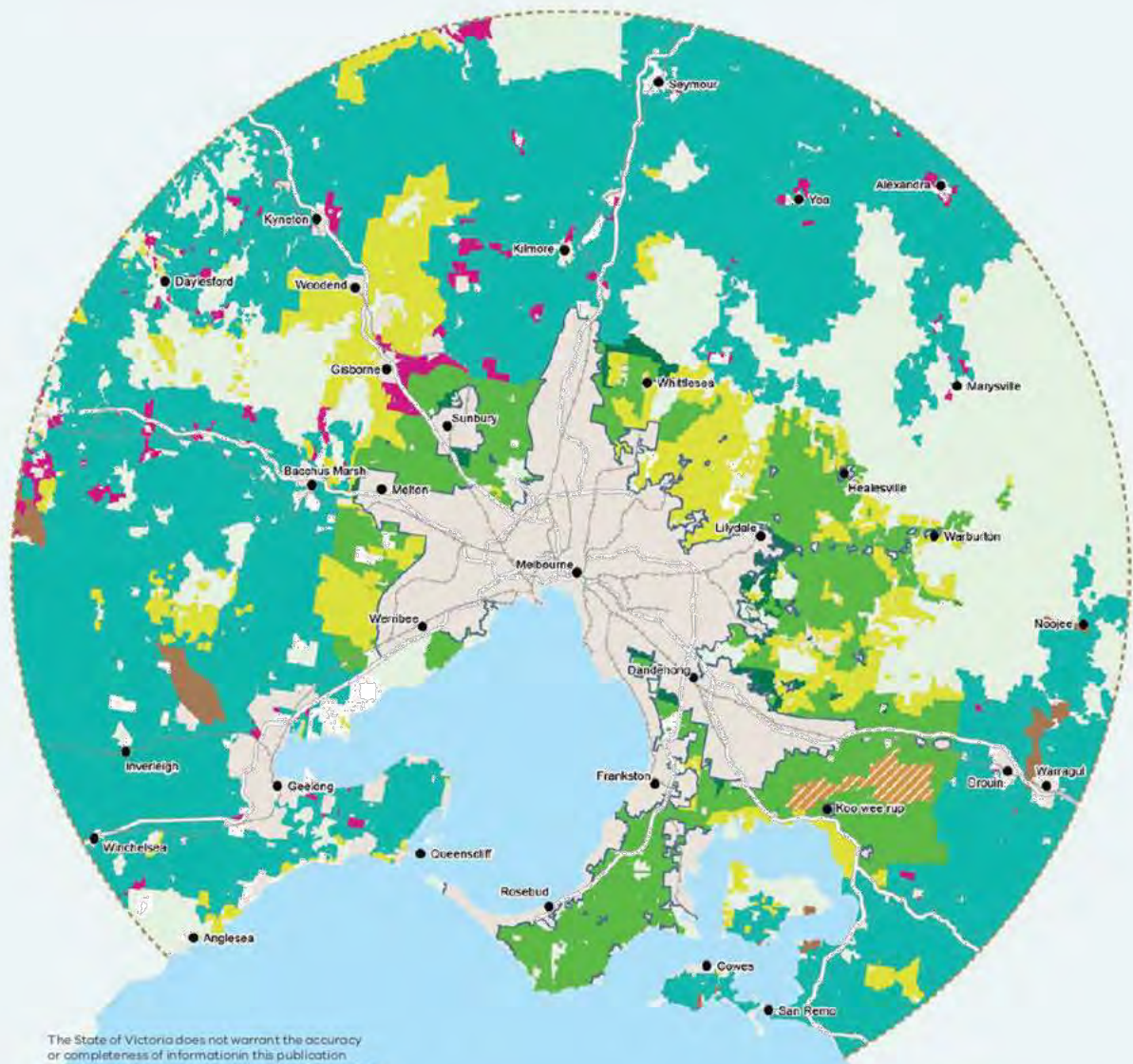
All rural zones in the study area provide for the use of land for agriculture (see list below). The primary use of land for farming is implicit in the Farming Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone and Schedule 1 to the Special Use Zone (Horticultural Preservation – Cardinia Shire). However, in the Rural Conservation Zone and Rural Living Zone, farming is subordinate to other land uses or to the environmental values of the land.

Map 2 illustrates the distribution of these zones across the study area; Appendix 5 provides a full summary of the zones and their purposes.

| | |
|--|---|
| Farming Zone | a zone that is strongly focused on protecting and promoting farming and agriculture |
| Rural Activity Zone | a mixed use rural zone that caters for farming and other compatible land uses |
| Rural Conservation Zone | a conservation zone that caters for rural areas with special environmental characteristics |
| Green Wedge Zone | a zone that provides for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot be located in urban areas for amenity or other reasons |
| Green Wedge A Zone | a zone that provides for all agricultural uses and limits non-rural uses to those that support agriculture, tourism, schools, major infrastructure and rural living |
| Rural Living Zone | a zone that caters for residential use in a rural setting |
| Special Use Zone Schedule 1 (Horticultural Preservation – Cardinia Shire) | a special purpose zone designed to preserve land of high agricultural quality for horticulture and other farming activities |

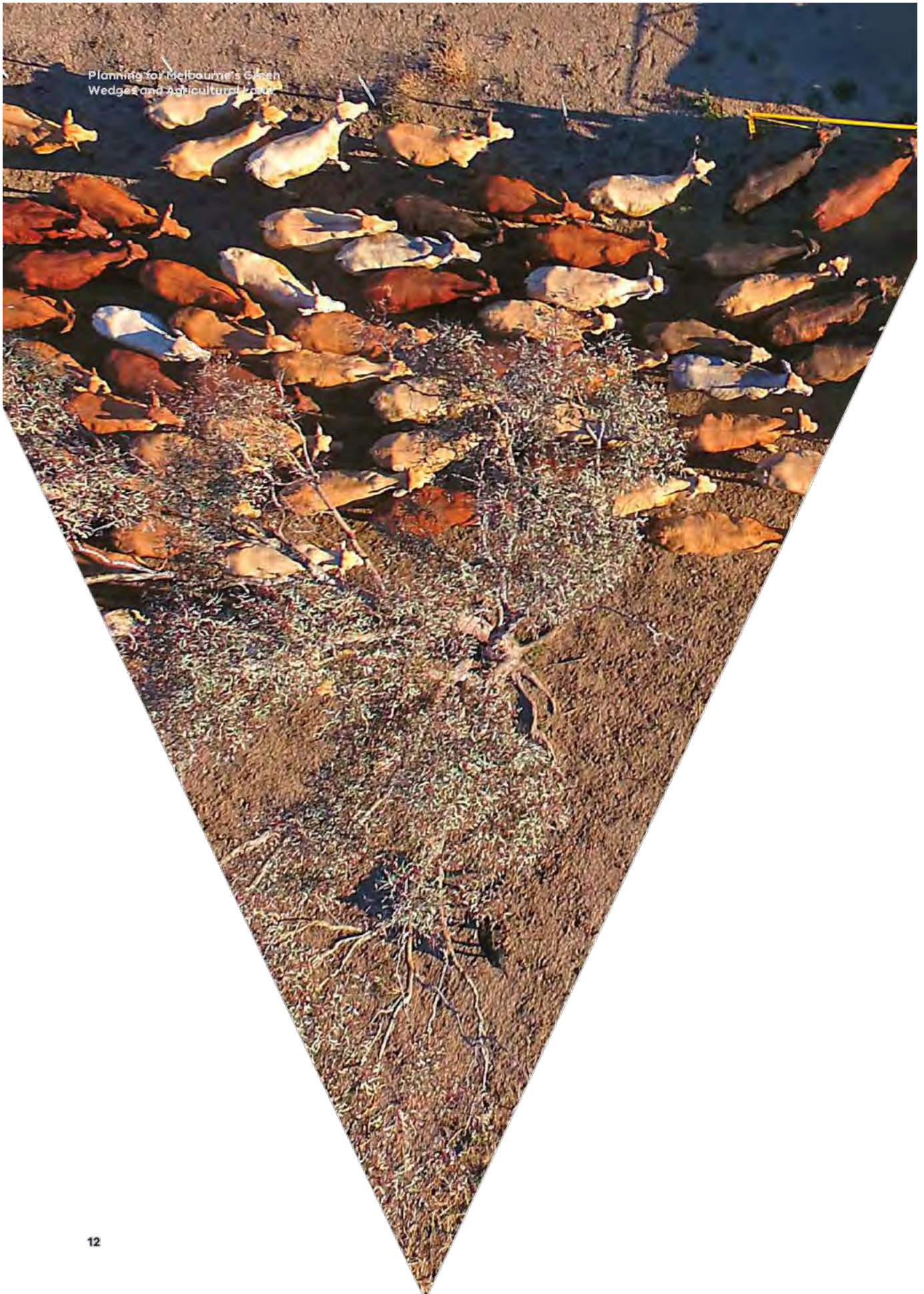
Local councils apply zones to land based on the strategic objectives of the planning scheme and the purpose and provisions of each zone.

Map 2 Rural Planning Zones



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03

Challenges and proposed options



A planning system that effectively provides for the non-urban and agricultural roles of these areas will clarify priorities, enable better decisions about land use and development, and will help to balance competing policy objectives.

In this and the next chapter, we discuss and outline options that aim to improve coherence across the planning system in a way that provides practical guidance for planning authorities and balances different land interests for an equitable and sustainable future. These options address four key aspects of land use and development in green wedge and peri-urban areas of Melbourne:

- strengthen legislative and policy frameworks to provide clear strategic direction
- support agricultural land use by strengthening rural zones and overlays
- manage the study area through more consistent and coherent land use decision-making
- promote design and development in green wedges that are responsive to the surrounding landscape.

3.1 Strengthening the legislative and policy framework

3.1.1 Legislative and policy framework for Melbourne's green wedges

Two significant challenges for decision-making about land use and development proposals in Melbourne's green wedges are:

- the varied functions of green wedges in agriculture, natural resources and open space
- the differing qualities of green wedge areas.

Existing policies and green wedge zones generally provide for a broad range of uses that may be appropriate in different contexts across the green wedges. However, some uses and their development outcomes can be inappropriate in some green wedge locations. That is, while state policy provides general guidance on the variety of roles and functions of Melbourne's green wedges, there is opportunity to strengthen and amplify policy directions that:

- give non-urban rural uses primacy, provide a non-urban break between urban uses of land and green wedges, and protect land in green wedge areas from inappropriate use and development
- provide greater recognition of the diversity of, and differences between, green wedges by consistently identifying their regional assets and features in regional planning policy.

The options outlined in this section seek to implement Plan Melbourne policy. Importantly, they will provide councils, responsible authorities and landowners with a coherent framework for all green wedges that is also responsive to the unique regional assets and features of a green wedge when considering planning scheme amendments and permit applications.

Strengthening legislative protection of green wedges

Reforms to better protect green wedge land were introduced in 2002 with the release of the metropolitan planning strategy, Melbourne 2030 (Department of Infrastructure 2002). These reforms included a legislative amendment to the *Planning and Environment Act 1987* (the Act) to define 'green wedge' land and tighten approval requirements for any movement of the UGB or subdivision of green wedge land. Part 3AA of the Act (Metropolitan Green Wedge Protection) requires that any planning scheme amendment that amends or inserts a UGB or that has the effect of altering or removing any controls over the subdivision of any green wedge

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land to allow subdivision of that land into more lots or into smaller lots than allowed in the planning scheme, must be approved by the Minister and ratified by both Houses of Parliament.

These legislative provisions have been successful in securing a UGB and restricting subdivision of green wedge land. However, there is scope for stronger articulation and protection of the significant values and attributes of green wedges in these legislative provisions.

A recent example of legislative protection of sensitive land in Victoria relates to its distinctive areas and landscapes. Part 3AAB of the Act (Distinctive Areas and Landscapes) was introduced to strengthen recognition, at a state level, of the importance of distinctive areas and landscapes and protect their unique characteristics. The legislative amendment enables the protection of valued assets in the peri-urban region of Victoria's major regional cities and other areas for the future. It is a detailed articulation of the objectives for identified distinctive areas and landscapes and outlines the requirement to prepare a Statement of Planning Policy in relation to each declared area to ensure coordinated decision-making by public entities.

The sections below discuss options to improve state and regional policy through amendments to Part 3AA of the Act to enshrine legislative protection of green wedge land. These options include:

- inserting an 'Objects' clause in the Act to articulate the State's vision and objectives for Melbourne's green wedges
- recognising the regional importance of green wedges and enshrining regional policy objectives for their protection in legislation (see further discussion on regional green wedge policy below)
- introduce legislative requirements to prepare and implement strategic plans for each green wedge (related to proposed reforms to the Green Wedge Management Plan process, discussed below)
- requiring ministerial approval for the adoption and implementation of strategic plans for green wedge areas prepared by local government authorities.

These options have the potential to:

- more clearly express in legislation the Victorian Government's vision and objectives for the green wedges
- enshrine regional green wedge policy in legislation
- introduce legislative requirements to prepare and implement strategic plans for green wedge areas
- facilitate greater integration of planning policy objectives and controls in statutory planning frameworks (i.e. planning schemes)
- reduce uncertainty and ambiguity that can arise in planning matters, such as permit decision-making and interpretation of requirements by decision makers
- deliver on Action 73 of the Plan Melbourne Implementation Plan, which commits to amending Part 3AA of the Act (Metropolitan Green Wedge Protection), by introducing a requirement that local governments prepare and review Green Wedge Management Plans.

Options

Amend Part 3AA (Metropolitan Green Wedge Protection) of the *Planning and Environment Act 1987* to:

- clearly express the Victorian Government's vision and objectives for green wedges
- enshrining regional policy for each green wedge in legislation
- introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge
- require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities

Clarifying state policy objective for green wedges

There is a single objective relating to green wedges contained in the Victorian PPF: 'to protect the green wedges from inappropriate development' (Clause 11.01-1R). As the first principle and expression of state policy on green wedges, the current policy objective could be strengthened to more effectively implement Plan Melbourne by asserting a preference for non-urban rural land use and development and clarifying expectations to maintain natural systems and rural landscapes.

Options

Update state planning policy to clearly articulate the preferred outcomes for Melbourne's green wedges. The objectives of Clause 11.01 of the VPP (Green Wedges Metropolitan Melbourne) can be potentially revised to include:

- 'To maintain the important non-urban purpose of the green wedges and avoid use and development that would adversely affect their future productive use or environmental significance'
- 'To support preferred land uses and encourage uses that contribute to the non-urban landscape and character'

Reviewing Green Wedge Management Plans

GWMPs were introduced following *Melbourne 2030* (Department of Infrastructure 2002) to implement the strategic policy vision for, and objectives of, land use and development for each green wedge (for more detail on GWMPs, see Appendix 2). When GWMPs were introduced, the Victorian Government envisioned they would support coherent planning and management of development in areas of metropolitan Melbourne.

Today, councils employ GWMPs to set strategic policy and objectives for land use and development on green wedge land in their municipality. Such an approach is consistent with broad state policy directions and recognises local variation in land conditions across diverse green wedge areas.

The advantages of this approach include:

- opportunities to engage with local communities and understand their issues, expectations and needs
- ability to address local differences within and between green wedges
- expression of high-level aspirational objectives and outcomes that can be used to guide planning policy at a local level.

The original intent of GWMPs was to have councils collaborate in the preparation of strategic policy, a vision and objectives for those areas where a green wedge straddles municipal boundaries. However, this has generally not eventuated.

In practice, GWMPs are developed by local councils to function as strategic policy frameworks for green wedge areas within their administrative boundaries, with little appreciation of, or links with, the strategic role and purpose that each green wedge or collection of green wedges play in a regional or metropolitan context.

Further, not all green wedge areas have a GWMP. Map 3 illustrates the status of completion of GWMPs across the study area.

Map 3
Status of Green Wedge Management Plans



In addition, there is confusion as to whether GWMPs are land use strategies or land management plans, and perceptions differ on the statutory weight of these plans when considering planning permit applications for green wedge land.

PPN31 (Preparing a Green Wedge Management Plan, see Appendix 2) defines a GWMP as being:

a council-adopted strategy that identifies a vision, objectives and actions for the sustainable use and development of each green wedge. The plan will identify the values and features of each green wedge, the preferred future land use, environmental and resources that should be protected, and the needs of local communities (p. 1)

and provides that:

To ensure the sustainable management of green wedges, a GWMP should include a broad range of implementation tools that include regulatory and non-regulatory measures. (p. 1)

Notably, PPN31 advances measures that sit within and outside the planning scheme framework, including education and incentive programs that encourage landowners to adopt sustainable land management practices:

Achievement of sustainable land use and land management practices are a critical element in the development of GWMPs. (p. 1)

Therefore, GWMPs were intended to achieve two important purposes:

- set the strategic planning direction on use and development of land in each green wedge with a view that these directions would be translated into local policy, zones and other planning provisions
- act as a framework for land management, action and practice.

In some planning schemes, there is an explicit link between the GWMP, local policy and its implementation through appropriate zoning. This link often takes the form of a local policy directly addressing or referring to the green wedge. In other cases, the developed and adopted GWMPs are not referenced in the planning scheme.

Where GWMPs are not adopted, local policies may exist on topics such as the environment, landscapes, tourism and agriculture.

Clearly, there is an opportunity to clarify and strengthen the role of GWMPs so that they can consistently inform, and be informed by, planning policy and controls.

A key area for reform is to review the general form and structure that GWMPs should take, and improve their requirements for detailed environmental, landscape and land use inventory mapping. Improving their form, structure and requirements would inform development of GWMPs that more closely reflect the varying landscapes in a green wedge, provide appropriate strategic direction and enable planning controls to respond to local variation. Identification of the varying local conditions across rural landscapes is an important capability and component for implementing state, regional and local planning policy, and responding appropriately with land use and development controls.

Option

Review and update Planning Framework of Preparing a Green Wedge Management Plan to improve the structures form and content of Green Wedge Management Plans.



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Introducing state-backed regional policy for green wedges

While broad strategic policy on Melbourne's green wedges is articulated in documents such as Plan Melbourne and the PPF, strategic direction for each of the green wedges has primarily been developed and implemented at the local government level through Green Wedge Management Plans (GWMPs). For various reasons, the efficacy of the current system of local GWMPs in realising preferred policy outcomes has been mixed. There is a need to better align state and local planning through regional recognition of land use opportunities and challenges relating to our green wedges.

Consultation with a range of stakeholders has also confirmed public desire for greater certainty in policy, zones and planning provisions on the use and development of land in the green wedges. This will in part be addressed by the Plan Melbourne Implementation Plan, which aims to progress regional planning by developing Land Use Framework Plans for each of Melbourne's six metropolitan regions (Action 1).

To enhance coherent and consistent strategic planning on use and development of land in each green wedge, regional policy could be introduced in the PPF through state-led Land Use Framework Plans (LUFs). Such an approach would recognise the regional characteristics and significance associated with each green wedge.

Regional policy for each green wedge can cross local government boundaries, complement local policy and assist council decision-making. Such a policy would be consistent with policy directions in Plan Melbourne, state government policy to 'promote and encourage the key features and related values of each green wedge area' (Clause 11.01-1R, PPF) and existing regional policy directions for peri-urban areas that are informed by Regional Growth Plans (Clause 11.01-1R, PPF; see Appendix 2).

In addition to these identified policies, a state-backed regional policy on green wedges can provide much needed guidance that is additional to that provided in state planning policy.

The form and structure of such regional policy could:

- identify the regional role and purpose of each green wedge

- articulate the distinctive attributes and the key regional features and assets of each green wedge that contribute to its state significance
- articulate the significance and role of Traditional Owners and identify the important sites of cultural heritage to be protected
- contain a map identifying those assets and features of state and/or regional significance, such as:
 - biodiversity and environmental values
 - state-significant waterways and features
 - state-significant infrastructure
 - landscape features
 - areas of important agricultural production
 - tourism assets of state and regional significance.

The intention is not that state and regional policy replace the important role of GWMPs. Rather, these policies are intended to:

- provide regional framework and guidance to guide council planning, management and decision-making on green wedges within their municipality
- enhance coherent policy implementation across metropolitan and rural regions of Melbourne.

Local government is a vital partner in delivering and realising desired outcomes for green wedge areas. Councils have access to detailed and unique local knowledge of the land and the issues that require clear planning and management strategies. They also have close relationships with private landowners who are responsible for delivering land management and conservation outcomes in the area.

The expectation is for councils to continue to prepare and regularly update GWMPs that identify the local values and features of the green wedge land within their municipality, including its preferred land uses, the environmental and natural resources to be protected, and the needs of the local community. The important role of this strategic land use planning and management tool was reinforced in Plan Melbourne.

Option

Develop and introduce regional policy directions in the PPF for Melbourne's green wedges in Clause 11.01-1R (LUF) and through Land Use Framework Plans.

To catalyse public discussion on the proposal to have a regional policy for Melbourne's green wedges in the VPPs, we have drawn from currently existing GWMPs and identified the following regional features of Melbourne's green wedges. We are interested in your views and feedback on the proposal to have a regional policy for Melbourne's green wedges.

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Regional features
of the study area
– West

The western study area is an important non-urban break between Melbourne and Geelong (Map 4).

This region features a mix of coastal grassy plains and volcanic plains, with some areas having more pronounced topography such as hills, ranges and woodlands.

The significant agricultural activity in this region is primarily serviced by recycled water and high-quality soil, and consists of market gardens and horticulture, broadacre cropping, grazing, intensive agriculture and hobby farms.

The region features significant reserves with conservation, heritage and cultural values, including drystone walls, internationally significant and biologically diverse wetlands and marine sanctuaries, Aboriginal middens and burial sites, and tourism assets such as Werribee Mansion and Werribee Open Range Zoo.

Transport gateways and infrastructure in the region support other important economic sectors, such as quarries and water treatment plants.



Map 4
Key features West



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Wedges and Agricultural Land

Regional features
of the study area
– North

The northern study area is characterised by strongly dissected slopes, gorges and valleys (including the south-western slopes of the Great Dividing Range and Plenty Gorge), cleared rural and agricultural land, scenic hills, rocky and volcanic plains and grasslands, and forested areas (Map 5).

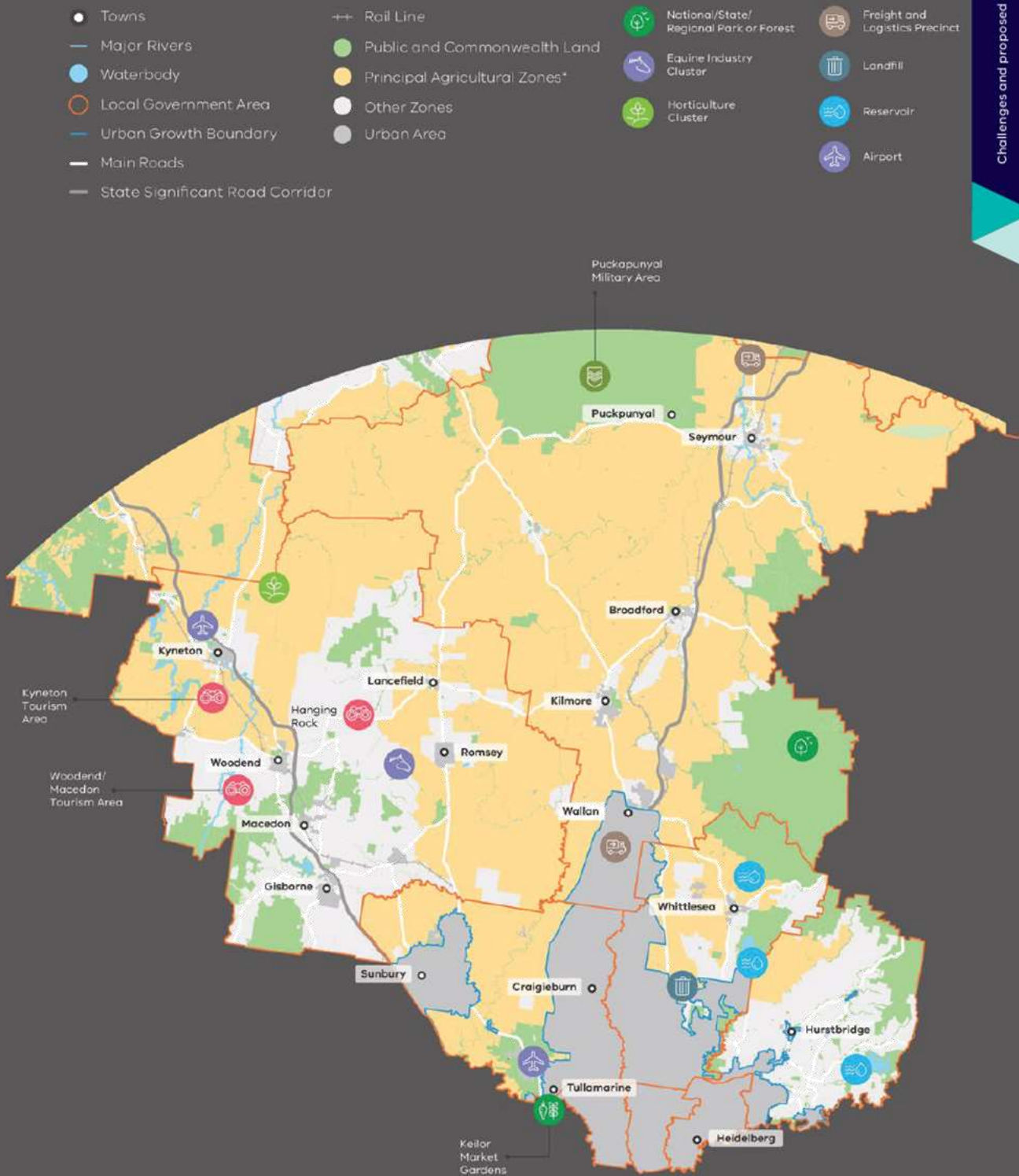
It holds significant environmental and biodiversity conservation values as well as open space features. The range of parks, reserves, cultural heritage, local food and network of trails throughout the northern green wedges support the region's visitor economy.

The region contains important water storage catchment areas for Melbourne, wetlands and waterways. Cropping, orcharding, grazing, dairying, viticulture, equine uses and animal husbandry occur throughout the Northern Region's green wedges.

Significant transport gateways, infrastructure and landfills in the region support other important economic sectors, such as freight and logistics, manufacturing, waste management and resource extraction.



Map 5
Key features North



Challenges and proposed options

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Regional features
of the study area
– East

The landscapes of the eastern study area include mountain ranges, valleys, waterway networks and forests with significant biodiversity and conservation value (Map 6).

Its environmental assets are embodied in Kinglake, Dandenong Ranges and Yarra Ranges national parks, Pauls Range and Yarra state forests, Lysterfield Park, and Kurth Kiln Regional Park. The region contains areas of modified rural landscapes, such as cultivated croplands and rolling pastures.

The region contains significant waterways, water catchments and storage areas, including the Yarra River, Mullum Mullum Creek and the Upper Yarra, Silvan, Maroondah and O'Shannassy reservoirs. The water catchments and storage facilities in this region are regionally significant assets and critical for potable water supply to greater Melbourne.

Agricultural produce from the region comprises flowers and nursery plants, berries and orchard fruits, wine grapes, beef and grain.

The region holds a range of cultural values, with a visitor economy that is based on its local wine and food, farmers and makers markets, bed and breakfast accommodation, environmental walks, parklands and river corridors, cycling and horseriding trails, and attractions such as Healesville Sanctuary and Puffing Billy.



Map 6
Key features East



Challenges and proposed options

Planning for Melbourne's Green
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Regional features
of the study area
– South

The southern study area has distinctive rural landscapes and vistas, such as the Casey Foothills and Dandenong Ranges, as well as bushland and coastal landscapes (Map 7).

This region holds areas of significant environmental, biodiversity and conservation value, including Churchill, Point Nepean and Mornington Peninsula national parks; Dandenong Police Paddocks; Lysterfield and Braeside parks, Kurth Kiln Regional Park, Bunyip and Arthurs Seat state parks, Greens Bush and Devilbend Natural Features Reserve. It also contains numerous watercourses, the UNESCO Mornington Peninsula and Western Port Biosphere Reserve, and the Westernport and Edithvale–Seaford Ramsar wetlands.

The region — particularly in Koo Wee Rup — holds some of Victoria's most productive soils, and supports grazing, aglstment, nurseries and cut flowers, poultry farming, viticulture, market gardens and horticulture. It also supports extractive industries.

The region's environmental and landscape assets provide important recreation opportunities and support the region's tourism industry, which is centred around natural features, recreation, farm gate sales, local food and wine. The region also contains sites of Aboriginal and post-contact cultural heritage, including scarred trees, scattered Aboriginal artefacts, heritage homesteads and farmhouses.

There is state-significant infrastructure in the region, consisting of transport corridors, the Eastern Treatment Plant, Cardinia Reservoir and Moorabbin Airport. The feasibility of a south-east airport in the region is also under current investigation.



Map 7
Key features South

- Towns
- Major Rivers
- Waterbody
- Local Government Area
- Urban Growth Boundary
- Main Roads
- State Significant Road Corridor
- Rail Line
- Public and Commonwealth Land
- Principal Agricultural Zones*
- Other Zones
- Urban Area
- Ramsar Site
- National/State/Regional Park or Forest
- Dairy Cluster
- Reservoir
- Airport
- Port
- Horticulture Cluster



Challenges and proposed options

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3.1.2 Legislative and policy framework for Melbourne's agricultural land

At the top of the Victorian planning system hierarchy is the *Planning and Environment Act 1987* which outlines the planning objectives and establishes the statutory framework for the Victorian planning system.

Currently, Victoria does not have separate legislation that specifically protects farming activities. The PPF within the VPP sets out the state and regional planning policies that guide use and development of agricultural land surrounding Melbourne. The key relevant clauses are as follows:

| | |
|--------------------|--|
| Clause 14.01-1S | Protection of agricultural land Objective: To protect the state's agricultural base by preserving productive farmland. |
| Clause 14.01-1R | Protection of agricultural land – Metropolitan Melbourne Objective: To protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations. |
| Clause 14.01-2S | Sustainable agricultural land use Objective: To encourage sustainable agricultural land use. |
| Clause 11.03-3S | Peri-urban areas Objective: To manage growth in peri-urban areas to protect and enhance their identified valued attributes. |
| Clause 14.02-3S | Protection of declared irrigation districts Objective: To plan and manage for sustainable change within irrigation districts declared under Part 6A of the <i>Water Act 1989</i> . |
| Clause 19.03-3S | Integrated water management Objective: To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach. |

The strategies identified for these clauses highlight the need to:

- identify and protect productive farmland, including productive farmland that is of strategic significance in the local or regional context
- prevent unplanned loss of productive farmlands from permanent changes in land use, dispersed urban activities, incompatible uses, new housing and further subdivision
- ensure that the economic importance of production, agricultural productivity, compatibility with surrounding land use, and land capability are considered in decision-making
- encourage sustainable use and management, innovation, climate change adaptation, diversification and value-adding, flexibility and adjustment, investment and infrastructure provision
- ensure appropriate management of animal industries
- avoid urban sprawl, provide for non-urban breaks and contain development to established settlements
- protect agricultural land serviced by irrigation infrastructure to secure the future viability of irrigation districts, and encourage land uses that complement existing and future agricultural production
- protect areas with potential to use recycled water for forestry, agriculture or for other uses for which treated effluent of an appropriate quality can be used.

While being relatively sound, these policy objectives and their associated strategies have not prevented the loss of productive agricultural land to urban uses over time. Proposals to establish dwellings and other incompatible land uses in agricultural areas have been considered in a piecemeal and ad hoc manner, and are often decided in favour of individual outcomes over regional and/or community benefits.

Protecting all agricultural land surrounding Melbourne

References to 'productive farmland' and 'farmland of strategic significance' in state policies suggest that the protection of agricultural land should prioritise land considered to have higher agricultural quality. In the same vein, Action 17 of Plan Melbourne seeks to identify areas of 'strategic agricultural land'.

During DELWP's initial consultation in 2019, we presented a list of criteria that could be used to identify those agricultural areas with strategic significance for agriculture. The draft criteria (included in full in Appendix 6) included:

- land capability – naturally fertile land with minimal constraints and highly capable for intensive, soil-based agriculture
- water access – farmland with access to a secure water supply
- resilience and adaptability – land that is resilient to the potential impacts of climate change
- existing land use and integration with industry – land that is currently used for intensive agricultural purposes or supports the viability of an agricultural area
- other considerations (constraints) – factors that may prevent land from being classified as strategic agricultural land.

While a broad range of views were communicated during the 2019 consultations, feedback overwhelmingly highlighted the importance of protecting all agricultural land, not just land deemed to be strategically significant. The key reasons given by stakeholders were twofold:

- protecting all agricultural land would mitigate further pressure on 'non-strategic' agricultural land
- protecting all agricultural land would ensure enough land is safeguarded for agriculture to ensure that Melbourne retains sufficient flexibility and resilience for future challenges to the city's food production.

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In response to this feedback, this paper proposes options that recognise the value of all agricultural land in the planning system and that maintain an adequate amount of available agricultural land for the agricultural sector to continue to adapt to market pressures, respond to industry trends and opportunities, and prepare for climate change.

Option

Update the PPF to ensure that all agricultural land is protected.

Protecting the natural resources that underpin
agricultural land use

Agriculture is a diverse land use that takes many forms. Some types of agriculture are highly dependent on natural factors such as climate, soil and access to water; others do not rely on high-quality soil or rainfall for production (e.g. hydroponics in glasshouses or poultry farms). The location of non-soil-based industries is often driven by other factors such as distance to markets, access to infrastructure, topography and social factors.

While the protection of all agricultural land is proposed in this paper, it is equally important to recognise that high-quality soils and water are scarce and finite resources. Climate change is increasing pressure on the availability of natural resources that underpin food production. The current PPF provides no guidance on the best use of natural resources to support agricultural production and build resilience to climate change.

Option

Update the PPF to encourage land uses that have limited or negligible reliance on soil as the basis of production, to be located in areas where soil-based agriculture is likely to be constrained.

(Options such as a long-term policy on decarbonising access for agricultural production, previously discussed in Section 3.2.3 of this paper.)

Improving regional policy protection of Melbourne's
agricultural land

Compared to statewide policy, current regional policy on the protection of agricultural land is very limited in scope. It consists of one singular policy statement, which is to 'protect agricultural land in Metropolitan Melbourne's green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations'.

However, agriculture surrounding Melbourne is highly significant to the state in terms of its value of production for what is a relatively small area of agricultural land. It holds unique opportunities thanks to its proximity to city markets and infrastructure, as well as urban waste streams that could be a source of water and nutrients for farming. It is proposed to strengthen regional agricultural policy to encourage sustainable agricultural production that builds on Melbourne's competitive advantages.

Options

Update the PPF to include new regional policy for Melbourne's agricultural land. The new policy should:

- support greater resilience of Melbourne's food bowl by encouraging re-use of valuable city waste streams, including recycled water, stormwater, nutrients and biogas
- encourage opportunities for growth and diversification of other activities complementary to agriculture that leverage the advantages of proximity to the city of Melbourne and its local markets
- support the establishment and expansion of infrastructure that benefits agriculture
- recognise the economic and employment contributions of Melbourne's agricultural land to local communities, the region and the State of Victoria.

(Notes: other proposed options to change statewide policy on water for agriculture are discussed in Section 3.2.3.1.)

Legislating the right to farm

Land use conflicts that result from inappropriate use and development of farming areas were consistently highlighted as a key concern by stakeholders throughout our Phase 2 consultations. Stakeholders expressed strong support for protecting the 'right to farm', including:

- minimising land use conflicts that could constrain the ability to farm
- ensuring appropriate buffers separate agricultural land from sensitive land uses, such as residential development or other land uses, that would be potentially sensitive to emissions (dust, odour, noise, light) from agricultural activities
- ensuring planning regulations do not hinder farming activities.

In Australia, right-to-farm legislation has been implemented by Tasmania (the *Primary Industries Activities Protection Act 1995*) and was recently enacted by New South Wales (NSW) in November 2019 with the *Right to Farm Act 2019*.

A common feature in both the Tasmanian and NSW legislation is the protection of farmers against common law nuisance claims. NSW legislation also imposes penalties on trespassers found guilty of illegally entering farms, letting stock out or tampering with cattle grids.

To protect Melbourne's remaining agricultural land, a proposed option is to introduce new legislation that strengthens the right to farm. Such legislation would ensure that farming activities are protected from encroachment by sensitive uses and delineate that primary responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) rests with the 'agent of change' – the person or organisation who introduces a new use or development into an existing environment. In practice this means that an agent of a new sensitive use or development, such as residential development, that is established close to an existing farm will be responsible for adapting to the existing farming environment. Conversely, new or existing farms that seek to establish or expand, respectively, will be responsible for attenuating any effects caused by that change on nearby sensitive uses.

However, an agricultural activity that is supported within the zone as an as-of-right (Section 1) use would not be considered an 'agent-of-change'.

While legislation has an important role to play, arguably the best way to protect the right to farm is to prevent incompatible uses and development from establishing in agricultural areas in the first place. To achieve this, other complementary measures, such as changes to policy, zones, overlays and planning guidelines, are also proposed as part of the package of changes presented in this paper.

Options

- Establish new right to farm legislation for Melbourne's agricultural land that ensures primary production carried out on a farm does not constitute a nuisance, provided that it is conducted lawfully and the zoning of the land supports agricultural use as a primary purpose of the zone.
- Introduce the 'agent of change' principle into legislation to assign responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) to the 'agent of change' – the person or organisation who introduces a new use or development in an existing environment.
- In conjunction with legislative changes above, update the PFF to encourage appropriate siting, design and scale of sensitive uses and developments within rural areas to avoid conflicts with agricultural uses and to maintain capability to intensify agricultural production.

Planning for Melbourne's Green
Wedges and Agricultural Land

What is the 'right to farm'?

Complaints often arise when land uses in proximity to each other are incompatible and create conflict. In the case of farming, the use of land can generate dust, odour and noise through such activities as the application of chemicals and the running of farm machinery on roads.

The 'right to farm' refers to the concept that farmers should be able to conduct lawful agricultural activities without being hindered by complaints from neighbours or other land users. Generally, right-to-farm issues are more prevalent on the urban fringe, where urban and rural uses of land occur side by side as people move into a green wedge and peri-urban area in search of amenity of a rural setting.

The right to farm does not mean that farming activities are exempt from other

environmental regulations that safeguard risks to environment and community amenity (e.g. regulations that control chemical use, air pollution, noise and management of odours). The Environment Protection Authority Victoria (EPA Victoria) oversees environmental and amenity issues in accordance with the *Environment Protection Act 1970*. It regulates high-risk industries through works approvals and has compliance and enforcement powers to ensure all industries, including farming, comply with legislated environmental standards.

3.2 Supporting agricultural land use

Melbourne's food bowl has significant competitive advantages, including proximity to markets, access to labour force and transport infrastructure, areas of high-quality soils, proximity to sources of recycled water and stormwater, and a concentration of supporting businesses.

However, there are challenges for farm businesses in Melbourne's green wedge and peri-urban areas, such as high operational costs, limits to farm expansion and high levels of land use conflict.

A range of drivers also influence the agricultural sector as a whole, including climate change, changing markets and consumer preferences, advances in technology and innovation, declining terms of trade and government policy and investment decisions. As a result, agricultural practices are continually evolving and adapting, resulting in closer integration of the agrifood chain, increased efficiencies and innovation, more intensive production systems and, for some commodities, a trend towards larger farm sizes to achieve economies of scale (Figure 3). These factors have flow-on effects on land use trends.

Given these macro trends and the specific challenges for agricultural business in Melbourne's green wedge and peri-urban areas, the industry will need to continue to adapt if risks are to be managed and opportunities realised.

All stakeholders have a role to play, and effective planning is vital if we are to prevent further loss of agricultural land around Melbourne, appropriately balance different competing land uses and ensure sectoral resilience to achieve long-term and sustainable agriculture to service the needs of our city.

The study area makes a significant contribution to the Victorian economy through the agriculture, forestry and fishing sector. In 2018, its total economic output was \$5.79 billion:

- Study area – North: \$1,009.08 million
- Study area – East: \$1,069.28 million
- Study area – South: \$2,245.28 million
- Study area – West: \$1,478.24 million.



Land use trends

- fewer and larger farms
- increased concentration of farm output
- more intensive farming techniques
- closer integration of agrifood chain
- competing land uses
- high levels of land use conflict
- increased land speculation
- high land prices
- limits to farm expansion

Figure 3 Key drivers and trends affecting the agricultural sector

Planning for Melbourne's Green Wedges and Agricultural Land

There are regions within the study area that are important locations for particular crops:



The unique rich peaty soils of the Casey Cardinia region produce almost 90 per cent of Australia's asparagus.



The Werribee Irrigation District (representing 0.02 per cent of the state's land) produces 10 per cent of Victoria's vegetables, including 85 per cent, 53 per cent and 34 per cent of Victoria's cauliflower, broccoli and lettuce, respectively.



Gippsland produces 32 per cent of Victoria's milk (or 19 per cent of Australia's milk).



The Yarra Valley produces approximately 78 per cent of Victoria's strawberries.



The Bacchus Marsh Irrigation District, rich with the alluvial soils of the Lerderderg River and Werribee River flats, grows high-value commodities such as fruit orchards.

The study area also generates significant employment in the agriculture, forestry and fishing sector, calculated in 2018 to be nearly 16,500 direct jobs.

Significant employment is also generated by associated processing, manufacturing, logistics, retail trade and accommodation and food services.

The study area has been identified as strategically important for agricultural production and covers declared irrigation districts and other areas with potential future access to recycled water infrastructure. It provides an important agricultural function for the regions and needs to be protected to ensure future productive capacity.

There are significant forward production linkages between the agriculture, forestry and fishing sector and the manufacturing sector – specifically meat product, dairy, fruit and vegetable processing and other factory-based manufacturing. These productive supply chain relationships and value added processing activities are particularly evident in areas close to market where production, processing and distribution can occur locally. For every \$1 of output generated by the agriculture, forestry and fishing sector in the northern area of Melbourne, \$0.43 is sold into manufacturing.

This section explores a range of planning options to support and protect agricultural use of land through:

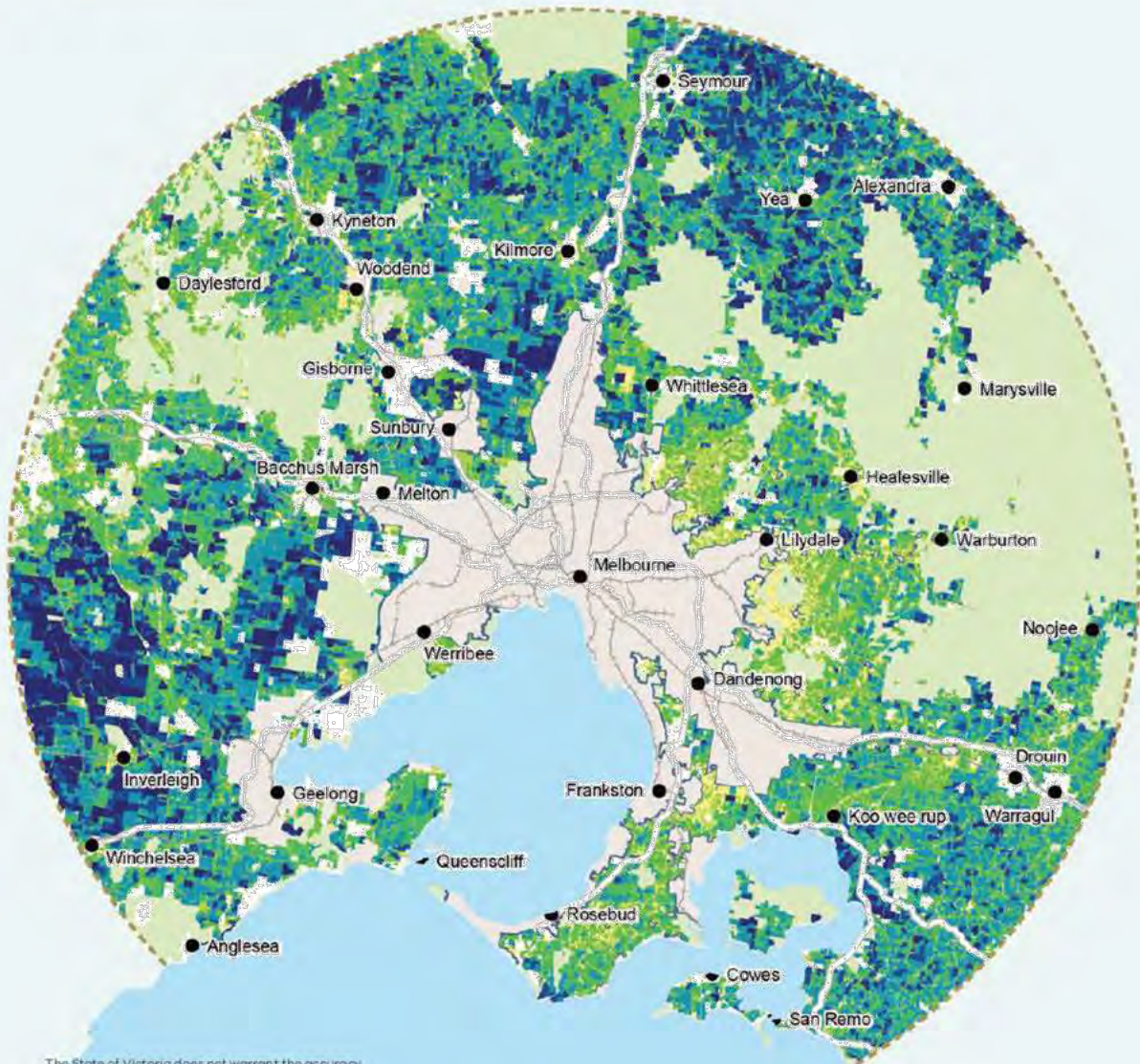
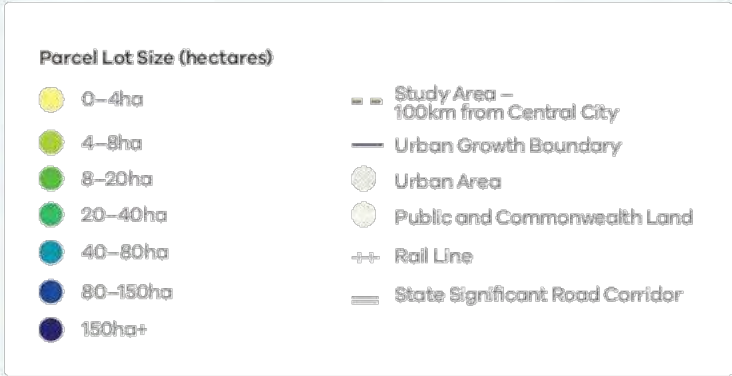
- managing the subdivision of, and development of dwellings on, agricultural land
- Improving decision-making in areas zoned for agricultural purposes
- anticipating the effects of climate change and water needs for agriculture
- strengthening referral and notice requirements
- supporting agricultural diversification.

In itself, a planning response is insufficient to ensure a sustainable food bowl for the long term. Non-regulatory measures must also be employed to encourage agricultural use. While this paper is focused on getting the planning framework for agriculture right, a range of response options beyond planning have been identified during Phase 2 consultation and could be further explored by local and state government. These options include providing education and extension programs for farmers, research and development, incentivising land stewardship activities and applying differential rates for farmland that is actively farmed.

Map 8
Economic output and jobs — agricultural, forestry and fishing sector (2018)



Map 9
Distribution of lot sizes across the study area



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Agreements, but recommended a variation to the subdivision provisions in the Farming Zone and Rural Activity Zone to prohibit the creation of smaller lots for an existing dwelling. This recommendation was not supported by the Victorian Government as the proposed change had not been consulted on as part of the planning zones reform process.

Consequently, there are currently no planning controls in the Farming Zone and Rural Activity Zone that prevent the subdivision of agricultural land into smaller lots for an existing dwelling. The options proposed in this paper would bring the subdivision provisions in the Farming Zone and Rural Activity Zone in line with those in the green wedge zones and prevent small lot excisions in peri-urban areas.

Options

- Reduce the subdivision potential of Melbourne's agricultural land by requiring parliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme in the Farming Zone and Rural Activity Zone within 100 km of Melbourne.

Currently, any amendment that increases the subdivision potential of green wedge land requires the approval of the Minister for Planning and ratification of both Houses of Parliament. This option extends the current requirement to agricultural land in peri-urban areas.

- Amend the subdivision provisions of the Farming Zone and Rural Activity Zone to prohibit the creation of a lot for an existing dwelling that is smaller than the minimum lot size. This only applies within 100 km of Melbourne.

Dwellings in rural areas

In the Farming Zone, a dwelling is an 'as of right' use if the land meets the minimum lot size requirement of 40 ha and the dwelling is the only dwelling on the lot. If these conditions are not met, it becomes a discretionary use (i.e. permit is required). In the green wedge zones, a dwelling is a discretionary use.

Stakeholder feedback during our Phase 2 consultations indicated that decisions by councils – at times against the professional advice of their officers – have often favoured the approval of dwellings in rural areas and further confirm an assumed nexus between subdivision and housing. For example, during 2011 and 2018, approximately 81 per cent of all dwelling applications that were lodged were approved, with almost 4,500 permits approved for dwellings in rural zones within the study area (Map 10).

Between 2011 and 2018, an average of 560 dwellings per year were approved in rural zones within the study area. Most of these approvals were for dwellings in the Farming Zone (31.4 per cent) and the Green Wedge Zone (30.6 per cent), followed by the Rural Conservation Zone (24.3 per cent).

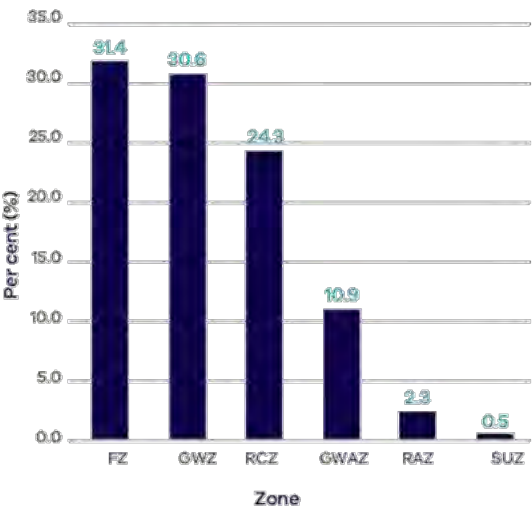


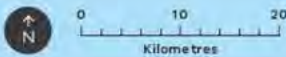
Figure 4 Percent of dwelling approvals by type of zone during 2011–2018

Map 10
Dwelling approvals during 2011–2018



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Planning for Melbourne's Green Wedges and Agricultural Land

The risks and impacts that result from land fragmentation and proliferation of rural lifestyle living on agricultural land can be reduced if further subdivision and dwelling developments are more tightly controlled, and consolidation of small lots is encouraged. To achieve this, a number of options are proposed below.

In the first instance, these proposed options only apply to land within the study area (100 km from Melbourne's CBD). However, extending the proposed controls to land beyond the study area could be the subject of further consideration and planning processes.

Options

Better control dwellings in Melbourne's agricultural areas by:

- adding the following condition to the use of land for an as-of-right dwelling in the Farming Zone
 - must not be within 100 km of Melbourne.

This change would remove Dwelling as an as-of-right use in the Farming Zone within 100 km of Melbourne.

- Introducing decision guidelines for 'Dwelling Issues' into the Green Wedge Zone and Green Wedge A Zone. The decision guidelines would mirror the guidelines provided in the Farming Zone, which require the responsible authority to consider, as appropriate:
 - Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
 - Whether the dwelling will be adversely affected by agricultural activities on

adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture and natural systems.

- Introducing application requirements for dwellings into the Green Wedge Zone and Green Wedge A Zone that require applications for dwellings to be accompanied by a written statement that explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

This change allows dwellings to be considered but ensures the use does not compromise the long term productivity of surrounding farmland or limit the operation and expansion of agricultural uses.

3.2.2 Improving decision-making on agricultural land

Under the current regime of rural zones, councils (in their role as responsible authority) have discretion to issue permits for a range of uses that are considered secondary to the primary purpose of a zone.

In assessing the merits of an application, councils must examine how well the proposed use or development meets the planning scheme objectives set out by state, regional and local policies, and the zone or overlays applicable to the land. The zone includes decision guidelines by which the council assesses an application. For example, a general decision guideline in the current Farming Zone, Green Wedge Zone, Green Wedge A Zone and Rural Activity Zone requires councils to consider, among other matters, ‘Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.’

However, no planning practice note exists to guide discretionary decision-making on agricultural land. The combination of wide discretion and performance-based provisions that have a degree of flexibility as to how planning scheme objectives are achieved, can lead to uncertainty and inconsistent decisions. Local governments would benefit from access to advice and clear guidelines to help them assess permit applications for their agricultural areas. Clearer guidelines that assist planning authorities to make appropriate discretionary decisions can also increase community confidence in the system.

An expert advisory service could be established to support decision-makers and facilitate compliance with the planning scheme. Such a service could be shared and accessed by green wedge and peri-urban councils on request. Advisers could assist local government by providing expert advice on development applications and input in localised strategic planning for agricultural land.

Options

Develop a practice note to guide council decision-making on planning permits in agricultural areas. The practice note would support the interpretation of the planning scheme and guide discretionary decision-making, and may outline:

- how to interpret the decision guidelines for zones relating to agriculture
- how to determine whether a discretionary use will lead to loss of agriculture as the primary use of land
- how to apply the ‘in conjunction with’ agriculture test
- how to assess and minimise potential land use conflicts in development proposals, including proposals adjacent to agricultural land

Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme

Planning for Melbourne's Green
Wedges and Agricultural Land

3.2.3 Future-proofing Melbourne's food bowl

Any plans to protect agricultural land must take into account the impacts of climate change on agriculture – a sector highly dependent on natural systems. These impacts include lower rainfalls and reduced reliability of water resources, more frequent and intense flooding events and higher mean temperatures.

Climate change impacts are unlikely to be uniform, with the most severe impacts projected to occur in the north of the state. Compared with other regions, Melbourne's agricultural land is projected to be less severely affected by climate change (Johnson, Sposito & Faggian 2018) – making the protection of its green wedge and peri-urban areas ever more important as reliance on its productivity is likely to increase as suitability for agriculture declines in other parts of the state.

The region's relative resilience to climate change is enhanced by its proximity to large volumes of recycled water and urban stormwater. As Melbourne's population grows, so too does its

volume of urban wastewater and urban stormwater run-off. These alternative water sources are opportunities to secure water supply for agriculture, create new irrigation precincts, support economic growth and development opportunities in the agricultural sector, and increase the resilience and adaptability of the city's food bowl.

Feedback from water authorities indicates that the relatively high costs of supplying recycled water (due to high infrastructure costs) have impeded use of this resource. Other challenges of recycled water include water storage during winter when demand for recycled water for agricultural purposes is likely to be low.

Alternative water supplies need to be fit for purpose, which means that it is of suitable quality for its intended use. Some farmers, notably those in the Werribee Irrigation District, have found inappropriately high levels of salt content in their recycled water, which can affect the quality of produce and lead to soil salinity issues. Investigating reducing recycled water salinity from the Western Treatment Plant has been identified as a key action in the Werribee Catchment Integrated Water Management Forum Strategic Directions Statement.



Case Study

Werribee Irrigation District

As recognition of the importance of recycled water increases (e.g. the Melbourne Sewerage Strategy), so too does experience with its use. These experiences have highlighted the issue of salinity in recycled water, which has implications for its affordability and viability.

The Werribee Irrigation District (WID), located south-west of Melbourne and occupying over 3,000 ha of land, is one of the largest market garden areas of Victoria. The WID relies on water from both natural river systems and recycled water from the Western Treatment Plant, and is a major producer of lettuce, broccoli and cauliflower. The WID's recycled water scheme was introduced in 2004 following a period of prolonged drought and has become a vital supplier of water to the WID (approx. 40 per cent of its irrigation water is recycled water) due to ongoing shortage of river and ground water.

Reducing the salt content of recycled water in the WID is an ongoing challenge. The salt in recycled water from the Western Treatment Plant is higher than that of many other treatment plants, primarily from development of industrial uses west of Melbourne and associated ongoing saline-rich trade waste discharges. The plant's sewerage system is also affected by intrusion of saline groundwater from Port Phillip Bay.

The Western Treatment Plant currently does not specifically treat its recycled water for salt – the typical salinity of its recycled water is 900 to 1,100 mg/L total dissolved solids (or 1,600 to 2,000 electrical conductivity [EC]). By comparison, the most appropriate and sustainable uses of recycled water require a salinity level of 550 milligrams per litre total dissolved solids (or 1,000 EC) (Department of Sustainability and Environment 2009).

A desalination plant was proposed to reduce salinity in the water supplied to WID irrigators. However, in 2007, Melbourne Water decided not to proceed with the plant. Its analysis found that to cover the cost of building and running the desalination plant, the price of desalinated water would need to be approximately \$3,000 per megalitre – well above the commercial capacity of irrigators. In the meantime, reductions in salinity are achieved by mixing recycled water with river water to form a 'shandy' before supplying to irrigators. From time to time, river water is also affected by high salinity, pathogens and algal outbreaks, which also compromise the quality of water supplied to irrigators and is a cause of frustration for growers.

The future viability of the WID for agriculture hinges on availability of water that is of suitable quality and at a cost that is sustainable for vegetable growing. Melbourne Water is continuing to investigate options to reduce the salinity of recycled water from the Western Treatment Plant, with a combination of source control, diversion, blending with less saline water and salt-reduction treatment likely to be the most viable approach.

All options come with considerable costs. In any justification to fund shortfalls, the broader value of agricultural enterprise for our common future, the costs and benefits of water management in a region, as well as the sale value of recycled water, need to be considered.

During our Phase 2 consultations, many farmers in Werribee South indicated that in the absence of a reliable supply of fit-for-purpose water, they would seek to convert use of their land to housing, believing it will enable them to sell their land at 'residential value' and fund investment elsewhere or alternatively, move out of farming.

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Safeguarding agricultural land with potential access to alternative water

Access to fit-for-purpose water underpins productive agriculture and, in our Phase 2 consultation, was identified by farmers and other key stakeholders as the most important criterion for defining important agricultural land.

Melbourne has two main treatment plants in the east and west, as well as many smaller treatment plants located around Melbourne (see Map 11). Based on consultation with water authorities, we estimate that on average, approximately 700ML /day of recycled water is currently available but not utilised or committed, and this is forecast to grow as Melbourne's population grows.

There are opportunities to expand irrigation infrastructure that delivers reliable water supply to farmers in Melbourne's green wedge and peri-urban areas. Safeguarding these opportunities and ensuring their future viability will require the effective alignment and integration of land use planning, water management policy and infrastructure provision.

A way of achieving such integration is to recognise areas with potential for water infrastructure and include this future potential as a factor for consideration in land use decision-making today. Such an approach enables protection of land from encroachment in the short term while signalling its potential for water investment and access opportunities in the longer term.

Recent development on this front has been positive, such as the decision by Western Water to undertake a detailed planning phase for a new Western Irrigation Network. Once established, the Western Irrigation Network will support recycled water use that will not only protect the environment but will also add to the local economy and improve agricultural productivity in the west. It is important that our land use planning system effectively responds to current needs – and anticipates potential future investments in water infrastructure.

The options in this paper have the objective of anticipating, in our land use planning, those opportunities to expand use of recycled water and stormwater in the future. Only by building in or safeguarding such opportunities can we meet

the dual challenges of ever-increasing volumes of urban wastewater and realise the value and opportunities of this waste stream for a resilient food system in Melbourne.

The feasibility of opportunities for alternative water is continually being reviewed and assessed by water authorities. Indicative recycled water supply areas are shown on Map 11. These areas were identified from consultation with water authorities as locations that have potential access to alternative water in the future. In addition, areas in close proximity (1 km) to existing water infrastructure (e.g. existing wastewater treatment plants, recycled water pipe networks) are also considered to have potential access to alternative water in the future.

Making the best use of all water sources, including recycled water and stormwater, to minimise our call on rivers and to protect our environment, is an integral part of the Victorian Government's *Water for Victoria* plan and further echoed in *Plan Melbourne*, which includes a policy to 'Reduce pressure on water supplies by making the best use of all water sources' (Policy 6.3.1).

Options

Develop a new regional policy, Clause 14.02-3R of the PPF (Preserving opportunities for irrigated agriculture around Melbourne), with the following objective:

- safeguard land with potential for future growth in irrigated agriculture, based on alternative water use.

The new policy would:

- delineate areas with potential for future growth in irrigated agriculture
- ensure changes to land use in these areas do not limit potential opportunities for development and expansion of irrigation agricultural precincts
- maximise the beneficial re-use of treated wastewater and stormwater for agricultural purposes

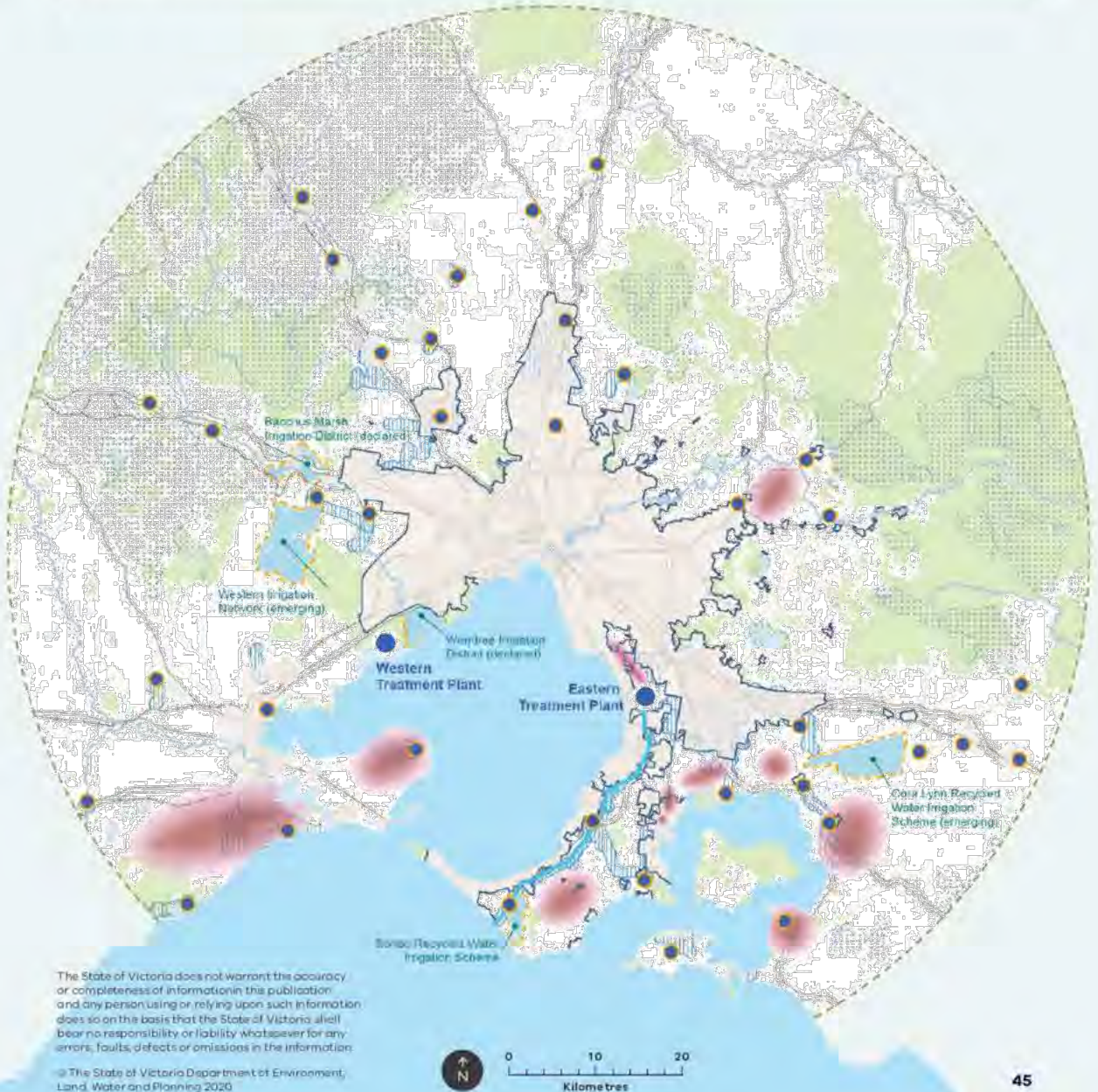
Map 11

Water for agriculture — existing infrastructure and future opportunities

-  Irrigation District
-  Buffer (500m) Around Irrigation Districts*
-  Recycled Water and Outfall Pipes 1km Buffer
-  Indicative Recycled Water Supply Areas
-  Declared Special Water Supply Catchment Areas
-  Local Wastewater Treatment Plant (With 1km Buffer)
-  Major Wastewater Treatment Plant
-  South East Outfall
-  Major Rivers
-  Waterbody
-  Study Area — 100km from Central Melbourne
-  Urban Growth Boundary
-  Urban Area
-  Public and Commonwealth Land
-  Rail Line
-  State Significant Road Corridor

* Buffer could only be applied where there is still capacity to do so — i.e. to areas that are not already built up.

Note: This map does not depict the bulk water supply systems that can be used under some circumstances to support agriculture.



Planning for Melbourne's Green Wedges and Agricultural Land

Supporting agricultural land use in Melbourne's irrigated districts

In September 2019, the Victorian Government introduced a new state planning policy – Clause 14.02-3S of the PPF (Protection of declared irrigation districts) – that outlines the objectives and strategies for managing and protecting irrigation districts declared under Part 6A of the *Water Act 1989*. The policy protects agricultural land currently serviced by irrigation infrastructure, by ensuring that non-agricultural use of land does not undermine the integrity of irrigation infrastructure and complements existing and future agricultural production. By aligning agricultural use of land to available water infrastructure, this policy is key to protecting current access of agricultural land to water.

Around Melbourne, there are currently two existing declared irrigation districts: the Werribee Irrigation District and Bacchus Marsh Irrigation District. In addition, there is the Boneo Recycled Water Irrigation Scheme and two emerging irrigation districts, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. These irrigation districts are shown on Map 11.

There are also a number of smaller recycled water schemes that operate throughout the study area, ranging from one-off opportunistic operations located proximate to water recycling plants, to larger schemes involving many properties (e.g. areas on the Bellarine Peninsula and Surf Coast). Properties connected to smaller recycled water schemes are often dispersed throughout an area. Unlike the established and emerging irrigation districts, smaller recycled water irrigation schemes do not have defined precinct boundaries.

Surface water and groundwater resources are also important to agricultural use of land surrounding Melbourne. However, as Victoria becomes warmer and drier, there will be less run-off entering rivers, streams and dams, and reduced groundwater recharge. This decrease in rainfall and reduction in water availability will have consequences for agriculture. Protecting agricultural land that has secure supplies of water and existing infrastructure

will become increasingly important to mitigate the risks of reduced water availability.

This paper proposes to develop a new planning overlay applicable to food-producing areas with access to secure water supplies and irrigation infrastructure. The proposed new overlay would be designed to align with and support the policy intent of Clause 14.02-3S (Protection of declared irrigation districts).

The purpose of the overlay would be to:

- identify and protect areas with secure water resources for agricultural uses
- provide certainty that these areas will continue as key agricultural areas into the future
- protect areas of significant water infrastructure investment
- limit non-farming and incompatible uses that would restrict ongoing productive use of the land for agricultural purposes
- protect buffers of identified areas from encroaching sensitive uses such as dwellings to ensure agricultural activities continue without restrictions
- facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements.

In the first instance, the new overlay could apply to irrigation districts with defined boundaries, including Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. A process to guide application of the overlay to other areas could also be developed. Such an overlay would ensure all agricultural areas currently serviced by recycled water can be properly protected in the planning scheme. As new irrigation districts are established and alternative water use for food production is expanded, the overlay could be extended to these additional areas as they emerge over time.

Options

Introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure. The purpose of the overlay would be to:

- identify and protect areas with secure water resources for agricultural uses
- provide certainty that these areas will continue as key agricultural areas into the future
- protect areas of significant water infrastructure investment
- limit non-farming and incompatible uses that would restrict ongoing productive use of land for agricultural purposes
- protect buffers of identified areas from encroaching sensitive uses such as dwellings to ensure agricultural activities continue without restrictions
- facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements

In conjunction with the development of a new overlay, establish a process to determine where the new overlay should be applied. In the first instance, it is proposed to apply the overlay to irrigation districts with defined boundaries, including the Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. There is potential to cover further areas once a clear process and criteria for its application are confirmed.

3.2.4 Strengthening referral and notice requirements

For the majority of planning permit applications, council has discretion to refer or notify the application to other agencies or third parties, depending on the relevant planning officer's assessment of its potential for material detriment (i.e. potential to adversely affect a person's use or enjoyment of their land). When an application is assessed as having, or likely to have, potential impacts on surrounding land uses, it is important that relevant agencies and third parties are consulted.

The key purpose of the referral process is to give a person or body whose interests may be affected by a permit application, the opportunity to advise the responsible authority whether a permit should be granted.

The *Planning and Environment Act 1987* provides for three potential types of third parties in applications for planning permits:

- 'determining referral authorities' who have veto power and to whom council must send a copy of the permit application
- 'recommending referral authorities' who can provide recommendations only but must also be sent a copy of the application
- 'affected persons' who are sent a notice about the application — these persons are typically neighbours but can also be agencies or other entities specified in the planning scheme for certain applications.

Planning for Melbourne's Green Wedges and Agricultural Land

Some of the key referral authorities specified in Clause 66 (VPP) who are consulted for a permit application, are:

- water supply authorities and catchment management authorities are determining referral authorities for applications in Special Water Supply Catchment Areas
- EPA Victoria is a determining referral authority for anything requiring a works approval, licence or licence amendment under the Environment Protection Act 1970
- the Minister for Agriculture is a determining referral authority for any application to use or develop land for a cattle feedlot
- the Secretary to the Department administering the *Water Act 1989* is a recommending referral authority for renewable energy facilities located within a declared irrigation district.

Given the elevated risk of land use conflict between farming and non-farming neighbours, strengthening referral and notice requirements for areas with intensive agricultural activity could be considered for applications relating to:

- uses that require a planning permit in protected irrigation districts and their associated buffers

- land identified as having potential for access to alternative water in the future.

Expert advice from water authorities and catchment management authorities on these applications will assist councils to consider:

- the compatibility of the proposed use or development with existing or potential access to water resources and
- whether the proposed use or development will adversely affect future development or expansion of recycled water infrastructure.

Option

Ensure water authorities have a clear role in the decision-making process for applications to use or develop land in protected irrigation districts or in non-urban areas identified as having potential for access to alternative water in the future.



3.2.5 Supporting agricultural diversification, value-adding and innovation

Land uses underpinned by an agricultural activity can provide opportunities for income diversification and value-adding. This is recognised by the PPF, which ‘encourages diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing’ (Clause 14.01-2S, VPP).

Such uses have proliferated in high amenity locations such as the Yarra Valley and Mornington Peninsula, where wine production has been combined with restaurants, tourist accommodation and other visitor experiences.

However, the success of such value-adding in these areas also poses significant risks to the ongoing agricultural use of land. Demand for a rural lifestyle, shops and tourist accommodation may drive change in land use in these areas, potentially inflate land values above its productive value and could hinder commercial agriculture. There is a risk that only the agricultural activity that maintains the area’s amenity and rural ‘brand’ is maintained, while commercial agriculture is displaced. A balance is required to ensure that on-farm diversification does not exceed a level beyond which agriculture becomes a subordinate use of the land.

Farm gate sales

The sale of primary produce through farm gates is one of the most traditional ways farmers sell their produce. Farm gate sales give farm businesses a direct link to their customer base and a viable direct route to market for their produce. Research into Australian food purchasing consumer trends indicates there is increased public interest in buying local artisan products, supporting local communities and industries, making healthy food choices and reducing environmental and carbon footprints (Woodburn 2014).

Findings from our Phase 2 consultations, as well as direct feedback from farmers to both state and local government, suggest there is scope to reform current planning provisions on farm gate sales.

Farm gate sales – referred to in the planning scheme as ‘Primary produce sales’ – is currently restricted to primary produce grown on the land or adjacent land, and may include the sale of processed goods made substantially from the primary produce.

In the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone, no permit is required for ‘Primary produce sales’ providing:

- the use is not within 100m of a dwelling in separate ownership and
- the area used for the display and sale of primary produce does not exceed 50m2.

These conditions are designed to ensure that the as-of-right use is not too large in building footprint, is not poorly sited and minimises potential for adverse amenity impacts. If the use does not meet these conditions, the requirement for a permit is triggered in these zones.

Planning changes to broaden and promote primary produce sales may assist farming activity and remove unnecessary red tape. However, care must be taken to ensure the right balance is struck and to avoid farm gate sales from becoming de-facto retail shop operations, which are not appropriate uses of rural land.

Options

Update the definition of ‘Primary produce sales’ to:

- allow sale of ancillary goods (such as crackers and bottled drinks) to be consumed with the primary produce (e.g. cheese or strawberries)
- allow sale of produce from land held in one ownership to support farms comprising divided holdings in the same ownership
- allow a percentage of produce sold to be sourced from local producers within 5 km of the use.



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Host farms

A 'Host farm' is defined as 'an agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes' (Clause 73.03, VPP). The purpose of host farms is to accommodate people for education, tourism or a visitor experience, such as students who visit to learn about agricultural production.

There are two major issues with the current definition of 'Host farm':

- it is unclear on the extent to which this use must be linked to agricultural use of land
- the definition is silent as to what is an appropriate scale of a host farm (e.g. the number of bedrooms within a host farm).

A balance between preserving environmental values while supporting value-added tourism activities is needed, and a lack of guidance on this could detrimentally affect agricultural areas.

Concerns have been raised that proponents can seek development permits for this land use with limited justification and limited evidence of productive agricultural enterprise. Previous consultation undertaken with local government during Phase 1 has highlighted that the current definition of 'host farm' enables proponents to justify development of commercial accommodation in green wedge and peri-urban areas.

It is proposed to clarify the definition of 'host farm' to emphasise its close connection to ongoing productive agricultural use of the land.

To further support host farms as a means to value-add to existing productive farms, this land use could be changed to an as-of-right use on the condition that the scale of the development is restricted to accommodate 10 people at any one time. A similar threshold currently applies to bed and breakfast accommodation, which is an as-of-right use when limited to 10 people. If this condition for a host farm is not met, the use will require a permit.

Options

- Amend the definition of the land use term 'Host farm' to require a direct link to an 'operating agricultural property'.
- Move 'Host farm' to a Section 1 (as-of-right) use in the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone, providing it is undertaken in conjunction with agriculture and accommodates no more than 10 people away from their normal place of residence at any one time. If these conditions are not met, the use will require a permit.
- If the Host farm is within 100 km of Melbourne, the use must be in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.



3.3 Managing use of green wedge and peri-urban land

As Melbourne continues to grow, pressure to accommodate urban uses of green wedge and peri-urban areas will increase. Urban uses of these areas can be problematic for various reasons:

- their use, scale and form may be inconsistent with the preferred non-urban roles and values of these areas
- these uses may be more suited to urban areas where existing infrastructure and services are accessible
- some urban uses are more suited to mixed use or residential environments where choice of transport, such as walking, cycling and using public transport, is available
- there are risks due to natural hazards, such as bushfire, and a clear responsibility for planning to limit the potential loss of life due to inappropriately located development.

The green wedge and peri-urban region extends across vast and diverse landscapes. Proposed land uses and associated development outcomes that are considered appropriate in one area may be inappropriate for another. For this reason, identifying the roles and values of these different areas across the region is vital.

A decision about what is appropriate use or development in a given area can be improved by considering the context and location of the relevant site. The inclusion of these factors for consideration would also promote integrated management of these important areas.

Section 3.1 of this paper discussed the value of developing regional policies for key regional features and assets of the green wedges to enhance alignment of state and local government planning policies.

This section focuses on the following three key areas:

- the urban-rural interface
- current and future infrastructure needs of the population
- discretionary uses of land in green wedge and peri-urban areas.

3.3.1 Managing the urban-rural interface

Land at the interface of urban areas and rural land tends to be highly contested and is most pressed to accommodate land uses to service an urban population. Conflicts often arise because land parcels are larger in size and more affordable relative to urban land, and there is ever-increasing market pressure to convert rural to urban uses.

Pressure for urban expansion has contributed to the degradation of some green wedge and peri-urban locations adjoining the UGB, where land is often not properly managed in the hope of possible future urban expansion. Speculative land banking has also occurred, in which otherwise useful or productive rural land has been left idle, resulting in a range of negative outcomes (e.g. invasive weed species, domestic animal problems, rubbish dumping). In some cases, such banking has had deleterious effects on surrounding land and habitats that are still being used for agricultural and rural activities.

The planning and design of urban areas and rural land have historically been undertaken as discrete tasks without adequate attention to how urban development abutting rural land should interact (and vice versa). Local government planning authorities have struggled to resolve tensions at this interface, particularly as the primary pressures are the result of regional or metropolitan forces. In the Westernport GWMP, Casey City Council attempted to manage this tension by examining how the permanent edge of its metropolitan area may be more recognisable and attractive through better definition and design, rather than just be a 'temporary, line-on-a-map' boundary.

An integrated region- and/or metropolitan-level response that acknowledges and plans for these interfaces can assist councils and improve consistency of management and decision-making across the green wedges. In proposing a region-based strategic planning model for green wedges (see Section 3.1 of this paper), a policy response to manage the urban-rural interface should be included in the process to develop regional LUPs (Action 1, Plan Melbourne).

The development of clear and strategic policy guidance on land use and development in these interface areas will support the Victorian Government's commitment to maintain the integrity of the UGB, promote policy certainty for decision-makers and reduce expectations that green wedge and peri-urban land is 'urban land in waiting'.

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Figure 5 Example of a 'hard' edge between urban and green wedge land (Hillside, north-west Melbourne)

Options

- Provide planning practice guidance for local authorities on how to consider and direct planning for urban-rural interface areas.
- Provide guidance on preferred transitional land uses for land at the urban-rural interface and provide urban design guidance that supports a permanent edge and buffer to the urban area through region-level strategic policies (see proposed regional policy for green wedges, Section 3.1).
- Introduce conditions in land use zones for particular uses, such as public open space or uses serving urban populations (e.g. schools, places of worship and infrastructure), to be located in transitional locations only.
- To improve transition between rural and urban land use, introduce the ability to apply other rural zones more suited to the roles and land conditions of particular locations (e.g. Rural Living Zone, Farming Zone), provided the minimum green wedge subdivision provisions are retained.

3.3.2 Planning for future infrastructure and energy needs

State policy recognises the importance of green wedges and some peri-urban areas in the provision of significant state and regional infrastructure, such as airports, quarries, waste and resource recovery centres, water treatments, energy and utilities. These facilities provide important services for the population and are vital to the ongoing functioning of the city and state.

The core planning challenges of such infrastructure relate to where these facilities are to be located and how planning controls can be applied to ensure their safe and ongoing operation. These challenges will require work across different areas of government to provide integrated and coherent responses that anticipate future needs. It is also possible that land with potential for infrastructure competes with land use for agriculture. Therefore, while this paper does not propose any options for the planning of these uses, they are important to discuss in the context of planning for the green wedge and peri-urban areas.

This section outlines the planning challenges posed by the following potential infrastructure in our green wedges and peri-urban areas:

- waste and waste recovery facilities
- extractive industries
- renewable energy generation and facilities.

Waste and resource recovery

The green wedge and peri-urban areas of Melbourne have historically accommodated many of Victoria's waste and resource recovery facilities. Landfills and recycling infrastructure often require land with appropriate buffers to separate activities from other sensitive land uses, such as residential use. These sites represent significant investments in ensuring Victoria has the capacity to live sustainably, repurpose recyclable material and avoid unnecessary extraction of virgin resources elsewhere.

The recently released *Recycling Victoria* policy and action plan sets a range of ambitious goals and targets to improve recycling outcomes in Victoria. This includes diverting over 80 per cent of Victoria's growing waste from landfill by 2030 and working with the Australian and other state governments to ban the export of waste materials.

Meeting our recycling targets and transitioning away from exporting our waste material means that we must process more recycled materials locally, which will require more appropriately located recycling and material processing infrastructure.

The *Victorian Recycling Infrastructure Plan* (VRIP), formally the *Statewide Waste and Resource Recovery Infrastructure Plan*, provides a roadmap for the waste and recycling infrastructure Victoria needs to safely manage our growing waste streams and to increase the amount of this waste we recycle. It also identifies hubs of State significance, which provide critical recycling services to the Victorian community.

Provision of these services needs to be balanced with the protection of natural assets to ensure sustainable and reliable waste and resource recovery infrastructure that minimises further development within natural areas.

Appropriate locations for waste and recovery infrastructure need to be identified and safeguarded, including those which are already in operation where they make a significant contribution to our resource recovery capacity. Options to repurpose suitable land, such as former extractive sites, in green wedge and peri-urban land should be explored, so this important infrastructure can continue to be accommodated.

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Extractive industries

Green wedge and peri-urban areas contain a number of existing quarries as well as areas of extractive resources with potential for future development.

Extractive industries are integral to the growth and liveability of Melbourne and the State of Victoria. Relative to 2015, Melbourne's demand for mineral and stone resources is expected to more than double by 2050 to over 100 million tonnes (Department of Economic Development, Jobs, Transport and Resources, 2018). Demand for these resources is driven by sustained growth in residential construction and major infrastructure projects, such as Fishermans Bend and the Metro Tunnel. To minimise the cost of infrastructure projects, it is important that these resources are located close to where they are needed. Failure to ensure a sufficient supply of extractive resources proximate to our growth areas and infrastructure projects – particularly in Melbourne – will likely increase project costs.

The importance of protecting and carefully planning for these vital resources is recognised in Plan Melbourne and in Clause 14.03-1S (PPF). The protection of these resources must also be balanced with the potential impacts of extractive operations on local amenity and other important land uses.

Extractive Industry Interest Areas (EIAs), which were established in the 1990s by the Geological Survey of Victoria, are used to define areas of extractive resource potential. However, the identification of EIAs has not protected these areas from competing land use pressure.

The Victorian Government's 'Helping Victoria Grow: Extractive Resources Strategy' (2018) has identified the need to refresh EIAs. In addition, work is underway to identify and secure Strategic Extractive Resource Areas (SERAs) which contain extractive resources of strategic significance for Victoria's future needs.

Planning for SERAs aims to secure strategically important resources as well as protect existing operations by preventing encroachment of incompatible uses. Similar to some agricultural activities, quarries can conflict with surrounding sensitive land uses. Planning controls designed to minimise potentially incompatible land uses in SERAs would complement the use of land for agricultural purposes. Within quarry buffer areas, many

agricultural uses are considered complementary activities and are encouraged.

Renewable energy generation facilities

To meet the challenges of climate change, the Victorian Government is committed to accelerating the development of well-sited and well-designed renewable energy generation facilities in Victoria. This will help reduce emissions, create jobs, and put downward pressure on energy prices, while meeting legislated generation targets.

The government recently amended all of the state's planning schemes to introduce new requirements for renewable energy facilities. It also released the Solar energy facilities design and development guidelines (DELWP 2019) to guide development of, and granting of a permit for, large-scale commercial solar farms. Renewable energy generation facilities currently require a planning permit in the green wedges (with the exception of wind energy facilities). While these facilities could potentially lead to land use conflicts and concerns that they run counter to desired planning outcomes for green wedge and peri-urban areas, the guidelines balance these concerns with opportunities to realise economic and environmental benefits.

Renewable energy generation facilities offer opportunities for using land for future infrastructure services while remaining compatible with green wedge and peri-urban values. Site selection and local context is key in this regard. There may also be opportunities to re-use sites where amenity has been adversely affected (e.g. redundant landfills) for renewable energy generation.

3.3.3 Managing discretionary uses

The zones applicable to land across the green wedge and peri-urban areas of Melbourne categorise land uses into three types:

- Section 1 uses, which are 'as of right'
- Section 2 (discretionary) uses, which require proponents to seek a planning permit
- Section 3 uses, which are prohibited.

As-of-right uses are preferred primary land uses, while discretionary uses are considered appropriate when the proposal is considered to have satisfied the conditions prescribed in policies and planning controls of the planning scheme.

There are a considerable number of discretionary uses that are permitted on rural zoned land in green wedge and peri-urban areas, subject to approval. Most of these uses are relevant and appropriate complementary uses that support the policy objectives and intent of agricultural, tourism, recreational, infrastructure, resource extraction and rural industry pursuits. However, regular review of the appropriateness of the conditions under which these uses are allowed is necessary to achieve the broader objective of protecting and enhancing green wedge and peri-urban values.

Currently, state and local policy directions and planning controls seek to manage the location of discretionary land uses through evaluation of various – at times competing – considerations in state and local policy.

The key measures for managing discretionary use and development in rural zones applying to green wedge and peri-urban land include:

- decision guidelines and conditions for specific uses
- managing the scale of development or linking it to preferred primary land uses through the 'in conjunction with' test
- managing ancillary use
- requiring a minimum lot size for a use to be considered for permit approval
- considering any identified separation distances ('buffers') to protect the ongoing operation of significant agricultural use.

These measures are intended to uphold the primary objectives and strategies of the relevant zone for the land.

It is generally agreed that land with extensive open space requirements that is used for outdoor recreation, such as golf courses and sports training facilities, can be appropriately situated in some green wedge locations rather than occupy scarce land close to transport and services within the UGB. However, population growth and pressure for more intensive use of urban land brings with it a demand for a greater range of urban uses of green wedge land that would arguably be more appropriate in an urban environment.

Proximity to Melbourne and well-developed tourism and visitation assets in select areas make them attractive and convenient destinations and have contributed to increased visitation and demand. This trend is further driven by population growth and state policy to encourage Victoria's visitor economy. Demand for tourism and visitation is most prominent in the green wedges of the Mornington Peninsula, Yarra Valley and Dandenong Ranges and more specific locations elsewhere.

Options that support tourism businesses and promote new tourism products are vital for the state's economy as well as for local communities of many green wedge and peri-urban communities. However, a balance must be struck between servicing a visitor economy, ensuring productive land uses such as agriculture and rural industries, and protecting amenity, biodiversity and environmental values.

In its review for this consultation paper, the Department considered the broad classes of use across the study area. Some land uses have been identified as not requiring current reform, as they are deemed to satisfactorily realise state policy objectives – these include agricultural uses, rural industry, leisure and recreation and food and drink premises.

This section discusses some of the more contentious discretionary uses of Melbourne's green wedge land and peri-urban areas, and the challenges of determining their 'appropriateness' in these areas. These discretionary uses include:

- educational facilities
- places of assembly – a land use where people congregate for religious, spiritual or cultural activities, entertainment or meetings. This paper specifically considers 'Places of worship', 'Halls' and 'Exhibition centres'.
- certain accommodation uses
- food and drink premises
- use of land for data centres.

While the options presented below primarily aim to increase protection of Melbourne's green wedges, there is opportunity to further expand the controls to the peri-urban area.

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Educational facilities

Following a 2013 amendment to rural zones (VC108), primary and secondary schools became discretionary uses of land in rural zones applicable to green wedge and peri-urban land. Since this amendment, there have been 39 permit applications for new schools on rural green wedge land – 85 per cent of these applications have been appealed to the VCAT.

These uses often require large areas of open space for sports and recreation facilities. Buildings and grounds for primary and secondary schools need to be of sufficient scale to be commercially viable and to accommodate students and staff. Their scale often introduces significant built-form outcomes in the rural landscape that has potential to be inappropriately large and obtrusive.

State planning policy on education facilities (Clause 19.02, PPF) seeks to ensure that these facilities are located to maximise access by public transport and safe walking and cycling routes. When these facilities are located in green wedge and peri-urban areas, they can be remote from public transport, sustainable active transport options (e.g. walkable catchments) and from necessary infrastructure and services. Furthermore, these uses promote a significant amount of traffic and people movement, including children reliant on private vehicle travel.

Primary and secondary schools are also sensitive uses that:

- can conflict with many productive rural uses of land
- require significant modification of the natural environment
- can potentially introduce a significant number of people to incompatible land uses and natural hazards – particularly in areas of agricultural production, environmental significance or bushfire risk.

Options

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that primary and secondary schools must be located adjacent to the UGB and adjacent or have access to, a road in a Road Zone
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit schools in high bushfire risk areas (i.e. areas subject to the Bushfire Management Overlay)

Places of worship

Prior to the 2013 amendments to rural zones (VC108), places of worship were a prohibited use in green wedge zones. Following the amendments, these places became discretionary uses without conditions to manage location, relationship with rural land use, and the size and scale of the use and development.

More recently, a range of faiths and cultures have sought to establish community facilities in relatively remote locations where land is relatively affordable and can accommodate large gatherings without causing nuisance. Since 2014, there have been 34 applications for new places of worship on rural land across the green wedges.

Applications for places of worship in Melbourne's green wedges have caused a degree of concern – nearly 40 per cent of all permit applications for new places of worship in the green wedges have been appealed to VCAT. Some stakeholders consider the introduction of these uses, and the number of proposals and projects since its introduction, to have:

- eroded green wedge and peri-urban values, character and landscapes
- resulted in loss of productive agricultural land
- created conflict between urban and non-urban uses of land.

Recent experience with a number of proposals for places of worship in the green wedges have presented the government with an opportunity to consider how conditions that manage the size, scale and location of such use and development can be introduced.

Places of worship are also sensitive uses that can conflict with many productive rural uses, involve significant modification of the natural environment and potentially introduce a significant number of people to natural hazards if situated in areas of agricultural production, environmental significance or bushfire risk.

These uses also promote a significant amount of traffic and people movement that can strain infrastructure and risk negative effects on the rural amenity of areas.

The committee concluded there may be merit in further clarifying the definition of 'Hall' and introducing conditions of use to manage its location and scale. Simply mirroring the conditions that apply to Function centres with regard to minimum lot size requirements and maximum patron capacity offers the simplest approach (i.e. a maximum number of patrons specified in the schedule to the zone, or 150 patrons, whichever is the lesser).

Options

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that places of worship must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit places of worship in high bushfire risk areas (i.e. areas subject to the BMO).

Halls

A 'Hall' is classified as a place of assembly and is generally considered a community space. This multipurpose space often has a range of diverse ancillary public uses.

While halls in green wedges do not attract land use conditions or development design standards – unlike function centres, which must satisfy the 'in conjunction with' test, minimum lot size requirements and maximum patron capacity – these spaces have potential significant impact on green wedge and peri-urban values. Yet, as Melbourne's population continues to grow, demand for such facilities will increase, as will the likelihood that green wedges are considered the ideal location for them.

In 2018, a number of submissions to the Land Use Terms Advisory Committee called for clarity in the definition and role of halls, given that they often serve the same purpose as a function centre and yet are treated differently in Green Wedge and Green Wedge A Zones.

Options

- Develop and implement a land use definition of 'Hall' in Clause 73.03 (Land use terms, VPP). One option is to define 'community hall' to differentiate those uses that provide community support services and activities for a local area from those activities that are purely commercial.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use for halls that mirror the minimum lot size and maximum number of patron requirements applicable to 'Function centre' in the Green Wedge Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit halls in high bushfire risk areas (i.e. areas subject to the BMO).

Exhibition centres

The planning scheme defines an exhibition centre as 'land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts' (Clause 73.03, VPP). Exhibition centres are a discretionary use in the Green Wedge Zone and Green Wedge A Zone, while remaining a prohibited use in the Rural Conservation Zone.

When appropriately sited and developed, exhibition centres can significantly benefit cultural experiences of the rural environment. The main challenge for such use of land is its potential for overdevelopment, as it introduces a significant number of patrons into a rural environment with the attendant issues of a considerable influx of visitors. As with issues affecting places of worship and halls (discussed

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previously), there is a risk that exhibition centres can strain local infrastructure and detract from the area's rural amenity.

In addition, these uses are often proposed in conjunction with other ancillary uses (e.g. a café or restaurant) to complement the operations of the exhibition centre, potentially increasing the number of visitors.

To improve consistency of approach to other similar uses involving a congregation of people, an option is to apply conditions of use in the green wedge zones to manage the scale of use of land for exhibition centres.

Options

- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use for exhibition centres that restrict the number of patrons to a maximum total of 150 at any one time.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit exhibition centres in areas of high bushfire risk (i.e. areas subject to the BMO).

Certain accommodation uses

Tourism, visitor economy and certain residential building land uses, such as bed and breakfasts, hotels, group accommodation, host farms and camping and caravan parks, contribute to the productive functions and enjoyment of green wedge and peri-urban areas. Such uses often complement primary land uses and are a fundamental component of identified roles and values of green wedge and peri-urban areas.

As has been highlighted throughout this consultation paper, Melbourne's green wedge and peri-urban areas serve multiple purposes and policy objectives. The protection of agricultural land and maintenance of natural systems must be balanced with accommodation uses that serve the tourism and visitor economy.

Currently, there are conditions on a number of accommodation uses that link them to preferred primary land uses, such as Agriculture, Natural systems

or Winery via the 'in conjunction with' test. However, there are other accommodation uses – such as 'Group accommodation' and 'Residential hotels' that currently do not have this condition applied to them.

In addition to conditions on its location, conditions for accommodation use in green wedge zones seek to manage the size and scale of some accommodation uses by limiting the total number of people who can be accommodated at any one time. For example, a 'Residential hotel' in a Green Wedge Zone is limited to 80 bedrooms, or a number specified in a schedule to the zone, whichever is the lesser. However, similar limits on the number of accommodated people or number of bedrooms are not applied to the same uses in the Rural Conservation Zone.

There is an opportunity to improve the consistency of conditions of use to control the scale of accommodation use in green wedge and peri-urban areas to reduce confusion and provide greater certainty. The 'in conjunction with' test has proven effective: proponents and decision-makers understand that while accommodation uses can be a necessary and integral part of the fabric of green wedges and peri-urban areas, their indiscriminate use without a genuine, close and continuing functional relationship with preferred primary land uses is inappropriate in productive rural areas.

Options

Amend the Rural Conservation Zone to insert conditions of use for 'Group accommodation' and 'Residential hotels' to be consistent with Green Wedge Zone and Green Wedge A Zone (i.e. minimum lot size requirements, maximum number of bedrooms/dwellings, 'in conjunction with' test).

Camping and caravan parks

Camping and caravan parks have operated in green wedge and peri-urban areas of Melbourne for many decades. These uses provide a relatively cost-effective option for visitors to experience these regions and connect with the natural values of the area.

While the benefits of these uses are well understood, it has become apparent that disbenefits can and have resulted from the way certain camping and caravan parks have been allowed to establish and function within green wedges. There is concern that such land uses have introduced long-term residential settlement that is inconsistent with the original intent of short-term visitor accommodation. This 'de facto' residential settlement is also contrary to state and local policy intent to limit the extent of residential settlement in non-urban green wedges.

It is notable that while many other uses nested under 'Accommodation' (e.g. 'Motel' and 'Residential hotel') in the planning scheme refer to land used to provide accommodation for persons away from their normal place of residence, 'Camping and caravan park' is not subject to such a requirement.

Recently, DELWP's Building Policy Division held a public consultation on reforms to the registration requirements for caravan parks under the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010, which are made under Part 14 of the Residential Tenancies Act 1997. A discussion paper released in May 2019 sought comment on the proposed introduction of registration categories for caravan parks that reflect the diversity of types of parks and, specifically, on the following categories of registration:

- **bush/primitive** – short-term camping and caravan sites with basic or no facilities
- **tourist** – traditional commercial caravan parks with no residents
- **mixed use** – both short-term (under 60 days) holiday sites or cabins and long-term (60 days or more) residents
- **residential** – resident sites only, all with self-contained dwellings.

Once the Building Policy Division has finalised classification of camping and caravan parks, planning authorities will have greater opportunity to articulate the types of camping and caravan parks that are appropriate in Melbourne's green wedge and peri-urban areas and set appropriate conditions in the planning scheme.

Options

- Amend Clause 75.03 (Land use terms) VPP to reflect new categories of camping and caravan parks in line with changes to the registration categories under the Residential Tenancies Act 1997.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to establish conditions of use that permit 'Camping and Caravan Parks' only when such use falls within 'bush/primitive' or 'tourist' categories.

Food and drink premises

Local and international food and wine tourism is a significant element of tourism in green wedge and peri-urban areas, and substantially contribute to the ongoing success and enjoyment of Melbourne's hinterland. Supporting these uses delivers on economic development objectives and offers opportunities for businesses and landowners to add value and capture the benefits of a well-developed visitor economy.

However, to ensure their sustainability, it is vital to ensure the development outcomes of these types of use continue to respect and contribute to the amenity and character of green wedges.

The provisions relating to food-and-drink-focused uses of land (e.g. restaurants) that are applicable to green wedge areas (Clause 51.02 [VPP], Green Wedge Zone and Green Wedge A Zone), limit their scale by requiring that the number of patrons permitted in such a premise does not exceed 150, or a number specified in a schedule to the zone, whichever is the lesser.

While some stakeholders consider this an unfair imposition of what appears to be an arbitrary threshold that limits the viability of some proposals, the mandatory requirements in the provisions strike the right balance between facilitating use of land for tourism and visitation while appropriately managing the effects of such use and development on the landscape and on preferred primary land uses. The question to be asked is whether such thresholds – employed currently in a few zones – should be extended to other rural zones in green wedge and

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peri-urban areas, such as the Rural Conservation and Farming zoned land within 100 km of Melbourne.

By judiciously applying conditions that tie food and drink premises to the preferred primary land uses through the 'in conjunction with' test and conditions limiting their size and scale (e.g. maximum patron capacity and minimum lot size requirements), the potential threat posed by these land uses to irreversible loss of rural land can be managed.

Soil and earth storage ('clean fill')

Increased levels of private and public investment have generated a significant volume of excavated earth that needs to be stored, reused or disposed. This is a state-wide issue that is compounded in green wedge and peri-urban areas due to proximity to metropolitan Melbourne.

The *Recycle Victoria* policy seeks to recycle and re-use waste and divert it away from landfill. Repurposing soil materials can also be used to create a range of products such as engineering fill, sub-base, sands, gravel and landscape material. This repurposing should be encouraged where possible.

'Clean fill' soil disposal in some situations can also improve amenity outcomes if done properly, such as refilling extractive sites, levelling land.

However, the filling of land can have damaging effects on environmental and landscape values. If not appropriately managed, disposal of fill material has the potential to pollute waterways, contaminate groundwater, give rise to geotechnical issues and erosion management problems, compromise native vegetation and cultural heritage values and result in visual impacts upon the landscape values. The filling of land can result in loss of otherwise productive agricultural farmland.

Except for the City of Hume's Green Wedge and Green Wedge A Zones, no permit is required for proposals to move and deposit soil on a site as a primary land use, unless the proposal has specific environmental impacts (e.g. changing the rate of flow of water). In some areas, overlays can provide limited control, however the issue of filling is secondary to the key requirements of the overlays.

While existing planning and environmental legislation can be employed to address some of these issues, resolving the broader issue of soil and earth storage in our planning system will require a state-wide approach (in conjunction with the EPA Victoria). This work is beyond the scope of this paper and the EPA Victoria will provide further guidance closer to commencement of the new *Environment Protection Amendment Act 2018* (due to commence on 1 July 2021).

Data centres

In August 2019, the Minister for Planning approved amendment VC159 to introduce a new land use term, 'Data centres'. A data centre is a physical facility in which computing and networking equipment is concentrated for the purpose of collecting, storing, processing, distributing or allowing access to large amounts of data. The introduction of this land use term was a response to emerging land uses that include facilities such as server farms for cloud computing and/or data storage and power services.

This land use is nested under 'Utility installation' (Clause 78.04, VPP) and is therefore a discretionary use in all green wedge zones. These kinds of facilities have the potential to occupy a large area of land. In addition, their appropriateness in, and effects on the values and priorities of, green wedge and peri-urban areas are also in question.

It is worth considering whether the planning system should be clearer about the appropriateness of these land uses on green wedge and peri-urban land. If it is determined that they are appropriate, given their potentially large built forms and development outcomes, the question may then be whether particular conditions should be introduced to ensure that they are appropriately sited and managed.

Options

- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to prohibit data centres or, alternatively,
- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to introduce a condition that requires data centres to be located adjacent to residential, commercial or industrial zoned land.



04

Improving the design of development in green wedges

The quality of the public and natural realm is vital to the character and role of green wedges. Valued landscape characteristics and features can be threatened by obtrusive development that is insensitive or mismatched to the characteristics of its surroundings. The way buildings and development are sited and designed affects the appearance, image and character of a place. In addition, it can substantially compromise safety and impact on the environment, as well as the viability of adjacent agricultural land uses.

The planning system controls the design of developments through a range of measures:

- local plans and policies that seek to further clarify the desired outcomes of built form through policy objectives, guidelines or specific standards of development (e.g. Design and Development Overlays and Significant Landscape Overlays that outline specific design guidelines in locations where councils have sought to set clear objectives and outcomes)
- thresholds within zones that require conditions of use to be met before a permit is issued, such as seating capacity, minimum lot sizes and the maximum number of rooms for accommodation uses
- decision guidelines for zones that ensure the design and siting of a proposed development are aligned with identified landscape values, public realm characteristics or policy objectives relevant to the proposal.

Pressure for urban uses of land has resulted in large – in some cases, tall and bulky – buildings that have no or little association with agriculture, rural industry or other rural uses, seemingly in random locations and/or spread over the landscape in a manner that detracts from a non-urban area. The impacts of such development often include vegetation removal and extensive hard-surfaced parking areas built to either facilitate development or to meet natural hazard requirements (e.g. bushfire planning provisions).

A need for stronger and clearer guidance and certainty through state planning policy on the appropriate size, scale, siting and design of land use and development in Melbourne's green wedge areas has been identified. Such guidance can enhance consistency in the planning and management of development in these areas, and improve clarity and confidence in the planning system for planning authorities and landowners.

Requirements for effective and sensitive design are an opportunity to implement the 'agent of change' principle where the agent proposing the development must also be responsible, through its design, for minimising impacts of a proposal on existing agricultural use of land.

This chapter discusses the design elements that can inform appropriate development and presents options for implementing design standards. How these guidelines are applied may vary from instance to instance, but it is intended that design requirements are applied to development associated with discretionary uses such as residential development in the first instance, as opposed to primary and preferred land uses, such as agriculture.

4.1 Implementing design and development guidelines

Based on stakeholder consultation and technical work, DELWP has prepared preliminary design guidelines to assist decision-makers and clarify what is appropriate development in Melbourne's green wedge areas. These preliminary guidelines propose design requirements for development associated with discretionary uses and include fundamental design standards that can be implemented through core planning provisions (zones and particular provisions). It is proposed that the design guidelines and any changes to the VPPs would only apply to land within green wedges areas.

The design standards do not include specific requirements, such as numeric standards, but rather offer guidelines on what is appropriate development design in green wedge areas. It is anticipated that a range of mechanisms could be used to implement the design standards and enable specific design requirements, such as setbacks and site coverage, to be implemented at a local level having regard to landscape characteristics of a particular area. The following options relate to the implementation of the design guidelines.

Options

- Introduction of a new planning practice note to assist responsible authorities assess development proposals on green wedge land.
- Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones.
- Update the form and structure of Green Wedge Management Plans (GWMPs) to require new or updated GWMPs to identify landscape typologies and detailed design guidelines. This would enable matters such as setbacks, siting and site coverage to be determined at a local level and could be used to inform changes to planning requirements.
- Introduce a new particular provision in the VPPs that contains design guidelines and standards for development in green wedge areas. The provision could outline relevant considerations, objectives and standards similar to existing provisions in Clauses 54, 55, 56 and 58 of the VPPs.
- Amend the schedule to Green Wedge zones to allow for matters such as site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses.

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4.2 Design requirements

We have identified 12 design elements with corresponding requirements and standards. The identified design elements, requirements and standards seek to ensure that development of land is informed by the site's context and location, the type of landscape within which it is set and any other preferred design outcomes applicable to the land.

There are a range of landscape types across the green wedges, including flat open plains, rolling hills, forested ranges, coastal environments, land constrained by urban development and land significantly modified from its natural condition by activities (e.g. resource extraction or landfill).

Having regard to landscape typology will ultimately inform the appropriate design of any proposed development. For example, identified high-level landscape typologies could be used to inform and improve design outcomes (see Appendix 7 for examples).

The government recognises that some councils have undertaken strategic work for their green wedge and peri-urban areas by identifying the particular landscape typologies in their rural areas and developing guidelines on appropriate design

outcomes for development in those areas (e.g. see Shire of Yarra Ranges' Vision 2020 by design). Further to this, many councils have implemented design and development controls for particular areas or precincts, using overlays such as Design and Development Overlays and Significant Landscapes Overlays.

There is scope to require landscape typology to be identified as part of the preparation of GWMPs. This will ensure that landscape typology can be developed at a local level and potentially be the basis of planning scheme amendments to specify side and rear setbacks, site coverage and building heights.

It is intended that the design requirements strengthen and complement existing local policy and enable greater consistency of decision-making across green wedge areas.

Some design requirements will apply generally across all land in green wedge areas, while others will be applied selectively depending on the landscape within which a proposed development is located. The following elements of design are used to determine the appropriateness of a development's built form, design, siting and its impact on amenity and landscape.



Element 1 – Green wedge character

What is the issue?

It is important to ensure that a proposal to use and/or develop land is appropriate in the landscape and aligned with the identified role and character of the area. Some developments in green wedge areas do not respond to their distinctive landscape setting and are inappropriate.

The setting of each landscape is different. The siting and design of building(s) need to respond to and protect and enhance the distinctive features and characteristics of the surrounding landscape.

Design response

The design response seeks to ensure the development responds to the applicable landscape typology of the area.

Objectives

- Protect and enhance the landscape character and values of a green wedge area.
- Respond to the features of the applicable landscape typology.

Design requirement

Development should respond to the surrounding landscape typology. All development proposals associated with discretionary uses in green wedge areas should demonstrate that landscape typology has been considered in the design of the development.

Element 2 – Site layout

What is the issue?

The setback of buildings from public vantage points can detract from sense of place and character of a rural environment. Buildings and structures that are sited too close to roads, boundaries, shared paths, parks and areas of public open space can have a detrimental impact on how a rural environment is experienced from the public realm. Inappropriate siting, combined with minimal landscaping, can result in development that is unresponsive to the character of the landscape.

Often a building or structure is sited without considering its impact on the visual amenity of the public realm and whether setbacks are consistent with those of neighbouring properties.

Design response

The design response seeks to ensure buildings and other structures do not dominate road frontage in their landscape setting by requiring that setbacks respond to the surrounding landscape typology. The retention or planting of vegetation is also emphasised, subject to it being responsive to the unique features of the applicable landscape typology.

Objectives

- Ensure that the setback of buildings and other structures from a road respects the existing landscape character of the green wedge area.
- Ensure buildings and other structures do not visually dominate the road frontage in their landscape setting.
- Minimise the visual impact of buildings and other structures on views from roads and key public vantage points.
- Ensure development is integrated with its landscape typology and setting.

Design requirement

The setbacks of development from roads and the public realm, and siting within the landscape should be informed by the identified landscape typology and setting, as well as the existing pattern of development in the area. The setbacks of development on adjoining and nearby properties should be used to assess the proposed siting of a development.

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Element 3 – Site coverage

What is the issue?

The amount of land converted from agricultural or natural systems to accommodate buildings and associated infrastructure can negatively affect a rural environment. Some developments in green wedge areas have extensive site coverage that does not respond to the existing context and location and require excessive clearing of vegetation. The result is that the development becomes a dominant feature of the landscape.

The cumulative effects of multiple structures or hardstanding areas scattered across a site can exacerbate the effects of site coverage. The overall development, including existing development, must be taken into account when considering the appropriate extent of site coverage.

Design response

The design response seeks to manage site coverage by requiring consideration of the landscape character, site features and extent of the site covered by development. Preferred site coverage will vary subject to landscape typology and the potential impact of the built form on the character of the landscape.

Objective

- Ensure site coverage of buildings and impermeable areas respects the existing character of the green wedge area, minimises loss of vegetation and responds to the landscape features of the site and surroundings.

Design requirement

The design requirements for site coverage should be informed by the applicable landscape typology and setting. Development should demonstrate that the area of the site covered by the building and impermeable area(s) will not adversely affect the landscape values of the area and respects the existing or preferred landscape character.

Element 4 – Building height

What is the issue?

Melbourne's green wedge area is characterised by a rural low rise environment. Across the landscape, hills and ridge lines can also have important cultural values that should be considered and impacts on these features should be reduced.

Occasionally, the height of buildings or structures – particularly on open and flat landscapes of green wedges – become unintended landmarks rather than blend with the landscape. This effect can be compounded by locating the building on prominent locations, such as ridge lines, skylines or prominent landforms.

Design response

The design response seeks to ensure the height of the building(s) responds to the surrounding landscape character and integrates with the site's topographical features and limitations.

Objectives

- Ensure that the height of building(s) responds to the existing character of the applicable green wedge.
- Integrate the development with the surrounding landscape and avoid its prominence in the skyline.
- Minimise the visual impacts of building(s) and their siting, design, height and bulk on the natural environment, major roads, vistas and water features.

Design requirement

The height of building(s) should respond to the character of its surrounding landscape and integrate with the site's topographical features, with taller forms located away from visually prominent locations.

Element 5 – Side and rear setbacks

What is the issue?

The siting of a development can adversely affect the amenity of neighbouring properties if it is located too close to the side or rear boundaries. Sensitive uses such as residential settlement, or accommodation sited close to farming activities, can be a source of conflict and adversely affect amenity for residents and visitors.

There is also concern that buildings and works too close to waterways and identified environmental features can be detrimental to cultural and natural values of important natural assets.

Development should always seek to prevent or mitigate potential amenity impacts on and from adjoining uses and properties, by retaining or planting boundary vegetation.

Design response

Issues relating to side and rear setbacks can arise largely from a lack of guidance in the VPPs. To bridge this gap, this guideline proposes minimum side and rear setbacks. Such requirements will both minimise potential amenity impacts on and from adjoining sites and enable the retention or creation of boundary planting.

Objective

- Ensure the siting of buildings is sensitive to neighbouring use and development.

Design requirement

The walls of the development(s) associated with discretionary uses should be set back at a sufficient distance from side and rear boundaries to minimise potential for amenity impacts and allow for retention and creation of boundary planting. The development(s), including supporting infrastructure, should be set back a sufficient distance from natural features such as waterways to minimise potential for environmental impacts.

Element 6 – Landscaping

What is the issue?

Landscaping that accompanies development in green wedge areas is vital to the character of the landscape. In many instances, it can harm an area's appearance and sense of place. For example, overplanting or planting of thick vegetation can progressively privatise views of highly scenic areas. In other instances, landscaping can soften and integrate the appearance of buildings and structures in the landscape.

Landscaping should respond to the typological and topographical features of a green wedge area. In significantly modified or cleared landscapes, it may be more appropriate to consider how a development can be an opportunity to remediate or improve landscape and environmental values.

Design response

The design response seeks to protect the predominant features and landscape typology of green wedges. It prescribes individual landscaping requirements – where appropriate – for each landscape typology.

Objectives

- Encourage development that respects the landscape character of an applicable green wedge.
- Encourage landscaping that resonates with the landscape typology of the applicable green wedge.
- Ensure that the dominant contribution to the character of the area is from vegetation and landscaping, not from buildings and structures.
- Protect existing vegetation.

Design requirement

The layout and design of landscaping should protect predominant features in the applicable landscape, consider soil type and drainage patterns of the site, allow adequate space for vegetation growth, maintain existing habitat and provide for new habitat for plants and animals.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the submission of the application.

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Element 7 – Detailed design

What is the issue?

The architectural style, choice of materials and finishes, and the size and scale of development are important to ensuring that built form responds to, and fits within, the existing character of the environment.

Insensitive choices on the form, style, colours, materials and other design details, such as urban style boundary treatments, can be inappropriate and detract from the appearance and character of rural landscapes.

Building design that amplifies light pollution and spill can also negatively affect wildlife and the character and amenity of rural areas. Conversely, buildings that are well positioned, respond to local topography, are of an appropriate scale with complementary materials and screening, can be welcome additions that contribute meaningfully to the landscape.

The design of buildings must be sympathetic and of a suitable architectural standard, with materials that are responsive to the surrounding character and environment. Where developments complement the overall character or sense of place, innovative designs are encouraged.

Design response

The design response aims to encourage architectural styles, built forms and choice of materials and finishes that respond to the existing character of the green wedge. To achieve this, development with sympathetic and/or innovative design and finishes in muted, earthy colours are encouraged. Secondary development, such as outbuildings, should be clustered near the primary development and designed to respond to the existing character of the surroundings.

Objectives

- Encourage architectural styles, built form and choice of materials and finishes that respond to the existing character of the applicable green wedge.
- Encourage boundary treatments that respect the existing character of the green wedge landscape.
- Limit light spill not directly associated with safety or community activity, so that impacts on nocturnal animals and on the night-time amenity of the landscape are minimised.

Design requirement

Developments should be sympathetic and/or innovative in design and finished in muted, earthy colours. Where fencing is proposed, this should complement the non-urban setting of the landscape and boundary treatments in the surrounding area.

Secondary development, such as outbuildings, should be clustered near the primary development and designed to respond to the existing character of the surroundings.

Element 8 – Sustainable transport

What is the issue?

Some land uses necessarily entail a high frequency of trips to and out of a location, and may be inappropriate in green wedge areas which are typically poorly serviced by public transport. A particular example is schools, which should be located where sustainable transport options are available.

The location of use and development that generates a high frequency of trips in a green wedge area should be informed by existing and planned public transport services, which are typically more accessible and frequent at the urban edge.

The Victorian Government is committed to reducing reliance on fossil fuels, reducing carbon emissions and maximising the use of existing public and sustainable transport. In line with this commitment, policy on the use and development of land should promote the creation of 20-minute neighbourhoods where residents can walk and access existing or planned public transport. This policy direction should also be extended to support decision-making about development in green wedge areas.

Design response

Issues of sustainable transport predominantly relate to the location of development and accessibility of public transport services. The design response seeks to address these issues by requiring that development likely to generate need for, or reliance on, public transport should be located near existing or planned transport services and adjoin, or have access to, a road in a Road Zone.

Objectives

- Minimise reliance on fossil fuels.
- Encourage sustainable modes of transport.

Design requirement

Development associated with uses likely to generate significant demand for public or sustainable modes of transport should be located in an area that is accessible to existing or planned public transport infrastructure and adjoin, or have access to, a road in a Road Zone.

Element 9 – Access

What is the issue?

New development in green wedge areas can require new or additional access points to the property.

Frequent and wide vehicle crossovers that require vegetation removal can be visually disruptive and detract from the public realm and character of green wedge environments. To maintain the character of these areas and ensure the safe operation of the local road network, the following should be minimised:

- the amount of vegetation that is removed to facilitate an access point
- the number of access points to a property
- the total width of crossovers and access points.

Design response

The design response seeks to ensure crossovers have minimal impact on the character of the green wedge area

Objective

- Ensure the siting of vehicle access and crossovers respects the character and safe operation of the local road network.

Design requirement

The total width of crossovers and access points should be minimised. The creation and location of crossovers and driveways should maximise retention of existing vegetation and be informed by traffic engineering advice.

The number of access points to a road should be minimised.

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Element 10 – Vehicle parking facilities

What is the issue?

A range of land uses permitted in green wedge areas can require a significant amount of space to accommodate visitors. Large expanses of car parks located next to roads with minimal vegetation and landscape setbacks can have a detrimental impact on the character of the rural environment.

The provision of parking facilities can also require significant vegetation removal and irreversible loss of agricultural or natural land through the creation of large hardstanding areas that retain heat and increase water run-off – often contaminated by vehicle excretions – into waterways and the natural environment.

Design response

To preserve the public realm and character of rural environments, the development should aim to:

- mitigate the disproportional effects of parking facilities on the public realm and character of rural environments
- minimise areas of extensive hardstanding.

The design response is to ensure that both the location and size of parking facilities are appropriate for the area, by limiting the visual impact of the facility when viewed from the surrounding public realm. Vegetation screening of the parking areas will be required, along with locating these areas to the rear of the site.

In addition, the guideline requires that the scale of the parking facility be minimised and, where extensive vehicle parking areas are proposed, these should be broken up into separate areas.

Objectives

- Limit the visual impact of vehicle parking areas when viewed from the surrounding public realm.
- Minimise the impact of vehicle parking areas on the character of the green wedge.

Design requirement

Parking facilities should be screened from public view with vegetation. They should be located towards the rear of the site, away from public roads and view.

The extent of vehicle parking areas should be minimised and, where extensive areas of vehicle parking are required, these should be either divided into separate parking areas or incorporate softening and screening elements (e.g. vegetation) within the area dedicated to vehicle parking.

Where the scale of the parking areas is considerable or extensive, it should use buildings and vegetation to screen these areas from public view.

The use of large expanses of hard paving for vehicle parking areas should be minimised. Instead, these areas should incorporate vegetation and permeable surfaces and provide for capturing of run-off and sediment from hard surfaces.

Element 11 – Safety

What is the issue?

Significant portions of green wedge areas are at risk of bushfire, and increased residential settlement and visitation to such areas endanger community members and can conflict with state policy objectives under Clause 13.02 (Bushfire planning, VPP), which seeks to:

- prioritise protection of human life over all other policy considerations
- direct population growth and development to low risk locations
- reduce bushfire vulnerability of communities by considering bushfire risk in decision-making at all stages of the planning process.

Provisions of the BMO require a Bushfire Management Plan (BMP) to be prepared, which includes requirements for defensible space around sensitive uses, such as a dwelling. The requirement to remove vegetation under these provisions can conflict with protection of natural habitats and character values of the environment.

As a result of a changing climate, both the threat and severity of bushfires have escalated. Use and development of land likely to expose greater numbers of residents or visitors to significant risk must be reduced through clear planning controls. While the removal of vegetation may satisfy requirements for human safety, it can often endanger native flora and fauna habitats that are valued in green wedge areas.

Design response

A design response that balances the need to minimise bushfire risk and protect vegetation should ensure that the design and siting of a new building/development avoid/minimise the removal of established vegetation in a way that also addresses bushfire management controls of the BMO.

Objectives

- Ensure the development of land prioritises the protection of human life and property.
- Encourage development of land that does not require vegetation removal.

Design requirement

Set clear public expectations that development of land that exposes people to increased risk of natural hazards (such as bushfire) should be discouraged or prohibited.

Element 12 – Infrastructure

What is the issue?

The provision of infrastructure such as roads, sewerage and utilities is an important consideration in all land use and development proposals.

Green wedge areas contain roads that vary in degree of development, from unpaved rural tracks to arterial roads to multilane freeways. Some roads have limited capacity for the number of vehicles and/or volume of traffic that may be generated by a development. Where there is insufficient water, power and waste capacity to accommodate the demand generated from a development, it may be more appropriate to modify the proposal so that reticulated services can be accessed. Providing for such infrastructure services in areas that currently are without them, can impose significant financial burden on authorities or proponents.

Design response

Infrastructure issues relate predominantly to the appropriateness of a proposal and its location in the green wedge. The likelihood that a proposal will generate traffic can be a factor to consider whether a use is appropriate in less accessible parts of a green wedge. The design response seeks to address this issue by requiring that development does not exceed existing or planned capacity of utility services and infrastructure, including reticulated services and roads, in the location.

This response also seeks to ensure that development likely to generate significant volumes of traffic are located on properties that adjoin, or have access to a road in a Road Zone.

Objectives

- Optimise the use of utility infrastructure proximate to the green wedge.
- Ensure the development does not exceed existing or planned infrastructure capacity.

Design requirement

Development should not exceed existing or planned capacity of utility services and infrastructure, including reticulated services and roads.

Uses that are likely to generate significant volumes of traffic should be located on properties that adjoin, or have access to, a road in a Road Zone.

Development should connect to and optimise proximate reticulated services.





05

Next steps



This consultation paper has been released for public comment and feedback as part of the government's commitment to implement Plan Melbourne and deliver on its election commitment to protect Melbourne's green wedges and areas of agricultural land for the future.

The proposed options seek to remove ambiguity, provide certainty and clarify the policy and statutory framework for achieving identified planning outcomes for our green wedge and agricultural land, in a way that balances our aspirations for agricultural productivity and sustainability. They also seek to promote a more proactive integrated approach to planning for these areas to better guide our local planning officers and achieve better 'on-the-ground' outcomes.

Process

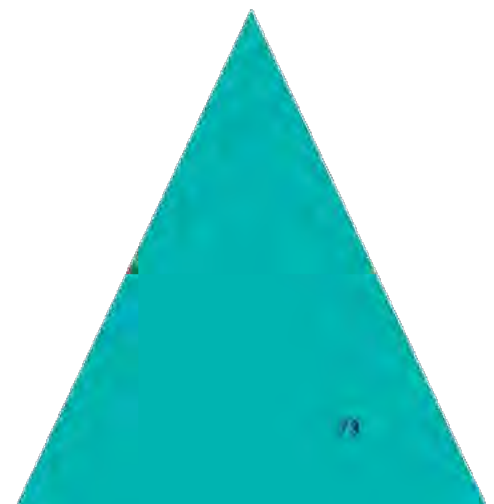
You are invited to consider the issues and options raised in this paper and provide feedback in a submission.

While you are free to structure your submission and address topics openly, to ensure your views effectively inform the review, you are encouraged to prepare your response based on the structure of the paper.

Submissions can be made online at:

<https://engage.vic.gov.au/gwal>

For any questions or assistance please contact planning.implementation@delwp.vic.gov.au



Planning for Melbourne's Green Wedges and Agricultural Land

Glossary of terms

Agent of change

The person or organisation responsible for a land use change (and responsible for managing the impact of the change).

Agriculture

Land used to:

- a. propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;
- b. keep, breed, board, or train animals, including livestock, and birds; or
- c. propagate, cultivate, rear, or harvest living resources of the sea or inland waters.

Clean fill

Clean fill material is:

- any soils (including clay, silt, and/or sand) from which any industrial waste has been removed as far as is practicable
- any soils that have chemical contamination levels below the fill material criteria specified in Soil hazard categorisation and management (EPA publication IWRG621 in IWRG section 6).

Commercial farm

Farming businesses where agricultural production is undertaken for profit.

Discretionary land use

Land uses that are Section 2 (permit required) uses within a zone.

Farm gate sales

See primary produce sales

Fit-for-purpose water

Water of suitable quality for its intended use.

Green wedge land

Green wedge land is defined in Section 46AC of the *Planning and Environment Act 1987* as 'land that is described in a metropolitan fringe planning scheme as being outside an urban growth boundary.' Map 1 shows where Melbourne's green wedge land is located.

Hobby farm

Farms where the main intention of undertaking agricultural production is not to generate a profit, and where agricultural production is usually undertaken for enjoyment, on an ad hoc basis, and on a small scale.

Land fragmentation

In the context of agriculture, land fragmentation occurs when farmland is broken up by other uses over time. In areas affected by land fragmentation, farmers sometimes undertake agricultural production across multiple, non-contiguous properties, which can be a barrier to efficiency and productivity.

Maximum patron capacity

The number of patrons present at a facility at any one time that must not be exceeded.

Natural systems

Land in substantially its natural state which is used to maintain ecological systems, or to preserve an area of historic, scientific, aesthetic, or cultural significance.

Non-urban breaks

Non-urban land which separates and/or surrounds towns, settlements and metropolitan land.

Peri-urban land

Land beyond the green wedges but within 100 km of central Melbourne. These areas are predominantly rural with small townships. Map 1 shows where Melbourne's peri-urban land is located.

Preferred primary land use

Land uses that are Section 1 (permit not required) uses within a zone.

Primary produce sales

Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.

Sensitive use

Land uses that are likely to be potentially sensitive to emissions (dust, odour, noise, light) from agricultural activities.

Site coverage

The proportion of a site covered by buildings.

Spillover land use

Land uses that are typically located in urban areas that, due to various pressures, 'spill over' into non-urban areas. This can result in inappropriate use and development.

Transitional locations

Locations which act as a transition/change point between dominant land uses e.g. urban areas and farming areas.

Department of Environment,
Land, Water and Planning

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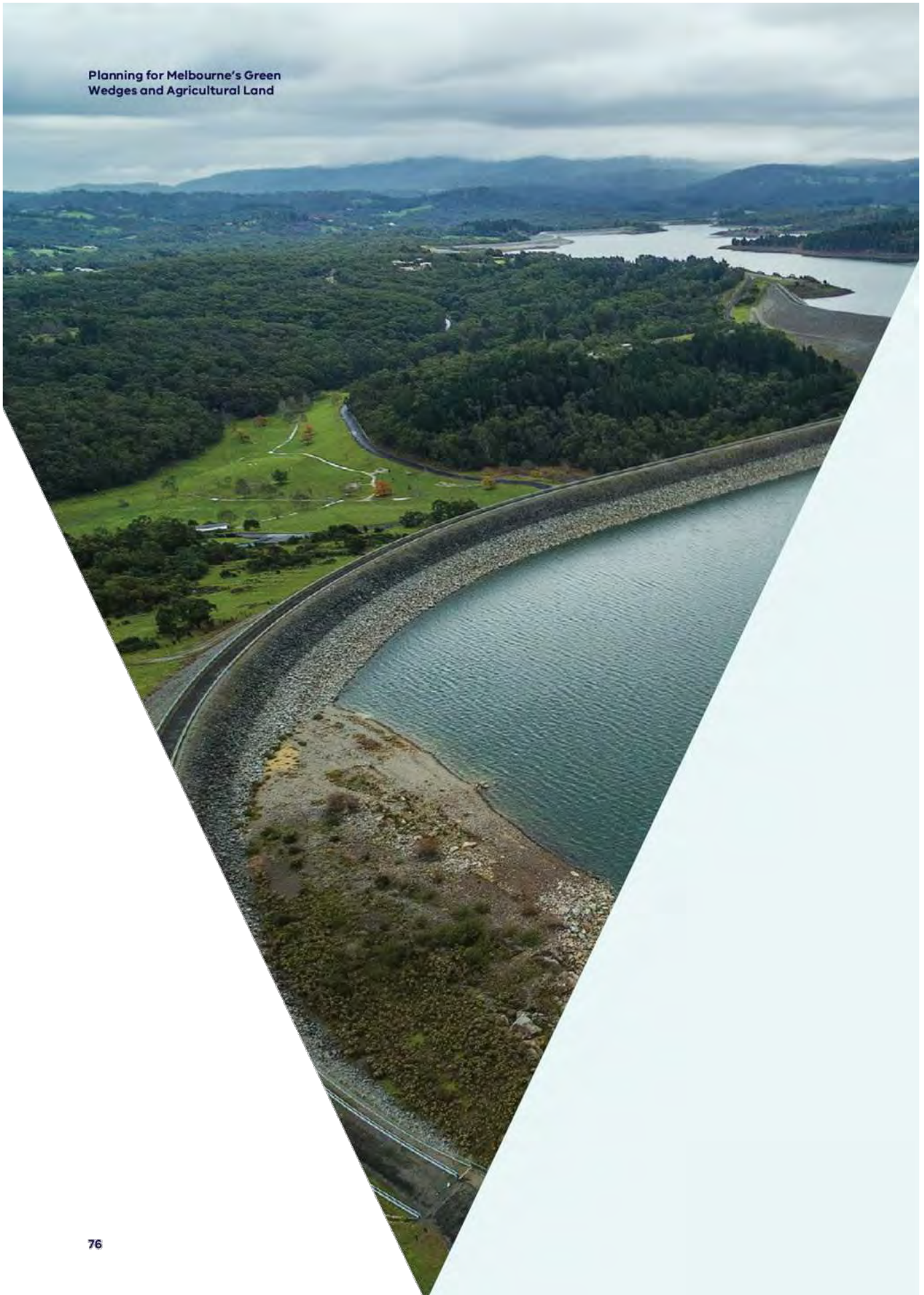
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Appendices

Appendix 1 Summary of proposed options

3.1 Strengthening the legislative and policy framework

3.1.1 Legislative and policy framework for Melbourne's green wedges

- Amend Part 3AA (Metropolitan Green Wedge Protection) of the *Planning and Environment Act 1987* to:
 - clearly express the Victorian Government's vision and objectives for green wedges
 - enshrine regional policy for each green wedge in legislation
 - introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge
 - require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities.
- Update state planning policy to clearly articulate the preferred outcomes for Melbourne's green wedges. The objectives of Clause 11.01 of the VPP (Green Wedges: Metropolitan Melbourne) can be potentially revised to include:
 - 'To maintain the important non-urban purpose of the green wedges and avoid use and development that would adversely affect their future productive use or environmental significance'
 - 'To support preferred land uses and encourage uses that contribute to the non-urban landscape and character'.
- Review and update Planning Practice Note 31 'Preparing a Green Wedge Management Plan' to improve the structure, form and content of Green Wedge Management Plans.
- Develop and introduce regional policy directions in the PPF for Melbourne's green wedges in Clause 11.01-1R (VPP) and through Land Use Framework Plans.

3.1.2 Legislative and policy framework for Melbourne's agricultural land

- Update the PPF to ensure that all agricultural land is protected.
- Update the PPF to encourage land uses that have limited or negligible reliance on soil as the basis of production, to be located in areas where soil-based agriculture is likely to be constrained.
- Update the PPF to include new regional policy for Melbourne's agricultural land. The new policy should:
 - support greater resilience of Melbourne's food bowl by encouraging re-use of valuable city waste streams, including recycled water, stormwater, nutrients and biogas
 - encourage opportunities for growth and diversification of other activities complementary to agriculture that leverage the advantages of proximity to the city of Melbourne and its local markets
 - support the establishment and expansion of infrastructure that benefits agriculture
 - recognise the economic and employment contributions of Melbourne's agricultural land to local communities, the region and the State of Victoria.
- Establish new right to farm legislation for Melbourne's agricultural land that ensures primary production carried out on a farm does not constitute a nuisance, provided that it is conducted lawfully and the zoning of the land supports agricultural use as a primary purpose of the zone.
- Introduce the 'agent of change' principle into legislation to assign responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) to the 'agent of change' – the person or organisation who introduces a new use or development in an existing environment.
- In conjunction with legislative changes above, update the PPF to encourage appropriate siting, design and scale of sensitive uses and developments within rural areas to avoid conflicts with agricultural uses and to maintain capability to intensify agricultural production.

Planning for Melbourne's Green Wedges and Agricultural Land

3.2 Supporting agricultural land use

3.2.1 Managing subdivision and dwelling development in agricultural areas

- Reduce the subdivision potential of Melbourne's agricultural land by requiring parliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme in the Farming Zone and Rural Activity Zone within 100 km of Melbourne.

Currently, any amendment that increases the subdivision potential of green wedge land requires the approval of the Minister for Planning and ratification of both Houses of Parliament. This option extends the current requirement to agricultural land in peri-urban areas.

- Amend the subdivision provisions of the Farming Zone and Rural Activity Zone to prohibit the creation of a lot for an existing dwelling that is smaller than the minimum lot size. This only applies within 100 km of Melbourne.
- Better control dwellings in Melbourne's agricultural areas by:
 - adding the following condition to the use of land for an as-of-right dwelling in the Farming Zone
 - › must not be within 100 km of Melbourne.

This change would remove Dwelling as an as-of-right use in the Farming Zone within 100 km of Melbourne.

- Introducing decision guidelines for 'Dwelling Issues' into the Green Wedge Zone and Green Wedge A Zone. The decision guidelines would mirror the guidelines provided in the Farming Zone, which require the responsible authority to consider, as appropriate:
 - › Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
 - › Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

- › Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- › The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture and natural systems.

- Introducing application requirements for dwellings into the Green Wedge Zone and Green Wedge A Zone that require applications for dwellings to be accompanied by a written statement that explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

This change allows dwellings to be considered but ensures the use does not compromise the long term productivity of surrounding farmland or limit the operation and expansion of agricultural uses.

3.2.2 Improving decision-making on agricultural land

- Develop a practice note to guide council decision-making on planning permits in agricultural areas. The practice note would support the interpretation of the planning scheme and guide discretionary decision-making, and may outline:
 - how to interpret the decision guidelines for zones relating to agriculture
 - how to determine whether a discretionary use will lead to loss of agriculture as the primary use of land
 - how to apply the 'in conjunction with' agriculture test
 - how to assess and minimise potential land use conflicts in development proposals, including proposals adjacent to agricultural land.
- Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme.

3.2.3 Future-proofing Melbourne's food bowl

- Develop a new regional policy, Clause 14.02-3R of the PPF (Preserving opportunities for irrigated agriculture around Melbourne), with the following objective:
 - safeguard land with potential for future growth in irrigated agriculture, based on alternative water use.
 The new policy would:
 - › delineate areas with potential for future growth in irrigated agriculture
 - › ensure changes to land use in these areas do not limit potential opportunities for development and expansion of irrigation agricultural precincts
 - › maximise the beneficial re-use of treated wastewater for agricultural purposes.
- Introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure. The purpose of the overlay would be to:
 - identify and protect areas with secure water resources for agricultural uses
 - provide certainty that these areas will continue as key agricultural areas into the future
 - protect areas of significant water infrastructure investment
 - limit non-farming and incompatible uses that would restrict ongoing productive use of land for agricultural purposes
 - protect buffers of identified areas from encroaching sensitive uses such as dwellings to ensure agricultural activities continue without restrictions
 - facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements.
- In conjunction with the development of a new overlay, establish a process to determine where the new overlay should be applied. In the first instance, it is proposed to apply the overlay to irrigation districts with defined boundaries, including the Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. There is potential to cover further areas once a clear process and criteria for its application are confirmed.

3.2.4 Strengthening referral and notice requirements

- Ensure water authorities have a clear role in the decision-making process for applications to use or develop land in protected irrigation districts or in non-urban areas identified as having potential for access to alternative water in the future.

3.2.5 Supporting agricultural diversification, value-adding and innovation

- Update the definition of 'Primary produce sales' to:
 - allow sale of ancillary goods (such as crackers and bottled drinks) to be consumed with the primary produce (e.g. cheese or strawberries)
 - allow sale of produce from land held in one ownership to support farms comprising divided holdings in the same ownership
 - allow a percentage of produce sold to be sourced from local producers within 5 km of the use.
- Amend the definition of the land use term 'Host farm' to require a direct link to an 'operating agricultural property'.
- Move 'Host farm' to a Section 1 (as-of-right) use in the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone, providing it is undertaken in conjunction with agriculture and accommodates no more than 10 people away from their normal place of residence at any one time. If these conditions are not met, the use will require a permit.
- If the Host farm is within 100 km of Melbourne, the use must be in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

Planning for Melbourne's Green Wedges and Agricultural Land

3.3 Managing use of green wedge and peri-urban land

3.3.1 Managing the urban-rural interface

- Provide planning practice guidance for local authorities on how to consider and direct planning for urban-rural interface areas.
- Provide guidance on preferred transitional land uses for land at the urban-rural interface and provide urban design guidance that supports a permanent edge and buffer to the urban area through region-level strategic policies (see proposed regional policy for green wedges, Section 3.1).
- Introduce conditions in land use zones for particular uses, such as public open space or uses serving urban populations (e.g. schools, places of worship and infrastructure), to be located in transitional locations only.
- To improve transition between rural and urban land use, introduce the ability to apply other rural zones more suited to the roles and land conditions of particular locations (e.g. Rural Living Zone, Farming Zone), provided the minimum green wedge subdivision provisions are retained.

3.3.2 Planning for future infrastructure and energy needs

No options proposed.

3.3.3 Managing discretionary uses

Education facilities

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that primary and secondary schools must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit schools in high bushfire risk areas (i.e. areas subject to the Bushfire Management Overlay).

Places of worship

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that places of worship must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit places of worship in high bushfire risk areas (i.e. areas subject to the BMO).

Halls

- Develop and implement a land use definition of 'Hall' in Clause 73.03 (Land use terms, VPP). One option is to define 'community hall' to differentiate those uses that provide community support services and activities for a local area from those activities that are purely commercial.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use for halls that mirror the minimum lot size and maximum number of patron requirements applicable to 'Function centre' in the Green Wedge Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit halls in high bushfire risk areas (i.e. areas subject to the BMO).

Exhibition centres

- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use for exhibition centres that restrict the number of patrons to a maximum total of 150 at any one time.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit exhibition centres in areas of high bushfire risk (i.e. areas subject to the BMO).

Certain accommodation uses

- Amend the Rural Conservation Zone to insert conditions of use for 'Group accommodation' and 'Residential hotels' to be consistent with Green Wedge Zone and Green Wedge A Zone (i.e. minimum lot size requirements, maximum number of bedrooms/dwellings, 'in conjunction with' test).

Camping and caravan parks

- Amend Clause 73.03 (Land use terms, VPP) to reflect new categories of camping and caravan parks in line with changes to the registration categories under the *Residential Tenancies Act 1997*.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to establish conditions of use that permit 'Camping and Caravan Parks' only when such use falls within 'bush/primitive' or 'tourist' categories.

Data centres

- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to prohibit data centres or, alternatively,
- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to introduce a condition that requires data centres to be located adjacent to residential, commercial or industrial zoned land.

4. Improving the design of development in green wedges

4.1 Implementing design and development guidelines

- Introduction of a new planning practice note to assist responsible authorities assess development proposals on green wedge land.
- Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones.
- Update the form and structure of Green Wedge Management Plans (GWMPs) to require new or updated GWMPs to identify landscape typologies and detailed design guidelines. This would enable matters such as setbacks, siting and site coverage to be determined at a local level and could be used to inform changes to planning requirements.

- Introduce a new particular provision in the VPPs that contains design guidelines and standards for development in green wedge areas. The provision could outline relevant considerations, objectives and standards similar to existing provisions in Clauses 54, 55, 56 and 58 of the VPPs.
- Amend the schedule to Green Wedge zones to allow for matters such as site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses.

4.2 Design requirements

- Proposed options for implementation at 4.1 Implementing design and development guidelines.

Appendix 2 Planning policy framework for green wedge and peri-urban areas

Policy background

The following key documents contain policy directions on the study area over the last 50 years:

- *Melbourne Metropolitan Planning Scheme — 1954*
- *Planning Policies for the Melbourne Metropolitan Region — 1971*
- *Shaping Melbourne's Future — 1987*
- *Living Suburbs — 1995*
- *Melbourne 2030: Planning for Sustainable Growth — 2002 (Melbourne 2030)*
- *Localised Planning Statements — 2011**
- *Regional Growth Plans — 2014**
- *Plan Melbourne — 2014**
- *Plan Melbourne 2017-2050 — 2017**

* You can read more about these below.

Current policy

Plan Melbourne 2017-2050

Plan Melbourne 2017-2050 ('Plan Melbourne') is the city's current metropolitan strategy for supporting jobs, housing and transport, while

building on its legacy of distinctiveness, liveability and sustainability. This document notes that population growth is a key challenge for Melbourne and that its green wedges and peri-urban areas must be properly managed so that valued features and attributes are protected. A balance must be maintained between the needs of the community, the economy and the environment.

Plan Melbourne articulates the state government's future vision and desired planning outcomes for Melbourne's green wedges and peri-urban areas. These planning outcomes were drawn from a range of state and local council policy statements and objectives, and are the basis for policy formulation and decision-making.

Plan Melbourne contains directions, policies and actions that aim to protect and manage the city's agricultural land and green wedges:

Direction 1.4

Support the productive use of land and resources in Melbourne's non-urban areas

Policy 1.4.1

Protect agricultural land and support agricultural production

Direction 4.5

Plan for Melbourne's green wedges and peri-urban areas

Policy 4.5.1

Strengthen protection and management of green wedge land

Planning for Melbourne's Green Wedges and Agricultural Land

Regional Growth Plans

Regional Growth Plans (RGPs) provide broad direction for land use and development across the eight regional areas of Victoria. They apply to Melbourne's peri-urban areas but do not apply to the green wedges. Map 12 indicates where each RGP applies within the peri-urban areas.

The RGPs that abut metropolitan Melbourne are:

- G21 Geelong Regional Alliance
- Central Highlands
- Loddon Mallee South
- Hume
- Gippsland.

The RGPs address the peri-urban areas within their region to differing degrees. The Central Highlands, Loddon Mallee South, Hume and Gippsland RGPs all contain a section on Melbourne's peri-urban areas, its context, opportunities and constraints. These four RGPs highlight the need to protect and enhance state-significant assets in their peri-urban areas relating to extractive resources, forestry, productive agriculture, water catchments, transport, utilities, biodiversity, landscapes, parks and reserves, waterways, heritage and tourism.

Localised Planning Statements

Ministerial Direction 17 ensures that planning scheme amendments affecting certain peri-urban areas have regard to the relevant adopted Localised Planning Statement (LPS) for the area. Each LPS identifies key valued attributes and provides strategic direction to protect and enhance these attributes. LPSs are in place for the Bellarine Peninsula, the Mornington Peninsula, and the Yarra Valley and Dandenong ranges. The LPS for the Bellarine Peninsula (in development) will be updated and transitioned to a Statement of Planning Policy, following the declaration of the area as a distinctive area and landscape under the *Planning and Environment Act 1987*.

Core Planning Provisions

Clause 51.02 (Metropolitan Green Wedge Land) of the Particular Provisions in the planning schemes for the Melbourne metropolitan area 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. Other key purposes of the clause are to protect productive agricultural land from incompatible uses and development, encourage the location of urban activities in urban areas and ensure that the scale of use is compatible with the non-urban character of metropolitan green wedge land.

Map 12
Regional Growth Plan Regions



Planning Policy Framework

Clause 11.01-1R (Green wedges – Metropolitan Melbourne, VPP) seeks to protect the green wedges of Metropolitan Melbourne from inappropriate development, safeguard key features and values, and support development that provides for environmental, economic and social benefits. Productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula are highlighted for protection. Clause 11.01-1R provides guidance on residential development, major state infrastructure and resource assets, agribusiness, forestry, food production, tourism, renewable energy generation, extractive industries, and areas of environmental, landscape and scenic value.

Clause 11.03-3S (Peri-urban areas; VPP) seeks to manage growth in peri-urban areas to protect and enhance attributes that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, cultural heritage, infrastructure, extractive and other natural resources. It provides for development in established settlements and promotes growth boundaries to avoid urban sprawl and protect agricultural land and environmental assets. Clause 11.03-3S seeks to protect the character and amenity of peri-urban towns, ensure non-urban breaks are provided between urban areas, improve transport connections and ensure development is supported by physical and social infrastructure.

Zones

Land use in Melbourne's green wedges and peri-urban areas is controlled by six rural zones:

- **Farming Zone (FZ)** – a zone that is strongly focused on protecting and promoting farming and agriculture
- **Rural Activity Zone (RAZ)** – a mixed use rural zone that caters for farming and other compatible land uses
- **Rural Conservation Zone (RCZ)** – a conservation zone that caters for rural areas with special environmental characteristics
- **Green Wedge Zone (GWZ)** – a zone that provides for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate in urban areas for amenity or other reasons

- **Green Wedge A Zone (GWAZ)** – a zone that provides for all agricultural uses and limits non-rural uses to those that support agriculture, tourism, schools, major infrastructure and rural living
- **Rural Living Zone (RLZ)** – a zone that caters for residential use in a rural setting.

Further information on rural zones can be found in Appendix 5.

Urban Growth Boundary

The metropolitan strategy released in 2002, known as Melbourne 2030, established an urban growth boundary (UGB) around Melbourne to better manage outward expansion in a coordinated manner. The purpose of the UGB is to direct urban growth to areas equipped or capable of being equipped with appropriate infrastructure and services, and protect valuable green wedge and peri-urban land (and environmental features) from development pressures. The legislative framework outlined in the *Planning and Environment Act 1987* (see 2.3.2.1) sets out additional protection of the UGB perimeter by requiring that any proposed alteration of its location be ratified by both Houses of the Parliament of Victoria.

Green Wedge Management Plans

GWMPs are council-adopted strategies that identify a vision, objectives and actions for the sustainable use and development of each green wedge. GWMPs also identify the values and features of each green wedge, the preferred future land use, and environmental and natural resources that should be protected based on the needs of the local community. They also articulate the type, scale and form of preferred change in the green wedge and how those changes will be managed and facilitated. A GWMP should be created and adopted by council whose municipality include green wedge land. Where relevant, aspects of the plan can be included or referenced in the Local Planning Policy Framework and will provide the strategic basis for reviewing planning provisions for a green wedge.

Preparing a Green Wedge Management Plan

Planning Practice Note | 31

JUNE 2015

This practice note provides a guide for the preparation of Green Wedge Management Plans and sets out the general requirements that should be met. The practice note covers the policy context and basis for the plans, their content and status.

There are 12 green wedge areas in the municipal districts of 17 councils. There is substantial variation in the land management conditions and circumstances in each green wedge. The preparation of each Green Wedge Management Plan (GWMP) will need to recognise those variations including the area involved, the level of information available, the resources available, the range of land uses, the condition of the natural resource base and the needs of the local community.

What is a Green Wedge Management Plan?

A Green Wedge Management Plan is a council adopted strategy that identifies a vision, objectives and actions for the sustainable use and development of each green wedge. The plan will identify the values and features of each green wedge, the preferred future land use, environmental and natural resources that should be protected, and the needs of the local community. Green wedges, like any other place are dynamic and constantly evolving. Changes identified through the preparation of GWMPs may embrace new productive land uses, investments and developments consistent with state policies for green wedges, environmental enhancement and sustainable resource management initiatives.

To ensure the sustainable management of green wedges, a GWMP should include a broad range of implementation tools that include regulatory and non-regulatory measures. For example, regulatory actions may encompass changes to existing local planning schemes to encourage and facilitate land uses and developments that protect and enhance each green wedge. A GWMP should also provide non-regulatory actions focusing on education and incentive programs aimed at encouraging landowners to adopt sustainable practices. Achievement of sustainable land uses and land management practices are the critical elements in the development of GWMPs.

Why prepare a Green Wedge Management Plan?

Green wedges will experience change over time. In many cases the condition of their environment and natural resource base needs considerable improvement. A GWMP provides a framework managing change and the actions that will facilitate it. The preferred direction for future change and improvements and how this will be managed is an essential element of the planning for the future of Melbourne's green wedges.

A GWMP provides the opportunity to clearly articulate the kinds of development or activities that are likely to be supported in the green wedge. It will provide clarity and greater certainty for all stakeholders, including landowners.

What is expected for green wedges?

The green wedges accommodate agricultural and recreational uses, as well as a variety of important functions that support Melbourne. These include major assets such as airports, sewage treatment plants, extractive industry and landfill sites – uses that support urban activity but which cannot be located amongst normal urban development. The green wedges include areas that have strong environmental, landscape, built and Koori heritage value for Victorians – many of which are of state, national or international significance. They provide important resources for recreation and tourism. Each green wedge has unique features and will require a management approach that promotes and encourages its diversity.

Collectively, green wedges have a broad range of purposes. This means that each GWMP will need an individual, tailored approach to establish the clear role, purpose, objectives and related actions for each area. To ensure a metropolitan and regional approach, a GWMP can be prepared either by an individual council or by a group of councils where appropriate.

A series of actions have been undertaken to establish and protect green wedges that includes:

- application of the Urban Growth Boundary around Melbourne and townships within the green wedges (this has been implemented)
- new planning measures including new green wedge zoning and the Core Planning Provisions at Clause 57 (this has been implemented).
- new legislation that ensures protection of green wedges (this has been implemented)
- development of individual action plans for each green wedge – the Green Wedge Management Plan (this is being implemented)
- management of residential development in green wedges (this is being implemented and will be further enhanced through the preparation of GWMPs)
- management of the outward growth of Melbourne
- identification of key features and related values for each green wedge (The GWMP will provide an opportunity to further identify and refine key features and related values).

Opportunities in the green wedge include:

- agricultural uses, such as market gardening, viticulture and broad acre farming, as well as forestry and land-based aquaculture
- assisting the preservation of rural and scenic landscapes
- ensuring the conservation of important environmental assets close to where people live
- managing renewable and non-renewable resources and natural areas (such as water supply catchments)
- providing and safeguarding infrastructure sites that support urban areas (for example, sewage treatment plants)
- allowing industries such as sand and stone extraction to operate close to major markets
- providing opportunities for tourism and recreation
- recognising and conserving heritage features.

What are the aims of the Green Wedge Management Planning process?

The key task of a GWMP is to articulate the type, scale and form of change in the green wedge and how those changes will be managed and facilitated. Many councils have already undertaken strategic planning, policy and resource management studies, projects and action in their green wedges. This work will provide a relevant basis for the finalisation of the plan.

In summary, a GWMP should:

1. Develop a vision, role and purpose for the green wedge. This should be determined through community consultation and research.
2. Identify the values and features within the green wedge that are to be protected and enhanced. This should be based on a detailed environmental and land use inventory and community consultation.
3. Establish a strategic direction 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. This should be based on identification of key opportunities and constraints identified through research.

4. Articulate the strategic direction for the green wedge through the relevant planning scheme. This should involve:
 - ensuring the vision, role and purpose of the green wedge is identified in the Municipal Strategic Statement
 - confirmation of the green wedge zoning and the schedules to these zones
 - ensuring identified values, environmental assets and resources are appropriately identified and protected by the planning scheme by such tools as planning scheme overlays and local planning policies
 - consideration of the need to provide further guidance in relation to discretionary uses and developments within the green wedge through the Local Planning Policy Framework.
5. Establish a framework to encourage sustainable land management practices and appropriate resource management. This should involve:
 - reviewing the adequacy of resources and programs
 - assessing the effectiveness of existing incentive and education programs
 - developing new initiatives aimed at encouraging sustainable land management practices
 - identifying and supporting sustainable land use options
 - consideration of relevant plans and strategies related to natural resource management including fire management plans, catchment management plans and stream flow management plans.
6. Identify the needs of green wedge landowners and the wider community. Issues that should be examined include demographic considerations, economic sustainability, employment opportunities, sustainable land use options, community facilities and other required levels of infrastructure.
7. Establish a clear monitoring and review process to ensure the plan remains relevant and its performance can be measured. This should involve determining appropriate indicators and a commitment to review the plan in five years.

Broadly, the plan should focus on the following:

- support or incorporate existing plans, strategies and activities that align with green wedge policies, such as Regional Catchment Strategies, Regional Management Plans and Natural Resource Plans
- reflect Government policies and strategies
- examine opportunities for agricultural and alternative land use options
- involve key stakeholders and landowners in developing the plans, to reflect a range of expertise and knowledge
- promote community participation and ownership of the values and actions for the green wedge
- promote environmentally sustainable development and land management
- integrate resource development and management with fire management and protection plans
- have a monitoring process for actions built into the management process
- develop and expand land management programs and support mechanisms for landholders in achieving improved land stewardship
- develop new, and expand upon current, environmental enhancement initiatives
- identify and set priorities for investment in land use and development consistent with government policies and strategies.

What is the process for preparing a Green Wedge Management Plan?

Each green wedge is different. The nature of land uses and developments are diverse, the number of landowners and stakeholders varies. The level of knowledge about the quality of the natural resource base and the resource levels of each council also varies. These differences will influence the scope and detail of the process to be used in the preparation of each GWMP. The following diagram provides a typical model for preparing a GWMP.



Preparation work

Determine the key stakeholders, project teams, consultation methods, scope of tasks and resources.

Information gathering

Explore existing information, the policy context, identify gaps, undertake research and identify community views and issues.

Green Wedge Vision and Objectives

Develop a vision that outlines the preferred future direction for the green wedge. Determine objectives that will achieve the vision. Explore key indicators that will be able to measure whether the objectives are being achieved.

Review existing policies and programs

Review the existing policies and programs that apply or influence the green wedge. Will they deliver the vision and objectives? Do they need to be changed, enhanced and/or better resourced?

Developing Actions

Develop a series of actions that are designed to achieve the vision and objectives. Various options may need to be explored and tested with key stakeholders before arriving at the preferred actions.

Implementation

This process will identify responsibilities, priorities and time lines and required resources. It should identify whether additional work is required such as future planning scheme amendments.

Monitoring and Review

This process should be twofold. Firstly it should establish a mechanism to measure the progress of implementation. This may involve establishing an annual reporting process to council. Secondly, it should establish a process to review the GWMP to ensure the plan remains relevant and to measure the success of the plan in achieving the agreed vision and objectives.

Principles that should underpin preparation of a GWMP

Five principles have been developed that should underpin the preparation of a GWMP. These principles will ensure that a GWMP is consistent with government policy and it has been prepared using a collaborative and inclusive approach.

Consistency with Victorian State Government policies and strategies

- A GWMP should be consistent with relevant state government policies and strategies.

A common basis for the preparation of plans

- A GWMP should be prepared in partnership with government and councils, in their role as the funding agencies implementing government policies, and with landowners and the community, in their role as the custodians of the area who have a duty of care for the resource base.

A well informed, inclusive plan preparation process

- A GWMP should reflect the regional and local circumstances and needs of each green wedge, as well as the circumstances and needs that are shared with other relevant green wedge areas. It should provide a clear purpose that council is able and willing to implement and defend.
- Preparation of a GWMP should take into account the varying levels of knowledge about each green wedge area shared between the relevant councils, government departments and agencies, community groups and organisations, landowners and the general public.
- Previous relevant work that is consistent with the strategic and policy intent of state government policies and strategies can be included in the process and can provide a useful basis for the preparation of the plan.

- Information held by government sources can be made available to assist the preparation of the plan. A range of external information sources, such as Regional Catchment Strategies, Regional Management Plans, and ABS data can inform development of the plan.
- The process for the preparation of a GWMP should involve a process of active engagement with the full range of stakeholders to assist commitment to long term resourcing and implementation of the plan. This may include groups of councils where values and attributes are shared.
- The processes used in the preparation of a GWMP should demonstrate transparency, inclusiveness and consultation and seek to build partnerships and shared ownership.

A common approach to the preparation of GWMPs

While the circumstances of each green wedge area will vary, the points below set out the core components expected to be used in the process. This is summarised in the figure below.

- Council should establish a project steering group (chaired by the council), with representatives from key stakeholders to oversee the preparation of the plan. The project steering group should provide support guidance and oversight of progress and would have the following roles:
 - provide input into the preparation of a project plan
 - endorse key milestones of the GWMP
 - oversee publicity and promotion about the preparation of the GWMP and the process to be used
 - oversee project briefs for tasks to be undertaken to assist in the preparation of the GWMP
 - ensure relevant and practicable levels of engagement and consultation to assist in research and preparation of the GWMP
 - oversee a publicised program of public display of draft plans and formal input to the development of the GWMP.
- Council should establish a working group to assist the project steering group in preparing the GWMP.

- Council should identify the required actions to implement the GWMP, such as partnership agreements with organisations, agencies or community groups and any other necessary mechanisms.
- Council should formally adopt the GWMP.
- Council should identify appropriate mechanisms to oversee, monitor and evaluate the implementation and effectiveness of the GWMP.



Involvement of stakeholders and landowners

The development of the plan is not intended to re-open debates regarding existing government policies and strategies. While there are divergent views regarding green wedges, an important element in preparing a GWMP is to ensure that representatives of all relevant stakeholders including landowners have been identified and effectively engaged. There is great diversity in green wedge areas in the number and range of landowners and the groups and organisations with direct and indirect interests in the ongoing management and future direction of particular areas and attributes. It is essential that these groups are informed and that realistic and meaningful measures have been implemented to engage them in the process. Any previous relevant consultation should be reflected in the final plan.

How will Green Wedge Management Plans be implemented?

Each GWMP will set out a series of actions and measures that need to be undertaken, and identify resource requirements, roles and responsibilities, time lines, outcomes and evaluation. This implementation program will include council, government departments and agencies, relevant organisations, landowners and the community. A range of partnership agreements, memorandum of understanding and implementation tools may be utilised.

Status of Green Wedge Management Plans

A GWMP should be adopted by Council. Where relevant, it is anticipated that aspects of the plan will be included or referenced in the Local Planning Policy Framework and will provide the strategic basis for reviewing existing planning provisions of the green wedge. Any proposed changes to a planning scheme will require a planning scheme amendment which involves separate consultation processes and other requirements specified under the *Planning and Environment Act 1987*. Similarly, any proposed changes to a council's municipal laws will also require statutory processes required under the *Local Government Act 1989*.

Preparation of a GWMP consistent with the practice note will enable government departments and agencies to recognise and reference it in their ongoing programs. As GWMPs are also likely to be recognised and referenced in other relevant land and resource management plans, such as Regional Catchment Strategies.

Role of the department

Department officers are available to assist councils in the preparation of a GWMP. The department will provide support and assistance to councils by:

- participating in the project steering and working groups as needed
- liaising with councils and groups of councils
- contributing to partnership arrangements or funding programs where possible.

It is anticipated that the department will be involved in the development of each GWMP and be provided with an opportunity to comment on the draft GWMP prior to it being adopted by Council.

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Appendix 3
 Plan Melbourne 2017–2050 Desired
 planning outcomes for green
 wedge and peri-urban areas

DESIRED PLANNING OUTCOMES FOR GREEN WEDGES AND PERI-URBAN AREAS

Environmental and biodiversity assets

Protect and enhance environmental and biodiversity assets, such as coastal areas, wetlands, rivers and creeks, forests and grasslands. Key features of international and national significance include Ramsar-listed wetlands (Westernport, Edithvale–Seaford wetlands, Port Phillip Bay [Western Shoreline] and Bellarine Peninsula), the Western Grassland Reserve, the UNESCO Mornington Peninsula and Westernport Biosphere Reserve, and a range of national and state parks. Maintain and enhance the diversity of indigenous flora and fauna habitats and species and achieve a net gain in the quantity and quality of native vegetation.

Landscape and open space

Protect significant views, maintain non-urban breaks between urban areas, and conserve the cultural significance, tourism appeal and character of scenic rural landscapes. Recognised high-value landscape features include open farmed landscapes, sites of geological significance, ranges, hills and ridges and open coastal spaces. Iconic landscapes, such as the Great Ocean Road, Bellarine Peninsula, Macedon Ranges, Western Port, Phillip Island, Mornington Peninsula, the Yarra Valley and the Dandenong Ranges, attract high numbers of local and overseas visitors each year.

Water supply catchments

Manage and protect catchments (including Special Water Supply Catchments), groundwater, water infrastructure and storages, and waterways to improve water quality, protect the environment and provide a reliable and secure water supply. Minimise any negative impacts from sedimentation or water pollution on the Port Phillip and Western Port coastal ecosystems.

Natural hazards

Avoid development in areas that are subject to high risk from bushfire or flooding and inundation so as to minimise potential risk to life, property and the environment. Recognise, understand and prepare for the projected impacts of climate change and rising sea levels.

Avoid significant land disturbance, reduce the occurrence and impact of soil erosion and salinity and manage potentially contaminated land.

Agricultural land

Protect agricultural land from incompatible uses, maintain farm size, promote the continuation of farming and provide a secure long-term future for productive and sustainable agriculture. Key agricultural areas include the Mornington Peninsula, the Yarra Valley and Dandenong Ranges, Werribee South, Keilor, Western Port and the Macedon Ranges.

Recreation

Provide land for a range of open space functions to meet community needs for active and passive recreation and for protection of the environment. State and metropolitan parks provide a focus for a range of recreation opportunities and include the Yarra River, Warrandyte, Lysterfield and Dandenong Police Paddocks Reserve, and Churchill and Bunyip national parks.

Tourism

Facilitate sustainable year-round tourism, and new tourism development (including diverse attractions, accommodation and eating establishments) that maintains the integrity of the natural environment, provides social benefits for communities and visitors and contributes to local economies.

Cultural heritage

Provide for the protection and management of sites of Aboriginal and post-European settlement cultural heritage to ensure that links with the past are preserved for present and future generations to appreciate. A wide range of cultural-heritage assets are found in buildings, structures, scattered relics, trees and gardens, landscapes and geological formations, archaeological and fossil sites and areas associated with historical events.

State-significant infrastructure

Protect regionally significant assets such as metropolitan landfills (for example, Clayton South and Wollert), wastewater management facilities (for example, Eastern and Western Treatment Plants), industrial areas and related odour and safety buffers (for example, Dandenong South), airports and flightpaths (Melbourne, Avalon and Moorabbin), and ports (Port of Hastings). Provide opportunities for renewable energy generation.

Mineral, stone and sand resources

Protect designated mineral resource areas such as the coal reserves in central and western Gippsland. Protect sand and stone resources for future extraction to ensure a continuous supply of construction material.

Economy

Maintain a strong, dynamic economy and employment base by building on the comparative advantages in agriculture, timber, transport, tourism, education, manufacturing, the service industry and commerce.

Population, settlements and local infrastructure

Plan and manage sustainable urban growth that is concentrated in and around major towns within Melbourne's peri-urban area so as to provide employment, infrastructure, services and community facilities to new and established urban areas in an equitable manner. Manage the growth and sustainable development of green wedge townships and settlements, having regard for their distinct character and environmental and servicing constraints.

Create socially sustainable communities and support an active community working towards reducing greenhouse gases and responding to climate change. Protect and enhance the existing character, presentation and form of towns, including their main road entrances.

Rural living

Manage rural living to prevent negative impacts on agriculture, biodiversity and landscape values.

Transport and accessibility

Provide a high-quality road and rail transport network with a range of sustainable, efficient, accessible and affordable transport options that readily connect neighbourhoods, workplaces, community facilities, services and enable people to participate in community life. Facilitate improvements to transport networks and facilities that support tourism, such as airports.

Planning and governance

Facilitate integrated and balanced forward planning, involving all agencies, and having regard to the needs and aspirations of current and future generations.

Source: Green Wedge Management Plans, Localised Planning Statements and Council Municipal Planning Statements

Planning for Melbourne's Green Wedges and Agricultural Land

Appendix 4
Related government policies, strategies and plans

Water for Victoria – 2016

The Victorian Government's current water plan, Water for Victoria, recognises agriculture as the sector consuming the most water in the state. It notes that Victoria's agricultural production will continue to grow despite water scarcity, and that the Government will continue to work with rural and regional communities to support agricultural development and change.

Water for Victoria acknowledges that water services must remain affordable for all customers, and seeks to reduce barriers to agricultural development and adapt irrigation district infrastructure so that it remains affordable and attractive to new business.

The document outlines a 'water for agriculture' objective:

Victoria's water management arrangements will enable farmers to maximise the value of agricultural production with the available water, while supporting farming communities to adjust to change in a warmer and drier future.

Water for Victoria is a government commitment to investigate mechanisms that increase the uptake of recycled water in agricultural areas.

Biodiversity 2037 – 2017

The Biodiversity 2037 Implementation Framework (April 2018) outlines as priority to 'Help to create more liveable and climate-adapted communities' (Priority 7). Implementation Action 7.4 under this priority is:

Through the implementation of Plan Melbourne 2017–2050 support local government to complete and implement green wedge management plans to protect and enhance the agricultural, biodiversity, environmental, natural resource, tourism, landscape and other values of each of Melbourne's green wedges.

Agriculture Victoria Strategy – 2017

Agriculture Victoria released its ten year Agriculture Victoria Strategy in May 2017. This is a reform framework, articulating Agriculture Victoria's priorities to enhance Victorian agriculture's global competitiveness, innovation and resilience.

The strategy recognises the sector's vital contribution to economic growth and its potential for enhancing social and economic wellbeing across Victoria. The plan provides direction and guidance for Agriculture Victoria's activities, aligned with the Victorian Government's aspirations for the agriculture sector and regional communities.

Victoria's Climate Change Framework – 2018

Victoria's Climate Change Framework outlines a 2050 vision for Victoria and an approach to transition key sectors to zero net emissions and a climate-resilient economy. The framework describes a vision for Victoria's agriculture sector in 2050:

Victoria's agriculture sector will be constantly adapting to climate change. The design of farm systems will feature both carbon sequestration and emission reduction approaches, supporting strong participation in markets. Victoria will have resilient regional communities, viable farming enterprises and growing international markets. Regionally relevant world-class research and development will underpin adaptation and emissions reduction.

Initiatives to achieve this vision include investment in research and development, improvements to farm and regional infrastructure, support for capacity building and adaptation planning, and partnerships with industry to progress emissions reduction and offset opportunities.

Statewide Waste and Resource Recovery Infrastructure Plan – 2018

The Statewide Waste and Resource Recovery Infrastructure Plan (SWRRIP) is prepared by Sustainability Victoria on behalf of the Victorian Government. It is a central component of Victoria's Waste and Resource Recovery Infrastructure Planning Framework and Victoria's integrated approach to waste and recycling.

The vision of the Statewide Waste and Resource Recovery Infrastructure Plan is to develop an integrated statewide waste and resource recovery system that continues to provide an essential community service.

Planning Reforms for Animal Industries – 2018

The Victorian Government introduced planning reforms for animal industries in September 2018. The reforms deliver on key actions to clarify and simplify the planning framework to support the growth of animal industries, while protecting the environment and community amenity. Amendment VC150 introduced the changes to the Victoria Planning Provisions and all planning schemes.

Integrated Water Management Forums Strategic Directions Statements – 2018

The Integrated Water Management Forums have been established across the state to identify, prioritise and oversee the implementation of collaborative water opportunities. The Forums bring together all organisations with an interest in water cycle, recognising that each has an important role to play in the management of our most vital resource.

Victoria's Integrated Water Management Forums have produced a Strategic Directions Statement that captures the regional context, shared vision and water-related outcomes for each of the Forum areas across metropolitan Melbourne and regional Victoria.

Each Strategic Directions Statement includes a list of integrated water management opportunities collaboratively developed by the Forum to bring local community views, values and priorities into practice through integrated water management.

Emerging policies

Distinctive areas and landscapes – 2018

Policy 4.5.2 of Plan Melbourne protects and enhances Melbourne's valued attributes of distinctive areas and landscapes. Statements of Planning Policy are being prepared and finalised to protect distinctive areas and landscapes around Melbourne, some of which are located in part in Melbourne's green wedges and peri-urban areas, including Macedon Ranges, Bellarine Peninsula, Surf Coast and Bass Coast.

Extractive resources – 2018

Policy 1.4.2 of Plan Melbourne identifies and protects extractive resources (such as stone and sand) important for Melbourne's future needs. Work to effect Plan Melbourne's Action 18 (Management of extractive industry) is underway to better protect extractive industries and future extractive resources from incompatible land uses through the planning system.

Regional Tourism Review – 2019

The state government is conducting a review of regional tourism to explore and identify new ways of growing tourism and supporting regional Victoria. Regional tourism has a vital role in creating more jobs for more Victorians, supporting thriving regions and strengthening inclusive communities. From a land use planning perspective, the government is interested in understanding options that support tourism businesses and create new tourism products that support communities and the economy while balancing the needs of the local community, other productive land uses and the environment.

Planning for Melbourne's Green
Wedges and Agricultural Land

Land Use Framework Plans (in development)

Land Use Framework Plans (LUFPs) for the six metropolitan regions are being developed to deliver Action 1 of Plan Melbourne. The purpose of LUFPs is to improve alignment of state and local policy, and will include strategies for population growth, jobs, housing, infrastructure, major transport improvements, open space and urban forests.

While the LUFPs focus on Melbourne's metropolitan regions, four of the six metropolitan regions (Western, Northern, Eastern and Southern) contain green wedge and agricultural land. These corresponding LUFPs will outline regional strategies and directions that will have bearing on green wedge and agricultural issues.

Map 13
Metropolitan Melbourne Regions



Applying the Rural Zones

Appendix 5
Planning Practice
Note 42:
Applying the Rural Zones

Planning Practice Note | 42

JUNE 2015

The purpose of this practice note is to provide guidance to planning authorities about:

- the strategic work required to apply the Farming Zone, Rural Activity Zone, Rural Conservation Zone, Green Wedge Zone, Green Wedge A Zone and Rural Living Zone
- the purposes and features of each zone and where they may be applied.

The practice note seeks to ensure that the most appropriate rural zones are used to achieve a planning authority's rural strategic planning objectives.

The suite of rural zones for Victoria

The rural areas of Victoria accommodate a range of farming, residential and commercial uses and contain many of the state's significant natural resources, such as native vegetation, minerals and water. They also provide important resources for recreation, tourism and timber production.

The suite of rural zones for Victoria:

- recognise the state, regional and local importance of farming as an industry and provide greater protection for productive agricultural land
- provide a wide choice of zones with clear purposes and controls to match
- discourage ad hoc and incompatible use and development
- recognise the changing nature of farming and reduce the potential for conflict between farming and other land uses
- recognise that rural areas are places where people live and work
- recognise and protect rural areas that are environmentally sensitive.

The changing nature of farming

The nature of farming in Victoria is changing in ways that require careful consideration. It is:

- **Becoming more diverse.** Farming in Victoria is constantly changing and expanding in response to changing world and domestic consumption patterns and the need to remain profitable and sustainable.
- **Becoming more industrialised.** Modern farming practices may involve the use of heavy machinery and large scale irrigation and plant equipment, all-hours operation, and the application of chemicals and fertilizers.
- **Intensifying.** Intensive farming enterprises, such as aquaculture, poultry farms and horticulture are growing in numbers and in their contribution to the economy.

- **Aggregating.** In western Victoria particularly, farms are becoming bigger to achieve the economies of scale for farm investment and to maintain productivity.
- **Undergoing social change.** More farmers are taking on off-farm work, the economic value of off-farm work is increasing, and there is a shift from full-time to part-time farming in some rural areas.

More changes in farming structures and practices are expected due to drier climatic conditions and growing community pressure for more efficient water use by all industries.

At the same time, more people are seeking to live in rural areas for a range of social, environmental and economic reasons. As a result, in some rural areas:

- there is more competition for rural land, which is affecting rural land prices and the capacity of farmers to expand their businesses and maintain productivity
- there is renewed interest in part-time small-scale farming
- more people are living in rural areas for lifestyle reasons not related to farming increasing the potential for land use conflicts because people pursuing a rural lifestyle often have amenity expectations that conflict with modern farming practices
- local rural economies are diversifying, as rural land is used for more diverse purposes (such as tourism or recreation).

Victoria's changing rural landscape requires planning authorities to think strategically about their farming areas and rural settlement patterns, so that sustainable farming is promoted and potential conflicts between farming and other land uses are avoided.

Strategic planning for rural areas

Sound strategic planning for rural areas is essential to ensuring that land use and development achieves the planning authority's vision, objectives and desired outcomes for an area. It can help ensure that:

- use and development in rural areas fits into the overall strategic planning of the municipality
- farmland and farming industries of state, regional or local significance are protected

- housing development in rural areas is consistent with the housing needs and settlement strategy of an area
- future use of existing natural resources, including productive agricultural land, water, and mineral and energy resources, is sustainable
- scarce resources, such as water, are protected
- social networks and infrastructure essential to rural communities are maintained
- existing visual and environmental qualities of rural areas are protected
- conflicts between farming and other land uses are avoided
- the most appropriate planning scheme tools (for example, the right rural zone) are used to achieve strategic planning objectives.

Applying a new rural zone or making adjustments to a schedule to an existing rural zone should be underpinned by clearly expressed planning policies in the planning scheme. If a proposed change is at odds with the existing policy framework, either a different planning tool or approach should be used or the policy framework itself might need re-assessment.

The existing State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) in the planning scheme should be the starting point for deciding whether the council's strategic objectives are still valid and sound, or whether new strategic work is required. Many councils have already undertaken strategic planning, policies and resource management studies for their rural areas and used this work to articulate rural strategic objectives in their Municipal Strategic Statements (MSS).

New strategic work may not be required if the existing MSS addresses the key rural land use issues and adequately reflects the planning outcomes that the council wants to achieve. The scheme may already contain a sufficient strategic basis for applying a different rural zone or making adjustments to an existing rural zone.

However, if the MSS objectives are no longer relevant, they do not provide clear guidance for decision-making, or there are strategic gaps, new strategic work for a part or parts of the municipality may be required.

Before commencing new strategic work, the council should review the policy components of its planning scheme, past and present council strategic work, relevant studies prepared by government departments and agencies, relevant recommendations of planning panels and past planning scheme review recommendations. This will help to establish whether new strategic work is required, the scope of the strategic work and the main issues to be focussed on.

There is no prescribed content or format for a rural strategy or study, however it should:

- develop a vision, role and purpose for the rural area
- identify the values and features within the rural area
- identify the key opportunities and constraints
- establish a strategic direction for land use and development within the rural area
- articulate how the strategic vision for the rural area is to be implemented through the planning scheme.

The information used to develop the strategy should be tailored to suit the area. In general it should include an assessment of:

- the state, regional and local strategic planning policies and objectives for the area, including relevant regional growth plans or strategies
- the housing needs of the municipality and likely future trends which is particularly relevant if one of the aims of the strategy is to provide for rural living development
- the physical attributes of the land and its capacity to support productive agricultural uses including soil type, climate, vegetation cover, access to water, slope and drainage
- agricultural trends in the area, including agricultural productivity, changes in farming practices and processes, and farm investment patterns
- the natural resources and environmental features in the area and their importance including flora and fauna, significant habitats, wetlands, scenic landscapes and sites of archaeological or cultural significance
- environmental hazards that could affect how the land is used and developed, such as erosion, salinity, flooding and wildfire risk

- the existing lot size and land use patterns
- infrastructure available for agriculture and other relevant land uses
- settlement patterns in the area.

Implementing rural strategic objectives

A planning authority may need to use a number of VPP tools to successfully implement its rural strategic objectives. There are circumstances where a zone and one or more overlays may be needed to deliver the desired outcome. Councils should think laterally about the mix of policies and controls required to achieve their objectives and be prepared to consider using a range of tools to achieve the desired strategic outcomes.

In deciding which rural zone should apply, the following principles should be considered:

- The zone should support and give effect to the SPPF.
- The zone should broadly support all relevant policy areas in the MSS (for example, economic, housing, environment and infrastructure policy).
- The rationale for applying the zone should be clearly discernible in the LPPF.
- Implement the recommendations or actions of any relevant rural strategy or study.
- The zone should be applied in a way that is consistent with its purpose.
- The requirements of any applicable Minister's Direction must be met.

The existing size or pattern of lots in an area should not be the sole basis for deciding to apply a particular zone. For example, it is not appropriate to decide that the Rural Living Zone should be applied to an area simply because it comprises small lots. Traditionally, farms have comprised multiple lots, sometimes contiguous, sometimes in different locations. The fact that an area may comprise many lots does not mean that it cannot be used productively or should not be included in a zone that supports and protects farming. Many factors will determine the suitability of an area for farming, rural living, rural industry, rural conservation or green wedge land.

Local planning policy

Wide discretion is available in the rural zones, particularly the Farming Zone, Rural Activity Zone and Rural Living Zone. To guide the exercise of this discretion and fully implement their strategic objectives, the planning authority should consider whether a Local Planning Policy (LPP) is necessary. An LPP can help to establish realistic expectations about how land in an area may be used and developed, and provide the responsible authority with a sound basis for making consistent, strategic decisions. Refer to *Planning Practice Note 8: Writing a Local Planning Policy* for more guidance on using local planning policies.

The zones in detail

The six zones are summarised as follows:

- **Farming Zone** – a zone that is strongly focussed on protecting and promoting farming and agriculture
- **Rural Activity Zone** – a mixed use rural zone that caters for farming and other compatible land uses
- **Rural Conservation Zone** – a conservation zone that caters for rural areas with special environmental characteristics
- **Green Wedge Zone** – a zone that provides for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate in urban areas for amenity or other reasons
- **Green Wedge A Zone** – a zone that provides for all agricultural uses and limits non-rural uses to those that support agriculture, tourism, schools, major infrastructure and rural living
- **Rural Living Zone** – a zone that caters for residential use in a rural setting.

The zone purposes

All of the zones provide for the use of land for agriculture; however while it is implicit in the purpose of the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone that farming will be a primary land use activity, in the Rural Conservation Zone and Rural Living Zone, farming is subordinate to other land uses or the environmental values of the land.

Farming Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Rural Activity Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.
- To ensure that use and development does not adversely affect surrounding land uses.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Green Wedge Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

- To encourage use and development that is consistent with sustainable land management practices.
- To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.
- To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.
- To protect and enhance the biodiversity of the area.

Green Wedge A Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for the use of land for agriculture.
- To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.
- To ensure that use and development promotes sustainable land management practices and infrastructure provision.
- To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.
- To recognise and protect the amenity of existing rural living areas.

Rural Conservation Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To conserve the values specified in a schedule to the zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.
- To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.
- To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.

- To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

Rural Living Zone Purpose

- To implement the SPPF and the LPPF, including the MSS and local planning policies.
- To provide for residential use in a rural environment.
- To provide for agricultural uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

What are the main features of each zone?

Farming Zone

The Farming Zone is primarily concerned with keeping land in agricultural production and avoiding land uses that could limit future farming or constrain agricultural activities. In this zone:

- farming is the dominant land use and all other land uses are subordinate to farming
- farming uses are encouraged to establish and expand with as little restriction as possible, subject to proper safeguards for the environment
- non-farm dwellings and land uses not related to farming may be considered but should not limit the operation and expansion of agricultural uses
- farm-related tourism and retailing uses may be considered
- uses that could lead to the loss or fragmentation of productive agricultural land, or which could be adversely affected by farming activities, are prohibited
- land subdivision that could take farmland out of production or limit future farming productivity is discouraged
- the minimum lot size for subdivision may be tailored to suit the farming practices and productivity of the land.

This zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is for an existing dwelling, is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

Productive agricultural land

Productive agricultural land generally has one or more of the following characteristics:

- suitable soil type
- suitable climatic conditions
- suitable agricultural infrastructure, in particular irrigation and drainage systems
- a present pattern of subdivision favourable for sustainable agricultural production.

The basic physical characteristics of the land, such as soil type and climate, access to water, and infrastructure are critical to determining the agricultural use of land and whether agricultural productivity can be sustained in the future. However, productivity is also affected by many other factors, including market demand, access to suitable storage and transport facilities, access to efficient processing and value adding capability, availability of technology, the skills of the farmer, research and development, access to capital, marketing, effective industry support, availability of land for expansion and farm labour costs.

Productive agricultural land is a finite resource that makes a significant contribution to the economy of the state and individual municipalities. Its significance is recognised in the SPPF.

Productive agricultural land should be clearly identified and protected in the planning scheme. If the protection and retention of this land for agricultural production is of primary strategic importance, then it should be included in the Farming Zone.

The Farming Zone is designed to encourage diverse farming practices, some of which can have significant off-site impacts. For this reason, the level of amenity that can be expected in this zone will usually not be compatible with sensitive uses, particularly housing.

Decision guidelines

In reaching a decision on a proposal in this zone, the responsible authority must give significant weight to the farming productivity of the land and the relevance of the proposal to farming. There is an

expectation that decisions will be made in favour of protecting and supporting farming. In relation to agricultural issues, the responsible authority must consider:

- whether the use or development will support and enhance agricultural production
- whether the use or development will permanently remove land from agricultural production
- the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses
- the capacity of the site to sustain the agricultural use
- the agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure
- any integrated land management plan prepared for the site.

In relation to dwellings, the responsible authority must also consider:

- whether the dwelling will result in the loss or fragmentation of productive agricultural land
- whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation
- whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses
- the potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

The zone's focus on farming does not mean that there should be little or no consideration of the impact of farming on the environment. The zone encourages farming based on comprehensive and sustainable land management practices and a planning permit is required to establish or expand certain farming enterprises. However, in these cases, the focus of the responsible authority's decision will usually be on whether off-site impacts that may result from the proposal are reasonable for a farming area.

Rural Activity Zone

The main feature of the Rural Activity Zone is the flexibility that it provides for farming and other land uses to co-exist. In this zone:

- the purpose and provisions support the continuation and growth of farming but provide the opportunity for non-farming uses to be considered in appropriate locations
- a wide range of tourism, commercial and retail uses are supported
- farming uses are encouraged to establish and expand, subject to proper safeguards for the environment and amenity considerations
- a planning permit is always required to use land for a dwelling.

Because the mix of uses that is supported in the Rural Activity Zone is wide-ranging, the planning scheme should be clear about:

- what the planning authority wants to achieve in the area where the zone is to be applied
- how discretion in the zone will be exercised.

This can be done by:

- setting out clear objectives for the zone and explaining how discretion in the zone will be exercised in the LPPF, or
- including a purpose statement in the schedule to the zone. If this option is chosen, the statement should be inserted above the table setting out minimum and maximum areas, it should not repeat or contradict the SPPF and LPPF, and it should be more specific than the zone purpose.

If the planning scheme is clear about what is to be achieved in the zone, this will enable the responsible authority to make decisions on a consistent, strategic basis and avoid land use conflicts in the future.

A purpose statement in the schedule to the zone may describe:

- desired or preferred mix of land uses
- desired or preferred locations for particular land uses
- preferred approaches for managing off-site land use impacts
- a specific need that a proposal should meet.

A good purpose statement should reference local conditions, be grounded in reality, and help the responsible authority to make planning decisions, for example:

To achieve a mix of nature-based recreation facilities and tourist accommodation that complements the wilderness values of Gumnut National Park and is compatible with organic food production activities in the area.

The mix of uses that a planning authority may want to encourage in the zone could include:

- farming, rural industry and associated agribusiness
- farming and tourist facilities
- intensive animal husbandry and associated rural processing industries
- nature-based tourism and recreation facilities
- agricultural and environmental education and research facilities.

The application of the Rural Activity Zone does not mean that protecting or maintaining farming activities will be of low importance. The zone caters for a wide range of farming activities, including intensive animal husbandry, rural processing industries and timber production, and a planning authority may want to apply the zone to encourage a particular mix of farming and non-farming activities. However, the needs of farmers will need to be balanced with the council's other planning objectives for the area.

The mix of uses that is encouraged in the zone should complement the environmental and landscape values of the land, and support the council's overall urban and rural settlement strategies. It would be inappropriate to apply the zone to encourage a rural mixed use area if the land is required for urban development in the future, or if the particular uses would be better located in an existing town, where there is access to a wider range of urban services and infrastructure.

The zone should not be mistaken for a quasi rural residential zone. Housing is only one of a number of uses that may be considered in the zone, and, in some circumstances, it may be incompatible with the particular mix of uses that the planning authority is seeking to achieve.

Tourism

Rural Victoria is home to many trails, transport routes and nature-based attractions that have strong tourist appeal and create demand for recreation and tourism facilities and services. Tourism can promote and facilitate economic activity that supports aspects of regional and rural life. For example, farm stays, cellar door sales and the sales of local produce support agriculture.

A range of farming-related tourism uses may be considered in the Farming Zone (such as farm stays, group accommodation, market, residential hotel, restaurants, and primary produce sales). However, if a planning authority is keen to facilitate the establishment of larger scale tourism uses or a more diverse mix of tourism and recreation uses, the Rural Activity Zone may be a more appropriate zone to apply as hotel and tavern are permit required uses.

In deciding to apply the Rural Activity Zone to facilitate tourism in an area, matters to be considered include:

- the need to protect the agricultural, environmental and cultural values of the area
- the scale and mix of tourism and recreation uses to be encouraged
- whether there are opportunities to build alliances between tourism business operators, farmers, food and wine producers and trail network managers
- the product and infrastructure needs of tourists and the local community
- requirements for the siting, planning and design of tourism facilities.

In reaching a decision on proposals in the Rural Activity Zone, the responsible authority must consider whether the use or development will support and enhance agricultural production and other matters relating to protecting and enhancing farming. However, the weight that is given to these considerations will need to be balanced with other social, environmental or economic objectives and policies identified for the land in the scheme.

The schedule to the Rural Activity Zone requires the planning authority to nominate an appropriate minimum lot size and subdivision of land must be at least the area specified in the schedule to the zone (subject to certain exceptions). This will vary depending on the physical attributes of the land, the type of agricultural activities being encouraged and the mix of non-farming land uses being sought.

The minimum lot size should promote effective land management practices and infrastructure provision and could be large or small.

Rural Conservation Zone

The Rural Conservation Zone is primarily concerned with protecting and conserving rural land for its environmental features or attributes. The conservation values of the land must be identified in the schedule to the zone and could be historic, archaeological, landscape, ecological, cultural or scientific values. In this zone:

- all uses are subordinate to the environmental values of the land
- farming is allowed provided that it is consistent with the environmental values of the area
- the minimum lot size for subdivision is tailored to suit the environmental features and values of the land.

Land use and development is controlled in the zone to safeguard the natural environment and conserve the identified environmental qualities of the land. Most agricultural uses require a planning permit. In general, there is an expectation that a proposal will only be permitted if it conserves the values identified for the land, the site is environmentally capable of sustaining the proposal, and it is compatible with surrounding land uses.

The zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a smaller lot for a utility installation.

A permit is required to lease or license a portion of a lot for a period of more than 10 years for the purpose of Accommodation and must be on land of at least 40 hectares in area or as specified in a schedule to the zone.

Industrial uses other than Rural industry, Warehouse uses other than Rural store, most types of Retail premises, and Intensive animal husbandry are prohibited in the zone.

Green Wedge Zone

The Green Wedge Zone is primarily concerned with protecting and conserving non-urban land outside of the Urban Growth Boundary (UGB) for its agricultural, environmental, historic, landscape, or recreational values, or mineral and stone resource attributes.

The zone provides opportunity for all agricultural uses and most farming uses and limits non-rural uses to those that either support agriculture or tourism, or that are essential for urban development but cannot locate in urban areas for amenity and other reasons (such as airports, schools, waste treatment plants, land fills and reservoirs). A dwelling requires a permit and is restricted to one dwelling per lot.

The zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

A permit is required to lease or license a portion of land for a period of more than 10 years for the purpose of Accommodation and must be on land of at least 40 hectares in area or as specified in a schedule to the zone.

Industrial uses other than Rural industry, Warehouse uses (except Rural store), and most types of Retail premises are prohibited in the zone.

Green Wedge A Zone

The Green Wedge A Zone is primarily concerned with protecting and conserving non-urban land outside of the Urban Growth Boundary (UGB) for its agricultural, environmental, historic, landscape, infrastructure, natural resource or rural living attributes.

The zone provides opportunity for all agricultural uses and limits non-rural uses to those that either support agriculture or tourism, schools, major infrastructure and rural living. A dwelling requires a permit and is restricted to one dwelling per lot.

The zone provides a minimum lot size of eight hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots or the creation of a small lot for a utility installation.

A permit is required to lease or license a portion of a lot for a period of more than 10 years for the purpose of accommodation and must be on land of at least 8 hectares in area or as specified in a schedule to the zone.

Industrial uses other than Rural industry (except for Abattoir and Sawmill), Warehouse uses (except Rural store), most types of Retail premises, and Intensive animal husbandry are prohibited in the zone.

Rural Living Zone

This zone provides for residential use in a rural environment. It is designed to cater for lots in a rural setting that are large enough to accommodate a dwelling and a farming use. The farming use is likely to be carried on for reasons other than the need to provide a significant source of household income.

In this zone:

- it is not essential that a dwelling be genuinely associated with a farming use of the land
- some farming may take place on the land, however this will not always be the case
- residents have a reasonable expectation that their amenity will be protected
- a wider range of tourism, commercial and retail uses may be considered in the zone.

Although the Rural Living Zone is catering primarily for residential use, the allotment size and subdivision layout should provide the opportunity for farming activities to occur, without adversely affecting the natural environment or the amenity of surrounding land uses. This means that the minimum lot size could be quite large.

The zone provides a minimum lot size of 2 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is prohibited unless the subdivision is the re-subdivision of existing lots, creating lot sizes consistent with the schedule or the creation of a smaller lot for a utility installation.

If the planning authority's objective is to encourage rural residential development at densities that are defacto large residential lots or which would preclude farming activities, then it should consider applying the Low Density Residential Zone.

Because of the zone's primarily residential function, a planning authority must be able to show that using the Rural Living Zone is part of its strategy to provide appropriate housing diversity and choice to meet housing needs.

In the Rural Living Zone, development must be provided with certain community infrastructure and services normally expected for residential areas. This is why land uses that are normally located in urban areas may be considered in the zone. These uses need to be considered carefully, to ensure that the zone does not become an unplanned urban area and farming on adjacent land is not compromised.

For more information about the key strategic and land capability requirements that a proposed Rural Living rezoning must meet refer to *Planning Practice Note 37: Rural Residential Development*

Potable water supply catchment areas

A potable water supply catchment provides water resources to a reservoir used primarily for domestic water supply purposes. Special water supply catchment areas are listed in Schedule 5 of the *Catchment and Land Protection Act 1994*.

There are two types of potable water supply catchments. An 'open' catchment is where part or all of the catchment area is in private ownership and access to the catchment is unrestricted. A 'closed' catchment means that the whole of the catchment area is publicly owned and public access is prohibited.

Water authorities do not have direct control over land use and development in open, potable water supply catchments. However because of the risks to public health, all use and development should be sited and managed to protect the quality of water collected from the catchment. Residential development and agriculture particularly have the potential to impact adversely on water quality through the discharge of contaminated runoff and wastes, nutrient contributions or sediment to waterways.

To protect water quality in open, potable water supply catchments, the preferred approach is to apply the Rural Conservation Zone. However, in deciding to apply this zone to these areas, a planning authority should carefully consider the type and extent of development expected in the area, the potential sources of pollutants, and the conditions or standards that new use and development would be required to meet to maintain an acceptable water quality. For further information about potable water supply catchments, refer to the *Guidelines for Planning Permits in Open, Potable Water Supply Catchment Areas*.

Where should the zones be applied?

Each zone's purpose and provisions determine where the zone should be applied. Examples of candidate areas for each zone are provided below, however these are indicative only. The decision about which zone is applied should be driven by the strategic objectives in the scheme.

The **Farming Zone** is designed to be applied to rural areas where:

- farmers require certainty about undertaking normal farming practices and need the flexibility to change farming practices in the future
- farming is the principal activity in the area and the protection of productive farmland is of primary strategic importance
- the farmland is of state, regional or local significance in terms of agricultural production or employment
- the farmland has physical attributes that are scarce or essential to sustaining particular agricultural activities
- pressures to use and develop land for non-farming purposes pose a significant threat to the supply and productivity of farmland in the area
- the scale, nature and intensity of farming uses in the area have the potential to significantly impact upon sensitive land uses, such as housing
- the efficient and effective use of agricultural infrastructure will be maximised.

Possible Farming Zone areas include:

- horticulture areas
- intensive animal husbandry areas
- irrigated areas
- dairying areas
- forestry plantation areas
- other broad hectare cropping areas
- areas where the consolidation, intensification or aggregation of farming activities is encouraged
- areas where non-farming uses and development need to be strictly controlled so that potential land use conflicts can be avoided.

The **Rural Activity Zone** is designed to be applied to rural areas where:

- farming is an important activity in the area but the planning objectives identified for the land support the establishment of other land uses
- a mixed-use function would support farming activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure
- the use of land in the area for non-farming purposes would not compromise the long term productivity of surrounding farmland
- appropriate buffers can be provided between different land uses so that land use conflicts are avoided
- the planning authority has developed a clear policy about how discretion in the zone will be exercised.

Possible Rural Activity Zone areas include:

- an existing mixed use rural area where the mix of uses complements the agricultural, environmental and landscape values of the area and supports the council's urban settlement objectives
- rural areas where commercial, tourism or recreational development will complement and benefit the particular agricultural pursuits, landscape features or natural attractions of the area
- farming areas where complementary rural industry, intensive animal husbandry, agribusiness uses, and rural research facilities are encouraged.

The **Rural Conservation Zone** is designed to be applied to rural areas where:

- the protection of the environmental features of the land is of primary strategic importance including, for example, native vegetation, flora and fauna, significant habitats, or they could relate to the visual qualities of the land
- the environmental features of the land are scarce and strict controls are required to prevent the further loss or decline of those features
- land use and development could directly or indirectly threaten the environmental values of the land and strict controls are required to manage this.

If the environmental or landscape features cover a large rural area, the Rural Conservation Zone is likely to be suitable. However, if the features are widely dispersed or fragmented and the surrounding land has been substantially altered (for example, broadacre farming areas with wildlife corridors), the other rural zones may be more appropriate supplemented with overlays.

Possible Rural Conservation Zone areas include:

- relatively intact natural areas where land use and development could result in the loss of important environmental features or values
- areas of biodiversity or ecological significance
- rural areas that contain threatened species habitat, such as wetlands, water catchments and grasslands
- rural areas of high scenic or landscape value
- environmentally degraded areas where a cautious approach to land use and development is required to avoid further environmental damage
- rural areas that are unstable or prone to erosion or salinity
- open, potable water supply catchment areas.

The **Green Wedge Zone** is designed to be applied to green wedge land where:

- agriculture and farming is an important activity in the area, complemented by other land uses
- a mixed-use function would support farming activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure to service urban areas
- the use of land in the area for non-farming purposes, such as tourism uses, would support the long term productivity of surrounding farmland
- the protection of the environmental features of the land is important including, for example, native vegetation, flora and fauna, cultural heritage, significant habitats, or they could relate to the landscape and visual qualities of the land
- significant mineral and stone resources are located in the area.

Possible Green Wedge Zone areas include:

- rural land defined as green wedge land
- areas of agricultural and farming land
- relatively intact natural areas where land use and development could result in the loss of important environmental features or values
- areas of biodiversity significance
- rural areas more remote from townships and township areas supporting a variety of land uses and lot sizes of around 40 hectares or greater
- rural areas of high scenic or landscape value
- areas for infrastructure provision or stone and mineral resources.

The **Green Wedge A Zone** is designed to be applied to green wedge land where:

- agriculture and farming is an important activity in the area but the planning objectives identified for the land support the establishment of other land uses
- a mixed-use function would support farming and tourism activities in the area, assist in preventing the unplanned loss of productive agricultural land elsewhere, or allow for the logical and efficient provision of infrastructure to service urban areas
- the use of land in the area for non-farming purposes, such as tourism uses, would support the long term productivity of surrounding farmland
- the protection of the environmental features of the land is important including, for example, native vegetation, flora and fauna, cultural heritage, significant habitats, or they could relate to the landscape and visual qualities of the land
- significant natural resources are located in the area
- rural living areas with lot sizes of around eight hectares or greater located on the periphery of, or between, townships.

Possible Green Wedge A Zone areas include:

- rural land defined as green wedge land
- relatively intact natural areas where land use and development could result in the loss of important environmental features or values

- areas of biodiversity significance
- rural areas surrounding townships supporting a variety of land uses with lot sizes of around eight hectares or greater
- rural areas of high scenic or landscape value
- areas with significant natural resources.

The **Rural Living Zone** is designed to be applied to areas where:

- the rural land has a mainly residential function
- farming may take place on the land but this is subordinate to the residential use
- residents require certainty about the residential amenity of the area and are protected from potentially incompatible land uses
- farming is of a nature or scale that will not conflict with housing
- residents will have access to most of the normal services and infrastructure provided in urban areas.

Possible Rural Living Zone areas include:

- rural areas that have been substantially subdivided and developed for dwellings in proximity to an urban area or township with a range of urban services and infrastructure.

Further information

More information is available on the department's website at www.delwp.vic.gov.au/planning

Other planning practice notes:

- *PPN62: Green Wedge Planning Provisions*
- *PPN31: Preparing a Green Wedge Management Plan*
- *PPN37: Rural Residential Development*
- *PPN55: Planning in Open Drinking Water Catchments*

Appendix 6
Draft criteria for identifying
Strategic Agricultural Land,
public consultation 2019

| | |
|--|---|
| Natural fertile land with minimal constraints and highly capable of intensive, soil-based agriculture | <p>Land identified as highly capable for intensive soil-based agriculture, taking into account the following characteristics:</p> <ul style="list-style-type: none"> • High-quality soil: soils that are high value due to their year-round and multipurpose properties. • Niche soil: soils that are particularly good for certain crops and support niche industries. • Suitable terrain and landscapes: land with minimal slope, rock outcrop and no presence of coastal acid sulfate soils, salinity or other noxious components. • Reliable rainfall: areas with reliable long-term natural rainfall that provides adequate water supply for agricultural production. • Low risk of land degradation: Land with very low risk of land degradation, such as flooding risk, inundation, landslips and erosion hazard. |
| Farmland with access to a secure water supply | <p>Access to irrigation infrastructure: access to existing irrigation infrastructure that provides a reliable water source for agricultural regions. Green wedge and peri-urban irrigated areas include Werribee and Bacchus March irrigation districts.</p> <p>High potential for access to alternative water sources:</p> <p>Areas identified as having potential access to alternative water, or areas in proximity to major wastewater pipelines and key sewerage treatment plants with potential capability to supply recycled water.</p> <p>Access to good quality groundwater: access to a verified source of good quality groundwater in Groundwater Management Areas and Water Supply Protection Areas.</p> |
| Land that is resilient to the potential impacts of climate change. | <p>Climate resilience:</p> <p>Highly versatile agricultural areas suitable for a greater range of cropping, horticulture and pasture purposes both currently and under forecast climate scenarios for 2030, 2050 and 2070.</p> |
| Land that is currently used for intensive agricultural purposes or supports the viability of an agricultural area | <p>Existing intensive higher-value agricultural land use: Areas that currently support intensive soil-based agricultural industries, including dairy, horticulture, viticulture and general cropping.</p> <p>Post-farmgate processing and value-adding: areas that support industries with critical links including processing plants and major packing houses.</p> <p>Industry clusters: areas where industries have successfully clustered to achieve significant efficiencies.</p> |
| Factors that may prevent land from being classified as Strategic Agricultural Land | <p>Limited size and extent of area: the size and extent of the area identified as potential Strategic Agricultural Land is a scale and size that is unlikely to support sustainable agricultural production.</p> <p>Poor access: locations that are too remote to existing markets, labour and transport, including airports and logistics facilities.</p> <p>Land set aside for other purposes or land use values: land already allocated for another defined use in planning schemes or set aside for conservation purposes. Only zones with an agricultural purpose are eligible for inclusion in SAL (i.e. Farming Zone, Rural Activity Zone, Green Wedge Zone, some Special Use Zones (Cardinia) and Rural Conservation Zone).</p> |

Planning for Melbourne's Green Wedges and Agricultural Land

Appendix 7
 Typologies of green wedge and peri-urban landscapes

The seven major landscape typologies of Melbourne's green wedge and peri-urban areas that have been preliminarily identified by the Victorian Government are grassy plains, woodland plains, hinterland, forested ranges, coastal landscapes, constrained/remnant landscapes and modified landscapes.

Each typology is described in more detail below.

Grassy plains

This landscape is generally found in the western area but also common in south-eastern Melbourne. The grassy plains typology comprises the following key attributes:

- open
- cropped or grazing agriculture
- often flat
- spacious
- longer distance with panoramic views
- minimal or scattered vegetation
- open fencing
- some shelter belts.

Woodland plains

Woodland plains are commonly found in locations across the green wedge and peri-urban areas where the land is flat and significant vegetation has been generally undisturbed, which is mostly in eastern and northern areas. The woodland plain typology comprises the following key attributes:

- vegetated canopy
- shorter distance with screened views
- scattered clustering of vegetation and woods
- buildings partially or completely screened
- green links and habitat corridors
- buildings generally not prominent in the landscape.

Hinterland

The hinterland typology covers areas with undulating topography that have historically seen vegetation removal for agricultural activity. The hinterland is common in the northern, eastern, parts of south-eastern and southern green wedge and peri-urban areas. The hinterland typology comprises the following key attributes:

- undulating/sloping topography
- scenic rolling landscape
- openness/spaciousness
- long range views towards rolling hills
- clustered and scattered vegetation with shelter belts, particularly along agricultural property boundaries and roadsides
- large areas of cleared agricultural landscape with pockets of remnant vegetation.

Forested ranges

Forested ranges are generally found to the east of Melbourne, particularly in the Yarra and Southern ranges' green wedge areas. The forested ranges typology comprises the following key attributes:

- undulating
- steep and shallow hill forms
- densely vegetated
- views screened or blocked by vegetation on slopes
- discrete vantage points and view lines
- buildings set amid and screened by vegetation
- capacity to hide new development.

Coastal landscapes

Coastal landscapes are found primarily in the green wedge areas of Mornington Peninsula and Westernport, as well as in peri-urban areas west of Melbourne down to the Bellarine Peninsula. The coastal landscape typology comprises the following key attributes:

- beaches, foreshores and headlands
- cliffs and escarpments
- exposed landforms
- feeling of openness/spaciousness
- long distance and panoramic views
- areas of high scenic quality
- highly sensitive landscapes
- wetlands, mangroves, swamps and mudflats
- remnant coastal vegetation
- pockets of heavily vegetated areas
- modified landscape
- piers, promenades and paths
- lighthouses.

Constrained or remnant landscapes

Constrained/remnant landscapes are common in areas where urban development has encroached and has restricted the expansive sense of an extended rural landscape. This landscape is common in areas of green wedge land in Melbourne's south-east. The constrained/remnant typology comprises the following key attributes:

- remnant green areas that are largely encompassed by urban development and tend to be unconnected to an extended landscape
- areas with limited environmental attributes or agricultural purpose
- disrupted green wedge views to urban areas.

Modified landscapes

The modified landscapes typology is found in various locations across green wedge and peri-urban areas. The modified landscape typology comprises the following key attributes:

- wide-ranging changes to the character and appearance of original landforms
- may have been subject to extensive extraction and/or filling
- may not reflect the original topography of the area
- vegetation established in patterns that reflect the extent of works.

Planning for Melbourne's Green
Wedges and Agricultural Land

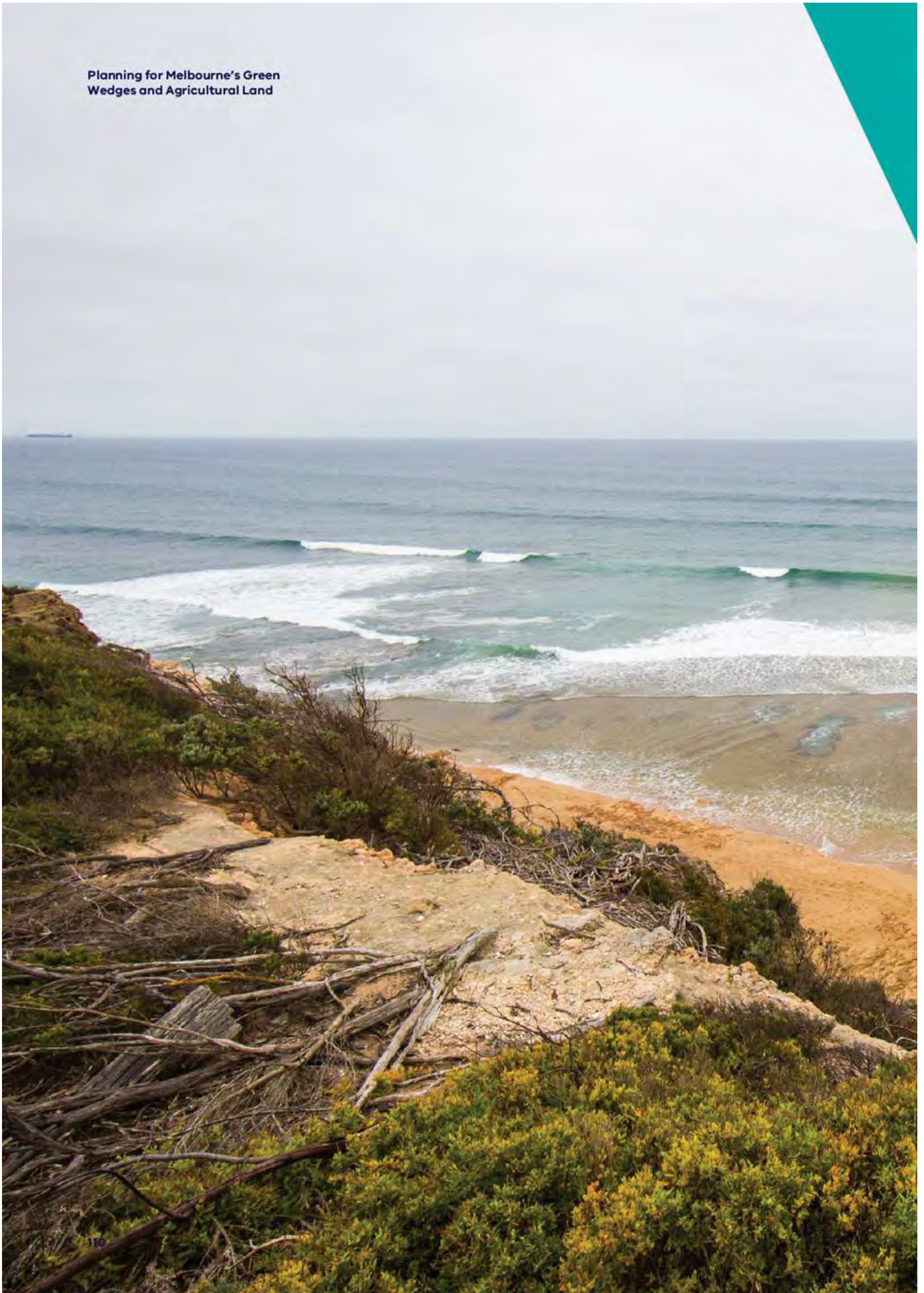


Image credit: © Visit Victoria

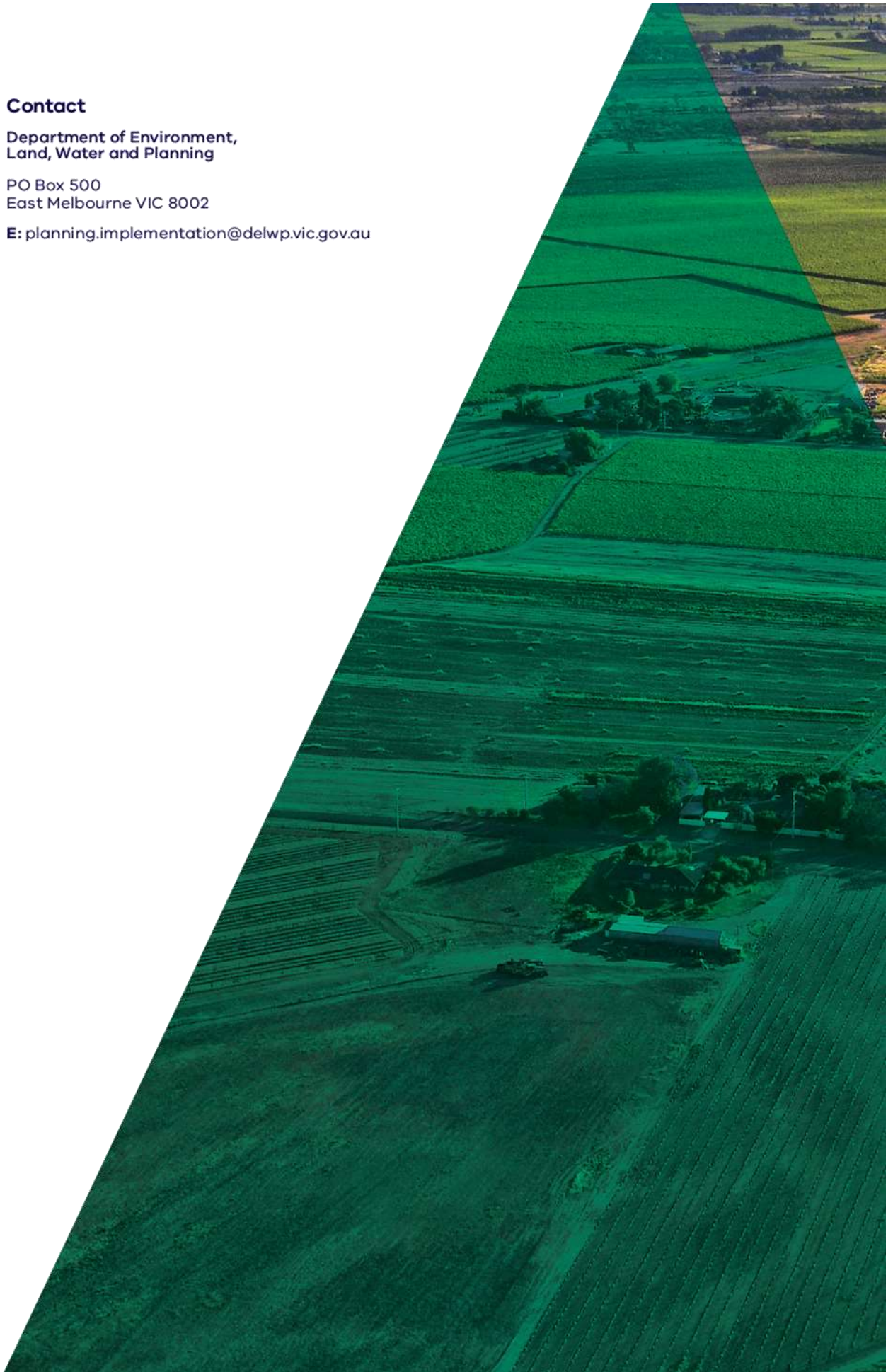


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Amended DELWP Consultation Paper: Planning for Melbourne's Green Wedges and Agricultural Land

Nillumbik Shire Submission (Adopted by Council) 23/02/2021

The following provides Council's consideration and submission to the DELWP Consultation Paper: *Planning for Melbourne's Green Wedges and Agricultural Land*, noting the Consultation Paper has not been made publicly available for consultation at the time of preparation, Council briefing and Council Ordinary Council Meeting for endorsement and Council and has been considered confidentially.

Council officers liaised with DELWP on a number of occasions in regard to the postponing of public consultation (initially programmed to start on the 12th August 2020 for a period of 10 weeks) due to COVID stage 4 restrictions. It was noted that extensions to any public engagement should consider Council elections including caretaker period, and opportunity to brief a new Council and for their consideration at a future Council meeting with the benefit of community feedback to councillors on the Consultation paper. Importantly officers raised concerns with DELWP that:

- a. Seeking to adopt a Council submission to the Consultation Paper is problematic where review and views of the community cannot be suitably conveyed to Councillors for their consideration;
- b. Keeping the Consultation Paper confidential as requested by DELWP and thereby Council briefing and OCM on the matter confidential is not considered transparent and is not aligned to Council's objectives of 'responsible leadership' and puts Council in a difficult position in regard to its decision making in isolation of its community; and
- c. Given COVID restrictions consideration should be given to allowing as much time as possible for review and submissions by the community.

Council provide the following advice, again identifying as outlined above that the process to capture submissions is considered compromised and lacks transparency.

Feedback has been provided (as requested by DELWP) aligned to the content and location of the proposed reforms within the Consultation Paper with page numbers identified to assist with reference.

Consultation Paper Submission - Draft:

A. Council Feedback to Principles identified in the Consultation Paper (page 7)

The following principles underpin our approach to the challenges and proposed options in this consultation paper:

Principle 1

The proposed options should be consistent with the desired planning outcomes for Melbourne's green wedges and agricultural land as outlined in Plan Melbourne.

Noted that desired planning outcomes for green wedges and peri-urban areas (Plan Melbourne 2017-2050) includes acknowledgement of the role and protection of environmental and biodiversity assets, as well as agriculture. The focus on agriculture without association to conservation and the inherent relationship between the two in achieving sustainable outcomes is considered a deficiency in the paper. Noted that Nillumbik's Green Wedge is over 60% covered by an Environmental Significance Overlay, given 91% (39,600ha) of the Shire is Green Wedge that is approx. 24,000 ha.

Principle 2

The proposed options should recognise and strengthen agriculture as one of the primary land uses in Melbourne's green wedge and peri-urban areas.

This is too strong an emphasis on agriculture. In Nillumbik, conservation is a highly important use and in some parts more important and/or realistic than promoting agriculture (e.g. areas of the north-eastern hills). Care has to be taken so that Principle 2 does not place biodiversity values as second to agriculture in areas where other values (e.g. biodiversity) are more, or just as, important. If this were to occur, it could result in the proposed planning provisions not sufficiently protecting biodiversity values. For example, by preferring vegetation clearance for agriculture (grazing, crops, farm buildings) above protection of biodiversity values.

Principle 3

The proposed options should respond to pressure from urban and incompatible land uses that threaten green wedge values and productivity of Melbourne's agricultural land.

It is appropriate that the principals of this review must be considered equally to ensure that economic opportunities that come from tourism are given the same weight as those for agriculture.

Principle 4

The proposed options should ensure that applications to develop or change the use of land addresses public and natural interests and respects the roles and values of green wedge and peri-urban areas.

See comments above.

B. Council Feedback to Regional features identified in the Consultation Paper (page 22)

Nillumbik Shire is identified in study area – North (Map 5, page 23). The following statement is included to describe regional features.

The northern study area is characterised by strongly dissected slopes, gorges and valleys (including the south-western slopes of the Great Dividing Range and Plenty Gorge), cleared rural and agricultural land, scenic hills, rocky and volcanic plains.

It holds significant environmental and biodiversity conservation values as well as open space features. The range of parks, reserves, cultural heritage, local food and network of trails throughout the northern green wedges support the region's visitor economy.

The region contains important water storage catchment areas for Melbourne, wetlands and waterways. Cropping, orcharding, grazing, dairying, viticulture, equine uses and animal husbandry occur throughout the Northern Region's green wedges.

Significant transport gateways, infrastructure and landfills in the region support other important economic sectors, such as freight and logistics, manufacturing, waste management and resource extraction.

The classification for the northern study area is a 'one size fits all'. It is noted much emphasis is placed on Green Wedge Management Plans identifying the unique values of each Green Wedge, however, the overarching analysis of the northern study area it is contended should be more pointed to each of the Green Wedges that make up the northern region. e.g (from the individual GWMPs).

Most (91 percent) of Nillumbik Shire is non-urban green wedge land and a notable portion (16 percent) of the Shire's green wedge is currently used for agriculture. Our natural environment is vitally important to the identity of our Shire and encompasses much of what we value and appreciate about the green wedge. It includes an array of vegetation types including dry forests and woodlands, wet and damp forests, cleared rural land, scattered trees, and waterways; and is home to over 1,000 indigenous flora species, 73 of which are listed threatened species including some plants (and in particular, orchids) that are not found anywhere else in the world.

Our natural environment also underpins the health and wellbeing of our residents and visitors. It provides access to nature, recreation, open spaces, healthy soils, clean air and water. It also sustains many of our rural businesses including agriculture, agribusiness, viticulture and tourism ventures – which all rely on a healthy ecosystem to thrive.

C. Council Feedback to Proposed Options & Actions identified in the Consultation Paper (page 14 onwards)

Key proposed options and actions identified in the Consultation Paper are:

| Key proposed options identified in Consultation Paper | | Key proposed actions proposed in Consultation Paper | |
|---|--|---|---|
| 3.1 | Strengthen legislative and policy frameworks to provide clear strategic direction | 3.1.1 | strengthen legislative and policy framework for Melbourne's green wedges |
| | | 3.1.2 | strengthen legislative and policy framework for Melbourne's agricultural land |
| 3.2 | Support agricultural land use by strengthening rural zones and overlays | 3.2.1 | manage subdivision and dwelling development in agricultural areas |
| | | 3.2.2 | improve decision-making on agricultural land |
| | | 3.2.3 | future-proof Melbourne's food bowl |
| | | 3.2.4 | strengthen referral and notice requirements |
| | | | support agricultural diversification, value-adding and innovation |
| 3.3 | Manage green wedge and peri-urban land through more consistent and coherent land use decision-making | 3.3.1 | manage the urban–rural interface |
| | | 3.3.2 | manage discretionary and other uses of land |
| 4.0 | Improving design and development in green wedges to respond to the surrounding landscape | 4.1 | implement design and development guidelines |
| | | 4.2 | introduce design requirements |

3.1. Strengthen legislative and policy frameworks to provide clear strategic direction

Action 3.1.1. Strengthen legislative and policy framework for Melbourne's green wedges

Proposal 1 (page 14):

- a) Amend Part 3AA (Metropolitan Green Wedge Protection) of the Planning and Environment Act 1987 to:
- clearly express the Victorian Government's vision and objectives for green wedges
 - enshrine regional policy for each green wedge in legislation
 - introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge
 - require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities.

Supported - there is benefit in introducing a legislative requirement. If worded properly it will better target actions by Council and State Government, in consultation with the community, to optimise protection and use of Green Wedge. An issue with legislation though is making sure that it remains current.

Proposal 2 (page 15):

- a) *Update state planning policy to clearly articulate the preferred outcomes for Melbourne's green wedges. The objectives of Clause 11.01 of the VPP (Green Wedges: Metropolitan Melbourne) can be potentially revised to include:*
- *'To maintain the important non-urban purpose of the green wedges and avoid use and development that would adversely affect their future productive use or environmental significance'*
 - *'To support preferred land uses and encourage uses that contribute to the non-urban landscape and character'.*

Supported - greater direction is needed in State Policy to help guide local decision making. It would be good to have greater guidance around what the preferred land uses are.

The direction though has to be clear. At times, broad strategic documents from the State Government on green wedge planning are written in a fashion that makes it too easy for them to be interpreted or construed to suit land use and development which broadly the documents are supposed not to support.

Proposal 3 (page 17):

Review and update Planning Practice Note 31 'Preparing a Green Wedge Management Plan' to improve the structure, form and content of Green Wedge Management Plans.

Supported. Increased clarity & structure for preparing a green wedge management plan is considered positive.

Consideration needs to be given to a number of issues in regard to this proposed reform however including:

- Associated costs to Councils – in preparing such a 'fine-grained strategy', costs will be considerable given the level of detail that is being proposed e.g. detailed environmental, landscape and land use inventory mapping, and detailed design guidelines. State government support to fund and implement these changes is required. These will be helpful tools however in regard to assisting with assessing planning applications in the Green Wedge – particularly understanding capacity for crops and other agricultural uses.
- As acknowledged in the Consultation Paper – there is no 'one size fits all' in the Green Wedge – each is unique and has its own character, opportunities and pressures. Standardised 'design guidelines' are considered problematic for this reason particularly as a particular provision in planning schemes. Individual and appropriate application of design guidelines as a 'tool' is considered best implemented from a 'suite' identified in an updated Practice Note, where Councils may choose applicable guidelines in association with their adopted Green Wedge Management Plans – and apply these to the schedule to the zone (as appropriate). Refer to Action 4.1 in regard to Council feedback in regard to proposed 'design elements' for further feedback.

Proposal 4 (page 18):

Develop and introduce regional policy directions in the PPF for Melbourne's green wedges in Clause 11.01-1R (VPP) and through Land Use Framework Plans.

Supported. Introducing regional policy directions in the PPF would be a positive change, as it would provide clarity for localised policy and clearer direction within the regional area. Green Wedge areas

don't stop at municipal boundaries, so it makes sense that the policy designed to better manage and protect these areas is regional based policy and that this policy then informs local policy. This approach would hopefully result in stronger policy direction and clarity, and reduce the politics around the green wedge areas. It would facilitate greater discussion and action between adjacent municipalities to ensure coherent planning for green wedges on their shared boundaries.

Action 3.1.2. Strengthen legislative and policy framework for Melbourne's agricultural land

Proposal 4 (page 30):

Update the PPF to include new regional policy for Melbourne's agricultural land to support greater resilience of Melbourne's food bowl by encouraging re-use of valuable city waste streams, including recycled water, stormwater, nutrients and biogas, encourage opportunities for growth and diversification of other activities complementary to agriculture that leverage the advantages of proximity to the city of Melbourne and its local markets to support the establishment and expansion of infrastructure that benefits agriculture, recognise the economic and employment contributions of Melbourne's agricultural land to local communities, the region and the State of Victoria.

Requires clarification. How is agricultural land identified? Is it purely by the zone? This is where regional planning and a regional policy direction is beneficial, as it would help to identify the values within each green wedge and help to guide appropriate agricultural land uses. For instance, a lot of the Nillumbik green wedge area falls within the RCZ. Agriculture is not an as of right use and for much of the geographic area, there is tension between agricultural uses and conserving the natural environment.

It is noted it is important to better protect agricultural land, however policy needs to protect both existing agricultural land and potential agricultural land. DELWP's recent work on better protecting agricultural land is considered to have a limited view on what land should be protected, largely as it has only set existing agricultural areas as worthy of protection and ignored other important areas, such as land which may not be producing much agricultural income now, but which could in the future with investment.

Proposal 5 (page 30):

Update the PPF to encourage land uses that have limited or negligible reliance on soil as the basis of production, to be located in areas where soil-based agriculture is likely to be constrained.

Requires further consideration. Soil constraints alone should not determine the location of non-soil based agriculture. The siting of activities such as shed housed poultry or pigs, aquaponics or hydroponics should also consider proximity to input sources (feed, waste or energy), labour, processors and markets. Agricultural sites limited by soil constraints (such as much of Nillumbik) may be better utilised for low intensity uses or to provide ecosystem services to the wider Melbourne area.

As Melbourne's situation changes because of climate change, changing markets and emerging technologies, smaller scale agricultural activity and associated land-holdings could become significantly more important to the city's food bowl.

Consideration predominantly of traditional agriculture, misses the possibility of future planning for non-soil based forms of agriculture on less fertile land (such as hydroponics) that will take advantage of access to markets, water and energy for food production.

Proposal 6 (page 31):

- a) *Establish new right to farm legislation for Melbourne's agricultural land that ensures primary production carried out on a farm does not constitute a nuisance, provided that it is conducted lawfully and the zoning of the land supports agricultural use as a primary purpose of the zone.*

In appropriate locations, this is a good initiative. Regional planning that sets the policy objectives and direction for each green wedge should then inform the appropriate zones to apply to guide appropriate activities. A right to farm should be implemented within an appropriate zone/s where agriculture is the key purpose and objective of the zone, in order to avoid conflicts with other uses and competing objectives such as conservation. Other zones such as the RCZ etc. where agriculture is a discretionary use could then act as buffer zones to more sensitive uses such as residential uses.

Careful definition however of what is meant by 'right to farm' is required. Otherwise there could be adverse impacts e.g. a scenario where "right to farm" would allow residential uses but put the emphasis on new residential properties to adjust (agent of change discussion), as this will not occur. Instead, pressure will be put on agricultural enterprises to change and the likelihood of the land being sold for non-agricultural uses will be increased due to residential pressures pushing land prices up. Also, the right to farm should not be a mechanism that allows the agricultural sector to ignore important environmental practices, such as to avoid over-grazing or minimise vegetation loss. Noted the statement in the discussion paper "arguably the best way to protect the right to farm is to prevent the incompatible uses and development from establishing in agricultural areas in the first place". Added to this should be emphasis on sustainable practices in reference to the right to farm.

- b) Introduce the 'agent of change' principle into legislation to assign responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) to the 'agent of change' – the person or organisation who introduces a new use or development in an existing environment.*

Requires more consideration. Considered that not letting the conflicting use occur in the first instance is a better outcome. Unclear how this would work in practice. For instance what if an agricultural use was significantly intensified or a new 'as of right' agricultural use commences after the 'agent of change' use is already established. A conflict could emerge after both uses are established and it's then unclear who is responsible for mitigating the change impacts. That being said, agricultural activities in areas identified as appropriate for agriculture, need to be protected from development pressure. Again what is appropriate land for agriculture now, could change in the future with technology, which results in poor outcomes that is Green Wedge land that has been enhance for productivity through investment and technology. State and regional policy should set clear direction for uses appropriate in green wedge areas, based by the zones, and also set clear applications requirements, to help alleviate conflict between permitted land uses.

- c) In conjunction with legislative changes above, update the PPF to encourage appropriate siting, design and scale of sensitive uses and developments within rural areas to avoid conflicts with agricultural uses and to maintain capability to intensify agricultural production.*

Supported - this should be lead/guided by regional policy as the starting point, which then leads into individual planning schemes. Mandatory application and information requirements should also be incorporated into the planning scheme to assist with this.

3.2 Support agricultural land use by strengthening rural zones and overlays

3.2.1 Managing subdivision and dwelling development in agricultural areas

Proposal 8 (page 38):

- a) Reduce the subdivision potential of Melbourne's agricultural land by requiring parliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme in the Farming Zone and Rural Activity Zone within 100 km of Melbourne.*

No comment - not applicable to Nillumbik – no Farming Zone or Rural Activity Zone.

- b) Currently, any amendment that increases the subdivision potential of green wedge land requires the approval of the Minister for Planning and ratification of both Houses of*

Parliament. This option extends the current requirement to agricultural land in peri-urban areas.

No comment - not applicable to Nillumbik – no Farming Zone or Rural Activity Zone.

- c) Amend the subdivision provisions of the Farming Zone and Rural Activity Zone to prohibit the creation of a lot for an existing dwelling that is smaller than the minimum lot size. This only applies within 100 km of Melbourne.*

No comment - not applicable to Nillumbik – no Farming Zone or Rural Activity Zone.

Proposal 9 (page 40):

- a) Better control dwellings in Melbourne's agricultural areas by:*
- adding the following condition to the use of land for an as-of-right dwelling in the Farming Zone must not be within 100 km of Melbourne.*

No comment - not applicable to Nillumbik – no Farming Zone.

- b) This change would remove Dwelling as an as-of-right use in the Farming Zone within 100 km of Melbourne.*

No comment - not applicable to Nillumbik – no Farming Zone.

- c) Introducing decision guidelines for 'Dwelling Issues' into the Green Wedge Zone and Green Wedge A Zone. The decision guidelines would mirror the guidelines provided in the Farming Zone, which require the responsible authority to consider, as appropriate:*
- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
 - Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
 - Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
 - The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture and natural systems.*

Introducing the above decision guidelines would be beneficial, although they are quite similar to the current decision guidelines. Considered that as decision guidelines they provide no real control – they are just 'matters to be considered'.

In regard to RCZ, what is required is some clearer statements stating it is not a purpose of the zone to provide rural-residential living. This may require some re-formatting of the VPPs to provide clearer statements in the purpose of the zone in terms of what is encouraged and discouraged.

- d) Introducing application requirements for dwellings into the Green Wedge Zone and Green Wedge A Zone that require applications for dwellings to be accompanied by a written statement that explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.*

Supported - mandatory application requirements are helpful, however standards and parameters for these must be specified in the GWZ and GWAZ. For example, the level of detail, specifically what information is required, who is qualified to prepare this information etc.

3.2.2 Improving decision-making on agricultural land

Proposal 10 (page 41):

- a) *Develop a practice note to guide council decision-making on planning permits in agricultural areas. The practice note would support the interpretation of the planning scheme and guide discretionary decision-making, and may outline:*
- *how to interpret the decision guidelines*
 - *for zones relating to agriculture*
 - *how to determine whether a discretionary use will lead to loss of agriculture as the primary use of land*
 - *how to apply the 'in conjunction with' agriculture test*
 - *how to assess and minimise potential land use conflicts in development proposals, including proposals adjacent to agricultural land.*

A Practice Note and any further State Government assistance around the above would be beneficial. The practice note should also consider environmental matters as well such as conservation, native vegetation, bushfire, habitat etc. (coming from the perspective that Nillumbik has a lot of RCZ).

- b) *Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme.*

Any added support is always beneficial. There would need to be clear guidelines as to when the expert advisory service could be utilised and at what stage of the planning permit process.

3.2.3 Future proofing Melbourne's food bowl

Proposal 11 (page 44):

- a) *Develop a new regional policy, Clause 14.02-3R of the PPF (Preserving opportunities for irrigated agriculture around Melbourne), with the following objective:*
- *safeguard land with potential for future growth in irrigated agriculture, based on alternative water use.*
 - *The new policy would:*
 - *delineate areas with potential for future growth in irrigated agriculture*
 - *ensure changes to land use in these areas do not limit potential opportunities for development and expansion of irrigation agricultural precincts*
 - *maximise the beneficial re-use of treated wastewater and stormwater for agricultural purposes.*

Supported. The above initiative sounds positive and planning policy should be encouraging more sustainable agriculture with particular objectives around equity and access to water that has been treated appropriately to allow for such re-use

- b) *Introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure. The purpose of the overlay would be to:*
- *identify and protect areas with secure water resources for agricultural uses*
 - *provide certainty that these areas will continue as key agricultural areas into the future*
 - *protect areas of significant water infrastructure investment*
 - *limit non-farming and incompatible uses that would restrict ongoing productive use of land for agricultural purposes*
 - *protect buffers of identified areas from encroaching sensitive uses such as dwellings*
 - *to ensure agricultural activities continue without restrictions*
 - *facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements.*

Supported – however it would be important to ensure the overlay is appropriately applied and definition of 'food-producing' areas. This supports the above initiative encouraging more sustainable agriculture with particular objectives around equity and access to water. It is considered regional planning would be important for identifying these 'food producing' areas in the green wedges and then appropriate planning controls could be applied.

- c) *In conjunction with the development of a new overlay, establish a process to determine where the new overlay should be applied. In the first instance, it is proposed to apply the overlay to irrigation districts with defined boundaries, including the Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. There is potential to cover further areas once a clear process and criteria for its application are confirmed.*

Supported – comments above reiterated.

3.2.4 Strengthening referral and notice requirements

Proposal 12 (page 48):

Ensure water authorities have a clear role in the decision-making process for applications to use or develop land in protected irrigation districts or in non-urban areas identified as having potential for access to alternative water in the future.

Supported – generally reasonable and would be beneficial for any application under consideration in these applicable areas.

3.2.5 Supporting agricultural diversification, value-adding and innovation

Proposal 13 (page 49):

- a) *Update the definition of 'Primary produce sales' to:*
- *allow sale of ancillary goods (such as crackers and bottled drinks) to be consumed with the primary produce (e.g. cheese or strawberries)*
 - *allow sale of produce from land held in one ownership to support farms comprising divided holdings in the same ownership*
 - *allow a percentage of produce sold to be sourced from local producers within 5 km of the use.*

Generally supported – as permitting the sale of any ancillary goods as currently drafted in the proposed definition is subjective and open to interpretation. However, if this was to go ahead, it needs to set parameters and to be clearly defined to provide Council officers and property owners with clear guidance. This is an area that can lead to compliance issues often – so again clarity would be required.

The proposed definition is too open ended and doesn't clearly define how the items must relate to the primary produce sales. The selling of other local produce is beneficial and is a good idea, as farms can share their produce for sale. Some properties may be on a main road where as another property may be on a back road and not get a lot of passer-by traffic. However the 5km distance is an issue. Why is this the distance set – how is this applicable to 'all Green Wedges'?

- b) *Amend the definition of the land use term 'Host farm' to require a direct link to an 'operating agricultural property'.*

Supported – but only with very clear parameters set. It needs to define what is meant by an operating agricultural property. Is 10 head of cow on a 10ha property and 'operating agricultural property' and therefore is it reasonable for the property to have an 'as of right' use as a host farm? For example, does the agricultural use need to generate some level of income? How many persons can be housed? Is it dependent upon the size of the agricultural operation? Or does it need to employ people

who don't live on the property? There needs to be clear guidelines to restrict a host farm prospect on a hobby farm scenario which might be more a B & B style proposition. Applications for building and works to accommodate 'as of right' use for accommodation to support the host farm function would then have to be considered.

- c) Move 'Host farm' to a Section 1 (as-of-right) use in the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone, providing it is undertaken in conjunction with agriculture and accommodates no more than 10 people away from their normal place of residence at any one time. If these conditions are not met, the use will require a permit.*

Not supported. As above a clear definition and parameters would be required to ensure that it is a legitimate agricultural activity and to restrict this activity in conjunction with hobby farms. There needs to be improved guidelines and requirements for uses that are in conjunction with another use. There is currently little guidance for this in State Policy and officers are reliant on case law in order to determine whether something satisfies the in conjunction with test. The planning scheme needs to set out the requirements for satisfying the in conjunction with test. Further feedback is provided in regard to the 'in conjunction test' by Council below.

- d) If the Host farm is within 100 km of Melbourne, the use must be in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.*

Requires further clarification. Why is this proposed? Uses such as natural systems and outdoor recreation starts to blur the lines. What is natural systems? The planning scheme does provide a definition, but what is it on the ground? What defines or justifies a legitimate natural system and on what scale does it need to be? This seems more like an eco-tourism type initiative? In terms of outdoor recreation facility, again this seems more like a tourism initiative such as a camp facility. Opening up the ability for host farms to operate with these other uses is likely to put added pressure on agricultural land. There appears no issue to allow a host farm with a rural industry or a winery use. Although these uses aren't nested under agriculture, they are uses that still use rural land for productive purposes.

3.3 Managing use of green wedge and peri-urban land

3.3.1 Managing the urban-rural interface

Proposal 14 (page 52):

- a) Provide planning practice guidance for local authorities on how to consider and direct planning for urban-rural interface areas.*

This would be beneficial to ensure that all interface areas are being planned and managed consistently

- b) Provide guidance on preferred transitional land uses for land at the urban-rural interface and provide urban design guidance that supports a permanent edge and buffer to the urban area through region-level strategic policies (see proposed regional policy for green wedges, Section 3.1).*

Not supported – Council acknowledges the importance of transitional and interface areas, and the need to provide for a permanent edge to limit erosion of the green wedge and agricultural and conservation values. Council have concerns that this proposal may lead to greater consideration of land uses that may prioritise urban outcomes (including servicing of adjoining urban populations) over conservation/agricultural land uses (e.g. large schools or places of worship).

- c) Introduce conditions in land use zones for particular uses, such as public open space or uses serving urban populations (e.g. schools, places of worship and infrastructure), to be located in transitional locations only.*

Not supported. See response to b. above.

- d) *To improve transition between rural and urban land use, introduce the ability to apply other rural zones more suited to the roles and land conditions of particular locations (e.g. Rural Living Zone, Farming Zone), provided the minimum green wedge subdivision provisions are retained.*

Not supported. See response to b. above. Council consider allowing for greater consideration of residential uses and associated proliferation of dwellings and associated ancillary buildings in the Green Wedge in transitional areas, would increase pressures for future movement of the UGB.

3.3.2 Planning for future infrastructure and energy needs

No reforms to planning provisions proposed.

3.3.3 Managing discretionary uses

Proposal 15 (page 56):

Education facilities

- a) *Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that primary and secondary schools must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.*

Not supported. Considered this relates to private educational facilities as opposed to Government educational facilities, which would likely be in a PUZ. We have a number of 'country' State schools in Nillumbik and it's important for small townships to have educational options nearby. So assuming this is for private educational facilities, then the planning scheme should set parameters and conditions around this in order to avoid further fragmentation of the green wedge. For places of worship an alternative could be to limit the floor area of the places of worship and require them to be within a rural township area. It is considered this is in response to municipalities who are experiencing very large proposals for private school campuses and large-scale places of worship that are not considered to 'fit' within the green wedge landscapes.

- b) *Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit schools in high bushfire risk areas (i.e. areas subject to the Bushfire Management Overlay).*

Not supported. In regard to bushfire, landscape hazard assessment within Clause 53.02 is critical. It seems sensible to prohibit schools in high bushfire risk areas, however for Nillumbik, there are a number of existing schools already in the BMO. If these schools hypothetically didn't exist, this proposal would really limit the ability to develop education facilities in the Shire. That being said though, allowing these types of uses in BMO areas, has the potential to adversely impact the natural environment, with the extent of vegetation modification required in order to reduce the bushfire risk on the property.

Places of worship

- c) *Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that places of worship must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.*

Generally supported, however an alternative proposal could be to limit the floor area of places of worship instead or to require them to be within a rural township area. As noted above, it is considered this proposal is around the issue that some green wedge areas have where land outside the UGB, which is cheaper than inside the UGB, is bought for large halls, church/worship buildings and this is not the experience of Nillumbik Shire.

- d) *Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit places of worship in high bushfire risk areas (i.e. areas subject to the BMO).*

Generally supported. However in regard to bushfire, landscape hazard assessment within Clause 53.02 is critical. It seems sensible to prohibit places of worship in high bushfire risk areas, however for Nillumbik, there are a number of existing places of worship already in the BMO. This could limit these types of uses in rural areas in the Shire. That being said though, allowing these types of uses in BMO areas, has the potential to adversely impact the natural environment, with the extent of vegetation modification required in order to reduce the bushfire risk on the property.

Halls

- e) *Develop and implement a land use definition of 'Hall' in Clause 73.03 (Land use terms; VPP). One option is to define 'community hall' to differentiate those uses that provide community support services and activities for a local area from those activities that are purely commercial*

Use change only supported if 'community hall' can be defined separately. One quarter of the total population of Nillumbik live in the Green Wedge – approx. 15,665 people – community services including gathering spaces such as halls are required to meet the needs of this population.

- f) *Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use for halls that mirror the minimum lot size and maximum number of patron requirements applicable to 'Function centre' in the Green Wedge Zone.*

As above any use change is only supported if 'community hall' can be defined separately. This is not supported where it would limit or overly restrict the traditional community or country hall. Consideration needs to be given to the fact that rural township 'community halls' may be the only gathering space available to the community and are also used for such services and maternal health care appointments, senior citizen meetings/gatherings, and have a significant role in the event of an emergency.

- g) *Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit halls in high bushfire risk areas (i.e. areas subject to the BMO).*

As per previous comments for education facilities, many of Nillumbik's existing halls are in a high risk bushfire area. It's important for the local community to have a space where they can host events, meet and have regular activities within their community. Facilities should have strong emergency management plans and facilities management plans if they are in high bushfire risk areas and this is considered the appropriate management tool – not prohibition.

Exhibition centres

- h) *Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use for exhibition centres that restrict the number of patrons to a maximum total of 150 at any one time.*

Supported.

- i) *Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit exhibition centres in areas of high bushfire risk (i.e. areas subject to the BMO).*

Supported.

Certain accommodation uses

- j) *Amend the Rural Conservation Zone to insert conditions of use for 'Group accommodation' and 'Residential hotels' to be consistent with Green Wedge Zone and Green Wedge A Zone (i.e. minimum lot size requirements, maximum number of bedrooms/dwellings, 'in conjunction with' test).*

It is noted that amending the RCZ conditions need to ensure the objectives of the zone are not compromised, this may mean a more measured response to what can be achieved when compared to what could be achieved in the GWZ or GWZA. There needs to be clarity with regard to the in conjunction test that is rigorous and not open to interpretation within the planning scheme.

Camping and caravan parks

- k) Amend Clause 73.03 (Land use terms, VPP) to reflect new categories of camping and caravan parks in line with changes to the registration categories under the Residential Tenancies Act 1997.

Supported.

- l) *Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to establish conditions of use that permit 'Camping and Caravan Parks' only when such use falls within 'bush/primitive' or 'tourist' categories.*

Not Supported.

Food and drink premises (page 59)

- m) *No proposed reforms identified. However it is noted that by applying conditions that tie food and drink premises to the preferred primary land uses through the 'in conjunction with' test and conditions limiting their size and scale (e.g. maximum patron capacity and minimum lot size requirements), the potential threat posed by these land uses to irreversible loss of rural land can be managed.*

It is noted the planning scheme already regulates these activities where provisions relating to food-and-drink-focused uses of land (e.g. restaurants) that are applicable to green wedge areas (Clause 51.02 [VPP], Green Wedge Zone and Green Wedge A Zone), are limited in scale by requiring that the number of patrons permitted in such a premise does not exceed 150, or a number specified in a schedule to the zone, whichever is the lesser.

The ongoing application of the **'in conjunction with' test** is supported, however improvements could be made the definition to provide more clarity. The current "in conjunction with" provisions state at Clause 64.02:

If a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land:

- *there must be an essential association between the two uses; and*
- *the use must have a genuine, close and continuing functional relationship in its operation with the other use.*

This provision allows requirements such as limiting size and patron numbers etc. It is recognised that the requirement to maintain an "essential association" between the two uses is very difficult to interpret and a more practical definition should be investigated.

An issue that officers are often presented with in regard to applications in rural areas where the 'in conjunction with' test must be applied and is considered more difficult to assess, is where an existing agricultural or winery (for example) use is not in place, but the planning application seeks to 'implement' such at the same time, or prior to starting an in conjunction use. For example a 'future' vineyard with associated cellar door and restaurant or accommodation. Where there is no existing use to apply the in conjunction test to, and where an agricultural use (for example) is proposed where officers can have little certainty of success (e.g. soil conditions may not support the vineyard or poor management of the land may result in no vines growing), it is very difficult for officers to reasonably assess such an application. A blunt tool is often application of a land management plan through a Section 173 Agreement, however this again is problematic and can result in ongoing compliance issues (if the land management plan is not adhered to), particularly if the proposal was for an outcome that would never succeeded - again due to (for instance) non compatible soil / climate conditions with proposed crops.

Consideration should be given where the 'in conjunction test' should only apply to **existing uses** (that meet the condition of the schedule to apply the in conjunction test e.g. an already operational vineyard).

It is considered that the preparation of more 'fine-grained' green wedge management plans with analysis of land capacity for example, would also assist planners in identifying if proposed uses (particularly for crops) would be feasible in proposed areas of the green wedge.

Scope should also be considered in regard to applying a limitation to the size of the proposed 'in conjunction' use – potentially tied to land size. An option could be:

If a provision of this scheme provides that a use of land must be used 'in conjunction with' another use of the land:

- *there must be an essential association between the two uses; and*
- *the use must have a genuine, close and continuing functional relationship in its operation with the other use.*
- ***the use, whether for a commercial activity or the provision of accommodation must occupy no more than 5 % of the total land area or as otherwise specified in the relevant provisions of this planning scheme.***

Soil and earth storage ('clean fill') (page 60)

- n) *No proposed reforms are noted in the consultation paper. The paper notes that this work is beyond the scope of the paper and the EPA Victoria will provide further guidance closer to commencement of the new Environment Protection Amendment Act 2018 (due to commence on 1 July 2021).*

It is noted in the Consultation Paper that - except for the City of Hume's GWZ and GWZA, no permit is required for proposals to move and deposit soil on a site as a primary land use, unless the proposal has specific environmental impacts (e.g. changing the rate of flow of water). In some areas, overlays can provide limited control, however the issue of filling is secondary to the key requirements of the overlays. While existing planning and environmental legislation can be employed to address some of these issues, **resolving the broader issue of soil and earth storage in our planning system will require a state-wide approach (in conjunction with the EPA Victoria).**

Nillumbik Shire is being impacted increasingly by the practice of soil dumping in our significant Green Wedge areas. Without proper control and/or the ability to carefully consider this activity, the dumping may result in irreversible damage and/or time consuming and costly rectification exercises, which affect our green wedge values. Of particular concern is the risk of potential damage being made to existing and future land used for food production, waterways and ecosystems.

As noted there are no planning regulations to require a permit or otherwise to control this activity. Council therefore seek improvement to land use definitions and planning permit triggers in the VPP for this activity.

Relying on the now delayed *EPA Amendment Act 2018* is an unreasonable response to a significant issue on the urban fringe in our Green Wedges and the amendments to the EPA Act do not address the issue of clean fill. The Consultation Paper should address the implementation of an additional Particular Provision to require a planning permit (similar to parameters identified in the Hume scheme i.e. 100 cubic metres).

In the absence of State response on this matter, Nillumbik Shire have had to take action in regard to illegal dumping of clean fill in our rural areas, and have recently sought authorisation from the Minister for Planning in August 2020 for C130 to seek interim controls under Section 20(4) of the *Environment and Planning Act 1987* and C131 to seek permanent controls to:

*...modify (on an interim and then permanent basis) the schedule to the Green Wedge Zone and the Rural Conservation Zone (Schedules 1 – 5) by inserting a permit trigger for **Earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill to all land.***

Data centres

- o) Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to prohibit data centres or, alternatively, amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to introduce a condition that requires data centres to be located adjacent to residential, commercial or industrial zoned land.*

Not supported. Nillumbik Shire does not have 'data centres', however Council do not support data centres within the UGB or within transitional/interface areas.

4.0 Improving the design of development in green wedges

Action 4.1 Implementing design and development guidelines

- a) Develop a practice note to guide council decision-making on planning permits in agricultural areas. The practice note would support the interpretation of the planning scheme and guide discretionary decision-making, including to provide guidance for local authorities on how to consider and direct planning for urban-rural interface area. (Page 62)*

Supported - this is considered beneficial - clearer policy guidance is required for discretionary use and development applications.

These parameters would make it clearer for owners, applicants, officers and VCAT to consider the suitability of proposals.

- b) Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones (page 62).*

Supported - stronger application requirements and mandatory information requirements should sit within the Green Wedge Zones, to ensure an appropriate built form and siting outcome.

- c) Update the form and structure of Green Wedge Management Plans (GWMPs) to require new or updated GWMPs to identify landscape typologies and detailed design guidelines. This would enable matters such as setbacks, siting and site coverage to be determined at a local level and could be used to inform changes to planning requirements.*

Supported only if implemented into the scheme. Siting and design guidelines need to be in the planning scheme itself and not just within the GWMP. It should also be noted that GWMPs can vary, change direction and be subject to politics.

If this did occur, GWMPs must be incorporated within the planning scheme itself, otherwise there would be little weight given to its consideration, but must be based on the unique characteristics of the individual Green Wedge as part of preparation of the Green Wedge Management Plan – and not a 'one size fits all' approach to design outcomes.

- d) Introduce a new particular provision in the VPPs that contains design guidelines and standards for development in green wedge areas. The provision could outline relevant considerations, objectives and standards similar to existing provisions in Clauses 54, 55, 56 and 58 of the VPPs.*

Strongly supported – but potentially only for broader issues. There is concern - rural landscapes cannot be treated as 'one size fits all'. How this relates to the generation of detailed design guidelines (above) in a GWMP is uncertain. How would this provision interact with the detailed design guidelines identified in the GWMP as required above? How could a provision successfully capture the nuances of individual Green Wedges – for instance Nillumbik has significant slope where many other Green Wedges are 'flat plains'.

- e) *Amend the schedule to Green Wedge zones to allow for matters such as site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses.*

Whilst similar in application to the proposed Particular Provisions (above), using a Schedule for design requirements may better achieve a localised outcome.

Any design requirements needs to be clear, unambiguous and easy to interpret. For instance the State Government Yarra River DDOs and SLOs are very complicated and confusing for land owners.

Any mandated design requirements for developments must have a clear purpose and intent.

Action 4.2 Design requirements

The design standards proposed do not include specific requirements, such as numeric standards, but rather offer guidelines on what is appropriate development design in green wedge areas. The Consultation Paper anticipates that a range of mechanisms could be used to implement the design standards and enable specific design requirements, such as setbacks and site coverage, to be implemented at a local level having regard to landscape characteristics of a particular area. Options that relate to the implementation of the design guidelines include:

- Introduction of a new planning practice note to assist responsible authorities assess development proposals on green wedge land which Council support.
- Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones – again supported by Council.
- Update the form and structure of Green Wedge Management Plans (GWMPs) to require new or updated GWMPs to identify landscape typologies and detailed design guidelines. This would enable matters such as setbacks, siting and site coverage to be determined at a local level and could be used to inform changes to planning requirements – again this local approach is supported by Council.
- Introduce a new particular provision in the VPPs that contains design guidelines and standards for development in green wedge areas. The provision could outline relevant considerations, objectives and standards similar to existing provisions in Clauses 54, 55, 56 and 58 of the VPPs. As noted above this is supported however it is unclear how these would relate to detailed design guidelines – and how this provision could capture the nuances of Green Wedges and not result in a 'one size fits all' approach.
- Amend the schedule to Green Wedge zones to allow for matters such as site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses. Again supported.

As acknowledged in the Consultation Paper itself – there is no 'one size fits all' in the Green Wedge – each is unique and has its own character, opportunities and pressures. Standardised 'design guidelines' are considered problematic for this reason particularly as a particular provision in planning schemes. Individual and appropriate application of design guidelines as a 'tool' is considered best implemented from a 'suite' identified in an updated Practice Note, where Councils may choose applicable guidelines in association with their adopted Green Wedge Management Plans – and apply these to the schedule to the zone (as appropriate).

The Consultation Paper identifies 12 design elements with corresponding requirements and standards. The Consultation Paper notes that the identified design elements, requirements and standards seek to ensure that development of land is informed by the site's context and location, the type of landscape within which it is set and any other preferred design outcomes applicable to the land.

The Paper recognises that some councils have undertaken strategic work for their green wedge and peri-urban areas by identifying the particular landscape typologies in their rural areas and developing guidelines on appropriate design outcomes for development in those areas (e.g. see Shire of Yarra Ranges' Vision 2020 by design).

Further to this, many councils have implemented design and development controls for particular areas or precincts, using overlays such as Design and Development Overlays and Significant Landscape Overlays.

There is scope to require landscape typology to be identified as part of the preparation of GWMPs. **This will ensure that landscape typology can be developed at a local level and potentially be the basis of planning scheme amendments to specify side and rear setbacks, site coverage and building heights.**

It is intended that the design requirements **strengthen and complement existing local policy** and enable greater consistency of decision-making across green wedge areas.

The Consultation Paper identifies that some design requirements will apply generally across all land in green wedge areas, while others will be applied selectively depending on the landscape within which a proposed development is located.

Council note that the appropriateness of the design guidelines needs to be in the context of the individual green wedge in question. A one size fits all approach to design guidelines is not supported. Allowing Councils this 'suite' of design guidelines to apply to their green wedge as part of their Green Wedge Management Plans is considered the optimal approach.

It is noted that some Council areas may experience significant pressures for larger built forms (for example) in their green wedge, particularly where they have significant growth corridors close by or apart of their municipality, other areas (such as Nillumbik) have a different experience, and nuanced application of the design guidelines would be more applicable with acknowledgment of the objectives of different green wedges. A 'one size fits all' approach is not supported. Although the Consultation Paper acknowledges the differences in typology of Green Wedges, the different 'pressures' are not necessarily considered.

The following design elements are proposed in the Consultation Paper – council's response is identified after each.

Element 1: Green Wedge character

Objectives

- *Protect and enhance the landscape character and values of a green wedge area.*
- *Respond to the features of the applicable landscape typology.*

Design requirement

Development should respond to the surrounding landscape typology. All development proposals associated with discretionary uses in green wedge areas should demonstrate that landscape typology has been considered in the design of the development.

Council response:

Supported.

Element 2: Site Layout

Objectives

- *Ensure that the setback of buildings and other structures from a road respects the existing landscape character of the green wedge area.*
- *Ensure buildings and other structures do not visually dominate the road frontage in their landscape setting.*
- *Minimise the visual impact of buildings and other structures on views from roads and key public vantage points.*
- *Ensure development is integrated with its landscape typology and setting.*

Design requirement

The setbacks of development from roads and the public realm, and siting within the landscape should be informed by the identified landscape typology and setting, as well as the existing pattern of development in the area. The setbacks of development on adjoining and nearby properties should be used to assess the proposed siting of a development.

Council response:

Problematic. A 'one size fits all' approach would result in the inability to consider such uses as rural produce sales (building) in a location close to the road where all other buildings are located set back from the road. How would 'replacement buildings' for instance where bushfire has occurred be dealt with? Is a rural school that needs to be located near to the road for accessibility for children then required to be setback along with 'dwellings' or other rural buildings?

Element 3: Site Coverage

Objective

- *Ensure site coverage of buildings and impermeable areas respects the existing character of the green wedge area, minimises loss of vegetation and responds to the landscape features of the site and surroundings.*

Design requirement

The design requirements for site coverage should be informed by the applicable landscape typology and setting. Development should demonstrate that the area of the site covered by the building and impermeable area(s) will not adversely affect the landscape values of the area and respects the existing or preferred landscape character.

Council response:

Problematic. In areas affected by BMO many applications would never meet this test.

Element 4: Building Height

Objectives

- *Ensure that the height of building(s) responds to the existing character of the applicable green wedge.*
- *Integrate the development with the surrounding landscape and avoid its prominence in the skyline.*
- *Minimise the visual impacts of building(s) and their siting, design, height and bulk on the natural environment, major roads, vistas and water features.*

Design requirement

The height of building(s) should respond to the character of its surrounding landscape and integrate with the site's topographical features, with taller forms located away from visually prominent locations.

Council response:

Supported in principle, however this element does not have regard to the function of buildings. Some agricultural buildings may require height, similarly – how would this 'element' work in regard to 'future farming' where buildings may include 'vertical farming' and the like.

Element 5: Side and Rear Setbacks

Objective

- *Ensure the siting of buildings is sensitive to neighbouring use and development.*

Design requirement

The walls of the development(s) associated with discretionary uses should be set back at a sufficient distance from side and rear boundaries to minimise potential for amenity impacts and allow for retention and creation of boundary planting. The development(s), including supporting infrastructure, should be set back a sufficient distance from natural features such as waterways to minimise potential for environmental impacts.

Council response:

This is considered problematic and complex. Agricultural uses will require built form for instance for the storage of chemicals not located near dwellings or 'other sensitive uses' e.g. other dwellings/waterways. There could be scenarios where vegetation coverage, slope and other physical characteristics may limit the reasonable location of such built form – and this 'element' could then result in poor outcomes. For example having to clear vegetation to house the agricultural building rather than locating closer to a property boundary – where it might be more visible, but does not result in vegetation loss.

Element 6: Landscaping

Objectives

- Encourage development that respects the landscape character of an applicable green wedge.
- Encourage landscaping that resonates with the landscape typology of the applicable green wedge.
- Ensure that the dominant contribution to the character of the area is from vegetation and landscaping, not from buildings and structures.
- Protect existing vegetation.

Design requirement

The layout and design of landscaping should protect predominant features in the applicable landscape, consider soil type and drainage patterns of the site, allow adequate space for vegetation growth, maintain existing habitat and provide for new habitat for plants and animals. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the submission of the application.

Council response:

Although considered generally 'admirable' in preserving the landscape and managing landscape impacts – how does this 'element' interact with policy and provisions in regard to bushfire?

Consideration also needs to be given to reducing impacts from bushfire. Bushfire events kill livestock, destroy timber, vines, orchards, greenhouses, farm infrastructure, fencing, equipment and animal feed and pollute water sources. Allowing for fire breaks, reduction in fuel loads and ensuring proper fire fuel management of private and public properties adjacent of agricultural land should be part of this set of initiatives.

Element 7: Detailed Design

Objectives

- Encourage architectural styles, built form and choice of materials and finishes that respond to the existing character of the applicable green wedge.
- Encourage boundary treatments that respect the existing character of the green wedge landscape.
- Limit light spill not directly associated with safety or community activity, so that impacts on nocturnal animals and on the night-time amenity of the landscape are minimised.

Design requirement

Developments should be sympathetic and/or innovative in design and finished in muted, earthy colours. Where fencing is proposed, this should complement the non-urban setting of the landscape and boundary treatments in the surrounding area. Secondary development, such as outbuildings, should be clustered near the primary development and designed to respond to the existing character of the surroundings.

Council response:

The suggestion outbuildings and potentially farm infrastructure should be clustered near dwellings is problematic. For instance hay sheds and chemical stores are best separated from homes due to fire risk. This applies to all scales of agricultural activity. 'Clustering' may not always be practical or safe. In regard to fencing, the impact of deer, kangaroos and birds on orchards and vineyards, as well as traditional crops, berries and vegetables are all vulnerable to serious damage to harvest as well as root stock. Fencing types and styles suitable to prevent pest animals from entering properties require consideration. So to netting to stop bird attack which is considered should be "as of right" for agricultural properties, no matter which zone they are in. Fencing and nets can be contested issues in GWs and particularly in RCZ zoning, and clarity on this would be useful. An example - during 2018, after a short 6 month drought, entire grape harvests were wiped out in the smaller boutique vineyards of Nillumbik by kangaroos. Deer are now devastating smaller orchards and vineyards. Council concur that light spill and the impact on nocturnal wildlife is an issue and support this measure, consideration needs to be given to other 'pest management' techniques including audible noise deterrents and their importance in managing crops.

Element 8: Sustainable Transport

Objectives

- Minimise reliance on fossil fuels.
- Encourage sustainable modes of transport.

Design requirement

Development associated with uses likely to generate significant demand for public or sustainable modes of transport should be located in an area that is accessible to existing or planned public transport infrastructure and adjoin, or have access to, to a road in a Road Zone.

Council response:

Supported however more detail is required. Similar to issues of schools for instance – would this preclude schools and similar from rural townships that might not be serviced by public transport?

Element 9: Access

Objective

- *Ensure the siting of vehicle access and crossovers respects the character and safe operation of the local road network.*

Design requirement

The total width of crossovers and access points should be minimised. The creation and location of crossovers and driveways should maximise retention of existing vegetation and be informed by traffic engineering advice. The number of access points to a road should be minimised.

Council response:

Support generally for the objectives, however consideration needs to be given to the types of vehicles that access agricultural parcels and these can often be heavy and rigid vehicles and also accessibility for larger machinery in managing properties.

Element 10: Vehicle Parking Facilities

Objectives

- *Limit the visual impact of vehicle parking areas when viewed from the surrounding public realm.*
- *Minimise the impact of vehicle parking areas on the character of the green wedge.*

Design requirement

Parking facilities should be screened from public view with vegetation. They should be located towards the rear of the site, away from public roads and view. The extent of vehicle parking areas should be minimised and, where extensive areas of vehicle parking are required, these should be either divided into separate parking areas or incorporate softening and screening elements (e.g. vegetation) within the area dedicated to vehicle parking.

Where the scale of the parking areas is considerable or extensive, it should use buildings and vegetation to screen these areas from public view. The use of large expanses of hard paving for vehicle parking areas should be minimised. Instead, these areas should incorporate vegetation and permeable surfaces and provide for capturing of run-off and sediment from hard surfaces.

Council response:

Support the objectives, however location of parking behind buildings is considered problematic. Parking and hardscape areas should be screened appropriately through vegetation or the built form (if practicable), but consideration that parking cannot always be allocated behind buildings needs to be taken account of. For example many wineries/restaurants may look onto vineyards to the rear of the property. It would be a poor result to put all parking to the rear if that is the location of the agricultural (or other) use or view. It could be suitably located and screened elsewhere. This is often a case by case basis that needs to consider accessibility, visual impacts, function and topography.

Element 11: Safety

Objectives

- *Ensure the development of land prioritises the protection of human life and property.*
- *Encourage development of land that does not require vegetation removal.*

Design requirement

Set clear public expectations that development of land that exposes people to increased risk of natural hazards (such as bushfire) should be discouraged or prohibited.

Council response:

Supported as it aligns to State Policy at Clause 13.02 bushfire planning in objectives to *strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

Appreciation is required however that in the experience of municipalities such as Nillumbik Shire which is almost entirely bushfire prone, with significant application of the BMO, many people do live and make a living within the Green Wedge in these bushfire landscapes. Acknowledgement is required of existing uses and livelihoods within these environs.

Element 12: Infrastructure

Objectives

- *Optimise the use of utility infrastructure proximate to the green wedge.*
- *Ensure the development does not exceed existing or planned infrastructure capacity.*

Design requirement

Development should not exceed existing or planned capacity of utility services and infrastructure, including reticulated services and roads. Uses that are likely to generate significant volumes of traffic should be located on properties that adjoin, or have access to, a road in a Road Zone. Development should connect to and optimise proximate reticulated services.

Council response:

Supported.

D. Council Feedback – missed opportunities in the Consultation Paper

The following items address any gaps or opportunities that have not been addressed in the Consultation Paper in Council's view.

Focus on agricultural value of the Green Wedge and not Conservation & Biodiversity

- It is noted the four key aspects addressed by the consultation paper do not include consideration of conservation and biodiversity, which is a key characteristic and function of many of Melbourne's Green Wedges – particularly Nillumbik Shire.
- Not all Green Wedge areas contain 'viable soil-based agricultural land'. The areas currently identified by the RCZ have environmental qualities which are, in many cases, providing the buffers to critical environmental areas which should not be considered for agricultural use and instead should be afforded protection from further pressure to be modified. Noted that desired planning outcomes for green wedges and peri-urban areas (Plan Melbourne 2017-2050) includes acknowledgement of the role and protection of environmental and biodiversity assets, as well as agriculture. The focus on agriculture without association to conservation and the inherent relationship between the two in achieving sustainable outcomes is considered a deficiency in the paper. Noted that Nillumbik's Green Wedge is over 60% covered by an Environmental Significance Overlay, given 91% (39,600ha) of the Shire is Green Wedge that is approx. 24,000 ha.

Focus on broad scale agriculture and not on smaller-scale local agriculture

- Improved agricultural practices are enabling more intensive agriculture on existing agricultural land, affording the ability to intensify production on current agricultural land, which should be used to protect high environmental quality land. There is too much emphasis on identifying and protecting existing key agricultural areas and not enough on doing the same for smaller-scale local agricultural production.
- The proposed reforms are considered to place importance only on lands that can produce the greatest volume of food for metropolitan Melbourne. Local agriculture is also of value to the functioning of the green wedge itself, which in the case of Nillumbik is a mosaic of farming, nature conservation, townships and rural living. This value should also be protected for its contribution, not only to the overall agricultural objective for green wedges, but also to metropolitan objectives for tourism, landscape and cultural heritage. In Nillumbik, although agriculture is generally undertaken at a smaller scale and is interspersed with other land uses, it is also worthy of the "right to farm" identified.

- The proposed reforms do not sufficiently address the transition of productive agricultural land into lifestyle/hobby properties and inappropriate agricultural intensification. In Nillumbik, properties traditionally used for extensive grazing (mainly beef) are now unviable for commercial grazing as the land price exceeds reasonable earning potential per hectare. If profitable agriculture is pursued, the land use must be intensified regardless of the capacity of the land. In many areas of Nillumbik, this is in direct conflict of with the productive capacity of the land and can lead to excessive disturbance of remnant on farm and adjacent vegetation. For example, remnant native grasses ploughed up for sowing of improved annual grasses, requiring high levels of urea, which leach into nearby creek. Alternatively, previously farmed properties are purchased for 'lifestyle' pursuits, removing this area from food production.

The limitations of the Planning Scheme as a 'tool'

- Planning Schemes as a tool can only go so far to protect agricultural land. The Consultation Paper needs to acknowledge and identify further actions that are outside the scope of planning scheme controls that will require further action to compliment and help protect agricultural production and broader green wedge initiatives.
- An example of this is bio-security planning. Although some of these issues can be dealt with for instance in GWMPs, this could be part of the Regional approach. Additional consideration needs to be given to help farm properties to achieve better bio-security outcomes. Diversity of crops, spacing of buildings for animal husbandry, separation of production from "in conjunction with test" visitation.
 - Eg. The recent fruit fly threat to parts of the study area, potentially devastating to all fruit and vine crops, and the action by Agriculture Victoria to address the issue in Yarra Glen, but not adjoining areas, shows that additional alignment of Government Agencies needs to be improved if a regional plan for agriculture is to be successful on all levels. Onus on Councils and other near-by residents to monitor, treat or remove wild prunus, hawthorn or blackberry infestation.

Mobile Phone Reception and NBN accessibility & reliability

- Council note that mobile towers are different to data centres and that fixed internet such as NBN and Hyperwave does not necessarily rely on nearby data centres either. Reception and NBN access and reliability are problematic in the Green Wedge.
- Access and reliability are integral to ensuring businesses located within the Green Wedge have modern, dependable and consistent communication tools at their disposal to operate in a modern economy and optimise business outcomes,
- Accessibility and reliability of telecommunications services is also a matter of survival in areas prone to bushfire and other emergency events such as Nillumbik Shire.
- Discussion/guidance around the locating of mobile phone towers in the Green Wedge landscape is something that requires further consideration also.

Council's Adopted Green Wedge Management Plan 2019

The following provides a broad review of alignment/impacts of proposed reforms on the key actions of Council's adopted Green Wedge Management Plan 2019:

| Objectives |
|---|
| <p><i>01.1 Enable our people to take greater shared responsibility for the future of our green wedge.</i> Issues raised with community engagement process timing for the DELWP Consultation Paper, which has resulted in no ability for Councillors to consider community views is considered contrary to this objective.</p> <p><i>01.2 A strengthened community through sharing its knowledge and capabilities.</i> Issues raised with community engagement process timing for the DELWP Consultation Paper, which has resulted in no ability for Councillors to consider community views is considered contrary to this objective.</p> |

O1.3 Encourage, support, promote and celebrate the roles that landowners and volunteers play in the management of the green wedge.

N/A.

O1.4 Support community facilities and services in the green wedge.

Issues have been raised in Council's feedback in regard to the impact proposed reforms in the Consultation Paper may have on rural townships including access to and use for community halls and schools.

O1.5 Strengthen Hurstbridge, St Andrews and Panton Hill as service centres and visitor gateways to the green wedge.

As above. Proposed provisions need to consider the role of rural townships as 'gateways' and community 'hearts'.

O1.6 Where possible, encourage housing diversity in the townships to enable ageing in place.

As above, aging in place would require access to community services which could be impacted by some of the proposed reforms.

O1.7 Align future development with environmentally sensitive design principles and ensure that future development emphasises each town's unique characteristics.

Design guidelines proposed through the reforms to require more detailed Green Wedge Management Plans that acknowledge the unique characteristics of each Green Wedge are considered to support this objective. Similarly acknowledgement of landscape typologies in design guidelines will assist in this objective.

O1.8 Recognise the limits on housing development in the rural areas.

The Consultation Paper supports 'non-urban' uses in the Green Wedge, however as noted, consideration needs to be given to rural township needs and their importance in supporting the people who live and make a living in the Green Wedge.

O1.9 Better support the ageing population of the green wedge to age in place with its benefits to retaining local knowledge, community cohesiveness, engagement and involvement in local groups.

Similar feedback to 'aging in place' – the importance and role of rural townships and access to services and infrastructure has to be acknowledged – e.g. role of community halls as discussed earlier.

O1.10 Facilitate linked public, community and shared transport options connected to the existing railway network and destinations within the green wedge.

Proposed reforms need to consider these objectives for rural townships in keeping residents connected.

O2.1 Protect and enhance biodiversity, habitats and habitat links.

It is considered the proposed reforms do not acknowledge the inter- relationships between thriving agriculture and biodiversity, habitats and habitat links, aside from some guidelines around vegetation removal. A more holistic view which is better targeted at a regional level should be considered.

O2.2 Enhance climate change resilience, mitigation and adaptability.

As noted in 'gaps' it is considered there is not enough acknowledgement of 'future farming', non-soil based agriculture, erosion and other climate change 'driven' issues in the Consultation Paper and proposed reforms.

O2.3 Reduce the number and impact of bushfire incidents.

It is considered the Consultation Paper supports this objective as it aligns to State Policy at Clause 13.02 bushfire planning in objectives to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

O2.4 Improve stream condition, water flows, water quality, catchment quality and people's connection to their waterways.

| |
|---|
| <p>The Consultation Paper identifies reforms to assist with water access and equity for agricultural uses, however deals only with minor regard to 'stormwater' and other water quality issues that impact on Green Wedges. Again a State and regional approach to water catchments is required in this space.</p> |
| <p><i>O2.5 Conserve remnant vegetation and rural landscapes to maintain the character and natural beauty of the green wedge.</i> The Consultation Paper has some initiatives that support this objective, particularly included in the proposed Design Elements, and enhancement of GWMPs.</p> |
| <p><i>O3.1 Encourage active living and enhanced mental wellbeing.</i> N/A</p> |
| <p><i>O3.2 Provide a diversity of open spaces with a range of high-quality regional, district and neighbourhood parks linked by a network of trails.</i> N/A</p> |
| <p><i>O3.3 Complete the trail network for walking, cycling and horse riding in Nillumbik, connecting to the regional trails network covering neighbouring municipalities.</i> The Consultation Paper focuses on agriculture and the other characteristics and functions of the Green Wedge are not acknowledged generally.</p> |
| <p><i>O3.4 Support, celebrate and enable public access to Nillumbik's rich tradition of local artists and makers.</i> N/A</p> |
| <p><i>O3.5 Work with Heritage Victoria, the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation and other government agencies to support local heritage protection.</i> The Consultation Paper acknowledges the Wurundjeri Woi-wurrung people, however there is no commentary on heritage.</p> |
| <p><i>O3.6 Ensure that Council-owned heritage places are accessible and sustainable and make better use of our heritage assets to support cultural tourism initiatives and leverage further economic benefits for green wedge communities.</i> The Consultation Paper acknowledges the Wurundjeri Woi-wurrung people, however there is no commentary on heritage.</p> |
| <p><i>O4.1 Encourage investment that fits in with the values of the green wedge to improve the economy and create local employment.</i> The Consultation Paper focuses on food and agricultural production and protection of this within the Green Wedge environment, however more focus is required in acknowledging the local economy and importance to rural townships and people who live and work in the Green Wedge.</p> |
| <p><i>O4.2 Encourage sustainable, diversified and productive agriculture, access to markets and the right to farm.</i> The Consultation Paper does acknowledge the 'right to farm' and advances reforms in acknowledging this. It is considered further consideration is needed in regard to the needs and functions of productive agriculture (at the coal face).</p> |
| <p><i>O4.3 Encourage sustainable and regenerative agriculture.</i> It is considered that Consultation Paper doesn't deal with this objective and needs to consider these issues – particularly with regard to 'gaps' identified above.</p> |
| <p><i>O4.4 Recognise the contribution of hobby (or small-scale) farming in the green wedge with supportive policy put in place.</i> The Consultation Paper does not effectively deal with smaller scale farming – again – the gap analysis identifies that 'future farming' needs to consideration and role of smaller land holdings in this function.</p> |
| <p><i>O4.5 Recognise and support the sustainable management of the equine community in the green wedge.</i></p> |

The Consultation Paper does not address equine uses in the Green Wedge apart from the scale of associated buildings for agricultural uses.

O4.6 Encourage growth in the visitor economy through regional promotion and facilitation of new visitor experiences that contribute to the values of the green wedge.

The Consultation Paper has its focus on agriculture and the regional visitor economy is something that does require more consideration particularly in the context of the fact that many Green Wedges rely on this – and not all Green Wedges are the same – the concept of 'one size fits all'.

O4.7 Encourage growth in professional services and home-based business.

The Consultation Paper has a focus on keeping 'urban uses' outside of the Green Wedge and does not acknowledge the importance of rural townships and other 'working from home' functions that occur in the Green Wedge – and this is particularly relevant in a 'post COVID' environment with the learnings from that situation.

O4.8 Encourage government to make reliable mobile phone and internet access available across the Shire.

Aside from locating data centres to 'edges' of the Green Wedge, the Consultation Paper does not address telecommunications accessibility.

O4.9 Facilitate connectivity in the Shire's regional trail network to link with adjoining municipalities.
 N/A

O5.1 Recognise and support landowners maintaining land in the green wedge with up-to-date information.

The Consultation Paper has a planning reforms context so does not deal with Green Wedge landowner resourcing and education.

O5.2 Work with the Victorian Government to ensure that the Nillumbik planning scheme supports the principles, goals and objectives of this plan.

Council submit feedback to the Consultation Paper in identifying its experience and objectives for its Green Wedge. Council again highlight the need for the Green Wedge community to be a part of the review of this document.

O5.3 Enhance and update Council's knowledge base to support informed management of critical issues in our green wedge.

The Consultation Paper – again in gap analysis could identify the issues and actions outside of the control of the planning scheme that should be investigated and actioned and to assist in delivering the best outcomes for Melbourne's Green Wedges.

O5.4 Keep the community apprised of and represent its interests in government policy reforms affecting our green wedge.

Council seek to advocate through this submission process to the proposed government reforms in the Green Wedge.

O5.5 Attract external funding for green wedge management.

Council have acknowledged the significant costs of more 'fine-grained' GWMPs proposed in the reforms, and similarly the impost on management of Green Wedge has significant costs to Councils. Regional initiatives can assist with cost implications and better outcomes, however State government investment in a 'protected food bowl' is required to achieve the desired outcomes.

Community Engagement Policy

February 2021





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Cover image:

Community enjoying the Diamond Creek Regional Playspace opening September 2020

Acknowledgement

Nillumbik Shire Council acknowledges the Wurundjeri Woi-wurrung people who are the Traditional Custodians of Land known today as Nillumbik. We pay respect to the Elders both past and present and extend that respect to other Indigenous Australians.

Thank you to our community

Nillumbik Shire Council would like to thank community members who have contributed to the development of our community engagement policy.

Community feedback was used to inform the policy on how Nillumbik Shire Council will engage with our community going forward.

Through the feedback received by our community members and staff we identified some core engagement objectives.

| | |
|----------------|--|
| Transparent | Effective two-way communication with clear and relevant information. |
| Time | Fair and reasonable opportunity for the community to give input. |
| Keep it simple | Easy to understand language and less jargon. |
| Opportunity | Multiple options to participate in the engagement processes. |

What is community engagement?

Community engagement is the process of involving the public in decisions that affect them.

It is critical to the successful development and implementation of Council strategic planning and decisions, and for improving services by being responsive to the needs of the community.

Community engagement is:

- a two-way process of interaction between Council and the community; and
- about matters such as a decision Council needs to make, or a problem or issue affecting the community that Council wishes to address or an issue that the community wants Council to address.

Purpose of this policy

This Community Engagement Policy (Policy) is a formal expression of Council's commitment to engaging the Nillumbik community in planning and decision-making through the use of appropriate, effective and inclusive practices.

This Policy:

- articulates Council's commitment to engaging effectively with its community in a meaningful, accountable, responsive and equitable way;
- outlines how Council will ensure that community engagement is integrated into Council activities to support decision-making, build relationships and strengthen the Nillumbik community's sense of identity;
- should be applied at the planning stage of any project or initiative, when a change in service, activities or infrastructure is considered and again prior to when a decision is made;
- when a change in government policy or legislation impacts Council services/business;
- seeks to improve Council's engagement processes and outcomes through encouraging a consistent and transparent approach and continual learning through evaluation, and through expanding the range of engagement methods used;
- applies to Councillors, staff, contractors and volunteers. It also serves as a guide to external organisations delivering infrastructure and services in Nillumbik; and
- outlines the key role of the community in Council's planning and decision-making.

Our commitment to community engagement

Nillumbik Shire Council is committed to providing good governance and the delivery of high quality local services by enabling meaningful engagement with the community.

It will achieve its commitment to inclusive and effective community engagement by adherence to this Community Engagement Policy to guide efforts to enhance the planning and delivery of Council's services and programs.

Community engagement does not necessarily mean achieving consensus. However, it does involve seeking broad, informed input into the decision-making process to achieve the best possible outcomes.



Image: Council officers at the Healthy Active Ageing Expo March 2019

Community engagement core values

The International Association of Public Participation (IAP2)¹ specify a series of core values that should be used to underpin community engagement.

Nillumbik's Community Engagement Policy builds on these core values.

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

¹ **Source:** www.iap2.org.au

Community engagement framework

Council's approach to community engagement is guided by the IAP2² framework for community engagement.

Council will apply the IAP2 framework appropriately in its community engagement processes based on the activity and context of the subject and the time and resources available. The table below identifies each of the five levels of engagement.

| Inform | Consult | Involve | Collaborate | Empower |
|--|---|--|---|--|
| Goal | | | | |
| To provide the public with balanced, succinct, and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions | To obtain public feedback on analysis, alternatives and/or decisions | To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered | To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution | To place the final decision in the hands of the public |
| Commitment to the community | | | | |
| We will keep you informed | We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives development and provide feedback on how public input influenced the decision | We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible | We will implement what you decide |
| Examples | | | | |
| Printed materials such as brochures, email, displays, website, social media, local radio | Participate (online consultation platform), printed materials, mailed surveys, feedback register | Printed materials, focus groups, interviews, workshops, field trips, Council meetings | Council Advisory Committees with specific focus, community representatives on Council committees | Mediation, negotiation, dialogue, citizen juries, deliberative polling |

We will also look to introduce new and innovative ways to communicate to ensure our engagement achieves the necessary reach and level of information.

² **Source:** International Association of Public Participation (IAP2)

Community engagement principles

The following principles will guide Council's approach to community engagement:

| | |
|-------------------------------------|--|
| <p>Clear Objectives</p> | <ul style="list-style-type: none"> • clearly define the objectives and scope of the community engagement process, by describing the decision to be made, taking into account relevant legislation, and making clear how the community's input will influence Council decision-making. • ensure that all information will be captured in a succinct summary and be available to the community. • ensure that the engagement is undertaken early enough in the decision-making process to ensure that its outcomes are considered before the decision is made. • ensure that the community is given enough time to take part in engagement processes and provide feedback, avoiding where possible engaging only over holiday periods such as Christmas and New Year and other significant occasions. • promote opportunities and provide reasonable support to enable a wide cross section of the people and groups affected by the matter that is the subject of community engagement to actively participate in decision-making. • consideration will be given to the types of engagement activities being planned to ensure they are inclusive and maximise the potential for participation. |
| <p>Inclusive and Diverse</p> | <ul style="list-style-type: none"> • approach engagement free from bias toward any stakeholder and treat all participants in the engagement process with respect and dignity • provide participants in community engagement with relevant, objective, accessible and timely information and resources such as leaflets, rates notice, newspapers, <i>Nillumbik News</i>, social media, direct stakeholder engagement, stalls at community events to allow informed participation. • be accountable, accessible and ethical in all dealings with the community in a way that is consistent with our codes of conduct and relevant laws. • actively listen to all points of view and respect the rights of all citizens to be heard. • be willing to amend a position if a good argument/idea has been put forward. • recognise barriers to participation and increase opportunities by engaging in meaningful and supportive ways. |
| <p>Transparent</p> | <ul style="list-style-type: none"> • commit to providing participants with updates at key stages throughout the project and why certain feedback may or may not have been taken into account. • demonstrate that all community contributions and relevant data have been considered, prior to making any decisions that affect the local community. • report back to the community on the outcome of the community engagement and how the community's input influenced decision-making. |

When we engage

Council is committed to being inclusive and transparent in its decision-making. Council will engage on matters that affect our community and where it believes that community engagement will result in a better outcome for the community and better informed decisions.

Council's engagement will generally commence as early as possible in the process. This helps to ensure our community and stakeholders can make a meaningful contribution that can help direct Council outcomes and decision-making. Engagement may occur once or multiple times, commensurate with the scope, complexity and impact of the project or decision. Opportunities to give feedback and input will be made available for 3-4 weeks.

The following are examples of the occasions when community engagement would be undertaken:

- Major strategic planning;
- Land use planning;
- Service levels/standards;
- The design of new infrastructure or facilities and renewal of existing infrastructure;
- Specific projects or programs (such as sport and recreation, community safety, tourism);
- Legislative, policy or service issues that are the responsibility of higher levels of government, but where the Council wishes to convey community views (such as issues impacting the Green Wedge, housing, education, the environment and health); and
- Where the *Local Government Act 2020* or other legislation prescribes that community consultation is required.

There may be reasons or times when engagement will not be possible these may include;

- an immediate resolution is required, such as in an emergency;
- a risk to public safety;
- technical or other expertise is required;
- an initiative involves confidential or commercial information;
- clear and defined legislative responsibilities must be met;
- developing or reviewing internal policies and procedures; and
- time frames and methodology have been predetermined by other levels of government.

Image: Healthy Active Ageing Expo March 2019



Who we engage

Council values the input of all members of our community so it is important that our engagement methods are accessible and broad reaching.

For each engagement we will identify the communities or stakeholders who are impacted and seek to engage with them to ensure we have representative feedback to guide our project or decision-making.

The community includes but is not limited to:

- traditional owners of land in Nillumbik;
- people who live, work, participate in leisure activities, visit, study, invest in, or pass through Nillumbik;
- people and bodies who are ratepayers of the Council;
- Nillumbik Council staff; and
- people and bodies who conduct activities in Nillumbik. This may include, but is not limited to: community groups, not-for-profit organisations, businesses, State and Federal Governments, other local governments and service providers.



Image: Healthy Active
Ageing Expo March 2019

How we engage

In planning for community engagement, Nillumbik Shire Council will ensure that appropriate tools and methods are applied, taking into account the scope and objectives of the engagement project, the significance and complexity of the matter, the level of resourcing required and the level of impact on the community.

The key drivers of community participation are:

- Having a clear understanding of the scope and potential impact of a decision;
- The level of influence that the community can have on a decision; and
- An understanding of the outcomes made possible through participation.

Council will align with 'engagement elements' specified by the Victoria Auditor General Office³, which councils may be audited on.

1. Define

Clearly define the decision required, and the scope of the public participation exercise.

2. Identify:

Understand who is affected and how they should be included.

3. Understand

Identify the resources, skills and time required for effective participation.

4. Document

Document the public participation and management approach.

5. Implement

Implement the public participation plan and monitor its progress.

6. Evaluate

Evaluate the public participation exercise and apply continuous improvement.

Council will apply deliberative engagement practices where legislation requires it such as the Long term Community Visions, 4 Year Council plans, financial management plans, Asset Management Plans and when it is suitable to the scope, complexity and impact of the project or decision.



Figure 1: VAGO elements

3 Source: www.audit.vic.gov.au

Among the key features of deliberative engagement is that it must be:

- **Representative:** in the sense that it involves a representative cross-section of the community, usually selected at random – with the aim of maximising inclusion
- **Deliberative:** allowing for extended consideration of a key question; and
- **Influential:** participants will be informed of the level of influence the community engagement process will have on Council decision-making.

We value and recognise the contribution of participants who have given up their time to provide feedback or attend engagement activities therefore our community will be informed by providing progress updates of engagement processes underway.

Council will provide notice on the collection, use and disclosure of personal information provided within a submission.

Any data collected during the engagement process will be stored in a way that maintains privacy and meets the requirements of Information Privacy Principle 1 contained within the *Privacy and Data Protection Act 2014*.

Submissions received under section 223 of the *Local Government Act 1989* until its repeal or received through a community engagement process undertaken by Council are made available for public inspection and may be published in Council business papers.



Image: Council Officer demonstrating the Community Directory to a community member - March 2019

Evaluation and Review

The evaluation activities will allow Council to meet its commitment to best practice community engagement by responding to evolving needs and expectations.

Evaluating and reviewing our engagement allows us to be both transparent and accountable. Feedback from our community provides clear data and evidence. It is also an important tool used by our Councillors to help inform their decision-making in matters before the Council. The Community Engagement Guidelines will provide guidance and transparent criteria for Evaluation and Review.

Resources and tools to support our Community Engagement Framework

Independent research

Community satisfaction and preferred methods of engagement are captured in independent research. This is based on a randomly selected sample of citizens and delivers statistically reliable results that can be compared across years and in some years across Councils.

Each year Council engages a consultancy company to undertake the Annual Community Satisfaction Survey as Council wants to know what our community thinks about a range of areas including Council's overall performance, Council's services and facilities, Planning and Housing development, Communication methods and more.

The survey assists in providing insight into how we can provide improved and effective services and facilities to our community.

The survey also assists Council in meeting annual and mandated State Government performance reporting requirements by measuring community satisfaction in a number of areas covered by the survey. We are able to compare our customer satisfaction ratings and benchmark our performance from year to year.

Our communication channels

To encourage and invite our community and stakeholders to participate in community engagement activities, we may promote the opportunities in a range of different ways.

All communications will be in line with the Nillumbik brand guide.

Some of the communications channels and tools that can be used to support our engagement activities include:

- Participate Nillumbik website, participate.nillumbik.vic.gov.au;
- Nillumbik Shire Council website, www.nillumbik.vic.gov.au;
- *Nillumbik News*;
- eNewsletters;
- Social media including Instagram, Facebook and Twitter;
- Print promotions such as letters, posters or flyers;
- Drop in sessions, site visits and open days;
- Focus groups, workshops and stakeholder briefing sessions; and
- Media promotion including media releases and/or advertising.

Resources and Training

To ensure the effective and consistent application of engagement principles, processes and behaviours, appropriate to the opportunity, a set of Community Engagement Guidelines has been developed.

These guidelines describe engagement approaches, provide guidance and set expectations for Council employees on the level of engagement and approaches we will use.

Access to expert staff to give advice on matters relating to project planning, resource allocation, communications and best practice engagement methods are also available.

Training will be provided to staff to increase understanding of our Community Engagement Framework, processes and tools, and to build capacity in order for staff to deliver sound engagement activities across the organisation.

Integrated community engagement

We have several legislative requirements to engage. Council is committed to being respectful of the community’s time in our engagement activities. We will coordinate and integrate our large scale community engagement where possible in the interests of efficiency.



Figure 2: Integrated community engagement

Definitions

| | |
|--------------------------------|--|
| Accessibility | Identifying and eliminating obstacles and barriers to ensure anyone can access or use places, services and information, regardless of their ability, location, culture, time, resources or other differentiating factor. |
| Council | Can refer to Nillumbik Shire Council as an organisation as well as the Mayor, Councillors, Administrators, Council staff, Executive Council Officers, consultants, and contractors working on behalf of Nillumbik Shire Council. |
| Community | A group of people, the members of which reside in the same geographical area or have a shared background, interest, affiliation or membership. |
| Deliberative Engagement | <p>Describes a series of engagement practices that demonstrate all of the following features:</p> <ul style="list-style-type: none">• Influence - Promise of influence over policy and decision-making (Involve/Collaborate/Empower using the IAP2 Levels of Engagement).• Inclusion - Participation that is representative of the community and inclusive of diverse viewpoints and values.• Deliberation - open dialogue and discussion, access to information and movement towards consensus. |
| Engagement | A genuine process of working with people to build understanding, strengthen relationships and inform decisions. |
| Guidelines | A resource developed to provide guidance for Nillumbik staff to plan and evaluate community engagement initiatives. |
| IAP2 | The International Association for Public Participation (IAP2) is an international organisation dedicated to advancing the practice of public participation. |
| Public | Individuals who may not belong to a specific community relevant to the project, but they still have an interest in the project. |
| Stakeholder | Individuals or organisations, which affect, or can be affected by project decisions. |
| VAGO | Victorian Auditor General's Office |

Statutory requirements

As a local government, Nillumbik Shire Council is required to meet a wide variety of legislative obligations. Many of these obligations relate to when and how engagement must occur, such as the *Local Government Act 2020*.

Nillumbik Shire Council will meet all of its legislative engagement requirements and this policy is designed to complement and support these existing requirements. Other relevant legislation includes, but is not limited to the following statutes and their associated regulations and guidelines:

- *Local Government Act 2020*
- *Equal Opportunity Act 2010*
- *Disability Act 2006*
- *Privacy and Data Protection Act 2014*
- *Planning and Environment Act 1987*
- *Road Management Act 2004*
- *Multicultural Victoria Act 2011*
- *Subordinate Legislation Act 1994*
- *Public Health and Wellbeing Act 2008*
- *Matters subject to s.223 of the Local Government Act 1989.*
- *Gender Equality Act 2020*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Public Administration Act 2004*
- *Child Wellbeing and Safety Act 2005*
- *Disability Discrimination Act 1992 (DDA).*

Image: Nillumbik Shire Council office at Civic Drive, Greensborough



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Nillumbik Shire Council

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Instrument of Delegation (Delegated Committee)

**Nillumbik Shire Council
Instrument of Delegation
Planning and Consultative Committee**

Nillumbik Shire Council (**Council**) delegates to each person who is from time to time appointed as a member of the Delegated Committee established by resolution of Council passed on 23 February 2021 and known as the "Planning and Consultative Committee" (**the Committee**), the powers, duties and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 23 February 2021;
2. a delegate can only exercise the delegations contained in this Instrument of Delegation while acting as a member of the Committee at a meeting of the Committee;
3. the delegation:
 - 3.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2 remains in force until Council resolves to vary or revoke it; and
 - 3.3 is to be exercised in accordance with the guidelines, protocols, policies or procedures which Council from time to time adopts; and
4. all members of the Delegated Committee will have voting rights on the Delegated Committee.

THE COMMON SEAL OF NILLUMBIK)
SHIRE COUNCIL was affixed hereto on)
the day of February 2021)
on the authority of the Council and)
signed by:)

..... Councillor

..... Chief Executive Officer



**SCHEDULE TO INSTRUMENT OF DELEGATION
COUNCIL TO DELEGATED COMMITTEE,
PLANNING AND CONSULTATIVE COMMITTEE**

Purpose

The members of a Delegated Committee have the powers, duties and functions of Council as set out in the Delegated Committees, Planning and Consultative Committee - Terms of Reference adopted by Council on 23 February 2021 and this Instrument of Delegation.

To exercise Council's powers, discretions and authorities under the *Local Government Act 1989 and 2020* and as the Planning Authority under the *Planning and Environment Act 1987*, in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

Exceptions, conditions and limitations

The members of the Committee are not authorised by this Instrument to:

1. exercise the powers which, under s 11(2) of the *Local Government Act 2020*, section 188 of the *Planning and Environment Act 1987* or any other Act, cannot be delegated to the Committee; or
2. exercise any function or power or perform any duty if it is something which Council has previously designated as something which must be the subject of a resolution of Council; or
3. exercise the powers which, by force of section 11, cannot be delegated.

PLANNING AND CONSULTATIVE COMMITTEE

TERMS OF REFERENCE

Classification

The Planning and Consultative Committee is a Committee of Council established under section 63 of the *Local Government Act 2020*.

Delegation

Council delegates powers to the Planning and Consultative Committee to determine any issue, take any action or do any act or thing as set out in the Instrument of Delegation (effective from the date of that Instrument of Delegation).

Scope and Purpose

The members of a Delegated Committee have the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation.

These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.

The scope of the Planning and Consultative Committee's responsibilities include all matters within the following areas:

Planning Matters

The Delegated Committee can by Instrument of Delegation:

- Assess and determine planning permit applications which cannot be assessed and determined by Council officers under delegation and/or which are 'called in' by Councillors or are otherwise referred at the discretion of the Council officer;
- provide Council with advice and recommendations with respect to relevant strategic planning matters to assist its decision making for the community in Nillumbik;
- make decisions in relation to proposed Planning Scheme amendments as permitted by the *Planning and Environment Act 1987*, in particular to seek authorisation of an amendment and to refer submissions to a panel;
- Hear submissions on matters relating to proposed Planning Scheme amendments;
- make recommendation to Council in respect of the *Planning and Environment Act 1987*;
- consider broader strategic planning policy directions/proposals and making recommendation to Council about such matters; and
- hear matters relating to land-use planning policy.

PLANNING AND CONSULTATIVE COMMITTEE
TERMS OF REFERENCE

The Planning and Consultative Committee are not authorised to exercise the powers which section 188 of the *Planning and Environment Act 1987* cannot be delegated to the Committee.

This means that the Committee cannot exercise the following powers:

- hear abandonment of amendments;
- adoption of amendments;
- purchase, hold, lease and dispose of land by public auction, private treaty or otherwise on terms and conditions satisfactory to the authority;
- exchange land for other land and make any financial adjustment required as a result;
- consolidate, subdivide, re-subdivide and develop land for any purpose consistent with the planning scheme for which it is the responsible authority;
- in the case of a responsible authority other than a municipal council, enter into arrangements with other persons with respect to the development of land within the area of the planning scheme for which it is the responsible authority;
- compulsory acquisition; and
- the power of a responsible authority to authorise any officer to carry out a duty or function or to exercise a power.

Consultative Matters

The Delegated Committee by Instrument of Delegation can hear submissions and exercise Council's powers, discretions and authorities to perform Council's functions under the *Local Government Act 1989 and 2020* in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers. These areas include:

Community Services

- Aged and Disability Services policy and programs
- Arts and Cultural Services policy and programs
- Children, Family and Youth Services policy and programs
- Community Development and Inclusion policy and programs
- Libraries and Community Education policy and programs
- Maternal and Child Health policy and programs

Economic Development and Marketing

- Tourism industry development and marketing
- Agriculture
- Retail centres marketing
- Economic development policy and programs

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TERMS OF REFERENCE

Environment and Sustainability

- Recycling and waste management
- Animal management
- Food safety, public health and immunisation
- Environmental policy, education and events
- Water quality and conservation
- Biodiversity protection and land management

Finance and Governance

- Financial planning and policy
- Financial and performance reporting
- Budget and Annual Report (excluding declaration of rates and charges, and the power to borrow money, which must be determined by Council)
- Audit and risk management
- Local laws
- Corporate governance

Infrastructure

- Emergency management
- Transport infrastructure and transport advocacy
- Council property and infrastructure asset management
- Plant and fleet management
- Open space presentation and maintenance

Social infrastructure

- Leisure centres and facilities
- Sportsground facilities
- Recreational trails
- Open space planning
- Community centres
- Community services infrastructure

The Committee are not authorised to exercise the powers which section 11(2) of the *Local Government Act 2020* cannot be delegated to the Committee.

This means that the Committee cannot exercise the following powers:

- the power of delegation;
- the power to elect a Mayor or Deputy Mayor;
- the power to grant a reasonable request for leave under section 35;

PLANNING AND CONSULTATIVE COMMITTEE
TERMS OF REFERENCE

- subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
- the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- the power to approve or amend the Council Plan;
- the power to adopt or amend any policy that the Council is required to adopt under this Act;
- the power to adopt or amend the Governance Rules;
- the power to appoint the chair or the members to a delegated committee;
- the power to make, amend or revoke a local law;
- the power to approve the budget or revised budget;
- the power to borrow money;
- subject to section 181H(1)(b) of the *Local Government Act 1989*, the power to declare general rates, municipal charges, service rates and charges and special rates and charges; and
- any power, duty or function prescribed by the regulations for the purposes of this subsection.

Membership and chairperson

- All Councillors are members of the Planning and Consultative Committee.
- A meeting of a delegated committee is chaired by the Councillor appointed by Council resolution or appointed by the Mayor, or in their absence at a meeting, by a Councillor present appointed by the committee members present.
- The order of business to be considered by the Planning and Consultative Committee is Planning Matters followed by Consultative Matters.
- The Planning Matters and Consultative Matters areas each have a chairperson elected by Council resolution at the Council Meeting (Election of Mayor) in accordance with section 63(2)(a) of the *Local Government Act 2020*.
- Preliminary matters such as the welcome, confirmation of minutes and disclosure of conflicts of interest will be chaired by the chair of Planning Matters. In the event there are no Planning Matters on the agenda, the chairperson of the Consultative Matters will chair the meeting in its entirety.
- The meeting will be closed by the chairperson of the last committee agenda item considered.
- If the Chairperson is absent from a Committee meeting, the Committee will select a temporary Chairperson to chair the Committee meeting.

PLANNING AND CONSULTATIVE COMMITTEE
TERMS OF REFERENCE

Conduct of Committee meetings

- Planning and Consultative Committee meetings will be conducted in accordance with the Governance Rule - Meeting Procedure. A quorum will comprise four of the seven councillors.
- All members of the Planning and Consultative Committee have voting rights. Decisions are to be made by a majority vote through a show of hands.
- Matters which are required by law to be determined by Council at a Council Meeting cannot be determined by the Planning and Consultative Committee.
- The Planning and Consultative Committee's powers are limited to those provided in the Instrument of Delegation from Council, and are subject to any further limitations prescribed in the *Local Government Act 1989*, the *Local Government Act 2020*, the *Planning and Environment Act 1987*, or any other legislation.
- The Planning and Consultative Committee may consider and determine all other matters. However, the Planning and Consultative Committee may also, on occasions, consider such matters and resolve to refer them to Council for determination.

Officer Delegations to Determine Planning Matters

Officers delegated under the *Planning and Environment Act 1987* must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which Council; has previously delegated as an issue, action, act or thing which must be the subject of resolution of Council; or
2. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - a) policy; or
 - b) strategyadopted by Council;
3. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
4. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee; or
5. if a Councillor in whose ward the land to which the application relates, advises in writing that the Councillor wishes the matter to be reported to the Planning and Consultative Committee; or
6. if a Councillor, other than the Councillor in whose ward the land to which the application relates advises in writing that the Councillor wishes the matter to be reported to the Planning and Consultative Committee for decision and that request is supported by a second Councillor.

PLANNING AND CONSULTATIVE COMMITTEE
TERMS OF REFERENCE

Planning Procedure

In consultation with Councillors, officers will implement the following initiatives to help Councillors decide if they wish the matter of a planning application to be reported to the Planning and Consultative Committee for decision.

1. The following weekly Planning reports are to be provided to Councillors each week:
 - i. New planning permit applications received;
 - ii. Applications out on public notice;
 - iii. Applications where the public notice period has concluded and that are ready for final assessment; and
 - iv. Applications ready for decision.
2. Copies of all advertised plans and any objections received are now made available to Councillors through an online platform during the course of an application. This allows Councillors to view advertised plans and any objections in real time without needing to request copies.
3. A planning permit applicant will be requested to have a Planning Application Conference (PAC) in the event that five or more objections are received for their applications. Objections must be from different households; must not be a proforma (identical) objections and the objectors must be in proximity to the subject site. In most circumstances this would equate to objectors who are in the same street, in the street behind the subject site or within 500 metres of the subject site. The nature and scale of the application guide this though and a wider radius may be required for some application types

Public submissions and presentations

One of the major functions of this Committee is to provide an opportunity for members of the public to address the Committee in relation to matters. The opportunity to address the Committee will be provided on the following basis:

Statutory right to address Committee

A delegated committee must hear any person wishing to be heard in respect of their submission to Council under section 223 of the *Local Government Act 1989* or any other Act.

Committee members may question any submitter in relation to their submission.

Each speaker is allowed three minutes to speak to their submission.

The Chairperson may use his/her discretion to allow an extension of time for up to a further one minute.

Anyone making a submission and not wishing to appear in person can be represented by another person in accordance with the *Local Government Act 1989*. Submitters will be requested to disclose any personal or professional interests in the subject matter of their submission.

PLANNING AND CONSULTATIVE COMMITTEE
TERMS OF REFERENCE

Other rights to address Committee

In addition to section 223 submissions under the *Local Government Act 1989*, delegated committees may also hear any person on any items listed on the delegated committee agenda where the person has made application to speak to an item in accordance with Council's procedures.

This indicates any person whose rights will be directly affected by a decision of Council, even if Council has not invited public submissions or if the person has not already lodged a written submission.

In respect of these submissions, the Chairperson may, in the case where there are several people representing a common position, encourage the submitters to nominate a single person to speak on the matter.

A person can speak on their own behalf for up to three minutes. They may also speak on behalf of one organisation/company for a further period of up to three minutes. No person may speak on behalf of more than one other person or organisation/company, unless Council or the Committee specifically resolves to allow them to do so.

No person is permitted to speak on behalf of an absent submitter or organisation/company unless he/she is authorised in writing by the absent submitter or by an authorised officer of the organisation/company to address Council on their behalf, such document to be tabled by the speaker. Any person so authorised may only read from a written statement prepared by the absent submitter.

Meeting frequency, time and venue

- Meetings will be open to the public (unless confidential business is being considered in accordance with section 66 of the *Local Government Act 2020*).
- Planning and Consultative Committee Meetings will be held according to the schedule determined by Council. Meetings will generally be held once per month on the second Tuesday (however this may vary due to public and school holiday dates or other factors).
- An extraordinary delegated committee meeting may be called by Council resolution, by Committee resolution, by the Mayor, or by three or more Councillors.
- The venue for the meeting is the Council Chamber at the Civic Centre, Civic Drive in Greensborough (unless otherwise specified). Public notice of the Committee's meetings will be provided.
- Agendas and minutes will be coordinated by the Governance unit.

References

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- Governance Rule - Meeting Procedure
- Instrument of Delegation

PLANNING AND CONSULTATIVE COMMITTEE
TERMS OF REFERENCE

Council contact

Executive Manager, Governance, Communications and Engagement

Approval date

23 February 2021

Planning and Consultative Committee 2021 meeting schedule

- Meetings occur on Tuesday nights throughout the year unless otherwise notified.
- The Planning and Consultative Committee will commence at 7.00pm unless otherwise notified.
- Unless otherwise notified, meetings will be held at the Civic Centre, Civic Drive, Greensborough.

| Meeting Dates |
|-------------------|
| 13 April 2021 |
| 11 May 2021 |
| 8 June 2021 |
| 13 July 2021 |
| 10 August 2021 |
| 14 September 2021 |
| 12 October 2021 |
| 16 November 2021 |

Instrument of Delegation (Delegated Committee)

**Nillumbik Shire Council
Instrument of Delegation
Planning and Consultation Committee**

Nillumbik Shire Council (**Council**) delegates to each person who is from time to time appointed as a member of the Delegated Committee established by resolution of Council passed on 23 February 2021 and known as the "Planning and Consultation Committee" (**the Committee**), the powers, duties and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 23 February 2021;
2. a delegate can only exercise the delegations contained in this Instrument of Delegation while acting as a member of the Committee at a meeting of the Committee;
3. the delegation:
 - 3.1 comes into force immediately after the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2 remains in force until Council resolves to vary or revoke it; and
 - 3.3 is to be exercised in accordance with the guidelines, protocols, policies or procedures which Council from time to time adopts; and
4. all members of the Delegated Committee will have voting rights on the Delegated Committee.

THE COMMON SEAL OF NILLUMBIK)
SHIRE COUNCIL was affixed hereto on)
the day of February 2021)
on the authority of the Council and)
signed by:)

..... Councillor

..... Chief Executive Officer



**SCHEDULE TO INSTRUMENT OF DELEGATION
COUNCIL TO DELEGATED COMMITTEE,
PLANNING AND CONSULTATION COMMITTEE**

Purpose

The members of a Delegated Committee have the powers, duties and functions of Council as set out in the Delegated Committees, Planning and Consultation Committee - Terms of Reference adopted by Council on 23 February 2021 and this Instrument of Delegation.

To exercise Council's powers, discretions and authorities under the *Local Government Act 1989 and 2020* and as the Planning Authority under the *Planning and Environment Act 1987*, in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Exceptions, conditions and limitations

The members of the Committee are not authorised by this Instrument to:

1. exercise the powers which, under s 11(2) of the *Local Government Act 2020*, section 188 of the *Planning and Environment Act 1987* or any other Act, cannot be delegated to the Committee; or
2. exercise any function or power or perform any duty if it is something which Council has previously designated as something which must be the subject of a resolution of Council; or
3. exercise the powers which, by force of section 11, cannot be delegated.

PLANNING AND CONSULTATION COMMITTEE

TERMS OF REFERENCE

Classification

The Planning and Consultation Committee is a Committee of Council established under section 63 of the *Local Government Act 2020*.

Delegation

Council delegates powers to the Planning and Consultation Committee to determine any issue, take any action or do any act or thing as set out in the Instrument of Delegation (effective from the date of that Instrument of Delegation).

Scope and Purpose

The members of a Delegated Committee have the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation.

These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.

The scope of the Planning and Consultation Committee's responsibilities include all matters within the following areas:

Planning Matters

The Delegated Committee can by Instrument of Delegation:

- Assess and determine planning permit applications which cannot be assessed and determined by Council officers under delegation and/or which are 'called in' by Councillors or are otherwise referred at the discretion of the Council officer;
- provide Council with advice and recommendations with respect to relevant strategic planning matters to assist its decision making for the community in Nillumbik;
- make decisions in relation to proposed Planning Scheme amendments as permitted by the *Planning and Environment Act 1987*, in particular to seek authorisation of an amendment and to refer submissions to a panel;
- hear submissions on matters relating to proposed Planning Scheme amendments;
- make recommendations to Council in respect of the *Planning and Environment Act 1987*;
- consider broader strategic planning policy directions/proposals and make recommendations to Council about such matters; and
- hear matters relating to land-use planning policy.

PLANNING AND CONSULTATION COMMITTEE
TERMS OF REFERENCE

The Planning and Consultation Committee is not authorised to exercise the powers which, under section 188 of the *Planning and Environment Act 1987* states cannot be delegated to the Committee.

This means that the Committee cannot exercise the following powers:

- hear abandonment of amendments;
- adoption of amendments;
- purchase, hold, lease and dispose of land by public auction, private treaty or otherwise on terms and conditions satisfactory to the authority;
- exchange land for other land and make any financial adjustment required as a result;
- consolidate, subdivide, re-subdivide and develop land for any purpose consistent with the planning scheme for which it is the responsible authority;
- in the case of a responsible authority other than a municipal council, enter into arrangements with other persons with respect to the development of land within the area of the planning scheme for which it is the responsible authority;
- compulsory acquisition; and
- the power of a responsible authority to authorise any officer to carry out a duty or function or to exercise a power.

Consultation Matters

The Delegated Committee by Instrument of Delegation can hear submissions and exercise Council's powers, discretions and authorities to perform Council's functions under the *Local Government Act 1989 and 2020* in accordance with relevant policies and guidelines of the Council and to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers. These areas include:

Community Services

- Aged and Disability Services policy and programs
- Arts and Cultural Services policy and programs
- Children, Family and Youth Services policy and programs
- Community Development and Inclusion policy and programs
- Libraries and Community Education policy and programs
- Maternal and Child Health policy and programs

Economic Development and Marketing

- Tourism industry development and marketing
- Agriculture
- Retail centres marketing
- Economic development policy and programs

PLANNING AND CONSULTATION COMMITTEE
TERMS OF REFERENCE

Environment and Sustainability

- Recycling and waste management
- Animal management
- Food safety, public health and immunisation
- Environmental policy, education and events
- Water quality and conservation
- Biodiversity protection and land management

Finance and Governance

- Financial planning and policy
- Financial and performance reporting
- Budget and Annual Report (excluding declaration of rates and charges, and the power to borrow money, which must be determined by Council)
- Audit and risk management
- Local laws
- Corporate governance

Infrastructure

- Emergency management
- Transport infrastructure and transport advocacy
- Council property and infrastructure asset management
- Plant and fleet management
- Open space presentation and maintenance

Social infrastructure

- Leisure centres and facilities
- Sportsground facilities
- Recreational trails
- Open space planning
- Community centres
- Community services infrastructure

The Committee is not authorised to exercise the powers which, under section 11(2) of the

Local Government Act 2020 states cannot be delegated to the

Committee. This means that the Committee cannot exercise the following powers:

- the power of delegation;
- the power to elect a Mayor or Deputy Mayor;
- the power to grant a reasonable request for leave under section 35;

PLANNING AND CONSULTATION COMMITTEE
TERMS OF REFERENCE

- subject to subsection (3), the power to appoint the Chief Executive Officer, whether on a permanent or acting basis;
- the power to make any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
- the power to approve or amend the Council Plan;
- the power to adopt or amend any policy that the Council is required to adopt under this Act;
- the power to adopt or amend the Governance Rules;
- the power to appoint the chair or the members to a delegated committee;
- the power to make, amend or revoke a local law;
- the power to approve the budget or revised budget;
- the power to borrow money;
- subject to section 181H(1)(b) of the *Local Government Act 1989*, the power to declare general rates, municipal charges, service rates and charges and special rates and charges; and
- any power, duty or function prescribed by the regulations for the purposes of this subsection.

Membership and chairperson

- All Councillors are members of the Planning and Consultation Committee.
- A meeting of a delegated committee is chaired by the Councillor appointed by Council resolution or appointed by the Mayor. .
- The order of business to be considered by the Planning and Consultation Committee is Planning Matters followed by Consultation Matters.
- The Planning Matters and Consultation Matters areas each have a chairperson elected by Council resolution at the Council Meeting (Election of Mayor) in accordance with section 63(2)(a) of the *Local Government Act 2020*.
- Preliminary matters such as the welcome, confirmation of minutes and disclosure of conflicts of interest will be chaired by the chair of Planning Matters. In the event there are no Planning Matters on the agenda, the chairperson of the Consultation Matters will chair the meeting in its entirety.
- The meeting will be closed by the chairperson of the last committee agenda item considered.
- If the Chairperson is absent from a Committee meeting, the Deputy Mayor will be the temporary Chairperson of the Committee meeting.

PLANNING AND CONSULTATION COMMITTEE
TERMS OF REFERENCE

Conduct of Committee meetings

- Planning and Consultation Committee meetings will be conducted in accordance with the Governance Rule - Meeting Procedure. A quorum will comprise four of the seven councillors.
- All members of the Planning and Consultation Committee have voting rights. Decisions are to be made by a majority vote through a show of hands.
- Matters which are required by law to be determined by Council at a Council Meeting cannot be determined by the Planning and Consultation Committee.
- The Planning and Consultation Committee's powers are limited to those provided in the Instrument of Delegation from Council, and are subject to any further limitations prescribed in the *Local Government Act 1989*, the *Local Government Act 2020*, the *Planning and Environment Act 1987*, or any other legislation.
- The Planning and Consultation Committee may consider and determine all other matters. However, the Planning and Consultation Committee may also, on occasions, consider such matters and resolve to refer them to Council for determination.

Officer Delegations to Determine Planning Matters

Officers delegated under the *Planning and Environment Act 1987* must not determine the issue, take the action or do the act or thing:

1. if the issue, action, act or thing is an issue, action, act or thing which Council; has previously delegated as an issue, action, act or thing which must be the subject of resolution of Council; or
2. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - a) policy; or
 - b) strategyadopted by Council;
3. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
4. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee; or
5. if a Councillor in whose ward the land to which the application relates, advises in writing that the Councillor wishes the matter to be reported to the Planning and Consultation Committee ('called in'); or
6. if a Councillor, other than the Councillor in whose ward the land to which the application relates advises in writing that the Councillor wishes the matter to be reported to the Planning and Consultation Committee for decision and that request is supported by a second Councillor.

PLANNING AND CONSULTATION COMMITTEE
TERMS OF REFERENCE

Planning Procedure

In consultation with Councillors, officers will implement the following initiatives to help Councillors decide if they wish the matter of a planning application to be reported to the Planning and Consultation Committee for decision.

1. The following weekly Planning reports are to be provided to Councillors each week:
 - i. New planning permit applications received;
 - ii. Applications out on public notice;
 - iii. Applications where the public notice period has concluded and that are ready for final assessment; and
 - iv. Applications ready for decision.
2. Copies of all advertised plans and any objections received are now made available to Councillors through an online platform during the course of an application. This allows Councillors to view advertised plans and any objections in real time without needing to request copies.
3. A planning permit applicant will be requested to have a Planning Application Conference (PAC) in the event that five or more objections are received for their applications. Objections must be from different households; must not be a proforma (identical) objection and the objectors must be in proximity to the subject site. In most circumstances this would equate to objectors who are in the same street, in the street behind the subject site or within 500 metres of the subject site. The nature and scale of the application will guide this and a wider radius around the subject site may be required for some application types.

Public submissions and presentations

One of the major functions of this Committee is to provide an opportunity for members of the public to address the Committee in relation to matters. The opportunity to address the Committee will be provided on the following basis:

Statutory right to address Committee

A delegated committee must hear any person wishing to be heard in respect of their submission to Council under section 223 of the *Local Government Act 1989* or any other Act.

Committee members may question any submitter in relation to their submission.

Each speaker is allowed three minutes to speak to their submission.

The Chairperson may use his/her discretion to allow an extension of time for up to a further one minute.

Anyone making a submission and not wishing to appear in person can be represented by another person in accordance with the *Local Government Act 1989*. Submitters will be requested to disclose any personal or professional interests in the subject matter of their submission.

PLANNING AND CONSULTATION COMMITTEE
TERMS OF REFERENCE

Other rights to address Committee

In addition to section 223 submissions under the *Local Government Act 1989*, delegated committees may also hear any person on any items listed on the delegated committee agenda where the person has made application to speak to an item in accordance with Council's procedures.

This indicates any person whose rights will be directly affected by a decision of Council, even if Council has not invited public submissions or if the person has not already lodged a written submission.

In respect of these submissions, the Chairperson may, in the case where there are several people representing a common position, encourage the submitters to nominate a single person to speak on the matter.

A person can speak on their own behalf for up to three minutes. They may also speak on behalf of one organisation/company for a further period of up to three minutes. No person may speak on behalf of more than one other person or organisation/company, unless Council or the Committee specifically resolves to allow them to do so.

No person is permitted to speak on behalf of an absent submitter or organisation/company unless he/she is authorised in writing by the absent submitter or by an authorised officer of the organisation/company to address Council on their behalf, such document to be tabled by the speaker. Any person so authorised may only read from a written statement prepared by the absent submitter.

Meeting frequency, time and venue

- Meetings will be open to the public (unless confidential business is being considered in accordance with section 66 of the *Local Government Act 2020*).
- Planning and Consultation Committee Meetings will be held according to the schedule determined by Council. Meetings will generally be held once per month on the second Tuesday (however this may vary due to public and school holiday dates or other factors).
- An extraordinary delegated committee meeting may be called by Council resolution, by Committee resolution, by the Mayor, or by three or more Councillors.
- The venue for the meeting is the Council Chamber at the Civic Centre, Civic Drive in Greensborough (unless otherwise specified). Public notice of the Committee's meetings will be provided.
- Agendas and minutes will be coordinated by the Governance unit.

References

- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- Governance Rule - Meeting Procedure
- Instrument of Delegation

PLANNING AND CONSULTATION COMMITTEE
TERMS OF REFERENCE

Council contact

Executive Manager, Governance, Communications and Engagement

Approval date

23 February 2021

Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME

AMENDMENT C134

INSTRUCTION SHEET

The planning authority for this amendment is Nillumbik Shire Council.

The Nillumbik Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one (1) attached map sheet.

Zoning Maps

1. Amend Planning Scheme Map No13 in the manner shown on the one (1) attached map marked "Nillumbik Planning Scheme, Amendment C134 001zn Map 13 Authorisation".

End of document

NILLUMBIK PLANNING SCHEME

AMENDMENT C134

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Nillumbik Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Nillumbik Shire Council.

Land affected by the amendment

The amendment applies to 20A Henry Street, Eltham and 20 Dudley Street, Eltham.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment corrects a mapping anomaly that occurred as part of Nillumbik Planning Scheme Amendment C117 Part 1 by removing the Public Park and Recreation Zone which has been applied in error to 20 Dudley Street, Eltham and correctly applies it to 20A Henry Street, Eltham. The amendment reinstates the Activity Centre Zone Schedule 1 to 20 Dudley Street, Eltham.

The amendment will:

- Remove the Public Park and Recreation Zone from 20 Dudley Street, Eltham.
- Apply the Activity Centre Zone Schedule 1 to 20 Dudley Street, Eltham.
- Apply the Public Park and Recreation Zone to 20A Henry Street, Eltham.
- Amend Planning Scheme Map 13.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to correct a mapping error in the Nillumbik Planning Scheme, to ensure that planning controls are accurate, correct and consistent. This will improve the effectiveness and efficiency of achieving the objectives of planning in Victoria. Amendment C117 Part 1 intended to rezone the Council owned land at 20A Henry Street, Eltham, Henry Street Reserve from Activity Centre Zone Schedule 1 to Public Park and Recreation Zone to reflect its current use. The nature of this amendment is correctional.

A mapping error occurred in the preparation of Amendment C117 Part 1 causing incorrect zoning of the two sites at 20 Dudley Street, Eltham and 20A Henry Street, Eltham.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria by improving the effectiveness and efficiency of the Nillumbik Planning Scheme. The amendment implements the objectives of providing 'for the fair, orderly, economic and sustainable use, and development of land' under Section 4 of the Planning and Environment Act 1987, by ensuring the consistency and accuracy of the Planning Scheme.

How does the amendment address any environmental, social and economic effects?

The amendment is expected to have positive environmental effects and economic and social benefits as it will confirm the intended status and management of land as public open space. The amendment ensures consistency of the use of the land and provides certainty for land owners. The correct zoning of the land will also minimise the need for planning permits when the use is consistent with the zoning, which will have a beneficial economic effect for both land owners and the council.

The social interactions and community building that public open spaces bring enhances community connectivity and community capital. Retention of the open space assists in maintaining the attractiveness and amenity of the public realm and will continue to provide habitat for flora and fauna within the predominantly urban environment. Additionally, pockets of planted open space help connect larger patches of bushland, and allow freedom of movement for wildlife.

Does the amendment address relevant bushfire risk?

The proposed amendment will not result in any increased bushfire risk.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987. The Amendment complies with the Minister's Directions under Section 11 – Strategic Assessment of Amendments.

This Amendment supports the following directions and policy set out in Plan Melbourne 2017 - 2050, the State's current metropolitan planning strategy:

- Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities.
- Direction 6.4 Make Melbourne cooler and greener.
- Direction 6.5 Protect and restore natural habitats.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment will ensure that the Nillumbik Planning Scheme remains consistent with the Planning Policy Framework, which seeks to support the objectives of planning in Victoria.

The amendment in relation to 20 Dudley Street, supports clause 11.03-1S Activity Centres and the objective - to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. The strategy of 'Encourage a diversity of housing types at higher densities in and around activity centres' is particularly relevant.

The amendment also supports the objective of Clause 16.01-1S Housing supply - to facilitate well-located, integrated and diverse housing that meets community needs. Specifically, the amendment supports the following strategies set out in Clause 16.01-1S:

- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

CM.018/21 C134nill Rezoning of 20A Henry Street and 20 Dudley Street, Eltham
Attachment 2. Explanatory Report C134nill - Authorisation

- Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

The amendment, in relation to 20A Henry Street, Eltham, supports the objective of Clause 19.02 Open Space to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community. Specifically, the amendment supports the following strategy set out in Clause 19.02 6S:

- Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.

The *Victorian Health and Wellbeing Plan 2019-2023*, outlines the government's key priorities to improve the health and wellbeing of Victorians. Priorities supported by the Amendment include increasing active living by increasing easy access to parks, open spaces and public spaces with opportunities for physical activity where appropriate.

Plan Melbourne 2017-2050 highlights the importance of 20-minute neighbourhoods. The 20-minute neighbourhood concept aims to improve livability by giving people the ability to meet most of their daily needs within a 20-minutewalk from home. The subject sites are within 12-15 minute walks from the Eltham MAC. The formalisation of these pocket parks will advance the objectives of Plan Melbourne 2017-2050 and continue providing access to the residents' daily needs such as recreation and as well as services provided with the Eltham MAC.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) of the Nillumbik Planning Scheme.

Clause 21.07 (Monitoring and Review) of the MSS states that the council will regularly review part of the MSS to ensure that it is relevant and reflects current issues. The correction has been identified through an ongoing review of the Nillumbik Planning Scheme.

The amendment ensures that the planning controls which apply to land within the municipality are consistent with the LPPF.

The following clauses are relevant to 20 Dudley Street:

Clause 21.05-4 Economic Development

Objective 2

- To promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas in the Shire, and support the viability and vitality of these areas.

Strategies

- Broaden the mix of land uses in and around major activity centres and neighbourhood activity centres to include services and medium density housing.
- Implement the Eltham Major Activity Centre Structure Plan, 2004 and Diamond Creek twenty20-Diamond Creek Major Activity Centre Structure Plan and Leisure Facilities Plan, September 2006.

Clause 22.07 Eltham Town Centre Policy

Objective

- To promote an increase in the amount and diversity of housing by providing medium density housing particularly that suited to one and two person households.

CM.018/21 C134nill Rezoning of 20A Henry Street and 20 Dudley Street, Eltham
Attachment 2. Explanatory Report C134nill - Authorisation

Dudley Street and Henry Street are within Precinct 2 (Residential Interface) as designated by the Eltham Major Activity Centre Structure Plan 2004. One of the key policies for Precinct 2 is to encourage medium density housing, whilst also providing some small to medium scale office use.

This Amendment, in relation to 20 A Henry Street, Eltham, supports and implements the following Local Planning Policy Framework, and specifically the Municipal Strategic Statement as set out in *Clause 21.05 Infrastructure*:

- Objective 4 Provide equitable local recreational facilities and public open spaces to meet local community needs.

How does the amendment support or implement the Municipal Planning Strategy?

Not applicable.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment resolves a mapping error in the Nillumbik Planning Scheme.

The amendment seeks to ensure that the Victorian Planning Provisions are correctly applied through the correct application of the Public park and Recreation Zone.

How does the amendment address the views of any relevant agency?

The views of the Department of Environment, Land, Water and Planning have been sought. The views of other relevant agencies will be sought during the public exhibition process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment does not impact on the transport system or the requirements of the Transport Integration Act 2010.

Resource and administrative costs

The amendment does not have significant impacts on the resource and administrative costs of Nillumbik Shire Council.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Nillumbik Shire Council website at <https://www.participate.nillumbik.vic.gov.au/>

And/or

The amendment is available for public inspection, free of charge, during office hours at the following places:

Nillumbik Shire Council,

Civic Drive,

Greensborough VIC 3088

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

ATTACHMENT 1 - Mapping reference table

| Location | Land /Area Affected | Mapping Reference |
|----------|---|--------------------------------------|
| Eltham | 20 A Henry Street, Eltham 20 Dudley Street, Eltham | Nillumbik C134 001znMap13 Exhibition |



Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME

AMENDMENT C117nillpt1

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Nillumbik Shire Council, which is the planning authority for this amendment.

Land affected by the Amendment

The amendment applies to the following land:

1. 20A Henry Street, Eltham (Lot R2 LP9335).
2. 12 The Eyrie, Eltham (Lot RES2 LP218858).
3. 26 Renshaw Drive, Eltham (Lot RES1 LP114619 and Lot RES2 LP86304).
4. 34 Glen Park Road, Eltham North (Lot 11 Block D LP6091).
5. 120 Arthur Street, Eltham (Lot RES1 LP97424).
6. 17A Ruskin Court, Eltham (Lot RES1 LP96223).
7. 60 David Hockney Drive, Diamond Creek (Lot RES1 PS414298 and Lot RES2 PS421549).
8. 14 Ripon Close, Diamond Creek (Lot 63 LP115979).
9. 4 Raglan Court, Research (Lot RES1 LP31238).
10. Land between 32 and 36 Raglan Road, Research.
11. 46 Symon Crescent, Greensborough (Lot RES1 PS337171).
12. 8-9 Cosham Court, Greensborough (Lot RES1 LP212411 and Lot C LP211669).
13. Part of 32-34 Civic Drive, Greensborough (Part of Lot A PS719931).
14. 36-44 and 44B Civic Drive, Greensborough (Lot 1 TP162541, Lot 1 TP123461 and Lot 1 TP123802).

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment rezones various parcels of land in Diamond Creek, Eltham, Eltham North, Greensborough and Research that have been identified as serving a public open space function but are not zoned for this purpose.

The amendment rezones the following land:

1. 20A Henry Street, Eltham from Activity Centre Zone – Schedule 1 (ACZ1 – Eltham Activity Centre) to Public Park and Recreation Zone (PPRZ).
2. 12 The Eyrie, Eltham from General Residential Zone – Schedule 1 (GRZ1 – General Residential Areas) to PPRZ.
3. 26 Renshaw Drive, Eltham from GRZ1 to PPRZ.
4. 34 Glen Park Road, Eltham North from Neighbourhood Residential Zone – Schedule 1 (NRZ1 – Nillumbik Neighbourhood Residential Areas) to PPRZ.
5. 120 Arthur Street, Eltham from NRZ1 to PPRZ.
6. 17A Ruskin Court, Eltham from NRZ1 to PPRZ.
7. 60 David Hockney Drive, Diamond Creek from GRZ1 to PPRZ.

8. 14 Ripon Close, Diamond Creek from GRZ1 to PPRZ.
9. 4 Raglan Court, Research from GRZ1 to PPRZ.
10. Land between 32 and 36 Raglan Road, Research from GRZ1 to PPRZ.
11. 46 Symon Crescent, Greensborough from GRZ1 to PPRZ.
12. 8-9 Cosham Court, Greensborough from GRZ1 to PPRZ.
13. Part of 32-34 Civic Drive, Greensborough from Public Use Zone (PUZ6 - Local Government) to PPRZ.
14. 36-44 and 44B Civic Drive, Greensborough from part PUZ6, part Road Zone, Category 1 and part GRZ1 to PPRZ.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to rezone land used for recreational public open space from various zones to the PPRZ. The properties subject to this amendment have been identified as serving a public open space function but are not zoned for this purpose. This amendment will rezone the land, consistent with its purpose as public open space for the local community.

Access to green public open spaces is vital for a healthy, active and connected community.

The Nillumbik Council Plan reflects this in the following objectives:

- 2.1 - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.
- 2.2 - Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.

Further analysis of the existing and potential land use of the properties, including community consultation, has determined that each site is an important community asset for residents. This is particularly so in areas such as Eltham and Diamond Creek, where increasing urban density in the activity centres is having an impact on the provision of private open space.

These 'pocket parks' play an important role for communities by:

- Providing localised opportunities for informal and formal recreational activities
- Contributing to social cohesion and community connectedness
- Offering environmental benefits

The Nillumbik Lifetime Play Strategy, 2018 recognises the importance of small scale green open spaces and the localised opportunities they provide for lifetime play.

The Nillumbik Health and Wellbeing Plan 2017-2021 includes the key strategy 'Encourage Active Living', which includes:

Design, develop and promote the development of built infrastructure and the natural environments that support active transport, improved walkability and active recreation.

Many of these reserves are informal pathways which provide important pedestrian links. It is important that these linkages are not further fragmented through development.

This amendment responds to the State Government's strategy of continuing to encourage better quality and improved access to public open space in the long term.

Twelve council owned properties currently used as reserves

At its Ordinary Meeting of 30 January 2018, Council considered 17 parcels of council owned land that were being proposed for future sale.

Council gave public notice under the *Local Government Act 1989*, held five Special Council Meetings to hear submitters and received written submissions on the properties.

All the properties were being used as public open space despite being under a variety of zones.

Council resolved at its Ordinary Meeting of 1 May 2018 to rezone 12 of the council owned properties to PPRZ.

Civic Drive, Greensborough

In 2009, Council commenced the process of preparing a draft Civic Drive Concept Plan for the land located at 14-32 Civic Drive, Greensborough (the Civic Drive Precinct), in order to acknowledge existing uses and identify other potential opportunities for the site.

Amendment C88, approved in July 2015, amended the Nillumbik Planning Scheme by rezoning land at 14 - 44 and 44A Civic Drive, Greensborough from the PUZ6 to part GRZ and part PPRZ (on the corner of Bullaroo Court and Civic Drive).

During the amendment process, community concern was raised about loss of public open space and requests were made for the remaining council owned open land at Civic Drive to be rezoned as PPRZ. Council chose not to rezone the additional land at this time.

The Civic Drive Concept Plan was expanded to include the associated council owned open space at 36-44 and 44B Civic Drive and the need for a Master Plan was identified to guide the design and construction of community facilities across the precinct.

At its Ordinary Meeting of 24 May 2016, Council adopted the *Civic Drive Precinct Development: Community Facilities Upgrade Masterplan* and resolved to refer the required planning scheme amendment to rezone the land at Civic Drive to PPRZ to the budget process for 2017-2018 and to receive a further report to seek authorisation to prepare the amendment.

At its Ordinary Meeting of 26 March 2019, Council instructed officers to formally request authorisation from the Minister for Planning to prepare and exhibit Amendment C117nill.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives as set out in section 4 of the *Planning and Environment Act 1987*:

- s4 (1) (a) To provide for the fair, orderly, economic and sustainable use and development of land.
- s4 (1) (b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- s4 (1) (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- s4 (1) (g) To balance the present and future interests of all Victorians.

By rezoning existing recreational public open space to PPRZ, the amendment ensures that the land is appropriately zoned, consistent with orderly planning. Rezoning to PPRZ will facilitate the protection of the environmental values of the reserves (such as existing trees) and the ongoing provision of pleasant recreational spaces in the long-term interests of the local community.

How does the amendment address any environmental, social and economic effects?

The amendment addresses any environmental, social and economic effects as follows:

- By ensuring that the zoning of land is consistent with its recreational purpose, the amendment facilitates social interaction and community connectivity.
- By facilitating the retention of public open space, the amendment assists with maintaining the attractiveness and amenity of the public realm.
- The retention of public open space will continue to provide habitat for flora and fauna within what is predominantly an urban environment. Pockets of planted open space help to connect larger patches of bushland and facilitate the movement of wildlife.

Does the amendment address relevant bushfire risk?

The rezoning of the affected land to PPRZ is not expected to result in any increased risk to life, property, community infrastructure or the natural environment as a result of bushfire, as it will discourage the further intensification of development in these existing areas of public open space.

The Country Fire Authority (CFA) has highlighted (and the council has recognised) that ongoing maintenance of all native vegetation fuel loads in all reserves/parkland will be required to ensure the community is protected from the dangers of bushfire during the Fire Danger Period, although municipal fire prevention is not directly related to land use planning but is a council responsibility under section 43 of the *Country Fire Authority Act 1958*.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*, as it rezones land but does not affect any planning scheme ordinance.

The amendment is consistent with Ministerial Direction No. 11 (Strategic Assessment Guidelines) for the reasons outlined in this report.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment is consistent with the objective of Clause 13.02-1S (Bushfire planning), which is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Although some of the affected land is within Designated Bushfire Prone Areas, the amendment is not expected to result in any increased risk to life, property, community infrastructure or the natural environment as a result of bushfire. The amendment will discourage the further intensification of development in existing areas of public open space by rezoning the land to PPRZ but may facilitate the construction of buildings or works by the public land manager that will reduce the fire risk, such as access ways or fences. The council also has fire management responsibilities for public land under its management under section 43 of the *Country Fire Authority Act 1958*, although this is not directly related to land use planning.

The amendment is consistent with the objective of Clause 15.01-4S (Healthy neighbourhoods), as it will foster healthy and active living and community wellbeing, by providing conveniently located public spaces for active recreation and leisure.

The amendment supports the objective of Clause 19.02 - *Open Space* – to establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

Specifically, the amendment supports the following strategies set out in Clause 19.02 6S:

- Ensure land identified as critical to the completion of open space links is transferred for open space purposes.
- Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.
- Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.

The amendment is consistent with the objective of Clause 19.02-6R (Open space – Metropolitan Melbourne), which aims to strengthen the integrated metropolitan open space network, as it facilitates the ongoing management and further development of local open spaces that are accessible and of high quality.

This amendment supports the following directions and policies set out in *Plan Melbourne 2017 – 2050*, Victoria's current metropolitan planning strategy:

Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities

- Policy 5.4.1 Develop a network of accessible, high-quality, local open spaces

Direction 6.4 Make Melbourne cooler and greener

- Policy 6.4.2 Strengthen the integrated metropolitan open space network

Direction 6.5 Protect and restore natural habitats

- Policy 6.5.1 Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

This amendment supports and implements the Local Planning Policy Framework, including:

- The need identified in Clause 21.03-5 (Infrastructure) to provide a broad range of recreational facilities and open areas which are in close proximity to residential areas.
- Objective 4 of Clause 21.05-5 (Infrastructure), which is to provide equitable local recreational facilities and public open spaces to meet local community needs.
- The implementation strategy to apply the PPRZ to areas used as public recreation reserves.

Rezoning the affected land to PPRZ is consistent with meeting the open space needs of a growing population.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by rezoning land which is already used as reserves to the PPRZ. This will facilitate the efficient management of the reserves by the council as the public land manager.

How does the amendment address the views of any relevant agency?

Advice from the Country Fire Authority (CFA) was sought in relation to the amendment.

The CFA does not believe that the rezoning alters the bushfire threat but highlighted the need for ongoing maintenance of all native vegetation fuel loads in all reserves/parkland, to ensure the community is protected from the dangers of bushfire during the Fire Danger Period.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have a significant impact on the transport system, as the land to be rezoned to PPRZ is already being used as public open space.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is expected to have minimal impact on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

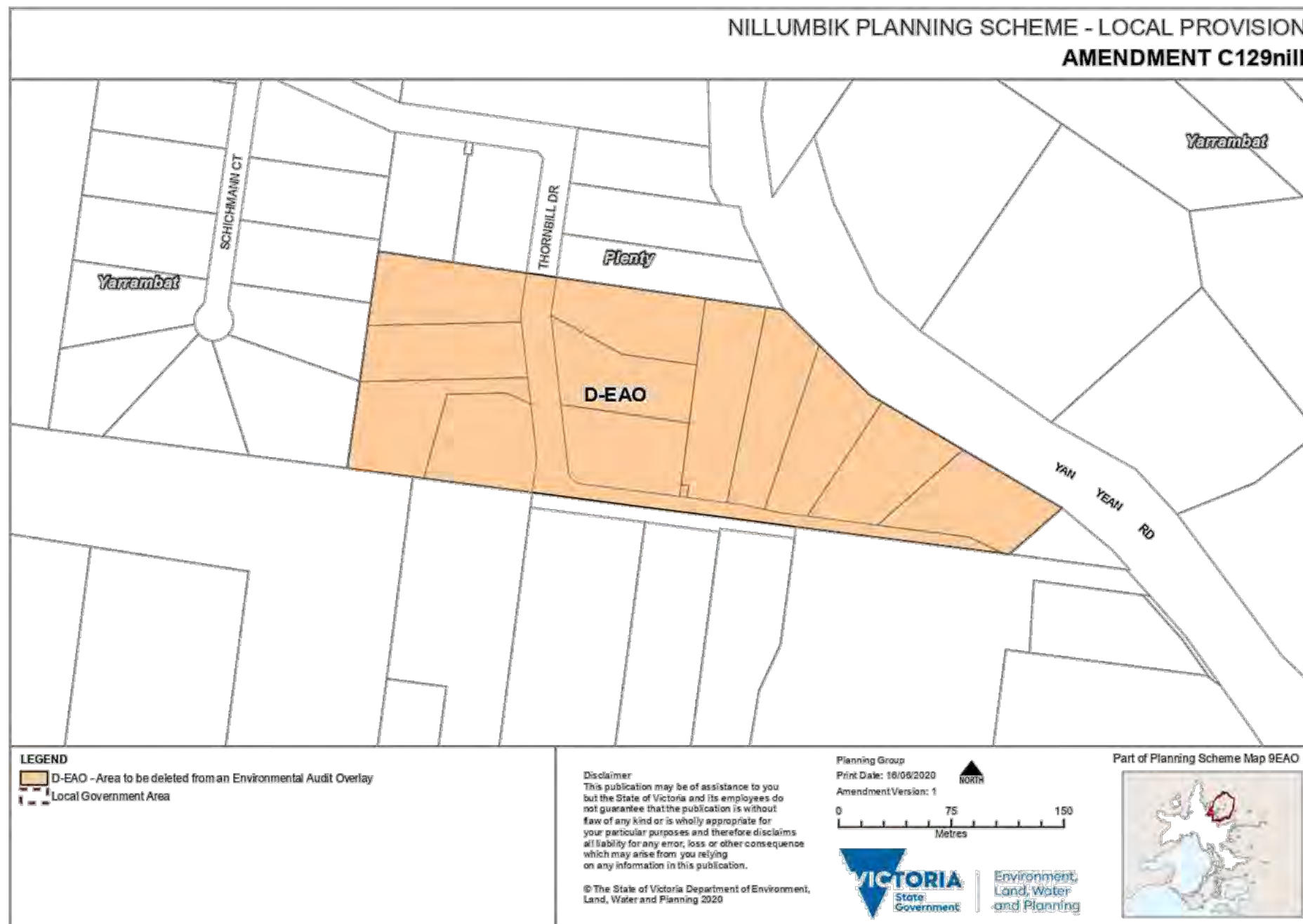
Nillumbik Shire Council
Civic Drive
Greensborough

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

ATTACHMENT 1 - Mapping reference table

| Location | Land /Area Affected | Mapping Reference |
|---------------|--|--|
| Diamond Creek | 14 Ripon Close | Nillumbik C117nillpt1 001znMap 9 Adopted |
| Diamond Creek | 60 David Hockney Drive | Nillumbik C117nillpt1 002znMap 9 Adopted |
| Greensborough | 46 Symon Crescent | Nillumbik C117nillpt1 002zn Map 9 Adopted |
| Greensborough | 8-9 Cosham Court | Nillumbik C117nillpt1 002zn Map 9 Adopted |
| Greensborough | 32-34, 36-44 and 44B Civic Drive | Nillumbik C117nillpt1 003zn Maps 8 and 9 Adopted |
| Eltham | 34 Glen Park Road | Nillumbik C117nillpt1 004zn Map 13 Adopted |
| Eltham | 12 The Eyrie | Nillumbik C117nillpt1 005zn Map 10 Adopted |
| Eltham | 26 Renshaw Drive | Nillumbik C117nillpt1 006zn Map 14 Adopted |
| Eltham | 20A Henry Street (Roseo Street on title) | Nillumbik C117nillpt1 007zn Map 13 Adopted |
| Eltham | 120 Arthur Street | Nillumbik C117nillpt1 008zn Map 14 Adopted |
| Eltham | 17A Ruskin Court | Nillumbik C117nillpt1 008zn Map 14 Adopted |
| Research | 4 Raglan Court | Nillumbik C117nillpt1 009zn Map 14 Adopted |
| Research | Land between 32 and 36 Raglan Road | Nillumbik C117nillpt1 009zn Map 14 Adopted |





Our Ref: 5011192

5 November 2020

Paul Fyffe
Senior Strategic Planner
Nillumbik Shire Council
34 Civic Drive
GREENSBOROUGH VIC 3088



Dear Paul

RE: PROPOSED PLANNING SCHEME AMENDMENT C129 – REMOVAL OF ENVIRONMENTAL AUDIT OVERLAY

Thank you for the opportunity to provide a response in relation to the proposed planning scheme amendment to remove the Environmental Audit Overlay (EAO) from a number of properties in Plenty, referred to the Environment Protection Authority (EPA) via email on 5 October 2020.

EPA are in receipt of the following documents:

- Referral letter to EPA dated 5 October 2020;
- The draft Explanatory Report for Nillumbik C129; and
- The notice of amendment for Nillumbik C129.

Ministerial Direction 19

Ministerial Direction 19 requires planning authorities to seek early advice from EPA when undertaking strategic planning processes and preparing planning scheme amendments that may significantly impact Victoria's environment, amenity and/or human health due to pollution and waste.

EPA's consideration and advice on relevant planning matters is intended to support decisions made by planning authorities in the early stages of the planning process.

It is in this context that EPA provides the comments below.

Our Understanding of the Proposal

EPA understands the proposed amendment seeks to remove the EAO from a number of properties in Plenty, and comprises nos. 18, 20, 21, 22, 23, 24, 25, 25A, 27, 29, 31, 33 and 1/35 Thornbill Drive, Plenty (the affected land). The land was formerly known as 323-325 Yan Yean Road, Plenty.



Figure 1 - Nillumbik C129nill 001d-eaoMap09 Exhibition
Source - Draft Explanatory Report

Environment Protection Authority Victoria
181 William St, Melbourne VIC 3000 DX210492
1300 372 842 (1300 EPA VIC) www.epa.vic.gov.au



EPA understands that Council is seeking the removal of the EAO from the above-mentioned properties along Thornhill Drive, as it considers that the affected land satisfies the circumstances where it is appropriate to remove the EAO, given:

- *"The location and extent of existing contamination is known, as identified by the 2000 environmental assessment report and subsequent reports.*
- *A Statement of Environmental Audit has been issued which concludes that the affected land is suitable for low-density residential and agricultural use subject to conditions.*
- *Remedial works have been conducted which implement the conditions of the Statement of Environmental Audit to allow low-density residential living.*
- *Council considers the remaining restrictions and conditions of the Statement of Environmental Audit are suitably minor in terms of the effort required for compliance.*
- *A Section 173 Agreement was applied in 2019 to all land formerly known as 323-325 Yan Yean Road. The agreement requires compliance with the conditions of the Statement of Environmental Audit by current and future owners. (This Section 173 Agreement was finalised and was registered on title by Land Use Victoria on 20th September 2019 in dealing number AS541744C)".*



Figure 2 – The properties along Thornhill Drive proposed to have the EAO removed
Source – VicPlan.

Site History – 323-325 Yan Yean Road, Plenty (formerly Yarrambat)

Council's website indicates that the EAO was applied to the subject land by the new format planning scheme in response to potential contamination from historical gold mining activity. The extent of contamination on the affected land was established by an environmental audit (EPA REF CARMS no: 36194-2) undertaken for 323-325 Yan Yean Road, Plenty in 2000. It is unclear what the trigger for the audit was – it may have been carried out on a voluntary basis. That said, a Statement of Environmental Audit was issued for the land, which concluded that the affected land is *'suitable for low density residential use and for agricultural use subject to four (4) conditions.'*

The four conditions are:

1. *Residential use and any use for growing of food for human consumption must be confined to areas outside the area impacted by mullock heaps and/or contaminated fill as defined in the Statement;*

2. *If any earthworks take place within the area impacted by mullock heaps or contaminated fill as defined in the Statement, any soil moved from the area be tested and disposed of in accordance with EPA guidelines;*
3. *No sensitive use take place (residential, child care or growing of crops for human consumption) in the area impacted by the mullock heaps or contaminated fill as defined in the Statement unless the whole of the impacted area is graded and covered with at least 500mm of clean fill; and*
4. *The area impacted by mullock heaps or contaminated fill as defined in the Statement be maintained such that vegetative cover is sufficient to prevent erosion in the soil so that contaminated soil is not moved off the site.*

Since the completion of the audit in 2000, Council has advised that a planning permit was issued in 2016 for:

Subdivision of the land into 12 lots, removal of vegetation for road construction and rehabilitation of contaminated soil, in accordance with the endorsed plans.

Council have provided the following summary in the explanatory report:

- Connolly Environmental was engaged to conduct soil assessment and remediation prior to subdivision and redevelopment of the affected land for low density residential land use, in accordance with Condition 6 of the planning permit. The following works were carried out:
 - Mullock heaps were removed from the proposed residential lots;
 - Excavation and validation of chemically impacted soil, above the adopted low density residential criteria in the mullock heap area; and
 - Soil deemed to be 'chemically and aesthetically impacted' was retained beneath the proposed roadway.
- In 2018, Connolly Environmental prepared the *Final Environmental Site Assessment Report* to document the outcomes of the assessment and remediation work and advised that:
 - Soil in the proposed residential allotments was considered to be chemically and aesthetically suitable for low density use, consistent with the existing Statement of Environmental Audit, where:
 - The whole of the impacted area was graded and covered with at least 500 mm of clean fill, in accordance with condition 3 of the Statement of Environmental Audit.
 - The impacted soil had been appropriately retained (beneath the proposed roadway) to prevent erosion of the soil so that contaminated soil is not moved off the site, in accordance with condition 4 of the Statement of Environmental Audit.
 - Chemically and aesthetically impacted soil removed from the mullock heap area, was considered to have been suitably retained beneath the proposed roadway. Soil retained beneath the proposed roadway was below the adopted commercial/industrial criteria, where no direct exposure to residential receptors was reasonably expected.

EPA Assessment and Advice

In assessing the environmental condition of the affected land in 2000, the auditor has concluded the condition of the land is detrimental or potentially detrimental to one or more beneficial uses of the site. Accordingly, a Statement of Environmental Audit was issued. This differs from a Certificate of Environmental Audit, which has no limitation on a site's use. A Statement will typically identify uses which are not suitable and will include conditions to be met, sometimes requiring ongoing obligations on the landowner.

The Department of Sustainability and Environment (DSE), General Practice Note: Potentially Contaminated Land, June 2005 (PPN30) states that: *In some circumstances where a Statement of Environmental Audit is issued, it may also be possible to remove the EAO (for example, where there*

are minimum restrictions or conditions on the use of the site, or the conditions have been complied with).

With regards to the proposed planning scheme amendment, the nature of EPA's advice is intended to inform Council, not endorse a particular outcome or 'support' the proposal to remove the EAO. On this basis, EPA wishes to draw Council's attention to the following observations:

- The subsequent remediation and validation of the land as documented by Conolly Environmental does not form part of the statutory environmental audit.
- The subsequent remediation and validation were not carried out with the oversight of an environmental auditor, and consequently does not have the same level of accountability as the assessments undertaken as part of the statutory audit process.
- While the response to remediation on site appears to be consistent with the intent of the Audit recommendations/conditions, Council may wish to undertake its own review of the report to satisfy itself that remediation and validation has been done to an acceptable standard. This assessment should be in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999.
- Whilst the Statement of Environment Audit lists conditions for the remediation of the land, it is noted that some of the remediation measures undertaken deviate from the condition wording, e.g. removal of mullock heaps. Council should be confident that these variations, as outlined in the Section 173 agreement, follow the intended outcome(s) of the Audit recommendations.
- EPA is not able to confirm whether the requirements of the Statement, and the actions undertaken and referred to in the Section 173 agreement would satisfy the environmental auditor.

Summary and recommendations

In forming an opinion of the suitability of removing the EAO, Council should:

- Satisfy themselves that the environmental condition of the land is suitable for a sensitive use, given that the remediation and validation is a largely unregulated form of assessment and does not involve the oversight of an environmental auditor.

Ensure that all conditions listed in the Statement of Environmental Audit have been complied with, or confirm the actions undertaken and referred to in the Section 173 agreement have been carried out in a way that would satisfy the environmental auditor. On the basis that Council are satisfied that these considerations have been addressed, then its decision to proceed with the EAO removal appears consistent with the guidance given in PPN30.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is subsequently amended, please contact Kristen Argus, Senior Planning Officer on 1300 EPA VIC (1300 372 842).

Yours sincerely,



Elita Briggs
Team Leader – Landuse Planning Delivery
Major Projects & Planning
EPA Victoria



Submission to be read at the Future Nillumbik Delegated Committee meeting - 9 February 2021

Proposed Planning Scheme Amendment C129 – Removal of Environmental Audit Overlay

1. EPA thanks Nillumbik Shire Council for the opportunity to present on its submission relating to proposed planning scheme amendment C129 (the Amendment) to the Nillumbik Planning Scheme, which seeks to remove the Environmental Audit Overlay (EAO) from a number of properties in Plenty.
2. EPA provided a written response to this Amendment on 5 November 2020¹. Further advice and information were provided to the Council Planner via email on the 12 and 27 November 2020, in response to their queries.
3. Given its non-statutory role, EPA's consideration and advice on planning matters relating to the application or removal of an EAO is intended to assist planning authorities in making informed decisions in the early stages of the planning process. The focus of our advice is on the potential risk of harm from pollution and waste on the environment, human health, and amenity.
4. Furthermore, EPA's advice is intended to inform the planning authority (i.e., Council), not endorse a particular outcome or 'support' (or oppose) a planning scheme amendment.
5. In considering the proposed Amendment and providing advice to Council, EPA recommended that in forming an opinion as to the appropriateness of removing the EAO, Council should:

¹ With regards to EPA's role in providing Ministerial Direction 19 (MD19) responses relating to potentially contaminated land:

- Under MD19, EPA's role in the planning scheme amendment is to provide "written views" on "the potential impacts of the proposed review or amendment and any strategies, policies, plans or reviews forming the strategic basis for the review or amendment, including precinct structure plans, on the environment, amenity and human health".
- Under MD19, EPA's role is to provide their views on the potential impacts of the proposed planning scheme amendment in order to assist the planning authority to determine the appropriate form of environmental assessment.
- It is not EPA's role to provide the planning authority with advice about how they should exercise their regulatory power.

- **Satisfy themselves²:**
 - that the environmental condition of the land is suitable for sensitive use, given that the remediation and validation of the remediation, in this case, has not benefitted from the oversight of an environmental auditor; and
 - Ensure that all conditions listed in the Statement of Environmental Audit (SoEA) have been complied with, or confirm the actions undertaken and referred to in the Section 173 agreement have been carried out in a way that would satisfy the environmental auditor.
- 6. These recommendations are made on the basis that adherence to the EPA regulated audit process will ensure that the risk of harm has been appropriately managed, and Council (as the planning authority) can be satisfied that the land is suitable for the intended use.
- 7. Subsequent to its initial advice, EPA provided further advice on possible further steps to ensure that the land is suitable for the intended use. This includes independent verification by a third party. Such independent verification would normally be commissioned by the proponent or the beneficiaries of the Amendment and be carried out by a suitably qualified environmental professional. The objective would be for the appointed party (usually a consultant) to verify that conditions included in the SoEA have been met and the remediation has been carried out to the appropriate standard.
- 8. EPA takes this opportunity to note that like many other environmental issues, the regulatory framework for legacy contamination has developed incrementally, as the state of knowledge develops, and we better understand risks to the environment and human health.
- 9. Environmental audits conducted today include assessment of remediation works prior to the issue of a SoEA. This differs with the subject, historical, Environmental Audit (EPA Ref. CARMS: 36194-2), whereby the remediation was a recommendation under the conditions of SoEA, and carried out without the requirement for oversight by an environmental auditor for the remediation and validation.
- 10. Nevertheless, as outlined in EPA's correspondence, there are steps that can be taken to "close out" this process and ultimately allow for the removal of the EAO.

Submission prepared by:

Kristen Argus
Senior Planning Officer
Environment Protection Authority Victoria (EPA)
Dated 8 February 2021
EPA Reference: 5011192

2

- *Planning & Environment Act 1987* - 12(2)(b) - a planning authority must consider effects the environment might have on any use or development envisaged in the scheme or amendment.
- *Planning & Environment Act 1987* - 12(2)(aa) - a planning authority must have regard to the Victoria Planning Provisions. Clause 13.04-1S of the Victoria Planning Provisions aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely
- *State Environment Protection Policy (Prevention and Management of Contamination of Land)* - 14(2)(a)&(b) requires a planning authority in considering a planning scheme amendment to consider any significant effects the environment, including any contamination of land.
- *Ministerial Direction 11: Strategic Assessment Guidelines* requires a planning authority to consider whether the amendment is consistent with any relevant practice notes. Relevantly, Planning Practice Note 30: Potentially Contaminated Land (June 2005) (PPN30) advises a planning authority should remove the EAO, where appropriate.

Planning and Environment Act 1987

NILLUMBIK SHIRE COUNCIL PLANNING SCHEME
AMENDMENT C133
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Nillumbik Shire Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Nillumbik Shire Council.

Land affected by the amendment

The amendment applies to 13 Park West Road, Eltham.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

What the amendment does

The amendment amends a Heritage Overlay (HO147) at 13 Park Road West, Eltham in order to protect a structure known as the Alan Marshall Bungalow and surrounds.

The amendment amends Planning Scheme Map No 13 to show the correct location of heritage overlay (HO147) which will cover the structure, a 5m curtilage and a pathway to Park West Road, Eltham.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to provide permanent protection to the structure known as the Alan Marshall bungalow and surrounds located at 13 Park West Road, Eltham.

The Alan Marshall bungalow was first identified as historically significant in the Shire of Eltham Heritage Study 1992 and a heritage overlay was applied through Amendment C3 in 2001. The bungalow is historically significant because it was the home of the distinguished Australian author, Alan Marshall from about 1955 to 1972, during which time he wrote the Eltham Shire History Pioneers and Painters. The bungalow is also significant because it's very basic nature reflects Marshall's lifestyle at the time.

A demolition application was received in 2004 and Council sought further confirmation of the heritage value of the structure and surrounds. The structure and surrounds was assessed as having local social and historical significance and neither demolition nor relocation was supported.

An existing heritage overlay (HO147) applies, however, this was incorrectly mapped to cover the rear of the site and only a small portion (to the north) of the bungalow itself.

An updated citation recommends revising the curtilage from a radius of 15m to a 5m curtilage on the north, east and south of the bungalow and to the property boundary on the west along with a pathway to Park West Road.

This amendment seeks to correct the mapping error by updating the heritage overlay (HO147) as per planning map Nill C133nill 002hoMap13 Exhibition.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria as set out in Section 4 (1) and 12 (1) of the *Planning and Environment Act 1987* (the Act). The following objectives in Section 4 (1) are particularly relevant to the amendment:

- 4(1d) - to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- 4(1g) - to balance the present and future interests of all Victorians

The following objectives in Section 12 (1) are relevant to the amendment:

- 12(1) A planning authority must—
 - (a) implement the objectives of planning in Victoria

How does the amendment address any environmental, social and economic effects?

The amendment will provide assured protection for a significant heritage site within the Shire of Nillumbik.

Does the amendment address relevant bushfire risk?

The Amendment will not increase the risk of life, property, community infrastructure and the natural environment from bushfire.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction 1 on the Form and Content of Planning Schemes* under section 7(5) of the Act and *Ministerial Direction 11: Strategic Assessment Guidelines* under Section 12(2) of the Act.

The amendment has been prepared with regard to *Ministerial Direction 9: Metropolitan Planning Strategy*, which refers to Plan Melbourne 2017-2050. The amendment is particularly consistent with the following direction in *Plan Melbourne 2017-2050*, as outlined below:

Direction 4.4 Respect Melbourne's heritage as we build for the future

- Policy 4.4.1 Recognise the value of heritage when managing growth and change

The amendment recognises the need for careful management of the ongoing processes of change to the urban environment and that decisions must be based on an appreciation of Melbourne's past as well as an understanding of its future needs.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports or implements the following clauses of the Planning Policy Framework:

Clause 15 Built Environment and Heritage

- Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Clause 15.03-1S Heritage conservation

- Objective: To ensure the conservation of places of heritage significance.
- Strategies:

- Retain those elements that contribute to the importance of the heritage place.
- Provide for the protection of natural heritage sites and man-made resources.
- Support adaptive reuse of heritage buildings where their use has become redundant

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) of the Nillumbik Planning Scheme:

- 21.05-3 - To protect places of natural and cultural heritage.
 - Strategy - Protect heritage sites, buildings and trees identified in heritage studies and undertake ongoing review of places for their heritage significance

How does the amendment support or implement the Municipal Planning Strategy?

Not applicable.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment seeks to ensure that the Victorian Planning Provisions are correctly applied through the correct application of Heritage Overlay and to reflect the current and future intended use of the land.

The Heritage Overlay is the most appropriate mechanism for recognising and protecting the cultural heritage significance of the identified place.

The Amendment is consistent with Planning Practice Note 01 with regard to the amendment mapping. The mapping identifies the main structure of the bungalow and a curtilage of 5m that has been extended around the structure along with a pathway to Park West Road.

The curtilage aligns to one property boundary and the remaining 5m curtilage (on the North, East and South) provides for the setting/surrounds of the bungalow. In addition, a pathway, which is the width of the bungalow including roof overhang, has been added to the curtilage. This pathway will retain the setting and context of the bungalow whilst maintaining a visual link to the street.

The mapping has been set to reduce the likelihood for potential dispute in terms of the land affected by any future Overlay knowing that a development application has already been received.

The Amendment also complies with Planning Practice Note 01 with regard to assessment against the set criteria with Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance) being appropriate.

The Amendment is consistent with Planning Practice Note 01 with regard to applying the Heritage Overlay, in that the title of the statement of significance is specified in the schedule to the overlay. The schedule to the overlay is also annotated with regard to the extent of the curtilage to ensure the retention of bungalow, its surroundings and pathway to Park West Road are protected by regulating the proposed development.

How does the amendment address the views of any relevant agency?

The views of relevant agencies will be sought during the public exhibition process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The Transport Integration Act 2010 requires that a planning authority have regard to transport system objectives and decision-making principles where a planning scheme amendment is likely to have a

'significant impact on the transport system'. There are no statements of policy principles relevant to the amendment.

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will have minimal impact on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Nillumbik Shire Council's website at <https://participate.nillumbik.vic.gov.au/>

And/or

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Nillumbik Shire Council Offices
Civic Drive
Greensborough 3088

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at: www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

Nillumbik Shire Council
Civic Drive (PO Box 476)
Greensborough 3088

Council's offices will be closed during the Covid-19 State of Emergency. If you require a hard copy, or if you have difficulty accessing the documents please contact the Strategic Planning team via strategic.planning@nillumbik.vic.gov.au.

Panel hearing dates

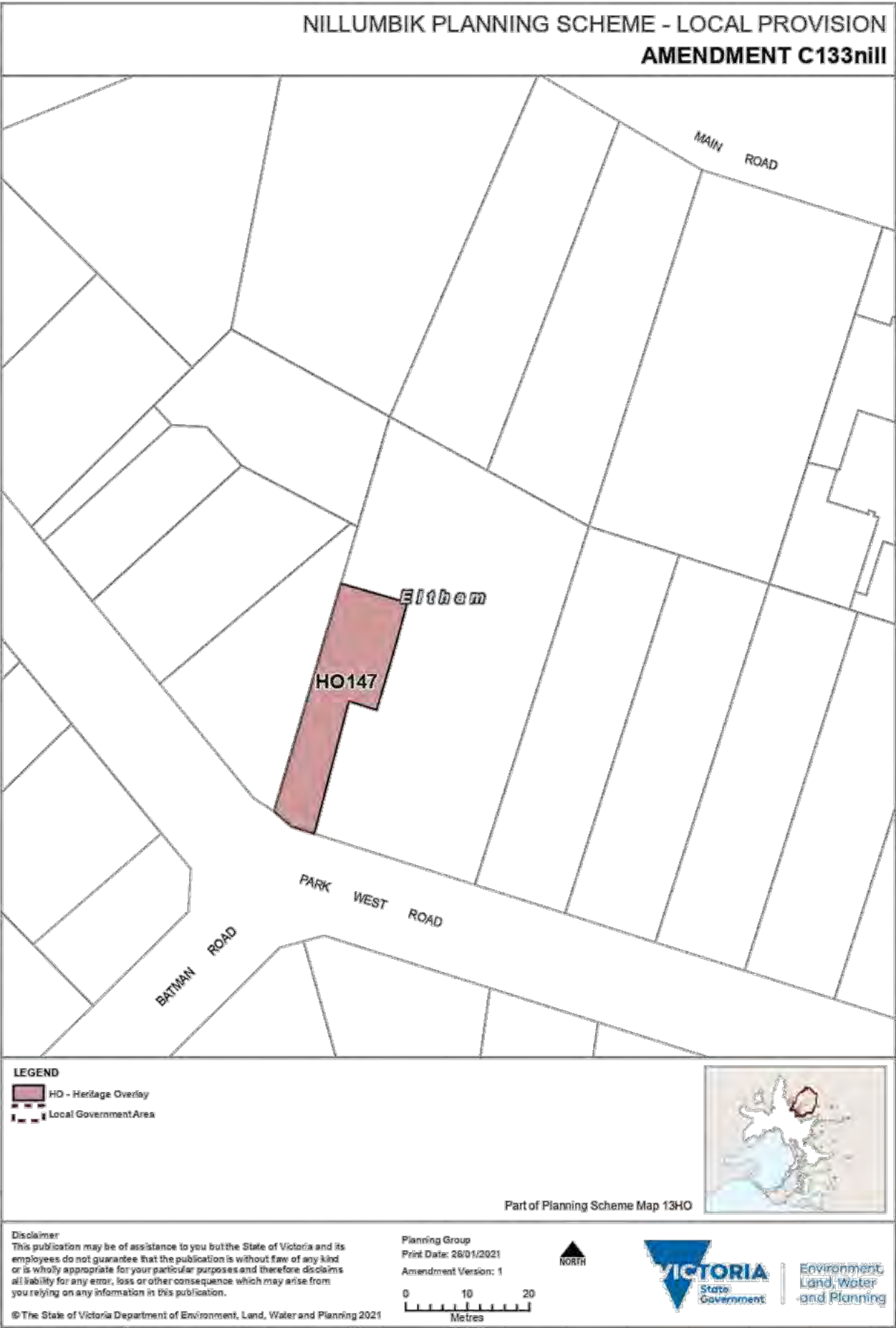
In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

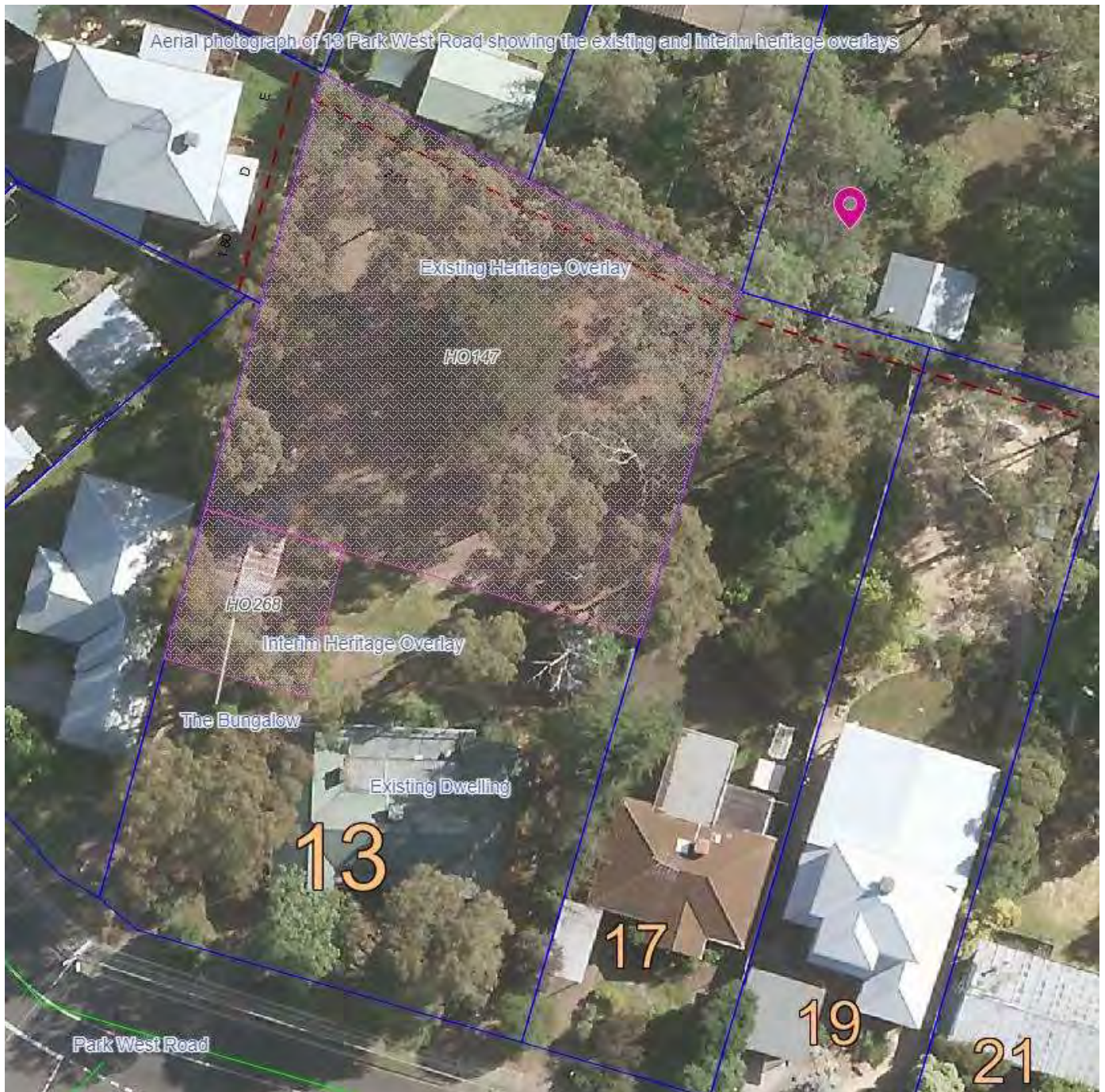
- directions hearing: To commence in week of **(to be confirmed once authorisation is received)**.
- panel hearing: To commence in the week of **(to be pre-set once authorisation is received)**.

ATTACHMENT 1 - Mapping reference table

| Location | Land /Area Affected | Mapping Reference |
|----------|---------------------|-------------------|
|----------|---------------------|-------------------|

| | | |
|--------|-------------------|---|
| Eltham | 13 Park West Road | Nilumbik C133nill 001d-hoMap13 Exhibition. |
| Eltham | 13 Park West Road | Nilumbik C133nill 002hoMap13 Exhibition. |
| | | |





PLACE ADDRESS

'Gurawalla' Alan Marshall Bungalow, 13 Park West Road, Eltham

Prepared by: Context

Survey Date: December 2020

Place Type: Residential

Architect: N/A

Significance level: Significant

Builder: 'Sid'

Extent of overlay: As shown on map

Construction Date: c.1955



Figure 1. Curtilage for HO147 shown outlined in pink. The curtilage is to a distance of five (5) metres from the north, east and south of the bungalow and to the western property boundary. And, a strip of land the width of the bungalow to Park West Road to retain the setting and context of the significant place. (Source: Neamap).



Figure 2. 'Gurawalla' Alan Marshall Bungalow, 13 Park West Road, Eltham, East Elevation. (Source: Context 2020)



Figure 3. 'Gurawalla' Alan Marshall Bungalow, 13 Park West Road, Eltham, North Elevation. (Source: Context 2020)

HISTORICAL CONTEXT

Eltham is located on the country of the Wurundjeri-willam clan of the Woi wurrung people.

The first European to explore the Eltham region is believed to have been Joseph Tice Gellibrand, who named the Plenty River in 1836. Pastoral leases were subsequently taken up and timber-cutters started harvesting the stringy-bark forests of the area (Bartolomei 2008).

A reserve for a village, later to become Eltham, was surveyed in the Parish of Nillumbik in 1840 near the junction of Diamond Creek and the Yarra River. The reserve was to be located approximately on the track used by the Ryries to provide access from their 'Yering' run near Yarra Glen to the Heidelberg village (*Victorian Places* 2015).

In 1841, William Bell and Thomas Armstrong occupied land for a squatting run east of Diamond Creek in what was to become the Eltham district (Eltham District Historical Society 2000:np).

A plan for fifty allotments in the Township of Eltham was announced in 1848, with the name officially gazetted in 1851. The village was located in an area bounded by Baxter Street, Diamond Creek, and Dalton and Bolton streets. The township plan shows a track to a bridge across Diamond Creek and the Main Road was noted as the 'Track from Melbourne' (Carlotta Kellaway cited in Butler 1996:32). This area is known today as Eltham South.

Today's Eltham, however, was not established on the government township reserve, where land proved difficult to sell, but on allotments on the Main Road to the north in Section IV (Carlotta Kellaway cited in Butler 1996:32). In 1851, Melbourne property developer Josiah Holloway purchased one square mile of this land, which lay to the north of the government township reserve. He subdivided immediately, calling the subdivision Little Eltham. Today's central Eltham is contained within this subdivision. Holloway named some streets after family members, others after British politicians or notable people of the era (Yeoman, Pinn and Connor 2020). A number of larger farming allotments around the township were purchased from the early 1850s (*Nillumbik Parish Plan* 1951).

Eltham township grew during the 1850s around a cluster of buildings at the corner of Pitt Street and Main Road within Holloway's Little Eltham subdivision. Located on the road to the Caledonia diggings, this small township became a service centre for the surrounding mining areas, and by 1854 supported a population of 282. In this period Eltham had two hotels, a brewery and tannery on Diamond Creek, a scattering of shops along Main Road (known in the 1850s as Maria Street) and a steam flour mill operated by Henry Dendy. The Little Eltham School, opened by the Church of England, was built in 1853 near Swan Street (closed 1872) and a second school, a National vested school, later Eltham Common School No 209, opened in Dalton Street in 1856. A Wesleyan chapel opened in 1858. Public buildings constructed at this time included a courthouse and a police station in Main Road in 1860. The 'flat land', which is now the Eltham Lower Park near the Yarra, was used as a racecourse (Carlotta Kellaway cited in Butler 1996:32-33; Eltham District Historical Society 2000:np). A cemetery opened in 1858.

During the period of goldmining on the Caledonia diggings (centred on St Andrews and Panton Hill), Eltham's population grew in the period 1860s-1880s as the town became a food, produce and supply centre for the mining communities. It also became a stopping place on route to the Woods Point diggings. In 1871, Eltham's population was 165; by 1881 this had increased to 388 (*Victorian Places* 2015).

A Primitive Methodist chapel was built in 1860. The following year St Margaret's Anglican Church, designed by the notable Melbourne architect, Nathaniel Billing, was built. In 1881, a Wesleyan church

was constructed by George Stebbing to the design of Melbourne architects, Crouch and Wilson (Carlotta Kellaway cited in Butler 1996:33). A new State School, constructed of local sandstone, opened in 1876.

The purchasers of many large Eltham allotments surrounding the township were absentee owners, who subdivided their properties into smaller farms either for lease or sale. The smaller properties, especially in the Little Eltham township, were run by farmers who often made a modest living as wage labourers. Like many later Eltham residents, they were attracted by cheap land and affordable homes (Carlotta Kellaway cited in Butler 1996:33).

The *Australian News* of 20 December 1884 described Eltham as:

a pretty little township on the Yarra Flats road...It has a population of nearly 400 inhabitants, but in addition it is the centre of a large district extending over 208 square miles, having a population of 2,344. The land in the district is mostly used for grazing purposes, although as a rule the small farms grow a good deal of wheat, oats, and other agricultural produce. A large quantity of fruit, especially raspberries and strawberries, is also produced (cited by Carlotta Kellaway in Butler 1996:33).

The *Australian News* noted that gold had been found in the vicinity of the township, 'but not in remunerative quantities' (cited by Carlotta Kellaway in Butler 1996:33).

In the 1880s agitation began for the extension of the railway line from Heidelberg to serve Eltham and districts further afield such as Kangaroo Ground. The extension to Eltham opened in 1902 but was never built to Kangaroo Ground. The railway brought excursionists, many to pick wattle during the flowering season, and focused development of the Eltham township around the railway station. Eltham was a picturesque village with the advantage of proximity to metropolitan Melbourne as well as to attractive countryside with farms and uncleared stringybark forest (*Victorian Places* 2015).

In 1903, the *Australian Handbook* described Eltham as part of an orcharding and grazing district. In 1901, 4289 acres were under cultivation, of which 2506 acres were planted to orchards and gardens. The township, with a population of 377, comprised a State school, Commercial Bank, Catholic, Episcopal, Wesleyan, and Primitive churches, and two lodges (cited in *Victorian Places* 2015). Subdivision of rural properties near Eltham township to form residential estates occurred from 1909 (Mills and Westbrooke 2017:69).

The electrification of the railway to Eltham in 1923 eliminated the changeover to steam trains at Heidelberg, allowing faster through-trains and commuting times. The establishment of new residential estates in Eltham followed (Mills and Westbrooke 2017:71).

Eltham was described in 1940 as 'residential, horticultural, dairying and grazing...a beauty spot for artists and picnickers'. By this time, the town had three recreation reserves, a State higher elementary school (1926), swimming baths, tennis courts and a fire brigade (*Victorian Places* 2015).

Eltham experienced significant post war development with a number of residential estates subdivided and put up for sale. The population of the town increased from 927 in 1933, to 1278 in 1947, to 7177 in 1971. As a result, a high school opened in 1950 and the Catholic Ladies College in 1971 (*Victorian Places* 2015). The Eltham War memorial Trust Baby Health Centre opened in 1951. New Shire offices opened in 1965, and Eltham College commenced classes in 1974 (Eltham District Historical Society 2000:np).

Bushfires have occurred frequently through Eltham's history, including in the years 1908, 1932, 1939, 1962 and 1969.

The Eltham Library, designed by architect Greg Burgess, was constructed in mud brick, and recycled timbers and received the RAIA Institutional Architecture Award in 1995 (Bartolomei 2008).

Achieving distinction in the arts

Eltham has attracted a number of writers and artists over the years. The landscape painter, Walter Withers (1854-1914) moved to Eltham in 1902 when the railway opened. From 1910, painter William 'Jock' Frater and cartoonist Percy Leason often camped and painted in the area. Clara Southern and May Vale, landscape painters and students of Frederick McCubbin, settled in the region, Vale residing at Diamond Creek and Southern at Warrandyte, where an artistic community developed (Bartolomei 2008). Artist Justus Jorgensen established the notable Montsalvat artist's colony buildings, several in adobe and rammed earth, on land he purchased in 1934. Seeking a closer engagement with the natural environment, the establishment of Montsalvat influenced future mud brick house construction in the area, with several local architects, including Alistair Knox, specialising in the form in the post war period (Victorian Places 2015). Others who have been inspired by Eltham and have made the region their home include artists Clifton Pugh and Danila Vassilieff; jewellers and sculptors Michael Wilson, Simon Icarus Baigent and Matcham Skipper; authors Alan Marshall and Carolyn Van Langenberg; composers and musicians Graeme and Roger Bell; actress Kerry Armstrong; and landscape architect Edna Walling (Bartolomei 2008).

PLACE HISTORY

The present site of 13 Park West Road, Eltham, situated on the north side of Park West Road, occupies part of a larger part of land being part of Crown Allotment one and F Section Eleven at Eltham Parish of Nillumbik, County of Evelyn, which was first purchased from the Crown by Henry Stooke in 1852 (Nillumbik Parish Plan 1951). Ninety-two acres and twenty-seven perches of Henry Stooke's land was purchased by William Alfred Williams and Mary Ann Williams on 1 September 1914 (CT: V3805 F760900) who subsequently subdivided the land into residential allotments (Plan of Subdivision No. 7834) in 1920 forming Park Road (now known as Park West Road). Hugh Allen Kent purchased Lot 72 of this subdivision (the subject site) in April 1922 (Figure 5) (CT: V4569 F913692).



Figure 4. Extract from Nillumbik Shire Plan showing Henry Stooke's original land purchased from the Crown in 1852 outlined in red.
(Source: Nillumbik Parish Plan 1951)



Figure 5. Extract from Certificate of Title showing portion of Henry Stooke's original Crown allotment purchased by William Alfred Williams and Mary Ann Williams in 1914. (Source: CT: V3805 F760900)



Figure 6. Plan of subdivision, 1920 of the land purchased by the Williams in 1914. Lot 72 now known as 13 Park West Road (the subject site) is outlined in yellow. (Source: CT: V3805 F760900)

The subject property changed hands three times between 1922 to 1955 at which time Alan Marshall's sisters, Elise Louise McConnel (married women) and Margaret McIntyre Marshall (spinster) both of 260 Bambra Road, Caulfield, became proprietors as tenants in common of the property at 13 Park West Road (CT: V4569 F913692). It is unclear at which time the main house and original bungalow were constructed, however in 1955 Marshall's sisters became the owners of 13 Park West Road (CT: v4569 F913692) and moved into a house on the property, with Alan moving into a small studio at the rear of the house (Lardner and Westbrook 2004:2). Within six weeks of moving into the property Marshall's studio burnt to the ground. Although severely disabled from a childhood attack of polio, Marshall managed to break a window with his crutches and, with the help of a friend, retrieve books and manuscripts, as well as his desk and filing cabinet (Lardner & Westbrook 2004:2).



Figure 7. Alan Marshall photographed in 1955 after the original bungalow at 13 Park West Road, Eltham was destroyed by fire. (Source: State Library Victoria: Herald & Weekly Times Limited portrait collection. Accession no.H38849/2835).

In response to the disaster, a group of Melbourne friends organised a benefit evening to raise money for rebuilding Marshall's bungalow. In his own words,

'This amazing feat was achieved by an Eltham carpenter I knew as "Sid", a tall, lean man with a twinkle in his eye, and swift, efficient hands. In 10 days he finished. Jim Hill, a neighbouring writer, cleared the debris of the fire away, and Ron Bradbrook, another neighbour, planted a garden in front of the new building...' (cited in Lardner & Westbrooke 2004:2)

Marshall named his new bungalow 'Gurawalla' a name given to him by Aboriginal children when he visited Arnhem Land in 1945-46. It means 'song-maker' (Lardner & Westbrooke 2004:3).

Marshall lived and worked in the bungalow between 1955-1972 with several of Marshall's important publications being written within its walls. These include his trilogy of fictionalised autobiographies, *I Can Jump Puddles* (1955), *This is the Grass* (1962) and *In Mine Own Heart* (1963), and several collections of highly popular short stories and humorous sketches, as well as *The Gay Provider* (1962), a commissioned history of the Myer Emporium. He also penned his history of Eltham titled *Pioneers & Painters: One hundred years of Eltham and its Shire* from the bungalow in 1971, a tribute to the local area for which he was a keen defender of its natural and cultural heritage. Marshall also continued to write his hugely popular weekly advice column 'Alan Marshall's Casebook' from the bungalow for the *Argus* until the paper's closure in 1957.

During this time, the bungalow became a hub of literary and cultural life in Eltham. Attracting visitors from all over the world they came to the Park West Road bungalow to sit and chat and to listen to Marshall read his stories. Among the visitors were famous Australian authors Judith Waten, John Morrison, Bill Wannon, Clem Christenson, and Xavier Herbert (Lardner & Westbrooke 2004:5). Pat Wiltshire, Marshall's secretary from 1962-1972, typed everything Marshall wrote in those years. In an interview in 2004 she described:

...how cosy the Eltham bungalow was when Marshall lived there with its seagrass mat on the floor, Marshall's desk, a fold-out table for the typewriter, the filing cabinet and bookcases crammed with books. The walls were covered with Aboriginal artifacts collected during his travels and paintings by some of his famous friends, such as Noel Counihan and Louis Kahan. (cited in Lardner & Westbrooke 2004:5)



Figure 8. Alan Marshall with his secretary, Pat Wiltshire working from the Park West Road bungalow, 1970. (Source: from the collection of Eltham District Historical Society @elthamhistory)
reproduction subject to approval



Figure 9. Alan Marshall with his secretary, Pat Wiltshire working from the Park West Road bungalow, 1970. (Source: from the collection of Eltham District Historical Society @elthamhistory)
reproduction subject to approval

After the death of Alan's sister Margaret McIntyre Marshall in 1972 the property at 13 Park West Road was sold and Alan and his other sister, Elise, moved to Black Rock. The subject property has changed hands three times between 1972 to 2020. The bungalow remains at the rear of the house and is largely unaltered although in poor condition, as observed during a site inspection in December 2020.

Alan Marshall



Figure 10. Alan Marshall shown pictured in the Park West Road bungalow in 1959 (source: Herald & Weekly Times Limited portrait collection. Accession no.H38849/2834).

Alan Marshall (named William Alan) was born on 2 May 1902 at Noorat, in the Western District of Victoria to parents William Bertred Marshall, storekeeper, and his wife Adameina Henrietta, nee Leister. One of six children, he attended the Noorat State School where at the age of six he contracted poliomyelitis (polio) leaving him with a physical disability that grew worse as he aged. He attended Terang Higher Elementary School but after only two years left school to work with his father. In 1920 the family moved to Diamond Creek so that he could pursue his studies at Stott's Business College to which he received a full scholarship, however he left again without completing his qualification. Moving through several temporary jobs during the 1920s he wrote twenty-eight short stories, none of which were published. In 1930 he became an accountant at Trueform, a Collingwood shoe factory. Following the factory's closure in 1935, he decided to pursue writing full time (McLaren 2012).

From the mid-1930s, through his opposition to fascism and war, Marshall was engaged in various communist activities. While he dismissed reports of persecution of Soviet writers, he believed they were pressed to distort their work in the interests of the state. From 1949 he was under frequent surveillance by the Australian Security and Intelligence Organisation (McLaren 2012).

Marshall's first commercial publication came in 1934, when John Hetherington accepted 'The Little Black Bottle' for the *Sun News-Pictorial* and *Smith's Weekly* published 'It Happened One Night' (McLaren 2012).

From 1937 his 'Proletarian Picture Book' appeared, sometimes under the name 'Steve Kennedy', in *Workers' Voice* (a weekly published by the Victorian branch of the Communist Party of Australia), the *Communist Review* and, as 'Australian Picture-book', in the *British Left Review*. He won the Australian Literature Society Short Story Award three times, the first in 1933. In 1940 the Victorian Writers' League published, 'These Are My People', six stories including his most popular: 'Tell Us About the Turkey, Jo'. He contributed articles supporting the campaign against the deportation of Egon Kisch, and edited *Point*, an anti-fascist magazine (McLaren 2012).

Through the Writers' League he met Olive Dulcie Dixon; they married on 30 May 1941 at the Office of the Government Statist in Melbourne. They had two daughters together but divorced in 1957 only shortly before Olive's death. Marshall never remarried (McLaren 2012).

Having become well known, Marshall was selected in 1942 by the editors of *A.I.F. News*, a weekly paper published by the army for the troops in the Middle East, to tour Victoria gathering messages from their wives, mothers, and friends (McLaren 2012).

While on the road, Marshall provided a correspondence course on freelance journalism for Melbourne Technical College, and in 1944 he was engaged by the Army Education Service to deliver a series of lectures. In 1945 and 1946 he drove by car through Queensland and the Northern Territory, where his first extended encounters with Aboriginal people included visits to sacred sites. The result of these experiences was *Ourselves Writ Strange* (1948), reissued as *These Were My Tribesmen* (1965), and two later books on Aboriginal myths (McLaren 2012).

In 1954 Marshall received a Commonwealth Literary Fund grant to work on the first volume of his fictionalised autobiography, *I Can Jump Puddles* (1955), his best-known book. Selling not only in Australia but abroad—particularly, in translation, in Russia and eastern Europe—it was an inspiring account of courage in dealing with a devastating handicap, and also succeeded in showing through a child's eyes the life and variety of a country town. In the darker second and third books of the trilogy—*This is the Grass* (1962) and *In Mine Own Heart* (1963)—Marshall wrote of life in Melbourne during the 1930s (McLaren 2012).

Living in Eltham from 1955, Marshall became a keen defender of the Shire's natural and cultural heritage, in publications including *Pioneers and Painters* (1971). He continued to write prolifically, producing several more collections of short stories and humorous sketches, as well as *The Gay Provider* (1962), a commissioned history of the Myer Emporium (McLaren 2012).

Marshall was the subject of radio and screen documentaries, and several of his works were later filmed—notably *I Can Jump Puddles*, in a Czech version (1970), and as a television series for the Australian Broadcasting Commission in 1981 (McLaren 2012).

In 1972 Marshall was awarded an honorary Legum Doctor (LL.D.) by the University of Melbourne. In 1977 he received the Soviet Union's Order of Friendship of Peoples. He was appointed an Order of the British Empire in 1972 and an Order of Australia in 1981. Enduring increasing weakness, he moved to Black Rock from Eltham in 1972 where he was cared for by his sister Elsie, until entering a nursing home in 1982 (McLaren 2012).

Marshall died at East Brighton on 21 January 1984, survived by his two daughters. He was buried in Nillumbik Cemetery, Diamond Creek (McLaren 2012).

Alan Marshall's name is perpetuated by the Alan Marshall Award, an annual prize inaugurated by the Victorian Fellowship of Australian Writers in 1976 (Obituaries Australia).

In 1985, the then Shire of Eltham established the annual Alan Marshall Short Story Award for emergent writers. In 2018 Nillumbik Shire reviewed their literacy prizes: the new Nillumbik Prize for Contemporary Writing, now biennial, includes the Alan Marshall Short Story Award (Nillumbik Shire Council webpage 2021).

Well known Monstalvat sculptor Marcus Skipper created a realistic statue of Marshall cast in bronze which is located in the front of Eltham Library in a reserve named after him; The Alan Marshall Reserve at 1275 Main Road, Eltham. There is also a bronze bust of Marshall by sculptor George Luke outside the Sandringham Library, in Waltham Street Sandringham.

DESCRIPTION

Gurawalla Alan Marshall Bungalow is a small single-storey timber-framed building built at the rear of the single-storey weatherboard house at 13 Park West Road, Eltham. The bungalow is positioned approximately 27 meters from the southern boundary formed by Park West Road and approximately 1.2 meters from the western property boundary (refer Figure 11).



Figure 11: Aerial view of 13 Park West Road Eltham. Allan Marshall's bungalow is located along the western boundary and is outlined in red (Source: Nearmap 8 November 2020).

The building is a simple single room space with a rectangular footprint and a low-pitched corrugated iron gable roof with exposed eaves. A small skillion-roofed section at the northern end of the bungalow projects beyond the main building footprint. Largely clad in strapped asbestos sheeting, the bungalow features a mud brick wall at its southern end.

The principal elevation facing east overlooks the rear yard of the property. A horizontally proportioned louvred window is divided into four equal panes and is positioned centrally between two single door openings that provide access to the building. The door at the southern end of this elevation is missing whilst that to the north is a simple core door. The fascia board and gutter are missing along this elevation leaving the rafter ends exposed. As seen in early photographs (refer Figure 8), it would appear that the original front door was accessed off a brick paved recessed porch at the southern end of the bungalow. The porch has been filled in with stud work however the brick paving remains along with evidence of the original internal stud walls.



Figure 12. Section of eastern wall clad in grey that appears to have been added enclosing a small, recessed porch. The brick paved floor of the porch remains and there is evidence of the stud wall internally that housed the original front door as shown in Figure 8. (Source: Context 2020).

The northern elevation of the bungalow presents as a simple gable end clad in strapped asbestos sheets with a small skillion roofed projection at its eastern end that originally housed a bathroom. Two vertically proportioned louvred windows originally provided light and ventilation into the bathroom and kitchen areas.



Figure 13. Alan Marshall bungalow showing the northern and eastern (principal) elevations (source: Context 2020).

The western wall has a small single window at its southern end whilst the southern wall has no openings. The western wall of the bungalow is clad in strapped asbestos sheet. The southern wall is constructed of mudbrick at its eastern half with asbestos sheet cladding the stud frame at its west.



Figure 14. Southern wall of the bungalow that is constructed out of mudbrick for its eastern half and stud framed for the remainder. This elevation is visible from Park West Road. (source: Context 2020)

Internally the bungalow is now accessed through the door at its eastern end where a section of brick flooring remains. The southern wall of this small entrance area is of painted mudbrick. The remainder of the bungalow is timber floored with all wall and ceiling linings removed. At the northern end of the bungalow a stud wall divides the space to create a kitchen and bathroom area with some remnant fixtures and plumbing including a shower, basin, and toilet.



Figure 15. Southern end of the bungalow showing the brick paved entry that was possibly originally an open entrance porch and remnant internal stud walls. (Source: Context 2020)



Figure 16. Detail showing the brick floor and evidence of an earlier stud wall forming an entrance porch. (Source: Context 2020)



Figure 17. Northern end of the bungalow showing original kitchen space with remnant plumbing. (Source: Context 2020)



Figure 18. North east corner of the bungalow which housed the original bathroom evidenced by remnant plumbing fittings and fixtures. (Source: Context 2020)

INTEGRITY

'Gurawalla' Alan Marshall Bungalow at 13 Park West Road, Eltham, is largely intact with very few changes visible to original or early fabric. The building retains its original built form, roof form and window and door openings. Original details include the mudbrick wall at its eastern end; timber framed, asbestos sheet clad external walls; low pitched corrugated iron gable roof and skillion roof section; all windows including the louvred windows to the main living space, kitchen and bathroom; external core door; internal stud walls; timber floor; brick paved entrance flooring; and remnant kitchen and bathroom fittings and fixtures. Changes to the building are largely due to the loss or damage to original fabric. This includes missing guttering along the eastern elevation, a missing entrance door, missing louvred glass panes and damaged/missing asbestos sheet panels. All of these elements are easily replaced or repaired. It should be noted that the condition of the bungalow is not a consideration in the assessment of significance. The presence of asbestos-fibro cement also does not impact on heritage significance and can be dealt with

by replacement with non-asbestos fibre cement sheet of the same dimension and appearance if required.

Overall the building has high integrity.

COMPARATIVE ANALYSIS

While 'The Victorian Heritage Register Criteria and Threshold Guidelines' (June 2014) were written for the assessment of places at the State level, they are also useful to guide assessments of local significance. For Criterion H 'Special Association with the life or works of a person ... of importance', four tests are set out. The first three tests are to determine if the place generally satisfies Criterion H, and the final test determines whether it satisfies Criterion H at a State level.

For the purposes of this assessment, these four tests will be applied to Alan Marshall Bungalow, 13 Park West Road, Eltham but the fourth test will be discussed in relation to the Shire of Nillumbik (i.e., the threshold of local significance) instead of the State of Victoria. The first three tests are:

- The place has a DIRECT ASSOCIATION with a person or group of persons who have made a strong or influential CONTRIBUTION to the course of Victoria's history; AND
- The ASSOCIATION of the place to the person(s) IS EVIDENT in the physical fabric of the place and/or in documentary resources and/or oral history; AND
- The ASSOCIATION directly relates to ACHIEVEMENTS of the person(s) at, or relating to, the place/object.

The fourth test (which should be applied to the Shire of Nillumbik rather than to the State of Victoria) is:

- The place allows the clear association with the person or group of persons to be READILY APPRECIATED BETTER THAN MOST OTHER PLACES OR OBJECTS IN NILLUMBIK

All four tests are met at the local level. The bungalow at the rear of 13 Park west Road, Eltham is directly associated with Alan Marshall a prominent Australian writer, story teller, humanist and social documenter who was an important public figure in Australia during the 1940s-1970s (Test 1).

The association of Alan Marshall to the fabric of the place is provided in photographic evidence that shows Marshall and his secretary Pat Whitshire working from the bungalow at a time when Marshall produced a number of his most important works, and an oral history provided by Pat Whitshire which describes in detail the layout of the bungalow and its furnishings (Test 2).

While living and working at the bungalow between 1955-1972 several of Marshall's important publications were 'wholly written' within its walls. These include his trilogy of fictionalised autobiographies, *I Can Jump Puddles* (1955), *This is the Grass* (1962) and *In Mine Own Heart* (1963) and several collections of highly popular short stories and humorous sketches as well as *The Gay Provider* (1962), a commissioned history of the Myer Emporium. He also penned his history of Eltham titled *Pioneers & Painters: One hundred years of Eltham and its Shire* from the bungalow in 1971, a tribute to the local area for which he was a keen defender of its natural and cultural heritage. Marshall also continued to write his hugely popular weekly advice column 'Alan Marshall's Casebook' from the bungalow for the *Argus* until the paper's closure in 1957 (Test 3). Also, for its association with Alan Marshall for 18 years, the bungalow allows its direct association to be better appreciated than most other places or objects with a connection to Alan Marshall in the Shire of Nillumbik (Test 4).

Within the Shire of Nillumbik, several surviving places are on the Heritage Overlay for their historical (associative) significance in demonstrating their connection to prominent artists, writers, and intellectuals. The following places are comparable to the Alan Marshall Bungalow, 13 Park West Road, Eltham, for their direct association with a person who contributed to the course of the Shire's history of being associated with artists, writers, and intellectuals and for the tangible evidence the physical fabric of the place provides of this association and the achievements of the person.

- VHR 2235, HO13 Walter Withers's house – Southernwood 250 Bolton Street, Eltham:
The house is historically significant because it was the home of the prominent Australian artist Walter Withers. Withers was a member of the 'Heidelberg School' and the first commercially successful painter to come and live in Eltham, and played a part in attracting other artists to the area and, thereby, in establishing Eltham's reputation as an artistic community (Criteria H & A).
- HO17, Peter Garner mud brick studio and adjacent shed 62 Brougham street, Eltham:
The studio and shed are historically significant because it is associated with Arthur Munday, Peter Garner, Lenore Garner and the Montsalvat artists' community more broadly (Criterion H).
- HO149, Stanhope Residence and Garden, 10 Peter street, Eltham:
During the 1940s the residence was also connected with the important literary figures, Clem, and Nina Christesen (Clem was the founding editor of the influential *Meanjin Quarterly*). When owned by the Christesens the residence was visited by a number of distinguished writers, artists, and academics, including the Nobel Prize winner, Patrick White, and the world-famous cellist Mstislav Rostropovich (Criterion H).
- HO113, Residence and rear concrete studio – 'Landscape', 60 Lavender Park Road, Eltham:
The residence and studio are historically significant because they are connected with the artist, cartoonist and anthropologist, Percy Lesson; during Lesson's period of occupation (1926-1938) the property became a centre for visiting artists, including Max Meldrum, Justus Jorgensen, Clarice Beckett, "Jock" Frater and Richard McCann (Criterion H).

'Gurawalla' Alan Marshall Bungalow, 13 Park West Road, Eltham compares favourably against the above individually significant places for its demonstrated special association with the life or works of a person of importance to the Shire of Nillumbik. It is particularly comparable to these examples as it not only served as Alan Marshall's home and workplace from which he penned his most important works but also because the bungalow became a hub of literary and cultural life in Eltham, attracting visitors from all over the world, including famous Australian authors Judah Waten, John Morrison, Bill Wannon, Clem Christenson, and Xavier Herbert. In this way the bungalow is a significant place for the contribution it makes to the ongoing understanding of the history of the Shire of Nillumbik and particularly Eltham as a centre for artists, writers, and intellectuals.

ASSESSMENT AGAINST CRITERIA

| | |
|----|--|
| NA | CRITERION A Importance to the course or pattern of Nillumbik's cultural or natural history (historical significance). |
| NA | CRITERION B Possession of uncommon, rare, or endangered aspects of Nillumbik's cultural or natural history (rarity). |
| NA | CRITERION C Potential to yield information that will contribute to an understanding of Nillumbik's cultural or natural history (research potential). |
| NA | CRITERION D Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness). |
| NA | CRITERION E Importance of exhibiting particular aesthetic characteristics (aesthetic significance). |
| NA | CRITERION F Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance). |
| NA | CRITERION G Strong or special association with a particular community or cultural group for social, cultural, or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance). |
| ✓ | <p>CRITERION H Special association with the life or works of a person, or group of persons, of importance in Nillumbik's history (associative significance).</p> <p>The Bungalow at 13 Park Road West, Eltham, is significant to the Shire of Nillumbik as the home and workplace of Alan Marshall (1902-1984), who lived and worked there from 1955 until 1972. Marshall was a prominent Australian writer, story teller, humanist and social documenter who was an important public figure in Australia during the 1940s to 1970s. While living and working at the bungalow several of Marshall's important publications were 'wholly written' within its walls. These include his trilogy of fictionalised autobiographies, <i>I Can Jump Puddles</i> (1955), <i>This is the grass</i> (1962) and <i>In Mine Own Heart</i> (1963) and several collections of highly popular short stories and humorous sketches as well as <i>The Gay Provider</i> (1962), a commissioned history of the Myer Emporium. He also penned his history of Eltham titled <i>Pioneers & Painters: One hundred years of Eltham and its Shire</i> from the bungalow in 1971, a tribute to the local area for which he was a keen defender of its natural and cultural heritage. Marshall also continued to write his hugely popular weekly advice column 'Alan Marshall's Casebook' from the bungalow for the <i>Argus</i> until the paper's closure in 1957.</p> <p>During Marshall's occupancy, the bungalow became a hub of literary and cultural life in Eltham. Attracting visitors from all over the world they came to the Park West Road bungalow to sit and chat and to listen to Marshall read his stories. Among the visitors were famous Australian authors Judah Waten, John Morrison, Bill Wannon, Clem Christenson, and Xavier Herbert to name a few. The bungalow is also significant for the contribution it makes to the ongoing understanding of the history of the Shire of Nillumbik and particularly Eltham as a centre for artists, writers, and intellectuals.</p> |

STATEMENT OF SIGNIFICANCE

WHAT IS SIGNIFICANT

Gurawalla Alan Marshall Bungalow at 13 Park West Road, Eltham, built in 1955, and the home and workplace of prominent Australian writer and storyteller Alan Marshall from 1955 to 1972, is significant.

Significant fabric includes the:

- The area surrounding the bungalow to a distance of five (5) metres from the north, east and south of the bungalow and to the western property boundary. And, a strip of land the width of the bungalow to Park West Road to retain the setting and context of the significant place. (Refer Figure1);
- The bungalows original built form, roof form (including gable and skillion roof sections) and original windows (louvered and fixed) and doors;
- Unlined eaves and exposed rafters;
- Mud brick wall and timber stud frame;
- Strapped sheet wall cladding, corrugated iron roof sheets;
- Internal brick and timber floors;
- Internal stud walls;
- Extant plumbing including fittings and fixtures.

HOW IT IS SIGNIFICANT

Gurawalla Alan Marshall Bungalow at 13 Park West Road, Eltham is of local historical (associative) significance to the Shire of Nillumbik.

WHY IT IS SIGNIFICANT

Gurawalla Alan Marshall Bungalow at 13 Park Road West, Eltham, is significant to the Shire of Nillumbik as the home and workplace of Alan Marshall (1902-1984), who lived and worked there from 1955 until 1972.

Marshall was a prominent Australian writer, story teller, humanist and social documenter who was an important public figure in Australia during the 1940s to 1970s.

While living and working at the bungalow several of Marshall's important publications were 'wholly written' within its walls. These include his trilogy of fictionalised autobiographies, *I Can Jump Puddles* (1955), *This is the grass* (1962) and *In Mine Own Heart* (1963) and several collections of highly popular short stories and humorous sketches as well as *The Gay Provider* (1962), a commissioned history of the Myer Emporium. He also penned his history of Eltham titled *Pioneers & Painters: One hundred years of Eltham and its Shire* from the bungalow in 1971, a tribute to the local area for which he was a keen defender of its natural and cultural heritage. Marshall also continued to write his hugely popular weekly advice column 'Alan Marshall's Casebook' from the bungalow for the *Argus* until the paper's closure in 1957.

During Marshall's occupancy, the bungalow became a hub of literary and cultural life in Eltham. Attracting visitors from all over the world they came to the Park West Road bungalow to sit and chat and to listen

to Marshall read his stories. Among the visitors were famous Australian authors Judah Waten, John Morrison, Bill Wannon, Clem Christenson, and Xavier Herbert to name a few. The bungalow is also significant for the contribution it makes to the ongoing understanding of the history of the Shire of Nillumbik and particularly Eltham as a centre for artists, writers, and intellectuals. (Criterion H)

RECOMMENDATIONS

Recommended for inclusion in the Schedule to the Heritage Overlay of the Nillumbik Planning Scheme as an individually significant place.

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Nillumbik Planning Scheme:

NILLUMBIK PLANNING SCHEME

| | |
|---|-----|
| EXTERNAL PAINT CONTROLS | No |
| INTERNAL ALTERATION CONTROLS | Yes |
| TREE CONTROLS | No |
| OUTBUILDINGS OR FENCES (Which are not exempt under Clause 43.01-3) | No |
| TO BE INCLUDED ON THE VICTORIAN HERITAGE REGISTER | No |
| PROHIBITED USES MAY BE PERMITTED | No |
| ABORIGINAL HERITAGE PLACE | No |

OTHER

N/A

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Photographs of Alan Marshall Bungalow and surrounds – Site Visit December 2020





Community Safety and Amenity

Graffiti Removal Plan

| | |
|--|--|
| Description of policy | <p>Nillumbik Shire Council (Council) is committed to providing safe and healthy environments to the community.</p> <p>Strategy 3.8 of the Nillumbik Shire Council Plan 2017-2021 aims to <i>improve the appearance of public spaces</i>. Priority action 3.8.1 aims to development and implement the Graffiti Removal Plan</p> <p>The Graffiti Removal plan has been developed to guide the service requirements and processes in order to achieve an effective and efficient graffiti removal program within the Shire.</p> |
| Policy applies to | <input type="checkbox"/> All employees, volunteers and contractors |
| Policy category | <input type="checkbox"/> Revised Policy |
| Description of revision and Version Number | Version Number: 1.0 |

| | |
|-----------------------|---------------|
| Approved by | |
| Approval date | |
| Effective date | |
| Date of last revision | December 2019 |
| Date of next review* | December 2023 |

*Unless replaced, this policy will still apply beyond the review date.

| | |
|---|---|
| Related internal procedures and guidelines | Nillumbik Shire Council Procurement Policy January 2019 |
| Related policies | Nillumbik Shire Public Art Policy 2019-2022 |
| Related legislation, standards and guidelines | <ul style="list-style-type: none"> • <i>Graffiti Prevention Act 2007</i> • <i>Local Government Act 1989</i> • <i>Crimes Act 1958 (Vic)</i> |
| External Stakeholders | <ul style="list-style-type: none"> • Victoria Police • Department of Justice • Traders Associations • VicRoads • Melbourne Water • Metro • Education Department • Business Owners • Residents • Successful tender |

1. Policy Statement

Nillumbik Shire Council (Council) is committed to the effective management and removal of graffiti from public assets and spaces within the Shire.

2. Purpose / Objectives

The presence of graffiti in public places can effect perceptions of cleanliness, amenity and quality and safety of the physical and built environment.

Implementation of an effective graffiti removal program will improve perceptions of safety and appearance within the Shire.

3. Scope

The scope of the plan is limited to graffiti management and removal only.

Council and its contractors will be responsible for:

- Identifying and removing graffiti from public assets and spaces;
- Providing a rapid response for the removal of offensive graffiti;
- Prioritising the removal of graffiti from high visibility locations and facilities;
- Regular patrols of high visibility areas;
- Reporting graffiti to external stakeholders/agencies (private property);
- Investigate new and sustainable technologies to support graffiti removal;
- Protection of areas not requiring cleaning but application of anti graffiti coating;
- Recording of graffiti removal and protection;
- Detailed reporting to assist identification of offenders and identifying hotspots and the perpetrators of graffiti.
- Where appropriate, carrying out surveillance of graffiti hot spots in order to proactively identify graffiti offenders.

Council will continue to assist Victoria Police by providing documented instances of graffiti. This will include photographic evidence of graffiti and locations to assist with identification of graffiti offenders.

4. Definitions

| Reference term | Definition |
|-----------------------------|--|
| Council owned assets | Assets on Council land include but are not limited to: <ul style="list-style-type: none"> • Council buildings including sporting facilities and associated signage • Parks and reserves • Public toilets • Street furniture (benches) • Litter bins • Playground equipment |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Footpath and bike paths • Sculptures, monuments and art works • Road infrastructure including traffic signage • Council signage |
| Graffiti | Writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place. |
| Graffiti removal methods | <p>Graffiti removal methods may include one or all of the following:</p> <ul style="list-style-type: none"> • High pressure spray • Chemical removal • Abrasive removal (sanding) • Paint out / paint over |
| High Visibility areas | <p>High Visibility areas are locations of high public exposure, from the municipality's residents and visitors. These areas include the gateways to the main community hubs of Eltham, Diamond Creek and Hurstbridge as well as main arterial roads throughout Council's suburbs.</p> <p>The most commonly targeted areas are generally highly visible and are often centralized in and around precinct locations such as shopping strips, skate parks, laneways and transport hubs. Typically prime locations include:</p> <ul style="list-style-type: none"> • Trains and METRO property; • Bus shelters; • Street facing walls; • Public toilets; • Traffic signs; • Statues and public art; • Vending machines; • Park furniture and play equipment; • Electricity poles; • Schools; • Fences. |
| Land Managed by Government and Private Agencies | Council will work with property owners to seek the removal of graffiti from assets not in Council's ownership. Where structures about public spaces, Council may with the consent of land owners, remove graffiti. The <i>Graffiti Prevention Act 2007</i> does allow Council to enter private property for the removal of graffiti under certain circumstances under Part 4, item 18 - <i>Removal of graffiti from private property</i> . |
| Offensive graffiti | Any graffiti deemed offensive and/or obscene. This includes any marking that is defamatory or degrading about race, region, sexual preference and gender, or that releases unwarranted details relating to personal privacy. |

| | |
|---|---|
| Surfaces requiring graffiti removal and or paint out | <p>The following surface types are typical for graffiti removal/paint out in the municipality:</p> <ul style="list-style-type: none"> • Concrete – plain or coloured • Fencing: Colour bond or timber materials • Brick surfaces • Cement rendered surfaces • Power poles – galvanised, painted, timber or concrete • Metal surfaces • Signage – metal, timber, plastic or synthetic materials • Surfaces comprising plastic or synthetic materials • Road surface Materials – Council car parks and roads. <p><i>Note: the above list is indicative only, and not exhaustive of surfaces where graffiti removal and paint out will be required.</i></p> |
|---|---|

5. Graffiti identification

The prevalence of graffiti within Nillumbik continues to present an ongoing issue when maintaining safe community spaces with a high level of amenity as expected by the community.

Council utilises various tools to identify graffiti within the community in order to ensure a timely, effective and efficient graffiti removal program. The following are key to identifying graffiti to ensure its removal:

| | |
|-----------------------------------|---|
| Council Staff | Many council staff are required to travel throughout the Shire in performing their duties. All staff must lodge service requests when graffiti is identified. |
| Councillors and Community Members | Councillors and Community Members are able to contact Council directly to report graffiti, or have access to the City Watch App or Snap, Send Solve App to register graffiti. |
| Council Contractors | Council utilises contractors for various activities such as cleaning Council facilities. All contractors are obliged to report graffiti to Council to have it cleaned. |
| Graffiti removal contractor | The graffiti removal contractor carries out regular patrols throughout the Shire to identify graffiti and remove it accordingly. |

6. Graffiti Removal Parameters

Council and/or its contractors will be required to work within the parameters outlined below.

6.1. Graffiti removal timeframes

Council is committed to removing graffiti from public places and spaces as quickly as possible. Council will prioritise the removal of any graffiti deemed offensive and/or obscene. This includes any marking that is defamatory or degrading about race, region, sexual preference and gender, or that releases unwarranted details relating to personal privacy. Graffiti of this nature will be removed within one business day of being identified or reported to Council. If the offensive graffiti is on private property Council will quickly remove the graffiti through negotiation with the owner/occupier.

Graffiti located in areas infrastructure deemed to be high visibility (as identified in appendix 1), the graffiti will be removed within one business day.

If Council believes street art detracts from the local amenity due to its location, it will be removed within 5 business days of it been reported or identified.

Non offensive or non obscene graffiti will be removed within 5 working days of notification.

| Type of graffiti | Timeframe |
|-----------------------------|---|
| Offensive | Within 1 working day |
| In high profile areas | Within 1 working day |
| All other reported graffiti | Within 5 days |
| Identified in annual audit | As advised by Council within budget constraints |

6.2. Graffiti removal methods

Graffiti can present in multiple forms on a wide variety of surfaces. Methods for the removal of graffiti must ensure the best outcome for each site, minimising permanent damage to the substrate and ensure minimal environmental impacts. Methods can include:

- High pressure water spray
- Chemical removal using cleaning solutions
- Abrasive removal by way of sanding or sand blasting
- Paint out / paint over with colour matching to the existing substrate

Graffiti removal activities must aim to minimize any environmental impact, with water runoff being recaptured wherever possible, and biodegradable chemicals used in order to minimise harm to waterways.

Wherever possible, painting out or painting over graffiti should be a method of last resort, with cleaning graffiti being the preferred method. Where painting out is utilised, every effort should be made to colour match the paint being used.

6.3. Patrol of high visibility areas

A rostered approach will be incorporated for the following

- A dedicated proactive patrol service is to be multiple times each week including areas identified as urgent.
- Patrols will also be required on days prior and post Public Holidays.
- Provide regular patrols of walk bridges, bicycle paths, sporting grounds including fences.
- School crossings (45) will be audited prior to the commencement of each school term.
- Event facilities prior to any major Council or Community festival including:
 - Nillumbik Pet Expo
 - Rotary Eltham Festival
 - Hurstbridge Wattle Festival
 - Diamond Creek Rotary Fair
 - Panton Hill on the Hill
 - Eltham Jazz, Food and Wine festival

6.4. Recording of service delivery

Councils Customer Request System will be utilised to record all reported and cleaned graffiti.

Service Requests received through City Watch and/or Snap, Send and Solve will be actioned in accordance with the timeframes identified above.

All graffiti identified and cleaned as a result of proactive patrols by staff/contractors will be recorded in a graffiti database and details provided to Council.

At a minimum, the graffiti database will be capable of registering the following information about each graffiti occurrence:

- Location – suburb and street address
- Building/structure type
- Surface type
- Name of affected business (if relevant)
- Date graffiti reported
- Date graffiti removed



- Photos, before and after graffiti removal
- Type of graffiti
- Tag identification
- Treatment used to remove graffiti

Data in the graffiti register can be supplied to Victoria Police for evidence in prosecutions of offenders.

6.5. Service Delivery Performance Measurements

| Deliverable | Measurement | Target |
|---|---|--------|
| Removal of Graffiti – Response to requests | Meets Councils timeline requirements | >90% |
| Reduction in outstanding service requests | Percentage reduction measured monthly | <5% |
| Before & After Photos of graffiti removal | Provided | 100% |
| Weekly Report to Council | Provided on-time | 100% |
| Reduction in costs over term of contract | Innovation and Technology that reduces associated costs | >15% |
| Compliance with OHS and safe work practices | Percentage jobs completed with no reported incidents | 100% |

Data captured through the graffiti removal program will support the development of, and planning for further mitigation activities and programs. The regular review of data will also allow for reallocation of resources if deemed appropriate and within operational capacity.

6.6. Private property (Commercial and Residential)

Council and/or its contractors will work with property owners to ensure the removal of graffiti from assets where it can be viewed from the public domain. Graffiti will only be removed with the consent of the owners.

This includes, but is not limited to:

- Residential homes with rear access from laneways;
- boundary fences;
- Commercial premises;
- Industrial premises and perimeter fences;
- Private Schools and perimeter fences;
- METRO property;
- Service infrastructure (water, electricity etc);

- Australia Post property.

Business owners are encouraged to utilise the Department of Justice website (<https://www.crimeprevention.vic.gov.au/resources/graffiti-in-victoria>) for further information on options for assistance.

6.7. Public Assets

Council will work closely with other government authorities to prioritise the removal of graffiti from public infrastructure. Key organisation's include:

| PROPERTY | ORGANISATION |
|---|-------------------------------------|
| Major roads, traffic lights, signal boxes, some road signs | VicRoads |
| Public transport (train stations trams & buses) and rail corridor | Public Transport Victoria |
| Glass bus shelters | Adshel |
| Australia Post mail boxes | Australia Post |
| Telephone boxes and phone booths | Telstra |
| Water utilities | Yarra Valley Water, Melbourne Water |
| Electricity poles, electricity supply units | SP Ausnet |
| Public Schools | Department of education |

All of the agencies listed above have graffiti removal programs in place, and Council actively engages with each authority to prioritise the removal of graffiti. In the event that graffiti is reported by community members on these assets, Council will work with all agencies to ensure the efficient removal of graffiti.

7. Monitoring/Auditing of Graffiti removal

Efficacy of graffiti management will be monitored by Council. Regular reporting by Council and its contractors will include the following information.

- Location of graffiti
- Square metres of graffiti
- Council's Service Request Number for incident.
- Status of graffiti
- Photographs

In addition an annual audit and report will be completed in July of each year to identify all outstanding graffiti within municipality.

Report is to be provided to Council including the following;

- Commentary on the 'Year that was' with supporting comparative results
- Analysis of graffiti activities throughout the shire locations

- Analysis of the offenders activities based on tagging identification and approximated costs to Council to remove graffiti by identified offender
- Report on offenders identified by tagging analysis and any resulting arrests and prosecutions
- Total square metres of graffiti in each suburb;
- Number of incidents;
- Graffiti in the following categories; High visibility, Medium visibility and low visibility; and
- Amount of graffiti on stakeholder infrastructure.

Appendix 1

High Visibility Locations

Throughout Nillumbik Shire the following high visibility precincts are proactively monitored. All ownership and asset types are treated within these precincts. This list varies periodically due to the offender climate at the time.

ELTHAM:

- Along Main Road, Eltham from the Eltham Gateway to Research shops.
- Eltham Town Square and precinct including Woolworths carpark/lift
- Library Place, Senior citizens, St Laurence Lane
- Bible Street and adjacent through roads to Main road
- Bike trail from Susan street oval to Eltham Central Park (Including Bridge st bridge)
- Pedestrian bridge, Homestead Road.
- Railway Pde, Railway Road
- Brisbane Street/Silver street commercial precincts
- Sherbourne rd rail bridge and surrounds
- Beard Street
- Wattletree Road Main Rd to Ryans Rd
- Karingal Drive - Signs, poles, fences through to Weidlich Road
- Allendale Rd to Rail crossing
- Skate park located at Susan Street and BMX track at Pitt Street

ELTHAM NORTH:

- Eltham North Adventure Playground
- Soccer Stadium fences on Wattletree Road
- Wattletree Rd from Main Rd to Ryans road
- Ryans Road from Progress Rd to Allendale Rd
- Wattletree Rd bridge

DIAMOND CREEK:

- Diamond Creek Road from Civic Drive roundabout to Diamond Creek Secondary College, via the Windy Mile and Chute Streets.
- Parkland / Walkway and under bridge in Gipson Street (Through to Rivergum Close)
- Aquaduct Road walkway and fences
- Retail precinct along Waigo Way Carpark (behind IGA)
- Broadgully Road from Main to BlackGully
- Diamond Creek Trail throughout the township boundary
- Fyffe Street precinct



- Diamond Street to Watkins Street and included reserves Diamond, Challenger, Linear, Campbell.
- Diamond Creek Regional Playspace and surrounding facilities
- Marngrook Oval through to Bowls club, dog park and tram café
- Elizabeth Street to Gipson Street
- Heidelberg-Kinglake Road through to WattleGlen

WATTLEGLEN:

- Peppers Paddock Reserve parkland
- Heidelberg – Kinglake Rd to Hurstbridge

HURSTBRIDGE:

- 2 x Skate Parks Main Road
- Ferguson Paddock Reserve and surrounds through to skate park
- Monash Bridge
- Ben Frilay oval and surrounds (Graysharps Road)
- "The Hub" complex and Stadium 50 Graysharps Road
- Trail from High Oval through wetlands to Ben Frilay Oval

GREENSBOROUGH:

- Diamond Hills Reserve and fenceline
- Plenty River Drive assets
- Booyan Cres Bridge
- Diamond Creek Road from Civic Drive Rnd About through to Diamond Creek

RESEARCH

- Research Park precinct including tennis and scout hall
- Assets along Route 44 to Eltham College. (Poles, signage, bus stops)
- Retail precinct and surrounds
- Ingrams Rd from Roundabout about to Margaret Street

TOILET FACILITIES:

- **ELTHAM:** Eltham North Adventure Playground, Eltham Lower Park, Alastair Knox Park, Eltham Town Square
- **Diamond Creek:** IGA shopping Centre near Waigo Way, Chute Street and Diamond Street, Campbell st reserve, Elizabeth Street (Skate Park)
- **Wattle Glen:** Peppers Paddock on Kangaroo Ground- Wattle Glen Road
- **Hurstbridge:** Fergusons Paddock off Arthurs Creek Road
- **Research:** Research Park and Retail precinct toilets

Note: Appendix updated 7/10/2020



Environmentally sustainable development of buildings and subdivisions

A roadmap for Victoria's planning system



Photo credit

Jells Craig



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Department of Environment, Land, Water and Planning

Executive summary

The Victorian Government is committed to improving the environmental performance and resilience of buildings in response to urban growth and a changing climate.

[Plan Melbourne \(2017\)](#) recognises that well designed and resource efficient buildings provide essential building blocks for creating more sustainable, liveable cities and towns.

Improving the energy and water efficiency of new buildings supports affordable living, contributes to reduced greenhouse gas emissions and reduces stormwater pollution of our rivers and bays. Our quality of life is enhanced by building design features that make it easier to recycle, support more sustainable transport options and minimise the intrusion of air pollution and noise.

This roadmap outlines a program to introduce new environmentally sustainable development (ESD) planning policies and standards that will help:

- **Make it easier to recycle:** To support the government's recycling and waste minimisation goals, planning standards for new buildings will be updated to make it easier and more convenient for building occupants to divert materials for reuse or recycling.
- **Cool new developments and our urban environment:** With a changing climate bringing more frequent hot days, practical landscape and design measures to reduce urban heat impacts will be developed.
- **Facilitate active and sustainable transport choices:** To match changing community needs new standards will provide for adequate bicycle parking and facilities and prepare for increased use in low emissions vehicles.
- **Reduce exposure to air and noise pollution:** Siting and design guidance will help minimise exposure to noise and air pollutants for new residences and other sensitive uses located near busy transport routes.
- **Improve building energy efficiency and support the transition to a low emission future:** Ensure buildings are sited and orientated to optimise energy efficiency and encourage use of renewable energy.
- **Enhance the role of planning in stormwater management and efficient water usage:** Planning measures to support sustainable water management were introduced in 2018. Additional measures will focus on supporting ongoing implementation and support for these changes.
- **Strengthen and extend ESD considerations for commercial and industrial developments:** Planning for these land uses does not incorporate many environmental factors, apart from stormwater management. New provisions will be

developed to expand the number of relevant ESD considerations for these forms of development.

Development of an integrated planning system approach to ESD will follow a two-stage process.

Reforms as part of stage one will ensure that ESD is more comprehensively addressed throughout the Planning Policy Framework and provide a clearer policy basis for development of new standards.

Stage two will introduce new and expanded particular provisions across a range of key ESD elements to help achievement of wider urban sustainability goals. These actions will be supported by further guidance materials and tools.

These planning reforms will occur concurrently with a longer-term program to improve the environmental performance of developments through the building system. A staged process of changes and improvements to the energy efficiency standards of the National Construction Code (NCC) commenced in 2019, with further improvements underway.

Consultation with stakeholders on the planning reforms will take place over the coming months and will be finalised over 2021.

Sustainability in the built environment

For over thirty years planning schemes in Victoria have provided for the protection of natural and human-made resources, the maintenance of ecological processes and genetic diversity, and to secure a pleasant, efficient and safe working, living and recreational environment.

To better manage increasing pressures on our natural resources, higher levels of population growth, and the effects of climate change, we need to improve how environmental sustainability is incorporated into how we plan and design our built environment.

The decisions we make today have a lasting effect. To support Victoria's future growth and development it is estimated that an additional 2.3 million dwellings will be required by 2056¹.

These new communities will also need to be supported by commercial, industrial and institutional buildings, and estimates suggest that two thirds of the non-residential buildings standing by 2050 will have been developed or refurbished after 2019².

This directions paper provides a roadmap for how the planning system will help ensure that new residential, commercial and industrial developments incorporate environmentally sustainable development (ESD) features to support our current and future needs.

The *Climate Change Act 2017* is driving timely and critical responses across government, with significant implications for future development across Victoria. This Act establishes a long-term target of net zero greenhouse gas emissions by 2050 and requires development of five yearly sector pledges which describe the actions government will take to reduce Victoria's emissions. Planning measures can help support achievement of these targets.

In addition, climate change Adaptation Action Plans must be published every five years for each system of activity across the state, including the built environment, transport and water. Land use planning plays an important role in helping Victoria adapt to climate change and improve our resilience to physical hazards. The first set of these plans will be prepared by 31 October 2021.

Environmentally sustainable development (ESD)

There are many different existing definitions of ESD, such as the United Nations Brundtland Commission report of 1987 definition:

'Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'

Australia's National Strategy for Ecologically Sustainable Development 1992 definition:

'Using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.'

Or the 2003 Victorian Commissioner for Environmental Sustainability Act 2003 (CES Act) definition:

'Ecologically sustainable development is development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.'

These definitions broadly match the approach adopted by the objectives of the Planning and Environment Act and inform the approach taken to addressing ESD in this roadmap.

The Minister for Planning will be overseeing preparation of the Built Environment Adaptation Action Plan.

The planning system does not operate in isolation. Concurrent reforms underway in the building system will be integral to ensuring that all new developments include energy efficiency standards and other features fundamental to the sustainable use of buildings. These regulatory systems need to work together and complement each other to ensure effective ESD outcomes for Victoria's built environment. In addition, industry leadership through leading practice and innovation helps establish new approaches suitable for wider adoption over time. This includes certification and rating systems such as [GreenStar](#) (Green Building Council of Australia) and [EnviroDevelopment](#) (Urban Development Institute of Australia).

¹ Based on a projected Victorian population of 11.2 million by 2056. [Victoria in Future 2019 Population Projections 2016 to 2056, July 2019](#)

² Commonwealth of Australia 2018, [Trajectory for Low Energy Buildings](#)

Department of Environment, Land, Water and Planning

| Category | Key clauses |
|--------------------|--|
| ESD | <ul style="list-style-type: none"> 15.01 Built environment, 15.02 Energy and resource efficiency, 12 Environmental and landscape values |
| Energy | <ul style="list-style-type: none"> 15.01-3 Subdivision design, 16.01-2 Location of residential development 54.03-5 Energy efficiency protection, 56.04-3 Solar orientation of lots, 58.03-1 Energy efficiency |
| Transport | <ul style="list-style-type: none"> 18.01-1 Land use and transport planning, 18.02-2 Public Transport, 18.02-1 Sustainable personal transport 52.34 Bicycle facilities, 56.06-1 Integrated mobility, 56.06-2 Walking and cycling network |
| Water | <ul style="list-style-type: none"> 19.03-3 Integrated water management, 53.18 Stormwater Management in Urban Development 54.03-4 Permeability objectives, 55.03-4 Permeability and stormwater management objectives, 55.07-5 Integrated water and stormwater management objectives, 56.07 Integrated Water Management, 58.03-8 Integrated water and stormwater management objectives |
| Waste | <ul style="list-style-type: none"> 19.03-5 Waste and resource recovery, 15.01-3 Subdivision design 55.07-11 Waste and recycling, 58.06-3 Waste and recycling, 56.08-1 Site management |
| Air and noise | <ul style="list-style-type: none"> 13.05-1 Noise abatement, 13.06-1 Air quality management, 15.01-3 Subdivision design 55.07-6/58.04-3 Noise impacts objectives |
| Climate adaptation | <ul style="list-style-type: none"> 13.01-1 Natural hazards and climate change, 19.03-3 Integrated water management, 53.18 Stormwater Management in Urban Development 55.03-4 Permeability and stormwater management objectives, 58.03-8 Integrated water and stormwater management objectives, 56.07 Integrated Water Management |
| Landscape | <ul style="list-style-type: none"> 12.01-1 Protection of biodiversity, 12.01-2 Native vegetation management, 15.01-2 Building design 54.03-6 Significant trees, 55.03-8 Landscaping, 55.07-4/58.03-5 Deep soil areas and canopy trees, 56.05-1 Integrated urban landscape |

Table 1 Summary of key ESD related clauses and standards in VPP

Sustainable development and Victoria's planning system

The [Planning and Environment Act 1987](#) (the Act) incorporates sustainable land use and development, the protection of natural resources and the maintenance of ecological processes as key legislated objectives of planning in Victoria³.

The Act also specifies that the planning framework includes objectives to:

- Enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels, and
- Ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

Plan Melbourne and the state's Regional Growth Plans provide the strategy and policy direction for land use development at a regional and local level, and all highlight environmental sustainability and climate change resilience as core considerations.

The Victoria Planning Provisions (VPP) and Local Planning Schemes provide the key instruments for implementing these policies and the Act. Sustainable development considerations weave throughout the planning system, through the application of the Planning Policy Framework, and various particular provisions which include objectives and standards applicable to buildings and subdivisions (see Table 1 and Figure 1).

These policies and standards are applied to growth areas and key redevelopment sites across Victoria through precinct structure plans led by the Victorian Planning Authority (VPA), and development planning processes and strategic planning projects led by local councils.

In addition, many local councils have applied local planning policies that encourage performance beyond state planning standards and policies. Since 2014, 20 local councils (25% of all Victorian councils) who form part of the Council Alliance for a Sustainable Built Environment (CASBE) have introduced a largely standardised Environmentally Sustainable Development policy into their planning schemes (see page 9 for further detail).

Other councils have introduced policies that include ESD objectives or address a particular element of ESD that is of importance to their municipality (such as Water Sensitive Urban Design). Sixteen regional and metropolitan councils are also currently undertaking work towards the development of an ESD framework for greenfield residential subdivisions⁴.

Plan Melbourne

Plan Melbourne 2017-2050 outlines the Government's strategy to guide the growth of Melbourne over the next 35 years. The plan outlines key actions related long-term land use, infrastructure and transport planning.

Plan Melbourne Action 80: 'Review of planning and building systems to support environmentally sustainable development outcomes' is the key driver for the proposed planning system ESD reforms.

In addition, other government priorities under Outcome 6: Melbourne is a sustainable and resilient city address particular ESD themes that are implemented in part through this work, in addition to other activities across government:

- **Air and noise:** Direction 6.6 specifies 'air quality and noise impacts should be a fundamental consideration in the design and assessment of all new developments'. Action 96 - Improve air quality and Action 97 - Guidelines for noise impact in new developments.
- **Recycling and resource recovery:** Action 101 - Waste collection and resource recovery for medium- and high-density development
- **Water:** Action 89 - Integrated water management planning and Action 94 - Protecting the health of waterways from stormwater run off
- **Urban heat:** Action 91 Whole-of-government approach to cooling and greening Melbourne⁵.
- At a metropolitan scale, Land-use Framework Plans (Action 1) will provide further details on how sustainability considerations will be applied across Melbourne's six regions.

A range of other government policies and strategies complement Plan Melbourne to support sustainable development. Key documents are highlighted in Table 2 on the following page.

³ Section 4 objectives

⁴ Led by City of Woodanga, this project aims to develop a Sustainable Design Assessment in the Planning Process (SDAPP) framework specific for subdivisions. Partner councils include Ballarat City Council, Bay of Plenty Shire Council, East Gippsland Shire Council, Greater Bendigo City Council, Greater Geelong City Council, Greater Shepparton City Council, Hume City Council, Latrobe City Council, Macedon Ranges Shire Council, Melton City Council, Mitchell Shire Council, Moorabool Shire Council, Wangaratta Rural City Council, Warrambol City Council and Whittlesea City Council. A total of 29 councils are participating in an 18 month trial of the [Sustainable Subdivisions Framework](#).

⁵ [Details of the wider Action 91 Cooling and Greening Melbourne program.](#)

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| Energy | Transport |
|--|--|
| <ul style="list-style-type: none"> Victorian Renewable Energy Roadmap - 2015 | <ul style="list-style-type: none"> Victorian Cycling Strategy – 2018 |
| <ul style="list-style-type: none"> Renewable Energy Action Plan (REAP) - 2017 | <ul style="list-style-type: none"> Growing our Rail Network 2018 - 2025 |
| <ul style="list-style-type: none"> Victorian Renewable Energy Targets | <ul style="list-style-type: none"> Victorian Infrastructure Plan – 2017 |
| <ul style="list-style-type: none"> Victoria's Climate Change Framework – 2016 | <ul style="list-style-type: none"> Regional Network Development Plan – 2016 |
| <ul style="list-style-type: none"> Climate Change Adaptation Plan – 2016 | Waste and recycling |
| <ul style="list-style-type: none"> Victorian Energy Efficiency and Productivity Strategy - 2017 | <ul style="list-style-type: none"> State-wide Waste and Resource Recovery Infrastructure Plan (SWRRIP) – 2018 |
| Natural environment | <ul style="list-style-type: none"> Recycling Victoria: A new economy - 2020 |
| <ul style="list-style-type: none"> Protecting Victoria's Environment – Biodiversity 2037 – 2017 | Water |
| <ul style="list-style-type: none"> Victorian Memorandum for Health and Nature | |
| Air & Noise | <ul style="list-style-type: none"> Yarra River Action Plan – 2017 |
| <ul style="list-style-type: none"> Victorian Air Quality Statement | <ul style="list-style-type: none"> Water for Victoria - 2016 |
| <ul style="list-style-type: none"> State Environment Protection Policy (Air Quality Management) | <ul style="list-style-type: none"> Port Phillip Bay Environmental Management Plan – 2017 |
| <ul style="list-style-type: none"> State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) | |

Table 2 Government policies that influence planning objectives to improve ESD performance

Council Alliance for a Sustainable Built Environment (CASBE) and Local Planning Policy

In 2007, several councils who had previously developed and applied sustainable design assessment tools, commissioned the development of the [Sustainability Assessment in the Planning Process report](#), which examined opportunities for inclusion of ESD requirements into Victoria's regulatory and legislative frameworks. This report would inform the evolution of the Sustainable Design Assessment in the Planning Process (SDAPP) framework and fact sheets, and the formalisation of the [Council Alliance for a Sustainable Built Environment](#) (CASBE) operating under the auspices of the Municipal Association of Victoria (MAV).

In 2014 a [Planning Panels Victoria Advisory Committee on Environmentally Efficient Design Local Policies](#) was developed. CASBE advocated for a formal local planning policy on ESD, providing a cost-benefit analysis⁶ in support of their approach. The committee recommended adoption of local policies into six planning schemes. Since these initial six local planning schemes were amended to include an ESD local planning policy, thirteen more have since followed suit. In addition, the City of Melbourne adopted a comprehensive ESD policy into their planning scheme in 2018.⁸

Currently ESD local planning policies are largely standardised (see Table 3). The key differences are the size of development that triggers provision of a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP) to support assessment of a permit application.

ESD local policies are supported by the online [Built Environment Sustainability Scorecard](#) (BESS), which was launched by CASBE councils in 2015 to replace earlier ESD assessment tools such as the Sustainable Design Scorecard Non-residential (SDS) and the Sustainable Tools for Environmental Performance Strategy (STEPS).

BESS incorporates a set of measures that allow applicants and councils to assess the performance of a proposal against the objectives of their ESD local planning policy.

Further information on these local policies, and the councils that have adopted them can be found on the CASBE website.

| ESD Local Policy (standardised)* | Tools that support implementation of local policy | |
|-------------------------------------|--|----------------------------|
| | SDAPP Framework and information sheets | BESS tool elements |
| Energy performance | Energy efficiency | Energy |
| Water resources | Water efficiency | Water |
| Indoor environment quality | Indoor environment quality | Indoor environment quality |
| Stormwater management | Stormwater management | Stormwater |
| Transport | Transport | Transport |
| Waste management | Waste management | Waste |
| Urban Ecology | Urban Ecology | Urban Ecology |
| | Construction and building management | Management |
| | Innovation | Innovation |
| | Building materials | |

Table 3 ESD local policy elements

*The ESD policy adopted by the City of Melbourne takes a different approach. This policy is currently being updated.

⁶ Pitt & Sherry (2013), Environmentally Efficient Design Planning Policies – Cities of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra; Export Evidence – Benefit Cost Analysis – Phil Harrington

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Working alongside the building system

The building regulatory system plays an integral role in establishing the energy performance standards of new buildings. The National Construction Code (NCC) is the key instrument that sets standards for new buildings and major renovations, including energy use in relation to thermal performance of the building 'envelope' and efficiency of fixed equipment, including heating and cooling equipment, lighting and hot water. The NCC includes both volumes of the Building Code of Australia (BCA) and the Plumbing Code of Australia (PCA). The NCC is adopted by

Victoria through incorporation by reference in the Building Regulations 2018 and Plumbing Regulations 2018.

To support clear and efficient decision making it is important that the planning and building systems work together, and that the right regulatory tool is used.

Figure one provides an overview of the way both the planning and building systems currently address ESD of new buildings, from legislation, through to policy and design standards.

Figure 1.
Sustainable development in the planning system, and the interaction with the building system

| | | |
|--|---------------------------|--|
| <p>Planning and Environment Act 1987</p> <p>Sets the legal framework for the Victorian planning system.</p> <p>Objectives include:</p> <p>(a) provide for the fair, orderly, economic and sustainable use, and development of land;</p> <p>(b) provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;</p> <p>(e) balance the present and future interests of all Victorians</p> | | <p>Building Act 1993</p> <p>Sets the legal framework for the regulation of building construction, building standards, maintenance of specific safety features and for registration of building and plumbing practitioners in Victoria.</p> <p>Objectives include:</p> <p>(b) to enhance the amenity of buildings;</p> <p>(c) to promote plumbing practices which protect the safety and health of people and the integrity of water supply and waste water systems;</p> <p>(f) to facilitate the construction of environmentally and energy efficient buildings</p> |
| <p>Planning Policy Framework</p> <p>Sets the policies to guide land use and development in Victoria.</p> <p>Ecologically sustainable development is established as a key consideration of Clause 12 Environmental and landscape values, which states that planning must implement principles from national and international agreements including the National Strategy for Ecologically Sustainable Development. Clause 15.02-1S Energy and resource efficiency makes a more explicit connection to the ESD of buildings with the objective "To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions."</p> | <p>State level</p> | <p>Building Regulations 2018</p> <p>Contains requirements relating to building permits, building inspections, occupancy permits, enforcement, maintenance of buildings.</p> <p>Plumbing Regulations 2018</p> <p>Contains information on the technical requirements for installing plumbing and drainage systems as well as the relevant performance requirements.</p> |

| | | |
|---|---------------------------------------|--|
| <p>Regional Growth Plans</p> <p>Provides broad direction for land use and development across regional Victoria.</p> <p>Plan Melbourne</p> <p>Sets vision and outlines strategy for Melbourne's growth over next 35 years. Principle 4: Environmental resilience and sustainability Outcome 6: Melbourne is a sustainable and resilient city.</p> | <p>Regional level</p> | |
| <p>Planning Policy Framework (PPF) Local Policy</p> <p>20 Local councils have introduced Environmentally Sustainable Development (ESD) policies in to their local planning schemes. These local policies are largely standardised, and cover matters related to Energy performance, Water resources, Indoor environment quality, Stormwater management, Transport, Waste management and Urban Ecology.</p> | <p>Municipal level</p> | |
| <p>Precinct Structure Plans</p> <p>ESD requirements are further considered in the development of strategic plans for new precincts, such as within the Fishermans Bend urban redevelopment. The Fishermans Bend Framework plan is structured around eight sustainability goals that will guide the strategic development of the Fishermans Bend precinct. Buildings in Fishermans Bend will also be required to meet a minimum 4 Star Green Star rating, and buildings over 5,000 sqm must be built to a 5 Star Green Star standard.</p> | <p>Neighbourhood level</p> | |
| <p>VPP Particular Provisions</p> <p>Particular provisions relating to residential land uses such as subdivision, apartment developments, or single dwellings also incorporate elements of ESD within standards regarding site layout and detailed design.</p> <p>The Better Apartments Design Standards, 2017 introduced various requirements related to energy efficiency, waste and recycling, noise impact objectives, and integrated water and stormwater management. In addition, a range of other particular provisions include environmentally focused standards and measures that inform permit responses beyond just residential developments, such as Clause 53.18 Stormwater management in urban development and Clause 52.34 Bicycle facilities.</p> | <p>Site and building level</p> | <p>National Construction Code (Commonwealth)</p> <p>All new homes and some renovations, alterations and additions must comply with the energy efficiency requirements of the NCC. Requirements are tailored to building type (eg. different requirements exist for single storey and multi-storey dwellings) and can be met by achieving a Six Star performance rating using a wide range of factors, such as insulation, external glazing, sealing, services and ventilation control. The aim of this standard includes reducing the environmental impacts of energy consumption. In Victoria all new Class 1 dwellings (stand alone or semi-detached houses) are also obliged to install either a rainwater tank for toilet flushing or a solar hot water system. This is set through a Victorian variation to requirements in the NCC, with supporting provisions in the Plumbing Regulations.</p> |

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Environmentally sustainable development roadmap

Following the introduction of new environmental performance standards for apartments in 2017, a further update of the planning system is needed to comprehensively embed ESD into planning and decision making for new buildings across residential, commercial and industrial land uses.

Gaps in the response to ESD within the Victoria Planning Provisions were recognised by the Advisory Committee appointed in 2013 to review the proposal to adopt local ESD policies into six local planning schemes. Noting the absence of a comprehensive state-wide approach to ESD at the lot scale, the [Advisory Committee and Panel Report on Environmentally Efficient Design Local Policies](#) (2014) supported adoption of local policies into specific planning schemes until such time as a state-wide approach is developed in the VPP.

Although some of the planning system limitations identified by these processes have been addressed in relation to stormwater management and for apartments, significant additional changes are needed to provide a more comprehensive response to ESD at the state level. Existing state ESD policies and standards do not apply to all land uses, and in some cases are insufficient to address existing and future planning and environmental challenges such as waste management and climate change.

To address these challenges key areas of reform are outlined below. It is intended they will apply to residential, commercial and industrial developments across all planning schemes in Victoria:

- **Make it easier to recycle:** To support the government's recycling and waste minimisation goals, planning standards for new buildings will be updated to make it easier and more convenient for building occupants to divert materials for reuse or recycling. Resolving current challenges over recycling and resource recovery can be assisted with additional planning measures to support the Victorian government's significant cross-sector recycling reforms⁷.
- **Cool and green new developments and our urban environment:** With a changing climate bringing more frequent hot days, practical landscape and design measures to reduce urban heat impacts will be developed. Reducing urban heat is an objective for apartment development landscaping

and is considered as part of responses to integrated water management, but there is no specific urban heat policy and standards for other land uses.

- **Facilitate active and sustainable transport choices:** To match changing community needs new standards will provide for adequate bicycle parking and facilities and prepare for the growth in electric vehicle use.
- **Reduce exposure to air and noise pollution:** Siting and design guidance will help minimise exposure to noise and air pollutants for new residences and other sensitive uses located near busy transport routes.
- **Improve building energy efficiency and support the transition to a low emission future:** Ensure buildings are sited and orientated to optimise energy efficiency and encourage use of renewable energy. These responses will help achievement of greenhouse gas emission abatement objectives set out in the *Climate Change Act 2017*.
- **Enhance the role of planning in stormwater management and efficient water usage:** Planning measures to support sustainable water management were introduced in 2018. Additional measures will focus on ongoing implementation to support these changes.
- **Strengthen and extend ESD considerations for commercial and industrial developments:** Planning for these land uses does not address many environmental factors. Commercial sites account for nearly half of the greenhouse gas emissions from all buildings⁸ in Australia, and the commercial and industrial sector produce more than double the amount of waste of Victorian households. New ESD provisions will be developed for these forms of development.

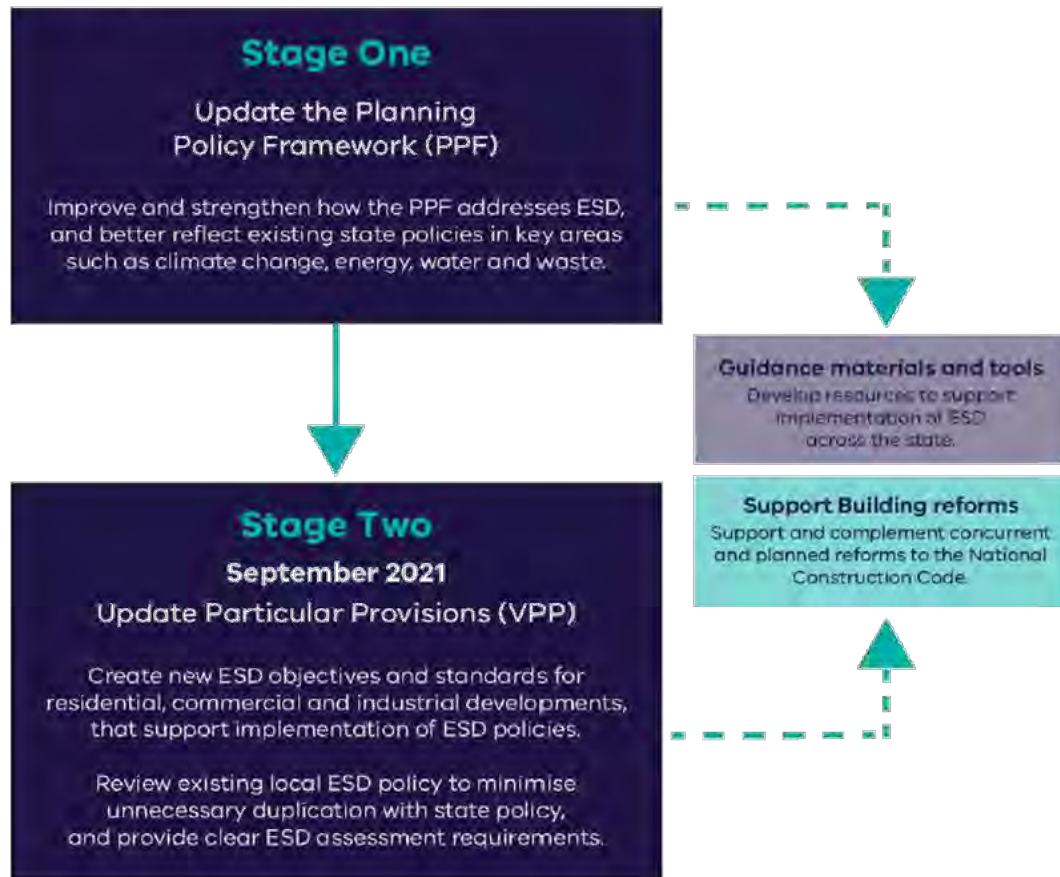
These areas of reform are outlined in more detail in the [ESD planning reform key areas](#) section of this roadmap.

⁷ Department of Environment, Land, Water and Planning 2020, [Recycling Victoria: A new economy](#)

⁸ Australian Sustainable Built Environment Council (ASBECC), 2016, [Low Carbon, High Performance](#)

A new approach for sustainable buildings and subdivisions

Development of an integrated planning system approach to ESD will follow a two-stage process. Reforms as part of stage one will ensure that ESD is more comprehensively addressed throughout the Planning Policy Framework (PPF) and provide a clearer policy basis for development of new standards. Stage two will introduce new and expanded particular provisions across a range of key ESD elements to help achievement of wider urban sustainability goals. These reforms will be supported by further guidance materials and tools, and occur alongside concurrent building reforms.



The relationship between state and local planning measures will also be reviewed. Differences between requirements and enforcement of sustainability measures across municipalities can create an uncertain environment for industry. A 2010 Victorian Competition and Efficiency Commission⁹ report cautioned that inconsistency between councils over building ESD expectations can place a financial burden on businesses that are required to understand and comply with different standards across the state.

While the state ESD reforms are being finalised, DELWP will work with the local government sector to review how local ESD policies are amended to complement the new state provisions and avoid any repetition or duplication with state objectives.

Local policies on ESD will remain important as they help councils to implement state policy in a way that is relevant to that council area. Local policies can express the local objectives of a municipality and help provide direction where locally specific policy guidance on a particular matter is needed.

⁹ Victorian Competition and Efficiency Commission 2010, [Local Government for a Better Victoria: An Inquiry into Streamlining Local Government Regulation](#).

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Stage one: Update the Planning Policy Framework (PPF)

This stage will embed ESD more comprehensively in the PPF adding consideration of ESD at the development scale under each relevant planning policy theme, and inserting consideration of ESD into the purpose of all planning schemes.

Although existing clause 15.02-1S Energy and resource efficiency includes many elements of ESD, it is important to further mainstream sustainability as part of the decision making across the entire PPF, rather than leaving it as a standalone consideration. For this reason, strategies in 15.02-1S Energy and resource efficiency will be relocated under the relevant policy themes.

The focus and content of ESD local planning policies will need to change with the introduction of new state ESD policy (stage one) and standards (stage two).

As part of stage one reforms, there will be no implications for councils with existing ESD local policies, except for those where the planning scheme is being translated to the new PPF format as part of the Smart Planning reforms. In this case the standardised DELWP format for ESD local policies will be applied, and these policies nested under PPF clause 15.01-2S Building Design.

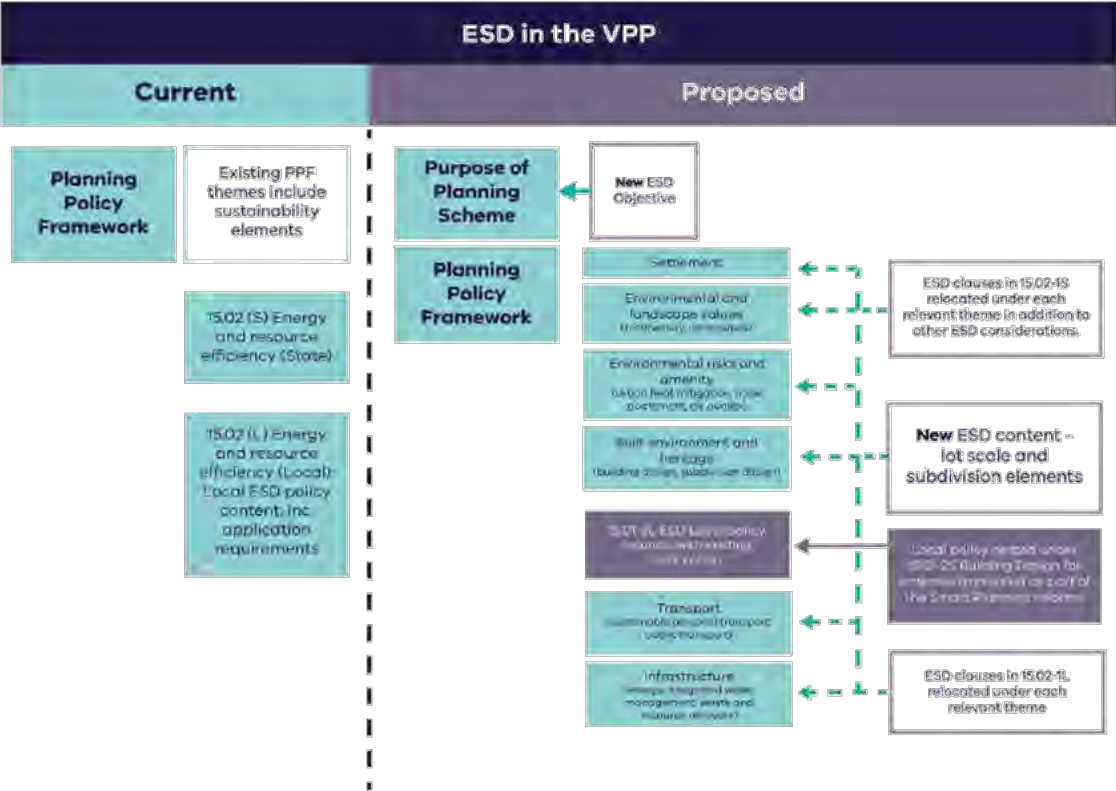


Figure 2 Proposed update of the Planning Policy Framework

Stage two: Update particular provisions

This stage will include development of specific planning objectives and standards that help achieve ESD policy goals.

Expanded and new particular provisions will be incorporated into planning schemes to help ensure ESD design and development responses with clear performance standards are consistently applied across the state.

ESD objectives and standards will continue to be applied throughout residential particular provisions under clauses 54, 55, 55.07, 56 and 58, which already include many existing ESD considerations. For commercial and industrial developments, a new particular provision will be developed that provides ESD objectives and standards appropriate for these development types, building on existing clause 58.18 *Stormwater management in urban development*.

Providing new provisions relevant to new commercial and industrial developments is pivotal and part of improving ESD performance across all the built environment. Every development type has an important role to play in supporting sustainability. There is no fundamental reason ESD considerations should apply to a development in a residential zone, but not to a building in a commercial zone.

Existing particular provisions that address a specific ESD theme, such as 52.94 *Bicycle Facilities*, will also be reviewed as part of this process.

Further review of ESD local policy will be undertaken as part of the Stage Two reforms, in order to minimise any duplication with state policy and explore how state provisions and local ESD policies can best operate to support policy implementation and the permit assessment process.

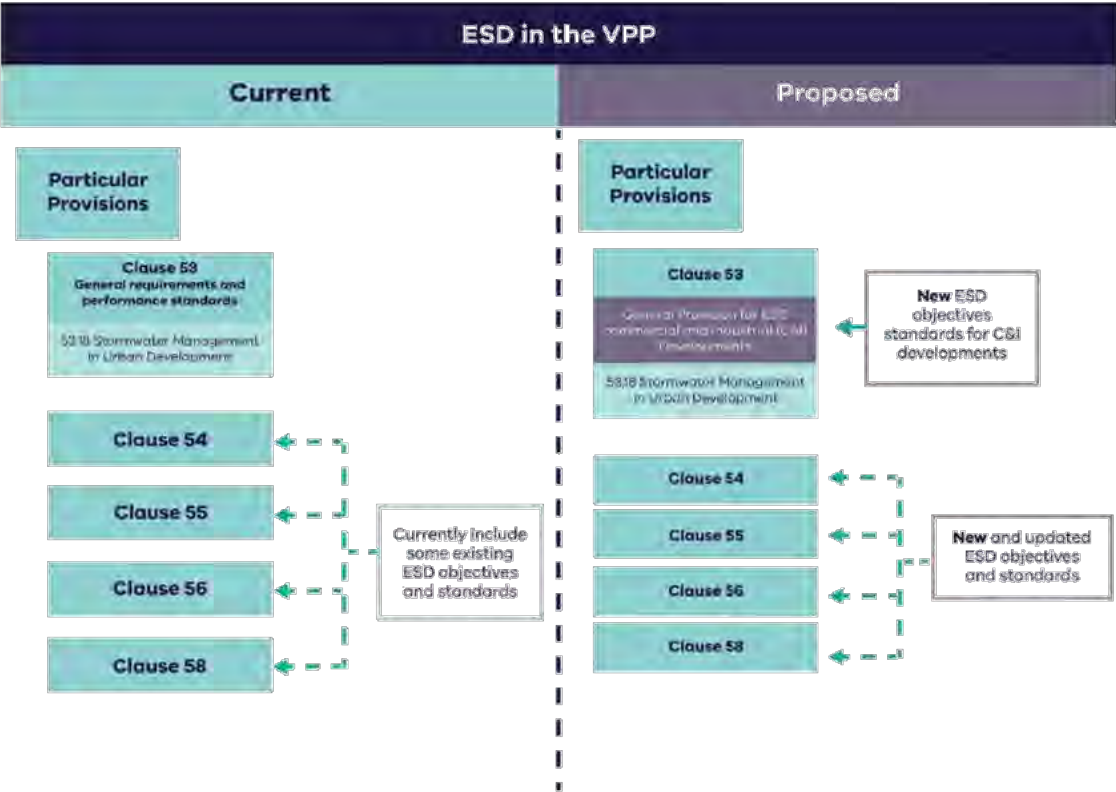


Figure 3 Proposed update of particular provisions

Department of Environment, Land, Water and Planning

Further assessment, guidance and tools to support delivery of ESD

Implementing ESD across all local government areas will require approaches that recognise the different circumstances between a small rural town and a metropolitan centre. It is also important to make clear the performance outcomes that should be delivered from new developments, wherever someone lives. To assist with these challenges, additional resources such as practice notes and guidelines will be prepared.

Economic factors must also be assessed – improved sustainability standards can reduce the operational costs of a building and improve whole of community outcomes, but care is needed to ensure new performance standards are cost effective and do not impose unreasonable costs. All new ESD standards will be subject to economic assessment and stakeholder feedback.

To support an efficient and thorough assessment process for applicants and planning authorities, ESD assessment tools can play a valuable role. These can consist of checklists and practice notes, through to more sophisticated online rating systems. The latter organise all the standards into one place and provide users with a scoring system to assess the overall design of the development in regard to ESD.

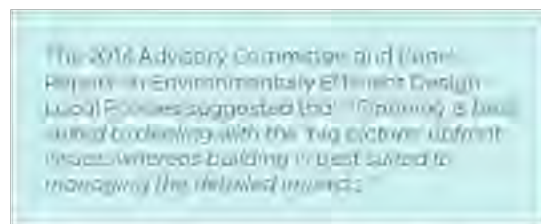
Examples of this include [Green Star](#) developed by the Green Building Council of Australia (GBCA), [EnviroDevelopment](#) developed by the Urban Development Institute of Australia (UDIA), and [BESS](#) developed by CASBE.

The Victorian government ESD project will review opportunities to incorporate use of an ESD assessment tool at a state level to support the assessment of planning applications in reference to policies, objectives and standards set out in the VPP.

Concurrent building reform processes

The new state-wide approach to ESD in planning must also include consideration of the concurrent reforms underway in the building system. Developing an environmentally sustainable building requires action from the pre-development stage through to measures to support sustainability during the operational stage of a development.

Addressing elements of ESD in planning that would be more effective if addressed through another regulatory system can risk unwarranted duplication of processes and add to costs. There are clear building system functions where there is limited value in applying planning measures in addition to what is already required under the building code (e.g. insulation standards). There are however, certain design elements where early consideration at the planning stage will provide more optimal sustainable design outcomes (e.g. orientation of the building on the lot to improve energy efficiency)¹⁰.



Victoria's building standards are primarily set by reference to national standards in the National Construction Code (NCC). Although there is opportunity for Victorian variations to these standards, the scope of what the NCC covers is largely decided at a national level.

The NCC is currently undergoing reforms intended to progressively increase standards as part of improving energy performance, reducing greenhouse gas emissions and responding to climate change hazards. This will be informed by the [Trajectory for Low Energy Buildings](#) (the Trajectory), released by the then [COAG Energy Council](#) in 2019, which outlines a pathway towards zero energy (and carbon) ready buildings.

¹⁰ In 2009, VCAT case *Palizzi v Dorbin CC* (VCAT 1578) determined that there was an argument for pursuing sustainable design through planning permits, as there were certain design elements that it is too late to address in the building stage. The tribunal recognised "...that there can be limits to the sustainability gains at the subsequent building permit stage if the planning approval constitutes a poor sustainability outcome i.e. the house may have already half bolted. For example, the sustainability requirements at the building permit stage will always be very compromised if a new dwelling is sited on its lot so as to have very poor solar orientation."

That pathway included commercial and residential buildings and was focused on new buildings, with a recent addendum to the trajectory that focuses on existing buildings (noting the increase to commercial energy performance standards applied through the 2019 update to the NCC).

Research undertaken by the federal Department of the Environment and Energy at the time determined that changes to the NCC for commercial buildings could achieve energy savings of up 53 per cent, and 18 per cent for residential buildings.

Energy efficiency changes planned for the 2022 NCC update will relate to residential buildings. This may include enhanced energy efficiency provisions for residential buildings, including a possible increase in the level of thermal comfort and a whole-of-house-energy use budget.

Some of the changes under consideration for the NCC 2022 update include:

- Expand the energy efficiency objective.
- Introduction of an energy (and carbon) usage budget for residential buildings that includes appliances already covered by the NCC (hot water, pool pumps and lighting); adds a new requirement for space conditioning; increases thermal energy efficiency requirements and allows for additional energy performance through on-site renewable energy.
- Introduction of "whole-of-home tools" (considering fixed appliances), and an alternative elemental pathway, to verify compliance with the energy usage budget.
- Ensuring residential buildings are 'ready' to accommodate on-site renewable energy generation, storage and electric vehicles, by considering infrastructure (such as electrical conduit) and ensuring adequate roof space, pitch and orientation is available for future placement of infrastructure (such as solar PV).
- Ensure commercial buildings are 'ready' to accommodate on-site renewable energy generation, storage and electric vehicles, by considering infrastructure (such as electrical conduit) and ensuring adequate roof space, pitch and orientation is available for future placement of infrastructure (such as solar PV).

National Energy Productivity Plan

The National Energy Productivity Plan (NEPP) was released in 2015 by the former 'Council of Australian Governments (COAG) Energy Council' of energy ministers. Key objectives included helping Australian consumers and business manage their energy costs, supporting innovation and competition, and better integrating energy and climate policy.

The NEPP outlined measures to improve Australia's energy productivity by 40% between 2015 and 2030. Measure 31 of the NEPP states that "Energy efficiency requirements in building codes for both residential and commercial buildings are out of date with recent technologies".

In 2018 Energy Ministers released the Trajectory for Low Energy Buildings which proposed substantial staged improvements to the energy provisions in the National Construction Code (NCC). To support this process Energy Ministers requested that the Building Ministers' Forum (BMF) update the NCC energy efficiency provisions in light of the Trajectory.

As the update to the NCC in 2019 focussed on improving the energy efficiency provisions for commercial buildings, the BMF directed the Australian Building Codes Board to investigate possible NCC changes for residential buildings for 2022. For commercial buildings, initial investigations will be carried out to support additional future changes in NCC 2025, that may involve the same approach used for residential buildings.

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ESD planning reforms: key areas

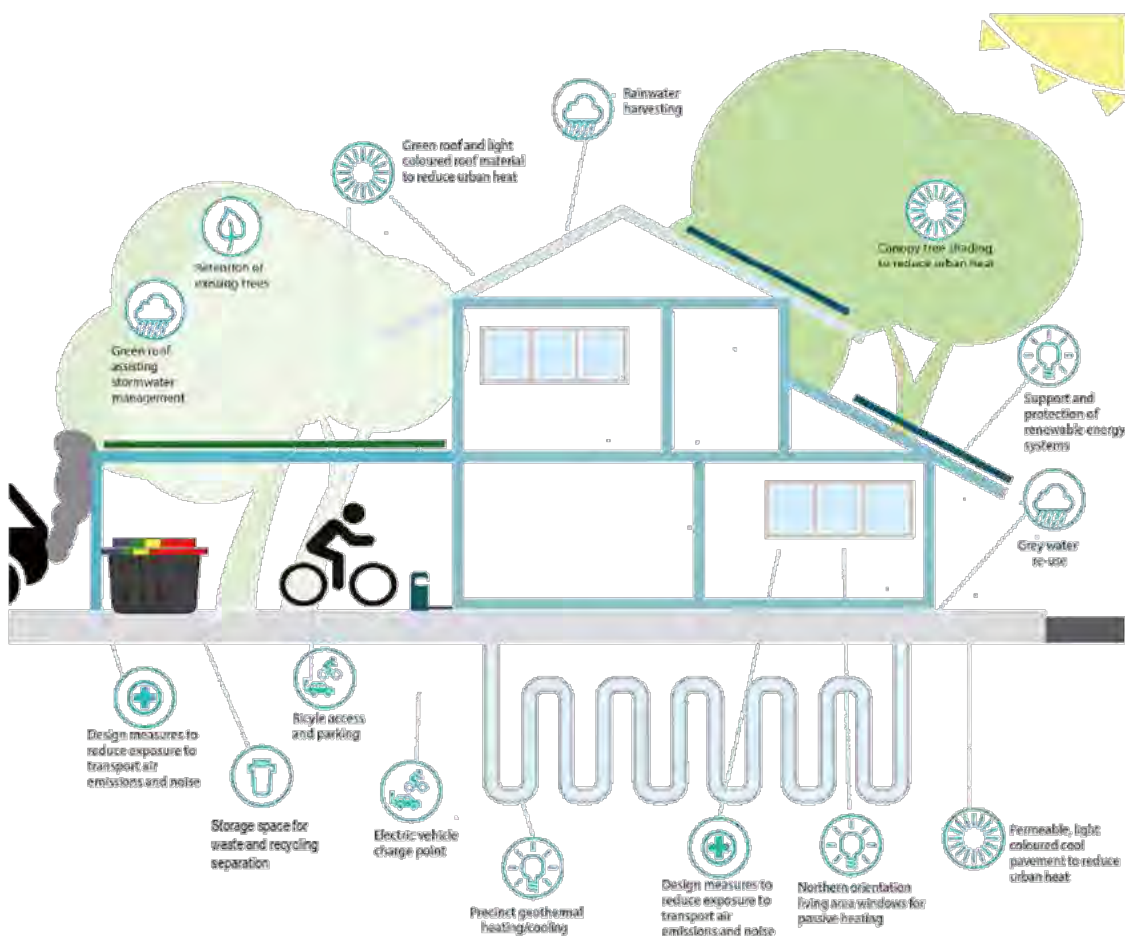
Specific policy objectives that are supported by measurable performance standards are an essential part of achieving clear and tangible improvements in the implementation of ESD goals in the planning system. This section sets out the key issues and opportunities being considered in preparation of new and updated planning policy and particular provisions.

As part of these changes, the Planning Policy Framework (PPF) in all planning schemes is being refreshed to better reflect government policy on ESD. Appendix A provides a draft of all proposed PPF updates to be undertaken as part of the Stage One reforms.

Each theme includes a table which summarises the relevant planning policy update and an outline of the new standards under development over 2021 to support improvements in the ESD performance of new buildings through siting and design measures.

Although each ESD element below is listed separately, an integrated approach to ESD will be supported through proposed changes to the particular provisions of all planning schemes (including consolidated application requirements) and through supporting guidance materials and tools. This recognises many measures to address ESD complement one another - for example, siting and design responses that respond to urban heat amelioration may also contribute to the stormwater management of a development.

Figure 4 Example of ESD planning responses for new buildings



Energy

Buildings are responsible for close to a quarter of Australia's national greenhouse gas emissions¹¹. Reducing their energy consumption is key to reaching Victoria's goal of net zero emissions by 2050.

Considerable work to achieve this goal is being undertaken through the building regulatory system, but the planning system can reduce building energy consumption through siting and design, and support deployment of renewable energy systems.

Energy efficiency

More than 40% of the energy used in commercial and residential buildings is consumed by heating, ventilation and air conditioning (HVAC) systems¹². Building regulations on the type of insulation, glazing and air tightness contributes to the thermal performance of buildings; as does siting, layout and design at the planning stage.

For example, orientating and designing a building to maximise northern solar access to living area windows can reduce winter heating bills by up to 25%, and designing a building with external shading can block up to 80% of summer heat gain through windows¹³.

There is scope for planning policy and standards to better address and design at the planning stage to support energy efficiency goals at the building stage.

Renewable energy systems on buildings

Building design measures that support current and future adoption of renewable energy technologies are increasingly important. Rooftop solar energy systems make an important contribution towards a zero-emission future, and Victoria's [Solar Homes program](#) is supporting the installation of rooftop solar systems on buildings across the state. In 2018, standards were introduced that require new development proposals to consider overshadowing impacts on existing solar energy facilities affixed to adjoining dwellings.

Providing better clarity on what is an unreasonable amount of overshadowing will further support the protection of rooftop solar energy generation.

Other jurisdictions also apply design measures to encourage more solar ready building stock and protect the future potential of new buildings through requiring designers to designate 'solar zones' - rooftop space that is well oriented, free of obstructions and is not shaded. This area serves as a suitable place that solar panels can be installed at a future date. Such ideas will be considered as part of the mix of future reform options.

Precinct renewable energy systems

The Victorian Government's [Renewable Energy Action Plan](#) has allocated significant resources to support renewable energy sector growth, microgrid and battery demonstration projects.

Development of new greenfield and brownfield precincts and suburbs provide an opportunity to assess new approaches to energy management, such as prompting consideration of distributed energy technologies at the planning stage. These new approaches to meeting our energy needs can not only achieve better environmental outcomes, but improve economic and affordable living outcomes as well¹⁴.

¹¹ Australian Sustainable Built Environment Council (ASBEC), 2016, [Low Carbon, High Performance](#)

¹² Australian Sustainable Built Environment Council (ASBEC), 2016, [Low Carbon, High Performance](#)

¹³ Sustainability Victoria 2018, [Energy Smart Housing Manual](#)

¹⁴ Australian Sustainable Built Environment Council (ASBEC), 2018, [Built to Perform: An industry led pathway to a zero carbon ready building code](#)

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| Analysis of VPP ESD responses under consideration - ENERGY | | | |
|--|---|--|--|
| | Energy efficiency | Precinct renewable energy systems | Renewable energy systems on buildings |
| → Planning policy framework (PPF) | → Planning siting and design measures to support achievement of energy performance standards of NCC | → Support Victorian GHG emission reduction targets through adoption of renewable and distributed energy technologies | → Support Victorian GHG emission reduction targets through adoption of renewable and distributed energy technologies |
| Residential | Improved guidance on passive design including building and subdivision orientation | Support for generation and deployment of renewable and distributed energy systems | Updated development standards to minimise overshadowing Clearer guidance on assessing 'unreasonable' overshadowing of rooftop solar panels Investigate measures to support 'solar ready' building design to support future installation of rooftop solar systems |
| Commercial | Complementary benefits arising from urban heat responses (see urban heat section below) | | Support for generation and deployment of renewable and distributed energy systems |
| Industrial | | | |

Water

As our cities and settlements grow, the extent of hard, impervious surfaces is increasing across our urban areas, leading to more polluted runoff into our waterways and bays.

Population growth and our changing climate also means stewardship of our water resources is ever more important. Analysis by the [Bureau of Meteorology](#) has found that over the past 30 years Victoria has become drier, especially in the cooler months. Decreases in average rainfall and warmer temperatures has implications for [water storage levels across Victoria](#). Despite this trend, we can also expect increases in extreme rainfall events and associated flooding by the end of the century.

Stormwater management

Increasing the extent of impervious surfaces across our urban areas means that most of the rain that falls in our urban environments is not absorbed into the ground, and instead becomes stormwater runoff which damages and pollutes our urban waterways.

For example, about half of all the nitrogen from the Port Phillip catchment currently entering the bay comes from urban stormwater. To keep Port Phillip Bay healthy, the amount of nitrogen it receives must remain at current levels. Unfortunately, based on current practice, by 2051 the total nitrogen load from urban areas into the bay is projected to be about 40% more than in 2011¹⁵.

Implementing better stormwater management in new developments reduces stormwater runoff volumes and decreases the amount of pollutants (such as litter, nitrogen, phosphorus and total suspended solids¹⁶) that are carried into our waterways and bays; and can help reduce localised flooding.

In 2018 the government commissioned the [Improving Stormwater Management Advisory Committee](#) to provide recommendations on how to improve urban stormwater management, including changes to the planning system. This work led to major changes to

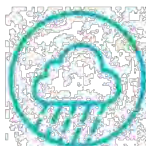
planning schemes, extending the coverage of stormwater management standards to a wider range of urban land uses. Single dwellings only need to meet limited stormwater management requirements - options to address this gap through other regulatory systems is under review. Planning responses to support implementation of earlier stormwater reforms are also under consideration.

Water efficiency/ potable substitution

Planning system changes in 2018 to stormwater management also helped with water efficiency. This is because the standard can be most readily achieved by capturing stormwater and using it on site for uses such as toilet flushing and clothes washing.

In addition, potential changes arising from the review of the Victorian variation to the 6 Star standard to meet the National Construction Code (NCC) can support improved water use efficiency for new residential housing.

There is scope for the planning system to further this work by working with water authorities to extend use of alternative water sources to help conserve drinking water supplies, and to support irrigation to help green our urban environment.



Analysis of VPP ESD responses under consideration - WATER

| | Stormwater management | Water efficiency/ potable substitution |
|-----------------------------------|---|---|
| → Planning policy framework (PPF) | → (Updated in 2018) | → Conservation of drinking water supplies through supporting use of alternative water sources |
| Residential | Enhance planning system guidance to support implementation of the 2018 stormwater reforms | Review measures to support water efficiency/ use of alternative water sources |
| Commercial | Enhance planning system guidance to support implementation of the 2018 stormwater reforms (e.g. advice on treatment options to meet planning standards) | |
| Industrial | Review how to support Vic Smart processes to improve assessment of stormwater management | |

¹⁵ Department of Environment, Land, Water and Planning 2018, [Improving Stormwater Management Advisory Committee FINAL REPORT 4 September 2018](#).

¹⁶ Department of Environment, Land, Water and Planning 2018, [Improving Stormwater Management Advisory Committee FINAL REPORT 4 September 2018](#).

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Waste and recycling

In 2017-2018, approximately 14.4 million tonnes of waste was generated by Victorians. Sustainability Victoria estimates that approximately 69% of this was recovered, leaving 31% or 4.4 million tonnes sent to landfill¹⁷.

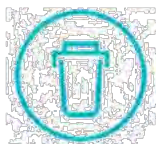
The amount of waste the state produces will continue to grow unless we change our current approach. Based on current trends it is estimated Victorians will be producing over 20.4 million tonnes of waste annually by 2045, of which 5.7 million tonnes will be sent to landfill¹⁸.

Resource recovery

To help divert more waste materials from landfill and support the resource recovery system, planning will review existing standards to ensure new developments incorporate appropriate space allocation and facilities to support segregation, storage and pick up of materials for recycling. Addressing this issue in multi-unit developments was an important conclusion arising from 2019 Victorian Auditor General Office (VAGO) [Recovering and Reprocessing Resources from Waste](#) report.

The government recently released [Recycling Victoria: A new economy](#), a 10 year plan to transform our recycling system, reduce waste, create thousands of jobs and set Victoria up for a more sustainable future. Part of the Recycling Victoria initiative includes the roll out of four colour-coded bins to homes across Victoria, to better sort waste, recyclables and organics. Planning has a role to play in ensuring that new developments have the space required to accommodate these new bins, and ensure ease of access to encourage good waste disposal, separation and collection practices.

Any further relevant policy outcomes arising from [Recycling Victoria: A new economy](#) will also be reflected in planning reforms.



| Analysis of VPP ESD responses under consideration - WASTE | |
|---|---|
| Resource recovery | |
| → Planning policy framework (PPF) | → Development siting and design that facilitates waste minimisation, segregation, storage and collection, and the use of recycled materials |
| Residential | Update of standards for apartments and developments of two or more dwellings on lot to include key elements from Sustainability Victoria's Better Practice Guide for Waste Management and Recycling in Multi-unit Developments Encourage assessment of opportunities for subdivision infrastructure to facilitate small scale recycling and resource recovery technologies (e.g. reverse vending machines) |
| Commercial | Adopt minimum requirements to support effective management, separation and storage of waste and recycling Encourage assessment of opportunities for subdivision infrastructure to facilitate small scale recycling and resource recovery technologies (e.g. bio-digestion unit in commercial precinct) |
| Industrial | |

¹⁷ Data captured from [Sustainability Victoria Waste projection model](#).

¹⁸ Data captured from [Sustainability Victoria Waste projection model](#).

Transport

Integrated transport and land use planning provides important sustainability outcomes.

A more compact urban form and an integrated transport system that connects people to jobs and services and goods to market, contributes to reducing vehicle air emissions, supports more active transport choices, and helps reduce urban sprawl.

From a climate change perspective, transport contributed to almost 20% of Victoria's total net greenhouse gas emissions in 2017, second only to the electricity generation sector¹⁹. Road transportation (cars, heavy duty trucks and light commercial vehicles) generate 90% of these emissions²⁰.

Despite an increase in public transport use since 1990 levels, cars remain the dominant mode of transport within Melbourne. There is an opportunity to significantly reduce the state's emissions through prioritising walking, cycling, public transport and use of low emission vehicles (e.g. electric vehicles).

Planning has a role in ensuring new developments provide appropriate parking, facilities, infrastructure and design responses to support more sustainable transport choices.

Active transport

The Victorian Government aims to increase the number, frequency and diversity of people using cycling for transport. Improved building design that makes cycling easier and more attractive for Victorians will help reduce road congestion and transport emissions, and improve population health outcomes.

Planning responses for new buildings and new subdivisions also support the implementation of the [Victorian Cycling Strategy and development of 20-minute neighbourhoods](#). The Victorian Cycling Strategy specifically identified that changes to the planning system are required to help achieve the strategy's goal of a safer, lower stress, and better connected cycling network in Victoria.

Key planning responses include recognising strategic cycling corridors, ensuring subdivision design supports safe and convenient bicycle routes, and improving cycling infrastructure in new buildings through updating development standards for bicycle parking and end of trip facilities. This would address the shortfall between existing standards and current demand in many locations.

Public transport

Plan Melbourne supports the role of compact, higher-density neighbourhoods to create demand for more sustainable transport options including public transport, walking and cycling, and to reduce overall travel time (Plan Melbourne Direction 21).

To support these positive changes, it is also vital to adequately consider the additional pressure new developments can put on the existing public transport system. By taking actions in the planning and design phase of new developments these effects can be better managed for the benefit of future and current residents.

The [Public Transport Guidelines for Land Use and Development](#) provide guidance on how new development can facilitate walking, cycling and public transport. This document was prepared in 2008 and is a reference document in the VPP.

These guidelines are currently undergoing review by the Department of Transport (DoT) and will provide clearer guidance for how new developments can best interact with the public transport system. The planning system ESD program will make appropriate amendments to the VPP to support these revised guidelines.

Low emission vehicles

Infrastructure Victoria's [Advice on automated and zero emissions vehicles](#) (2018) report noted that "the transition of the Victorian fleet to zero emissions technologies needs to be balanced with adequate planning for charging". It is estimated in the UK that the majority (around 80%) of all electric car charging happens at home. In its Road to Zero strategy the [UK Government](#) anticipates the need for every new home to have a charge point at the home will be "central to the future charging ecosystem"²¹.

¹⁹ Department of Environment, Land, Water and Planning 2019, [Victorian Greenhouse Gas Emissions Report 2019](#)

²⁰ Department of Environment, Land, Water and Planning 2019, [Victorian Greenhouse Gas Emissions Report 2019](#)

²¹ Department for Transport 2019, [The Road to Zero](#)

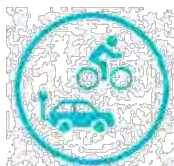
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The expense and complexity of retrofitting charging infrastructure into multi unit properties is identified as a challenge to Electric Vehicle (EV) uptake^{22,23}. 'Future proofing' new residential and commercial (e.g. office and retail) developments by building in cable routes for future electric vehicle charge points, as is proposed in the UK, could achieve long run savings and help prepare our urban areas and residents for future changes in the vehicle fleet²⁴.

Providing for daytime office and commercial EV charging is recognised as a potentially important means of stabilising the energy grid, by utilising energy during the day when solar energy generation is most abundant, avoiding a demand at night where there is greater reliance on non-renewable sources²⁵.

Preparation for the widespread uptake of electric and low emission vehicles will require development of nationally consistent standards and associated electrical safety/infrastructure and building regulations to help support preparation for this transition.

Discussions with electricity distributors will also be necessary to ensure optimal integration of electric vehicles into our energy networks. The Victorian Government is currently preparing a [Zero Emissions Vehicle \(ZEV\) Roadmap](#) to be released in 2020. This will help inform any complementary planning system responses to support ZEV uptake.



| Analysis of VPP ESD responses under consideration - TRANSPORT | | | |
|---|--|--|--|
| | Low emissions vehicles | Active transport | Public transport |
| → Planning policy framework (PPF) | → Provision of infrastructure to support low emission vehicles (inc. electric vehicles) | → Clearer policy on bike parking and end of trip facilities for commercial and multi-residential development | → (Comprehensively covered through existing policy) |
| Residential | Investigate design measures to support new multi-unit developments being EV ready | Review bicycle space allocation requirements and end of trip facility standards of clause 52.34 | Review planning policy, tools and guidance to support sustainable and active transport outcomes for land use development |
| Commercial | Investigate design measures to support new developments being EV ready | Consideration of development interaction with strategic cycling corridors | |
| Industrial | Investigate measures to support new industrial developments being designed to be EV ready, where appropriate | Review planning policy, tools and guidance to support sustainable and active transport outcomes for land use development | |

22 Commonwealth of Australia 2019, [Select Committee on Electric Vehicles report](#)

23 City Futures Research Centre 2019, [ELECTRIC AVENUE: Preparing the NSW planning system for electric vehicles](#)

24 Department for Transport 2019, [Electric Vehicle Charging in Residential and Non-Residential Buildings](#)

25 <https://renneweconomy.com.au/tema-links-at-rols-of-rooftop-solar-to-help-manage-eyes-on-the-grid-48314/>

Landscaping and biodiversity

Biodiversity

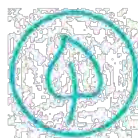
Victoria's biodiversity strategy - Protecting Victoria's Environment – Biodiversity 2037 recognises the crucial ecosystem services of the state's biodiversity, and makes clear that all Victorians have a role to play helping the state's biodiversity thrive. The strategy also highlights the human health benefits of contact with nature.

Incorporating green infrastructure in to our urban environments helps to create more liveable and climate-adapted communities. Parks, gardens, trees, backyards, green roofs, green walls and rain gardens help to mitigate urban heat, enhance urban biodiversity values, improve stormwater management, reduce wind speeds, enhance amenity values, and improve the physical and mental health of communities.

Tree canopy

Planning for the urban forest forms part of Plan Melbourne Implementation Plan Action 91 – A whole-of-government approach to cooling and greening Melbourne. A review of planning standards is a key part of the mix of actions needed to retain existing trees and increase our urban forest. Consultation about how we can strengthen the planning systems contribution to the urban forest is planned for early 2021 through the [Cooling and Greening Melbourne initiative](#).

DELWP has endorsed the [Living Melbourne – our metropolitan urban forest strategy](#) prepared by Resilient Melbourne. This is supported by local governments and other partners such as water authorities, Parks Victoria and catchment management authorities. This strategy will provide an important input to the planning system responses under development.



| Analysis of VPP ESD responses under consideration - LANDSCAPING AND BIODIVERSITY | | |
|---|---|--|
| | Tree canopy | Biodiversity |
| Planning policy framework (PPF) | → Enhancing and protecting the urban forest, and supporting urban biodiversity | → Contribute to protecting and enhancing urban biodiversity values |
| Residential | Suite of planning measures to support retaining and increasing urban tree cover as further developed through the forthcoming planning response to cooling and greening* | Consideration of measures to support urban biodiversity |
| Commercial | | |
| Industrial | | |

*this would also comprise part of any required design response to urban heat (see Urban heat section)

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Urban heat

By 2050, Victoria is projected to experience a potential doubling of the number of hot days, that is days with a maximum temperature greater than the thresholds of 35°C, 38°C and 40°C for locations across Victoria²⁶.

Extreme heat and heatwave events alone cost the Victorian economy an estimated \$87 million dollars every year due to work absenteeism, critical infrastructure damage, and negative effects on regional economies and businesses (especially the construction, agriculture and industrial sectors)²⁷.

Higher, sustained temperatures also pose a direct health impact, especially when sustained overnight. Recent analysis²⁸ of Australian mortality rates between 2006 - 2017 has identified that most deaths related to temperature in Australia are caused by extreme heat, rather than extreme cold. During the 2009 heatwave in Victoria there was a 62% increase in the state's mortality rate²⁹.

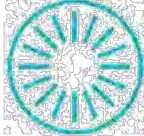
Note that separate work is underway in DELWP to examine planning responses to the elevated risks posed by climate change from natural hazards such as fire, flood, coastal inundation, erosion and landslides.

Urban heat amelioration

This increase in hot days and heatwaves is particularly felt in our urban environments. Urban heat islands occur when temperatures in built-up areas are considerably warmer than those of natural areas because of high amounts of impervious surfaces (buildings and paving), lack of vegetation and shade, and the heat released from human activities (e.g. transport, air conditioning). Implementing design measures in new developments such as providing more tree canopy cover, using 'cool' surfaces and materials on buildings (such as light coloured, high albedo pavements and roofs), providing shade devices and installing green roofs and walls, all help to reduce summer temperatures in urban areas and create healthier, more resilient communities.

A focus of these responses include planning and design measures to support a cooler environment around buildings where people congregate – such as residences, shopping centres, community facilities and places of work. These responses can also provide benefits for the energy efficiency of buildings, also reduce health risks during power outages.

Planning system actions responding to urban heat risks will also be informed by consultation to support the Cooling and Greening Melbourne initiative.

| Analysis of VPP ESD responses under consideration - URBAN HEAT | |
|--|--|
| Urban heat amelioration | |
|  Planning policy framework (PPF) | <ul style="list-style-type: none"> → Including urban heat reduction as part of responding to climate change impacts → Supporting the provision and protection of urban tree canopy cover to help reduce urban heat |
| Residential | Guidance and new planning standards to reduce urban heat exposure (in addition to tree canopy cover), including cool paving and surfaces, shade devices and water sensitive urban design [*] |
| Commercial | |
| Industrial | |

^{*} Complementing the suite of planning measures to support retaining and increasing urban tree cover as further developed through Action 91 Cooling and Greening project (see Landscaping section)

²⁶ Department of Environment Land Water and Planning 2019, [The economic impact of heatwaves in Victoria](#)

²⁷ Department of Environment Land Water and Planning 2019, [The economic impact of heatwaves in Victoria](#)

²⁸ Longden, T 2019, The impact of temperature on mortality across different climate zones, *Climatic change* 157, 221-242

²⁹ This was a 62% increase in total all-cause mortality. The total number of deaths was 980, compared to a mean of 606 for the previous 5 years. The greatest number of deaths occurred in those 75 years or older, representing a 64% increase. Department of Human Services 2009, [January 2009 Heatwave in Victoria: an Assessment of Health Impacts](#).

Air and noise pollution

Noise pollution exposure from transport corridors

The [Victoria Freight Plan, Delivering the Goods](#) (2018) aims to "Ensure that all new buildings make use of new technologies and infrastructure to minimise freight-related noise and improve the safety and efficiency of deliveries". This is reflected in [Plan Melbourne Action 97: Guidelines for noise impact in new developments](#) which seeks to ensure a "...focus on ensuring that new developments meet their responsibility of mitigating noise impacts such as those from transport, industry and entertainment".

Noise exposure response standards have already been developed for apartments (Clauses 55.07-6/58.04-8), but consistent with practice interstate and internationally, there is strong evidence to support the benefits of applying similar requirements to other sensitive land-uses. Improving the glazing, seals and insulation of buildings to reduce sound exposure can also improve building energy efficiency³⁰.

The control of noise from commerce, industry and entertainment venues is currently regulated by EPA state environment protection policies and guidelines³¹. Planning measures relating to threshold distances for industrial premises (Clause 53.10 Uses with Adverse Amenity Potential), zone controls, and

the planning provision for live music and entertainment noise (Clause 53.06) complement these controls. None of these mechanisms relate to siting and design responses for new sensitive uses exposed to noise from transport infrastructure.

Air pollution exposure from transport corridors

Plan Melbourne specifies that "air quality and noise impacts should be a fundamental consideration in the design and assessment of all new developments" (Direction 6.6). In addition, [Victoria's Air Quality Statement](#) identifies securing high air quality as a priority for the Victorian Government, particularly in locations with vulnerable communities.

The statement specifies "improving guidance on the location and design of sensitive uses (such as education, childcare and aged care facilities) exposed to significant road traffic emissions" as a potential action to be explored. Planning responses will examine suitable guidelines and standards to reduce exposure of new residential developments and other sensitive uses near transport corridors. This work will build on existing standards currently adopted in other states and internationally.



Analysis of VPP ESD responses under consideration – AIR AND NOISE POLLUTION

Air and Noise pollution exposure from transport corridors

| | |
|-----------------------------------|--|
| → Planning policy framework (PPF) | → Recognising the impacts on human health from air and noise pollution exposure → Supporting use of siting, layout and design responses to minimise sensitive land use exposure to air and noise pollution from transport corridors |
| Residential | Extend apartment noise design standards to other residential developments and other noise sensitive land uses Implement siting and design standards to reduce impacts of air and noise pollution from transport corridors on building occupants |
| Commercial and Institutional | Implement noise and air pollution siting and design standards for sensitive land uses |

³⁰ Huybrechts N; Morphett, A; McIntosh, J (2018), Noise reduction and energy savings of standard sound insulation packages for the control of road traffic noise, Acoustics 2019 Conference, Victoria Harbour, Australia, 17-20 November 2018

³¹ From 1 July 2021 the industry noise standards that apply in Victoria – State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1); and Noise from industry in regional Victoria: Recommended maximum noise levels from commerce, industry and trade premises in regional Victoria (NIRV) EPA publication 1411; and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 will be replaced by measures outlined in [EPA Publication 1828](#), 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues'.

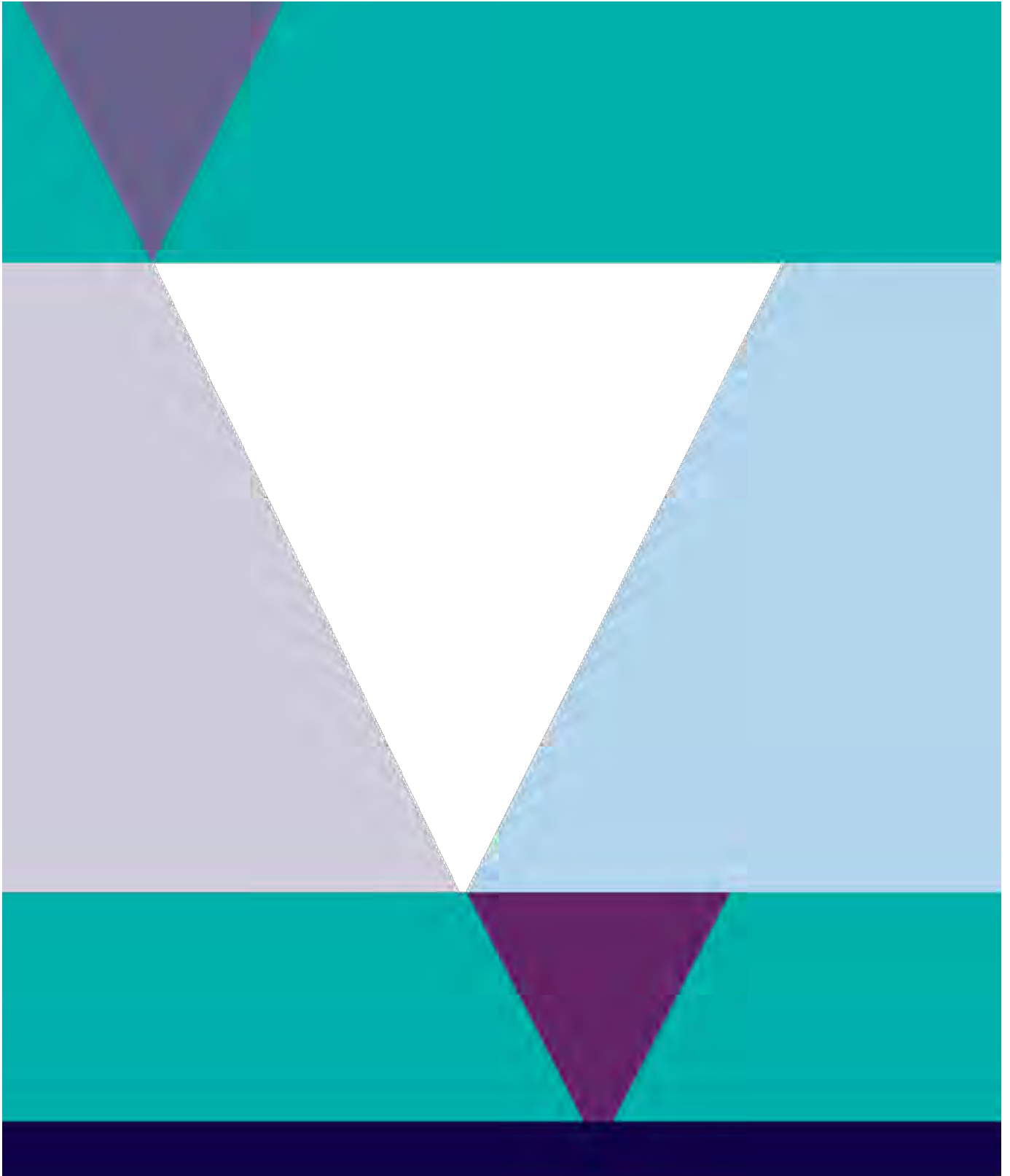
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Next steps

This directions paper forms a step on the way to the development and implementation of a state wide ESD response for the planning system.

As these planning reforms are developed, consultation and input from stakeholders will be sought through both public consultation process, and through the development of a stakeholder reference group, to ensure the changes are clear, technically robust, fair and practical.





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Appendix A

Proposed VPP stage one reforms

Planning Policy Framework changes

The Planning Policy Framework is part of every Victorian planning scheme and comprises general principles for land use and development in Victoria and specific policies reflecting government policy for settlement, environment, housing, economic development, infrastructure, and particular uses and development. Planning authorities and responsible authorities must take account of and give effect to the general principles and the specific policies contained in the PPF.

The intended changes update the PPF to respond to government environmental policy relevant to the siting, design and performance of buildings and subdivisions. The amendments are indicated in *ital*.

It is proposed that these updates will be included in a subsequent amendment to the Victoria Planning Provisions and all planning schemes, subject to drafting changes.

01 PURPOSES OF THIS PLANNING SCHEME

To provide a clear and consistent framework within which decisions about the use and development of land can be made.

To express state, regional, local and community expectations for areas and land uses.

To provide for the implementation of State, regional and local policies affecting land use and development.

To promote environmentally sustainable development.

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11 SETTLEMENT

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of environmental sustainability, urban design and amenity.
- Energy efficiency and renewable energy adoption.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.
- Waste minimisation, resource recovery and waste management.
- Climate change adaptation and mitigation.

Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

11.01-15

Settlement

Objective

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Strategies

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Plan for development and investment opportunities along existing and planned transport infrastructure.

Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.

Strengthen transport links on national networks for the movement of commodities.

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing settlements that will support resilient communities and their ability to adapt and change.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
- Improving transport network connections in and between regional cities, towns and Melbourne.
- Adopting integrated water management as part of settlement development.

Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.

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Limit urban sprawl and direct growth into existing settlements.

Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Ensure land that may be required for future urban expansion is not compromised.

Plan for regional responses to climate change adaptation and mitigation.

Policy documents

Consider as relevant:

- Central Highlands Regional Growth Plan (Victorian Government, 2014)
- G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Gippsland Regional Growth Plan (Victorian Government, 2014)
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
- Hume Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee North Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee South Regional Growth Plan (Victorian Government, 2014)
- Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014)
- Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land, Water and Planning, 2017)
- Plan Melbourne 2017-2050: Addendum 2019 (Department of Environment, Land, Water and Planning, 2019)
- Applicable emission reduction pledges and adaptation action plans (as specified under Part 5 of the *Climate Change Act 2017*)

11.02-25

Structure planning

Objective

To facilitate the orderly and sustainable development of urban areas.

Strategies

Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- Take into account the strategic and physical context of the location.
- Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.
- Provide for the development of sustainable and liveable urban areas in an integrated manner.
- Assist the development of walkable neighbourhoods.
- Facilitate the logical and efficient provision of infrastructure.
- Facilitate the use of existing infrastructure and services.
- Protect areas of natural or cultural significance.
- Respond to the impacts of climate change.

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12 ENVIRONMENTAL AND LANDSCAPE VALUES

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, *Australia's Strategy for Nature 2019-2030*, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

12.01-1S Protection of biodiversity

Objective

To assist the protection and conservation of Victoria's biodiversity.

Strategies

Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.

Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.

Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- Cumulative impacts.
- Fragmentation of habitat.
- The spread of pest plants, animals and pathogens into natural ecosystems.

Avoid impacts of land use and development on important areas of biodiversity.

Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).

Assist in the identification, protection and management of important areas of biodiversity.

Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Support land use and development that contributes to protecting and enhancing urban biodiversity values.

Policy guidelines

Consider as relevant:

- State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

Policy documents

Consider as relevant:

- *Protecting Victoria's Environment – Biodiversity 2037* (Department of Environment, Land, Water and Planning, 2017)
- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017)
- Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the *Catchment and Land Protection Act 1994*)

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13.01-15 Natural hazards and climate change

Objective

To minimise the impacts of natural hazards and adapt to the impacts of climate change.

Strategies

Consider the risks associated with climate change in planning and management decision making processes.

Identify at risk areas using the best available data and climate change science.

Integrate strategic land use planning with emergency management decision making.

Direct population growth and development to low risk locations.

Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.

Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.

Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.

| | |
|----------|---|
| 13.01-3S | <div>Urban heat mitigation</div> <div>Objective</div> <div>To reduce urban heat exposure through land use, built form and design responses.</div> <div>Strategies</div> <div>Green and cool urban areas, buildings, transport corridors and open spaces through use of vegetation, integrated water management and appropriate materials.</div> <div>Support tree health and cool the urban environment through water sensitive urban design.</div> |
|----------|---|

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13.05-1S Noise abatement

Objective

To assist in the control of noise pollution and minimise its effects on residential developments and other sensitive land uses.

Strategy

Ensure that human health and community amenity is protected, and that development is not adversely impacted by noise emissions, using a range of building design, urban design and land use separation techniques.

Policy documents

Consider as relevant:

- *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*
- *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* in metropolitan Melbourne
- *Noise from Industry in regional Victoria* (Environment Protection Authority 2011)
- *A Guide to the Reduction of Traffic Noise* (VicRoads 2008)

13.06-1S

Air quality management

Objective

To assist in the protection and improvement of air quality.

Strategies

Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:

- Integrating transport and land use planning to improve transport accessibility and connections.
- Limiting air emissions, including dust.
- Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.
- Providing infrastructure for public transport, walking and cycling.

Ensure, wherever possible, that there is suitable separation between land uses that pose a health and amenity risk and sensitive uses.

Minimise air pollutant exposure to occupants of residential development and other sensitive uses near transport infrastructure through suitable siting, layout and design responses.

Policy documents

Consider as relevant:

- *State Environment Protection Policy (Air Quality Management)*
- *Recommended Separation Distances for Industrial Residual Air Emissions – Guideline (Environment Protection Authority, 2018)*

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15 BUILT ENVIRONMENT AND HERITAGE

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm.

Environmentally sustainable development

Planning must support development that is environmentally sustainable and:

- Respond to climate change impacts.
- Minimises greenhouse gas emissions.
- Conserves energy and water.
- Minimises waste generation and increases resource recovery.
- Supports human health and community wellbeing.
- Minimises detrimental impacts on the built and natural environment.

15.01-2S

Building design

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

Encourage retention of existing vegetation and planting of new vegetation as part of new developments.

Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

Ensure the layout and design of the development supports waste and resource recovery and the efficient use of water.

Improve the energy performance of buildings through siting and design measures that support:

- Cost effective compliance with energy performance standards in the National Construction Code.
- Passive design responses that minimise the need for heating and cooling.
- Adoption of renewable energy and storage technologies.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

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15.01-3S Subdivision design

Objective

To facilitate subdivisions that achieve attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
 - Convenient and safe public transport.
 - Safe and attractive spaces and networks for walking and cycling.
 - Subdivision layouts that allow easy movement within and between neighbourhoods.
 - A convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that:
 - Responds to climate change hazards and contributes to reduction of greenhouse gas emissions.
 - Support resource conservation.
 - Support energy efficiency through urban layout and lot orientation.
 - Support the uptake of renewable energy technology, including microgrid and batteries.
 - Incorporate integrated water management.
 - Support waste minimisation and increased resource recovery.
 - Minimise exposure of sensitive uses to air and noise pollution.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

[DELETED – content relocated or covered in other clauses]

15.02-1S

Energy and resource efficiency

Objective

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions. **[15S, 15.01-2S, 15.01-3S]**

Strategies

Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development. **[19.01-1S, 19.01-2S, 19.03-3S, 19.03-5S]**

Promote consolidation of urban development and integration of land use and transport. **[18S, 18.01-1S]**

Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades. **[19.01-2S, 15.01-2S, 15.01-3S]**

Support low energy forms of transport such as walking and cycling. **[18.02-1S, 18.01-1S]**

Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation. **[19.01-3S]**

Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals. **[15.01-2S, 15.01-3S]**

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16.01-2S Location of residential development

Objective

To locate new housing in designated locations that offer good access to jobs, services and transport.

Strategies

Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.

Ensure residential development is located to support cost effective infrastructure provision and use, energy efficiency, water efficiency and public transport use.

Identify opportunities for increased residential densities to help consolidate urban areas.

18.01-1S

Land use and transport planning

Objective

To create a safe and sustainable transport system by integrating land use and transport.

Strategies

Develop integrated and accessible transport networks to connect people to jobs and services and goods to market.

Plan urban development to make jobs and services more accessible by:

- Ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
- Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.
- Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.
- Focussing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities

Integrate public transport services and infrastructure into new development.

Improve transport links that strengthen the connections to Melbourne and adjoining regions.

Policy documents

Consider as relevant:

- *The Victorian Transport Plan* (Victorian Government, 2008)
- *Public Transport Guidelines for Land Use and Development* (Victorian Government, 2008)
- *Victorian Cycling Strategy 2018-28* (Department of Economic Development, Jobs, Transport and Resources, 2017)
- *Principal Public Transport Network 2017* (Department of Economic Development, Jobs, Transport and Resources, 2017)

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18.02-1S Sustainable personal transport

Objective

To promote and support the use of low-emission forms of personal transport.

Strategies

Ensure development and the planning for new suburbs, urban renewal precincts, greyfield redevelopment areas and transit-oriented development areas (such as railway stations) provide opportunities to promote more walking and cycling.

Encourage the use of walking and cycling by creating environments that are safe and attractive.

Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.

Ensure cycling routes and infrastructure are constructed early in new developments.

Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.

Require the provision of adequate bicycle parking and related end-of-trip facilities to meet demand at commercial buildings, multi-residential developments, education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.

Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.

Encourage building and subdivision layout and design responses that:

- Facilitate low emission forms of transport including walking and cycling.
- Include infrastructure for low emission vehicles (including electric vehicles).

Policy documents

Consider as relevant:

- *Guide to Road Design, Part 6A: Paths for Walking and Cycling*
- *Victorian Cycling Strategy 2018-28* (Department of Economic Development, Jobs, Transport and Resources, 2017)

18.02-25

Public Transport

Objective

To facilitate greater use of public transport, promote increased development close to high-quality public transport routes and minimise car dependency.

Strategies

Maintain and strengthen passenger transport networks.

Connect activity centres, job rich areas and outer suburban areas through high-quality public transport.

Improve access to the public transport network by:

- Ensuring integration with walking and cycling networks.
- Providing end-of-trip facilities for pedestrians and cyclists at public transport interchanges.

Plan for bus services to meet the need for local travel.

Ensure development supports the delivery and operation of public transport services.

Plan for and deliver public transport in outer suburban areas that is integrated with land use and development.

Provide for bus routes and stops and public transport interchanges in new development areas.

Policy documents

Consider as relevant:

- *Public Transport Guidelines for Land Use and Development* (Victorian Government, 2008)
- *The Victorian Transport Plan* (Victorian Government, 2008)

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19 INFRASTRUCTURE

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.

Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.

Planning of infrastructure should avoid or minimise environmental impacts and incorporate resilience to natural hazards, including future climate change risks.

Planning authorities should consider the use of development and infrastructure contributions in the funding of infrastructure.

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|----------|--|
| 19.01-1S | <p>Energy supply</p> <p>Objective</p> <p>To facilitate appropriate development of energy supply infrastructure.</p> <p>Strategies</p> <p>Support the development of energy infrastructure in appropriate locations where it provides benefits to industry and the community and takes advantage of existing infrastructure.</p> <p>Support achievement of greenhouse gas emission reduction targets under the Climate Change Act 2017 and the transition to a low-carbon economy by adopting renewable energy and low emission technologies.</p> <p>Facilitate local energy generation to help diversify the local economy and improve sustainability outcomes.</p> |
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19.01-2S Renewable energy

Objective

To support the provision and use of renewable energy, and achievement of greenhouse gas emission reduction targets under the *Climate Change Act 2017* in a manner that ensures appropriate siting and design considerations are met.

Strategies

Facilitate renewable energy development in appropriate locations.

Protect energy infrastructure against competing and incompatible uses.

Develop appropriate infrastructure to meet community demand for energy services.

Set aside suitable land for future energy infrastructure.

Consider the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

Recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.

Policy documents

Consider as relevant:

- *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* (Department of Environment, Land, Water and Planning, March 2019)
- *Solar Energy Facilities Design and Development Guideline* (Department of Environment, Land, Water and Planning, August 2019)

19.03-35

Integrated water management

Objective

To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Strategies

Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:

- Take into account the catchment context.
- Protect downstream environments, waterways and bays.
- Manage and use potable water efficiently.
- Reduce pressure on Victoria's drinking water supplies.
- Minimise drainage, water or wastewater infrastructure and operational costs.
- Minimise flood risks.
- Provide urban environments that are more resilient to the effects of climate change.

Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.

Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.

Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:

- Minimising stormwater quality and quantity related impacts.
- Filtering sediment and waste from stormwater prior to discharge from a site.
- Managing industrial and commercial toxicants in an appropriate way.
- Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.

Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.

Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Ensure land is set aside for water management infrastructure at the subdivision design stage.

Minimise the potential impacts of water, sewerage and drainage assets on the environment.

Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses.

Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.

Support development that is water efficient and encourages use of alternative water sources.

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Policy documents

Consider as relevant:

- *State Environment Protection Policy (Waters of Victoria)*
- *Water for Victoria - Water Plan* (Victorian Government, 2016)
- *Urban Stormwater Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999)
- *Guidelines for Environmental Management: Code of Practice - Onsite Wastewater Management* (Publication 891.4, Environment Protection Authority, 2016)
- *Planning Permit Applications in Open, Potable Water Supply Catchment Areas* (Department of Sustainability and Environment, 2012)

19.03-5S

Waste and resource recovery

Objective

To reduce waste and maximise resource recovery so as to reduce reliance on landfills and minimise environmental, community amenity and public health impacts.

Strategies

Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.

Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.

Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.

Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.

Enable waste and resource recovery facilities to be located in proximity to other related facilities and to materials' end-market destinations to reduce the impacts of waste transportation and improve the economic viability of resource recovery.

Site, design, manage and rehabilitate waste disposal facilities in accordance with the *Waste Management Policy (Siting, Design and Management of Landfills)* (Environment Protection Authority, 2004).

Integrate waste and resource recovery infrastructure planning with land use and transport planning.

Ensure developments provide for segregation, storage and collection of waste and recyclable materials.

Encourage development that provides for:

- Systems that support waste minimisation and increase resource recovery.
- Use of recycled and reusable materials where appropriate.

Policy guidelines

Consider as relevant:

- Any applicable Regional Waste and Resource Recovery Implementation Plan.

Policy documents

Consider as relevant:

- *Statewide Waste and Resource Recovery Infrastructure Plan* (Sustainability Victoria, 2015)
- *Metropolitan Waste and Resource Recovery Implementation Plan* (Metropolitan Waste and Resource Recovery Group, 2016)
- *Waste Management Policy (Siting, Design and Management of Landfills)* (Environment Protection Authority, 2004)
- *Environment Protection (Industrial Waste Resource) Regulations 2009*
- *Best Practice Environmental Management Guideline (Siting, Design, Operation and Rehabilitation of Landfills)* (Environment Protection Authority, 2001)
- *Victorian Organics Resource Recovery Strategy* (Sustainability Victoria, 2015)
- *Designing, Constructing and Operating Composting Facilities* (Environment Protection

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Authority, 2015)

- *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019)
- *Recycling Victoria A New Economy* (Department of Environment, Land, Water and Planning, 2020)



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23 February 2021

The Hon. Richard Wynne
Minister for Planning
8 Nicholson Street
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Dear Minister

**Re: ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT IN PLANNING – ESD
ROADMAP PAPER AND PLANNING POLICY FRAMEWORK CHANGES – Nillumbik
Shire Council Submission**

Thank you for your letter of 11 January 2021, outlining the State government's '*Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system*' (The roadmap). Council welcome these important proposed changes to the VPP and planning in Victoria.

The Roadmap identifies, the *Planning and Environment Act 1987* (the Act) at Section 4 incorporates sustainable land use and development, the protection of natural resources and the maintenance of ecological processes as key legislated objectives of planning in Victoria. The Act also specifies that the planning framework includes objectives to:

1. Enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels, and
2. Ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

Council understand this work is integral in delivering key actions of *Plan Melbourne (2017-2050)*, particularly with regard to the directions and policy of '*Outcome 6 – Melbourne is a sustainable and resilient city*'. It is also noted this State-wide approach to ESD will need to work alongside the building system and a combination of planning and building system reforms are required to support improvements in the energy and water efficiency of new buildings. Council acknowledge this is aligned to Action 80 of *Plan Melbourne "Review of planning and building systems to support environmentally sustainable development outcomes"*.

Council acknowledge that the Victoria Planning Provisions (VPP) and Local Planning Schemes provide the key instruments for implementing Plan Melbourne policies and *the Act*. Council also acknowledge the significant gaps in the response to ESD currently within the VPP and the fact that State ESD policies and standards do not apply to all land uses, and are insufficient to address existing and future planning for what will be significant environmental and climate change challenges.



As you have identified in your correspondence, supporting environmentally sustainable development (ESD) through Victoria's planning system is vitally important, particularly to local governments who are predominantly responsible for administering the planning scheme, and require effective policy and robust primary implementation tools to ensure effective outcomes.

Nillumbik Shire Council supports the principals of ESD and is currently developing its new [Climate Action Plan](#) and facilitating local renewable energy generation for stationary and transport energy needs will be a key component. Council also intends to build a [solar farm at the former Plenty landfill](#) to deliver Council's stationary energy needs with the opportunity to supply renewable energy to the local community. It is imperative that State Planning Policy facilitates local renewable energy initiatives.

We note 'the Roadmap' identifies two stages of work to implement ESD into the Victorian Planning Provisions:

- **Stage 1** will embed ESD more comprehensively in the Planning Policy Framework (PPF) by adding consideration of ESD at the development scale under each relevant planning policy theme, and inserting consideration of ESD into the purpose of all planning schemes (rather than just one state policy).
- It is noted any existing ESD policies will need to be amended to align with the introduction of the new state ESD policy (stage 1).
- **Stage 2** will introduce new and expanded particular provisions and will include development of specific planning objectives and standards that help achieve ESD policy goals implemented through Stage 1.
- It is noted Stage 2 implementation will include:
 1. Expanded (existing) and (new) particular provisions incorporated into planning schemes to help ensure ESD design and development responses, with clear performance standards are consistently applied across the state.
 2. ESD objectives and standards will continue to be applied throughout residential particular provisions under clauses 54, 55, 55.07, 56 and 58, which already include many existing ESD considerations.
 3. For commercial and industrial developments, a new particular provision will be developed that provides ESD objectives and standards appropriate for these development types, building on existing clause 53.18 *Stormwater management in urban development*.
 4. Existing particular provisions that address a specific ESD theme, such as 52.34 *Bicycle Facilities*, will also be reviewed as part of this process
 5. Further guidance materials and assessment tools to support implementation including ESD checklists, practice notes and online ESD rating systems - for example, the Green Building Council of Australia (GBCA) 'Green Star' and Council Alliance for a Sustainable Built Environment (CASBE's) 'BESS' tool (Built Environment Sustainability Scorecard).
 6. It is noted Stage 2 work is programmed for consultation between April-May 2021 with initiatives complete for Stage 2 in September 2021.

Council have prepared a response to each proposed change (as identified in the VPP) to implement ESD objectives, noting that Stage 2 will be integral to further support the policy directives proposed in the VPP.

An integrated approach to ESD, supported through proposed changes to the particular provisions of all planning schemes (including consolidated application requirements) and through supporting



guidance materials and tools, will need to recognise that measures are complimentary and varied to address ESD - for example, siting and design responses that respond to urban heat amelioration may also contribute to the stormwater management of a development.

11 Settlement

Council response

1. Generally supported.
2. Recognises protecting 'environmentally sensitive areas' – could be stronger and more positive in terms of developing settlements within the landscape retaining the connectivity of natural systems. This is referred to in the section on environmental and landscape values in terms of existing biodiversity:
Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.
3. There's potentially a larger landscape to consider settlements within, for example, the city in the landscape rather than the landscape of the city (such is the case for Nillumbik shire).

11.02-2S Structure planning

Council response

1. Generally supportive of inclusion of 'sustainable' to 'facilitate the orderly and sustainable development of urban areas', and new strategies to:
 - a) 'protect areas of natural or cultural significance; and
 - b) 'respond to the impacts of climate change'.

12 Environmental and Landscape Values

Council response

1. Generally supportive of inclusion of policy document 'Australia's Strategy for Nature 2019-2030'.

12.01-1S Protection of Biodiversity

Council response

1. Generally supported, however Stage 2 primary implementation tools will need careful consideration with existing provision (e.g. *Clause 52.12 Bushfire Protection Exemptions*) having significant impacts on urban biodiversity.
2. Support the inclusion of a strategy recognising urban biodiversity values.
3. How this strategy will be applied through implementation tools will be imperative.
4. Understanding biodiversity values across a more urban landscape requires consideration of cumulative impacts on biodiversity, for example, the impact native vegetation removal on an urban parcel (less than 0.4ha) would not represent a significant impact but the cumulative impact of many cleared parcels, coupled with increased impermeable surfaces and planting of non-indigenous species can have a very significant impact on broader biodiversity.
5. Will Stage 2 work consider *Clause 52.17 Native Vegetation* and a review of the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)* (the Guidelines)? Specifically:
 - a) *Avoid the removal, destruction or lopping of native vegetation.*
 - b) *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 - c) *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation. To manage the removal,*



destruction or lopping of native vegetation to minimise land and water degradation.

6. Impacts on vegetation in urban environments is incredibly important particularly for areas on the fringe of Metropolitan Melbourne like Nillumbik Shire where there are significant tracts of native vegetation located within the urban growth boundary that provide extensive linkages in to the broader biodiversity network. However clearing of native vegetation under the current Guidelines, coupled with the *Clause 52.12 Bushfire Protection Exemptions* to clear native vegetation are having dramatic impacts on biodiversity.

13.01-1S Natural hazards and climate change

Council response

1. Generally support the inclusion of *'health'* in considering natural hazards. There is a tension between protecting environmental and landscape values and managing natural hazards. This is a critical concern for the Nillumbik community particularly with regard to bushfire. Planning controls must allow for risk mitigation however there may be unintended consequences (e.g. Clause 52.12) or trade-offs (removal of native vegetation and associated biodiversity impacts) to achieve risk mitigation.

13.01-3S Urban heat mitigation

Council response

1. Generally supportive, however limited in response to retention of existing vegetation. This is particularly important in the northern region of Melbourne, where tree canopy is already limited.
2. The strategy *'support tree health and cool the urban environment through water sensitive urban design'* is positive but could include more acknowledgement of the contribution of the existing landscape/vegetation to urban heat mitigation in established areas. Suggest to amend the objective to *'reduce urban heat exposure through land use, built form, design responses'* to include *'and maximising retention of existing vegetation'*.
3. Although a strategy is included at Clause 15.01-2S Building Design to *'encourage retention of existing vegetation and planting of new vegetation and planting of new vegetation as part of new development'* this is only targeting new development and not broader land use and development. Council suggest additional strategies include:
 - a) *'retention of existing urban tree canopy'*, or
 - b) *'maximise retention of existing urban tree canopy'*; or
 - c) *'encourage retention of existing tree canopy in established urban areas.'*
4. Suggest to amend to *"Ensure that urban heat mitigation measures also address bushfire risk in Bushfire Prone Areas."*

13.05-1S Noise abatement

Council response

1. Generally support the inclusion in the strategy of *'health'* in *'ensuring that human health and community amenity is protected, and that development is not adversely impacted by noise emissions, using a range of building design, urban design and land use separation techniques'*.

13.06-1S Air quality management

Council response



1. Generally support additional strategies, particularly inclusion of *Recommended Separation Distances for Industrial Residual Air Emissions – Guideline* (Environment Protection Authority, 2013)

15 Built Environment and Heritage

Council response

1. Generally support additional policy objectives that include *'Environmentally sustainable development'* and that *planning must support development that is environmentally sustainable and:*
 - a) *Respond to climate change impacts.*
 - b) *Minimises greenhouse gas emissions.*
 - c) *Conserves energy and water.*
 - d) *Minimises waste generation and increases resource recovery.*
 - e) *Supports human health and community wellbeing.*
2. Nillumbik Shire has a significant history and association with 'earth building' and particularly 'mudbrick' as an alternative and sustainable building product to traditional building materials.
3. The use of mudbrick in Nillumbik is evidenced as far back as the gold rush era and was later used and 'revived' by architects and builders such as Alistair Knox.
4. The use of mudbrick in Nillumbik Shire is aligned to the availability of excellent building clay in Nillumbik so local sourcing is also a part of the sustainability of the product given the minimisation of impacts on the environment through production and transport costs.
5. Mudbricks have many advantages, including low cost and low embodied energy (especially if they are made on site and not transported long distances) and ease of use. They also have high thermal mass (the ability to store and release heat).
6. Construction made from 'earth materials' including mudbrick also has excellent fire ratings which makes them suitable for building in bushfire prone areas such as Nillumbik and for the construction of fire rated walls within buildings.
7. Appropriate building materiality including consideration of materials that are 'dense' in thermal mass needs consideration to ensure reductions in the need for mechanical heating and cooling can be achieved. Mud bricks for example are also fire resistant, cheap, sustainable and biodegradable.

15.01-2S Building design

Council response

1. Generally support additional strategies including:
 - a) *'encourage retention of existing vegetation and planting of new vegetation as part of new developments'.*
 - b) *'ensure the layout and design of the development supports waste and resource recovery and the efficient use of water'.*
 - c) *'Improve the energy performance of buildings through siting and design measures that support:*
 - *Cost effective compliance with energy performance standards in the National Construction Code.*
 - *Passive design responses that minimise the need for heating and cooling.*
 - *Adoption of renewable energy and storage technologies'.*
2. See Council's commentary in regard to building material choice (including consideration of building insulation, minimisation of waste and associated production/transportation costs) identified at clause 15 Built Environment and Heritage



and 19.01-2S Renewable energy, that also require consideration at Clause 15.01-2S Building design.

15.01-3S Subdivision design

Council response

1. Generally support additional strategies including:
 - a) *'Creating an urban structure and providing utilities and services that:*
 - *Responds to climate change hazards and contributes to reduction of greenhouse gas emissions.*
 - *Support resource conservation.*
 - *Support energy efficiency through urban layout and lot orientation.*
 - *Support the uptake of renewable energy technology, including micro grids and batteries.*
 - *Incorporate integrated water management.*
 - *Support waste minimisation and increased resource recovery.*
 - *Minimise exposure of sensitive uses to air and noise pollution'.*
2. With regards to private waste collection Council supports consistent controls which minimise the number of collections per week, minimise impacts and wear on road infrastructure, minimise noise amenity impacts and establish a consistent standard for bin types and collection method for future waste collection with the possible intent of moving from private waste collection to public waste collection in the future. Suggest amending to *'ensure the layout and design of the development supports waste and resource recovery which minimises number of collections and private waste collection, and ensures the efficient use of water'.*

16.01-2S Location of residential development

Council response

1. Generally supportive of additional language adding *'ensure' residential development is 'located to support' cost effective infrastructure provision and use, energy efficiency, water efficiency and public transport use'.*

18.01-1S Land use and transport planning

Council response

1. Generally support the inclusion of policy document *Victorian Cycling Strategy 2018-28* (Department of Economic Development, Jobs, Transport and Resources, 2017)

18.02-1S Sustainable personal transport

Council response

1. Generally support the addition of language to improve the objective *'to promote and support the use of low-emission forms of personal transport'.*
2. Council support additional requirements within strategies to 'require the provision of adequate bicycle parking and related end-of-trip facilities to meet demand at commercial buildings, multi-residential developments, education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals'.
3. Council support the addition of the strategy to *'encourage building and subdivision layout and design responses that:*
 - a) *Facilitate low emission forms of transport including walking and cycling.*
 - b) *Include infrastructure for low emission vehicles (including electric vehicles)'.*

18.02-2S Public Transport



Council response

1. Generally support the addition of language to improve the objective *'to facilitate greater use of public transport, promote increased development close to high quality public transport routes and minimise car dependency'*.

19 Infrastructure

Council response

1. Generally support the addition of policy directive that *'planning of infrastructure should avoid or minimise environmental impacts and incorporate resilience to natural hazards, including future climate change risks'*.
2. Suggest amending to *"planning of infrastructure should avoid or minimise environmental impacts and incorporate resilience to natural hazards, including future climate change risks and bushfire risk"*.

19.01-1S Energy supply

Council response

1. Council support the addition of the new policy objective to *'support achievement of greenhouse gas emission reduction targets under the Climate Change Act 2017 and the transition to a low-carbon economy by adopting renewable energy and low emission technologies'*.

19.01-2S Renewable energy

Council response

1. Council support the addition of the new policy objective to *'support the provision and use of renewable energy, and achievement of greenhouse gas emission reduction targets under the Climate Change Act 2017 in a manner that ensures appropriate siting and design considerations are met'*.
2. As noted above, Council is developing its Climate Action Plan and facilitating local renewable energy generation for stationary and transport energy needs will be a key component. Council also intends to build a solar farm at the former Plenty landfill to deliver Council's stationary energy needs with the opportunity to supply renewable energy to the local community. It is important that State planning policy facilitates local renewable energy initiatives and policy is outcome focussed, as methods for achieving sustainable outcomes will evolve in the future and a focus on current methods will not adequately provide for future innovation.

19.03-3S Integrated water management

Council response

1. Council support the addition of the strategy to *'support development that is water efficient and encourages use of alternative water sources'*.
2. Consideration of application in implementation tools to single dwellings should be considered. There could be a stronger intention (where a planning permit is required) to require on site retrofitting in established areas to replace potable water, slow stormwater flows and improve the quality of water flow into urban waterways.

19.03-5S Waste and resource recovery

Council response

1. Council support the addition of language within strategies to *'encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products'*, to *'enable waste and resource recovery facilities to be located in*



proximity to other related facilities and to materials' end-market destinations to reduce the impacts of waste transportation and improve the economic viability of resource recovery', to 'ensure developments provide for segregation, storage and collection of waste and recyclable materials', and to encourage development that provides for:

- Systems that support waste minimisation and increase resource recovery.
 - Use of recycled and reusable materials where appropriate'.
2. Council support the addition of the strategy to 'support development that is water efficient and encourages use of alternative water sources'.
 3. The inclusion in relation to use of recycled and reusable materials is welcomed and adds a further driver to create the economic conditions for development of markets for recovered materials.
 4. Council encourage the further integration of a circular economy approach to waste management and materials recovery and reuse. *Recycling Victoria* sets a strong direction for waste management in Victoria and the planning policy changes help to provide operational effect.
 5. *Recycling Victoria* now requires introduction of a four bin system for municipal waste collection. Businesses and residences must have adequate storage space for waste containers and access for collection. In addition storage must allow for waste separation at source to maximise resource recovery. These strategies now provide councils with the ability to assess the adequacy of development proposals to achieve waste separation at source.
 6. Suggest amending to include 'ensure developments provide for segregation, storage and collection of waste and recyclable materials with public waste collection preferred and number of collections minimised'.
 7. In addition to Council's acknowledgement above (clause 15 Built Environment and Heritage and 15.01-2S Building Design) in relation to building materiality, consideration also needs to be given to use of the most effective and sustainable types of building materials to minimise or avoid waste – including mudbricks for example of building and construction.

General policy 'gaps'

1. As identified at clause in Clauses 12.01-1S and 13.01-1S, loss of and impacts on existing vegetation in urban environments is incredibly important particularly for areas of Metropolitan Melbourne like Nillumbik Shire where there are significant tracts of native vegetation located within the urban growth boundary which provide extensive linkages into the broader biodiversity network. Retention of native vegetation is considered fundamental and needs to be addressed in policy – with particular redress of policy 'tension' e.g. clauses 52.17 and 52.12.
2. It is acknowledged that promoting ESD outcomes for single dwellings (including those located in the Green Wedge) is an area of complexity requiring a 'layered' approach. Council contend that State government provisions within planning schemes have a role to play in ensuring all new buildings meet appropriate environmental performance standards - including single dwellings. It is acknowledged that non-statutory measures such as incentives that assist owners of existing single dwellings to adopt more sustainable building design outcomes are an important part of securing effective ESD outcomes.

Thank you again for the opportunity to provide a response to the ESD 'Roadmap'. Council looks forward to reviewing the proposed changes in Stage 2 of this work to introduce new and expanded particular provisions and specific planning objectives and standards that will

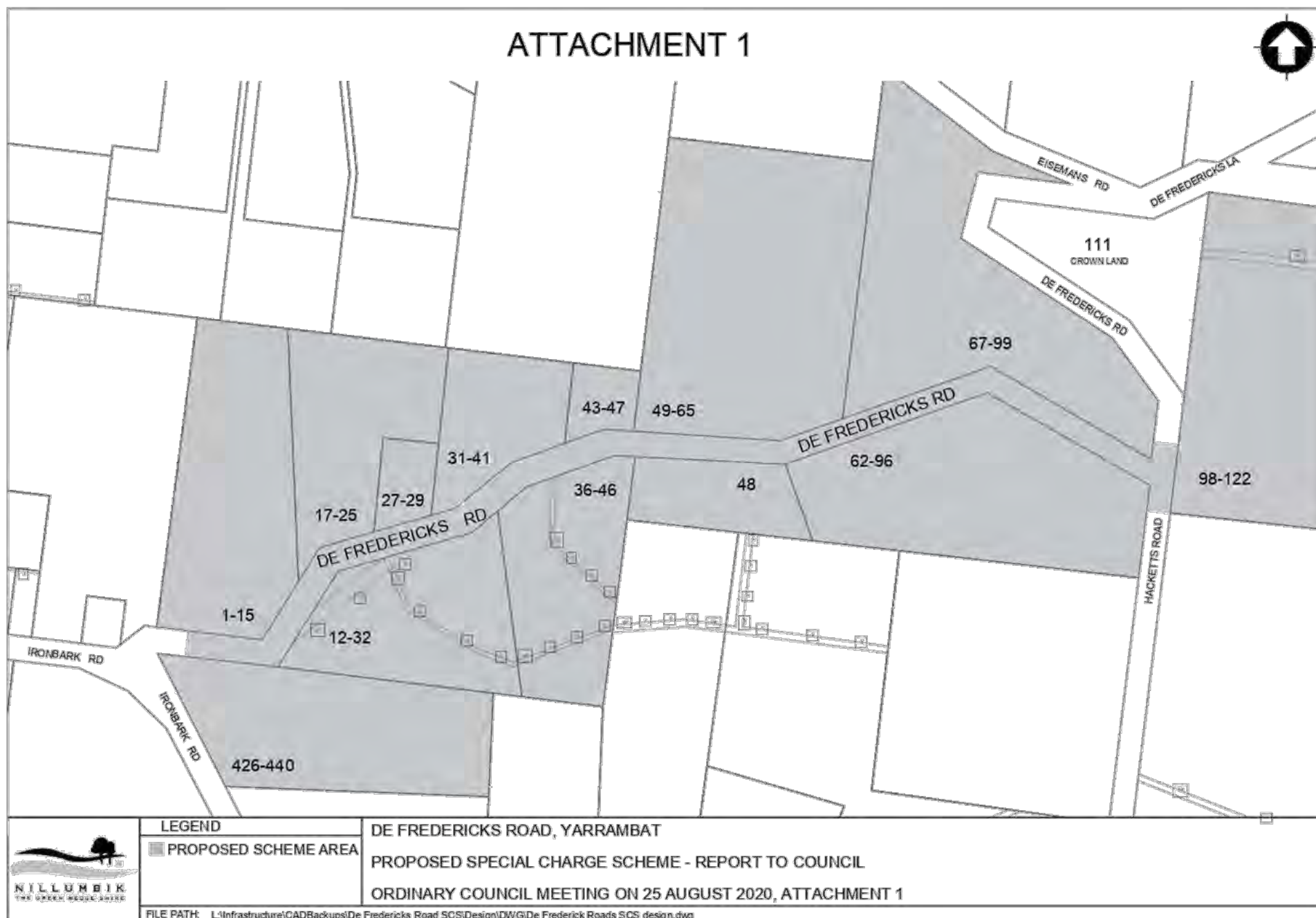


help achieve ESD policy goals identified in Stage 1. Council believe Stage 2 work will be imperative in delivering the objectives and strategies detailed in Stage 1 in supporting effective ESD outcomes.

Yours sincerely

Peter Perkins
Mayor

Copy or Enc:
Andrew Grear
Executive Director
Planning and Heritage
andrew.grear@delwp.vic.gov.au



ATTACHMENT 2

6 GUIDELINES FOR APPORTIONMENT OF COSTS FOR ROAD CONSTRUCTION

6.1 Apportionment of 75% of the road construction cost on the basis of Benefit Unit

A property derives 'special benefit' through having its road constructed. This benefit may be made up of issues including reduction in dust, better/smooth access, reduced vehicle operating costs, environmental benefits and control of storm water runoff from the road. This 'benefit' is not necessarily related to the dimensions of a property, so the concept of Benefit Unit is used, as follows:

- All properties whether developed or otherwise, to which direct access may reasonably be obtained by means of the streets to be constructed in the scheme shall be apportioned one (1) Benefit Unit.
- All properties that have a sideage or rearage to the scheme shall be apportioned one half (0.5) of a Benefit Unit.
- Units or dual occupancies that have a frontage to the scheme shall be apportioned 0.6 of a Benefit Unit.
- Units or dual occupancies that have a sideage to the scheme shall be apportioned 0.3 of a Benefit Unit.
- The Benefit Unit for properties (where there is already a section of constructed road in front of their property) will be based on a percentage of constructed road versus unconstructed road.
- Properties which are considered to have subdivisional potential when the owners have demonstrated an intention to subdivide by applying for a planning permit either prior to or during the Scheme process, up to the reconciliation stage. These properties will be apportioned an extra Benefit Unit for each additional property for the purpose of being "fair and equitable" in regards to the special benefit that these properties will receive.

6.2 Apportionment of 25% of the road construction cost on the basis of Amenity Unit

The benefit that a property receives from road construction varies to some extent with the exposure that it has to the road. For example, a property with a very long frontage has more exposure to the dust problem from a gravel road and, therefore, is considered to receive more benefit from construction of the road than does a property that has a smaller frontage. This difference in relative benefit is not generally proportional to the difference in dimensions between properties, which is why only 25 percent of the total cost of road construction is apportioned on this basis. The concept of Amenity Unit is as follows:

- All properties with frontage to the scheme will be proportioned one (1) Amenity Unit per metre of frontage for that property.

ATTACHMENT 2

- All properties with a sideage to the scheme will be apportioned one half (0.5) Amenity Unit per metre of sideage for that property.
- All properties with a rearage to the scheme will be proportioned one half (0.5) Amenity Unit per metre of rearage for that property.

6.3 Council Contributions

6.3.1 Council Reserves

Council owned reserves within the scheme area will attract a liability in accordance with **section 6.1** and **6.2** of these guidelines. Council (as the land owner) shall be responsible for this liability. This does not include land designated as road reserve.

6.3.2 Exempt Land

Council is responsible for the liability of any land that is exempt from Special Charge Schemes (under the *Local Government Act 1989*). This generally applies to Crown Land within the scheme area. This liability shall be in accordance with **section 6.1** and **6.2** of these guidelines.

6.3.3 Community Benefit:

In addition to the special benefit derived by those properties with direct abuttal or sole access from a road, Council will make a contribution for 'community benefit' in cases where the construction standard needs to be increased beyond that of a typical residential street, to cater for through traffic. The level of Council's contribution will be based on the cost differential between the required standard and the standard that would be required solely for local traffic.

6.3.4 Direct Financial Contribution

Council may consider a financial contribution if it wishes to upgrade or replace existing infrastructure within the scheme area, at the same time as the works.

Council may also consider a financial contribution, where it has been determined that the scheme will provide benefit to those not included in the scheme.

6.3.5 Limits to Council Contributions

The limit on Council's contribution to a scheme for Council owned land and exempt land will not exceed \$1,000 per average property involved in the scheme without specific Council approval. Should the required Council contribution exceed \$10,000 in total, it will need to be considered as part of the Council's Capital Works budget estimates process.

This is to ensure both equity and financial control, to manage Council's obligations in cases where the contribution required for exempt land may be an excessive subsidy provided to individual property owners by the ratepayers of Nillumbik. It provides guidelines to affected property owners in the case where high Council contributions may arise and simply means that such a case would need to go through the Council approval and budget process.

Whilst Council shall make a financial contribution as outlined above, Council is excluded from voting procedures to determine whether or not the scheme proceeds.

ATTACHMENT 3 - APPORTIONMENT DE FREDERICKS ROAD SPECIAL CHARGE SCHEME, YARRAMBAT - 13 PROPERTIES

| Property Address | Frontage (m) | Sideage/ Rearage | Abuttal Unit | Abuttal Cost | Access Benefit Unit | Access Benefit Cost | Total Cost |
|---------------------------|--------------|---------------------|-----------------|-----------------|---------------------|------------------------|---------------------|
| 1-15 De Fredericks Road | 143.63 | 0 | 143.63 | 7879.84 | 1 | \$24,211.19 | \$32,091.04 |
| 12-32 De Fredericks Road | 238.24 | 0 | 238.24 | 13070.17 | 1 | \$24,211.19 | \$37,281.36 |
| 17-25 De Fredericks Road | 80.70 | 0 | 80.70 | 4427.25 | 1 | \$24,211.19 | \$28,638.44 |
| 27-29 De Fredericks Road | 49.17 | 0 | 49.17 | 2697.50 | 1 | \$24,211.19 | \$26,908.69 |
| 31-41 De Fredericks Road | 129.24 | 0 | 129.24 | 7089.92 | 1 | \$24,211.19 | \$31,301.11 |
| 36-46 De Fredericks Road | 124.72 | 0 | 124.72 | 6842.44 | 1 | \$24,211.19 | \$31,053.63 |
| 426-440 Ironbark Road | 0 | 78.50 | 39.25 | 2153.28 | 0.5 | \$12,105.60 | \$14,258.87 |
| 43-47 De Fredericks Road | 58.64 | 0 | 58.64 | 3216.88 | 1 | \$24,211.19 | \$27,428.08 |
| 48 De Fredericks Road | 127.06 | 0 | 127.06 | 6970.59 | 1 | \$24,211.19 | \$31,181.78 |
| 49-65 De Fredericks Road | 176.02 | 0 | 176.02 | 9656.56 | 1 | \$24,211.19 | \$33,867.75 |
| 62-96 De Fredericks Road | 331.52 | 0 | 331.52 | 18187.38 | 1 | \$24,211.19 | \$42,398.58 |
| 67-99 De Fredericks Road | 283.85 | 0 | 283.85 | 15572.07 | 1 | \$24,211.19 | \$39,783.27 |
| 98-122 De Fredericks Road | 56.80 | 0 | 56.80 | 3116.08 | 1 | \$24,211.19 | \$27,327.27 |
| | | | 1838.84 | | 12.5 | | \$403,519.88 |

| | |
|-----------------------------|---------------------|
| TOTAL SCHEME COST | \$403,519.88 |
| COUNCIL CONTRIBUTION | \$0.00 |
| AMOUNT TO BE LEVIED | \$403,519.88 |

| | |
|-------------------------------|--------------------|
| ABUTTAL RATE PER METER | \$54.86 |
| BENEFIT RATE PER UNIT | \$24,211.19 |

| | |
|----------------------------------|------------|
| ABUTTAL PERCENTAGE | 25% |
| ACCESS BENEFIT PERCENTAGE | 75% |

| | |
|----------------------------------|---------------------|
| TOTAL ABUTTAL COST | \$100,879.97 |
| TOTAL ACCESS BENEFIT COST | \$302,639.91 |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|--|--|
| <p>Not a “special benefit”</p> <p>As per section 163 of the <i>Local Government Act 1989</i> (Vic), the Council can only defray costs to residents if the Council considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the special rate or special charge.</p> <p>You propose that De Fredericks Road residents are to bear 100% of the costs of the proposed project. This means you take the provisional view, at least, that they are the only residents who will benefit from the scheme.</p> <p>However, per 6.3.3 of your <i>Special Charge Schemes for Road and Drainage Works Policy & Guidelines</i>, the Council is required to make a contribution where there is a wider 'community benefit' involved.</p> <p>I assert that the road upgrade provides general, community benefits in the form of a higher standard road for through traffic, which will increase as a result of the improved road surface and also water drainage improvements which will have "downstream" community benefits as a whole. The general rather than special benefit in relation to water drainage I elaborate on below. Therefore, I say that De Fredericks Road residents should not bear the full burden of the proposal themselves.</p> | <p>The 'Special Charge Scheme' legislation under Section 163 of the <i>Local Government Act 1989</i> (the Act), enables Council to recover the cost of the works from property owners, for works that will be of special benefit to them. De Fredericks Road is classified as an access road, which predominantly serves to provide access to properties in the local area. The construction of local residential streets is seen to primarily benefit the people that live in those streets. It is also worth noting that property owners have funded construction of the vast majority of residential streets in the Shire. This has happened either directly through the Special Charge Schemes (or Private Street Schemes under the old 1958 Act) or indirectly through developers constructing roads at the time of subdivision, when the cost of construction is then passed on to the purchaser. Under The Act, Council can levy a charge to adjoining property owners only once for the purpose of sealing the road and is required to take on the responsibility for ongoing maintenance of the road at the upgraded standard.</p> <p>Council will make a contribution for 'community benefit' in cases where the construction standard needs to be increased beyond that of a typical residential street, to cater for through traffic. The level of Council's contribution would be based on the cost difference between the typical construction standard for a local access road and any higher standard required to cater for external factors. The construction standard proposed for De Fredericks Road Special Charge Scheme is typical for a local access road and therefore Council would not be contributing based on the 'community benefit'.</p> |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|--|--|
| <p>Increased Traffic</p> <p>As mentioned at the Task-group meeting 1 (held on 26 September 2019), traffic is of concern to the residents of De Fredericks Road due the sealing of the road. However, increasing the lanes on De Fredericks Road creates more of a thoroughfare and increased pressure on traffic, exacerbating the problem raised in meeting 1, not decreasing traffic. This creates an alternate "rat-run" to Yan Yean and Ironbark Roads, benefitting general commuters and increasing through traffic and noise for the residents (Fig 1). Your proposal means that general benefits will flow to those commuters as a result of raising a special levy. I object to that.</p> | <p>At its first meeting the Task Group did raise concerns about vehicle speeds and volumes due to road sealing. At the second Task Group meeting (held on 11 March 2020) there were discussions of including two speed humps within the road design along the western side of De Fredericks Road and using a 'special' asphalt mix at the intersection of De Fredericks Road and Hacketts Road to deter reported hooning incidents by the Task Group.</p> <p>De Fredericks Road is a two way traffic local access road and it is proposed to remain two way after the road sealing. The existing road widths and alignment will be maintained, with some localised widening to improve road safety agreed with the Task Group.</p> <p>Council conducts traffic speed and volume surveys before road and up to 12 months after road sealing. Furthermore, Council is advocating for an expedited Local Area Traffic Management Plan to be delivered by Major Roads Projects Victoria prior to construction works commencing on Yan Yean Road Stage 2 to support the local road network and mitigate against construction traffic related congestion.</p> <p>Council will continue to monitor traffic conditions along De Fredericks Road as part of implementing the Special Charge Scheme and the Yan Yean Road Stage 2 upgrade works.</p> |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|---|--|
| <p>Water, drainage and dust</p> <p>Drainage was raised as an issue at meeting 3 (held 25th March 2020), which was stated as causing "erosion downstream". The proposed upgrade to drains to improve water run-off and mitigate this issue is of general utility to the area. This includes surrounding streets and provides general environmental improvement with regard to erosion issues. Again, I say that the cost of a general benefit should be borne generally rather than specifically, so I object on that basis.</p> | <p>There is existing erosion within the water course running through 12-32 De Fredericks Road and there are concerns that by sealing the road this problem would be made worse. It is not expected that the scheme can solve the erosion issue on this property, however at its third meeting the Task Group agreed that additional cut off drains are formalised directing road runoff into 12-32 De Fredericks Road to minimise the concentration of stormwater at a single location (the road crossing culvert) and to construct rock beaching to mitigate erosion at that location.</p> |
| <p>Environment and character of the neighbourhood</p> <p>The road is currently wide enough for one vehicle (stated in meeting 3). As per the photos attached (Fig 2 and 3), widening of lanes will result in loss of trees and destruction of vegetation. This further negatively impacts on the character of the Neighbourhood and the wildlife in this "green-wedge". I object to the special levy on this basis.</p> | <p>As stated above in 'Officer comment about Increased Traffic' the existing road widths and alignment will generally reflect existing road width conditions. At its third meeting the Task Group agreed that the road should be wide enough to allow for at least two cars to pass. The concern mainly related to the section of road adjacent to 27-29 De Fredericks Road, which was proposed to be four metres wide. After further consideration it was determined that by asphalted table drains at this location a driveable width could be achieved to allow for two cars to pass, without widening the road pavement or a need to further remove trees.</p> <p>The design seeks to minimise impact on neighbourhood character by minimising tree and vegetation removal. There are two trees (one dead) and one stump proposed to be removed as part of the design.</p> |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|--|---|
| <p>Unreasonable burden due to financial hardship</p> <p>The cost of this project is imposing an unreasonable financial burden on me. I am currently living off a single pension income of approximately \$944 per fortnight. The total of my pension goes toward my everyday living expenses and a loan of approximately \$380,000, leaving me with little to no disposable income. Additionally, I am also suffering from medical issues and will require hip surgery in the near future. The costs of this treatment will further exacerbate my already dire financial circumstances. I will not be able to work for the foreseeable future due to these health issues. I have been seeing a counsellor for the stress that this road is causing me, financially which I cannot afford.</p> | <p>Where a ratepayer is experiencing financial hardship and is unable to make required repayments or has overdue rates/charges, they can apply to make a payment agreement with Council. The application form can be found on the Council website www.nillumbik.vic.gov.au, under the heading 'Council', 'Rates and rates calculations', 'About Council rates', 'Overdue rates'.</p> <p>Council officers have made contact with the objector to discuss and clarify the payment options including the process relating to Council's financial hardship provision.</p> |



Attention **Mr Carl Cowie**
CEO Nillumbik Shire Council
PO Box 476
Greensborough
VIC 3088
Dear Sir,

7 October 2020

| | |
|-------------------------|-------------|
| NILLUMBIK SHIRE COUNCIL | |
| Action | Area |
| Info | |
| Recd: | 13 OCT 2020 |
| File No. | |
| File X Ref | |
| Doc ID | |

Objection to De Fredericks Road Special Charge Scheme

As instructed by the received Council notice (dated 14th September 2020), I write to you to object to the proposed decision to raise a special charge under section 163B, *Local Government Act 1989* (Vic) in respect of the De Fredericks Road Project.

In 2018, the initial questionnaire sent to property owners garnered a bare majority of 61.5%.

As the Council notice states, support for the project has not increased.

Previously, I made objections in the Task Group meeting I attended in 2019 and made a written objection to the Council, to which I received no response. Further to my objections made in 2019, the following are my reasons for objection to this proposal.

I am an age pensioner and have lived at the property for 35 years. In that time, I have seen changes to the area and I am concerned about the destruction of the character of the Neighbourhood. This road project is of no "special benefit" to myself as a resident and adds no value to my property, for the imposed cost to me of \$[REDACTED].

Not a "special benefit"

As per section 163 of the *Local Government Act 1989* (Vic), the Council can only defray costs to residents if the Council considers that the performance of the function or the exercise of the power is or will be of **special benefit** to the persons required to pay the special rate or special charge.

You propose that De Fredricks Road residents are to bear 100% of the costs of the proposed project. This means you take the provisional view, at least, that they are the only residents who will benefit from the scheme.

However, per 6.3.3 of your *Special Charge Schemes for Road and Drainage Works Policy & Guidelines*, the Council is required to make a contribution where there is a wider 'community benefit' involved.

I assert that the road upgrade provides general, community benefits in the form of a higher standard road for through traffic, which will increase as a result of the improved road surface and also water drainage improvements which will have "downstream" community benefits as a whole. The general rather than special benefit in relation to water drainage I elaborate on below.



Therefore, I say that De Fredricks Road residents should not bear the full burden of the proposal themselves.

Increased Traffic:

As mentioned at the Task-group meeting 1 (held on 26th Sep 2019), traffic is of concern to the residents of De Fredricks Road due the sealing of the road. However, increasing the lanes on De Fredricks Road creates more of a thoroughfare and increased pressure on traffic, exacerbating the problem raised in meeting 1, not decreasing traffic. This creates an alternate "rat-run" to Yan Yean and Ironbark Roads, benefitting general commuters and increasing through traffic and noise for the residents (Fig 1). Your proposal means that general benefits will flow to those commuters as a result of raising a special levy. I object to that.

Water, drainage and dust:

Drainage was raised as an issue at meeting 3 (held 25th March 2020), which was stated as causing "erosion downstream". The proposed upgrade to drains to improve water run-off and mitigate this issue is of general utility to the area. This includes surrounding streets and provides general environmental improvement with regard to erosion issues. Again, I say that the cost of a general benefit should be borne generally rather than specifically, so I object on that basis.

Environment and character of the Neighbourhood:

The road is currently wide enough for one vehicle (stated in meeting 3). As per the photos attached (Fig 2 and 3), widening of lanes will result in loss of trees and destruction of vegetation. This further negatively impacts on the character of the Neighbourhood and the wildlife in this "green-wedge". I object to the special levy on this basis.

Unreasonable burden due to financial hardship:

The cost of this project is imposing an unreasonable financial burden on me.

I am currently living off a single pension income of approximately \$944 per fortnight.

The total of my pension goes toward my everyday living expenses and a loan of approximately \$300,000, leaving me with little to no disposable income.

Additionally, I am also suffering from medical issues and will require [REDACTED] surgery in the near future. The costs of this treatment will further exacerbate my already dire financial circumstances. I will not be able to work for the foreseeable future due to these health issues.

I am available to discuss the matter via phone [REDACTED]

I await a written response.

Regards,

[REDACTED]

[REDACTED] De Fredricks Road
YARRAMBAT 3091

[REDACTED]



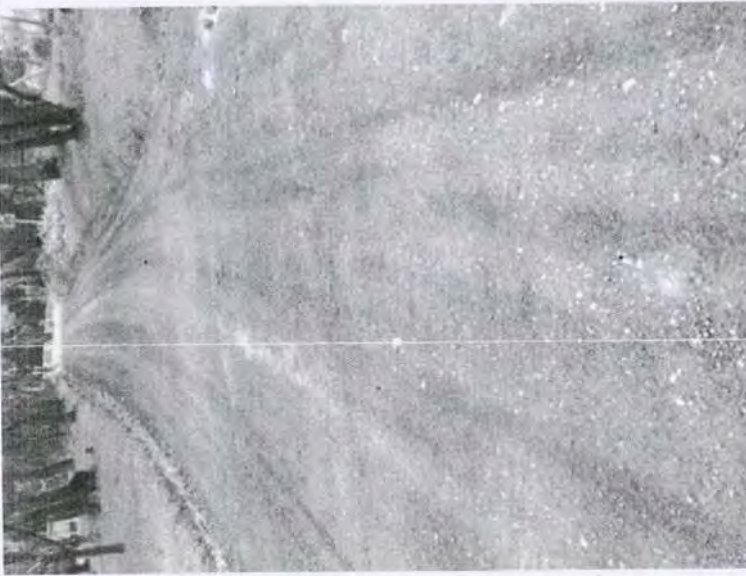
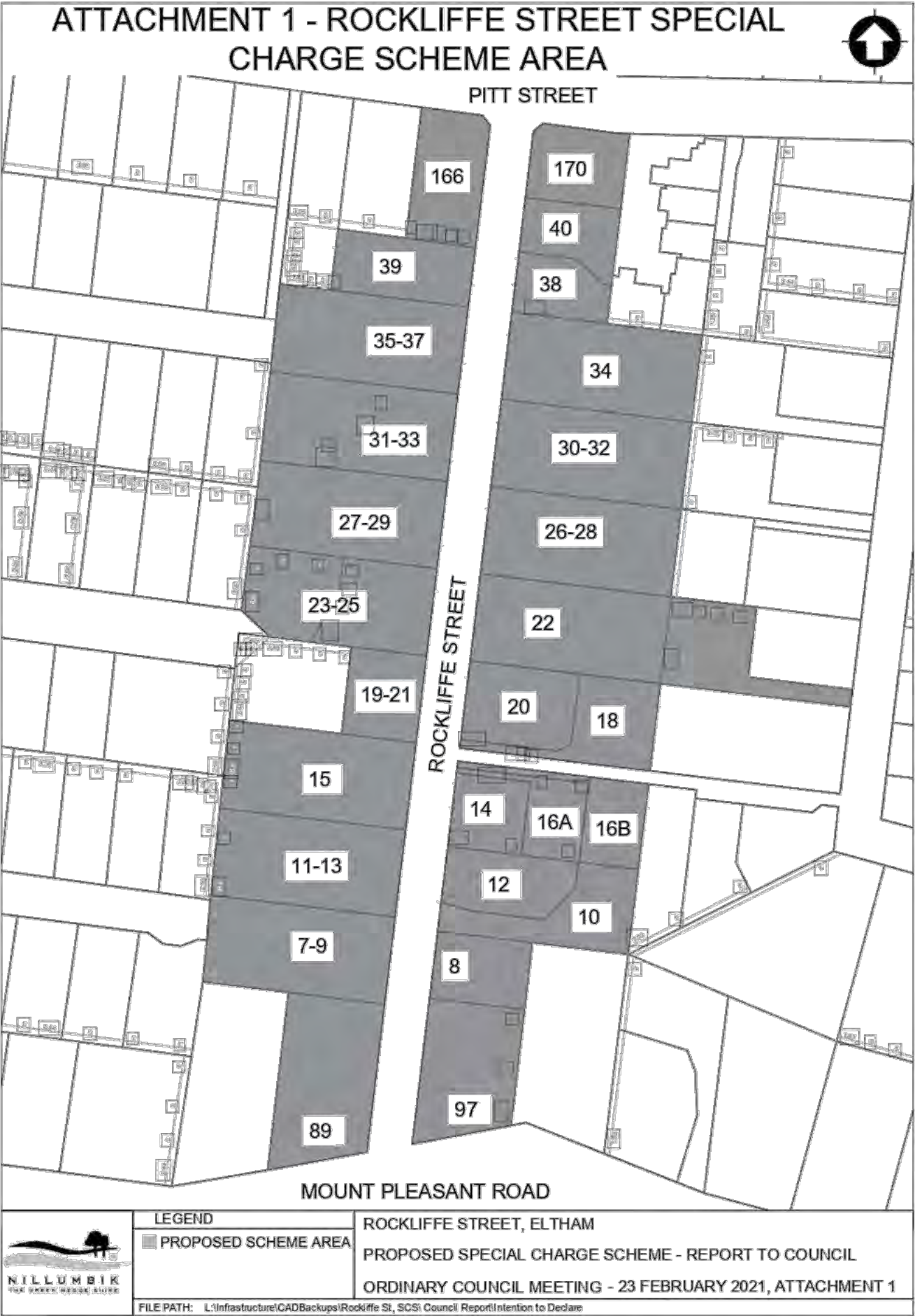


FIG 3

2.3.. I have made an appointment to go and see a counsellor on [REDACTED] for the stress. that this road is causing me, financially. which I cannot afford.

[REDACTED]



ATTACHMENT 2

6 GUIDELINES FOR APPORTIONMENT OF COSTS FOR ROAD CONSTRUCTION

6.1 Apportionment of 75% of the road construction cost on the basis of Benefit Unit

A property derives 'special benefit' through having its road constructed. This benefit may be made up of issues including reduction in dust, better/smooth access, reduced vehicle operating costs, environmental benefits and control of storm water runoff from the road. This 'benefit' is not necessarily related to the dimensions of a property, so the concept of Benefit Unit is used, as follows:

- All properties whether developed or otherwise, to which direct access may reasonably be obtained by means of the streets to be constructed in the scheme shall be apportioned one (1) Benefit Unit.
- All properties that have a sideage or rearage to the scheme shall be apportioned one half (0.5) of a Benefit Unit.
- Units or dual occupancies that have a frontage to the scheme shall be apportioned 0.6 of a Benefit Unit.
- Units or dual occupancies that have a sideage to the scheme shall be apportioned 0.3 of a Benefit Unit.
- The Benefit Unit for properties (where there is already a section of constructed road in front of their property) will be based on a percentage of constructed road versus unconstructed road.
- Properties which are considered to have subdivisional potential when the owners have demonstrated an intention to subdivide by applying for a planning permit either prior to or during the Scheme process, up to the reconciliation stage. These properties will be apportioned an extra Benefit Unit for each additional property for the purpose of being "fair and equitable" in regards to the special benefit that these properties will receive.

6.2 Apportionment of 25% of the road construction cost on the basis of Amenity Unit

The benefit that a property receives from road construction varies to some extent with the exposure that it has to the road. For example, a property with a very long frontage has more exposure to the dust problem from a gravel road and, therefore, is considered to receive more benefit from construction of the road than does a property that has a smaller frontage. This difference in relative benefit is not generally proportional to the difference in dimensions between properties, which is why only 25 percent of the total cost of road construction is apportioned on this basis. The concept of Amenity Unit is as follows:

- All properties with frontage to the scheme will be proportioned one (1) Amenity Unit per metre of frontage for that property.

ATTACHMENT 2

- All properties with a sideage to the scheme will be apportioned one half (0.5) Amenity Unit per metre of sideage for that property.
- All properties with a rearage to the scheme will be proportioned one half (0.5) Amenity Unit per metre of rearage for that property.

6.3 Council Contributions

6.3.1 Council Reserves

Council owned reserves within the scheme area will attract a liability in accordance with **section 6.1** and **6.2** of these guidelines. Council (as the land owner) shall be responsible for this liability. This does not include land designated as road reserve.

6.3.2 Exempt Land

Council is responsible for the liability of any land that is exempt from Special Charge Schemes (under the *Local Government Act 1989*). This generally applies to Crown Land within the scheme area. This liability shall be in accordance with **section 6.1** and **6.2** of these guidelines.

6.3.3 Community Benefit:

In addition to the special benefit derived by those properties with direct abuttal or sole access from a road, Council will make a contribution for 'community benefit' in cases where the construction standard needs to be increased beyond that of a typical residential street, to cater for through traffic. The level of Council's contribution will be based on the cost differential between the required standard and the standard that would be required solely for local traffic.

6.3.4 Direct Financial Contribution

Council may consider a financial contribution if it wishes to upgrade or replace existing infrastructure within the scheme area, at the same time as the works.

Council may also consider a financial contribution, where it has been determined that the scheme will provide benefit to those not included in the scheme.

6.3.5 Limits to Council Contributions

The limit on Council's contribution to a scheme for Council owned land and exempt land will not exceed \$1,000 per average property involved in the scheme without specific Council approval. Should the required Council contribution exceed \$10,000 in total, it will need to be considered as part of the Council's Capital Works budget estimates process.

This is to ensure both equity and financial control, to manage Council's obligations in cases where the contribution required for exempt land may be an excessive subsidy provided to individual property owners by the ratepayers of Nillumbik. It provides guidelines to affected property owners in the case where high Council contributions may arise and simply means that such a case would need to go through the Council approval and budget process.

Whilst Council shall make a financial contribution as outlined above, Council is excluded from voting procedures to determine whether or not the scheme proceeds.

ATTACHMENT 3 - APPORTIONMENT TO AFFECTED PROPERTIES

| Property Address | Frontage (m) | Sideage/ Rearage | Abuttal Unit | Abuttal Cost | Access Benefit Unit | Access Benefit Cost | Total Cost |
|------------------------|--------------|---------------------|-----------------|-----------------|------------------------|------------------------|---------------------|
| 10 Rockliffe Street | 10.00 | 0 | 10 | \$1,453.16 | 1 | \$11,112.37 | \$12,565.53 |
| 11-13 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,432.13 | 1 | \$11,112.37 | \$15,544.50 |
| 12 Rockliffe Street | 19.60 | 0 | 19.6 | \$2,848.19 | 1 | \$11,112.37 | \$13,960.56 |
| 14 Rockliffe Street | 25.60 | 0 | 25.6 | \$3,720.08 | 1 | \$11,112.37 | \$14,832.45 |
| 15 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,432.13 | 1 | \$11,112.37 | \$15,544.50 |
| 166 Pitt Street | 45.80 | 0 | 45.8 | \$6,655.46 | 1 | \$11,112.37 | \$17,767.83 |
| 16A Rockliffe Street | 1.90 | 0 | 1.9 | \$276.10 | 1 | \$11,112.37 | \$11,388.47 |
| 16B Rockliffe Street | 2.30 | 0 | 2.3 | \$334.23 | 1 | \$11,112.37 | \$11,446.60 |
| 170 Pitt Street | 0.00 | 26.3 | 13.15 | \$1,910.90 | 0.5 | \$5,556.19 | \$7,467.09 |
| 18 Rockliffe Street | 3.00 | 0 | 3 | \$435.95 | 1 | \$11,112.37 | \$11,548.32 |
| 19-21 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,417.60 | 1 | \$11,112.37 | \$15,529.97 |
| 20 Rockliffe Street | 27.50 | 0 | 27.5 | \$3,996.18 | 1 | \$11,112.37 | \$15,108.55 |
| 22 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,417.60 | 1 | \$11,112.37 | \$15,529.97 |
| 23-25 Rockliffe Street | 30.60 | 0 | 30.6 | \$4,446.66 | 1 | \$11,112.37 | \$15,559.03 |
| 26-28 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,417.60 | 1 | \$11,112.37 | \$15,529.97 |
| 27-29 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,417.60 | 1 | \$11,112.37 | \$15,529.97 |
| 30-32 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,432.13 | 1 | \$11,112.37 | \$15,544.50 |
| 31-33 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,432.13 | 1 | \$11,112.37 | \$15,544.50 |
| 34 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,432.13 | 1 | \$11,112.37 | \$15,544.50 |
| 35-37 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,417.60 | 1 | \$11,112.37 | \$15,529.97 |
| 38 Rockliffe Street | 21.00 | 0 | 21 | \$3,051.63 | 1 | \$11,112.37 | \$14,164.00 |
| 39 Rockliffe Street | 20.80 | 0 | 20.8 | \$3,022.57 | 1 | \$11,112.37 | \$14,134.94 |
| 40 Rockliffe Street | 19.00 | 0 | 19 | \$2,761.00 | 1 | \$11,112.37 | \$13,873.37 |
| 7-9 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,417.60 | 1 | \$11,112.37 | \$15,529.97 |
| 8 Rockliffe Street | 23.50 | 0 | 23.5 | \$3,414.92 | 1 | \$11,112.37 | \$14,527.29 |
| 89 Mount Pleasant Road | 0.00 | 51.70 | 25.85 | \$3,756.41 | 0.5 | \$5,556.19 | \$9,312.59 |
| 97 Mount Pleasant Road | 0.00 | 51.00 | 25.5 | \$3,705.55 | 0.5 | \$5,556.19 | \$9,261.73 |
| | | | 650 | | 25.5 | | \$377,820.63 |

| | |
|----------------------|--------------|
| TOTAL SCHEME COST | \$377,820.63 |
| COUNCIL CONTRIBUTION | \$0.00 |
| AMOUNT TO BE LEVIED | \$377,820.63 |

| | |
|------------------------|-------------|
| ABUTTAL RATE PER METER | \$145.32 |
| BENEFIT RATE PER UNIT | \$11,112.37 |

| | |
|---------|-------------|
| AVERAGE | \$13,993.36 |
|---------|-------------|

| | |
|---------------------------|-----|
| ABUTTAL PERCENTAGE | 25% |
| ACCESS BENEFIT PERCENTAGE | 75% |

| | |
|---------------------------|--------------|
| TOTAL ABUTTAL COST | \$94,455.16 |
| TOTAL ACCESS BENEFIT COST | \$283,365.47 |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|---|--|
| <p>Sealing the road will address a number existing issues, including:</p> <ul style="list-style-type: none"> - Inadequate drainage - Dust - Traffic - Potholes in the road - Pedestrian Safety | <p>These are generally acknowledged as benefits to roads sealing, particularly with regard to drainage, dust and potholes.</p> <p>From a traffic perspective, sealing a road can result in increased vehicles speeds, however traffic calming measures are proposed as part of this scheme to mitigate the risk.</p> |
| <p>The majority of residents are in favour of the scheme proceeding</p> | <p>The results of the formal questionnaire indicated that 18 of 27 (66.7 per cent) property owners supported the development of a scheme</p> |
| <p>Wish to ensure that the tender process is fair and that the residents receive good value</p> | <p>The proposed works would be carried out in accordance with Council's procurement guidelines to ensure best value for the property owners contributing to the scheme. This would involve a publicly advertised tender</p> |
| <p>Traffic calming is supported as part of the scheme</p> | <p>A separate questionnaire was sent to all property owners in the scheme, to determine the level of support for the inclusion of traffic calming as part of the scheme. The results indicated that 66.7 per cent of property owners support the inclusion of traffic calming as part of the scheme.</p> |
| <p>Increased density of properties in the street has increased the need for road sealing.</p> | <p>Noted</p> |
| <p>The design needs to ensure that cars will not scrape when exiting and entering driveways to and from the street</p> | <p>Noted. Council officers will review levels of driveways to reduce the likelihood of vehicles scraping.</p> |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|---|---|
| Would like to take up the option of having additional driveway sealed | Property owners who wish to arrange additional driveway works will be able to do so at their own cost. |
| Sealing the road will impact on the semi-rural neighbourhood character which was the reason for moving to the area | The majority of the roads in the immediate vicinity of Rockliffe Street are sealed, so the neighbourhood character will not be inconsistent with the surrounding area |
| Including kerb and channel will diminish the neighbourhood character; would be happier if it at least matched the colour of the road | Kerb and channel has been included in the design in order to provide better drainage protection to the properties on the low side of Rockliffe Street. To minimise it's visual impact, kerb and channel has only been included on the low side of the road, with the high side of the road to remain an open (sealed) table drain. |
| Not satisfied that the drainage works included in the design will address the current drainage issues; larger culverts and deeper table drains are required | The design of the road will provide a higher level of drainage protection to the property owners than is currently provided. Larger table drains and culverts would provide higher capacity, however this would also result in a larger drop-off from the road edge (which can be a safety hazard) and reduce the amount of driveable road width available for vehicles. |
| The proposed traffic calming and accompanying lighting will result in more light pollution, diminishing the character of the street | Current standards require that traffic calming treatments, such as the road humps proposed for Rockliffe Street, be sufficiently illuminated. However additional lighting is a consideration for many residents, which is one of the reasons that a separate questionnaire was conducted to determine the support for traffic calming. |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|--|--|
| Sealing the road will make it less safe for pedestrians; a narrow unsealed 'footpad' will suffice as opposed to a footpath | There is no footpath proposed as part of the scheme. However, the need for a footpath was raised throughout the consultation process. It was highlighted by officers that any footpath would need to be considered in accordance with Council's Footpath Strategy. In accordance with the strategy, Rockliffe Street is currently listed on the footpath priority list, but funding was not allocated in the 20/21 capital works program. It will remain on the priority list and be considered for funding in future years. |
| Sealing the road will require a footpath, however there is insufficient room for a footpath in the section of road from 27 - 31 Rockliffe Street | This design consideration would be addressed, should a footpath for Rockliffe Street receive future funding. |
| The unsealed road already has a natural calming effect on the traffic | Unsealed roads typically attract lower vehicle speeds. However, along with traffic, the major issues highlighted throughout the scheme consultation process have been 'dust' and 'drainage' which can be more adequately addressed by sealing the road. |
| The maintenance costs to Council are the same for both sealed and unsealed roads | Sealed and unsealed roads both attract maintenance costs. Therefore, Council remains neutral in regards to Special Charge Schemes for road construction. |
| As it is, the road offers a limited wildlife corridor | The design has aimed to reduce the impact of the works on the area by being predominantly contained within the existing footprint of the road. |
| Concerns about the scheme process and requesting the votes to reviewed | All questionnaire responses received have been reviewed and the results confirmed to be correct. Of 27 property owners, all returned the questionnaire. Of these, 18 supported a special charge scheme and 9 were not supportive. |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|--|--|
| Not concerned with the dust and stormwater problems | The Special Charge Scheme policy recognises that each property owner will view the benefits of road sealing differently. For this reason, for a scheme to proceed, the policy requires support from at least 60 percent of the property owners involved. |
| <p>Property is being charged a full benefit and frontage unit. However the previous proposal for a scheme (in 2003) apportioned half benefit and sideage units.</p> <p>The property also contributed to a previous scheme for the construction of Pitt Street (in 1980) and was charged the full frontage portion at the time.</p> | <p>The Special Charge Scheme policy has been updated since the previous investigation into a scheme for Rockliffe Street and the current proposal was prepared independent of previous investigation and apportionment. A significant time has lapsed since the 1980 Pitt Street Scheme, including changes in Legislation and Council Policy. Therefore, this property and the apportionment methodology has been assessed based on current Legislation and Council policy.</p> <p>Under the policy, the 'Guidelines for apportionment of costs for road construction' states <i>'All properties whether developed or otherwise, to which direct access may reasonably be obtained by means of the streets to be constructed in the scheme shall be apportioned one (1) Benefit Unit'</i>.</p> <p>The guidelines also state <i>'All properties with frontage to the scheme will be proportioned one (1) Amenity Unit per metre of frontage for that property'</i>.</p> <p>The property in question has been treated as having 'frontage' to Rockliffe Street as this is primary point of vehicle access.</p> |

Attachment 4 – Summary of submissions received by Council

| Comment | Officer Comment |
|--|--|
| <p>Property has no direct access to Rockliffe Street. It also does not use Rockliffe Street as the road is restricted to 'left-out' into Pitt St. Therefore the apportionment is excessive relative to the benefit received.</p> | <p>Under the Special Charge Scheme policy, the 'Guidelines for apportionment of costs for road construction' costs are not only apportioned on the basis of direct access, but also sideage to the road being constructed.</p> <p>The guidelines state that <i>'All properties that have a sideage or rearage to the scheme shall be apportioned one half (0.5) of a Benefit Unit'</i> and <i>'All properties with a sideage to the scheme will be apportioned one half (0.5) Amenity Unit per metre of sideage for that property'</i>. For the property in question, both of these conditions apply.</p> <p>Furthermore, the principal of benefit which underpins these guidelines and Sec. 163 of the Act not only applies to the property as it is currently used, but also to how it may potentially be used in the future. Therefore, the guidelines allow a property with sideage (or rearage), but no formalised vehicle access to be apportioned costs (at half the rate of a property with direct access and frontage).</p> |

From: [REDACTED]
Sent: Friday, 2 October 2020 4:00 PM
To: Nillumbik <nillumbik@nillumbik.vic.gov.au>
Subject: Rockliffe Street Special Charge Scheme

Attention: Chief Executive Officer

We are writing in response to the Council letter of 14 September 2020, advising of the notice published in The Age advertising the 'Intention to Declare a Special Charge Scheme Under Section 163 of the Local Government Act 1989 to construct road and drainage in Rockliffe Street, Eltham' with any submissions due within 28 days being around Monday 13 October 2020.

We wish to make a submission supporting the construction of the road.

Firstly I wanted to note that a clear majority of 63 per cent of property owners support the development of this scheme.

We have lived at [REDACTED] Rockliffe Street since 2008. In that time we have seen an increasing consolidation of dwellings in the street through subdivision of existing lots. We appreciate that this is consistent with the role of the State Government to increase density in existing residential areas to contain the spread of Melbourne and support that objective. Many of the original properties were 2000 square metres and now are being subdivided to provide for two or three dwellings.

The two main issues for us have been dust from the unmade road and drainage. In addition, the road requires regular grading by the Council due to continual deterioration of the road surface.

The dust is very bad during summer with a fine cloud of dust resulting from every vehicle that uses the road. This impact will be increased for smaller house lots being created through subdivision.

The other major issue is drainage. This covers both the impact of drainage by water running off properties on the uphill side of the road and incapacity to cope with major downfalls. We have consistently had water draining down our driveway bringing with it gravel and silt. I have included photographs below to illustrate these problems.

In addition to solving these problems of dust and drainage, sealing of the road as proposed with the inclusion of traffic calming at three locations will increase the safety of the road for use by pedestrians as there is no footpath. The need for traffic calming is recognised and supported by 66.7% of property owners in response to a Council questionnaire.

In conclusion, we very strongly support the sealing of Rockliffe Street as essential, especially given the increasing density of housing in the street. A sealed road will be beneficial to improving the amenity of the street by ameliorating both dust and drainage issues and with traffic calming measures slowing through traffic to improve pedestrian safety. .

We understand that the Council is to consider the Declaration of this Special Road Scheme at the Future Nillumbik Committee meeting in mid December 2020 and would like the opportunity at that meeting to talk to our submissions in support of the Scheme.

Thank you for the opportunity to make this submission.

Can the Council please acknowledge receipt of this submission.

[REDACTED]
[REDACTED]
[REDACTED]





From: [REDACTED]
Sent: Monday, 5 October 2020 6:36 AM
To: Nillumbik <nillumbik@nillumbik.vic.gov.au>
Subject: Rockliffe St - Special charge scheme submission

To the Chief Executive Officer,

I wish to make a submission regarding the Special Charge Scheme for the proposed Rockliffe Street asphalt sealing.

I was the sole petitioner who approached almost all residents of the street to ask them whether they would support have the road sealed as part of a Special Charge Scheme. I must admit I was quite apprehensive about approaching people whom I had never met before to asked them to pay a large amount of money for a road that most felt should be paid for by the council. The response I received was quite astounding to me. I was welcomed into the homes of many residents to hear countless stories about how they had lived there for many years and were desperate to have the road sealed. Two residents almost had a tear in their eyes when describer how they have had to put up with this issue. Most were quite dubious about whether or not we could make this happen but it seemed that most people in Rockliffe St were sick and tired of the dust and speeding cars.

Prior to doing the door knock I was worried that there was a possibility of hostility from the residents towards me going into the future, but given what I saw in some residents who were close to tears that they have had to put up with that road for decades. As I approached more and more residents it became abundantly clear that Rockliffe Street was ready to be sealed.

It clearly showed in the ballot result which recorded 18 in favour and nine opposed, though I am certain that the nine residents who opposed the scheme did it simply because of the costs associated with scheme rather than not wanting to have the road sealed.

I must say that I do feel that the council's relaxing of the requirements imposed on a street being sealed certainly helped in this situation because we are not required to do kerb and channel on both sides and this has kept costs down considerably. Thankfully this worked in favour of getting the level of support required.

The number of issues brought up from residents was quite remarkable.

These were:-

- Inadequate drainage during heavy rain for the lower middle section of Rockliffe St
- Front yards could never stay clean
- Cars were always dirty
- Windows could not be opened for evaporate cooling during the summer which was particularly difficult for residents who have young children.

- Cars using Rockliffe St as a thoroughfare would speed along the street with no traffic calming measures to slow them down
- Pedestrians had to walk on the road, in particular near Pitt St where space is limited for a car and pedestrian which makes it quite dangerous
- Potholes in the road that would return within a few weeks of the road being graded.

I'm quite certain that council would be aware of the issues sent in by residents.

When the issue of having Rockliffe St sealed was first communicated to all residents there was one resident who took it upon himself to stand by the side of the road and pull over residents to have a discussion in an attempt to sway them to not have the road sealed. Furthermore, a letter was put into everybody's letterbox advising people that Rockliffe Street should not be sealed because the dirt road is a positive aspect, not a negative one.

From my discussion with most of the residents, it was abundantly clear that almost nobody enjoyed living on a dusty dirty road. There may be one or two who actually like the dust, but the vast majority feel it impacts negatively on where they reside. Those one or two who actually like the dust impose their beliefs on others and forces them to live in a street which dust affects them negatively. Thankfully the system that council has in places allows a road to be sealed when as clear majority of residents want it to be done.

Therefore, along with other most residents of the street, I believe that Rockliffe St should proceed as soon as possible with being sealed because of the reasons listed above. It is about time that a street of this nature is sealed to be in line with almost every other street within the shire.

One thing I would like to point out is that I will be keeping an eye on the tender applications because I have some concerns that while all the quote prices will be 'competitive', I'm not convinced that they will be reasonable, though I am happy to be proven wrong. road construction costs seem to be increasing year in year at an incredible rate and it seems that almost nothing can be done about it. I would like to see the companies who tender for the project itemise their costings and demonstrate that they are not profiteering from a group of residents who are funding the road.

I am certainly happy to discuss my submission with the appropriate representative from council.

Kind Regards,

██████████
██████████████████
██████████

BROCKHILL & USHERWOOD
LAWYERS

Our Ref: BM 042

5 October 2020

Chief Executive Officer
Nillumbik Shire Council
PO Box 476
GREENSBOROUGH VIC 3088

By email: nillumbik@nillumbik.vic.gov.au

Dear Sir/Madam,

Re: ROCKLIFFE STREET SPECIAL CHARGE SCHEME, ELTHAM
Property Address – 170 Pitt Street, Eltham

We act for [REDACTED] in relation to the Rockliffe Street Special Charge Scheme, Eltham.

We refer to the letter from Joseph Emmanuel, Manager Infrastructure, Nillumbik Shire Council and notice from Council of 14 September 2020 regarding the Rockliffe Street Special Charge Scheme.

Our client seeks to exercise its right to object to the said charge, including that the distribution of charge is unreasonably applied to our client and otherwise an unfair apportionment between owners.

We note the following matters:

1. My clients are the registered proprietors and occupiers of the property located at [REDACTED] Pitt Street, Eltham ("**the Property**").
2. The total cost of the Scheme of \$377,821 being met 100% by landowners being the members of the scheme. The apportionment of costs for the road construction under the Scheme is said to be based on 75% benefit cost and 25% abuttal cost to each property.
3. The proximity of the Property to Rockliffe Street is positioned on the North East corner of Rockliffe Street.

Level 1, 530 Little Collins Street, Melbourne VIC 3000 P 1300 456 546 www.bulawyers.com.au
Liability limited by a scheme approved under Professional Standards Legislation.

4. The Property has frontage and direct access to Pitt St but not to Rockliffe Street. There is no driveway or other vehicle access at all. A fence runs the distance of the Property along the boundary of that street.
5. The Property's proximity and access to Rockliffe Street and benefit from the scheme is further and uniquely inhibited by the traffic conditions at both Pitt and Rockliffe Streets. Such traffic conditions have the effect that whilst other dwellings which abut Rockliffe Street may make utility of access to Rockliffe Street, our client's property does not derive the same benefit. This includes due to the following:
 - a. By reference to the enclosed Google Maps diagram it is evident by reference to the item:
 - i. Marked "A" being the curb on the corner of the north east end of Pitt Street, means that traffic travelling along Pitt Street (from East to West), including a vehicle exiting the Property and travelling west, cannot access Rockliffe Street at all (there is no left turn allowed).
 - ii. Marked "B" being the traffic island in the centre of Pitt Street, means that traffic travelling along Rockliffe Street, including a vehicle which might otherwise be intending to arrive at the Property and travelling south to north, cannot access the Property at Pitt Street (there is no right turn allowed).
 - iii. We emphasise that Rockliffe Street is a one-way street and therefore being at the northern end there is no benefit to be had by travel in a southerly direction.
6. In addition to the absence of frontage and proximity to access Rockliffe Street, the traffic conditions are unique to our client's circumstances at the Property and have the effect of further limiting their benefit to the extent they cannot and will not make use of the said street, including but not limited to whether in regard to access, parking or otherwise.
7. It would be excessive in the level of apportionment to a particular landowner to persist in this regard. We refer Council to the following cases considering review of a special charge scheme under section 185(2)(b) of the Act:
 - a. *Evezard v East Gippsland SC* [2008] VCAT 42; and
 - b. *Lewis v Casey CC* [2017] VCAT 1755.

Given that the notice provided on 14 September 2020 we request Council respond to this matter within 7 days and by not later than 4.00pm on 12 October 2020.

Should we not receive a satisfactory response our client may make an application to the Victorian Civil and Administrative Tribunal for a review of the Special Charge Scheme in accordance with section 185 (2) (b) of the Act.

We look forward to your response.

Yours faithfully,



Blair McNamara
Principal Lawyer
BROCKHILL & USHERWOOD
Ph: 1300 456 546
M: 0491 611 843
E: blair@bulawyers.com.au

10/2/2020

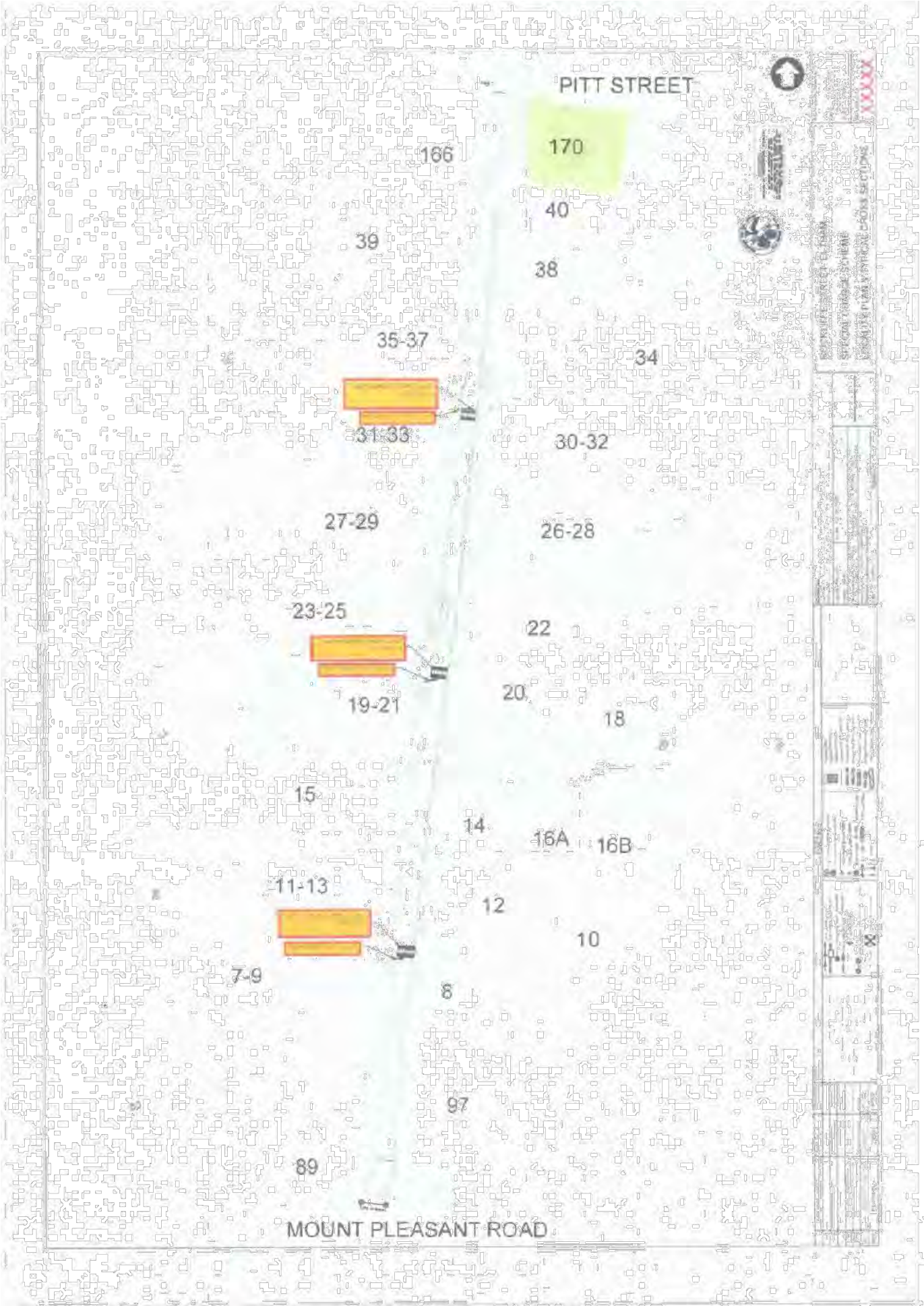
Google Maps

Google Maps



Map data ©2020, Map data ©2020

5 m



To: The Chief Executive Officer
 Nillumbik Shire Council

From: [REDACTED]

Date: October 4th, 2020

Re: Rockliffe Street Special Charge Scheme, Eltham
 Property Address [REDACTED] Rockliffe Street Eltham Vic 3095

I would like to express my support for Nillumbik Shire Council 's intention, for the proposed construction of a paved road for the full length of Rockliffe Street Eltham.

I would also like to express my support for Council's intention to declare a Special Charge Scheme, for the construction of a sealed road for Rockliffe Street Eltham.

The benefits that will be achieved by the upgrade of the road, would significantly reduce, if not stop the dust hazard not only for residents, but also pedestrians and road users.

The upgrade would also improve the drainage and reduce the erosion at the edges of crossovers and along the edges of the road. There have been numerous occasions where residents on the lower side of Rockliffe Street have incurred large volumes of water through their properties due to heavy rainfall and runoff. The proposed drainage upgrade would significantly help to reduce this issue.

The inclusion of traffic calming as proposed would also help to reduce the speed of vehicles travelling along Rockliffe Street, therefore making it safer for pedestrians to travel along the road, whilst sharing it with motor vehicles.

I believe the upgrade to the road, along with kerb and channel installation, will also be an aesthetic improvement for the residents living along Rockliffe Street.

Yours sincerely

[REDACTED]

| | |
|-------------------------|---------------------------------|
| NILLUMBIK SHIRE COUNCIL | |
| Action _____ | Attach <input type="checkbox"/> |
| Info _____ | |
| Date _____ | |
| Rec'd: 08 OCT 2020 | |
| File No. _____ | |
| File X Ref _____ | |
| Doc ID _____ | |

From: [REDACTED]
Sent: Monday, 12 October 2020 4:47 PM
To: Nillumbik <nillumbik@nillumbik.vic.gov.au>
Subject: Re: ATTN: CEO - Rockliffe st

Hi,

Recently (fri 9th Oct) I spoke with Partrick Wood to express our families support of the Rockliffe St upgrade.

Additionally, I mentioned to Patrick that the plan of work for the street did not mentioned the proposed width of our crossover. Our driveway is unmade, therefore it's a hard to have a guide as to where and how wide our crossover will be. He mentioned ~4.7m, as time gets closer could we please have this confirmed.

I discussed with Patrick the need for width in our crossover so that we do not scrape the bottom of our cars, as this currently occurs dependant on the angle taken, so, greater width allows for more angle upon entry – We are keen to have this considered and alternate solutions considered. Keen to have this followed up please.

Finally, we are interested in having our driveway resurfaced from the crossover to our garage, again, when the time is right , please signal our intent to the contractors and we can take up discussion with them.

Thanks for your time.

[REDACTED]

This email and any attachments may contain privileged and confidential information and are intended for the named addressee only. If you have received this e-mail in error, please notify the sender and delete this e-mail immediately. Any confidentiality, privilege or copyright is not waived or lost because this e-mail has been sent to you in error. It is your responsibility to check this e-mail and any attachments for viruses. No warranty is made that this material is free from computer virus or any other defect or error. Any loss / damage incurred by using this material is not the sender's responsibility. The sender's entire liability will be limited to resupplying the material.

Chief Executive Officer
Nillumbik Shire Council
PO Box 476
Greensborough 3088

| | |
|-------------------------|--------------------------|
| NILLUMBIK SHIRE COUNCIL | |
| Action | File # |
| Info | <input type="checkbox"/> |
| Date | |
| Rec'd: | 13 OCT 2020 |
| File No. | |
| File X Ref. | |
| Doc ID | |

7 Rockliffe St
Eltham 3095

08 October 2020

Dear Mr Cowie

Re: Rockliffe Street Special Charge Scheme, Eltham - OBJECTION from [REDACTED]

I was a "NO" voter when first polled on the sealing of our street, and I remain opposed.

I accept there is a benefit in there being less dust, but that is the only benefit I see, and it is outweighed by other considerations.

Neighbourhood character

We moved here 26 years ago because of the street's quiet, semi-rural neighbourhood character, created by the combination of the trees, the set-back of the houses, the open fencing – and the dirt road. The dust is a predictable downside, but we chose to live with it, and still do. Indeed a part of me wonders sometimes why would anyone choose to live here if they didn't?

Eltham's native trees are very special, but a lot of Eltham is just a suburb with trees; Rockliffe St is more than that. We are a pocket that's not in reality Eltham South but which is commonly spruiked as such by estate agents because of its semi-rural feel. The encroachment of subdivisions is eroding this, but thanks to the unsealed road, our neighbourhood character is hanging on – by a thread, but hanging on.

It could be argued that many of Eltham South's roads are now sealed without greatly diminishing its semi-rural nature, but they have larger block sizes and their sealed roads have no kerb and channel drains such as proposed in this Special Charge Scheme.

I see from the Council's Policy and Guidelines, kerb and channel is to be avoided in rural areas. Our Scheme has a hybrid design – a rural table drain along the eastern side, and a kerb and channel only along most of the western side. We are told this kerb and channel is required because of our drainage issues (on which, more below).

The kerb and channel could match the colour of the road, as is suggested in RCZ areas in Council's Special Charge Policy. I'd then feel one step happier, but this is not yet written into the design – despite my asking at task group meetings for it to be investigated for us, and despite our being told it should be possible without adding more than a smidgen to the total cost.

I thank Council officers for acknowledging the character of Rockliffe St by offering us at least the hybrid design, but the suburban kerb and channel as currently proposed would completely suburbanise the street as far as I'm concerned.

Drainage

The drainage problems vary along the length of the street, but in our case what happens is any time there is a really heavy downpour, we get a flow of water from the Right of Way and driveway opposite which floods directly down our driveway. This issue is important to us, so I do ask myself – what if the sealed road could be made to look not too bad, and it did actually fix that problem, could I accept that as a quid pro quo?

Unfortunately, I am completely unconvinced this Special Charge Scheme will come remotely close to solving the street's drainage issues:

PTO

Rockliffe Street Special Charge Scheme, Eltham – OBJECTION

- The culverts on the eastern, table drain side of the road will be no bigger than their present 300mm.
- The drainage slots in the kerbs of Eltham consistently get backed up in thunderstorms, they just don't cope, so it's hard to see those proposed for Rockliffe St being any better.
- We are told the size of the actual storm water drains is Yarra Valley Water's bailiwick, and cannot be changed, yet that's what the pits will be feeding into.
- The Rockliffe Street storm water drains were designed for a less built-upon landscape, one that would absorb more of the rainwater than is now the case – we have subdivisions above us on View Hill, for example, not to mention within Rockliffe St itself.
- Once sealed, the road surface will no longer soak up any water, further increasing the runoff.

So instead of the suburban kerb and channel diverting the water away from our driveway, I am left with the image of a joyful skipping wave as the water from the Right of Way and driveway opposite us bounces over the kerb and continues down our driveway unimpeded, the same if not worse than before.

I cannot support degrading our neighbourhood character on the basis that at least we get the drainage fixed, when it seems so doubtful that would actually happen.

For this Scheme to solve the street's drainage issues, a lot of work is required with Yarra Valley Water first.

Safety issues – speedhumps

If the sealing goes ahead, the speed humps are essential, otherwise we'd be the only road between Mt Pleasant Rd and Pitt St without any traffic calming, a magnet to increased, faster traffic. But for me this just proves "Be careful what you wish for".

Having any speed humps turns out to mean having three - each with their white painted lines on the road and their signage - and their own street light. So we will have three street lights instead of just one. More light pollution. More suburbia. More of our neighbourhood character gone.

Safety issues footpath

The next concern is the road won't be safe any more to walk on; school children, people walking their dogs, walkers generally will all be at risk. We will need a footpath. Agreed it's not in the Scheme as such, but it has been placed on the table, listed for future action. And the claim is that a footpad would not suffice. I've stopped finding benefits. Be VERY careful what you wish for.

Modifications

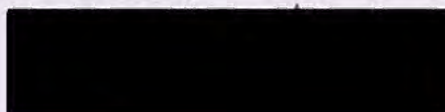
It is really important to me that there be modifications to the Scheme.

- Please make it conditional on successful negotiations with Yarra Valley Water to augment the storm water drainage of this part of Eltham.
- Please make the table drains deeper, and their culverts larger.
- Please match the colour of the kerb and channel to the road so it looks less suburban.
- Please weave a narrow footpad beside the road for us, so the pavement advocates can slowly see this will suffice, that a sealed footpath is not actually required.
- And finally – please divert traffic round the drainage pit cover at the Mt Pleasant Rd corner: now that the bus stop has been re-sited, this is a significant hazard to vehicles, which will be turning into Rockliffe St even faster than before.

In other words, please at least **press pause** in this process and take these steps in order to **get it right**.

But really, ***please abandon this Scheme.***

Yours sincerely



Rockliffe St
Eltham 3095

08 October 2020

Chief Executive Officer
Nillumbik Shire Council
PO Box 476
Greensborough 3088

Dear Mr Cowie

Rockliffe Street Special Charge Scheme, Eltham – OBJECTION from

I am opposed to sealing of Rockliffe St Eltham.

Wider Community Benefit

Although street sealing is traditionally treated as a matter for only street residents to decide, in fact the greater community is also affected. This street is a major artery for pupils walking to Eltham Primary, visitors to our local coffee shop at Montsalvat, joggers / strollers on their way to the Yarra and dog-walkers, countless dog walkers. As Council spends more on passive recreation and state governments appreciate the health benefits of providing trails (refer to document Northern Regional Trails Strategy 2016), the value of this street forming part of a network of quiet and unsealed byways in Eltham and Eltham South will only become greater. I foresee a network of paths and streets for pedestrian access to all points of interest around Eltham.

I ask all Councillors to consider this benefit to all members of the shire, especially during COVID era.

Footpath schmootpath

Were the road to be sealed, a footpath alongside would be essential. However a brief inspection of the central part of the street (from numbers 27 – 31) will reveal the engineering difficulties involved - there is just nowhere to lay a path on the steep embankment.

Neighbourhood character

We came to Eltham in 1994 attracted by the quiet, semi-rural neighbourhood character of the street. This was, and still is, created in large part by the natural surface. The trees and the set-back of the houses and the open fencing all have an influence on this feel. The earthen surface has a naturally calming effect on traffic and keeps noisy skateboards at bay.

I would feel a significant loss of amenity if the sealing were to occur.

Cost to Council?

Figures revealed at Council in 2019 by Cr Perkins showed that when averaged out over a number of years that upkeep of sealed vs. non-sealed was the same.

Wildlife

Rockliffe St sees echidna, possums, lizards, the occasional roo and all manner of bird life. As it is the road offers a limited wildlife corridor.

Process

The last call (2003) to seal the street was marked by lies and bullying from one resident (since departed), and blatantly partisan representation at Council by the Ward Councillor. At that time the residents' interest was close to 50:50.

For some reason my (outgoing) Councillor seems especially keen that this project be pursued, to the point that I actually have doubts about the figures being presented. I request that the votes from 2019 be reviewed and any missing ones be pursued.

Dust and Drainage

Many residents remark on swirls of dust on warm days, and occasional stormwater problems.

I have learned to accept these as part of normal life in a rural environment.

From: [REDACTED]
Sent: Monday, 26 October 2020 1:21 PM
To: Nillumbik <nillumbik@nillumbik.vic.gov.au>
Cc: [REDACTED]
[REDACTED]ren.Arrowsmith@cub.com.au>
Subject: Attention Carl Cowie Re Rockliffe St

Dear Mr Cowie

I'm writing this E mail on behalf of my parents regarding a proposed charge for the construction of Rockliffe St Eltham.

In short the outstanding issue is that Nillumbik Council are proposing to charge my parents Full rate as a pose to a Sideage rate for the construction of Rockliffe St, the address of the property in question is [REDACTED] Pitt St Eltham (as stipulated on the Rates Notice).

Approximately 40 years ago the then Shire of Eltham undertook the construction of Pitt St which at the time was an unsealed road, the charge to my parents at the time was at the "Full" rate given their address is Pitt St as reflected in their rate notice, they were of the understanding at the time that if Rockliffe St ever got sealed they would be charged a reduced rate based on the fact that they paid the Full rate for the construction of Pitt St.

In 2003 Nillumbik Council presented my parents with a quote for \$5166 to construct Rockliffe St and the understanding at the time was that this was a "Sideage" rate as agreed with the Shire of Eltham when Pitt St was constructed.

As per the below table the current quote is clearly not at the agreed sideage rate when compared to 89 & 97 Mt Pleasant Rd who both have comparable frontages on Rockliffe St.

Also in the table is a comparison between 40 Rockliffe St (2003 & 2020 estimates) and 166 Pitt St (2003 & 2020 estimates) reflecting a significant % increase of 166 Pitt v 40 Rockliffe – (Scanned copies of 2003 letters from Nillumbik attached for both properties)

We sent a correspondence to Patrick Wood several months ago to query the proposed charge and Patrick later contacted my father via phone when he was in hospital, to my understanding this issue still hasn't been resolved.

My parents are seeking resolution of this matter as per the agreement with the Shire of Eltham when Pitt St was constructed, your assistance with resolving this would be appreciated.

| 2003 v 2020 | Frontage | 2003 Estimate | 2020 Estimate | % Increase |
|-------------------|----------|----------------------|---------------------|------------|
| 166 Pitt St | 45.8 M | \$ 5,166.00 | \$ 20,838.00 | 403.4 |
| 40 Rockliffe St | 19 M | \$ 8,166.00 | \$ 16,270.00 | 199.2 |
| 2020 Estimates | Frontage | Upper Estimated Cost | Resident Cost Per M | |
| 166 Pitt St | 45.8 | \$ 20,838.00 | \$ 454.98 | |
| 89 Mt Pleasant Rd | 51.7 | \$ 10,921.00 | \$ 211.24 | |
| 97 Mt Pleasant Rd | 51 | \$ 10,862.00 | \$ 212.98 | |

Kind Regards

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Tuesday, 21 July 2020 10:27 AM
To: nillumbik@nillumbik.vic.gov.au
[REDACTED]
Subject: Attention Patrick Wood - Re Rockliffe St

Hi Patrick
I'm sending this letter on behalf of my parents regarding the upcoming Rockliffe St works.

If you have any questions please contact my father directly on [REDACTED] 33

Cheers

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

██████████
██████ Pitt St
Eltham VIC. 3095
██████████

To Patrick,

I am writing in regards to the Rockliffe Street Special Charge Scheme that is currently under way.

I have been a resident at █████ Pitt St Eltham located on the corner of Pitt & Rockliffe Street for the past 48 years and have enjoyed many years in my wonderful home during this period. In saying that I have also had to endure the dust from Rockliffe St for that time, even though in the mid 70s Alistair Knox assured all residents of the street that the road would be sealed. Unfortunately, this did not occur and we still have an unsealed road.

Thankfully as a result of the recent petition and subsequent ballot it looks like Rockliffe St is well on the way to being sealed, something which is very much long overdue.

As a result of the pricing estimate provided by council for the works, I was sent the highest estimate of any resident in the street ranging from \$17,365 to \$20,838 which you have advised is primarily because I have the longest street frontage of all the properties in the street.

Back in the year 2003, a cost estimate was provided for my property at approximately \$5,166 which is roughly one quarter of the price I am being charged some 17 years later. I have attached a copy of the estimate letter that I was sent at the time. Also, on this occasion the overall scheme cost is apparently reduced somewhat as we are only going to install kerb and channel on the low side of the road rather than both sides.

From our telephone discussions and my research into the matter, it seems that back in 2003 and other previous Special Charge Scheme attempts, my property apportionment was estimated at a 'sideage' rate. In 2019 it is estimated at a 'frontage' rate.

I would like council to explain when and why the estimation and evaluation principles of my apportionment has changed. Is there somewhere in the policy update/amendment in August 2018 that addresses the change in how a corner property such as mine is assessed?

I would like to make a note that my property which has a 'Pitt St' address was charged a full frontage rate portion when the Pitt St Special Charge scheme was undertaken in approximately 1980.

I'm uncertain why on this occasions council have estimated the costs at a frontage rate rather than the sideage rate that was calculated in 2003 and in previous Rockliffe Street Special Charge Scheme attempts.

I have paid my council rates for over 40 years and have had to live with the issue of residing on a dusty dirt road that should have been attended to decades ago. Given my property has always been assessed as a sideage rate seemingly up until recently, then I see no reason or evidence that it shouldn't be calculated at that rate on this occasion too as from my perspective absolutely nothing has changed, neither at my property nor has it been addressed in the policy update.

I also note that the property on the corner of Rockliffe St and Mount Pleasant Road (97 Mount Pleasant Road) has its driveway access point via Rockliffe St but they are being charged a sideage rate.

Therefore I would like council to clearly clarify why I am being charged the full frontage rate when another property that has its driveway on Rockliffe St is being charged a sideage rate.

I am happy to discuss this matter further and hope to work to a resolution with you soon.

Kind Regards,

[REDACTED]

Enquiries: Manuel Michailaros
Telephone: 9433 3193
Reference: R/052



8 April 2003

[REDACTED]
ELTHAM VIC 3095

Dear Property Owner

Re: ROAD CONSTRUCTION ALONG ON ROCKLIFFE STREET, ELTHAM
Initial Questionnaire
[REDACTED] Pitt Street, ELTHAM VIC 3095
PLEASE RETURN QUESTIONNAIRE BY 28 APRIL 2003

On 6 February 2003, Council received form letters signed by property owners in Rockliffe Street, Eltham requesting that Council investigate road construction.

The form letters indicated that property owners would support Rockliffe Street being constructed to a similar standard as Wattle Grove. This involves the road having an asphalt surface, kerb and channel and underground drainage.

The form letters also raised the issue of traffic volumes increasing in Rockliffe Street as a result of the construction of Wattle Grove. Recent traffic counts undertaken in these streets indicate that traffic volumes along Wattle Grove have not been reduced and are double those in Rockliffe Street. If residents are concerned about excessive speeds in Rockliffe Street, traffic calming devices such as speed humps or slow points can be considered during the consultation phase with residents.

To formally establish whether there is sufficient support to proceed with a Special Charge Scheme for constructing Rockliffe Street, you are requested to complete the enclosed questionnaire and return it in the reply paid self addressed envelope provided by the due date. I also ask that you include any comments you feel are relevant.

Council will consider the level of support that is demonstrated through this initial questionnaire when making its decision on whether to proceed with a Scheme. If sufficient support is demonstrated through the questionnaire a public meeting would then be held to outline the remainder of the process including developing construction proposals through discussions with property owners.



Shire Council

12
Civic Drive Greensborough
PO Box 476 Greensborough 3088
Telephone (03) 9433 3111
Facsimile (03) 9432 9559
Email nillumbik@nillumbik.vic.gov.au

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2.

To enable you to make an informed decision, your estimated liability to the Scheme has been calculated. Your estimated liability for road construction has been calculated at \$5,166.

The estimate has been based on an asphalt pavement with roll-over kerb and channel. The road will be sealed with an asphalt surface predominantly along existing widths and alignment. Table drains will be replaced with roll-over kerb and channel with underground drainage, removing the need for driveway culverts.

The cost apportionment for the Scheme is determined on the basis that 75% of the total scheme cost is allocated to the access benefit each property derives from construction and 25% of the total cost is allocated to the street abuttal of each property.

If property owners elect to proceed with a Special Charge Scheme for street construction, there are two payment options available. An invoice would be sent after construction commences and payment may be made as a lump sum or in quarterly instalments over ten years. If the instalment option is chosen, interest is payable at a fixed rate, which would be the best rate available to Council at the time, with a small fee to cover administration.

The initial costs that are apportioned to property owners are preliminary estimates. In cases where the revised estimate at the end of the design process increases by more than 20%, property owners will be given the opportunity to vote again on whether they still want the Scheme to proceed.

Should you require additional information, please contact Manuel Michailaros on 9433 3193.

Yours sincerely



Tom Young
Manager
Infrastructure Development

Enc

Dear Resident,

This letter is a reminder to respond to the survey regarding the sealing of Rockliffe St.

The majority of residents have already responded and this is your second and last chance to express your opinion prior to the decision whether to submit a petition to council.
As you realise Wattle Grove has recently been sealed and traffic counts have confirmed that this has resulted in a decreased traffic flow through Wattle Grove. A consequence is increased traffic flow through Rockliffe St.
A traffic count will be undertaken in coming months to examine this issue. The council has confirmed that further traffic management cannot be undertaken without the sealing of the street.

The process for the street to be sealed is as follows:

- Resident opinion needs to be canvassed (hence this letter)
- If greater than 50% are in agreement, this is presented to council in the form of a petition.
- Council will then survey Rockliffe St to provide a cost estimate.
- Council will then formally survey residents to seek approval.
- If approval is granted, a consultation process begins regarding number and placement of traffic management devices and other considerations.
- If a majority is not in favour the motion is lost and nothing happens and no costs are incurred.
- Once design is agreed then council can move to the construction phase.

Design would be similar to Wattle Grove, as this is the standard that the council now employs. However the consultation and design phase does allow for measures that can improve the aesthetics or traffic management. It is up to us to express our concerns.

Cost would be anticipated to in the range \$6,000 - \$10,000 and is calculated as follows:

$$\frac{\text{Total Cost} \times 0.75}{\text{No. of Households}} + \frac{\text{Total Cost} \times 0.25 \times \text{your frontage}}{\text{Total Length}}$$

This method means we all pay 75% based on the benefit of having the road made and 25% based on relative frontage. Therefore a double frontage does not result in twice the cost.

Payment can be made on completion or via rates over a ten-year period. Interest is payable over the longer period at a rate which is 1% above bank rates.

Please advise if you wish to have the road sealed by ringing 94312581 and leaving a message.
Please leave your address as well as a yes or no.
Or by returning this flyer to 40 Rockliffe St.

I wish / I do not wish to have Rockliffe St surfaced.

Name (optional) _____

Address _____

Please respond by Friday the 31st of January.

Regards
Mark Parker

*Sole to [unclear]
Cat*

*mailed
24/04/03*

Enquiries: Manuel Michailaros
Telephone: 9433 3193
Reference: R/052



8 April 2003

[Redacted]
ELTHAM VIC 3095

Dear Property Owner

Re: ROAD CONSTRUCTION ALONG ON ROCKLIFFE STREET, ELTHAM
Initial Questionnaire
■ Rockliffe Street, ELTHAM VIC 3095

PLEASE RETURN QUESTIONNAIRE BY 28 APRIL 2003

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The form letters also raised the issue of traffic volumes increasing in Rockliffe Street as a result of the construction of Wattle Grove. Recent traffic counts undertaken in these streets indicate that traffic volumes along Wattle Grove have not been reduced and are double those in Rockliffe Street. If residents are concerned about excessive speeds in Rockliffe Street, traffic calming devices such as speed humps or slow points can be considered during the consultation phase with residents.

To formally establish whether there is sufficient support to proceed with a Special Charge Scheme for constructing Rockliffe Street, you are requested to complete the enclosed questionnaire and return it in the reply paid self addressed envelope provided by the due date. I also ask that you include any comments you feel are relevant.

Council will consider the level of support that is demonstrated through this initial questionnaire when making its decision on whether to proceed with a Scheme. If sufficient support is demonstrated through the questionnaire a public meeting would then be held to outline the remainder of the process including developing construction proposals through discussions with property owners.



Shire Council

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.../2
Civic Drive Greensborough
PO Box 476 Greensborough 3088
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Facsimile (03) 9432 9358
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If property owners elect to proceed with a Special Charge Scheme for street construction, there are two payment options available. An invoice would be sent after construction commences and payment may be made as a lump sum or in quarterly instalments over ten years. If the instalment option is chosen, interest is payable at a fixed rate, which would be the best rate available to Council at the time, with a small fee to cover administration.

The initial costs that are apportioned to property owners are preliminary estimates. In cases where the revised estimate at the end of the design process increases by more than 20%, property owners will be given the opportunity to vote again on whether they still want the Scheme to proceed.

Should you require additional information, please contact Manuel Michailaros on 9433 3193.

Yours sincerely



Tom Young
Manager
Infrastructure Development

Enc



Enquiries: Manuel Michailaros
Telephone: 9433 3193
Reference: R/052 - 11.053/03

2 July 2003



ELTHAM VIC 3095

Dear Property Owner

Re: Rockliffe Street Special Charge Scheme
Property Address - [Redacted] Rockliffe Street

Council considered an officer report on the future of the Rockliffe Street Special Charge Scheme at its meeting on 18 June 2003 and resolved:

"That Council:

- 1. not proceed with a road construction Special Charge Scheme in Rockliffe Street; and*
- 2. advise property owners accordingly."*

A copy of the report is available on the Nillumbik Website at www.Nillumbik.vic.gov.au. A copy may also be obtained from Council's Offices in Civic Drive, Greensborough, or mailed out to you upon request.

Should you require any further information, please contact Manuel Michailaros on 9433 3193.

Yours sincerely

Tom Young
Manager
Infrastructure Development

Shire Council Civic Drive Greensborough
PO Box 476 Greensborough 3088
Telephone (03) 9433 3111
Fax (03) 9433 3111
Email info@nillumbik.vic.gov.au

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Enquiries: Manuel Michailaros
Telephone: 9433 3193
Reference: R/052, C106801



22 July 2003

████████████████████
ELTHAM VIC 3095

Dear ██████████

Re: Road Construction Proposal in Rockliffe Street, Eltham

Thank you for your letter dated 17 June 2003, regarding the road construction proposal in Rockliffe Street, Eltham.

I refer to Council's previous letter dated 2 July 2003, advising residents in Rockliffe Street of its decision to not proceed with a road construction Special Charge Scheme.

In response to your letter I provide the following:

- The deadline for return of the initial questionnaire was 28 April 2003. At that stage, 12 property owners were in support of the Scheme, 11 property owners were against it and 1 property owner had not responded.
- In line with Council policy, officers are required to make an attempt to contact non respondents to obtain a response for or against the Scheme. If this fails, a 'nil' response will be deemed to be neutral in determining the result. Council was unsuccessful in contacting the non respondent.
- During the period that a report was being prepared in relation to the Scheme, Council received the non respondent's questionnaire voting against the Scheme. It was at this time a resident wrote in to Council advising that they wished to change their vote.
- Subsequently, the questionnaire demonstrated that 11 property owners were in support of the Scheme and 13 property owners were against it. Under these circumstances, the majority of property owners were against the Scheme and Council was not in a position to proceed.

.../2



Shire Council

Civic Drive Greensborough
PO Box 476 Greensborough 3048
Telephone (03) 9433 3111
Facsimile (03) 9432 9559
Email nillumbik@nillumbik.vic.gov.au

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2.

- If a property owner wishes to change their vote prior to a decision being made on a Scheme, then it is appropriate that this be accepted. The questionnaire is aimed at gauging the level of support for road construction and is used by Council as a guide when making its decision.
- Council has not received any complaints from residents in relation to property damage as a result of the un-constructed state of Rockliffe Street. Voting by property owners in support of the Scheme was based on a perceived loss of amenity due to the excessive dust. Property owners who voted against the Scheme, essentially preferred the street to maintain its rural appearance, or did not wish to meet the cost involved.

Therefore, I do not consider that it would be appropriate for Council to reconsider its decision.

The majority of residents in Rockliffe Street do not support construction at this stage and a public meeting is not an appropriate forum to determine the support level for construction of the street. Council will only revisit Rockliffe Street when there is an indication that the majority of property owners support road construction via a petition or form letters, following expiration of the Scheme Policy three (3) year moratorium.

Council will, however, consider your suggestion to change the Special Rates and Charges Policy, such that the result of the questionnaire is not made public until the report has been listed on the agenda for the next Council meeting or a memorandum sent to Councillors.

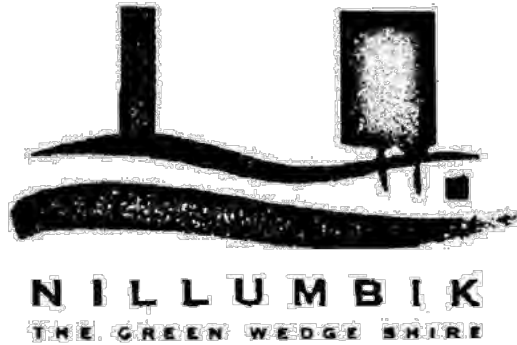
Should you require additional information please contact Manuel Michailaros on 9433 3193.

Yours sincerely



Cr Lex de Man
Mayor

cc: Cr Stubbings, Cr Clarkson, Cr Raunic, Cr Draper
Cr Hall, Cr Irwin, Cr Woodley, Cr Johnson



ROCKLIFFE STREET SPECIAL CHARGE SCHEME
INITIAL QUESTIONNAIRE

PLEASE RETURN NO LATER THAN 28 April 2003

This questionnaire will be used to assess the level of support for street construction, prior to determining whether to proceed further with consultation.

Please nominate your preference by placing a tick (✓) in the appropriate box.

| | Your estimated liability | Vote |
|---|--------------------------|-------------------------------------|
| No Change: | \$0 | <input type="checkbox"/> |
| Street Construction: If sufficient support is demonstrated for construction, consultation with property owners will proceed with a view to constructing Rockliffe Street, Eltham. | \$8,166 | <input checked="" type="checkbox"/> |

Owners:

Property Address:

Comments:

Due consideration should be given to
1/ Flooding experienced by some residents due to drains becoming blocked by gravel from the road
2/ Speed of through traffic with poor visibility (obscured driveways) and the age of children in the street. Speed can't be reduced without

ATTACHMENT 2 - APPORTIONMENT TO AFFECTED PROPERTIES

| Property Address | Frontage (m) | Sideage/ Rearage | Abutal Unit | Abutal Cost | Access Benefit Unit | Access Benefit Cost | Total Cost | Upper Limit Cost |
|------------------------|--------------|---------------------|-------------|-------------|------------------------|------------------------|--------------|------------------|
| 10 Rockliffe Street | 10.00 | 0 | 10 | \$1,420.22 | 1 | \$10,860.53 | \$12,280.76 | \$14,736.91 |
| 11-13 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,331.88 | 1 | \$10,860.53 | \$15,192.21 | \$18,230.66 |
| 12 Rockliffe Street | 19.60 | 0 | 19.6 | \$2,783.64 | 1 | \$10,860.53 | \$13,644.17 | \$16,373.01 |
| 14 Rockliffe Street | 25.60 | 0 | 25.6 | \$3,635.77 | 1 | \$10,860.53 | \$14,496.31 | \$17,395.57 |
| 15 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,331.88 | 1 | \$10,860.53 | \$15,192.21 | \$18,230.66 |
| 166 Pitt Street | 45.80 | 0 | 45.8 | \$6,504.62 | 1 | \$10,860.53 | \$17,365.16 | \$20,838.19 |
| 16A Rockliffe Street | 1.90 | 0 | 1.9 | \$268.84 | 1 | \$10,860.53 | \$11,130.30 | \$13,356.45 |
| 16B Rockliffe Street | 2.30 | 0 | 2.3 | \$326.66 | 1 | \$10,860.53 | \$11,187.18 | \$13,424.62 |
| 170 Pitt Street | 0.00 | 26.3 | 13.15 | \$1,867.59 | 0.5 | \$5,430.27 | \$7,297.86 | \$8,757.43 |
| 18 Rockliffe Street | 3.00 | 0 | 3 | \$426.07 | 1 | \$10,860.53 | \$11,286.60 | \$13,543.92 |
| 19-21 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,317.48 | 1 | \$10,860.53 | \$15,178.01 | \$18,213.62 |
| 20 Rockliffe Street | 27.50 | 0 | 27.5 | \$3,905.61 | 1 | \$10,860.53 | \$14,766.15 | \$17,719.38 |
| 22 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,317.48 | 1 | \$10,860.53 | \$15,178.01 | \$18,213.62 |
| 23-25 Rockliffe Street | 30.60 | 0 | 30.6 | \$4,345.88 | 1 | \$10,860.53 | \$15,206.42 | \$18,247.70 |
| 26-28 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,317.48 | 1 | \$10,860.53 | \$15,178.01 | \$18,213.62 |
| 27-29 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,317.48 | 1 | \$10,860.53 | \$15,178.01 | \$18,213.62 |
| 30-32 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,331.88 | 1 | \$10,860.53 | \$15,192.21 | \$18,230.66 |
| 31-33 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,331.88 | 1 | \$10,860.53 | \$15,192.21 | \$18,230.66 |
| 34 Rockliffe Street | 30.50 | 0 | 30.5 | \$4,331.88 | 1 | \$10,860.53 | \$15,192.21 | \$18,230.66 |
| 35-37 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,317.48 | 1 | \$10,860.53 | \$15,178.01 | \$18,213.62 |
| 38 Rockliffe Street | 21.00 | 0 | 21 | \$2,982.47 | 1 | \$10,860.53 | \$13,843.00 | \$16,611.60 |
| 39 Rockliffe Street | 20.80 | 0 | 20.8 | \$2,954.07 | 1 | \$10,860.53 | \$13,814.60 | \$16,577.52 |
| 40 Rockliffe Street | 19.00 | 0 | 19 | \$2,698.42 | 1 | \$10,860.53 | \$13,558.96 | \$16,270.75 |
| 7-9 Rockliffe Street | 30.40 | 0 | 30.4 | \$4,317.48 | 1 | \$10,860.53 | \$15,178.01 | \$18,213.62 |
| 8 Rockliffe Street | 23.50 | 0 | 23.5 | \$3,337.53 | 1 | \$10,860.53 | \$14,198.06 | \$17,037.67 |
| 89 Mount Pleasant Road | 0.00 | 51.70 | 25.85 | \$3,671.28 | 0.5 | \$5,430.27 | \$9,101.54 | \$10,921.85 |
| 97 Mount Pleasant Road | 0.00 | 51.00 | 25.5 | \$3,821.97 | 0.5 | \$5,430.27 | \$9,051.84 | \$10,862.20 |
| 650 | | | | | 25.5 | | \$369,258.13 | \$443,109.75 |

| | |
|----------------------|--------------|
| TOTAL SCHEME COST | \$369,258.13 |
| COUNCIL CONTRIBUTION | \$0.00 |
| AMOUNT TO BE LEVIED | \$369,258.13 |

| | |
|-----------------------|-------------|
| ABUTAL RATE PER METER | \$142.02 |
| BENEFIT RATE PER UNIT | \$10,860.53 |

| | |
|---------------------------|-----|
| ABUTAL PERCENTAGE | 25% |
| ACCESS BENEFIT PERCENTAGE | 75% |

| | |
|---------------------------|--------------|
| TOTAL ABUTAL COST | \$92,314.53 |
| TOTAL ACCESS BENEFIT COST | \$276,943.59 |

Informal Meeting of Councillors Record

The Meeting commenced at 5.04pm

| | | |
|-------------------------|-----------------------|--|
| MEETING DETAILS: | Title: | Councillor Briefing – conducted virtually |
| | Date: | Tuesday 19 January 2021 |
| | Location: | Virtual meeting |
| PRESENT: | Councillors: | Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Natalie Duffy, Cr Geoff Paine Cr Ben Ramcharan and Cr Richard Stockman |
| | Council Staff: | Blaga Naumoski, Rosa Zouzoulas, Jeremy Livingston, Carl Cowie, Vince Lombardi, Corinne Nichols, Hjalmar Philipp, Renae Ahern, Leigh Northwood, Joseph Emmanuel, Bianca Lord, Enrique Gutierrez, Heath Gillett, Katie Camilleri, Melanie Holt, Yasmin Green Nichole Johnson and Michelle Welsby |
| | Other: | Adrian Finazio QC |
| APOLOGIES: | | |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--|
| 1 | 265 Chapel Lane, Doreen - Confidential | No disclosures were made |
| 2 | Integrated Community Engagement - 'Our People, Our Place, Our Future' | No disclosures were made Bianca Lord, Enrique Gutierrez, Heath Gillett, Katie Camilleri, Melanie Holt, Yasmin Green, Nicole Johnson and Michelle Welsby arrived at the commencement of this item. |
| 3 | CEO Update | No disclosures were made Only Councillors and the Executive Management Team were present for the CEO update to Councillors. |
| 4 | Review of Advisory and Delegated Committees | No disclosures were made |
| 5 | 2020-2021 Mid-Year Financial Review | No disclosures were made |

Councillor Briefing – 19 January 2021



| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|--|--------------------------|
| 6 | Nillumbik Pandemic Recovery Plan 2021 | No disclosures were made |
| 7 | Amendment C129 and Yan Yean Road Planning Issues | No disclosures were made |
| 8 | Consideration of Councils adopted submission to DELWP's Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper subject to Council resolution of 15 December 2020 | No disclosures were made |
| 9 | Road Management Plan Review | No disclosures were made |

The Meeting concluded at 11.53pm

| | | |
|-----------------------------|---|---|
| RECORD COMPLETED BY: | Officer Name: Officer Title: | Blaga Naumoski Executive Manager Governance, Communications and Engagement |
|-----------------------------|---|---|

Informal Meeting of Councillors Record

The Meeting commenced at 9am

| | | |
|-------------------------|-----------------------|--|
| MEETING DETAILS: | Title: | Councillor workshop |
| | Date: | Wednesday 20 January 2021 |
| | Location: | Council Chamber |
| PRESENT: | Councillors: | Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Natalie Duffy, Cr Geoff Paine Cr Ben Ramcharan and Cr Richard Stockman |
| | Council Staff: | Blaga Naumoski, Rosa Zouzoulas, Jeremy Livingston, Carl Cowie, Vince Lomardi, Hjalmar Philipp, Renae Ahern, Leigh Northwood, Nicole Johnson, Bea |
| | Other: | |
| APOLOGIES: | | |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|--|---|
| 1 | Budgeting and Reporting | No disclosures were made |
| 2 | Capital Works | No disclosures were made |
| 3 | Mandatory Councillor Training - Planning session | No disclosures were made Blaga Naumoski arrived at the commencement of this item |
| 4 | CEO Employment Matters discussion - confidential | Only Councillors and Blaga Naumoski were present for this item. |

The Meeting concluded at 5.15pm

| | | |
|-----------------------------|---|---|
| RECORD COMPLETED BY: | Officer Name: Officer Title: | Blaga Naumoski Executive Manager Governance, Communications and Engagement |
|-----------------------------|---|---|

Informal Meeting of Councillors Record

The Meeting commenced at 5.03pm

| | | |
|-------------------------|-----------------------|---|
| MEETING DETAILS: | Title: | Council Meeting Pre-meeting |
| | Date: | Wednesday 27 January 2021 |
| | Location: | Council Chamber, Civic Centre |
| PRESENT: | Councillors: | Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman |
| | Council Staff: | Carl Cowie, Vince Lombardi, Blaga Naumoski, Hjalmar Philipp, Corrienne Nichols, Jeremy Livingston, Renae Ahern, Lance Clark, Heath Gillett, Enrique Gutierrez, Emma Christensen and Joseph Emmanuel |
| | Other: | |
| APOLOGIES: | | |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--------------------------|
| 1 | Pre-meeting to Council Meeting Joseph Emmanuel entered the meeting at 5:19pm Cr Geoff Paine entered the meeting at 5:56pm | No disclosures were made |

The Meeting concluded at 6.25pm

| | | |
|-----------------------------|---|--|
| RECORD COMPLETED BY: | Officer Name: Officer Title: | Emma Christensen Acting Governance Lead |
|-----------------------------|---|--|

Councillor Pre Meeting– 27 January 2021



Informal Meeting of Councillors Record

The Meeting commenced at 5.05pm

| | | |
|-------------------------|-----------------------|--|
| MEETING DETAILS: | Title: | Councillor Briefing |
| | Date: | Tuesday 2 February 2021 |
| | Location: | Council Chamber |
| PRESENT: | Councillors: | Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Natalie Duffy, Cr Geoff Paine Cr Ben Ramcharan and Cr Richard Stockman |
| | Council Staff: | Carl Cowie, Blaga Naumoski, Vince Lombardi, Rosa Zouzoulas, Jeremy Livingston, Corrinne Nichols, Hjalmar Philipp, Licardo Prince, Laurence Sayers, Melika Sukunda, Jonathon McNally, Heath Gillett and Leigh Northwood (virtually) |
| | Other: | Jane Cowell – YPRL (virtually) Dipal Sorathia, Steve Cornish, Rhys Owen-Roberts, Yi F Wu, Carlos Ibarra and Alec Say – MRPV (virtually) |
| APOLOGIES: | | |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|---------------------------|--|---------------------------------|
| 1 | Fitzsimons Lane Upgrade - Project Update from Major Road Projects Victoria | No disclosures were made |
| 2 | Yarra Plenty Regional Library Agreement | No disclosures were made |
| 3 | Budget 2021-2022 - Rating Strategy, Fees and Charges and key assumptions | No disclosures were made |
| 4 | DELWP Proposed ESD Planning Policy Framework Changes - Council Submission | No disclosures were made |
| 5 | Wattle Glen Urban Design Framework Project | No disclosures were made |
| 6 | Graffiti Management and Graffiti service tender | No disclosures were made |
| 7 | Recreation Strategy Review Update | No disclosures were made |
| 8 | Status Report on Outstanding Council Resolutions | No disclosures were made |

Councillor Briefing – 2 February 2020



| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|-------------------------------------|--------------------------|
| 9 | Capital Works Major Projects Update | No disclosures were made |

The Meeting concluded at 10.15pm

| | | |
|-----------------------------|---|---|
| RECORD COMPLETED BY: | Officer Name: Officer Title: | Blaga Naumoski Executive Manager Governance, Communications and Engagement |
|-----------------------------|---|---|

Informal Meeting of Councillors Record

The Meeting commenced at 7pm

| | | |
|-------------------------|-----------------------|---|
| MEETING DETAILS: | Title: | Environment & Sustainability Advisory Committee (ESAC) informal sub-committee meeting - Urban Tree Canopy |
| | Date: | Wednesday 3 February 2021 |
| | Location: | Zoom |
| PRESENT: | Councillors: | Cr Peter Perkins, Cr Frances Eyre, Cr Geoff Paine and Cr Natalie Duffy |
| | Council Staff: | Lisa Pittle, Kirsten Reedy, Leigh Northwood and Renae Ahearn |
| | Other: | ESAC Committee Members Alan Thatcher and Liz Parsons |
| APOLOGIES: | | Cr Ben Ramcharan |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--------------------------|
| 1 | Protection of Nillumbik urban tree canopy | No disclosures were made |

The Meeting concluded at 8.40pm

| | | |
|-----------------------------|--------------------------------|--|
| RECORD COMPLETED BY: | Officer Name and Title: | Kirsten Reedy, Coordinator Environment |
|-----------------------------|--------------------------------|--|



Informal Meeting of Councillors Record

The Meeting commenced at 10am

| | | |
|-------------------------|-----------------------|--|
| MEETING DETAILS: | Title: | Health & Wellbeing Advisory Committee Meeting |
| | Date: | Thursday 4 February 2021 |
| | Location: | Zoom |
| PRESENT: | Councillors: | Cr Geoff Paine and Cr Natalie Duffy |
| | Council Staff: | Katie Camilleri and Melissa Ensink |
| | Other: | Rosie Haszler (Aligned Leisure), Pamela Johnson (Community member), Jacinta Geary (Relationships Victoria), Robyn Ellard (YPRL), Sarah Quirk (Gamblers Help), Petra Begnell (NEHC) and Olive Aumann (healthAbility). |
| APOLOGIES: | | Deputy Mayor Cr Frances Eyre, Cr Ben Ramcharan, Cr Karen Egan, Cr Richard Stockman, Sarah Lausberg (healthAbility), Rebecca Tipper (WHiN), Tina Robinson (Vic Pol) and Corrienne Nicholls |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--------------------------|
| 1 | Welcome Acknowledgement of Country Introductions of Councillors Introduce Melissa Ensink Declare any conflicts of interest | No disclosures were made |
| 2 | Actions from previous minutes | No disclosures were made |
| 3 | Update on Pandemic Recovery Plan | No disclosures were made |

Health & Wellbeing Advisory Committee Meeting



| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--------------------------|
| 4 | Update on Community Consultation: Our People Our Place Our Future | No disclosures were made |
| 5 | Municipal Public Health and Wellbeing Plan | No disclosures were made |
| 6 | Member updates | No disclosures were made |

The Meeting concluded at 11:30m

| | | |
|-------------------------------------|--------------------------|------------------------------------|
| RECORD COMPLETED BY: | Officer Name: | Melissa Ensink |
| | Officer Title: | Social Planning and Policy Officer |

Informal Meeting of Councillors Record

The Meeting commenced at 9.05am

| | | |
|-------------------------|-----------------------|--|
| MEETING DETAILS: | Title: | Councillor workshop |
| | Date: | 5 February 2021 |
| | Location: | Council Chamber |
| PRESENT: | Councillors: | Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Natalie Duffy, Cr Geoff Paine, Cr Richard Stockman and Cr Ben Ramcharan (Cr Ramcharan attended virtually) |
| | Council Staff: | Blaga Naumoski, Rosa Zouzoulas, Jeremy Livingston, Carl Cowie, Vince Lombardi, Hjalmar Philipp, Yasmin Green, Bianca Hubble |
| | Other: | Margret Devlin – external facilitator |
| APOLOGIES: | | |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--------------------------|
| 1 | Welcome and Introductions | No disclosures were made |
| 2 | Broad Goals/Objectives for 4 years and beyond | No disclosures were made |
| 3 | Strategy Priorities | No disclosures were made |
| 5 | Community Profile Presentation | No disclosures were made |
| 6 | Strategy Priorities – continued | No disclosures were made |

The Meeting concluded at 4pm

| | | |
|-----------------------------|---|---|
| RECORD COMPLETED BY: | Officer Name: Officer Title: | Blaga Naumoski Executive Manager Governance, Communications and Engagement |
|-----------------------------|---|---|

Councillor Workshop – 5 February 2021



Informal Meeting of Councillors Record

The Meeting commenced at 10.45am

| | | |
|-------------------------|-----------------------|--|
| MEETING DETAILS: | Title: | Councillor workshop |
| | Date: | 6 February 2021 |
| | Location: | Council Chamber |
| PRESENT: | Councillors: | Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Natalie Duffy, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman |
| | Council Staff: | Corrienne Nichols, Rosa Zouzoulas, Jeremy Livingston, Carl Cowie, Vince Lombardi, Hjalmar Philipp and Bianca Hubble |
| | Other: | Margret Devlin – external facilitator |
| APOLOGIES: | | |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|--------------------|---|--------------------------|
| 1 | Capital Works Schedule for FY 21/22 and 5 year view | No disclosures were made |
| 2 | Circle Back on Anything Unresolved | No disclosures were made |
| 3 | De-brief and Conclusion of Workshop | No disclosures were made |

The Meeting concluded at 14. 10 pm

| | | |
|-----------------------------|-------------------------------------|--------------------|
| RECORD COMPLETED BY: | Officer Name: Officer Title: | Vince Lombardi CFO |
|-----------------------------|-------------------------------------|--------------------|

Councillor Workshop – 6 February 2021



Informal Meeting of Councillors Record

The Meeting commenced at 5.03pm

| | | |
|-------------------------|-----------------------|--|
| MEETING DETAILS: | Title: | Future Nillumbik Committee Meeting Pre-meeting |
| | Date: | Tuesday 9 February 2021 |
| | Location: | Council Chamber, Civic Centre |
| PRESENT: | Councillors: | Cr Peter Perkins, Cr Frances Eyre, Cr Natalie Duffy, Cr Karen Egan, Cr Geoff Paine, Cr Ben Ramcharan and Cr Richard Stockman |
| | Council Staff: | Carl Cowie, Hjalmar Philipp, Vince Lombardi, Corrienne Nichols, Jeremy Livingston, Rosa Zouzoulas, Blaga Naumoski, Joseph Emmanuel, Narelle Hart, Yasmin Green, Danielle Phyland, and Patrick Wood |
| | Other: | |
| APOLOGIES: | | |

| MATTERS CONSIDERED | | DISCLOSURES AND COMMENTS |
|---------------------------|---|---------------------------------|
| 1 | Pre-meeting to Future Nillumbik Committee Meeting | No disclosures were made |

The Meeting concluded at 6.10pm

| | | |
|-----------------------------|---|---|
| RECORD COMPLETED BY: | Officer Name: Officer Title: | Blaga Naumoski Executive Manager Governance, Communications and Engagement |
|-----------------------------|---|---|

Pre-meeting to Future Nillumbik Committee Meeting – 9 February 2021

