

**Nillumbik Planning Scheme Amendment C131nill
Earthworks in the Green Wedge**

Panel Report

Planning and Environment Act 1987

20 October 2021

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Nillumbik Planning Scheme Amendment C131nill

20 October 2021



Con Tsotsoros, Chair

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Glossary and abbreviations

Council	Nillumbik Shire Council
MFPP	Draft Melbourne Future Planning Framework
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Nillumbik Planning Scheme
VCAT	Victorian Civil and Administrative Tribunal

Overview

Amendment summary

The Amendment	Nillumbik Planning Scheme Amendment C131nill
Common name	Earthworks in the Green Wedge
Brief description	Amends the Green Wedge Zone Schedule and Rural Conservation Zone Schedules 1, 2, 3, 4 and 5 to require a permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill
Subject land	Land in the Green Wedge Zone and Rural Conservation Zone Schedules 1, 2, 3, 4 and 5
Planning Authority	Nillumbik Shire Council
Authorisation	6 December 2020
Exhibition	22 April to 3 June 2021
Submissions	<ol style="list-style-type: none"> 1. Colleen Hackett 2. Peter and Deborah Thomson 3. Peter Kean 4. Andrew Ferraro 5. Doug Seymour OAM 6. Betty Russell 7. Rex Niven 8. Steve Jarvis 9. Jenny Seed 10. Friends of Nillumbik Inc

Panel process

The Panel	Con Tsotsoros (Chair)
Directions Hearing	By video conference, 31 August 2021
Panel Hearing	30 September 2021
Site inspections	There was no site inspection
Parties to the Hearing	<p>Nillumbik Shire Council represented by Bea Guevara, Leigh Northwood and Julie Paget</p> <p>Friends of Nillumbik Inc represented by Don Macrae</p> <p>Douglas Seymour OAM, who called expert evidence on land management and water quality from Scott Seymour of Aquatic Systems Management</p>
Citation	Nillumbik PSA C131nill [2021] PPV
Date of this report	20 October 2021

Executive summary

The Nillumbik municipality includes one of Melbourne's green wedges, comprising significant areas of relatively intact biodiversity on public and private land. The Green Wedge Zone and Rural Conservation Zone apply to most of Nillumbik's green wedge.

The green wedge's location near Melbourne's northern growth corridor is attracting increased larger scale soil stockpiling on green wedge land. Council identified that certain earthworks can result in negative impacts which are inconsistent with zone and planning policy objectives. It subsequently conducted research, including consultation with Hume City Council which has successfully required a permit for larger scale earthworks in its green wedge for years. This work formed the basis for Nillumbik Planning Scheme Amendment C131nill (the Amendment).

The Amendment seeks to amend the Green Wedge Zone Schedule and Rural Conservation Zone Schedules 1, 2, 3, 4 and 5 to require a permit trigger for earthworks which involve the receipt, importation, stockpiling or placement of more than 100 cubic metres of fill. It was exhibited from 22 April to 3 June 2021 and received 10 submissions. Key issues raised in submissions related to whether the Amendment was strategically justified, the permit trigger threshold measure and whether it should include transitional provisions, application requirements, prohibiting certain earthworks, and increasing fines for damaging earthworks.

Council is commended for its proactive approach to the identified earthwork issues. The Amendment will enable Council to assess proposed larger scale earthworks to ensure acceptable environmental outcomes and alignment with planning policy and provisions.

For reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes
- will achieve net community benefit and sustainable development
- is well founded and strategically justified and should proceed.

Permit trigger

The Amendment's proposed permit trigger threshold of 100 cubic metres is appropriate and justified and should include fertiliser in its measure. There is no justified reason to include transitional provisions for the proposed permit triggers.

Application requirements

The Green Wedge Zone and Rural Conservation Zone enable their schedules to require a permit for earthworks but do not allow them to include provisions such as application requirements. There would be benefit in Council having an advisory note which informs green wedge property owners and tenants and prospective permit applicants about earthwork related objectives and guidance.

Environmental matters such as soil contamination should be regulated through existing legislation and enforced by the Environment Protection Authority.

Other issues

A permit application proposing larger scale earthworks should be assessed on its own merits to determine whether its composition will result in unacceptable outcomes.

Enforcement and associated fines are outside the earthworks permit application process and therefore outside the scope of the Amendment.

Recommendation

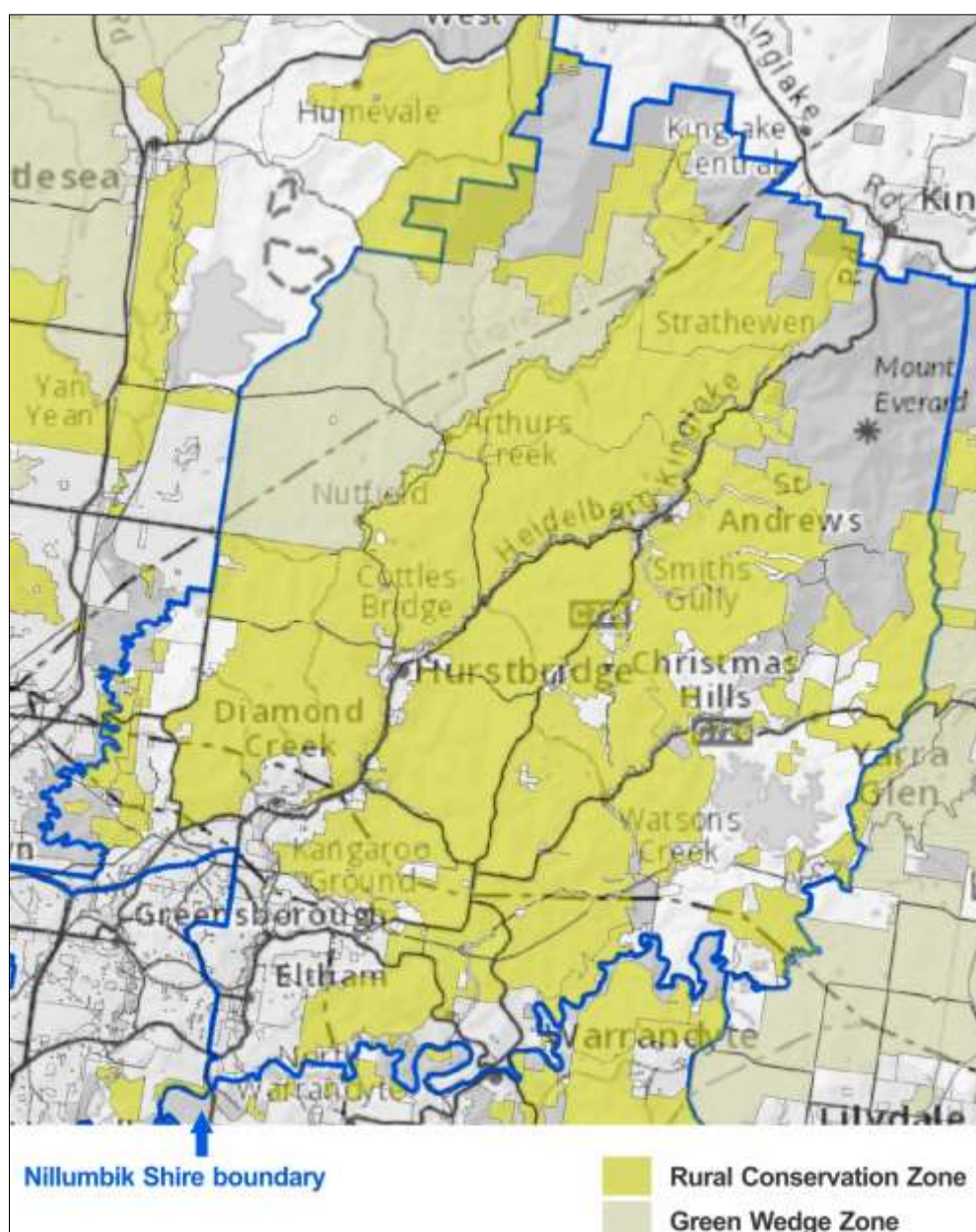
Based on the reasons set out in this Report, the Panel recommends that Nillumbik Planning Scheme Amendment C131nill be adopted as exhibited.

1 Introduction

1.1 The Amendment

The Amendment seeks to manage larger earthworks and fill in the Green Wedge and Rural Conservation Zones to help minimise potentially negative environmental, amenity and landscape impacts. To achieve this, it proposes to amend the Green Wedge Zone Schedule and Rural Conservation Zone Schedules 1, 2, 3, 4 and 5 to require a permit for earthworks which receive, import, stockpile or place more than 100 cubic metres of fill. The Amendment applies to land shown in Figure 1.

Figure 1 Subject land: Green Wedge and Rural Conservation Zones



Source: www.vicplan.vic.gov.au and Planning Panels Victoria

1.2 Background

2016	The Victorian Civil and Administrative Tribunal (VCAT) upheld Council's decision (P571/2015) to refuse a planning permit for Earth Solutions Group's ongoing earthworks at 130 Chapel Lane, Doreen
2019	
Feb	Earth Solutions Group entered a contract with the owners of 265 Chapel Lane, Doreen to deposit soil excavated from other sites on the land
Apr-Jul	Following meetings and information exchanges, Council advised Earth Solutions Group that a planning permit was not required
2020	
Jul	Council identified a Planning Scheme breach and applied to VCAT for an enforcement order
28 Jul	Council resolved to: <ul style="list-style-type: none"> - not support clean fill being disposed of on Green Wedge Zone or Rural Conservation Zone land unless it is for a direct agricultural purpose and less than 100 cubic metres - commence preparing a planning scheme amendment to achieve this outcome - request the Minister for Planning to introduce a 100 cubic metre clean fill limit in the Green Wedge Zone and Rural Conservation Zone schedules
18 Aug	Council resolved to commence enforcement proceeding relating to the development of land at 265 Chapel Lane
25 Aug	Council resolved to advocate to the Minister for Planning to approve and gazette Amendment C130nill through section 20(4) of the <i>Planning and Environment Act 1987</i> (PE Act)
15 Sep	Council applied to VCAT for an enforcement order on the contravention at 130 Chapel Lane, Doreen [section 114 of the PE Act]
21 Sep	Council applied to VCAT for an interim enforcement order and enforcement order on activities at 265 Chapel Lane, Doreen [sections 114 and 120 of the PE Act]
27 Oct	Preliminary VCAT hearing for 265 Chapel Lane
9 Nov	VCAT compulsory conference for 265 Chapel Lane
15 Dec	Minister for Planning refused to authorise Amendment C130nill
2021	
23 Mar	Council resolved to request the Minister for Planning authorise Amendment C131nill
22 Apr	The Amendment exhibition commenced
3 Jun	The Amendment exhibition ended
22 Jul	A new Municipal Planning Strategy and new local policies replaced the Local Planning Policy Framework [Amendment C135nill]
27 July	Council resolved to request an independent planning panel
9 Sep	VCAT made its decision for 130 Chapel Lane

1.3 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has referred to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic justification
- Issues
 - Permit trigger
 - Application requirements
 - Prohibited earthworks
 - Increased fines for damaging earthworks.

2 Strategic justification

2.1 Planning context

The Amendment's Explanatory Report and Council's submission identify the following as being relevant to the Amendment:

- Planning objectives at PE Act sections 4(1)(a)(b) and (g)
- Planning Scheme policies:
 - Municipal planning strategy: Clause 2.03-4
 - Clauses 11.01-1R, 12 and 13
- Plan Melbourne Directions 1.4, 4.5, 7.1, 7.5 and 7.7
- Green Wedge Zone and Rural Conservation Zone provisions
- Ministerial Direction 11 and Planning Practice Notes 42 and 46.

Appendix A provides further details.

2.2 Submissions

(i) Council's submission

The Amendment is consistent with clauses and policies set out in Chapter 2.1 and Appendix A of this report.

About 91 per cent of the Nillumbik Shire comprises Green Wedge land located outside Melbourne's Urban Growth Boundary. Much of the municipality is of high environmental value, of which a significant amount is privately owned.

Plan Melbourne 2017-2050 – Draft Melbourne Future Planning Framework (MFPF) comprises of six Land Use Framework Plans to guide strategic land-use and infrastructure development for the next 30 years. The plans will provide a means of aligning state and local planning strategies and working collaboratively across government to implement Plan Melbourne. The purpose of the Land Use Framework Plans is to guide the application of Plan Melbourne's nine guiding principles, seven outcomes, 32 directions and 90 policies at a regional and local level.

The MFPF:

- includes policy for major housing development in the Northern Growth Corridor comprising the urban areas of Hume, Mitchell and Whittlesea
- identifies the need to:
 - ... protect and enhance the landscape and biodiversity of the Northern Metro Region, noting 'the Northern Metro Region's natural assets and green wedges form the basis of its amenity and biodiversity values' and 'as part of supporting ecosystem resilience in a changing climate and reducing potential impacts from urban encroachment, a range of planning policies and protections apply to the Northern Metro Region's green wedge areas.

The Northern Growth Corridor's proximity and easy access makes it attractive to dispose of site fill from growth areas into the Nillumbik Green Wedge. MFPF does not identify how to manage the impacts of regional growth on Green Wedges.

Plan Melbourne 2017-2050 Directions 1.4 and 4.5 and Policies 1.4.1, 4.5.1 and 4.5.2 support the protection of Green Wedge land. Some of Victoria's most productive agricultural land is located in green wedges therefore non-urban land uses need to be carefully planned and managed to

support productivity and to avoid irreversible changes. Green wedges and peri-urban areas have valued landscape attributes that need to be protected and enhanced for present and future generations.

The Planning for Melbourne's Green Wedges and Agricultural Land (Consultation Paper), Department of Environment, Land, Water and Planning, 2020:

- seeks to improve planning for Melbourne's green wedges and agricultural land and protect important values and features
- does not identify illegal soil stockpiling in the green wedge as an issue.

The Amendment seeks to regulate larger scale soil stockpiling to support Clause 2.01 of the Planning Scheme's Municipal Planning Strategy. It would achieve this by helping to protect the region's biodiversity, including its landscape values, waterways and waterbodies. The Amendment also supports Clause 2.03-1 by seeking to avoid soil erosion and salinity related problems.

(ii) Other submissions

Submissions which supported the Amendment stated that larger scale earthworks would:

- cause environmental damage, potential contamination, road safety issues, local infrastructure impacts
- damage the road surface and edges because the narrow roads were not designed for trucks
- result in unacceptable dust, noise, vibration and light emissions which affects neighbouring residents
- increase maintenance costs to ratepayers.

Council generally agreed with submissions that larger scale earthworks needed to be regulated to manage potential impacts.

One submission considered Council did not undertake sufficient strategic work to justify the proposed provisions.

2.3 Discussion and conclusion

Council is commended for identifying earthwork issues and progressing the Amendment. Council:

- identified a growing issue of larger scale earthworks, particular because of its strategic location near Melbourne's northern growth corridor
- explained how such earthworks can affect the ability to meet green wedge related policy objectives and zone purposes
- conducted research, through among other means, including consultation with Hume City Council which has successfully applied the same earthwork permit triggers in its green wedge for years
- has selected the appropriate planning provisions for implementing its outcomes.

The Amendment will ensure that Council can assess proposed larger scale earthworks to decide whether they will:

- result on an acceptable outcome on the subject land which forms part of Nillumbik's broader significant area of biodiversity
- align with planning policy and provisions.

Without regulation, unmanaged larger scale earthworks may accumulate to a scale of environmental damage that results in net community disbenefit. The Panel is cognisant that issues sought to be addressed through the Amendment may be applicable to other green wedges around Melbourne. However, the Panel does not comment beyond the scope of the Amendment.

The Amendment will not address illegal soil stockpiling. This is an enforcement issue which sits outside the permit application process.

For the reasons set out in the following chapters, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- will achieve net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme
- should proceed, having considered the more specific issues raised in submissions as discussed in the following chapters.

3 Issues

3.1 Permit trigger

(i) The issues

The issues are whether the proposed permit trigger threshold of 100 cubic metres:

- is appropriate and justified
- should exclude fertiliser from its measure
- should include transitional provisions.

(ii) Evidence and submissions

Council submitted that the proposed threshold:

- was informed through consultation with Hume City Council which confirmed the 100 cubic metre metric has been successful and effective as a trigger in the Hume Planning Scheme for the past seven years
- enables small agricultural works without the need for a planning permit
- requires a permit for larger earthworks which need to be assessed to understand potential impact and implement appropriate measures
- will not result in a significant number of applications, as demonstrated through the Hume City Council experience.

There were submissions which considered the proposed threshold should:

- be less than 100 cubic metres, with one suggesting 50 tonnes
- not measure the import and use of fertilisers needed to improve soil quality
- include transitional provisions so that earthwork projects which began before the approval date do not require a permit.

One submission queried:

- whether someone could repeatedly import less than 100 cubic metres without a permit to a volume which would have normally required a permit
- whether there should be a limit on the number of times soil could be imported on a property.

Another submitter objected to requiring a permit for earthworks on private land. They sought to complete the earth berm on their 20 acre property needed to reduce noise from traffic and motor bikes from neighbouring properties.

After considering all submissions, Council submitted:

- the 100 cubic metre permit trigger, which includes fertiliser, continues to be the appropriate threshold measure
- the largest fertiliser provider has not made a submission to the Amendment
- lowering the threshold measure:
 - may impact legitimate soil, fill and fertiliser requirements for agricultural uses
 - would require the Amendment to be re-exhibited to give property owners an opportunity to comment on this unexhibited additional burden

- there is no legitimate reason for transitional provisions because, as evidenced in the Hume municipality, only a small number of permits are expected and the threshold enables day-to-day agricultural activities.

(iii) Discussion

The Panel considers that Council has struck an appropriate balance between assessing larger scale earthworks while enabling smaller scale earthworks required for day-to-day activities without the need for a permit. The requirement would enable a property owner to apply for a planning permit for larger scale earthworks such as an earth berm so that Council can assess its potential impacts against the zone's purposes and relevant planning policies. Reducing the threshold to a smaller metric is unjustified and is likely to result in unnecessary regulatory burden.

Although the permit trigger would apply to about 65.4 per cent of land in the Nillumbik Shire, it is likely to generate a relatively small number of permit applications each year.

The Panel agrees with Nillumbik Shire that the permit trigger threshold has been applied in the Hume municipality for years with successful outcomes.

Council's justification for the permit threshold is sound and rational.

(iv) Conclusions

The Panel concludes:

- The proposed permit trigger threshold of 100 cubic metres is appropriate and justified and should include fertiliser in its measure.
- There is no justified reason to include transitional provisions for the proposed permit triggers.

3.2 Application requirements

(i) The issue

The issue is whether application requirements can be specified through the Green Wedge Zone and Rural Conservation Zone Schedules.

(ii) Evidence and submissions

At the Hearing, a party called expert evidence on land management and water quality from Mr Seymour of Aquatic Systems Management. Mr Seymour provided an overview of soil types in the Northern Growth Corridor, noting the topsoils are generally low in sodicity.

He stated:

- earthworks should be managed through a permit application process
- a qualified engineer was needed in the permit process because soil management is complicated, which a planner would not understand
- there are many issues to be considered, including whether imported soil has unreasonable levels of sodium, acidity and magnesium, and whether it may result in soil explosion and subsequent erosion.

In response to questions at the Hearing, Mr Seymour agreed that an education program, including advisory information, was needed. This was to ensure that all parties are aware of potential

issues. He was concerned the property owner and operator “*simply have no idea as to the physical and chemical properties of the soils they are disposing off and hence no certainty can be had as to the likely success or failure of the filling operation and potentially high erosion of the same affecting both local and regional waterway quality and the land quality.*”

Council submitted that it conducted pre-application meetings and could provide advisory information to property owners at that stage.

(iii) Discussion

The Panel was not provided with opposing information to dispute the evidence of Mr Seymour. It supports having guiding information to inform property owners, tenants and prospective permit applications. This would be of most benefit to owners who may not be aware of potential issues associated with soil importation. It could also advise suitable qualified professionals about the type of information which should be included in their reports supporting a permit application.

The Green Wedge Zone and Rural Conservation Zone do not their schedules to specify application requirements. Advisory and guiding information could be available on Council’s webpage and referred to during a pre-application meeting with Council officers.

There are existing legislation and enforcement processes for managing environment matters such as soil contamination. The planning process should not duplicate these existing processes because it may confuse the two different processes, result in unintended consequences and cause potential delays.

(iv) Conclusions

The Panel concludes:

- The Green Wedge Zone and Rural Conservation Zone enable their schedules to require a permit for earthworks but do not allow provisions such as application requirements.
- There would be benefit in Council having an advisory note which informs green wedge property owners and tenants and prospective permit applicants about earthwork related objectives and guidance.
- Environmental matters such as soil contamination should be regulated through existing legislation and enforced by the Environment Protection Authority.

3.3 Prohibited earthworks

(i) The issue

The issue is whether earthworks should be prohibited if:

- the proposed imported soil is dispersive
- the exchanged sodium percentage of the soil is greater than six per cent.

(ii) Evidence and submissions

One submission considered the following earthworks should be prohibited:

- dispersive imported soil, as determined by Emerson Slaking and Dispersion test results
- soil with greater than six per cent exchanged sodium.

Mr Seymour’s evidence on this matter is set out in Chapter 3.2 and is not repeated here.

Council submitted that it intends to assess each permit application on its merits against the decision guidelines and geotechnical report. It noted the Green Wedge Zone and Rural Conservation Zone Schedules already require a permit for earthworks which increase the discharge of saline groundwater.

(iii) Discussion

The Panel agrees with Council's submission. Council can assess a proposal to increase saline groundwater discharge through the permit application required in the Green Wedge Zone and Rural Conservation Zone Schedules. Both these schedules do not have the statutory ability to prohibit certain soil composition.

(iv) Conclusion

The Panel concludes a permit application proposing larger scale earthworks should be assessed on its own merits to determine whether its composition will result in unacceptable outcomes.

3.4 Increased fines for damaging earthworks

A submission requested Council to lobby State Government to increase fines for road damage resulting from earthworks. For example, something in the hundreds of thousands of dollars for each incident and property, and if necessary, charged by the hour or day.

Council submitted:

- larger earthworks can permanently damage and impact the environment
- it had advocated to the Minister for Planning to increase fines for illegal soil stockpiling and vegetation removal
- this remains a State government matter and Council can only continue to advocate.

The Panel concludes that enforcement and associated fines are outside the earthworks permit application process and therefore outside the scope of the Amendment.

Appendix A Planning context

A1 Planning objectives

PE Act

The following planning objectives in section 4(1) of the PE Act:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- (g) to balance the present and future interests of all Victorians.

Planning Scheme

Table 1 summarises the Planning Policy Framework clauses relevant to the Amendment, as set out in the Explanatory Report.

Table 1 State, regional and local policies

Relevant clauses
2 Municipal planning strategy
2.03 Strategic direction
2.03-4 Natural resource management To protect the green wedges of Metropolitan Melbourne from inappropriate development.
11 Settlement
11.01 Victoria
11.01-1R Green Wedges – Metropolitan Melbourne To protect the green wedges of Metropolitan Melbourne from inappropriate development. Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.
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
12.05-2S Landscapes To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.
12.05-2L Rural landscapes in Nillumbik To encourage uses, buildings and works to maintain or enhance the landscape character of the locality, including any significant views to the site. Locate buildings, earthworks (including internal roads and dams) and utility services to ensure minimal impact on the topography of the area.
13 Environmental risks and amenity
Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through: <ul style="list-style-type: none"> - Land use and development compatibility. - Effective controls to prevent or mitigate significant impacts.

Relevant clauses

13.04-1S Contaminated and potentially contaminated land

To ensure that contaminated and potentially contaminated land is used and developed safely.

13.04-2L Managing erosion in Nillumbik

Design and locate development, including earthworks, to maintain the natural topography where possible and reduce the potential for erosion and landslip problems by minimising cut and fill.

14 Natural resources management

14.01 Agriculture

14.01-2L Sustainable agricultural land use

Protect rural land from development, including subdivision, that adversely impacts the ability of the land to undertake sustainable land management practices.

14.02 Water

14.02-2S Water quality

To protect water quality.

Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

A2 Other relevant planning strategies and policies

Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following directions and policies are relevant to the Amendment:

- 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
 - 4.5.1: Strengthen protection and management of green wedge land
 - 4.5.2: Protect and enhance valued attributes of distinctive areas and landscapes
- Policy 7.1: Ensure that water resources are managed in a sustainable way
- Policy 7.5: Protect ground water and land resources
- Policy 7.7: Protect native habitat and areas of important biodiversity through appropriate land use planning.

A3 Planning scheme provisions

The Amendment affects the land in the Green Wedge Zone and Rural Conservation Zone. The Environmental Significance Overlay and the Significant Landscape Overlay apply to a significant portion of the Nillumbik Green Wedge. A common zone and overlay purpose is to implement the

Municipal Planning Strategy and the Planning Policy Framework. Their other purposes are shown in Table 2.

Table 2 **Zone purposes**

Zone and overlays	
Zones	
Green Wedge	<p>To provide for the use of land for agriculture.</p> <p>To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.</p> <p>To encourage use and development that is consistent with sustainable land management practices.</p> <p>To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.</p> <p>To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.</p> <p>To protect and enhance the biodiversity of the area.</p>
Rural Conservation	<p>To conserve the values specified in a schedule to this zone.</p> <p>To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.</p> <p>To protect and enhance natural resources and the biodiversity of the area.</p> <p>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.</p> <p>To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.</p> <p>To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.</p>
Overlays	
Environmental Significance	<p>To identify areas where the development of land may be affected by environmental constraints.</p> <p>To ensure that development is compatible with identified environmental values.</p>
Significant Landscape	<p>To identify significant landscapes.</p> <p>To conserve and enhance the character of significant landscapes.</p>

A4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Planning Practice Note 42 (Applying the rural zones)

Planning Practice Note 42 guides a planning authority 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.

Appendix B Document list

No.	Date	Description	Provided by
2021			
1	9 Aug	Panel Directions Hearing letter	Planning Panels Victoria
2	22 Sep	Expert evidence – Brian Seymour	Doug Seymour
3	23 Sep	Part A submission with 18 attachments	Council
4	29 Sep	Part B submission with three attachments	Council
5	29 Sep	Hearing submission	Doug Seymour
6	29 Sep	Hearing submission	Friends of Nillumbik
7	30 Sep	Closing submission	Council