



Nillumbik Pro Active Landowners (PALS)

SUBMISSION TO COMMUNITY PANEL

NILLUMBIK SHIRE COUNCIL

GREEN WEDGE MANAGEMENT PLAN REVIEW 2018

July 13, 2018

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Nillumbik Pro Active Landowners ("PALS") is a group of approximately 2,000 landowners, residents and ratepayers, the majority of which live in the peri urban and rural parts of the Nillumbik Shire. It was formed in early 2016 in response to unpopular proposed local planning scheme amendments. As a result of PALS legal (and electoral) actions, (which influenced eventual composition of the current Nillumbik Shire Councillor corps), the amendments did not make it into law. The group has since been tasked with representing its constituents on a range of issues considered of vital importance to their lives, families, properties and interests.

As one Victoria's Shires most known for its significant Green Wedge areas, the current review of the Green Wedge Management Plan 2010-2025 is considered by PALS to be of paramount importance given the strong landowner focus of the mandate of the Nillumbik Shire Council ("NSC") as constituted after the 2016 elections.

The current Council was elected in significant measure as a result of the coalescence of PALS to ventilate and advocate for the interests and rights of landowners in the Shire who are proud in their assertion of responsibility for the foundation, maintenance and majority ownership of Nillumbik's cherished and widely envied Green Wedge.

THE ESSENTIAL MEANING AND SIGNIFICANCE OF THE GREEN WEDGE TO PALS

When the Shire of Nillumbik was formed in 1994, its strategic focus was on the conservation of the Green Wedge. Over time and with the recent (long forgotten or mistakenly overlooked) recognition of landowners critical role in the establishment of and management contribution to the Green Wedge, it is consideration and understanding of landowners value to the Green Wedge's management which should provide Council with a clear refocus to balance its conservation emphasis with its responsible land management mandate. This vital role of landowners is the foundation for Council to weigh with renewed emphasis, this critical submission, particularly given the extensive PALS constituency in the Green Wedge

NSC has itself recognised that Nillumbik's ***"Green Wedge is distinguished from others by the quality of its environment and natural bushland. It covers approximately 91% of the total Shire area. The remaining 9% of the Shire is urban or township land within the Urban Growth Boundary. Almost half of the Green Wedge is a mixture of rural residential and hobby farms. 20% (sic) is used for agriculture, another 20% is conservation areas. Seventy-nine percent of the Green Wedge is in private ownership and approximately 43% of privately owned land is of environmental significance. (emphasis added)"***¹

PALS view and assessment of the Green Wedge is distilled through our pride and enjoyment - for our communities and townships - of the local rural area, with its rich and varied landscapes that exist throughout Nillumbik. The unique blend of farmland, pastures, open land, bushland, significant trees and areas of vegetation, houses, farm infrastructure, natural watercourses and dams, grazing animals of all varieties, business enterprises of farming, vineyards, olive groves and tree plantations throughout the rural parts of the Green Wedge offer continual visual enjoyment, social and economic value to the Shire.

With the appreciable appeal of the Green Wedge of Nillumbik, in such close proximity to the world's liveable city – set to grow to a population of 8 million by 2050 - and with NSC's stated aim of becoming known as the world's most liveable Shire, PALS look forward to new homes being built to accommodate moderate population growth within our Green Wedge. The enjoyment of the people that live within the rural community, their rich and varied lives and stories, add interest and vitality to the landscape itself.

The townships are an integral component of the tapestry that makes up the Green Wedge, despite the fact that they are technically not part of it. While the Green Wedge is principally about the landscape, it is all of the attributes of the Shire that visitors, residents and those that just pass through it en route elsewhere, all enjoy.

PREVIOUS (2010-25) GWMP IMPLEMENTATION CRITIQUE

PALS has widely expressed its views and reconfirms here its conviction that the existing GWMP implementation has not been reflective of landowners expectations. With the impending renewal of the GWMP the opportunity exists for it to be made clear to NSC officers involved in its implementation that a healthy balance must be demonstrated - in recognition of the important landowner value to the Green Wedge – to manage perceptions of previously seemingly close collaboration of NSC with small but influential environmental interest groups over recent years. PALS remains cautiously optimistic that the internal reviews and human resources management inherent in the newly announced NSC organisational structure will result in improved outcomes with this GWMP review.

Responsible Green Wedge management is not about locking up the land, discouraging the human footprint, denying people the enjoyment of living within it, or shielding (or blocking) the visibility of buildings and human activity. Indeed allowing weed and feral animal infestations to explode by disallowing people to live on, or even access their own land runs counter to responsible management.

It is appropriate that the emphasis on Green Wedge management should be focused on the landscape and vistas. However the rich tapestry of the combination of human activity and open pastures blending with expanses of bushland, large trees and diverse wildlife, critically contributes to and will ultimately ensure the sustainable health of the landscape. In PALS view, the very essence of any GWMP should and can be distilled to the word – “**management**”. The purpose of a GWMP is to **manage** the landscape in its broader definition and ensure its long-term health by managing it responsibly, sustainably and so successfully.

A **management** plan within the context of a Green Wedge must be a broad policy document and should not seek to micro-manage what should properly be regarded as planning issues.

Economic considerations and factors

There is a legislative requirement to consider, accommodate and encourage appropriate economic development within the Green Wedge. There is also a simple reality that improved, appropriate and well considered economic development will significantly contribute to the health of the landscape.

Similarly, there is an obvious connection that healthy, profitable and viable enterprises will result in an increased likelihood of tourist and visitor attraction and activation, thereby associating a viable Green Wedge with business success. This should be a sought-after outcome that would deliver both a strong community benefit and a strong financial base from which to launch further enterprise. An examination of or comparison to The Yarra Valley or Dandenong Ranges clearly demonstrates the principles.

A dividend from a healthy rural economy is a broad return to NSC through rates, visitation/tourism generally and enhanced reputation as a successful place to foster economic enterprise.

Some of the land within the Green Wedge is of marginal quality for large scale farming and/or agricultural enterprises. There are notable exceptions to this generalisation with many successful businesses, vineyards, olive groves, farming, grazing and animal enterprises enhancing the broad rural farmland vistas so universally enjoyed, as well as the direct contribution to the health of the landscape and the local economy.

Successful farming or agricultural enterprises ensures a healthy landscape. These enterprises often comprise well maintained land, healthy pastures, plantations, dwellings and outbuildings, significantly motivated by prudent commercial interest. Successful enterprises preserve but properly maintain existing bushland with a key aim being that the passage of any wildfire will leave moderate impact and destruction. Wherever possible these enterprises and properties should be encouraged and protected from fragmentation.

There are also significant areas within the Green Wedge where the land is of a lesser quality and probably not, in isolation, capable of supporting any large scale farming/agricultural activities.

ENCOURAGEMENT OF GREEN WEDGE HUMAN INHABITATION

A notable challenge for our Green Wedge is to retain the open pastures, broad vistas and picturesque farmland in proper balance with the intertwining bushland, whilst considering how to deal with its less productive areas. It is PALS submission that the best strategy to achieve the ideal dual outcome of a healthy landscape and economic success as a community, is to encourage people to live within the Green Wedge.

PALS is not advocating for increased development and with it, increased subdivision. In fact PALS do not propose major change to existing controls on subdivision of land within the Green Wedge. The economic reality is that without people choosing to live within the Green Wedge, contributing to the economic health of the community, the ability to properly manage the health of the landscape will be significantly compromised.

Many of the existing parcels within the Green Wedge range from a few hundred square metres up to around 10 hectares. Currently there are virtually absolute and draconian controls over what

can be done on those parcels. The vast majority of these parcels contain some combination of open landscape and existing bushland. The extent and degree of existing controls, result in the compromise of a healthy landscape by placing excessive costs, sanctions and burdens on landowners that often result in poor property management, to say nothing of the social cost of living in an atmosphere of landowner harassment by and apprehension of its local government.

A signature outcome of PALS objective of fundamental change in NSC/landowner relations (from distrust to genuine collaboration) should be to improve the health of the landscape by encouraging productive / healthy outcomes resulting in an improved Green Wedge and properly maintained properties. This is best achieved with less controls and legitimate landowner/council cooperation.

LAND MANAGEMENT THROUGH LANDOWNER/COUNCIL RELATIONS

The importance of open land in relation to the ability to mitigate, manage and control significant fire events is well-recognised and critical. There is currently no support or incentive for landowners to improve their pastures or appropriately maintain their bushland. In fact, the opposite has been the orthodoxy in Nillumbik for generations. Landowners have been discouraged or actively pursued and sanctioned for adopting practices on their land which they have genuinely deployed to achieve a healthy landscape, minimise the impact of fire events by proper property maintenance, or introduce any animals or small scale economic enterprise.

Appropriate vegetation maintenance includes but does not inevitably require its removal. Undertaking a reasonable maintenance program to mitigate the impact of a major fire event across the land, that would otherwise potentially destroy it, is essentially a prudent and responsible component of Green Wedge land management. This may not include the removal of significant or major trees or stands of important vegetation, rather it would relate to the sensible removal and minimisation of ground fuel loads and infestation that would otherwise exacerbate the passage of a fire.

PALS calls for and action to effect cultural change, which will benefit Green Wedge management, have been motivated by landowners having experienced longterm, serious personal, environmental and economic challenges, such as:

Instead of receiving some financial, structural or moral support or understanding, they have been subjected to unnecessarily burdensome bureaucracy, including requirements for multiple reports, personal harassment by environmentalists, frequent or common intimidatory behaviour by NSC officers together with substantial and often uncommercial financial costs. This, coupled with almost certain VCAT cases being mounted against their proposals, has resulted in Nillumbik having a reputation State wide as a Shire in which it is difficult or impossible to realise reasonable aspirations of developing one's dream home.

The prevailing atmosphere and experience of landowners in their dealings with NSC and with local and remote environmentalist individuals and groups (many who live outside the Shire) have included:

- Common delays of multiple years in approval to proceed with a land use/development;
- Negative and discouraging interaction, laced with assertions that land use intent has inherently damaging environmental outcomes (often characterised as of virtual criminal extent)
- Interpersonal interaction and widely disseminated published material, including spurious legal action, which, (if executed in other circumstances or in relation to matters other than environmental), would be generally considered - community wide - as unacceptable or in fact illegal.

The principal factor that threatens the long-term health of the landscape is the difficulty, stress and financial cost of dealing with an inefficient and overly bureaucratic planning system that is inherently weighted directly against any economic benefits that would otherwise be gained from new residents and new enterprises moving to the Green Wedge. This also stifles the ingenuity and spirit of existing landowners to improve their properties or initiate new enterprises on their land.

Questions relating to future affordability and whether the next generation of landowners will indeed be able to afford to buy and build abound as a result:

How will people afford land purchase, then \$150,000+ in consultants reports (plus construction costs and/or holding/finance costs) coupled with up to 3-4 years or more delay before determining "permission" to build?

If finally granted "permission" how would one then afford another \$50,000+ on an inevitable VCAT case defending "permission" against spurious challenge – often from extra-Shire actors?

Would one just go somewhere else?

Is this fair and reasonable?

Is it the role of Government to endorse or encourage this treatment of its population in this manner?

Perpetuating such experiences with such a planning system only increases psychological stress across the community and discourages economic development, damaging social harmony.

There are many people who live within the Green Wedge on allotments which vary greatly in size and shape. Yet there is common myth that a parcel that someone else considers "small" should not be allowed to support a dwelling. This improperly perpetuated fiction hinders contribution to the ongoing economic health of the community and indeed to the Green Wedge itself. It is perverse and often espoused with hypocrisy by existing local, neighbouring inhabitants or worse still residents of distant Shires.

People contribute to a healthy local economy, to a healthy community and they will determine Nillumbik's landscapes health its Green Wedge's future.

Removal of the human footprint almost paradoxically imperils the Green Wedge. If people are denied the right to properly maintain property, or are removed from their land, or denied occupation of their land, the inescapable conclusion will be vast swathes of unmaintained, weed infested, feral, bush land that will be inevitably devastated given a major fire. If travelling on a strong northerly wind, such a fire could erase significant portions of Melbourne's north east.

NSC TOURISM & ECONOMIC PRIORITIES & TRAJECTORY

The well intentioned *Artisan Hills* initiative has yet to produce significant tourist numbers. Nillumbik's competition with the nearby Yarra Valley or the Dandenong Ranges should be redirected to exploration of joint strategic initiatives with these regions, capitalising on the Green Wedge values of our unique Shire. PALS encourages NSC to reduce red tape, genuinely encourage new industry consistent with its aspirational image projection and work with adjacent municipalities to develop a broader economic and tourism environment. Mudbrick housing and artist colony promotion should be bolstered by encouraging industry consistent with high quality, innovative local enterprise.

While our Green Wedge struggles to compete with the Yarra Valley or the Dandenong Ranges and with Banyule's "Heidelberg School" heritage, PALS recommends introduction of considered economic frameworks to encourage people to visit, buy quality products. An example would be to introduce a high-quality gallery / café / artist workshop in the Eltham Gateway district. This would provide tourists a visual introduction to the Green Wedge and Nillumbik Shire. Reliance on Montsalvat in this space does not generate needed vibrancy and the opportunity exists for a symbiotic relationship for such a proposed gallery/café with the neighbouring Eltham Miniature Railway, ideally located at the entrance to the Green Wedge Shire.

SOCIAL CONSIDERATIONS AND FACTORS

A GWMP that contains micro-management detail in relation to **use** is not appropriate. The Planning Scheme is the correct mechanism to address **use** issues. The effect of micro-management on the social fabric within the community, particularly amongst the landowners that make up the Green Wedge, risks entrenching longheld mistrust of the NSC and its officers, particularly in relation to NSC's planning, environmental and enforcement functions. As applied by bureaucrats, (which includes State Government Departments and agencies) there has long been an unproductive adversarial orthodoxy. Delay and cost should be minimised and stress eliminated in land management and planning matters. The considerable social impact of previous NSC policy and conduct has stemmed from situations which have verged on comprising breach of residents' human rights.

The GWMP should have a positive emphasis and the opportunity exists to transform community and Green Wedge management settings from negative and hostile to positive and encouraging, with NSC having the confidence confirmed by PALS representations that landowners appreciate, respect and significantly manage the Green Wedge. Any purported or previously held concerns of landowner intent or motivation to damage or dismantle the Green Wedge can be confidently dismissed given PALS extensive Green Wedge credentials, history and constituency. The enhancement in resultant social cohesion should be embraced and enshrined in a reengineered and configured GWMP.

Encouragement of people to wish to be part of this community and to build on land that is situated within the Green Wedge, or to start a commercial enterprise and create a business should be made unambiguous in the GWMP given the clear social benefit dividend. Strong community identity and strong community bonds will develop. The social fabric will be strengthened by the mutual enjoyment of the space and the bond with neighbours. Mutual respect and a recognition of individual and common responsibilities to properly maintain and improve land, minimise the effects of fire events across land and deliver land onto the next generation in a better state than when acquired are desirable ambitions for a GWMP properly designed and implemented .

The challenge for the GWMP panel and NSC is to deliver a plan that is genuine in its respect of all people within the Green Wedge. It should clearly enunciate that landowners deserve respect, appreciation and acknowledgement of the work undertaken largely unassisted by council or its officers in Green Wedge land management.

What is a net community benefit?

This term is often referred to in perplexing VCAT decisions of recent years. In cases where virtually all, (or the significant majority) supportive and positive positions presented on behalf of applicants are conceded and acknowledged, VCAT defaults to rely on **“no net community benefit”** – an arcane concept to thwart an applicant. New residents actually provide and not impede net community benefit with ongoing involvement and participation in the local community, local schools, clubs, shops, community groups, and importantly the local economy.

A new dwelling and infrastructure on allotments that satisfy all criteria for human safety, (which as noted by the 2009 Bushfire Royal Commission is of paramount consideration) tends to:

- facilitate better internal access for fire-fighting purposes,
- minimise the likelihood of the otherwise uncontrolled passage of fire across the landscape by the implementation of sensible, responsible property maintenance,
- deliver sensible onsite works, if required, to minimise the likelihood of property and infrastructure loss; and
- provide a safer fire refuge for the owners and possibly neighbours during adverse events.

PALS contends clear net community benefit results.

The contrary results from VCAT purport apparent net community benefit, when

- the land is left vacant and unmaintained;
- the proliferation of noxious weeds, fire accelerants like Burgan, feral and pest animals are unchecked; and
- access is hindered or made impossible for fire-fighting purposes imperilling the broader landscape and Green Wedge itself.

ENVIRONMENTAL CONSIDERATIONS AND FACTORS

There is a glaring omission with regard to the existing GWMP that must be urgently and unambiguously addressed. The current GWMP makes no real reference to the issues that relate to fire, its prevention and/or mitigation and the minimising of its effects across the Green Wedge landscape. The importance of this was formally recognised by the recent **Victorian Parliamentary Fire Season Preparedness Inquiry**, in which Nillumbik Shire was given singular prominence, after PALS extensive submissions.

NSC is referred to PALS submission to that important inquiry: https://www.parliament.vic.gov.au/images/stories/committees/SCEP/Fire_Season_Preparedness/Submissions/Submission_59_-_Nillumbik_Pro_Active_Landowners.pdf

NSC is also referred to PALS submission to the **Victorian Government Review of Native Vegetation Clearing Regulations and Victoria's Biodiversity Strategy Review**: https://www.parliament.vic.gov.au/images/stories/committees/SCEP/Fire_Season_Preparedness/Other_docs/Nillumbik_PALS-QON-28022017.pdf

These submissions should be read in concert with this current submission, as they have had substantive influence in Victoria, given Nillumbik's status as the world's most heavily vegetated, highly populated, fire prone zones on Earth.

The current GWMP lacked genuine community consultation and PALS acknowledges NSC for its renewed approach with this GWMP review process.

The current GWMP does contain some statements and action points that directly relate to a sensible and robust GWMP. The GWMP panel and NSC should endeavour to deliver a clear GWMP, the interpretation and implementation of which by council officers should be directed to clearly reflect community attitudes which demand a collaborative approach, removing any atmosphere of adversarial conduct. The resultant new GWMP must establish a valid and honourable consultation process and respond in the real world to the challenges related to genuine community engagement and inclusion.

NSC has now established effective communication with the landowners responsible for much of the Green Wedge and Council's previous access by and reference to small select individuals and environmental groups must be balanced with its consultation with landowners across the Shire, effectively and widely represented by PALS.

Importantly emblematic of a cultural change in relation to Green Wedge land management, all references to policing and "criminalisation" of land uses within the Green Wedge **must** be removed from the GWMP. The current GWMP is littered with references and action points aimed directly at the prohibition of uses. Extreme environmental approaches actually risk the compromise of the Green Wedge and have been rejected by the community as demonstrated by the election of the new Council in 2016. To fail to respond to this reality risks jeopardising a democratic outcome to this GWMP review.

To provide the Community Panel with additional valuable background information in relation to bushfire in Nillumbik, this submission is accompanied by the attached

Appendix A - History of Fires in the Shire of Nillumbik

SPECIFIC PALS RECOMMENDATIONS

The GWMP is a **management** document, not a **use** document. It must correctly and appropriately manage the landscape and the mechanisms required to achieve and preserve the ongoing health of that landscape.

A new GWMP should include an important emphasis (or entire chapter) on fire related issues as they clearly apply to the Green Wedge landscape. The relevance of fire management within the Green Wedge and its referral to appropriate practices and actions to mitigate and/or minimise its effects is not related to use. It is a management tool to maximise the safety and preservation of the landscape, property and human life. It is the most important management tool to get right.

PALS recommendations include that:

- the CFA be re-instated as a determining authority for planning applications;
- local CFA brigades enforce their existing legislation that empower road side fire maintenance works to be undertaken under the direct authority of the CFA without the need for council planning permits;
- planning of road side fire maintenance be co-ordinated by the CFA local brigades with the power to direct that other agencies undertake the works if appropriate, such as the council or private landowners;
- proper and regular maintenance of both private and public land should be a priority within the Green Wedge;
- establishment be prioritised of a suitably qualified working group to investigate, calculate and set a limit of permissible ground fuel (tons/hectare) that, once exceeded, would require fuel reduction burns under the control of local CFA brigades or other works as required to reduce the ground fuel.

Recognition is stated in the GWMP that:

- appropriate fire maintenance along road reserves plays a crucial role in the ability to provide break lines or defence lines which may reduce or delay the uncontrolled spread of fire events;
- that fire-safe road reserves provide an artery for CFA and fire-fighting teams to gain access to, or retreat from, fire events;
- that fire-safe road reserves provide an avenue for potentially life-saving egress from fire affected areas to all people that happen, either by circumstance or design, to find themselves faced with their own evacuation;
- adoption of indigenous fire burn techniques is a valuable tool and the establishment prioritised of an ongoing working relationship with indigenous experts to plan and execute a suitable fire plan and cool burning regime to minimise both the short-term and long-term effects of uncontrolled major fire events,

- empowers individual landowners to undertake appropriate maintenance both within their boundaries as well as adjacent road frontages to minimise the effects of fire events without the need for a planning permit;
- prioritises the establishment of an incentive scheme for landowners to undertake the above works through a discount in their council rates.

IMPLEMENTATION

The key to a successful GWMP lies within the controls and mechanisms related to its implementation. The existing GWMP has failed based on the premise that prohibition, refusal and denial of rights was the foundation of a successful Green Wedge, an approach rejected by a majority of those living in and responsible for the Green Wedge.

Historical aerial photography (Google Earth, Near Map time scale aerial photography) clearly shows that despite the increased number of:

- dwellings dotted throughout the Green Wedge; and
- business enterprises now operating within the Green Wedge; and
- roads through the Green Wedge;

the volume of vegetation, both at ground level and canopy level has significantly increased. The net effect of these types of increases was disastrously seen with the 2009 Black Saturday fires where the build up of ground fuels and vegetation contributed to the severe impacts across the landscape and affected communities.

The intervening years from 2009 to 2018 have seen ground fuel loads and vegetation increase dramatically and now exceed the loads of pre-2009.

The importance and relevance of proper property maintenance has never been higher than it is now.

Benefits of a well maintained property include:

- a healthy landscape;
- minimisation of the spread of noxious weeds and imported rampant vegetation;
- preservation and encouragement of existing areas of genuinely significant landscapes;
- preservation and encouragement of existing areas of significant vegetation,
- financial and psychological security for landowners and for the wider community;
- delivering a net community benefit.

The dividend from a healthy landscape as determined by a well maintained property, is the overall and enduring broad appeal of the Green Wedge across the community.

Implementation directives in the GWMP must contain quantifiable key targets that are assessed against results and real-time actions.

The key targets could include (but not be limited to) ongoing:

- Community consultation
- Engagement with stakeholders
- Fire related maintenance targets
- Progress of fire maintenance plans
- Engagement with affected landowners
- Revision of rebate through rates towards best practice property maintenance
- Removal of red tape in relation to individual rights and responsibilities
- Updates on Regulatory Reform initiatives

Progress made against targets should be reviewed each year over the life of the GWMP. There must also be a consequential outcome if targets are not achieved. Sufficient ongoing resources must be allocated to ensure that the proper action and ongoing assessment is actually undertaken and remedial action taken to get errant results back on target. Reporting against the targets may be best undertaken by a selected Working Group consisting of relevant council officer that is appropriately qualified, CFA representative, LandCare representative as well as a representation from affected landowners which PALS would be prepared to provide.

In recognition of the custodianship that landowners by default provide, there should be direct and immediate incentives incorporated into the GWMP.

These should include:

- a program assessed against annual performance to remove red tape on all planning applications within the Green Wedge;
- to link required reports to a strict needs basis only and to remove all reports from applications for dwellings where no vegetation is affected or assessed for removal;
- acceptance of CFA approval for planning applications, with no counter "precautionary principle" assessment applicable;
- acceptance of qualified engineering, ecological and other relevant reports removing internal crosschecking aimed at finding errors or mistakes;
- encouragement of business opportunities within the Green Wedge, particularly those that may offer an innovative and/or unique opportunity to bring visitors / tourists to the Green Wedge. Emphasis on high quality products;

- adoption of VicSmart principles with regard to straightforward applications for all single dwelling applications and defined catalogue of “as of right” land management activities current unnecessarily requiring planning permits (eg simple fencing etc);
- development of extensive and specific catalogue of “as of right” triggers with reference to dwellings, works, infrastructure and/or out buildings and any proposed extensions or additional works;
- immediate and unambiguous introduction of policy to guarantee landowners’ right to rebuild on their property should they lose their home, infrastructure and outbuildings to fire or other disaster.

Some matters listed above may be included into changes to the regulatory requirements to assist in the full facilitation of a successful Green Wedge.

REGULATORY CONSIDERATIONS AND FACTORS

The principal consideration from a regulatory perspective is an independent assessment as to whether the zoning that exists within the Green Wedge land now is appropriate into the future. There are a variety of zones, overlays and schedules that currently apply throughout the Green Wedge. All directly contribute to excessive red tape and burdensome restrictive controls.

This appears to be particularly applicable to the Nillumbik Green Wedge, where the direction of a GWMP acting in conjunction with the required Municipal Strategic Statement (MSS) sits in a convoluted and uneasy partnership with the large number of existing zoning controls and overlays.

Key recommendation for Community Panel consideration:

Does the existing regulatory framework deliver the best conditions and solutions for the Nillumbik Green Wedge? PALS submit that it does not.

The landscape that makes up a green wedge, in particular the Nillumbik Green Wedge, should reflect the essence of Green Wedge principles, irrespective of its location. It should not sit in conflict, with other planning principles, which in this location is based around Rural Conservation Zones (RCZ).

Clause 35.04 of the Nillumbik Planning Scheme facilitates the creation of a Green Wedge Zone (GWZ). There is clear logic that indicates a GWZ would be the most appropriate zoning for a Green Wedge area. Why have a green wedge if it is not controlled by a green wedge zone?

The principle of the creation of a Green Wedge is to satisfy and work within the parameters set out in the GWZ and accompanying schedules. The legislative requirements clearly establish what must be satisfied in order to create a GWMP, yet in Nillumbik, unlike other Green Wedges, there is no GWZ in existence.

The controls set out in the planning scheme in relation to a GWZ establish what must be achieved.

These controls should be consistent across all Green Wedges, yet within the Nillumbik Green Wedge this is not the case. There are conflicts and jurisdictional issues where the controls through RCZ's cut across the principles of a Green Wedge. This should not be so and needs to be addressed.

A GWZ does follow a similar pathway to an RCZ. There are common themes in relation to vegetation and preservation of areas of environmental significance, but there are also differences between the approach to economic development, social benefits, community benefits and the acceptance that human occupation is a good outcome for the landscape. A GWZ sits more comfortably with the concept that people can be encouraged to build within the Green Wedge whilst still retaining some control over those parameters, albeit of a lesser complexity than RCZ dictates.

PALS insist that the overriding goal of any GWMP, any resultant or associated process or regulatory control should be simplification not complication. There is a clear opportunity to achieve a less complicated process by reducing the amount of red tape, the burden on and cost to applicants and thereby the community, as well as creating a more harmonious community along the way.

The State Government and Governments nationally recognise contemporary trends towards the use of plain English in legislation and the reduction of red tape. Consequently, The State of Victoria has established The Office of The Red Tape Commissioner. NSC must similarly recognise and adopt this approach in the consideration and development of a new GWMP for the next generation by fundamentally and significantly reducing red tape in this critically important document both for the current and successive generations.

CONCLUSION

The long-term health of the Green Wedge is inextricably bound to the long-term health of the people that live within it. A GWMP for the future should provide a framework that both protects what is important within a Green Wedge, whilst simultaneously providing encouragement for people to live within it. These goals are comfortably compatible.

Nillumbik PALS thank the Community Panel for its important work and commend this submission to the Panel. We look forward to the opportunity to make any further contribution or submission to inform or assist the Panel in the development of the new GWMP, which we consider to be amongst the most critical work for the current Nillumbik Shire Council since its election.



Damian Crock
Chair – Working Group
13 July 2018

APPENDIX A



HISTORY OF FIRES IN THE SHIRE OF NILLUMBIK

Black Thursday, 6th February, 1851

It is believed that the devastating fires began in the Plenty Ranges when a couple of bullock drivers left logs burning unattended, which set fire to long, dry grass affected by a severe drought. The fire hurtled down the course of the Plenty River into the outskirts of Melbourne. It burnt east to Diamond Creek and Dandenong and west through to the Western District. The fires destroyed more than 5 million hectares in Victoria.

Black Sunday, 14 February 1926

Bushfires swept across the Yarra Valley, the Dandenong Ranges and the Kinglake area. The fires had originated in forest areas on 26 January, but wind gusts of up to 97 km per hour led to the joining of the fire fronts on 14 February. Mt Disappointment to Kinglake Fire originating in Wandong burnt out most of Mt Disappointment and then jumped into Bruce's Creek, Humevale, Strathewen and Kinglake. No lives lost but many houses burnt.

February 1927

Fire burnt from Arthurs Creek, through St Andrews, Smiths Gully, Panton Hill, Christmas Hills, Watsons Creek, Kangaroo Ground, North Warrandyte, and Warrandyte.

Black Friday, 13th February, 1939

Flames leapt large distances, giant trees were blown out of the ground by fierce winds and large pieces of burning bark (embers) were carried for kilometres ahead of the main fire front, starting new fires in places that had not yet been affected by flames. The townships of Warrandyte, and Yarra Glen, were badly damaged. The Strathewen area was also badly affected.

14th January, 1944

Fire burnt from Wattle Glen through to Research. Ten houses were destroyed and approximately 700 hectares were burnt.

28th February 1957

Fires started in Plenty Gorge and burnt through Plenty, Diamond Creek, St Helena and Greensborough. One person was killed, six houses and a church were destroyed.

14th - 16th January 1962

Fire started on Sunday 14th January in Christmas Hills with a south easterly wind behind it, taking it towards Dixons Creek, Steels Creek, and Kinglake. On early Tuesday 16th January the wind changed to a raging hot northerly driving the fire through St Andrews, Smiths Gully, Panton Hill, Watsons Creek, Kangaroo Ground, Warrandyte and Wonga Park. Two people were killed and 180 houses were destroyed.

3rd March, 1965

Fires burnt through St Helena and North Eltham. Another fire started in Research and burnt through North Warrandyte, jumping the Yarra River into Warrandyte. In all, three lives were lost and fifteen houses destroyed.

Black Wednesday, 8th January 1969

Fire started in Diamond Creek with a north westerly wind behind it. The fire burnt through Diamond Creek, St Helena, North Eltham, Research, Kangaroo Ground, and North Warrandyte.

Not long afterwards another fire started in Laceys Road, Cottlesbridge. The fire burnt through Panton Hill.

In all, 54 houses were destroyed in the former Shire of Eltham.

January 1991

Fire started at Pound Bend and burned across the Yarra River into North Warrandyte burning a total of 45 hectares.

Black Saturday, 7th February, 2009

Devastating, fast moving fire burnt through Strathewen, St Andrews, and Christmas Hills. The fires progression toward the centre of St Andrews, Smiths Gully, Panton Hill, Kangaroo Ground, and towns in the southern part of the Shire of Nillumbik was halted by a south westerly wind change, which drove the fire front further east, destroying the towns of Kinglake and Steeles Creek. Many lives and houses were lost.