

## Special Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Monday 20 May 2019 commencing at 7:30pm.

## Agenda

**Carl Cowie**  
**Chief Executive Officer**

Friday 17 May 2019

Distribution: Public

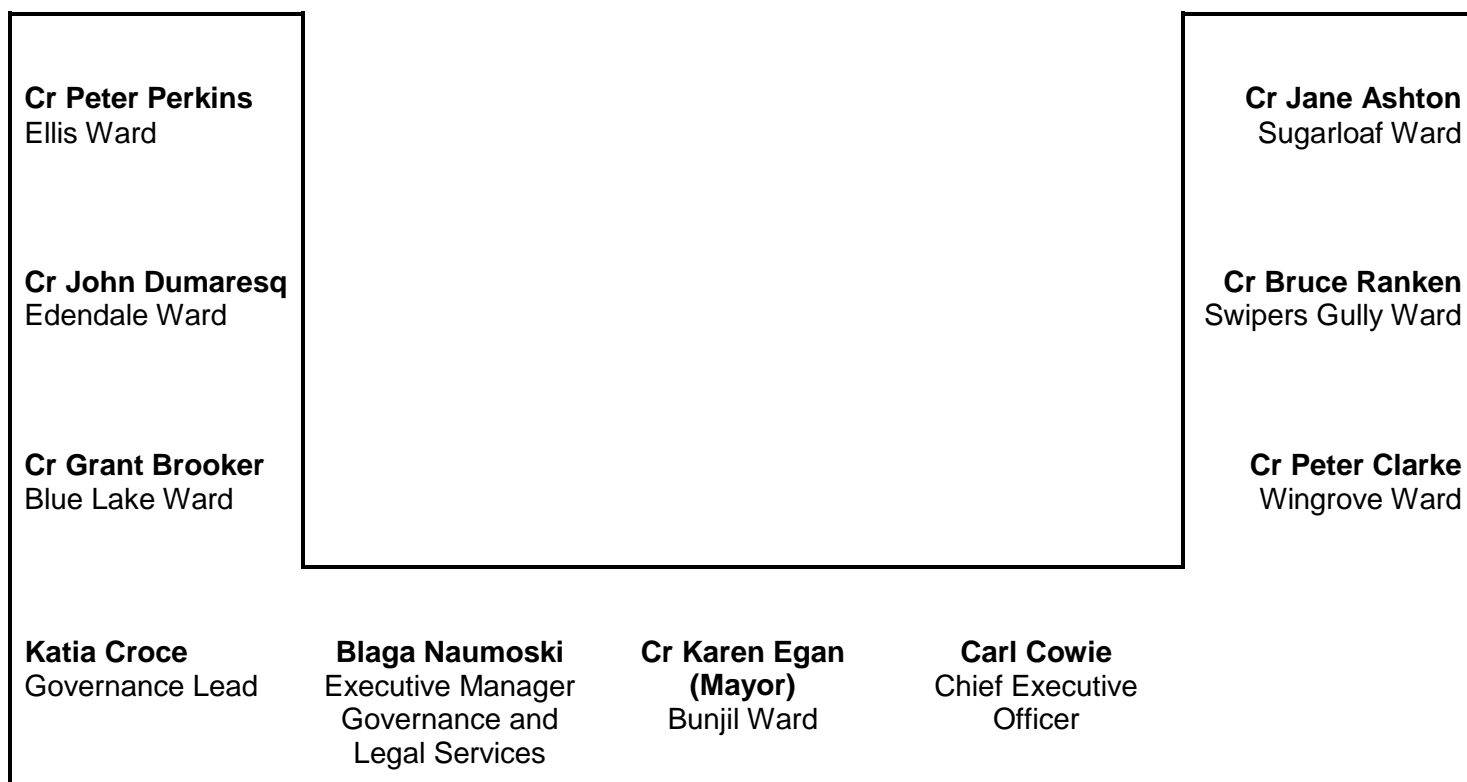
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*Domin je ka*

## Special Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

**Nillumbik Shire Council**

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**Nillumbik Shire Council**

**Agenda of the Special Meeting of Nillumbik Shire Council to be held  
Monday 20 May 2019 commencing at 7:30pm.**

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**1. Welcome by the Mayor**

Members of the public are advised the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

**2. Reconciliation statement**

**The reconciliation statement to be read by the Mayor**

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

**3. Apologies**

**Recommendation**

**That** the apologies be accepted.

**4. Disclosure of conflicts of interest**

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

**5. Notices of Motion**

**NOM.003/19 – Notice of Rescission**

Cr Karen Egan and Cr Jane Ashton advised of their intention to rescind a Future Nillumbik Committee resolution made on 14 May 2019 as follows:

<b>Recommendation</b>
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**That** Council rescind, the Future Nillumbik Committee resolution made on 14 May 2019 that refers to item “FN.011/19 Protecting Melbourne’s Strategic Agricultural Land – Proposed draft submission from the Nillumbik Shire Council to the State Government”.

## 6. Officers' reports

The following item will only be considered if the rescinding motion NOM.003/19 is successful.

### **OCM.063/19 Protecting Melbourne's Strategic Agricultural Land - Proposed draft submission from the Nillumbik Shire Council to the State Government**

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**Distribution: Public**

**Manager: Jeremy Livingston, Acting Director Community and Planning**

**Author: Paul Fyffe, Senior Strategic Planner**

**Geoff Lawler, Strategic Advisor Integrated Strategy**

**Melanie Porqueddu, Administration Support Officer**

### **Summary**

This report presents the Committee with a draft Council submission to a State Government project (the project) which aims to identify and better protect land of strategic agricultural value in proximity of Melbourne.

The project is being implemented by the Department of Environment, Land, Water and Planning (DELWP) which has developed draft criteria to identify strategic agricultural land. DELWP is now conducting public engagement which will test and refine the proposed criteria with the community, the agricultural industry, local government and key authorities.

A draft Council submission is provided as **Attachment 4** and this submission makes the following key points:

- a) The project and criteria are too narrow in scope and fails to capture smaller-scale, localised agricultural land and activity, including hobby farming, which are still highly important to the viability of Melbourne's green wedges and the future resilience and adaptability of Melbourne's food bowl.
- b) Reflecting the short-coming just mentioned, the proposed criteria fail to capture the prime agricultural land and activity within the Shire of Nillumbik, particularly the concentration of agricultural land in the north-west of the Shire.
- c) The project should focus not only on protecting agricultural land, but also on facilitating ease of proper use and management of land for agriculture.

The draft submission refers to points a) and b) above as serious shortcomings of the project, which have significant implications for the viability and protection of much of the Shire's green wedge and broader implications for Melbourne's food bowl.

### **Recommendation**

**That** the Committee (acting under delegation from Council):

1. Endorses the draft submission (**Attachment 4**) as Council's submission to the DELWP Project, "Protecting Melbourne's Strategic Agricultural Land"; and
2. Requests the endorsed submission be provided to the State Government.

## 6. Officers' reports

### OCM.063/19 Protecting Melbourne's Strategic Agricultural Land - Proposed draft submission from the Nillumbik Shire Council to the State Government

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#### Attachments

1. DELWP Project - Key Information - Fact Sheet, Frequently Asked Questions and Proposed Criteria for Identifying Land of Strategic Agricultural Value
2. DELWP Project - Agricultural Land of Strategic Agricultural Value within 100km of Melbourne
3. DELWP Project - Agricultural Land of Strategic Agricultural Value at and in Proximity of the Shire of Nillumbik
4. Draft Submission from the Nillumbik Shire Council to the the DELWP Project - Protecting and Identifying Melbourne's Strategic Agricultural Land

#### Background

1. An action of the State Government's metropolitan planning strategy, *Plan Melbourne 2017-2050*, is to improve planning decision-making to support sustainable agriculture in Melbourne's green wedges and peri-urban areas.
2. The Department of Environment, Land, Water and Planning (DELWP) has commenced a project (the project) to implement this action and the project comprises the two following steps:
  - i. Identify strategic agricultural land (early 2019)
  - ii. Decide what planning measures will be used to protect strategic agricultural land (late 2019)
3. Step 1 is progressed to the point that DELWP has developed draft criteria to identify strategic agricultural land within a 100 kilometre radius of the Melbourne CBD. **Attachment 1** provides information from DELWP on the project, including a fact sheet, frequently asked questions and the proposed criteria. Further, DELWP has prepared maps (**Attachments 2 and 3**) which use the draft criteria to identify strategic agricultural land in proximity of metropolitan Melbourne.
4. DELWP is now conducting public engagement which will test and refine the proposed criteria with the community, the agricultural industry, local government and key authorities. The public had until 23 April 2019 to provide input to the project via a State Government website, whilst local government and government authorities have until 21 May 2019 to make submissions.

#### Policy context

5. This report directly supports the achievement of a number of strategies in the Council Plan 2017-2021, particularly:
  - 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 (4.1).
  - Develop and market the tourism industry in Nillumbik (4.2)

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**OCM.063/19 Protecting Melbourne's Strategic Agricultural Land - Proposed draft submission from the Nillumbik Shire Council to the State Government**

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- Prepare and develop an improved and holistic approach to strategic planning (3.1)

**Budget implications**

6. There are no costs or budget implications with Council making a submission to the project. Council advocacy in response to the project is being undertaken within existing operating budgets.

**Consultation/communication**

7. The public has had from 12 March until 23 April 2019 to provide comment (via a State Government website), whilst local government and government authorities have until 21 May 2019 to provide a submission. DELWP has conducted 5 community workshops for the project, with one each being held at Bacchus Marsh, Mornington, Koo Wee Rup, Kilmore and Yarra Junction.
8. The tight timelines for responding have not allowed Council to conduct its own community consultation to inform its submission. However, Council has undertaken the following to assist in notifying Nillumbik residents of DELWP's engagement for the project:
- Council has directly advised community members who are registered on the mailing list for the Green Wedge Management Plan Project, members of the Economic Development Advisory Committee, all members on Council's business database and Council's environment newsletter (Fringe Focus) mailing list.
  - The wider community has been informed through Council's social media channels.
9. The notification from Council has specified that community members can provide their individual input via the State Government website and also, will have the opportunity to make a presentation to the May Future Nillumbik Committee Meeting on Council's draft submission.

**Issues/options**

10. Officers have prepared a draft Council submission (**Attachment 4**). The draft submission is informed by the current review of the Green Wedge Management Plan (GWMP), including Council's response to the recommendations of the community panel, and preparation of the Shire's Economic Development Strategy.
11. The draft submission commences by providing context to Council's response by stating that most of the Shire is green wedge and that 16 per cent of the Shire is currently used for agricultural activities and Council is currently reviewing the Shire's Green Wedge Management Plan.
12. The draft submission then makes the following key points about DELWP's current project to identify and better protect strategic agricultural land:



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Short-comings in the project scope

13. The draft Council submission states there are the following short-comings in the scope of the project:
- a) There is too much emphasis on identifying and protecting existing key agricultural areas within the metropolitan region and not enough on identifying and developing lower-scale local agricultural production. On this, the draft submission makes the point that local agriculture is significant as it supports the viability and vitality of Melbourne's green wedges by contributing to tourism, local employment, sustainable land management, scenic landscapes and cultural heritage.
  - b) The project should recognise the contribution of hobby farming and should develop policy to support this style of farming.
  - c) The project only considers soil-based agriculture and should consider non-soil based types, such as hydroponics in light of accessibility to Melbourne from areas such as the Shire of Nillumbik.
  - d) The project should not only seek to better protect agricultural land, but also to facilitate ease of proper management (e.g. by removing unnecessary regulation and impediments on appropriate use of land for agriculture).

Issues with the proposed selection criteria

14. The draft Council submission states that the proposed selection criteria have the following short-comings:
- a) The criteria places too much emphasis on soil capability and not enough on other considerations, such as existing agricultural activity and accessibility.  

This issue is evident by the fact that the criteria (and mapping) only identifies land with the Shire's richest soils, land on volcanic soils, located generally at Kangaroo Ground, as being of strategic agricultural value and fails to capture the Shire's main concentrations of agricultural activity which occur at Arthurs Creek, Doreen, Strathewen and on significant tracts of leased land owned by Melbourne Water at Christmas Hills.
  - b) The criteria does not adequately consider and capture the potential strategic value of agricultural land provided by the land's proximity to wholesale distribution, opportunities for the land to be consolidated and opportunities provided by both technological change and changing markets.
  - c) The inability of the proposed criteria to capture a sufficiently wide breadth of agricultural land has implications for the rest of the project, as it means any improvements to planning controls proposed later by the project will not be adequately applied around Melbourne and of particular concern to Council, will not be applied to much of the Shire's existing or potential agricultural land.

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Remove unnecessary regulation on agriculture

15. The draft Council submission states that in much of the Shire's green wedge, there is a blanket requirement for a planning permit for agriculture, which is required by the Rural Conservation Zone, and that the current DELWP project should remove this requirement where the land in question is pre-existing cleared agricultural land.
16. The draft submission makes the point that requiring a planning permit for agriculture on pre-existing cleared agricultural land is an unreasonable burden on landowners, particularly given it is reasonably improbable that this requirement will protect any environmental or landscape values. The draft submission provides some suggestions as to how this requirement might be removed.
17. The draft submission finishes by requesting that the short-comings Council has identified with the project should be addressed, otherwise the findings and recommendations of the project will be significantly compromised.

**Conclusion**

18. The DELWP project is highly significant to the prosperity and values of Nillumbik's Green Wedge. In essence, the draft submission from Council argues that the project is too narrow and static in its scope, and the proposed criteria and findings to date fail to capture prime agricultural land and activity which is expected to be to the significant detriment of Nillumbik's green wedge and the broader Melbourne food bowl. It could particularly results in recommendations which undermine the capacity of Melbourne's food bowl to adapt to emerging industries and undermine its resilience to the significant impacts anticipated from climate change.