

9.5 PLANNING PERMIT APPLICATION PLP228/17 FOR A 2 LOT SUBDIVISION AT 6 KOORALINGA DRIVE, WANDONG

Author: Mathew Mertuszka - Principal Planner

File No: PLP228/17

Attachments: 1. Proposed plan of subdivision [↓](#)

Property No.:	108875
Title Details:	Lot 29 on Plan of Subdivision 216408D
Applicant:	Priscilla Meli
Zoning:	Low Density Residential Zone
Overlays:	Nil
Objections Received:	Three objections received
Cultural Heritage Management Plan Required:	No, not in an area of Aboriginal Cultural Heritage Significance
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



SUMMARY

This report recommends that Council resolve to issue a Notice of Refusal to Grant a Planning Permit for Planning Application PLP228/17, which proposes a 2 lot subdivision at 6 Kooralinga Drive, Wandong.

The application was advertised to surrounding properties and a total of 3 objections were received.

Refusal is recommended as it is considered that the proposal is inconsistent with the purpose of the Low Density Residential Zone and State and Local Planning Policies relating to orderly planning and neighbourhood character.

Further the proposed subdivision is inconsistent with the strategic intent for the neighbourhood expressed in the exhibited Planning Scheme Amendment C123. This amendment seeks to give statutory effect to the Wandong/Heathcote Junction Neighbourhood Character Study.

SITE AND SURROUNDS

Subject Site Description

The subject site is legally described as Lot 29 on Plan of Subdivision 216408D and is commonly known as 6 Kooralinga Drive, Wandong. The site has an area of approximately 4095 square metres comprising a street frontage of approximately 63 metres with a slight splay.

A two storey cottage style dwelling currently occupies the site, located close towards the eastern boundary. An associated swimming pool is located at the rear of the dwelling. The site is serviced via a single unsealed crossover providing access to Kooralinga Drive to the north.

The land has a moderate slope towards the west where the boundary is lined with planted conifers. Other vegetation on the site appears to be a mixture of planted natives and a remnant patch of native eucalypts at the rear of the dwelling.

Reticulated sewerage is available to the site as well as town water, gas and electricity.

Planning Background

A search of Council's electronic records keeping system indicates that no planning permits have been issued on the subject land.

Title/Restrictions/Agreements

A recent copy of title indicates that the subject land is affected by Covenant P847286G. the covenant carries the following restriction:

- Cannot construct more than a single dwelling on any lot (except for Lot A);
- A dwelling requires to be constructed substantially of concrete, stone, brick or brick veneer and a roof of a building material other than unpainted galvanised corrugated iron.

The land is also burdened by a drainage easement labelled as E-1 at the rear of the site (southern boundary) extending approximately 3 metres. The subdivision does not impact on the easement and does not contravene the covenant. However, it should be

noted that if the lot was subdivided the covenant would prevent the construction of a dwelling on the lot. Further discussion regarding the covenant will be included later in this report.

Surrounding Area

The subject site is found within a residential area within the township of Wandong. The town is characterised by its detached built form and vegetated undulating landscape. Kooralinga Drive consists of a variety of lot configurations however all lots have a minimum land area of 4000 square metres.

A survey of the surrounding area indicates that all lots in the street have been developed with dwellings and associated outbuildings.

Fencing is often of a rural style comprising of post and wire. A mixture of planted exotic and native trees line the title boundaries facing the street with remnant patches of native vegetation found within surrounding land. The area is provided with all services.

PROPOSAL

The proposal is seeking to subdivide the land into two lots both with a street frontage to Kooralinga Drive. One of the proposed lots will contain the existing dwelling and crossover, with the second lot being vacant, west of the existing dwelling.

The proposed vacant lot (lot 1) will have an area of approximately 2020 square metres and the lot containing the existing dwelling (lot 2) to have an area of 2004 square metres. The proposed lots will each have approximately 30m of street frontage.

It is noted that the applicant has not submitted a surveyed plan of subdivision drawing of the proposed subdivision therefore dimensions are indicative only.

PLANNING SCHEME PROVISIONS

Zoning

Low Density Residential Zone (LDRZ)

The subject site is affected by the LDRZ. The purpose of this zone is to:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

Pursuant to Clause 32.03-3 a planning permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

As the subject land is connected to reticulated sewerage, the minimum lot size applicable to the site is 0.2 hectares (2000 square metres).

Overlays

The subject site is not covered by any overlays.

Particular Provisions

Clause 56 – Residential Subdivision.

An application to subdivide land zoned within the Low Density Residential Zone should consider the relevant standards of Clauses 56.07-1 to Clause 56.07-4. It is noted that this particular provision is not a direct requirement of the LDRZ but should be considered.

State and Local Planning Policy Framework (SPPF & LPPF)

The following policies as outlined within the State and Local Planning Policy Frameworks of the Mitchell Planning Scheme are relevant to the current application:

<ul style="list-style-type: none"> • Clause 11.02-1 – Supply of urban land 	<p>The objective of this policy is:</p> <p><i>To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses</i></p>
<ul style="list-style-type: none"> • Clause 11.05-2 – Melbourne’s hinterland areas 	<p>The objective of this policy is:</p> <p><i>To manage growth in Melbourne’s hinterland, the area immediately beyond Metropolitan Melbourne and within 100 kilometres of the Melbourne’s Central Activities District.</i></p>
<ul style="list-style-type: none"> • Clause 11.10-3 – Planning for growth 	<p>The objective of this policy is:</p> <p><i>To focus growth and development to maximise the strengths of existing settlements.</i></p>
<ul style="list-style-type: none"> • Clause 15.01-1 – Urban design 	<p>The objective of this policy is:</p> <p><i>To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity</i></p>
<ul style="list-style-type: none"> • Clause 16.01-2 – Location of residential development 	<p>The objective of this policy is:</p> <p><i>To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.</i></p>
<ul style="list-style-type: none"> • Clause 21.11-10 – Local areas (Wandong-Heathcote Junction) 	<p>In relation to the townships of Wandong/Heathcote Junction, one of the policies provided in this clause is as follows:</p> <p><i>Recognise that the community has developed a particular residential lifestyle which values environmental attribute.</i></p>

Other Considerations

- *Planning Scheme Amendment C123 – Wandong/Heathcote Junction Neighbourhood Character assessment.*
- *Wandong Heathcote Junction Structure Plan, 2016.*

Further discussion relating to these documents is found later in this report.

PUBLIC NOTIFICATION (ADVERTISING)

Formal notification of the application was given by means of posting notices to adjoining property owners and occupiers as well as displaying a sign on the site. A total of three objections have been received and are addressed in the section Objectors' Concerns later in this report.

REFERRALS

An application of this type does not require external referrals.

The application was referred to and discussed with the Strategic Planning Department who did not support the approval of the application as the proposal is not consistent with C123 (Wandong Heathcote Junction Neighbourhood Character Assessment). The following response was received in regard to the proposed subdivision:

The permit proposes to subdivide the lot into approximately two 2000 square metres lots. Council at its Ordinary Meeting held August 2017 resolved to prepare and exhibit Amendment C123 which seeks to implement the Wandong-Heathcote Junction Structure Plan and Wandong-Heathcote Junction Neighbourhood Character Assessment.

The Character Study found that the 2000 square metres subdivision minimum, introduced by State Government for all lots with sewerage in the LDRZ in 2013, would almost double the number of dwellings in the area. Therefore Amendment C123 is seeking to apply a schedule to the LDRZ in Heathcote-Junction that will apply a 4,000sqm lot size minimum to the subject site.

DISCUSSION

Low Density Residential Zone and Key State and Local Planning Policies

Relevant to this application, the Low Density Residential Zone seeks to protect and enhance the natural environment and character of an area, including the retention of native vegetation. Areas of scattered remnant native vegetation are located on the site, protected by Clause 52.17 of the Mitchell Planning Scheme as the land is greater than 4000 square metres. Native vegetation provisions only apply to land that is greater than 4000 square metres and by allowing the subdivision to occur will remove this layer of protection, removing any permit trigger and offset requirement which will result in the native vegetation found on site a total loss.

Given the above, the reduction of lot sizes in the area could significantly reduce the amount of vegetation on lots and the 'bushland' character of the precinct would be eroded, therefore subdivision of land resulting in a lot size of less than 4000 square metres should be discouraged to preserve neighbourhood character.

Clause 15.01.1 of the Mitchell Planning Scheme seeks to, amongst other things, promote good urban design to make the environment more liveable and attractive and most importantly requires development to respond to its context in terms of urban character, cultural heritage, natural features and surrounding landscape. It is considered that the proposal fails to demonstrate consistency with the existing neighbourhood character as it would double the density of the site, contributing to its open feel. As discussed previously, this Clause also encourages the retention of vegetation as part of subdivision proposal which is likely to be impacted on should the land be further developed with a dwelling.

A key strategy of Clause 21.02 seeks to Maintain and strengthen the individual attributes of existing settlements, including the urban-rural lifestyle mix. The proposal is also directly at odds with this policy for the above reasons.

Planning Scheme Amendment C123

In the absence of Neighbourhood Character Policy Planning incorporated in the Mitchell Planning Scheme, Scheme Amendment C123 is currently on exhibition following endorsement by Council at the August 2017 ordinary Council Meeting. The amendment is a result of strategic work including the Wandong/Heathcote Junction Structure Plan and the Wandong/Heathcote Junction Neighbourhood Character Assessment which aims set out the framework to preserve existing residential areas with high amenity within the region.

The study found key features of the preferred character for areas included as part of the amendment to increase lot sizes in Wandong/Heathcote Junction, which consist of:

- Bushland character.
- Low scale of built form.
- Open feel.
- Wide streets and quality public realm.

The consequences of the proposed subdivision (i.e. future development) is directly at odds with the Neighbourhood Character Study as it potentially represents the loss of all of the above, particularly with regards to achieving the appropriate balance in providing an “open feel” and maintaining the bushland character of the area.

Covenant P847286G

The subject land is affected by *Covenant P847286G*, which reads:

“AND the Transferee with the intent that the benefit of this covenant shall be attached to and run at law and in equity with all of the lots on Plan of Subdivision No. 216408D other than Lot A and the lot hereby transferred and that the burden of this covenant shall be annexed to and run at law and in equity with the lot hereby transferred DOES HEREBY for himself and his heirs executors and administrators transferees and assigns and as separate covenants COVENANT with the Transferor and other the registered proprietor or proprietors for the time being of all the lots on the Plan of Subdivision or any part or parts thereof other than Lot A and the lot hereby transferred that the Transferee will not erect or cause or allow to be erected on the lot hereby transferred any building other than a single dwelling with the usual outbuildings and that such dwelling (except for usual outbuildings) shall have exterior walls substantially

of concrete, stone, brick, or brick veneer and a roof of a building material other than unpainted galvanised corrugated iron”

In summary, the above restriction does not allow the construction of more than one dwelling on a lot. However, the restriction does not restrict further subdivision of the land. As any future lot arising from the subdivision of the land will inherit this restriction, allowing the land to be subdivided will create a land parcel incapable of being developed for residential purposes. This is directly at odds with the purpose of the zone and the reasonable expectations of future owners of the land.

OBJECTORS' CONCERNS

The objections received in relation to the current proposal cover a number of matters and are addressed below:

Objector	Location	Summary of concerns
1	Resident of Kooralinga Drive, Wandong	<ul style="list-style-type: none"> Recently purchased the property with the understanding that no further development or subdivision could occur on adjoining land. Further subdivision and development would erode the peaceful nature of the neighbourhood by increasing traffic and noise. The possible location of a future crossover servicing the subdivided lot would likely be located near an existing bedroom window, affecting amenity.
2	Resident of Kooralinga Drive, Wandong	<ul style="list-style-type: none"> Long time resident enjoying the well preserved “semi-rural atmosphere”. Allowing the subdivision may set a precedent for other properties to also subdivide. The fear the proposal would lead to “multi residential development” or “unit development” with solid fencing. Increase in residential traffic and vehicle movements. Clarifying that the entire street does not consist of a property of less than 4000 square metres. Negatively affect the value of the property. Additional housing development “will destroy the ambience of the area”.
3	Resident of Kooralinga Drive, Wandong	<ul style="list-style-type: none"> Lack of information regarding the proposal. The two lot subdivision does not provide certainty of the type of development that may occur once in separate ownership.

		<ul style="list-style-type: none"> • Poor integration with existing neighbourhood character as a proposal to subdivide land would affect the semi-rural feel to the street. • Affect resale value of existing land due to increase in density.
--	--	--

Response to objector concerns:

A common theme has emerged relating to loss of amenity and erosion of existing neighbourhood character should the application be approved.

The creation of additional lots and the resultant infill development that will occur, is likely to have a significant impact on the visual amenity of the neighbourhood and its unique character. The views of the objectors in regards to the application is consistent with the views of officers with regards to the impact of the proposal on the character and visual amenity of the area.

CONCLUSION

The subject land has little policy support for a 2 lot subdivision that would further increase residential density within the area. Any subdivision of the land should be sympathetic to and complement the existing and preferred neighbourhood character of the area discussed in detail within the statutorily endorsed Wandong/Heathcote Junction Neighbourhood Character Assessment document. The proposed 2 lot subdivision fails to do so by the extent of halving the existing lot size that characterize the area, providing for a semi-rural feel with potential of losing native vegetation.

Planning Scheme Amendment C123 was endorsed by Council in August 2017 at the time of writing this report is on formal exhibition. The amendment seeks an increase in minimum lot size for serviced allotments from 2000 square metres to 4000 square metres to ensure the preservation of the semi-rural built form currently enjoyed by residents of Wandong and Heathcote Junction within the LDRZ.

Given the above, the proposal to subdivide the subject land into two lots is directly at odds with the proposed Scheme amendment, non-compliance with the intention of a restriction on title as well as resulting in an unacceptable planning outcome. For the reasons above it is recommended that Council refuse the proposed 2 lot subdivision at 6 Kooralinga Drive, Wandong.

RECOMMENDATION

THAT Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a refusal to grant a planning permit in respect of Application No. PLP228/17 for a 2 lot subdivision at Lot 29 on Plan of Subdivision 216408D, known as 6 Kooralinga Drive, Wandong, on the following grounds:

1. The proposal is inconsistent with Clause 15.01-5 (Cultural identity and neighbourhood character) of the Mitchell Planning Scheme as the development will not result in a development that integrates appropriately with the existing character of the surrounding neighbourhood.

2. The proposal is inconsistent with Clause 21.02-1 (Urban Growth) as the proposed subdivision fails to demonstrate an orderly development outcome for existing settlements.
3. The proposal is directly at odds with Planning Scheme Amendment C123, a seriously entertained document endorsed by Council recommending changes to the minimum lot size of the Low Density Residential Zone affecting the subject site from a current 2000 s to 4000 sqm.
4. The creation of an addition lot will give expectations to future land owners that the is capable of accommodating a dwelling which is prevented due to the existing covenant which affects the land and is not proposed to be removed.
5. The creation of a lot within the Low Density Residential Zone that is not capable of being developed to accommodate a dwelling is not in keeping with the purpose of the zone.

MITCHELL SHIRE COUNCIL

Council Meeting Attachment

DEVELOPMENT AND INFRASTRUCTURE

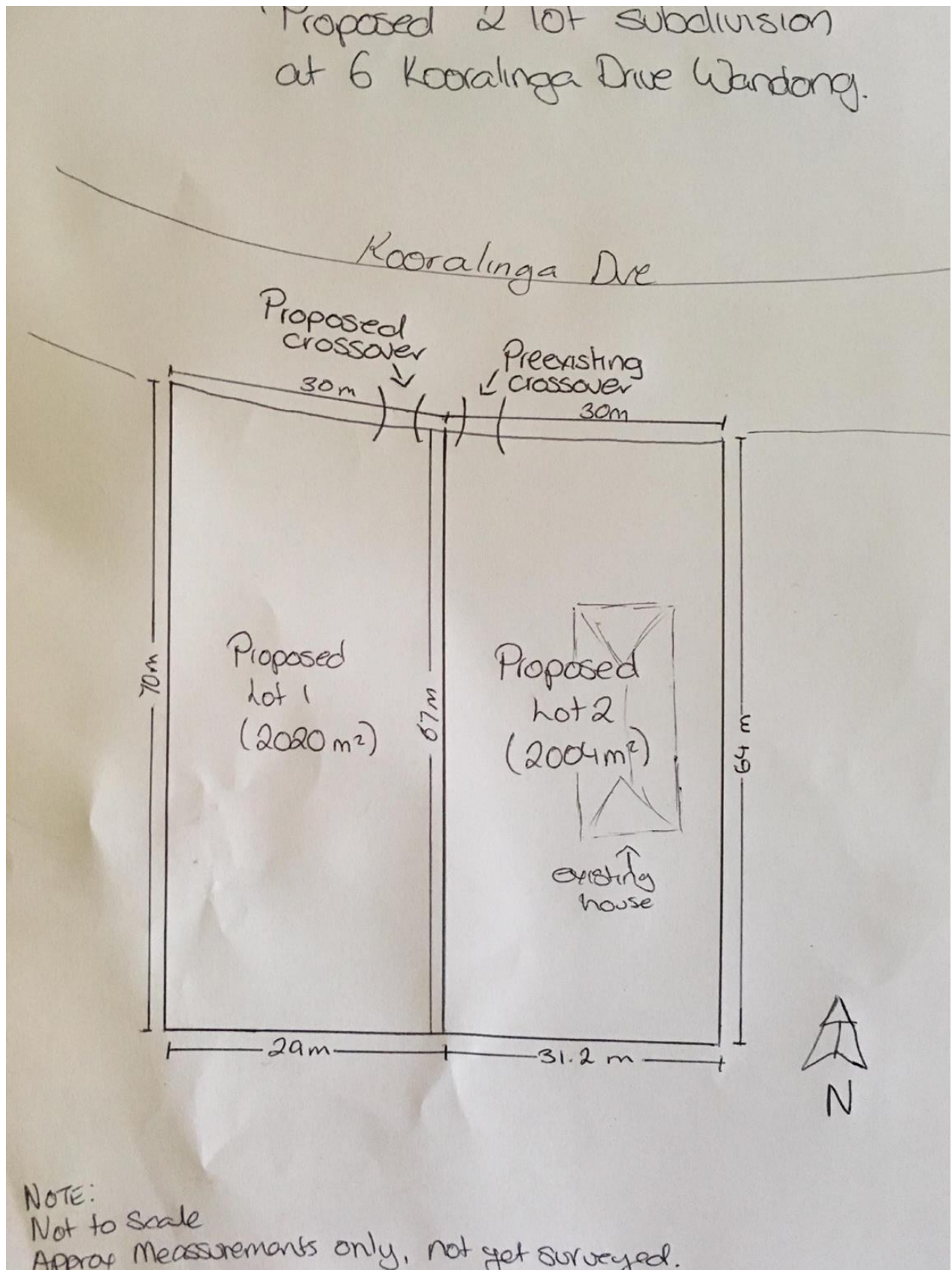
18 DECEMBER 2017

9.5

**PLANNING PERMIT APPLICATION PLP228/17
FOR A 2 LOT SUBDIVISION AT 6
KOORALINGA DRIVE, WANDONG**

Attachment No: 1

Proposed plan of subdivision



VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

THIS PAGE LEFT BLANK INTENTIONALLY

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

9.6 Victorian Civil and Administrative Tribunal Hearings and Activities Carried Out Under Delegation

Author: James McNulty - Statutory Planning Coordinator

File No: CL/04/004

Attachments: Nil

SUMMARY

The following is a summary of planning activity before the Victorian Civil and Administrative Tribunal (VCAT) as well as a list of decisions on planning permit applications dealt with under delegated powers for the period detailed.

RECOMMENDATION

THAT Council receive and note the report on the Victorian Civil and Administrative Tribunal Hearings and Activities carried out under delegation.

Victorian Civil and Administrative Tribunal (VCAT) activity update.

Upcoming appeals

The following is an update of the upcoming VCAT appeals.

APPEAL DATE	REFERENCE NOS.	ADDRESS	PROPOSAL	APPEAL AGAINST
8 January 2018	VCAT – P1326/2017	86 Albert Street Kilmore	6 lot subdivision	Appeal against conditions of approval relating to heritage requirements to adjust size of one lot, amount of public open space contribution and engineering conditions relating to road and footpath construction.

Decisions since last report

An order has been received from VCAT in regards to planning permit PLP072/17 as follows:

- 1 *By consent, the application is allowed. Pursuant to section 87A of the Planning and Environment Act 1987 Planning Permit No PLA303167/02 issued by the responsible authority in respect of the subject land on 29 November 2002 is cancelled.*
- 2 *The responsible authority is directed to cancel the permit under section 91 and give notice under section 92 of the Planning and Environment Act 1987.*
- 3 *The hearing scheduled at 2:30pm on **5 February 2018** is vacated. No attendance is required.*

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

This order relates to a hearing what was scheduled to occur on 5 February 2018 regarding the cancellation of a previously approved permit that was in conflict with a planning permit issued for an agricultural shed at 430 Hall Lane, Whiteheads Creek.

A second order has been received from VCAT in relation to the hearing date for proceedings relating to the Wallara Waters Estate. This order seeks to vacate the hearing date of 13 December 2017 and consents to the withdrawal of the application. The order states as follows:

- 1 *Pursuant to section 74 of the Victorian Civil and Administrative Tribunal Act 1998, leave is given to the applicant to withdraw the application and the application is withdrawn accordingly.*
- 2 *The hearing scheduled at 10:00am on 13 December 2017 is vacated. No attendance is required.*

A resolution to the matter has been negotiated outside of a formal hearing which will allow the development to proceed and a revised Traffic Impact Assessment Report be endorsed as required under the existing permit and Section 173 agreement affecting the land.

Activities Carried out Under Delegation

A list of planning permit applications dealt with under delegated powers for the month of November is included below.

Permit No.	Address	Description of Permit	Decision	Date Approved
South Ward				
PLP149/17	160 Gunns Gully Road BEVERIDGE	Use and development of the land for animal breeding	Planning Permit	01/11/17
PLP272/17	Station Street WALLAN	Buildings and works for the construction of 4 dwellings	Secondary Consent	03/11/17
PLP291/17	45 Hadfield Road West UPPER PLENTY	VICSMART: buildings and works for an agricultural shed	Planning Permit	06/11/17
PLP134/15	North Mountain Road HEATHCOTE JUNCTION	Use and development of the land for a dwelling	Secondary Consent	08/11/17
PLP214/17	Lot 10 Nugget Drive TYAAK	Development of the land for a dwelling	Planning Permit	16/11/17
PLP277/17	7 Swan Court WANDONG	Building and works to construction extensions to an existing dwelling	Planning Permit	24/11/17
PLP253/17	3272 Epping Kilmore Road WANDONG	Removal of vegetation	Planning Permit	24/11/17

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

PLP320/17	5 & 12 Tower Court, 4 & 6 Rialto Close WALLAN	Buildings and works for the construction of 4 dwellings	Planning Permit	27/11/17
PLP321/17	3, 5, 7 and 10 Sandridge Way WALLAN	Buildings and works for the construction of 4 dwellings	Planning Permit	27/11/17
PLP288/17	146-148 Bentinck Street WALLAN	6 lot subdivision	Planning Permit	27/11/17
PLP321/16	55 King Street WALLAN	4 lot subdivision and construction of 3 dwellings.	Planning Permit	30/11/17
Central Ward				
PLP220/17	1080 Northern Highway BYLANDS	Buildings and works for the construction of a shed	Planning Permit	03/11/17
PLP297/16	395 Wandong Road KILMORE	Use and development for a dwelling	Secondary Consent	13/11/17
PLP281/17	120 Lowdens Road FORBES	Use and development of the land for a dwelling (replacement)	Planning Permit	15/11/17
PLP305/17	3/132 Powlett Street KILMORE	VICSMART: Installation and display of business Identification signage	Planning Permit	16/11/17
PLP287/17	48 Burgess Road KILMORE	Buildings and works for the construction of a gazebo	Planning Permit	17/11/17
PLP160/17	15-25 Kellys Lane KILMORE	2 lot subdivision	Planning Permit	17/11/17
PLP229/17	492 Boundary Road WILLOWMAVIN	Buildings and works for the construction of a shed	Planning Permit	20/11/17
PLP213/17	90 White Street KILMORE	2 lot subdivision	Planning Permit	22/11/2017
PLP219/17	4/132 Powlett Street KILMORE	To use a building to display and sell motor vehicles and display of associated signage	Planning Permit	24/11/17
PLP261/17	80 Fitzgerald Road KILMORE	2 lot subdivision (boundary realignment)	Planning Permit	24/11/17
PLP223/17	39 Graves Street KILMORE	Buildings and works for the construction of a dwelling	Planning Permit	24/11/17
PLP324/17	11 Roditis Avenue BROADFORD	Buildings and works for the construction of a verandah	Planning Permit	30/11/17
PLP285/17	1955 Old Sydney Road BYLANDS	Buildings and works for the construction of	Planning Permit	30/11/17

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

		a dwelling and outbuilding		
PLP289/17	105 Broadford Glenaroua Road BROADFORD	Buildings and works to extend an existing dwelling	Planning Permit	30/11/17
PLP178/17	2 Commerce Court & 13 Crimmins Way KILMORE	2 lot subdivision (re-subdivision)	Planning Permit	30/11/17
PLP116/17	850 Broadford Wandong Road CLONBINANE	Use and development of the land for a dwelling	Planning Permit	30/11/17
PLP115/17	850 Broadford Wandong Road CLONBINANE	Use and development of the land for a dwelling	Planning Permit	30/11/17
North Ward				
PLP153/17	1700 Lancefield Tooborac Road NULLA VALE	Use and development of the land for a dwelling and machinery shed	Planning Permit	01/11/17
PLP164/17	635 Dockerys Road SUGARLOAF CREEK	Earthworks comprising of a dam	Planning Permit	02/11/17
PLP263/17	1970 Lancefield Pyalong Road PYALONG	Buildings and works for the construction of a shed	Planning Permit	03/11/17
PLP236/17	81 Main Road TALLAROOK	Use and development of the land for a dwelling, shed and alteration to road in Road Zone – Category 1	Planning Permit	13/11/17
PLP211/17	310 Tallarook Pyalong Road TALLAROOK	Development of the land for a shipping container associated with a dwelling	Planning Permit	13/11/17
PLP003/17	22 Stewart Street SEYMOUR	Building and works to construct a second dwelling and part demolition of a side fence and full demolition of an outbuilding	Notice of Decision	14/11/17
PLP154/17	350 Hume & Hovell Road SEYMOUR	Use and development of the land for an egg washing facility and earthworks	Planning Permit	16/11/17
PLP137/17	450 Highlands Road SEYMOUR	Development of a second dwelling	Planning Permit	17/11/17
PLP239/16.01	41 Emily Street SEYMOUR	Buildings and works comprising extensions to the existing	Secondary Consent	20/11/17

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION (CONT.)

		restaurant building, the display of internally illuminated signage and works adjacent to Road Zone – Category 1 (increased crossover width)		
PLP268/17	Seymour Pyalong Road PYALONG	Development of the land for a dwelling and driveway	Planning Permit	20/11/17
PLP246/17	6 Red Box Court SEYMOUR	Use and development of the land for a dwelling	Planning Permit	22/11/17
PLP135/17	1630 Northwood Road NORTHWOOD	3 lot Subdivision (re-subdivision of existing lots)	Planning Permit	30/11/17

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report. Failure to comply with the Child Safe Standards and associated legal responsibilities would be a breach of human rights.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

PAGE LEFT BLANK INTENTIONALLY

CHANGES TO VICTORIAN GOVERNMENT WASTE POLICY (CONT.)

9.7 CHANGES TO VICTORIAN GOVERNMENT WASTE POLICY

Author: Narelle Liepa - Waste Management Coordinator

File No: WM/08

Attachments: Nil

SUMMARY

The purpose of this report is to inform Council about a number of upcoming changes to Victorian Government Waste Policy and current community consultation opportunities on proposed waste management options.

Specifically, these include:

- Banning single-use plastic shopping bags and investigating future approaches to reduce plastic pollution
- Banning e-waste from landfill including a proposed approach coming commencing in July 2018, and
- Looking at the future role of waste to energy technologies in our waste and energy sectors.

Mitchell Shire Council has a number of key waste management and resource recovery challenges to address over the next decade for which these changes and opportunities may influence and/or impact upon.

Comments are being sought during December and January by the Victorian Government on these matters through the Engage Victoria website at www.engage.vic.gov.au/waste

Council's Waste management department will be preparing a submission on the matters that are likely to impact on Council's waste operations and/or the community. Additionally, the Goulburn Valley Local Government Waste Forum will be preparing a submission on behalf of its member Councils in response to the proposed E-Waste to Landfill ban.

RECOMMENDATION

THAT Council notes the information in this report and receives further updates as required.

REPORT

Background

Waste and resource recovery are an essential service that seek to manage materials consumed and disposed of by all sectors of the community. Proper management of waste is essential to protecting the health and amenity of our communities and the environment. Resource recovery is a key part of waste management that provides further environmental and economic benefits while responding to global issues such as resource depletion and climate change.

CHANGES TO VICTORIAN GOVERNMENT WASTE POLICY (CONT.)

Under the Australian Constitution, State and Territory governments are primarily responsible for managing waste. The *Victorian Environment Protection Act 1970* establishes the Environment Protection Authority (EPA) and its responsibilities for regulation of landfills, waste transport, alternative resource recovery facilities and litter. Council pays levies for all waste disposed to landfill (Landfill Levy), which the State uses to fund programs, including regional waste and resource recovery groups, the EPA, SV, numerous grants to councils, community groups, businesses and charities.

Other State legislation dictating Council's obligations around waste management include the *Local Government Act 1989* which requires Council to plan for and provide waste management services and facilities for the local community. The *Public Health and Wellbeing Act 2008* also requires Council to maintain municipal districts in a clean and sanitary condition.

The Victorian Government is currently seeking submissions on a number of proposed changes to how waste is managed and used in Victoria for the benefit of communities, the economy and environment.

The three key areas that the changes relate to include: E-Waste Landfill Ban, Reducing Plastics Pollution and Waste to Energy. The proposed changes are discussed in more detail below.

E-Waste Landfill Ban

The Victorian Government is currently seeking views from the community and industry on its proposed approach to managing electrical and electronic waste or 'e-waste' in Victoria.

E-waste describes waste electrical or electronic equipment, or anything with a power cord or battery at the end of its useful life. It includes a range of items used and discarded at work and/or in the home. E-waste contains both hazardous materials, which can harm the environment and human health, and valuable materials, which are scarce and a sought-after commodity. For these reasons, it is important e-waste is well managed.

A package of proposed measures has been developed with the aim to reduce e-waste from entering from landfill, increase resource recovery and support jobs and investment in the recycling sector.

The proposed approach to managing e-waste in Victoria comprises both regulatory and non-regulatory measures which include:

Regulatory measures

The regulatory component includes:

- a. an amendment to the *Waste Management Policy (Siting, Design and Management of Landfills) No. S264* to include e-waste as a material banned from landfill; and
- b. a new waste management policy that specifies how e-waste should be managed. This will refer to the Australian and New Zealand standard *Collection, storage, transport and treatment of end-of-life electrical and electronic equipment (AS/NZS 5377: 2013)*.

CHANGES TO VICTORIAN GOVERNMENT WASTE POLICY (CONT.)

Non-regulatory measures

The non-regulatory measures have been developed to support the new regulatory requirements and it is proposed that they will be funded through the Stage Government's Sustainability Fund. They are comprised of two elements:

E-waste infrastructure support program

The Victorian Government will allocate \$15 million to design and implement a program to upgrade Victoria's e-waste collection network, increase community access to e-waste disposal points and expand capacity to receive and safely manage

increasing volumes of e-waste. The program includes an assessment conducted through Sustainability Victoria (SV) of the current e-waste collection network across Victoria to identify priority collection points and gaps in e-waste collection capacity, and gauge compliance with the new regulatory requirements. The findings from the assessment will inform how and where the program funding will be prioritised. A number of infrastructure upgrades will be required at Council's RRCs in order to comply with the e-waste storage requirements outlined in AS/NZS5377: 2013. Preliminary information provided from the assessments has identified that three sites in Mitchell Shire will be eligible for funding these include Wallan Resource Recovery Centre, Broadford Resource Recovery Centre and Seymour Resource Recovery Centre.

E-waste education and awareness campaign

The Victorian Government has allocated \$1.5 million to a three-year state-wide education and awareness campaign aimed at building knowledge about what e-waste is, to provide information on what Victorians can do with e-waste, and to highlight the environmental benefits of reusing, donating, repairing or recycling ewaste. The campaign will provide clear and consistent information on what e-waste is and where e-waste can be taken using content marketing and press communication channels, including the SV website. Materials will also be developed to foster new behaviours in managing e-waste in Victoria.

Submissions from the community and industry are currently being sought on the proposed E-Waste Landfill Ban policy package on the Victorian Government's Engage Victoria website.

Reducing Plastics Pollution

The Victorian Government is currently seeking views from the community on banning single-use lightweight plastic shopping bags and future approaches to managing plastic pollution in Victoria.

Plastic pollution is an urgent environmental problem. Globally, thousands of tonnes of plastic enter waterways and oceans each year. It has been estimated that ocean surface waters alone could contain over 5 trillion plastic pieces, weighing over 250,000 tonnes.¹

1. Eriksen M, Lebreton LCM, Carson HS, Thiel M, Moore CJ, Borerro JC, et al. (2014) Plastic Pollution in the World's Oceans: More than 5 Trillion Plastic Pieces Weighing over 250,000 Tons Afloat at Sea. PLoS ONE 9(12): e111913. Retrieved from: <https://doi.org/10.1371/journal.pone.0111913>

CHANGES TO VICTORIAN GOVERNMENT WASTE POLICY (CONT.)

Plastics in the environment break up into smaller and smaller pieces over time. This means that the impacts of plastic pollution are long term, and can become increasingly difficult to manage.

While Victoria has relatively low litter rates, litter from lightweight plastic bags poses a particular problem. Plastic bags are highly mobile and can easily be blown into open spaces and waterways. In the environment, they can pose a danger to marine animals.

A study by the University of Queensland found 30 percent of turtles autopsied were found to have plastics, including plastic bags, in their *intestinal tract*.

A discussion paper has recently been released through the Victorian Government's Engage Victoria website which seeks input from all Victorians on how this ban can be designed to ensure that it is fair and effective. A Reducing Plastic Pollution survey is also currently available on the site.

Waste to Energy

The Victorian Government is currently seeking input from the community and industry on the best role for waste to energy technologies in the waste and energy sectors in Victoria.

Victoria's waste is growing as the population increases. Of the waste generated across the state around two thirds is recovered for recycling and reuse and the remainder goes into landfill.

To help increase resource recovery and keep more waste out of landfill, new and innovative approaches need to be explored and tested. Turning waste into energy is an opportunity to extract value from waste that would otherwise go to landfill.

Generating energy from waste can provide a reliable source of renewable energy and by reducing a reliance on landfill, it can also reduce greenhouse gas emissions.

A *Turning Waste into Energy* discussion paper is currently available on the Victorian Government's Engage Victoria website for comment along with a survey.

Submissions

In response to the Victorian Government's proposed changes to how waste is managed and used in Victoria, Council Officers will be preparing submissions for each of the key areas. These will include:

E-Waste to Landfill Ban

The submission will include discussion on the following points:

- *Potential operational cost implications to Council*

Council currently diverts e-waste from landfill at its four Resource Recovery Centres (RRCs) using a bulk 31 cubic metre bin to store e-waste deposited by residents. When bulk bins are full the e-waste is transported to Tox Free in Dandenong for processing. Council currently receives a rebate from Tox Free for receipt of e-waste (\$50 per tonne ex GST) and a transport fee rebate. This has allowed Council to accept e-waste at its RRCs from residents and ratepayers for free. There is uncertainty if the e-waste ban to landfill will impact on the rebate rate and/or lead to increased operational costs.

CHANGES TO VICTORIAN GOVERNMENT WASTE POLICY (CONT.)

- *Implementation of regulatory measures*

It is unclear how regulatory measures will be implemented following the introduction of the ban, particularly with regard to uncontrolled e-waste disposal in household kerbside collection bins. What penalties are likely to be applied if e-waste enters a landfill through an uncontrolled stream e.g. via kerbside collection.

- *Expansion of the Television and Computer product stewardship program*

The *Product Stewardship Act 2011* provides the framework to effectively manage the environmental, health and safety impacts of products, and in particular those impacts associated with the disposal of products. The framework includes voluntary, co-regulatory and mandatory product stewardship. The current Television and Computer Recycling scheme, should be expanded to include other e-waste items following the introduction of the E-Waste to Landfill Ban.

- *Management and Storage of Combustible Recyclable and Waste Materials (CRWM)*

The Victorian Environmental Protection Authority recently released the Management and Storage of Combustible Recyclable and Waste Materials (CRWM) guidelines which have been developed as practicable guidelines on how to comply with the Waste Management Policy (Resource Recovery Facilities). The Waste Management Policy requires combustible recyclable and waste materials to be managed and stored in a manner to protect the environmental and human health from the risk of fire. The Managing E-waste in Victoria Policy Impact Assessment undertaken as part of the planning process for the proposed ban has not referenced or taken into consideration the CRWM guidelines. The CRWM guidelines should be considered as part of its assessment of the e-waste collection network infrastructure upgrades, particularly as the specified buffer distances for the storage of combustible materials such as e-waste has been omitted from the assessment.

- *Identify future markets for recycled e-waste materials*

Following processing in Victoria, e-waste components are sent off shore. Contingency planning needs to be developed for reuse of E-Waste components and markets secured into the future as the amount of product is likely to increase.

Reducing Plastic Pollution

The submission will include discussion on the following points:

- *Support the proposed option to ban single use plastic bags*

It is recommended that Council supports the proposed option to ban single use plastic bags as it will assist in reducing the amount of plastic in the environment. The proposed ban also aligns with the principles of the waste management hierarchy as defined in the Environment Protection Act 1970 (EP Act) of Avoidance, Reduction of Wastes, Reuse, Recycle, Energy Recovery and Treatment and Disposal. The ban supports the principles of avoidance as it avoids generating waste in the first instance and/or generates less waste doing the same activity.

- *Supportive of reducing plastic packaging*

It is recommended that Council supports initiatives to reduce virgin soft plastics used for packaging. This product is primarily single use and ultimately ends up in

CHANGES TO VICTORIAN GOVERNMENT WASTE POLICY (CONT.)

landfill. Incentives for using less packaging and/or packaging made from recycled products should be encouraged.

- *Increased education of the issues associated with plastic pollution*

It is recommended that Council supports increased education on the broader issues of plastic pollution to its community. Development of a state-wide education campaign on this issue has the potential to increase general awareness on the problems associated with plastic pollution and provides an opportunity to encourage the community and business to change their behaviour with regard to single use plastics.

Waste to Energy

The submission will include discussion on the following points:

- *Support of alternative waste to energy technologies*

It is recommended that Council supports initiatives that encourage alternative waste to energy technologies which provide an avenue to extract value from waste that would otherwise go to landfill. Generating energy from waste can provide a reliable source of renewable energy in addition to reducing a reliance on landfilling.

Promotion of discussion paper and survey

Officers will promote the opportunity for the community to contribute to the discussions and surveys on the Engage Victoria website at www.engage.vic.gov.au/waste through Council's social media page. The Goulburn Valley Local Government Waste Forum will also be preparing a submission on behalf of its member Councils in response to the proposed E-Waste to Landfill ban.