

Green Wedges Coalition Issues / Future Directions

Website information update

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1. OVERALL PRIORITY ISSUES AND ACTIONS

1.1. GWC Plan Melbourne 2016 submission

Issue(s)

The Green Wedge Coalition (GWC) strongly asserts that what is needed in revision of Plan Melbourne for the future of the Green Wedges is:

- Recognition of the Green Wedges as a planning entity in the strategic planning for the future of Melbourne;
- Achievement of a permanent Urban Growth Boundary, with no further provision for expansion of the present UGB;
- A commitment to maintaining the rural open landscape of the Green Wedges;
- A review of the Green Wedge, Green Wedge A and Rural Conservation Zones.
- Prevention of the alienation of land used for productive agriculture and nature conservation
- Greater recognition of the need to protect the natural and cultural resources.
- Increase support for individual land holders and community organisations to protect and enhance the Green Wedges.

Background

This submission was prepared in response to an open invitation by the State Government to comment on the *Plan Melbourne Refresh Discussion Paper* (October 2015) identifying Green Wedge Coalition's key future directions for the Green Wedges.

The full GWC submission can be found at the GWC website. The submission is an overall policy response bringing together common issues across all the Green Wedges and it is understood that each of the recommended key future directions will need to be the subject of much more detailed development by members of the Green Wedge Coalition over time with the State Government. Also Green Wedge Coalition member organisations are likely to have additional local issues that may be the subject of separate submissions to the State Government.

The closing date for submissions was Friday 18 December 2015.

According to the State Government website, Plan Melbourne refresh has now entered the submissions analysis phase and the submissions and community and stakeholder feedback from the refresh will inform a revised Plan Melbourne to be released in mid 2016 and incorporated into Planning Schemes.

Status/Action

While the GWC will maintain a watching brief, the Coalition will continue to pursue major issues identified in our submission as identified below.

1.2. The Green wedges and strategic planning for the future of Melbourne.

Issues

The State Government needs to recognise the Green Wedges as a strategic planning entity in their own right.

Background

Plan Melbourne (2014) does not recognise the importance of the Green Wedges as a planning entity in its own right in the strategic planning for the future of Melbourne. There needs to be a section devoted to the Green Wedges. This was an important feature of Melbourne 2030 and a section specifically related to the Green Wedges should be reinstated. The significance of the Green Wedges in Plan Melbourne (2106) needs to reflect its importance as a fundamental part of the vision for Metropolitan Melbourne as recognised in the State Planning Policy Framework (Clause 11.04-7) on Settlement.

This section needs a clear policy statement that:

- Recognises the primary role of the Green Wedges in containing the urban sprawl of endless suburbia;
- Addresses the role of agriculture as the major land use that contributes to the open rural landscape and its economic significance;
- Protects biodiversity, natural resource and cultural heritage values;
- Addresses the role of outdoor leisure, recreation or sport as a major social land use attribute that contributes to the health and wellbeing of the community; and
- Supports and promotes land use and development that ensures the maintenance and enhancement of the open rural landscape character of the Green Wedges;

A map is needed in this section to clearly show the Green Wedges. Plan Melbourne (2014) has no maps specifically delineating the Green Wedges, as was a major strategic feature in Melbourne 2030. The whole emphasis in the mapping in Plan Melbourne (2014) being on the urban areas.

There needs to be a clarification of the terms Green Wedges and peri-urban. This confusion is unnecessary and confusing to the reader and acts to diminish the importance of the Green Wedges. Basically the Green Wedges by their very position on the edge of the urban growth boundary are the peri-urban areas within the Melbourne Metropolitan area. The peri-urban areas outside the Melbourne Metropolitan area may also require planning protection to prevent developers from leapfrogging the better protected Green Wedges. The deregulation of the Rural and Green Wedge zones by the previous State Government in 2013 has increased the risk of alienation of productive farmland in Melbourne's hinterland and needs to be reversed.

Status/Action

The following propose actions were included in the GWC submission on Plan Melbourne 2016:

- Include Green Wedges as a separate section with the same status as other major factors for the Vision of Metropolitan Melbourne as identified in Clause 11.04 of the SPPF, including a map of the Green Wedges;
- Include a policy statement as detailed above; and
- Clarify the confusion of the use of the terms peri-urban and Green Wedge.

1.3. A permanent urban growth boundary

Issues

No further expansion of the UGB and the achievement of the UGB as a permanent boundary between urban areas and the Green Wedges is the fundamental precursor to the future protection of the Green Wedges.

Background

It was the original intention of *Melbourne 2030* to establish a permanent urban growth boundary but history has shown that the UGB has expanded into the Green Wedges over the last decade. The chronology of this expansion is documented in Appendix 5 of the GWC submission to Plan Melbourne 2016. This illustrates a process of change passed through both House of the State Parliament authorising expansions of the UGB in 2010 and 2012. There was a further expansion of approximately of 8 hectares in 2013. This raises the issue of how the proposal to establish a permanent UGB can be achieved in practice?

Status/Actions

The following propose actions were included in the GWC submission on Plan Melbourne 2016:

- Establish a legislative process to achieve a permanency for the existing Urban Growth Boundary.

1.4. Maintaining and enhancing the rural open landscape of the Green Wedges

Issues

There needs to be recognition of the role of the Green Wedges in making a major contribution to Melbourne's reputation as the one of the world's most liveable cities. The Green Wedges form a vital structural element of the form of the Melbourne metropolitan area providing an open rural green landscape that provides relief from endless suburbia and brings the country into Melbourne.

Background

In the UK there is a long history of formally recognising in government land use planning the importance of green belts as a major component of their planning of major cities.

Their UK National Planning Policy Framework (NPPF) identifies that

'The fundamental aim of the Green belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of the Green Belts are their openness and permanence'.

In achieving the maintenance of the 'openness' of the Green Wedges there needs to be recognition of the existing and future role of extensive (soil-based) agriculture as a 'broadacre' land use that largely underpins the open rural landscape of private land in the Green Wedges. This agricultural land use is under threat and there is a need to understand the trends in agricultural land use and the potential implications for the future role and function of the Green Wedges. While the zoning objectives include an emphasis on encouraging and supporting future agricultural land use there is no evidence of any State government support in terms of incentives or technical advice for this to happen. At present it is entirely dependent on individual initiative and the quality of the hobby or part-time farming can vary from the application of sound farm practices to poor land management with the resultant weed and other sustainable natural resource management issues. Some municipalities do offer rate rebates for land used for agriculture and for nature conservation, sometimes conditional on sound land management of pest plants and animals

Another key issue is the land use zoning and the potential for future built development either as of right or subject to permit within the existing zoning in the Green Wedges. The vast majority of these uses will result in an increase in the built environment and will, if allowed to dominate future land use, result in the loss of the open rural landscape that is essential to the role of the Green Wedge areas.

In addition, some forms of intensive agriculture land use, on the other hand have the potential to increase the built environment and reduce openness. Intensive agriculture involves a combination of soil based and non-soil based agricultural activities. The soil based activities may involve glasshouses and the non-soil based activities may be entirely shed based (e.g. hydroponics and mushroom farms). Any increase in non-soil based intensive agriculture will increase the impact of the built environment in the green wedges and potentially impact the open rural landscape. Hence it will be important to maintain and strengthen the constraints on intensive agriculture and factory farming in the Green Wedge and Rural Conservation Zones.

This very real potential for a transitional to a built environment under the current planning provisions amounts to a cumulative 'death by a thousand cuts' of the Green Wedges.

Status/Action

The following propose actions were included in the GWC submission on Plan Melbourne 2016:

- Examine the potential for application of the UK Green belt policy.
- Apply an 'openness test' to planning decisions for all future land use and development in the Green Wedges.

1.5. Green Wedge Zones Review

Issue(s)

- Loss or alienation of productive agricultural land.
- Loss of openness of the Green Wedge through increased in built environment.

Background

There needs to be a new review of the Green Wedge, the Green Wedge A and Rural Conservation Zones to:

- Reverse the deregulatory changes made in September 2013 that undermined the protection of Green Wedges from inappropriate uses:
- Ensure the proper protection of priority values of Green Wedge that support purposes such as nature conservation and agriculture aligned with openness from land uses that reduce openness by increasing built infrastructure, including industrial-style uses, cemeteries and crematoria.
- Address the issue of how an overarching requirement for the maintenance and enhancement of the open rural landscape is incorporated into all decision making on future land use and development;

The issue is that when you get to the 'Table of uses' for these zones the Section 1 Uses as of right and Section 2 Uses allowable subject to a permit, the range of potential future uses is considerable and could over time lead to a progressive change from an open rural and scenic non-urban landscape to a built environment.

The table of uses for the GWZ, RCZ and GWAZ shows a wide range of potential future development options that can increase the built environment in the Green Wedges. In addition under Section 2 consideration can also be given to any other use not specified in Sections 1 (as of

right) and Section 3 (prohibited uses). One recent example of these innominate uses is the proposal for a cemetery in the Kingston section of the South East Green Wedge.

This potential for an increasing built environment in the Green Wedges was considerably heightened in 2013 with the revision by the then State Government to the GWZ, GWAZ, and particularly the RCZ resulting in:

- The addition of primary and secondary schools as a use subject to permit in both zones; (while, education centres are prohibited). The Green Wedge Coalition considers that schools should be prohibited in the Green Wedges but that education centres, which in 2002 were designed to allow vignerons to be taught on vineyards and farm management to be taught on farms, should be discretionary uses;
- The removal in the RCZ for a range of uses required to be “in conjunction with agriculture” (such as freezing and cold storage facilities, group accommodation, residential hotels and restaurants) which undermines the role of the RCZ in the protection of the natural environment and of agriculture in the Green Wedges and other rural areas.
- The treatment of innominate uses in the Rural Conservation Zone as discretionary where formerly they were prohibited.

The complete tabulation of Uses as of right (Section 1), Uses subject to a requirement for a planning permit (Section 2) and prohibited Uses (Section 3) are detailed in Appendix 7 of the GWC submission to Plan Melbourne 2016, along with a standalone listing of the changes to the RCZ in 2013. For each use the table shows the likely landscape implications. The vast majority will result in an increase in the built environment. The main uses that maintain an open rural landscape relate to agricultural land use, nature conservation and possibly ‘leisure and recreation’ (with conditions).

The impact of increase in non-agricultural related development uses could result over time in the change of the Green Wedges from an open rural landscape to a landscape more typical of a built environment. The real danger is that this will happen gradually over time resulting from a cumulative impact of many small development decisions. It could be characterised as ‘death by a thousand cuts’. In this regard, attention also needs to be given to the potential impact of non soil based intensive agriculture in increasing the built environment.

Status/Action

- GWC met with Minister Wynne in June and outlined the RCZ problems. Minister Wynne said he would deal with this, but not until after the residential zones review
- Included as a major issue in the Green Wedges Coalition submission to the revision of Plan Melbourne (2016) where the GWC proposed:
 - Establishing a process to review the Green Wedge Zone (GWZ), Green Wedge A Zone (GWAZ) and Rural Conservation Zone (RCZ), to achieve a permanent open rural landscape character for the Green Wedges.
 - In this process, reviewing the need to amend or delete existing land uses currently permitted as of right or subject to a planning permit under the zonings to ensure the built environment does not dominate by cumulative planning decisions.
 - For the RCZ, as a minimum, reinstating the ‘in conjunction with agriculture’ test and other protective provisions for future land use and development to the pre 2013 position.

1.6. Preventing the loss and alienation of productive agricultural land

Issues

There is an urgent need to address the potential impact of future land use and development on the loss or alienation of productive agricultural land.

Background

The future of agricultural production in the Green Wedges needs to be considered in relation to:

The value of agricultural production as it contributes to Victoria's economy

The importance of the Green Wedges for agriculture is little known and appreciated. As noted earlier, the total value of agricultural production in Melbourne's Green Wedges to Victoria's economy is more than \$1 billion a year.

In Plan Melbourne (2104) there is some policy recognition of agriculture in the Yarra Ranges and Mornington Peninsula through the proposal to develop planning statements for those areas. But this fails to recognise other important areas. Does this imply the other areas will over time see agriculture decline with increased pressures for non-agricultural development. These pressures are both direct (with land being used for other purposes) and indirect (with complaints from incoming urban landholders because of dust, odour and noise from adjoining agricultural land use).

Food security

It is internationally recognised that agricultural land is a finite resource and that loss of productive agricultural land is a major factor for future food security. The issue for the State Government is for recognition of the high level of the contribution of agriculture from the Green Wedges to Victoria's economy and proactively working with the farming industry to maintain this contribution.

Food that is produced close to the urban markets can also play a critical role in providing food security in the event of natural disasters.

Food miles

The future of agriculture in peri-urban areas has also been associated with concerns about environmental sustainability including resources used for the transport of agricultural produce as typified by the 'food miles' movement and 'peak oil' issues. This is associated with reducing green house gas emissions by reducing distance that produce is transported and hence lowering fossil fuel consumption. This is a complex issue and requires consideration of economies of scale for commercially successful farms (including the horticultural industry) that provide for the demand of a city of some 4 million people projected to grow to around 8 million by 2060 and the economic and energy efficiency of the whole supply chain, including food production, packaging, marketing and consumption.

The successful establishment of farmers markets provides an important alternative outlet for agricultural produce from the Green Wedges and the hinterland of the Melbourne metropolitan area.

Directions from current research and development

An *Agrifood Masterplan* was commissioned by the Southern Melbourne RDA¹ Committee in partnership with the municipalities of Casey, Cardinia and Mornington Peninsula. This comprised a two volume report:

- Volume 1 (2013) focuses on mapping the Agrifood sector in Casey, Cardinia and Mornington Peninsula; 'and
- Volume 2 (2013) summarises the opportunities, challenges and major issues that confront the local Agrifood sector over the next decade, and presents a range of recommendations in the form of an Agrifood Master Plan.

There is also currently significant research being done at the University of Melbourne on Melbourne's foodbowl and initiatives including the Greater Dandenong Regional Food Strategy, Mornington Peninsula Local Food Strategy and the South-East Food Hub.

¹ *Regional Development Australia*

The need for a land audit and protection of productive agricultural land

There is a clear and urgent need for an audit of productive agricultural land to be undertaken by the Ministers for Planning and Agriculture. This audit would identify areas of agricultural land in the Green Wedges needing protection from proposals for future uses that would lead to its permanent loss and both impact on the State's economy and reduce food security for food production into the future.

There is an equally pressing consequent need to progress the Plan Melbourne proposal for an agricultural overlay to protect land identified by such an audit.

The need for a clear connection to Melbourne's hinterland

See following section on 'Melbourne's hinterland' for discussion of this issue.

The need for the development of programs to assist landholders to protect, maintain and enhance agricultural land.

There is a lack of State Government initiatives or programs for agriculture and it is currently treated as totally a private landholder responsibility. If the openness of the Green Wedges is to be sustained maintaining soundly based extensive agricultural land use will be critical.

Status/Action

Submissions have already been made to the State Government Food and Fibre Review (attached).

The following proposed actions were included in the GWC submission on Plan Melbourne 2016:

- In Plan Melbourne (2106) recognise the value of agriculture in the Green Wedges to the Victorian economy.
- Review the 'Agrifood Masterplan (2013)' and research being done at the University of Melbourne on Melbourne's foodbowl and initiatives such as the Greater Dandenong Regional Food Strategy, Mornington Peninsula Local Food Strategy and the South-East Food Hub.
- Institute an audit of productive agricultural land in the Green Wedges identifying areas requiring protection from proposals for future land use and development that would lead to permanent loss of productive agricultural land.
- Institute an agricultural overlay to protect land identified in the audit.
- Provide technical agricultural support services to landholders in the Green Wedges to encourage sound and sustainable farm planning and management practices
- Encourage Councils to provide rate rebates for land used for agriculture and/or nature conservation by subsidising those councils to cover part of the costs.

1.7. Greater recognition of the need to protect natural and cultural assets

Issues

There are four major issues:

- Increase in loss of native vegetation resulting from changes to the Victorian Planning Provisions governing the clearing of native vegetation.

- Loss of native fauna species of National Environment Significance linked to loss of habitat and connectivity through the provision of adequate habitat corridors.
- Need to review the operation of Heritage and Cultural Heritage provisions of the Victorian Planning Provisions.
- Need to better link planning policy directly with the Port Phillip and Westernport Regional Catchment Strategy to address the natural resource and social issues for the Green Wedges

Background

The stated purposes, “to protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values” are stated in Clause 57 of the Victorian Planning Provisions.

There is a major concern that the provisions for the protection of native vegetation has been seriously undermined from the transition from the Native Vegetation Management Framework (NVMF) to the new process under *Clause 52.17 Native vegetation permitted clearing regulations*.

In addition, there are legislation and programs that provide complementary protection for a number of values integral to the Green Wedges.

Native Vegetation Clearing Regulations

Clause 52.17 (the Native Vegetation Clearing Controls, formerly the Native Vegetation Management Framework.) These provisions have been seriously undermined in the transition from NVMF to NVCC. In particular:

- The goal of “Net Gain” has been watered down to “No Net Loss”
- The requirement to avoid or minimise the removal of native vegetation have been replaced in most parts of Victoria by the requirement to provide offsets;
- Bushfire exemptions have been increased.

This undermining has taken place without any research or review of whether Net Gain or its predecessor policy No Net Loss were effective and without any research or review of the effectiveness of offsets in achieving either of those stated purposes.

The current State Government was elected on a pledge to improve environmental programs including native vegetation protection. It is now undertaking a review of the Native Vegetation Clearing Controls which we hope will at least restore and if possible enhance their efficacy.

Matters of National Environmental Significance

Assurances that the Matters of National Environmental Significance (endangered species whose habitat is to be cleared as a result of the 2010 rezoning of 43,600 ha of Green Wedge land for urban development) would be protected in new conservation reserves are turning out to be hollow, as State Government is:

- Welshing on plans for carefully monitored programs to salvage and translocate Striped Legless Lizards,
- Doing nothing so far to improve the narrow Merri Creek habitat corridors provided by the previous State Government for the Growling Grass Frogs, and
- Doing nothing to improve the inadequate habitat corridors that were supposed to provide the necessary connectivity between Royal Botanic Gardens Cranbourne and the other SBB populations in the Westernport Green Wedge.

Accordingly scientists and local environmental groups fear there will be regional or at least local extinctions for these three species.

GWC reluctantly dropped a Federal Court Appeal over the SBB corridors in June 2015 after our barrister advised that the Federal Government had ticked enough boxes to defeat our case. All the federal government had to do was to consider the need for connectivity etc., not actually to provide it.

We had expected the new state government would want to undo the environmental and planning damage wrought by the previous government, but so far we have been disappointed.

One good thing to come out of our legal action: it delayed implementation of the Planning Scheme Amendment that was drafted in October 2014 and would have finalised the new narrow SBB corridors in place. This has given us time we hope to negotiate for more effective corridors.

Heritage and Cultural Heritage

Heritage and Cultural Heritage provisions have separate legislative protection. In our members' views, neither of the Acts is working to protect heritage as well as they should and need to be reviewed.

Environmental policy

The Port Phillip and Westernport Regional Catchment Strategy addresses the natural resource issues of the Green Wedges that encompass: biodiversity; agriculture, ecosystem services (clean air, water, assimilation of pollutants, climatic and temperature moderation and landscape aesthetics), natural and open landscapes.

The focus of the Port Phillip and Westernport Regional Catchment Strategy tends to be focussed on the protection of the water catchments and in our view asset protection related to other natural and cultural assets needs to be strengthened. The RCS is moving in this direction with the identification of assets and targets and interactive mapping for these assets.

There is also a need to better link planning policy directly with the Port Phillip and Westernport Regional Catchment Strategy to address the natural resource and social issues for the Green Wedges.

The Green Wedge Management Plans are integral to achieving this linkage. The progress with the development of these Green Wedge management plans shows that they are incomplete and that there has been a trend for individual municipalities to produce plans for their Green Wedge area or a component of it, such as in the Wyndham municipality where the focus is on the Werribee South horticultural area. This is an unsurprising development as each council is responsible for their municipal planning scheme and needs to focus its resources on land use and development within that part of the respective Green Wedge areas for which they have immediate planning responsibility.

The CMA identifies the key issue of loss of land to built development and infrastructure and the loss of capacity for support of natural ecosystems and traditional soil-based agriculture.

In the UK each local planning authority has the responsibility for producing a local plan. This and the National Planning Policy Framework form the planning structure for addressing green belt future land use planning and development. There are some sixty eight local authorities in the London Green Belt.

Status/Actions

Native Vegetation Clearing Controls

- Green Wedges Coalition has written to the Environment Lisa Neville requesting the Government to restore the former Labor Government's native vegetation clearing controls

in line with their election commitment to restore the Net Gain Principle. We feel this will require:

- restoration of the Native Vegetation Management Framework requirements on developers and councils to avoid or minimise the removal of native vegetation and
 - abolition of the Low Risk Pathway designation for virtually all of the Greater Melbourne area, as this enables Councils to authorise removal of environmentally significant vegetation without departmental approval.
- Green Wedges Coalition will lodge a submission expanding on these points when State Government releases a draft of their review recommendations.

Matters of National Environmental Significance

- Rosemary West has been appointed by DELWP to represent Green Wedges Coalition on the Melbourne Strategic Assessment Environmental Stakeholders Group, along with Yasmin Kelsall for VNPA, Ann McGregor for Friends of Merri Creek, Andrew Booth from GWC, Christina Cheers of Friends of Emu Bottom Wetlands Reserve and scientist David Nicholls from the SBB Regional Recovery Group, and we are also continuing these conversations with the Minister's office in the hope we can avert extinction for the bandicoot, the frog and/or the lizard.

Green Wedge Management Plans

- Review the current status of the Green Wedge Management Plans. Where the GWMPs have not been completed or incorporated into the planning scheme, investigate adopting the UK approach to require each of the remaining Green Wedge municipalities to prepare and incorporate into the planning scheme a local municipal Green Wedge Management Plan.

Heritage and Cultural Heritage

- The Green Wedges Coalition strongly supports the ALP Government's election pledge to "Strengthen Heritage Victoria's role in protection of heritage sites and assets and review the Heritage Act to protect our built heritage."
- In the meantime, Our members Arnie Azaris and Trevor Dance, of the Sunbury Maribyrnong Valley Defenders have had considerable success via appeals to VCAT and Heritage Victoria to prevent or limit Victoria's oldest homestead, Emu Bottom from being crowded by inappropriate surrounding residential development.

1.8. Increasing support for individual landholders and community organisations.

Issues

There is a need to increase support for individual landholders and for landcare, environment and other community groups to protect and enhance the Green Wedges.

Most of the land in the Green Wedge is privately owned and the success of the role of future land use planning in protecting the values of the Green Wedges will ultimately depend on individual landholders operating with support from the State Government and community organisations.

Background

There is a long and successful history of this support being provided through landcare, 'Friends of' and other community-based environmental groups with over 200 such groups active across the Port Phillip and Western Port area. These groups are providing support to both individual landholders on private land and to projects on public land to rehabilitate and enhance the natural assets of the Green Wedges.

As identified in the Port Phillip & Western Port RCS the activities of these groups include native vegetation management, revegetation, water quality improvement, native animal care, land and soil management, coastal rehabilitation and community education. Most importantly, the collective role of these groups encompasses co-ordinated local action planning, on-ground works and building knowledge, skills and supportive networks.

The groups are often the catalyst for initiating very effective coordinated action in conjunction with local and state government bodies, sometimes by supporting Councils in defending their decisions against VCAT challenges from developers, or in advocating to State Government for necessary reforms or against destructive measures, as Mornington Peninsula Shire Council did when the former Coalition Government proposed the same undermining deregulation for the Green Wedge Zones as for the Rural Conservation Zone.

Environmental and community planning groups, including Green Wedges Coalition members, also serve a useful role in protecting environmental and other Green Wedge values by appealing unsound and or destructive council decisions at VCAT. However their ability to do so was undermined in 2013 by steep increases in VCAT charges, which are now prohibitive for many community groups. Community groups are at a disadvantage compared to ratepayer-funded Councils and developers who can deduct their VCAT expenses from their corporate taxes. The ability of community organisations to perform this socially and environmentally constructive role would be enhanced if VCAT charges could be reduced for non-profit community groups.

At the individual landholder level some municipalities offer rate rebates for land used for nature conservation and/or for agriculture which include incentive programs to encourage and reward good natural resource management. These would be more consistent and more effective if they were mandated by State Government or made a condition of State Government grants.

The State Government needs to both increase its support for these groups and work with local government to provide incentives and technical support to landholders to protect and enhance the Green Wedges.

Status/Actions

- Review the steep increases in VCAT charges so as not disadvantage community groups in raising sound objections to planning proposals and effectively denying natural justice because of the frequent imbalance of resources between proponents and concerned community groups.
- Work with State environment and agricultural agencies with municipal Green Wedge councils to advocate for increased incentives and technical support services to landholders to protect and enhance the environmental, social and economic values of the Green Wedges.

1.9. Watching brief on proposed planning scheme amendments

Issues

All future land use and development is determined by Victoria's planning process and the importance of active engagement with this process cannot be overstated. There is generally a lack of engagement in this process by community groups for a whole range of reasons but probably the main ones a lack of proposed amendments, the relatively short timelines for submissions for the initial exhibition and the a perception that it will be very time consuming.

Background

Each municipal council has responsibility for its own planning scheme and any proposed changes to each of these schemes has to be the subject of a legislated process for proposed planning

scheme amendments. This process provides for involvement of interested parties to review and support and/or object to a proposed amendment at various stages:

- Firstly the proposed amendment has to be prepared and formally adopted by a given council and then submitted to the Minister for Planning for authorisations to proceed to exhibition. Interested parties that are aware of this process at this stage do have the opportunity to engage with the Council or the Minister and make representations about the proposal. It is also by no means a foregone conclusion that the Minister will authorise the proposed amendment as it has to be reviewed against existing state policy.
- Once the proposal is authorised it then goes on public exhibition and interested parties can submit a submission to the Council (or other Responsible Planning Authority should that not be the Council) by the stipulated closing date. There is the capacity for the council to accept late submissions but that is at the discretion of a given council a given proposal.
- If the Council receives objections that it cannot resolve it will usually then call for the appointment of a Planning Panel and this greatly extends the opportunity for further submissions. The Planning Panel first organises a Directions Hearing which is open to the public and anyone wishing to put in a submission and/or appear in person before the panel can make their intention known at this hearing. The Directions Hearing will determine the time and agenda for the full Panel Hearing. Again Panel Hearings are open to the public and provide further opportunity for involvement, under the directions of the Panel Chair, even if a submission has not been lodged.

To try and improve the access of community groups generally to the planning scheme amendment process and subsequently the opportunity for participation, every month a tabulation showing all currently active proposed planning scheme amendments is produced for each of the 'Green Wedge' municipal councils.

Status/Action

Member organisations of the GWC to review the list of proposed amendments on a monthly basis to identify any amendments that may appear to detrimentally impact on the green Wedges for their respective areas and consider the need for input

1.10. The council plan and Review of the Municipal Planning schemes

Issues

Each municipal planning scheme provides the vision and basis for decisions on the future land use and development and the operation of planning in the respective municipality.

It is critical that member organisations of the Green Wedge Coalition are aware of when their respective councils are preparing their Council Plans which in turn is the trigger for each council to prepare for the review its planning scheme as required by the State Government.

This process is a very significant opportunity to advocate for issues central to the future of the Green Wedges.

Background

Under the *Planning and Environment Act 1987* (Section 12B) a planning authority which is a municipal council must review its planning scheme no later than one year after each date by which it is required to approve a Council Plan under section 125 of the *Local Government Act 1989*, or within such a longer period as determined by the Planning Minister. According to the *Local Government Act* a Council Plan must be prepared and approved after each general election or by the next 30 June, whichever is later.

General State elections are currently conducted on a set term in November every four years. The last state election in Victoria was held in November 2014. Hence municipal councils will be reviewing their planning schemes in the near future but details will need to be obtained from each council.

This review offers a very real opportunity for community groups to advocate for issues of importance for the Green Wedges in a given municipality and seek to amend local policy in the Local Planning Policy Framework (LPPF) and most significantly in the Municipal Strategic Statement (MSS).

The MSS is a visionary statement that contains:

- (a) The strategic planning, land use and development objectives of the planning authority;
- (b) The strategies for achieving the objectives;
- (c) A general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme; and
- (d) Any other provision or matter which the Minister directs to be included in the municipal strategic statement.

Overall the MSS provides the broad outline and vision for existing and future land use within a municipality and the rationale for the zone and overlay requirements and particular provisions in that council's planning scheme.

An MSS must be consistent with the Council Plan.

A fuller explanation of the review process can be found in the General Practice Note: 'Review of Planning Schemes, *Planning and Environment Act 1987*, Section 12B'.

Status/Actions

Member GWC organisations identify when their respective municipal councils are preparing their new Council Plan

1.11. Melbourne's hinterland

Issues

Urban planning for Melbourne needs to be extended to peri-urban areas beyond the boundaries of the metropolitan area to those areas that can spatially be considered as within the influence of the city. The extent of this influence is considerable with the ongoing improvements in the speed and capacity of regional infrastructure both in the form of road and rail transport. This is particularly important for protecting production agricultural land from loss to urban development and alienation from uses incompatible with agricultural practices.

Background

The State Planning Policy Framework *Clause 11.04-6: A State of cities* recognises this need to control and plan for this increasing influence of Melbourne on the hinterland by:

- Delivering a permanent boundary around Melbourne; and
- Integrating metropolitan, peri-urban and regional planning implementation.

There is concern that without adequate attention in Melbourne's strategic planning, the expansion of the influence of the city will have detrimental impacts on our natural assets of soil, water and

vegetation, including loss of productive agricultural land and reduced water quality in catchments for urban water supply.

In addition, planning for agriculture needs to extend to the peri-urban areas abutting Green Wedges, those areas that are integrally linked with Melbourne as both a consumer and exporter of agricultural produce. As such, the audit of agricultural land (proposed in Recommendation 5 above) needs to include these areas in the hinterland. One of the significant planning issue for these rural farmlands is the potential detrimental impact for agriculture of changes to the Rural Conservation Zone (RCZ) and the Farm Zone (FZ) introduced in September 2013 that saw the removal of the 'in conjunction with agriculture' test a range of land uses (Appendices 7 & 8 respectively). These changes could lead to significant loss or alienation of productive farmland. This further highlights the need for the audit of productive agricultural land and the need for its extension to Melbourne's hinterland.

Status/Actions

- For the Rural Conservation and Farm Zones reverse the changes introduced to the VPPs in 2013 and reinstate the 'in conjunction with agriculture' test to all the land uses where it applied prior to September 2013.
- Review with key state government, local government and community stakeholders the adequacy of strategic planning for the protection of our natural assets of soil, water and vegetation including protection of productive agricultural land and water quality in catchments for urban water supply.

2. ISSUES AND ACTIONS SPECIFIC TO INDIVIDUAL GREEN WEDGES

2.1. Western Plains and Werribee South Green Wedges

2.2. Western Plains North Green Wedge Coalition Group

2.3. Sunbury Maribyrnong Valley Green Wedge Defenders

2.4. Whittlesea Merri Creek Green Wedge

2.5. Nillumbik Green Wedge – Green Wedge Protection Group

2.6. Yarra Valley and Dandenong Ranges Green Wedge.

2.6.1. Proposed Planning Scheme Amendment C146 (Yarra Ranges Shire)

Issues

Destroying the open rural character of the Dandenongs by allowing more subdivision and inappropriate uses through undoing some 30+ years of strategic planning via the Regional Strategy Plan (RSP).

Background

The proposed planning scheme amendment C146 would allow intensive animal husbandry in the green wedges. This would lead to an increase in the built environment through the structures associated with intensive animal husbandry and have a detrimental impact on the open rural landscape integral to the Green Wedges.

Status/Action

This proposed amendment has yet to be exhibited according to the state government website for proposed planning scheme amendments on line.

2.6.2. Review of the Upper Yarra Valley and Dandenong Ranges Strategy Plan (Yarra Ranges Shire)

Issue(s)

- Loss of the values of the Green Wedge through dismantling current protections in the Upper Yarra Valley and Dandenong Ranges Strategy Plan.

Background

Status/Action

2.7. Manningham Green Wedge – Warrandyte Community Association

2.8. Southern Ranges Green Wedge – Knox Environment Society

2.9. South East Green Wedge – Defenders of the South East Green Wedge

2.9.1. Southern Metropolitan Cemetery Trust (Kingston)

Issues

- Loss of productive agricultural land.

Background

The Southern Metropolitan Cemeteries Trust (SMCT) has briefed Council and local Members of Parliament on the proposal to acquire 130 ha of Kingston's Green Wedge for a new cemetery. The proposed cemetery site includes the most productive market gardens in the Kingston Green Wedge.

The cemetery proposal requires approval by the Minister for Health Jill Hennessy before it can go ahead. The SMCT has applied to the Minister for approval but have responded to inquiries from the media and the public by saying they will make no comment until they have the Minister's approval. The Trust has powers to compulsorily acquire the land, once they have ministerial approval and landholders may have no further choice in the matter.

It is Council policy to advocate for this community, and we should at least see that constituents are properly informed. On a council excursion to Springvale Cemetery, hosted by SMCT, The CEO told councillors that if Council held a meeting or information session for the landholders and interested members of the community, SMCT would be prepared to attend to provide information and answer questions. The SMCT CEO has since gone back on this commitment and is refusing to answer questions publicly, but is talking to some landholders, one at a time.

Status/ Action

The new proposal for a cemetery to replace the best of Kingston's Green Wedge market gardens is still pending, while the Health Minister considers the Southern Metropolitan Cemetery Trust's request for a go-ahead. Draft Metropolitan Waste and Resource Recovery Implementation Plan (Kingston City)

2.9.2. Draft Metropolitan Waste and Resource Recovery Implementation Plan (Kingston)

Issues

- Phasing out waste processing and recycling from our Green Wedge as an inappropriate land use.

Background

It is well worth reading the Kingston City Council submission to the Draft Metropolitan Waste and Resource Recovery Implementation Plan (MWRRIP). This sits within the Statewide WRRIP, which broadly acknowledges Council's plan to phase out waste processing and recycling from the Kingston Green Wedge, which is also supported by planning scheme amendment C143 approved by Minister Wynne in October, 2015.

Status/Action

GWC submission to MWRRIP (23/12/15) advocates the phasing out of waste management and resource recovery uses from all Green Wedges – once appropriate landfilling is complete - and advocates the location of refuse transfer stations and recycling operations in Industry Zones. .

2.9.3. Hawthorn Football Club (Kingston)

Issues

Loss of amenity of the Green Wedge resulting from excessive patronage of a sporting facility and detrimental visual impact on the Green Wedge rural landscape.

Background

Hawthorn Football Club is submitting an application to amend relevant Green Wedge planning controls re their Dingley Village proposal to allow them to exceed the 150 patrons limit for their function centre, and exceed the outdoor advertising signage limit.

If 'Council and the Minister agrees, this will be exhibited as Amendment C161 and residents will have an opportunity to submit comments or object to these proposals, which will be considered in conjunction with a planning permit application.

Status/Action

GWC to maintain a watching brief and prepare submission if a proposed planning scheme amendment (C161) is put forward by Council and approved by the Planning Minister for exhibition.

2.9.4. Green Wedge land purchase priorities (Kingston)

Issues

Need to determine purchase priorities for land in the Green Wedge land and other purposes integral to the implementation of the Chain of Ponds and the Kingston Green Wedge Management Plan.

Background

Kingston Council has – or will have – an estimated \$6.9 million in the Green Wedge Reserve Fund for the purchase of land and other purposes integral to the implementation of the Chain of Parks and of the Kingston Green Wedge Plan.

The Planning Minister, Richard Wynne, during his announcement of the approval of the C143 Planning Scheme Amendment at Karkarook Park recently, indicated that he had been told this money would be put towards the Chain of Parks.

In order to make this money go further and to deliver the Chain of Parks, Council will need to advocate for State Government to purchase land currently covered by Public Acquisition Overlays to benefit the Department of Environment, Land, Water and Planning and may need to demonstrate our willingness to share the cost of the Chain of Parks by matching the State Government expenditure with financial commitments from our Green Wedge fund.

In the allocation of these funds, Council should properly give consideration and protection to existing uses in the Green Wedge which are in line with the purposes of the Green Wedge Zones, the recommendations of the Kingston Green Wedge Plan and of the Sandbelt Open Space Project Development Plan, which are reference documents to Clause 21.10 (Green Wedge) of the Kingston Planning Scheme, such as agriculture, environmental conservation and recreation, including equestrian uses.

The Kingston Green Wedge Plan recommends that the Chain of Parks trail should provide for pedestrian, cycling and equestrian access.

The Sandbelt Open Space Project development plan has a map on page 22 that indicates themes to be used to encourage complementary uses in the non-core parkland areas bordering the core parkland of the Chain of Parks designated for public acquisition. For instance, equestrian activities are to be encouraged on the land to the north-west of Dingley Village.

Council has had notices of motion approved and consequently officer reports provided without proper consideration of whether any of these uses are currently underway on the land concerned.

In November 2015, Council resolved that officers develop for Councillors' consideration a proposed priority list to guide spending for the Green Wedge Reserve Fund in line with the purposes of the Green Wedge Zones, the recommendations of the Kingston Green Wedge Plan and of the Sandbelt Open Space Project Development Plan, both of which are reference documents to Clause 21.10 (Green Wedge) of the Kingston Planning Scheme.

Status/Action

Following an unsuccessful VCAT defence of a decision to approve a ten-year time limit on a permit for a retail plant nursery, the Defenders of the South East Green Wedge secretary, Barry Ross, who support the council position at VCAT, has approached a South Ward Council to follow up a Kingston Green Wedge plan to ask Melbourne Water to acquire the 28 ha of land for an extension to the Waterways wetland.

2.9.5. Proposal to rezone existing Keysborough Golf Club land (Greater Dandenong)

Issues

This proposal would mean a loss of Green Wedge land with its replacement by urban development. As this land is the 'neck' of land where the Kingston part of the S-E Green Wedge joins the Dandenong part of the Green Wedge, removing it from the Green Wedge would effectively cut off the Kingston part of the wedge from the rest of the South East Green Wedge and give Kingston landowners further grounds and encouragement to have their land rezoned as well, thus undermining this and other Green Wedges.

Background

Dandenong Council, Keysborough Golf Club and property developer Intrapac Projects Pty Ltd clearly can't accept that no means no and have embarked on their second attempt to have the Keysborough Golf Course and a 3.37 square kilometre tract of land known as the 'Bangholme Precinct' taken out of the Green Wedge and rezoned.

The Council's last go at having the course rezoned was refused by the Minister for Planning in 2004.

On 23 Nov 2015, Dandenong Council resolved to request the State Government to initiate a process that would facilitate the rezoning of the Keysborough Golf Course and the 'Bangholme Precinct' and excise them from the Green Wedge. The resolution was not supported by an officer recommendation and was passed by the Council.

Intrapac has a contract with the golf club to both handle the subdivision of the existing course and

the construction of a new replacement course a few kilometres away in Bangholme. The site for the proposed new golf course is in Pillars Road and is also in the Green Wedge.

The Planning Minister made it clear in a press statement reported in the Dandenong Journal (30 November 2015) that he did not support Greater Dandenong Council's proposal to remove more land from the Green Wedge. A spokesperson for the Planning Minister said that the State Government's position is clear and is quoted as saying that:

- *We are committed to maintaining and strengthening the integrity of Victoria's green wedges;*
and
- *We have no intention or appetite to change the urban growth boundary.*

Status/Action

Greater Dandenong Council have included a request in their Plan Melbourne Refresh submission that *"the State Government, or relevant authority tasked with investigating the 'alignment of the proposed Metropolitan Urban Boundary for Melbourne' considers the relocation of the UGB to include the Keysborough Golf Club site (55 Hutton Road, Keysborough) to enable it to be rezoned for the purposes of future residential subdivision."*

So it will probably be some time before this matter is resolved.

2.9.6. Amendment C103 to the Frankston Planning Scheme, 160 Potts Road, Langwarrin

In Dec '14, Frankston Council asked the Minister for Planning for permission to prepare and exhibit Amendment C103 that provides for increase in the number of lots that can be created from 25 to 36.

The limit of 25 lots was incorporated in Amendment C35 in 2006, which was prepared after a comprehensive public consultation process between the then owners, the Burdetts, various State Government departments and the community organisations, including the Defenders of the South East Green Wedge, and was supported by Frankston City Council.

Our position during the negotiations was that the subdivision of Lot 2 should have been limited to a maximum of 13 lots. This was based on the underlying zoning for the Burdett Quarry being Rural Conservation Zone 2, which has a minimum subdivision area of 8ha and meant that the whole 101ha site should have only yielded 12.6 lots. In a spirit of goodwill and compromise and to end the stalemate, we withdrew our objection to Amendment C35.

Amendment C35 also provided for the establishment of a 16ha standard 109 lot residential subdivision as well as the 25 lot Rural Conservation Zone subdivision with the remaining area of approx 52 ha to be vested in the Crown as a conservation reserve that contains highly significant vegetation.

The initiatives contained in Amendment C35 was a compromise designed to save the bushland and should have been implemented as a package. Unfortunately, this has not been achieved despite the major portion of the development having been approved and completed. Meanwhile, the delay in the establishment of the conservation reserve, while the applicant seeks a more profitable deal, has resulted in the degradation of the bushland from a range illegal activities such as shooting of wallabies, rubbish dumping, tree removal and trail bike riding.

No doubt Frankston Council's change of direction to support the application has been influenced by the developer's undertaking to contribute \$450K towards the upkeep of the Conservation Reserve if they get approval for the increase in the number of lots.

We have urged the Minister to refuse the request to prepare and exhibit Amendment C103 because it would:

- Reduce average lot size to approx 1.4 ha which is an absurdly small area for Green Wedge lots.
- Jeopardise the viability of the planned abutting conservation reserve because it provides for much smaller lots in the northern section of the Rural Conservation Zone land. These smaller lots would result in greater site coverage by buildings etc with a consequential reduction in vegetation coverage. This would inhibit birds and animals from moving across the developed area from one side of the Conservation Reserve to the other.
- Create uncertainty and encourage other Green Wedge landowners to apply for smaller subdivision limits to create de facto residential precincts and obtain windfall profits from the increase in the price of their land.

All in all, we consider that the application for 36 lots has no discernable benefits, other than for the landowner, compared to its many substantial disadvantages and should be refused.

2.10. Westernport Green Wedge – Cardinia Environment Coalition

2.11. Mornington Peninsula Green Wedge – Westernport & Peninsula Protection Council

3. HELPFUL CASE STUDIES

The purpose of this section is to share information on activities (e.g. VCAT hearing) that could be useful to members understanding the scope and nature of issues being dealt with across the Green Wedges and making contact as appropriate to compare notes for tackling those issues.

This section as with the rest of the document will evolve with time as useful case studies are documented from each of the member groups of the coalition.

3.1. South East Green Wedge – Defenders of the South East Green Wedge

3.1.1. Approval of Planning Scheme Amendment C143 rezoning land north of Kingston Road to GWAZ (Kingston)

The new Planning Minister Richard Wynne's decision to approve Council's planning scheme amendment to rezone the land north of Kingston Road to Green Wedge A Zone, prohibits waste processing and industrial uses like concrete crushing.

This Planning Scheme Amendment rezoned 308ha of land zoned Special Use Zone 2 to Green Wedge A Zone (GWAZ). This decision had two very important knock-on effects:

- A VCAT appeal for a 15 year extension of an existing large concrete crushing operation in Victory Road, Clarinda was withdrawn; and
- Lantrak Projects withdrew their VCAT appeal for a materials recycling facility to complement their landfilling operation in Old Dandenong Road, Heatherton. This facility would have allowed the trucking in of contaminated soil for processing resulting in a substantial increase in traffic, dust and noise and had the potential to delay the rehabilitation of the large sand quarry pits.

3.1.2. Refusal to rezone land for residential development (Kingston)

The Planning Minister refused Council's request to consider their proposal to amend the planning scheme to rezone 53 ha of Green Wedge land at 732-928 Springvale Road and 327 Governor Road, Braeside, including the Mentone Grammar playing fields, McMahrens Farm and other land adjacent to Braeside Park and Springvale Road for residential development.

The new Planning Minister, Richard Wynne, made it clear in making this decision that the purpose of the Urban Growth Boundary is to protect non-urban areas from urban development and that current government policy does not support any expansion of the UGB or allowing inappropriate urban development in Green Wedge Zones. The Minister reaffirmed the purpose of the Green Wedge Zones to preserve the qualities of non-urban areas.

3.1.3. VCAT's decision to overrule Council's approval of the subdivision of land north of Kingston Road (Kingston)

VCAT's decision to overrule Council's approval of the subdivision of land north of Kingston Road.

3.1.4. Dropping plans to allow the central Green Wedge (between Kingston and Lower Dandenong Roads) to be subdivided into 2000 sq m lots (Kingston)

Council's decision to drop plans to allow the central Green Wedge (between Kingston and Lower Dandenong Roads) to be subdivided into 2000 sq m lots after the consultant who was employed on a \$164,000 contract to justify the rezoning recommended instead that it could not be done.