



29<sup>th</sup> January, 2021

To whom it may concern,

**PLANNING FOR MELBOURNE'S GREEN WEDGES AND AGRICULTURAL LAND:  
SUBMISSION IN RESPONSE TO 2020 CONSULTATION**

Thank you for the opportunity to respond to the May 2020 consultation paper prepared for the above project.

We note that the intention of the consultation paper is to share planning options developed to provide protection for agricultural land and to guide decision-making in our green wedges.

This submission has been prepared on behalf of Sustain: The Australian Food Network, the McLeod Foundation and Plan-it Rural Pt Ltd. Our interest in the project derives from our advocacy for a sustainable local food system. In the context of this project, that means encouraging more regulatory and policy support for farmers, the local food economy, and community access to local food. As such, the scope of our submission is confined to these topics.

Our submission has adopted the format of the consultation hub long form submission template where possible. It has also taken into account the consultation negotiables and non-negotiables.

**Prioritising the values of Melbourne's green wedges and peri-urban areas.**

The submission template asks for submitters' "top three" selections from a range of green wedge and peri-urban values. We are concerned that this approach may lead to an over-simplification of peri-urban issues. A complete understanding of the cultural, physical, social, and economic attributes that contribute to peri-urban areas is critical if an effective planning framework is to be developed.

Policy objectives should support sustainable land management, farmland protection, food and nutrition security (particularly in the context of the COVID-19 pandemic), and climate change resilience. You have provided a selection of values which can all contribute to achieving these policy objectives. One should not be singled out for more attention than another. There is a need to provide a balanced approach to governance of the peri-urban areas that acknowledges that our peri-urban and green wedge landscapes have a working role, amenity role, and a preservation role.

With respect to the infrastructure matters you have singled out in the list of values, we noted in our previous submission that:

*the Green Wedge and peri-urban areas of Melbourne have received no State or Federal government support to develop as an agricultural region for nearly four decades. There has been little to no extension services, no funding to support economic development or enhance market access, no investment in associated infrastructure, etc. In fact – agriculture has been discouraged in many ways in these areas, with land fragmentation and subdivision permitted, removal of infrastructure (such as community abattoirs and other processing facilities), diversion of funding, resources, and a distinct lack of enthusiasm from Agriculture Victoria (or its previous iterations) to work with farmers in these areas for many years.*

As such, we consider that well-considered government support and investment into the development of water and transport infrastructure is overdue in the peri-urban regions. This would contribute to a thriving local food economy and to the long -term food security of Melbourne.

With respect to the identified values of agriculture; a strong local economy; tourism and recreation opportunities; environmental and biodiversity features; rural landscapes and open space; we note that “conventional thinking about food is increasingly being challenged, shifting from being regarded only as a commodity toward becoming acknowledged for its nourishment, social and cultural values, the links it creates between people, and its deep connectedness with ecosystems, ecosystem services and natural resources” (Alkon and Agyeman, 2011; cited in Vaarst et al, 2018, p. 687-688).

In response to these trends, Community Supported Agriculture and Agricultural Entrepreneurship have increased direct interaction between producers and consumers, through direct marketing, open days, and on-farm accommodation. Despite such shifts in consumer culture, land use planning regulation is still aligned with the industrial agricultural model. This model is structured on the producer and consumer cohorts being firmly separated through large-scale, mechanised and bio-secured farms, regional processing and urban-centric, retail-based supply chains.

Considering such cultural and market trends, there is a role for this project in providing planning with the tools to make nuanced decisions – facilitating an expansion of the array of food produced and available to consumers, supporting new agriculture-related businesses on farms, and taking a flexible and scale-sensitive approach.

### **Strengthening the legislative and policy framework**

#### **Part 3AA (Metropolitan Green Wedge Protection) of the *Planning and Environment Act 1987*:**

We strongly support amending the *Planning and Environment Act 1987* to include a vision, objectives, and regional policy for green wedges, and to require the preparation, review, and ministerial approval of Green Wedge Management Plans.

However, we would qualify this by suggesting that the process should strengthen the role of the green wedge in food and fibre production, and access to food for the local community. This needs to receive greater acknowledgement in the preparation of Green Wedge Management Plans, and the process of Ministerial approval might be the tool to ensure that Green Wedge Management Plans do not directly work against farming and agribusiness as a legitimate land use.

Similarly, planning scheme actions in Green Wedge Management Plans should be scrutinised to ensure policy positions do not prioritise one farming practice over another. Council regulators sometimes appear to view food production as somehow marginal, out of place or otherwise suspicious because there is little direct planning scheme guidance to support a wide range of business activities on-farm or even at the sub-regional scale. Innovative and diversified farm enterprises can find themselves in a regulatory grey area, while farming practices that are in decline (such as broadacre grazing) receive direct policy support because of an outdated view of what constitutes a rural landscape. We would note that this policy issue applies to some peri-urban Councils as well.

#### **Update the PPF for Melbourne’s green wedges and agricultural land:**

We strongly support an update to state planning policy for Melbourne’s green wedges and agricultural land to clearly articulate the preferred outcomes for these areas. We have observed the generalised nature of policies and strategies in the PPF and the potential difficulty in interpreting them in the context of a particular land use/development proposal. Local government planners are not necessarily subject matter experts on agriculture and its emerging practices. As such, state planning policies do need clarification to guide decision making.

The current green wedge and peri-urban policies place a strong emphasis on “protection” without specifying what kind of growth needs to be managed to protect and enhance peri-urban areas (eg. economic or residential), and how the valued attributes of an area are to be identified? Identifying the “valued attributes” of an area sounds like the kind of strategic work that few regional Councils get around to doing.

Some policies appear to single out “productive land” for specific guidance which means that, again, if the strategic work has not been undertaken to identify the “productive land” then all land is potentially unproductive and vulnerable to having urban uses supported over agricultural uses. This policy approach also fails to recognise that agricultural quality is not a case of static land attributes (this came through strongly in the first community consultation for this project).

By way of example, Clause 14.01-1S (Sustainable agricultural land use) is the most relevant and useful clause in the PPF for promoting a local food economy. However, the strategies are possibly too general for Council planners to interpret them as such. We note also that much of the policy content appears to relate to agricultural viability rather than sustainable agriculture (as it is defined in the planning scheme), so perhaps a title change should be considered. Some observations about this clause:

- What does “diversification and value-adding of agriculture” look like in practice. Is it artisanal agriculture? Greenhouses? Regional food hubs? Micro-abattoirs? The agri-support network? These are examples of agricultural land uses that currently fall into a regulatory grey area as none of them seem to have clear policy support.
- What does an “agricultural sector that is adapting to respond to the potential risks from climate change” look like?
- What does a “genuine farming enterprise that is embracing opportunities and adjusting flexibly to market changes” look like?

#### Right to farm in legislation:

We strongly support the establishment of ‘right to farm’ legislation to protect existing and lawful agricultural uses from nuisance complaints.

However, within the scope of this topic we consider there is a broader role for the planning system. Regulatory land use measures “should be capable of underpinning the benefits of a highly productive agricultural areas linked to environmental, recreational and tourism services, and a wide range of business activities” (Budge et al, 2010, p. 12). We consider the planning system should:

- Recognise accepted farm practices and farm structures and exempt them from a planning permit. We are not proposing no limits at all, but we do consider that the current default exemptions for outbuilding/rural store/rural industry are not fit for purpose.
- Recognise and promote the diverse range of sustainable farming approaches, including regenerative and agroecological approaches as well as sustainable intensification and closed-environment agriculture (as advocated by Foodprint Melbourne).
- Recognise and promote the ability for small-medium scale farmers to directly market their products to consumers, thus ensuring farm viability.
- Facilitate the production and use of compost as a valuable component of sustainable farming operations.

#### Supporting Agricultural Land Use

##### Reduce the subdivision potential of Melbourne’s agricultural land.

We strongly support the option of amending the subdivision provisions of the Farming Zone and Rural Activity Zone to prohibit dwelling excisions. We also support the option to require parliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme in rural zones within 100km of Melbourne. As Map 9 in the consultation paper shows, the study area has a diversity of rural lot sizes, with the majority of lots having some potential for agricultural use. There is no need to create more “small rural lots” (less than 40 hectares according to the planning scheme) – the lots currently available can be used for a diverse range of agricultural enterprises.

Amend the Farming Zone and Rural Activity Zone regarding permit requirements for dwellings/ introducing decision guidelines and application requirements for new dwellings in the Green Wedge Zone and Green Wedge A Zone

We somewhat support the option to make all dwellings within 100km of Melbourne in the above zones a Section 2 (Permit Required) use. We have never seen any evidence to support the assumption that farming can only occur on lots of 40 hectares and larger. A consistent approach should be applied to all rural lots (whatever the area) providing clear direction for circumstances under which a dwelling would be supported.

Our reservations about the approach stem from the knowledge that the planning permit process creates a level of uncertainty for farm ventures and for new entrants to the industry. Decisions are made on rural dwelling applications under policy approaches that provide little consistency across Victorian peri-urban Councils.

In both green wedge and peri-urban areas, the decision guidelines around the construction of a dwelling on a rural lot should consider the agricultural use of the land as a primary use and assess whether the dwelling is required to support that use (the exception is where the purpose of the zone gives biodiversity and conservation a higher priority than agriculture).

However, consideration of the “legitimacy and viability” of an agricultural use (which may or may not require a planning permit) seems to be an ongoing theme for Council planners – in a manner that does not seem to be applied to other commercial proposals. Agriculture is not a core skill for most Council planners so some clear guidelines should be established before the planning provisions are revised. This should not be one of those planning reforms that is extensively tested and refined through VCAT decisions – agricultural enterprises do not have the profit margins of other commercial uses and proponents are more likely to walk away than to pursue their legal options.

We note, also, that there is currently no policy guidance in planning schemes to support dwellings on small rural lots. This is a circumstance which is used by both Councils and VCAT to justify planning permit refusals. As such, this option would require some policy support at state level to shift the issue from “settlement planning” to “rural planning”. As part of this approach, attention should be given to supporting a diversification of farm enterprises on rural lots (small or large), to override existing local planning policies that privilege specific production models.

Improving decision-making on agricultural land:

We strongly support the development of a practice note to guide Council decision making on planning permits in agricultural areas. Whilst this is an opportunity to focus on what should not be supported (such as urban uses), it should also be an opportunity to explain the range of on-farm businesses and supporting service industries that are needed to support farm viability and a thriving local food economy.

However, agricultural practices and production models need to constantly adapt to market and climatic conditions whereas planning practice notes are not revised very often. As such, we support the provision of an agricultural referral or expert advisory service. Care should be taken to ensure that experts in regenerative, agroecological, and artisanal farming models are included in the advisory service. Peak bodies such as the National Farmers Federation and Meat and Livestock Australia often have an export focus and their key stakeholders are not likely to be farming in peri-urban areas due to issues of scale. For this reason, their value-add to an advisory service in the peri-urban context would be questionable.

With respect to the planning scheme changes proposed for the areas “within 100 kilometres of Melbourne” for various matters throughout the consultation paper, the boundaries of this area will need to be determined with some precision. Any ambiguity is likely to be particularly contentious for the proposed dwelling permit requirements.

Future proofing Melbourne’s food bowl

Preserving opportunities for irrigated agriculture:

We strongly support the use of recycled water and stormwater to minimise dependence on rivers and groundwater, and to protect our environment. We note the challenges in accessing this resource and acknowledge that effective action requires a regional approach. The integration of land use planning, water management policy, and infrastructure provision will be a challenge given it is the future potential for water infrastructure that is being facilitated through policy. We look forward to seeing further detail on how this will be achieved.

We note the option to introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure. We strongly support the concept of applying greater scrutiny to non-farming proposals in established food production areas. We note, however, that few overlays are used to assess land use change because triggering a planning permit where the zone provision does not, affects transparency for users of planning schemes. Some Councils apply the Special Use Zone to food production areas to achieve similar objectives as the proposed overlay. The justification of a newly created overlay would appear to rely on an understanding of how widely it is likely to be used.

A feature of the overlay is to “facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements”. As proposed in the Right to Farm section earlier in the submission, surely this should be an option for all green wedge/peri-urban areas?

#### **Supporting agricultural diversification, value-adding and innovation**

We strongly support changes to the planning provisions to encourage agricultural diversification, value-adding and innovation, and recommend the approach taken in the *Vermont Farm to Plate Plan* (Vermont USA). The Plan has a ten-year track record in having implemented targeted and supportive land use planning responses to support a sustainable local food system and has recently been approved for a further ten-year extension. The example below is enabling legislation that came about when the first ten years of the Vermont Farm to Plate Plan failed to see reform from municipal authorities, despite state-wide legislative support for the farm diversification aspect of the framework:

#### *Act 143 (Vermont, USA)*

In 2018, Vermont legislators recognised that agritourism is a promising subsector of Vermont’s agricultural economy, allowing farms to “diversify their operations while preserving their core production model and the working landscape”. Also beneficial is the opportunity for the public to become “educated about the importance of agriculture to a community’s economic base, quality of life, history, and culture” (Vermont Agency of Agriculture, Food and Markets. 2020, p.85-86).

Act 143 was introduced, and applies to the following farm business activities:

- The storage, preparation, and sale of qualifying products, provided that more than half of the sales are from qualifying agricultural products principally produced on the farm; and
- The educational, recreational, and social events that feature agricultural practices and /or qualifying agricultural products.

Qualifying agricultural products are products that are wholly:

- An agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
- Livestock, or cultured fish or a product thereof;
- A product of poultry, bees, an orchard, or fibre crops;
- A commodity otherwise grown or raised on a farm; or
- A product manufactured on one or more farms.

As of July 1, 2018, a farmer, farm resident, or farm lessee interested in operating an accessory on-farm business may do so in the same location as a “farm” regulated by the Vermont Agency of Agriculture, Food & Markets (VAAFM) under the Required Agricultural Practices (RAPs) rule (<https://agriculture.vermont.gov/agritourism-act-143>, Agritourism and Act 143, accessed 26/01/21).

**Primary Produce Sales:**

We strongly support an update to the definition of Primary Produce Sales to support farm gates sales, including allowing sales of ancillary goods and allowing sale of produce from farms held in one ownership.

However, we note that the proposal to allow a percentage of produce to be sourced from producers within 5 kilometres of the use appears to be an arbitrary figure rather than evidence based. Given that the appeal of farm gates for the market (locals and visitors) is that the produce is “local,” this aspect could be controlled through extra accreditation from the municipal authority (or regional branding). The Act 143 approach is that more than 50% of sales are from the farmer landholdings, and this would appear to be easier to administer than maintaining a register of farms within 5 kilometres and monitoring where they are retailing their product.

Farm gate outlets have the potential to become regional aggregators – providing a local food hub that sells a range of products from a group of local producers, whilst making small scale farms with a small range of products more viable than they can be with just an “honesty box” at the front gate. We also note that some Councils have policies to discourage the “string of farmgate outlets” along tourist routes that occur under the current provisions.

**Host Farm:**

We strongly support an update to the definition of Host Farm’ to require a direct link to an “operating agricultural property”, noting we look forward to more detail on how an “operating agricultural property” will be defined.

We also support the conditional inclusion of Host Farm to Section 1 of the Table of Uses for the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone. However, we note this will attach even more importance to the definition of an “operating agricultural property”.

The Act 143 approach is that “the educational, recreational, and social events feature agricultural practices and /or qualifying agricultural products.” This is less about tourism that might simply involve the consumption of amenity landscapes in accommodation that happens to be on a farm, and more about the opportunity for “the public to become educated about the importance of agriculture to a community’s economic base, quality of life, history, and culture”. Consideration should be given to adopting this approach when revising the definition.

**Managing discretionary uses**

We strongly support the inclusion of additional guidance for decision making in relation to urban uses that seek to locate in rural zones. Urban uses locate in peri-urban areas to “borrow” high amenity settings or to access land that is cheaper than it would be in an urban setting. These uses make no contribution to the productivity of the landscape, creating an urban-rural interface (within a rural zone) that is “neither clearly rural nor definitively urban” (Beilin et al., 2015; cited in Angelo, 2017, p. 170; also Roots (2013) p.100).

We do not consider that “transitional locations” where urban uses might be supported should be on the rural side of the interface at all. We support the approach recently taken at City of Casey, to adopt transitional land use and development models within the urban growth boundary.

If you wish to discuss these issues further, please do not hesitate to contact us.

Kind regards,

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