

ADDITIONAL QUESTIONS FROM THE COMMITTEE

1. In your view, are the Victorian Planning Provision policies and planning controls adequate to protect peri-urban agricultural lands from inappropriate development?

The Victoria Planning Provision policies and planning controls are not adequate to protect peri-urban land from inappropriate development.

This is evidenced by the ongoing loss of peri-urban land to non-agricultural uses and land speculation reported in the following publications (and elsewhere):

- Strategic Agricultural Land and Development in Victoria Report (2020)¹,
- [Foodprint Melbourne Summary Briefing](#) (2016)², and
- Michael Buxton and Andrew Butt (2020) - *The Future of the Fringe: the Crisis in Peri-Urban Planning*³.

In my experience, there is insufficient detail in the Planning Policy Framework for local government planners to understand what secondary agricultural uses and development should be supported on farms and why. These secondary agricultural uses are an important element of peri-urban agricultural businesses. An approved method for identifying a commercial farm (or operating agricultural property) would assist.

When assessing proposals for dwellings on small rural lots, specific guidance (and tools for compliance) is needed to establish that the proposed dwelling will be essential to the carrying out of agriculture on the land and to ensure that this association is ongoing. It should be noted that such applications are necessarily sought prior to the establishment of the agricultural use due to the need for a management presence on-site and the “commercial farm” or “operating agricultural property” definition may be less helpful in these proposals.

2. In your view, what are the top three actions needed to improve the framework?

Action One: Plan assertively for peri-urban agriculture, which involves embedding an understanding of the importance of local food systems (including localised food production), and regenerative, agroecological, artisanal, and small-scale farming in the peri-urban region. Currently, the planning framework does not reflect an understanding of the benefits of diverse farming practices, which can include production, processing, on-site sales, food-related education and events, and agritourism activities.

A review of the existing planning framework to integrate the benchmarking principles from the *Farm to Plate Victorian Peri-Urban Planning Scheme Audit 2021*⁴ would resolve this. The benchmarking principles set out a vision for the successful implementation of a local sustainable food system. The benchmarking principles were adapted for local use from the Vermont Farm to Plate Framework⁵ which operates in the United States and is in its second decade of implementation:

¹ *Strategic agricultural land and development in Victoria Final Report (2020)* Agriculture Victoria in the DJPR. Pp. 8, 17, 20, 38, 40

² *Summary Briefing – Melbourne’s Food Future: Planning a resilient city foodbowl*, Foodprint Melbourne, University of Melbourne, 2016. Page 2.

³ Buxton M and Butt A (2020) *The Future of the Fringe: The Crisis in Peri-urban Planning*. Clayton South: CSIRO Publishing, pp. 84, 107.

⁴ Martin-Chew, L. (2022), *Farm to Plate Victorian Peri-Urban Planning Scheme Audit*, https://www.researchgate.net/publication/369529653_Farm_to_Plate_Victorian_Peri-Urban_Planning_Scheme_Audit_2021 (Accessed 29 March 2024).

⁵ Vermont Sustainable Jobs Fund (2024), *Farm to Plate: Strengthening Vermont’s Food System*.

Food production

1. Does the planning scheme support “accepted agricultural practices” by exempting them from the requirement to obtain a planning permit (noting other regulation may apply).
2. Does the planning scheme support “accepted farm structures” by exempting them from the requirement to obtain a planning permit (noting other regulation may apply).
3. Does the planning scheme facilitate:
 - Expansion of the array of food produced – to satisfy demand for local food and expand access to local food for the community;
 - Resilience against climate change, peak oil, and other threats;
 - New sources of revenue on-farm? Does the planning scheme support non-exempt agricultural uses – farm-based businesses, agritourism, direct sales – by taking a generally flexible and scale-sensitive approach?

Food Processing and Manufacturing/Aggregation, Distribution and Storage (wholesale distribution)

4. Does the planning scheme respond to the scale of an operation and developmental needs for food processing?
5. Does the planning scheme provide for the on-farm sale of prepared food, if components of that food are produced or processed on the farm?
6. Does the planning scheme facilitate:
 - Producers self-distributing their products, especially when they have small and medium-sized farms;
 - Producers’ access to all types of local and regional supermarkets, restaurants, and institutions – where most food is purchased – which is a necessary precursor to significantly expanding the consumption of locally grown products;
 - Secondary integrated agricultural activities on farms – such as the sale of non-farm products (where these are ancillary to the marketing of an on-farm product), and the hosting of educational and cultural events related to farming;
 - Personal relationships among producers and consumers whose collective desire is to eat food that is healthy, fresh, tastes good, and to support those who produce it.

Nutrient Management

7. Does the planning scheme facilitate:
 - The prevention of nutrient losses in the environment, moving away from waste management to nutrient management.
 - The production and use of compost as a valuable component of sustainable farming operations.
 - Sustainable agriculture practices – for example, environmental stewardship that supports soil health and biodiversity conservation/enhancement, prevents manure and fertilizer runoff, reduces soil erosion, and prevents livestock access to waterways. This may be achieved with buffers and setbacks that relate to the scale of the use/development.

Action Two: In my view, although the diversity of lot sizes in peri-urban areas has driven innovative approaches to farming, it has also developed a sense of entitlement for those moving to peri-urban areas for lifestyle and amenity reasons. The subdivision of peri-urban land does not support the primary purpose of most rural zones – to provide for the use of the land for agriculture. As such, subdivision of peri-urban land must stop.

State government should undertake a review of lot sizes of rural and green wedge land across all Green Wedge and peri-urban Councils to understand the existing level of fragmentation of Victoria’s rural land. This cannot be left to individual Councils (although

some of them have already done this work). It is a state-wide problem, but particularly affects peri-urban areas and the amenity landscapes of regional Victoria.

Those Councils that have done this work have identified there are small lots in abundance, largely a legacy of mining tenements, previous government policies such as Closer Settlement and Soldier Settlement, and leniency in local government subdivision approvals.

The following pre-empts findings of any broader review: but it is likely there is a need to substantially increase the level of evidence required to justify subdivision of rural and green wedge land (Farming, Rural Activity, Rural Conservation*, Green Wedge and Green Wedge A). This should apply to planning permit applications as well as Planning Scheme Amendments where Councils seek to reduce the minimum subdivision area in schedules. The evidence test should be based on the ability of the lots to support a farm enterprise, rather than finding reasons to diminish the importance of the land for agricultural production. This is because small rural lots can support food and fibre production – the viability of the enterprise is just more likely to rely on a more intensive form of production with the skills of the farmer contributing as much to the success of the enterprise as the rainfall/soil attributes.

The significant land fragmentation in peri-urban areas is contributing to structural changes in the way peri-urban land is farmed, including intensification of production practices which, although sustainable, can contribute to land use conflict. In this regard, the current minimum lot size in zone schedules should not be treated as the default lot size, with little to no consideration given to whether the lot can be agriculturally productive. It may be time for the state government to remove the ability for Councils to reduce the minimum lot size via a change to the schedule.

The proponents for subdivision are in many cases responding to an insatiable market demand for lifestyle properties (that is, the land will have a higher value when it is converted to a residential use without an associated obligation to operate a farm enterprise). From a food security perspective, broader strategic objectives to secure the potential for land to be used for agriculture will not be implemented via individual discretionary decisions made at site-scale. Local government planners need more guidance and support in planning schemes to refuse subdivision applications that provide no certainty about how the lot will be used in the future.

*Rural Conservation zoned land has been converted to residential use at such a rate, it has gentrified in some areas, and biodiversity values are significantly diminished in others. The proximity of closely settled Rural Conservation Zoned lots to agricultural uses on rural zoned lots introduces the potential for land use conflict. As such, the further fragmentation of Rural Conservation zoned land is a risk to Victoria's food and fibre production in peri-urban areas.

Action Three: The state government needs to finally address the regulatory approach to dwellings on small rural lots (mostly less than 40 hectares). Noting that one of the roles of the planning system is to promote investment certainty, more certainty in the regulatory and compliance approach would also mean that fewer small rural lots are purchased by people with limited understanding of the obligations they are committing to if they apply for a planning permit for a dwelling. Significant progress would be achieved in establishing the primacy of agriculture on rural land if there were consistent approaches to regulation of this issue. Tightening the connection of use of a dwelling on peri-urban land to food and fibre production might also make subdivision of land to small rural lots less attractive.

Currently, the process for obtaining a planning permit for a dwelling on a small rural lot is opaque and uncertain, including for people with relevant skills and a passionate interest in establishing an agricultural enterprise on the lot.

The irony is that the price premium for a lot that is 40ha or more, means it is purchased by a cohort that are less likely to be engaged in using the land for a serious agricultural use. For people with little to no interest in farming, the regulatory approach to dwellings on small rural lots should be driving them out of that market. Currently, it is not. It is the role of the planning framework to provide more certainty.

Potential purchasers of small farming lots, Councils, and planning consultants would be greatly assisted by a uniform (state-based), and effective approach to achieving compliance to the S173 Agreements that, in most cases, tie the use of the small rural lot for a dwelling to an agricultural enterprise as well as land management actions. This has the potential to reduce land use conflict, educate the community about the social obligation associated with occupying agricultural land, and reduce concerns for Councils that peri-urban land will be permanently lost to food and fibre production if a dwelling use is permitted.

Councils do not have the resources to follow up compliance with land management agreements (S173 Agreements). Compliance through Planning Infringement Notices is a long and expensive process that rewards the landowners with the ability to pay for legal representation.

It is, ultimately, a problem that exists across all Council areas where lot fragmentation has already occurred. The Council compliance approach to implementation of farming enterprises via S173 Agreements is so far non-existent. There does not seem to be any appetite at local and state government level, either, for the restructure of small lot subdivisions to resolve the issue at its source. As such, there is value in the state government providing a solution that encourages individual landowner responsibility for implementing their land management plans, across all local government areas.

South Australia's [SA Property and Planning Atlas](#)⁶ is publicly accessible and identifies lots with land management agreements, including the dealing number. If a similar system were available in Victoria, it would introduce more transparency for these agreements (noting that identifying the dealing number makes it possible to obtain the endorsed document via a title search). This has the potential to provide a level of accountability for landowners in implementing the actions of their endorsed land management plans.

In addition to transparency, reporting on land management plan actions by landowners would contribute to a system of accountability (with the information accessible to both Councils and state government).

The ability for landowners to report on Farm/Land Management Plan actions, preferably through a state-wide online portal, would also provide valuable and easily collated information for policy makers regarding land management priorities and the nature of agricultural enterprises across the regions.

A comparable reporting regime was previously run in Victoria through a programme called Environmental Best Management Practice⁷ (EBMP) which was supported by an earlier iteration of Agriculture Victoria. The training of land managers using this programme is still supported by Victorian Landcare Groups, but it is unlikely the on-line reporting has continued as it needed a sustainable funding model. It is the online reporting model that I am suggesting for adoption. EBMP is referenced purely to identify that the architecture for this reporting has previously existed within state government.

The above strategies do not replace the compliance options that are available to local and state government, and which they have been unwilling or unable to use. The strategies above simply represent a “nudge” approach that has not yet been tried and which could

⁶ SAPPA (SA Property and Planning Atlas), Plan SA, <https://sappa.plan.sa.gov.au/>, accessed 10 June 2024.

⁷ EBMP: *environmental best management practices: the VFF EMS Project: a pathway to profitable and sustainable farming*. Department of Primary Industries, Victoria; Catchment and Agriculture Services, Victoria; Victorian Farmers Federation; Beekeepers Branch (2006), Victorian Government Library Service.

have positive outcomes from an agricultural production, land management, and community education perspective.

In 2021 you published a research paper entitled Farm to Plate Victorian Peri-Urban Planning Scheme Audit.

3. What did the audit demonstrate in relation to the connection between the planning framework and the viability of peri-urban farms?

There are two aspects to this.

The first (and the simplest to address) are the barriers the planning framework places in front of farmers who wish to farm innovatively and sustainably, to access local markets, and to drive the economic output of their farm. The audit results demonstrated that Victoria's planning framework is not sufficiently flexible and scale-sensitive to support the changing nature of farming in peri-urban areas.

The elements of the planning system that would require change are:

- Land use definitions, and their allocation in the tables of uses;
- Reviewing permit triggers for development that supports accepted agricultural practices.
- Changes to planning policy to support diversification on farms, small and medium sized enterprises, direct marketing and value-adding of farm product on farms, sustainable farming practice, shorter supply chains, and that establish the connection these elements have to resilience to climate change, and to mitigating supply chain disruptions.

The second aspect is the potential misuse of the concept of farm “viability” in planning decisions. Lack of farm viability can be used as an argument to convert agricultural land to residential or non-agricultural use. In these cases, it is common to see agricultural land capability assessments that downplay the agricultural quality of the land, or which characterise the already fragmented nature of the area as a reason to “give up on farming”.

And, conversely, enterprise reports supported by land capability assessments are used to “prove farm viability” for an agricultural use (that in most cases does not require a planning permit), in determining whether a dwelling is necessary to carry out that use, (which is where the permit trigger exists). There is no formal guidance in the planning framework for what should be considered in determining the role of farm viability in establishing the connection of a dwelling on peri-urban land to food and fibre production.

Decision making in both scenarios risks being guided by an early to mid-twentieth century view of the Australian family farm, when broadacre farming prevailed and family income was pre-supposed to rely on one breadwinner and one homemaker (although this last view more closely reflects implicit gender bias both in society and the Australian tax system than the reality of historic role allocation on farms).

The audit report therefore suggested that “viability” is a construct depending on which side of the planning argument you are on⁸.

The suggestion above that planning decisions are being driven by heuristics rather than policy is supported by the fact that the economic viability of a proposed agricultural use is not formally a consideration within the planning framework in relation to any planning decision on rural zoned land. Rather, “economic viability” in relation to farms only appears

⁸ Martin-Chew, L. (2022), Farm to Plate Victorian Peri-Urban Planning Scheme Audit, https://www.researchgate.net/publication/369529653_Farm_to_Plate_Victorian_Peri-Urban_Planning_Scheme_Audit_2021 (Accessed 29 March 2024). Page 34.

in planning schemes in the definition of “sustainable agriculture” (Clause 73.01 – General Terms⁹). Through that mechanism, it does become an implied consideration whenever “sustainable agriculture” is addressed in the planning framework. In the Victoria Planning provisions, this is only at Clause 14.01-2S (Sustainable agricultural land use¹⁰) where, nevertheless, the word “viability” makes no appearance. If the economic viability of farms is important, this should be addressed under a set of criteria within the Planning Policy Framework rather than being subject to the cultural experience or bias of an individual decision maker.

In the review of literature for the audit report, it became clear that caution is required in determining the meaning of “viability” in the peri-urban region:

Addressing the future viability of peri-urban agriculture, Buxton et al noted that consideration should be given not only to “overall production output and its value, but the role of peri-urban agriculture as part of a social and landscape system”. That is, not simply a matter of value of production but linked to social values in relation to “place” (landscape) and the relationships between consumer and producer¹¹.

Aligned with this view is a study by Wilson (2001)¹² which explores the shift in Europe to a “multifunctional agricultural regime”, with both a natural and mental landscape to be considered in agricultural areas. Buxton and Butt (2020)¹³ have identified that in peri-urban areas “the social and political significance of farming is no longer assured but competes with other local agendas”. “The tensions exposed between rural land use objectives, land markets and community values become real through planning disputes over changing farming practices and models for land management” (Butt and Taylor 2018, cited in Buxton and Butt 2020¹⁴).

Ruoso and Plant (2017)¹⁵ have suggested renegotiating the notion of viability through co-development, by farmers and agronomists, of a new definition of viable land that would be more immediately relevant to the peri-urban land than current conventional agricultural land capability categories. Such a renegotiation would consider the type of agriculture that best suits smaller lot sizes, and the potential to increase the amount of land under food and fibre production via alternative models of farm access other than ownership (Ruoso and Plant 2017, Open Food Network¹⁶).

⁹ Clause 73.01 *General Terms*, Victoria Planning Provisions, <https://planning-schemes.app.planning.vic.gov.au/Whittlesea/ordinance/73.01>, accessed 10 June 2024.

¹⁰ Clause 14.01-2S *Agriculture- sustainable agricultural land use*, Victoria Planning Provisions, <https://planning-schemes.app.planning.vic.gov.au/Whittlesea/ordinance/14.01>, accessed 10 June 2024.

¹¹ Buxton M, Alvarez A, Butt A, Farrell S, Pelikan M, Densley L, O’Neill D (2011) *Scenario Planning for Melbourne’s Peri-Urban Region*. Melbourne: RMIT University. Page 81.

¹² Wilson GA (2001) “From productivism to post-productivism and back again: exploring the (un)changed natural and mental landscapes of European agriculture”, *Transactions of the Institute of British Geographers* 26(1), pp 89, 94

¹³ Buxton M and Butt A (2020) *The Future of the Fringe: The Crisis in Peri-urban Planning*. Clayton South: CSIRO Publishing, Page 107.

¹⁴ Butt and Taylor 2018, cited in Buxton M and Butt A (2020) *The Future of the Fringe: The Crisis in Peri-urban Planning*. Clayton South: CSIRO Publishing, Page 108.

¹⁵ Ruoso LE and Plant R (2017) “A politics of place framework for unravelling peri-urban conflict: An example of peri-urban Sydney, Australia”, *Journal of Urban Management*, pp. 57–89, accessed 22 August 2019. Page 65.

¹⁶ Open Food Network for Agriculture Victoria, *Alternative pathways to farm business ownership beyond inheritance*,

4. What did the audit demonstrate in relation to the connection between the planning framework and the challenges new entrants face breaking into the agriculture sector?

The audit found that the planning permit trigger for a dwelling on lots under 40 hectares (the default lot size across most of the peri-urban region) creates a price signal for rural lots that are 40 hectares plus. This presents a barrier to aspiring entrants to farming and, particularly, younger entrants. With some new entrants restricted by the market to the purchase of smaller rural lots, the uncertainty around the regulatory approach to dwelling approvals across the peri-urban region presents an additional barrier.

In a further impediment to farming entry, the “new entrant” cohort is more likely to have an interest in regenerative, artisanal, and ethical, farming models. In contrast to this, some Councils employ local planning policy that reinforces a conventional farming model that appears to be in overall decline (including broadacre cattle and sheep grazing) rather than diverse farming practices that are more sustainable and often more productive.

The VCAT review from the audit reported two decisions that demonstrated a hands-on approach by the Tribunal to operational aspects of the proposed farm models (not apparently informed by farming qualifications) and a somewhat sermonising approach that poses the question – do broader societal perceptions of farmers (or rural dwellers in general) contribute to the attitude of regulators that they “know better”? Commentators for the agriculture sector suggest that no one would argue with the image of agricultural producers as “hardworking” and “salt of the earth” – but does society also view them as “scientific, intelligent, inventive and sustainable?” (Lyons 2018¹⁷).

This tendency to exclude new farming entrants is possibly one of the starkest examples of the way the planning system is failing community expectations, as consumer preferences, climate change and urban encroachment drive innovation in the way that land is farmed, and food is accessed on the fringe of cities¹⁸. In my experience, new farming entrants bring ideas and knowledge from other sectors, such as science, animal nutrition, quality assurance, food technology, and financial literacy.

In 2019, Agriculture Victoria released the *Artisanal Sector Roadmap* which acknowledged the changing nature of farming and advocated for the small-scale and specialised artisan farm sector. Of the three case studies highlighted in the Artisanal Roadmap, all are relatively young farmers and two of the three are on small rural lots. The *Artisanal Sector Roadmap* acknowledges that artisanal production can capitalise on growing consumer interest in the story behind the produce, and that raising the profile of the sector can create increased agritourism for regional Victoria¹⁹. Despite the document’s emphasis on tourism, the case study farmers have prioritised selling food into their local communities, through community-supported agriculture, farmers markets, and providores.

Planning for Melbourne’s Green Wedges and Agricultural Lands Action Plan

5. In your view, which actions in the Action Plan are likely to be effective and which should be strengthened?

The information that was released in the Response to Options Report and Action Plan was insufficient to understand the potential effectiveness of the response. Nevertheless, I have provided comments below on the actions that relate to peri-urban food and fibre

¹⁷ Lyons S (21 December 2018), in Cuddihy J, “There’s an Elephant in my Paddock – with AgForce President Georgie Somerset”, podcast : <https://podcasts.apple.com/au/podcast/theres-an-elephant-in-my-paddock/id1455897303>, accessed 10 June 2024.

¹⁸ Martin-Chew, L. (2022), Farm to Plate Victorian Peri-Urban Planning Scheme Audit, https://www.researchgate.net/publication/369529653_Farm_to_Plate_Victorian_Peri-Urban_Planning_Scheme_Audit_2021 (Accessed 29 March 2024).Page 75.

¹⁹ Agriculture Victoria (2019) *Artisanal Sector Roadmap (no longer available online)* pp. 7, 9, 11, 15.

production. The responses are sorted into “broaden”, “strengthen” and “question effectiveness”.

Generally, I would say that actions need to be brought forward given the amount of time that has elapsed since the commencement of the project.

BROADEN:

Protecting Melbourne’s Food Bowl (Actions 1-4) – affects irrigated agricultural areas only.

Action 1: Introduce a new planning scheme overlay to protect key irrigated agricultural areas in Werribee and Bacchus Marsh

Action 2: Develop criteria to guide the application of the new planning scheme overlay

Action 3: Explore opportunities for water authorities’ views to be considered in the assessment of planning permits for Melbourne’s peri-urban areas where there is current or planned recycled water supply

Action 4: Develop a new regional policy to preserve future opportunities for irrigated agriculture around Melbourne

It is not clear what the new planning scheme overlay will protect these areas from.

With respect to the promising opportunities to use recycled water in agriculture, my recollection of the consultation findings was that this feedback applied to rural land in proximity to the UGB (noting this is where the treated stormwater and recycled wastewater would come from) rather than only applying to existing irrigation districts. As such, are these actions a misinterpretation of the findings?

Smarter Land Use (Actions 12 and 14)

Action 12: Review and update decision guidelines and application requirements for planning applications within green wedge zones

It is not clear why the action to update decision guidelines and application requirements (particularly for dwellings as the Response to Options Report suggests) should apply only to the green wedge zones.

I would strongly support strengthening the association of a dwelling with agriculture within the Green Wedge and Green Wedge A zones, as is suggested in the Response to Options report. Currently these areas are treated as a default residential zone and are regulated that way, which makes agricultural use the outlier.

However, as mentioned in response to Question 2, clarity is also needed around how the connection between agriculture and a proposed dwelling can be established in an application for a planning permit to develop a dwelling on a small rural lot in the Farming Zone.

Action 14: Increase flexibility for primary produce/farm gate sales

It was confusing to see this action to increase flexibility for primary produce sales grouped with development design to protect landscape values. The compilation of actions in the plan may be mistakenly aligning farm gate sales entirely with tourism rather than recognising the value of farm gate sales in providing the community with access to local, seasonal food. There is no detail provided around what is proposed to increase flexibility/expand the range of produce.

I would strongly support the Response to Options report proposal to investigate the ability of farmgate outlets to sell produce from within a 5km radius. Providing for regional aggregation within a farmgate outlet could reduce the number of signs and odd little sales structures outside farms at the roadside (which seems to bother Council regulators).

QUESTION EFFECTIVENESS

Planning for Future Farming (Actions 5 and 6)

Action 5: Update agricultural planning policy to better protect agricultural land within 100 kilometres of Melbourne and make the best use of our fertile soils

Despite the preamble to this action that includes the stakeholder feedback that all agricultural land around Melbourne should be recognised as important, this action to update policy speaks of “making the best use of our fertile soils” which implies that some land will be treated differently. The risk here is that the “other” land becomes fair game for non-agricultural use and further subdivision. It is also not clear what the planning policy update will address, noting it speaks of protecting, without explaining what the updated policy will protect land from.

Missing from this action is an intent to support “other activities complementary to agriculture” in regional policy which is relevant to agricultural areas across Victoria.

Action 6: Contribute to better decisions by providing more guidance for local government planners in assessing planning permit applications within agricultural areas through the development of a Planning Practice Note

I note the increasing reliance on Planning Practice Notes (PPNs) to support local government planning. Reliance on PPNs to support a proposal (planning consultants) or to support decision making (local government planners) is risky other than where they are simply providing interpretation of what is in the planning scheme. However, through drafting of the PPN, the need for additional detail in the planning framework may be identified and will hopefully be introduced.

Securing the Right to Farm (Actions 7 and 8)

Action 7: Strengthen the ‘right to farm’ by expanding the ‘agent of change’ principle within 100 kilometres of Melbourne – assign responsibility for mitigating the impacts of sensitive uses on lawful agricultural operations to the permit applicant to achieve better land use management

Action 8: Update the Planning Policy Framework to encourage appropriate siting, design and scale of sensitive uses and development in rural areas within 100 kilometres of Melbourne – thereby avoiding conflicts with agricultural uses

It is unclear from the information provided how the “agent-of-change” principle will work. Agent-of-change is already an informal consideration in a merits-based planning assessment but is not currently in formal use in planning schemes other than for assessing live music venues.

It is also unclear how this action will align with the proposed land use planning regulations for animal production, which introduces separation distances that are measured from range areas/animal production facilities to buildings associated with a sensitive use (including domestic outbuildings for some reason).

If the agent of change principle is introduced into the rural zones only (as suggested in the Response to Options Report) it will not affect approvals within the UGB/at an adjacent non-rural zone. As such, it is most likely to affect new dwelling approvals which may prevent the establishment of farming enterprises on small rural lots.

According to the consultation findings report for the project, the agent of change principle and associated buffers were proposed for sensitive uses unrelated to agriculture. That is, not the dwelling belonging to the neighbouring farmer. Rather, uses identified that may be problematic were industrial, tourism, residential development and rural lifestyle properties. The recent introduction of small second dwellings could also be added to this list, noting they do not require a planning permit in the Farming Zone and the Housing Statement seems to encourage renting them out.

A more effective response would be to ensure that dwellings are not introduced into rural zones at all unless they are there to support agriculture. Dwelling occupants that are conducting their own agricultural enterprise are more likely to accept neighbouring agricultural uses.

Defining accepted agricultural practices and development may also assist. The best messaging to the community that a use/development is acceptable is to remove or streamline planning permit requirements.

STRENGTHEN/BROADEN

Stronger Protections (Actions 9-11)

The preamble says that legislative provisions have been strengthened (rather than will be strengthened via the actions). It is not clear what legislative changes this refers to.

Also, these actions appear to apply to green wedge zones only (rather than all of the rural zones within 100km of Melbourne). It is not clear why the need for tighter controls on subdivision is only identified for the green wedge municipalities.

Action 9: Update planning policy to emphasise the non-urban values, purpose and character of the green wedges

Updates to state planning policy to prioritise productive use of green wedge land is important, noting that sustainable agricultural practices can exist alongside environmental and landscape values. However, this may have to be implemented as a regional policy as some green wedge Councils are largely urbanised and have little to no agricultural land.

Action 10: Update Planning Practice Note 31 'Preparing a Green Wedge Management Plan' to better direct green wedge planning at the local level

Green Wedge Management Plans are not considered in planning decisions, unless they have been implemented via policy and schedule changes in local planning schemes. This can take years or may never happen. A timeframe for implementation Green Wedge Management Plans in planning schemes with a streamlined planning scheme amendment pathway, would be more effective in directing green wedge planning decisions.

Action 11: Develop a new Planning Practice Note for urban-rural interface areas that manages land use pressures and supports a permanent edge to growth

The scope of guidance in a new PPN on urban-rural interface areas should relate to decisions occurring across Victoria. Land banking and pressure for land use change occurs at the edges of regional towns as well as in green wedge municipalities, and at the Melbourne UGB.

For example, Mitchell Shire is not a green wedge municipality but has the Melbourne UGB within its boundaries. Particularly noting the establishment of PSPs in regional parts of Victoria, this guidance should be statewide.

Transition zones should be within the urban zoned land (parks, markets etc) rather than the rural land. Otherwise, the non-urban intent of green wedges is lost to rural residential land and other non-agricultural uses.

Setting Tighter Controls (Actions 16 and 18)

Action 16: Prohibit subdivision of small lots below the minimum lot size in some zones within 100 kilometres of Melbourne

Very little detail has been provided to explain this important action, including in the Response to Options report. I would support removing the ability to create a lot for an existing dwelling that creates a lot less than the minimum. However, addressing the

theme from the Response to Options report (Managing subdivision and dwellings in agricultural areas) would appear to need a broader response than this one change.

Action 18: Strengthen the link between host farm accommodation and operating agricultural properties

I would strongly support updating the land use term Host Farm to require a direct link to an operating agricultural property.

The opportunity within this action to define “operating agricultural property” should be recognised for its critical importance in a range of planning decisions.