

# Response to questions on notice

Parliamentary Inquiry into securing the Victorian food supply



Department of Transport and Planning

## QUESTION TAKEN ON NOTICE

**Martha HAYLETT:** I was just going to ask about the green wedge management plans for each of the councils that are developing them, what the status is and how the department will ensure that these plans are implemented properly, because you might get very different plans based on each council. Are there particular guidelines that are being provided and how will they be implemented properly?

## RESPONSE

**Michael ORFORD:** That is a great question. There certainly are guidelines as to the preparation of green wedge management plans, and we will look to review those in light of the legislative changes that were made. We can certainly take that on notice and get a status report for the various councils and their green wedge management plans.

### Status of Green Wedge Management Plans (May 2024)

Green wedge	Status	Document link
WERRIBEE SOUTH	Complete	<a href="#">Werribee South Green Wedge Policy and Management Plan, June 2017</a>
WESTERN PLAINS SOUTH	Complete	<a href="#">Western Plains South Green Wedge Management Plan, February 2024</a>
WESTERN PLAINS NORTH	Complete	<a href="#">Western Plains North Green Wedge Management Plan, September 2014</a>
SUNBURY	Complete	<a href="#">Brimbank Green Wedge Management Plan, August 2010</a>
WHITTLESEA	Complete	<a href="#">Whittlesea Green Wedge Management Plan, February 2023</a>
NILLUMBIK	Partially complete	<a href="#">Nillumbik Green Wedge Management Plan, November 2019</a> <a href="#">Manningham Green Wedge Action Plan, 2020</a>
MANNINGHAM	Partially complete	<a href="#">Manningham Green Wedge Action Plan, February 2011</a>
YARRA VALLEY AND YARRA & DANDENONG RANGES	Partially complete	<a href="#">Yarra Ranges Council Green Wedge Management Plan, July 2010</a>
SOUTHERN RANGES	Not complete	
WESTERNPORT	Complete	<a href="#">Western Port Green Wedge Management Plan, April 2019</a>
SOUTH-EAST	Partially complete	<a href="#">Kingston Green Wedge Plan, April 2012</a>
MORNINGTON PENINSULA	Complete	<a href="#">Mornington Peninsula Green Wedge Management Plan, April 2019</a>

## ADDITIONAL QUESTIONS FROM THE COMMITTEE

### Planning for Melbourne's Green Wedges and Agricultural Lands Action Plan

Actions 5 and 9 of the Action Plan commit to updating the planning policy framework to better protect agricultural land (within 100km of Melbourne and within green wedges).

1. The planning policy framework already includes policies directing planners to protect agricultural lands. How will updating the framework materially improve protections?

#### Response:

1. **Actions 5 and 9 together seek to improve the quality of guidance for making sound land use planning decisions. The current policy framework applies state-wide. Action 5 will update the Planning Policy Framework (PPF) to provide clearer guidance for managing agricultural land within 100 kilometres of Melbourne (Melbourne's peri-urban area), which is where much pressure occurs regarding competing incompatible land uses. Action 9 will strengthen existing strategic planning and land management activities by updating the PPF to emphasise non-urban values of green wedge land, including its purpose and character.**

Action 16 of the Action Plan will introduce a prohibition on subdividing farming or rural activity zoned lots into land parcels smaller than the minimum lot size within 100km of Melbourne.

2. Will farms still be able to be subdivided into parcels of land smaller than the permitted lot size around our regional cities and in the green wedge zones and rural conservation zones?
3. Why wasn't this prohibition extended to cover all zones which permit farming in areas around all Victoria's major cities?

#### Response:

2. **For each of the existing rural zones, a minimum lot size for subdivision is nominated in sub-section 3. A permit may be granted to create smaller lots where specific conditions are met, including around Victoria's regional cities.**

**In accordance with Sections 46AF and 46AG of the *Planning and Environment Act 1987*, any planning scheme amendment seeking to allow green wedge land to be subdivided into more lots or into smaller lots than would have been allowed under the planning scheme does not take effect until it is ratified by both Houses of Parliament.**

3. **Action 16 is not intended to cover all rural zones that permit farming around all of Victoria's major cities. Sub-section 3 of the rural zones contains a minimum lot size that can be reduced if specified conditions are met.**

**The prohibition responds to development and land use intensification pressures experienced in peri-urban regions near to Melbourne. Action 16 does not extend to zones surrounding Victoria's major regional cities as these cities do not experience these pressures to the same extent, and the conditions to reduce the minimum lot size can sufficiently guide consideration about whether or not a council should grant a permit for a smaller lot.**

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

4. What practical support will this offer planners trying to balance housing demand with protecting agricultural lands?

#### Response:

4. **Action 11 supports the development of a new Planning Practice Note (PPN). Consultation informing the Action Plan highlighted the need for greater consistency in planning for urban-rural interface areas. PPNs can provide further guidance relating to the preparation and assessment of planning permit applications and planning scheme amendments. A good example is the existing PPN90 that provides guidance about how to balance housing with neighbourhood character.**



Actions 1 and 2 of the Action Plan contemplate the introduction of a planning scheme overlay to protect irrigated agricultural areas in Bacchus Marsh and Werribee.

5. Why weren't protective planning scheme overlays introduced for other agricultural areas?

**Response:**

5. **Actions 1 and 2 recognise the importance of irrigated agricultural land in Bacchus Marsh and Werribee. These areas contain some of the Victoria's most productive farmlands, and are the most significant recycled water precincts in Melbourne's peri-urban area. These Actions intend to provide certainty and surety of water supply for farmers in these key areas. Further areas for applying the overlay may be considered in the future considering the learnings from the Bacchus Marsh and Werribee projects.**

Action 4 contemplates the development of 'a new regional policy to preserve opportunities for irrigated agriculture around Melbourne'.

6. Which areas have been identified for protections?  
7. Why weren't overlays developed for these areas as they were for Bacchus Marsh and Werribee?

**Response:**

6. **Action 4 identifies the need to protect and preserve irrigated agricultural land around Melbourne. Two peri-urban areas, Werribee and Bacchus Marsh, are declared irrigation districts under the *Water Act 1989*.**
7. **A new regional policy may identify opportunities to protect emergent and/or planned irrigated agriculture in peri-urban areas. This includes the Western Irrigation Network, Boneo Recycled Water Irrigation Scheme, and Cora Lynn Recycled Water Westernport Irrigation Scheme. A process to guide the application of planning provisions to these other areas could be developed if they are declared under the *Water Act 1989*. See also the response to question 5.**

As part of Action 7 the Government will introduce the 'right to farm' and 'agent of change' principles into the Victorian Planning Provisions (as subordinate legislation) in rural zones where agriculture is a primary purpose of the zone within 100 kilometres of Melbourne.

8. How will adding these principles into the Victorian Planning Provisions impact farmers and individuals seeking to use neighbouring lands for non-agricultural uses (such as residential) on a practical level?

**Response:**

8. **Action 7 addresses impacts from farming activities as well as other non-urban land uses such as extractive industry. It proposes to introduce the 'right to farm' principle into the Victoria Planning Provisions. This principle seeks to minimise land use conflicts by preventing the co-location of incompatible land uses. It relies upon the 'agent of change' principle which bestows responsibility for the mitigation of operational impacts from agricultural use to the individual or organisation (permit applicant) that introduced the incompatible use and/or development. Existing agricultural activity is considered an as-of-right use and would not be considered an 'agent of change'.**

**Mitigation activities are anticipated to be site-specific and building upon existing Environment Protection Authority measures. The 'agent of change' principle does not necessarily preclude development or use of neighbouring lands for non-agricultural uses, but encourages appropriate operational measures, siting, design, and scale of development to avoid conflict with agricultural use. This includes consideration of appropriate buffers to separate sensitive land uses.**

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**From:** Michael J Orford (DTP) [REDACTED]  
**Sent:** Thursday, 13 June 2024 2:10 PM  
**To:** [REDACTED] FoodSupplyInquiry  
**Cc:** [REDACTED]  
**Subject:** RE: [SEC=OFFICIAL] PLEASE ACTION ASAP: EPC | Inquiry into securing the Victorian food supply | Hearing transcript and questions on notice - For response

Hi Igor,

Thanks very much for your follow-up email.

**Complete green wedge management plans**

I can confirm that ‘complete’ means that a green wedge management plan has been adopted by the relevant council and is not a draft plan.

Under the *Planning and Environment Act 1987* (PE Act), the Minister for Planning does not approve green wedge management plans.

It is up to each council to prepare and implement a green wedge management plan for each green wedge to meet their obligations under s46AE(1) of the PE Act.

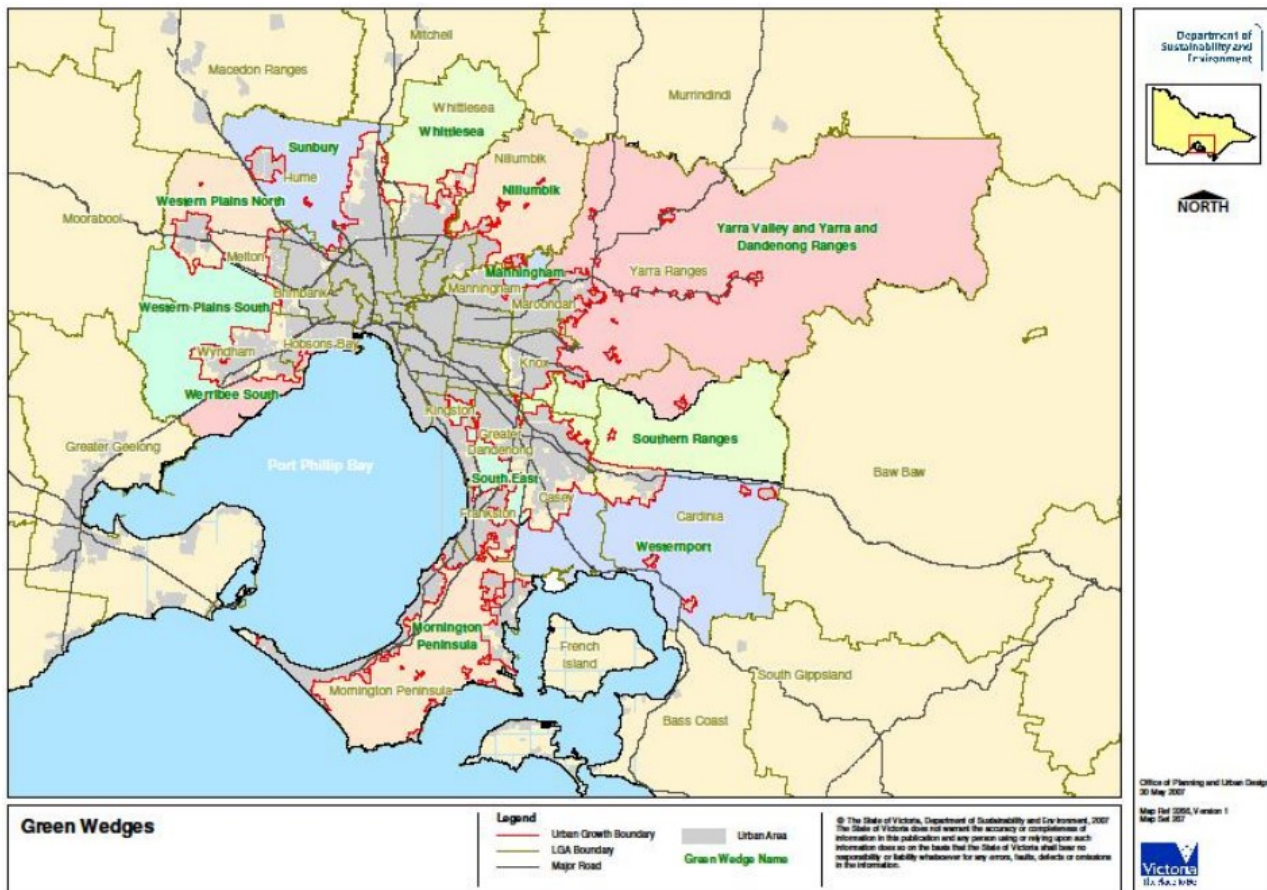
Once a council prepares a green wedge management plan and it is adopted by the council at a council meeting, under s46AE(3) of the PE Act the council is then required to provide a copy of the adopted plan to the Minister. A planning scheme amendment may subsequently be prepared to implement the relevant parts of the green wedge management plan through the planning scheme however this is not a requirement of the PE Act.

For those green wedge management plans that are ‘partially complete’, this is usually because the green wedge extends across multiple municipalities and the prepared green wedge management plan does not cover all of the municipalities. For it to be ‘complete’, the remaining municipalities need to complete green wedge management plans for the outstanding parts of the green wedge.

For example, the Yarra Valley and Yarra and Dandenong Ranges green wedge extends across Casey, Cardinia, Yarra Ranges, Murrindindi, Nillumbik, Manningham, Maroondah and Knox municipalities. Only the Yarra Ranges Shire Council has adopted a green wedge management plan. Therefore, the status of management plans for the green wedge is ‘partially complete’ until the remaining municipalities prepare a green wedge management plan.

Some councils choose to work collaboratively to prepare a single green wedge management plan that transcends municipal boundaries.

**Below** is a map that indicates how green wedges transcend municipal boundaries.



## Implementing a green wedge management plan

DTP provides guidance to councils to ensure green wedge management plans are implemented. DTP has published a [guide](#) for councils about how to undertake and implement a green wedge management plan. I referenced this guide in responding to the committee.

Under the PE Act, there is no requirement to implement a green wedge management plan into a planning scheme. However, it is common practice for councils to implement green wedge management plans through the planning scheme.

Green wedge management plans may contain a range of implementation actions for local and state government and other key stakeholders; some are relevant to planning and could be implemented into a planning scheme, while other actions go beyond planning. For example, some actions might relate to the management of public land or contain matters for responsible public entities to administer.

Where relevant, it is anticipated that aspects of a green wedge management plan will be included or referenced in the municipal planning strategy or local planning policy of a planning scheme and will provide the strategic basis for reviewing existing planning provisions of the green wedge.

Any proposed changes to a planning scheme require a planning scheme amendment, which involves separate consultation processes and other requirements specified under Part 3 of the PE Act. The Minister for Planning authorises and approves all planning scheme amendments. DTP advises the Minister on planning scheme amendments, including those that propose to implement actions from a green wedge management plan.

Please let me know if you have any further questions.

Regards,

**Michael Orford** (he/him)  
 Director Strategic Land Use Planning | Integrated Land and Transport Planning

[Redacted]

[planning.vic.gov.au](http://planning.vic.gov.au)



Department of Transport and Planning



*I acknowledge the Traditional Aboriginal Owners of Country throughout Victoria and pay my respect to Elders past and present, and to the ongoing living culture of Aboriginal people.*

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