

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY ENVIRONMENT AND PLANNING COMMITTEE

### **Inquiry into Securing the Victorian Food Supply**

Melbourne – Friday 3 May 2024

#### **MEMBERS**

Juliana Addison – Chair

Martin Cameron – Deputy Chair

Jordan Crugnale

Daniela De Martino

Martha Haylett

David Hodgett

Nicole Werner

## WITNESS

Linda Martin-Chew, Director, the Rural Planner.

**The CHAIR:** Welcome back to the public hearing, our last session for the day. I will just run through some important formalities before we begin with the Rural Planner.

All evidence taken today will be recorded by Hansard and is protected by parliamentary privilege. This means that you can speak freely without fear of legal action in relation to the evidence that you give. However, it is important to remember that parliamentary privilege does not apply to the comments made outside the hearing even if you are restating what you said during the hearing.

You will receive a draft transcript of your evidence in the next week or so for you to check and approve. Corrected transcripts are published on the committee's website and may be quoted in our final report.

Thank you for making the time to appear before the committee today. Would you please state your full name, title and make any opening remarks that you wish.

**Linda MARTIN-CHEW:** My name is Linda Martin-Chew. I am from Wandong, Victoria. I am a rural planning consultant and Director of the Rural Planner Pty Ltd. I provided my written submission to the inquiry in collaboration with the McLeod Family Foundation and Sustain: The Australian Food Network. I have worked as a local government planner in peri-urban councils for 16 years and have worked in rural planning consultancy for almost eight years. I appear today as someone with interest and experience in the use of planning controls to support food production in peri-urban areas. Should I start?

**The CHAIR:** Please do.

**Linda MARTIN-CHEW:** I would like to use this time to provide a broader reflection on planning regulation as it relates to farming in peri-urban areas. Planning regulation must support food production activities that are best suited to peri-urban areas, otherwise it is more likely that peri-urban land will be converted for uses other than agriculture, leading to permanent land use change.

Currently, state planning policy seeks to protect agricultural land without making clear what it should be protected against. That is, what land use and development should be encouraged or discouraged. The peri-urban regions of Victoria are already closely settled, and my submission references a culture in planning that naturalises housing development in the landscape whilst agricultural development is considered out of place. For those occupying the peri-urban landscape for lifestyle purposes, the absence of overt planning policy that provides support for specific farming development practices can be used as a tool to curb productivity on neighbouring farms.

Before embarking on a planning career I was farming in central Victoria for 10 years. The time that elapsed between walking into a local government planning office for my first day of work and having walked off that farm for the last time was only 13 months, so I embarked on my planning career with the realities of day-to-day farm life still very fresh in the memory. I can remember being shocked to discover how many aspects of farming that I considered to be quite operational triggered a planning permit. The likelihood of a permit being triggered increases with the smaller farming lots that are typical of peri-urban areas because of distances from boundaries, from roads and from houses not in the same ownership. There is just a lot of regulation that relates to farming.

Eight years ago I was at an event addressed by farmers speaking about their journeys with regenerative farming, and all of them were marketing their products directly to consumers. Challenges with planning regulation turned out to be an experience that was common to all of them. This was a reminder to me that, particularly if planning is punishing a farm enterprise that should be encouraged, something should be done about it. Progress is slow. In those eight years both agricultural policy and consumer sentiment have moved to a level of acceptance or support for these farm practices, but planning policy lags behind. Common characteristics of these small-scale and regenerative farm practices are direct marketing from farms, processing on farms and providing consumers with on-farm experience as a help to educate them about how their food is produced. In addition to providing nutritious food close to the consumer, this type of food production can build

community; drive tourism, economic and employment outcomes; increase climate resilience and sustainable land management practices; and address civic health objectives.

Speaking to farmers about when and when not to regulate is hard, but in my experience people operating in those successful farming and agribusiness models that challenge regulators are not seeking to avoid regulation – they know that regulation can support good operators and deter those simply looking for a workaround. Rather, their challenges with planning arise from the almost complete absence of planning policy and guidance for planners assessing their proposals. Being in a regulatory grey area means there is from council delay, obfuscation or, at worst, refusal. My submission recommends that land use planning regulation prioritise peri-urban agriculture over other land uses. A critical part of that task is for regulation to recognise the value to the local food system of small-scale farms, regenerative farming and farm enterprises that facilitate producer–consumer interaction. I would welcome the opportunity to contribute to solutions that draw on the outcomes of this inquiry and the valuable inputs of producers, planners, policymakers and food advocates.

**The CHAIR:** Thank you, Linda. Getting straight into it, earlier today we heard from Sustain about the Vermont Farm to Plate initiative. I was wondering if you have got any learnings that you could share with us that could be applied in the Victorian context from that project?

**Linda MARTIN-CHEW:** The project, firstly, was supported by state government, so it was providing some funding and certainly enabling regulation of that food system, but it also provided opportunities for farmer-to-farmer connection and farmer-to-consumer connection. It is similar to Victoria in terms of – there are some cultural similarities, and the size, as Nick said. What is possibly different is there was also a lot of philanthropy involved, so there was a lot of funding coming from businesses as well to really drive some change in their local food system. The other important thing to mention, which is probably not quite as interesting sometimes, is the circular economy, the idea of taking a nutrient management approach rather than a waste management approach, so managing to make sure food waste goes back into the system and can be used to nurture the land. I am not presenting here as a farmer, but we do not really pay a lot of attention to that in local government in Victoria.

**The CHAIR:** Terrific. Questions. Go, JC.

**Jordan CRUGNALE:** In terms of the processes of rolling out organics in that nutrient-management system – obviously as a state government, there are time frames for every council within the state – I just want you to maybe elaborate on the comment you just made about that.

**Linda MARTIN-CHEW:** I am basing that on the fact that when I was doing the planning scheme audit, which is appended to my submission, I was looking at local government waste management policies as well. The idea of where that food waste goes once it is processed – the idea it goes back to farmers was not really addressed. It is not clear to me that that is being run by the state necessarily. If it happens with councils individually, that is great, but I think potentially I can see some issues with having piles of dirt appearing on farms also – or what looks like dirt, but is actually processed food waste – and then being spread across farms; it is probably something else that starts to come up as an issue with land use conflict. I think there is just an education piece across the community to say, ‘This stuff’s normal. That’s what normal looks like, and stop complaining about it,’ essentially.

**Martha HAYLETT:** I just want to touch on VCAT, Linda. It is not something that we have really spoken about that much today, so I am keen to hear your thoughts on VCAT’s role in the planning framework and then how that is actually having any impact on peri-urban farming.

**Linda MARTIN-CHEW:** At VCAT you realise, that VCAT can actually sort out the neighbour objections a bit more, because VCAT is not as politically influenced as councils are, but it also highlights a lack of policy. A great example recently was in Hepburn where – luckily the farmer won – there was essentially the same policy being used to say a farmer should not have a microabattoir on her farm as she was probably using to say she should have one. That is Jonai Farms. You have obviously heard of it.

**A member:** Yes, Mary-Anne Thomas was talking about it the other day.

**Linda MARTIN-CHEW:** A classic example of how vague planning policy is, and it can be used pretty much to go against something or to go for it. I have worked for a good chunk of time in drafting policy and

ordinance for planning schemes, and there is a lot of pushback from state government planning about prescriptiveness in policy; that is why it is so hard to make it support something. In local policy there is perhaps more chance to do it, but there is still that pushback, and a lot of local policy that is currently in schemes can actually work very much against these small-scale farming or sustainable intensification type farming models that are more common now in peri-urban areas.

**Martha HAYLETT:** I just have one more on your fantastic audit as well: if you are able to share any of those key findings you had, especially that comparison between local government and state – if you can just share any more of your learnings from the audit.

**Linda MARTIN-CHEW:** Yes. I think it is important. I guess part of the reason why I have felt confident in writing some of those recommendations was because I have worked in local government strategic planning and I understood a bit about how you can actually make local policy happen. It is actually very much that you if it is local policy, it is specific to your local area and you have to have locally specific evidence. It is quite expensive, and it means that every council, some of which might be quite similar, is going on its own – like Mornington Peninsula shire, for example – and saying, ‘We’re going to write this strategy and we’re going to implement it, and hopefully at some point it ends up in the planning scheme.’ That is a major issue. I think there is a lot the state government could actually do that is common across all of those green wedge and peri-urban councils, and they have not done it to date. Having said that, I would say to local government: do not wait for state government necessarily, because you can even just through, outside the planning scheme, educating your planners. Sometimes they just have not got the memo. There could be a food policy in a council that has never been actually shared – or there has never been that much effort, or maybe sometimes planning departments are hard to engage with – to say to planners, ‘We’ve got this policy over here that says that you should be supporting farmgate stores, and you are refusing them.’ That does actually happen, and there is a risk it could happen on the Mornington Peninsula as well, even with their amazing agroecology strategy. There is a very light touch in that strategy around what you change in the planning scheme to support that particular project.

**Martha HAYLETT:** Thank you.

**Martin CAMERON:** Is there a key piece of policy, in your opinion, that is missing to make this all come together and work?

**Linda MARTIN-CHEW:** I think what is missing is – perhaps it is education; perhaps it is having some kind of direct reference to having ancillary activities on farms that relate to farming. It has gotten a bit mixed up with the idea of urban uses in rural areas. So if you want to put a farm cafe on to show people how they might actually prepare the food that you produce, and it brings people to the farm and they can buy your produce, that is sometimes perceived as being – well, the farm gate is a shop and the cafe is a food and drink premises, and there are councils that have direct policy against that.

I think it is just understanding that farmers cannot be price takers anymore. Especially in peri-urban areas where there is that tourism as well as providing local food to people who live locally, there is that tourism opportunity, and if you are trying to make 60 acres work productively and viably, then you might need to do a bit more intensive marketing on your property and even process your own produce on the property. And all of that involves buildings. Everything involves a planning permit, but it involves buildings; it involves something that people, your neighbour, might be able to see – shock, horror. Once you say, in planning policy, ‘This is fine,’ then it gives less ammunition to people, the neighbours especially, saying, ‘We don’t like the fact that there’s cars driving past our property, and we can see the farm buildings and we can see people. That’s not what we moved here for; we wanted to sit here and look at the view.’ There is a lot of that that people have to deal with. Because I work with applications at site scale as well, I know that there are a lot of issues with neighbour objections to all of this kind of intensification of activity on farms.

**Martin CAMERON:** Thank you.

**David HODGETT:** Linda, I think you have sat through most of today, and you would have heard a number of submitters talking about having an overarching state plan strategy or whatever so that agriculture, food, all that, is lifting up the agenda a bit or is on the agenda. But in your submission you took that a step further, suggesting that planning regulation be amended so that agricultural land uses are prioritised above all land uses. Did you want to expand a bit on that for the benefit of us, please?

**Linda MARTIN-CHEW:** I think I would say, starting right at the top – meta – all governments who have green wedges always leave the door open to the urban growth boundary being moved. Then there is, especially in Melbourne – I work in a green wedge council as part of my other life and live in a rural council area – just little to no policy around places of worship, schools or, as Michael said, residential hotels, all that sort of stuff that happens. I supported a community opposing a drift racing track in Glenrowan in prime farm area. Because there is no policy against it, planning would actually say, ‘Oh, we should consider this.’ The zone purposes say they are all for agriculture, except where they are conservation-zoned, so I do not really understand why they get considered the way that they do.

You have to understand that with planning it is really strange. If you are a statutory planner, whatever is before you is what you are considering; you do not think about what the next step might be – like, subdividing rural land, you do not think about if it is going to be for a rural dwelling. They just seem to say, ‘That’s my decision that’s in front of me.’ Application fee, tick, tick – out the permit goes. So there is no sense that this land needs to be kept for agriculture.

I have read some of the other planning-type submissions which have kind of talked about the old, strategic agricultural land argument: ‘Let’s work out what land is especially good, and let’s work out what other land’ – I assume – ‘is not especially good.’ That, in planning, because I have worked in planning a long time, means that inevitably the land that is not especially good will end up being used for other things. The other thing is I get a lot of calls; I get referrals through real estate agents because I have written to the real estate agents and said, ‘Look, you should be telling people to talk to planning consultants about whether they can actually do what they want to do before they buy the property.’ They are fleeing land tax, they are wanting to put manufacturing on rural lots and they are wanting to turn them into contractor depots – everything except what it is meant to be for. It is really rare to find someone who calls me up and says, ‘I actually want to start a farm’ – and they are the only ones I support, so there is not much work coming out of it. They are, most of the time, talking about buying the property, because really it should be hard to get those permits, and it will be hard in some of the areas that they are looking at; it just depends on the council. But I just do not think there is enough commitment given, especially in the green wedge, to the idea that this land can be used for agriculture. It has been really encouraging to see that the planning practice note that was revised for applying the rural zones last year says a few important things. It says farming is changing. It says small rural lots can be productive. It says that the productivity of lots depends on the farmer. That is amazing, from a planning department. And finally it says to councils: do not just look at the lot pattern as being fragmented and say, ‘This looks like a perfect place to put a rural living zone.’ Do not just assume that that is the best place to put it, because all of that land could be made productive for growing food or fibre.

**The CHAIR:** Linda, that is probably a good segue to the next question that I have. How do you think planners can be supported across the sector to protect Victoria’s food supply system?

**Linda MARTIN-CHEW:** Probably by education in how food systems work – Andrew is probably dealing with that at RMIT. I first studied planning with the La Trobe Bendigo graduate diploma in rural and regional planning, so that was amazing. I do not think it is happening anymore. But I think just a bit more of an understanding – not all planners have an interest. So if you have enrolled in that course, you have an interest, but I think there is just not enough understanding, especially in peri-urban areas. You have to understand that a lot of the planners who work there live in urban areas and grew up in urban areas. It is not quite as bad out in Campaspe or the Grampians, where probably more of them might have come from the local area, but there is not a lot of education about what farms look like.

It does not help when some local policy in councils is essentially taking an older view of what farming looks like and is actually prescribing, as much as it can, a kind of hilly landscape with polite numbers of cows and sheep dotted across it, because that kind of farming is not really making enough money. Even Yarra Ranges does it to an extent – not wanting netting on trees visible from the road. It is not a tourist attraction; you need to be growing food. I guess that is my point about making sure that planning is prioritising agriculture. Let us perhaps lower our standards about what we look at and understand how agriculture actually works. If you are farming regeneratively, your ground cover is good and your animal welfare is good. If you are inviting people out to your farm, it has got to be pretty. So in some respects encouraging that kind of farming is probably improving farming practice overall.

**The CHAIR:** If I could just follow up with that, what role do you or the organisation that you work for play? How do you supplement or interact with the Agriculture Victoria planning and advisory service?

**Linda MARTIN-CHEW:** I do not; councils do.

**The CHAIR:** Right.

**Linda MARTIN-CHEW:** I think most of the time they are probably getting the poultry farm and pig farm applications, which is important. Dwellings on small rural lots – I think they actually withdrew their support for that particular application type. Really, that does not surprise me. But if they are advising on whether someone who is wanting to do intensive farming is actually doing it properly and has the appropriate nutrient management protocols in place, then I think it is important that that service exists, and it would be great to know for sure that they are also supporting those small-scale farming type activities as well. But I do not really see it –

**The CHAIR:** You do not interact with them?

**Linda MARTIN-CHEW:** No.

**The CHAIR:** Thanks for that.

**Jordan CRUGNALE:** I have got a question. Something you said earlier, Linda, around the government seeking to protect ag land – it does not say against what other than what was written up with the green wedge plan. Are they the kinds of things that you were speaking about, or is there something else that we need to consider outside of the schools and the green wedge?

**Linda MARTIN-CHEW:** I am not sure how you do this with the state or the Department of Transport and Planning wanting to not have prescriptiveness in policy, but the example I used with the Jonai Farms VCAT case is a good one because if you make it too vague, if I look at it through my lens, I can find support in all of those clauses for the proposal I put forward and obviously supported. Function centres on farms to a degree are often multifunctional. Farmgate sales are important, and the host farm as well I guess is important. It has become important as part of those agribusiness models. You can use those policies to support it. You could probably also use the protection of agricultural land. Often the council will come back and say, 'But that building is over land that might have been used for agriculture,' so then you go back and say, 'Yes, but it's 0.008 per cent.' There is a particular pattern of how councils respond to these, and a lot of it is because they do not really know for sure whether they should be supporting it. With Agriculture Victoria coming on board a bit more with the artisanal farming grants and the small-scale craft grants and supporting councils in their strategies in that direction, it feels a lot more comfortable in this space. I have been operating against the tide with planning a bit in supporting small farms and on-farm activities like that. But the average planner working in local government – and they often give the agricultural-type applications to the junior planner – have not ever heard of it. They may not have even thought about where their food comes from; there are people like that. It is really difficult because every single time you have got a whole different – there is not really a cohesive policy, even within the same council sometimes. That is partly how planning works, but that is the problem.

**Jordan CRUGNALE:** There is good agricultural land, and then there are obviously gradients to terrible agricultural land and not so good. But then we are doing – this is happening in my parents' villages in Italy with the Mediterranean basin – this whole thing with organics to actually renourish the not so good land and everything in between and looking at other farming practices that might be above ground. How would you then work on something and go, 'Yeah, agriculture here,' and 'This one's not so great, so we can do something else on it other than agriculture'? When there is that opportunity with climate change as well, that could end up being really good, amazing, so how will that work with what you are saying now?

**Linda MARTIN-CHEW:** It does not. I mean, planners love having lines on a plan. You have got to make it easy. I should be fair about planning. In planning you are actually dealing with a lot of different applications. Planners have to be a little bit good, know a little bit about a lot of stuff, so they like to have a decision framework and a plan that says, 'Over here is good and over there is bad.' But I have had the privilege of working with people who are on extremely poor soils – not a lot of topsoil, stony, dry – and you just find the right crop. You find the right combination of crops and you can feed the soil. I work in the City of Whittlesea in my council job, and that is a lot of sodic and dispersive soils; it is very shallow. You just never cut it; you just

do not ever till it. You cannot do that. It is probably grazing land, but there is still farming that happened. The City of Whittlesea is where most of Melbourne's milk came from in the 19th century, I think. I think you have to not do the lines on the plan. This is what the feedback was to DELWP when they started what was at first called protecting Melbourne's strategic agricultural land, and the feedback was: do not call it strategic. I found it slightly sinister actually when the name changed to Melbourne's green wedge and agricultural land. Green wedge land was not agricultural land, and that still concerns me a little because even the action plan came out with some green wedge actions and then some farming zone actions. I just do not like the idea of classifying particular soils and particular land as being agricultural or less agricultural.

**The CHAIR:** I guess that is like saying in Ballarat, 'It's not cold, you're just not wearing the right clothes.'

**Martha HAYLETT:** I have just got a question for you, Linda, about tracking the cumulative loss of agricultural land. I am not sure if you were in when the Department of Transport and Planning were here this morning first up, but they were basically saying, 'Look, there has not actually been that much tracking of the loss of agricultural land to date.' They were not able to elaborate too much more, but do you think we should be tracking that and that that should be feeding into decision-making? What are your thoughts on that?

**Linda MARTIN-CHEW:** I do think that. You would have to pay for it, and I think the issue is – I think the New South Wales government went through this exercise as well of thinking about how they might do it and whether they would do it and decided it was a little bit hard at this point. The SALAD report in Victoria was a point-in-time look at whether peri-urban land had been lost or not and also said we should be thinking about tracking it. So I think we should be tracking it, but it is a little bit – I am not even sure what the Victorian land use information system is actually or how it is determining whether land has been lost from agricultural use, because you can rezone land but you cannot tell whether someone is using it for lifestyle purposes. I could not get into – the database is in shapefiles; I have not got the software. I just could not work out what it was that they were measuring, but there should be a way. What will be hard is understanding if the land is zoned for farming whether it is being used for farming, which is a different question. Knowing from a local government perspective how hard it is to work out what our agricultural output is in the local government where I work, you are relying on ANZSIC codes and the tax office, and they are highly deceptive. So it is quite tricky, and that is why it probably has not been done.

**Martha HAYLETT:** Especially retrospectively it would be very difficult, let alone in the future.

**Linda MARTIN-CHEW:** Possibly. I feel like probably Andrew and Michael had a go at this and would know more about this than I do, but I think it should be tracked.

**The CHAIR:** We got to know those codes very well during COVID for JobKeeper and all sorts of things – happy to move on. Other questions?

**Martin CAMERON:** Linda, I am interested in your thoughts – you speak about the diversity of what we can use the peri-urban land for and also rural. The new kid on the block is going to be renewables with transmission lines and solar farms, and I think they will be right across the state in all our electorates. How is that going to be – not kept in check, but what is the thought process of where they are going to be allowed to run the transmission lines or set up solar factories or 'solar farms' as they call them so it does not impact the community as greatly as that may do? We know we are heading to renewables, and that is fine, but are there certain places they should not be put in, in your opinion?

**Linda MARTIN-CHEW:** Well, I do not like the transmission easements because they are quite restrictive about what you can do with your fences. Solar farms, I think there is a little bit more opportunity – I mean, this is not my expertise. On solar farms there seems to be more opportunity to kind of co-locate with sheep or cattle. Wind farms obviously are a whole other issue that has been going on for a long time in terms of the farmer pushback. I remember that back when we first started getting serious in Australia about addressing climate change we talked about distributed generation and community batteries, and I feel as though with building particularly those swathes of transmission easements and transmission lines across our farming land – it seems like a mistake. It is essentially, to me, taking the old technology and just imposing it on farms and not taking that more expensive but perhaps more innovative opportunity of trying to do power generation and transmission a different way. I guess that is where I come to. I mean, I did actually go to a Planet training specifically on this, and I just could not work out why we just could not underground it – just do not do it, you

know. Really it makes me uncomfortable – I have driven through those areas where all the signs are up, and it just seems like a terrible, terrible blight on the landscape and a waste of farming land.

**Martin CAMERON:** Okay. Thank you.

**The CHAIR:** More questions?

**Martin CAMERON:** We are all good.

**The CHAIR:** You are all good. Well, thank you very much. That is a really great way to end a really, really great day. Thank you for sharing your expertise and the work that you do in this field. You have given us a lot to think about, and we look forward to considering that over particularly as we go to Morwell, Bendigo, Ballarat and Geelong. We are going to do some site visits as well onto some great locations and visit some farms and stuff, so we will really be reflecting on what you have said. Thank you very much. We will end the transmission there.

**Committee adjourned.**