



COMMITTEE FOR  
MORNINGTON PENINSULA

## Planning for Melbourne's Green Wedges and Agricultural Land

### Committee for Mornington Peninsula Submission

5 February 2021

**What is it about Melbourne's green wedges and peri-urban areas that you value most? Please select your top three of the following values in order of preference.**

1. A strong, dynamic economy) e.g. based on agriculture, timber, transport, tourism, education, manufacturing, the service industry and commerce.)
2. Tourism (e.g. day trips and holidays to enjoy attractions, accommodation and dining.)
3. Recreation opportunities (e.g. state and national parks, cycling and walking trails, boating, and equestrian facilities and trails.)

## Strengthening the legislative and policy framework

### Legislative and policy framework for Melbourne's green wedges

(Consultation Paper section 3.1.1, pages 13 - 27)

#### 1. To what degree do you support the proposed options to strengthen the legislative and policy framework for Melbourne's green wedges?

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Amend the 'Planning and Environment Act 1987' to include a vision, objectives and regional policy for green wedges, and require the preparation, review and ministerial approval of Green Wedge Management Plans	X				
Update state planning policy for Melbourne's green wedges to clearly articulate the preferred outcomes for these areas		X			
Review and update Planning Practice Note 31: 'Preparing a Green Wedge Management Plan' to improve the structure, form and content of Green Wedge Management Plans	X				
Introduce regional policy directions for Melbourne's green wedges	X				

#### Do you have any comments about the options to strengthen the legislative and policy framework for Melbourne's green wedges?

The Committee for Mornington Peninsula (the Committee) strongly supports the suggested changes to create greater clarity regarding the role, weight and review process associated with Green Wedge Management Plans.

The Committee recognises that local government associations allocate much time and resources to prepare Green Wedge Management plans, however notes that the implementation of the actions within the plans, combined with the limited statutory weight placed on the plans, has dimensioned their effectiveness. As such, the Committee recommends that the Department of Environment, Land, Water and Planning formally adopts and implements local government Green Wedge Management Plans to ensure that they reflect the objectives and are consistent with broader state planning schemes.

2. To what degree do you support the proposed options to strengthen the legislative and policy framework for Melbourne’s agricultural land?

(Consultation Paper section 3.1.2, pages 28 - 32)

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Update the Planning Policy Framework to ensure that all agricultural land is protected			X		
Update the Planning Policy Framework to encourage land uses that have limited or negligible reliance on soil as the basis of production, to be located in areas where soil based agriculture is likely to be constrained				X	
Update the Planning Policy Framework to include new regional policy for Melbourne’s agricultural land	X				
Establish 'right to farm' legislation to protect existing and lawful agricultural uses from nuisance complaints	X				
Introduce the 'agent of change' principle into legislation to assign responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) to the person or organisation who introduces a new use or development	X				
Update the Planning Policy Framework to encourage appropriate siting, design and scale of sensitive uses and developments to avoid conflicts with agricultural uses				X	

**Do you have any comments on the proposed options for strengthening the legislative and policy framework for Melbourne's agricultural land?**

The Committee recognises that the planning process is but one tool to support agriculture, with governments having access to a range of other mechanisms to support farming. Mornington Peninsula farmers consistently face issues associated with unnecessary red tape, including delays in securing planning approvals for legitimate farming structures or value-adding components to their business.

The current principles appear to predominantly focus on agriculture, which whilst vital is not the only viable or practical use of Green Wedge land. As such, whilst the Committee is supportive of protecting agricultural land, consideration must also be given to the use of Green Wedge land for a variety of land uses to support the sustainability of communities, including tourism opportunities.

## Supporting agricultural land use

### Managing subdivision and dwelling development in agricultural areas

#### 3. To what degree do you support the proposed options for managing subdivision and dwelling development in agricultural areas?

(Consultation Paper section 3.2.1, pages 36 - 40)

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Amend the 'Planning and Environment Act 1987' 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.	X				
Amend the subdivision provisions of the Farming Zone and Rural Activity Zone within 100km of Melbourne to prohibit the creation of a lot for an existing dwelling smaller than the minimum lot size.			X		
Amend the Farming Zone and Rural Activity Zone to make all dwellings within 100km of Melbourne a Section 2 (Permit Required) use.			X		
Introducing decision guidelines and application requirements for new dwellings in the Green Wedge Zone and Green Wedge A Zone.	X				

#### Do you have any comments about the options and proposed responses to managing subdivision and dwelling development in agricultural areas?

There is no Farming Zone land on the Mornington Peninsula, and as such the Committee is not submitting a position on those proposed changes.

The Committee would welcome consideration by the state government to support agricultural or conservation-linked commercial uses on existing lots in the green wedge that are smaller than 40-ha.

This would not enable further sub-division of the green wedge but would encourage commercially viable business operations with a genuine link to agricultural or environmental

conservation land uses on existing smaller lots within the green wedge. It would encourage large and relatively unproductive parcels of land within the Mornington Peninsula green wedge to be better utilised by micro-farming and other environmentally sensitive business operations.

## Improving decision-making on agricultural land

### 4. To what degree do you support the proposed options for improving decision-making on agricultural land?

*(Consultation Paper section 3.2.2, page 41)*

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Develop a practice note to guide council decision-making on planning permits in agricultural areas	X				
Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme	X				

**Do you have any comments about the proposed options for improving decision-making on agricultural land?**

## Future proofing Melbourne's foodbowl

### 5. To what degree do you support the proposed options for future proofing Melbourne's foodbowl?

*(Consultation Paper section 3.2.3, pages 42 - 47)*

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Develop a new regional policy to preserve opportunities for irrigated agriculture	X				
Introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure			X		
Establish a process to determine where the new overlay should be applied			X		

**Do you have any comments about the proposed options to future proof Melbourne's foodbowl?**



## Strengthening referral and notice requirements

### 6. To what degree do you support the proposed option for strengthening referral and notice requirements?

(Consultation Paper section 3.2.4, pages 47 - 48)

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Ensure water authorities have a clear role in the decision-making process for applications to use or develop land in protected irrigation districts or in non-urban areas identified as having potential for access to alternative water in the future.		X			

Do you have any comments on the proposed option for strengthening referral and notice requirements?

## Supporting agricultural diversification, value-adding and innovation

### 7. To what degree do you support the proposed options for supporting agricultural diversification, value-adding and innovation?

(Consultation Paper section 3.2.5, pages 49 - 50)

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Update the definition of 'Primary produce sales' to support farm gate sales	X				
Amend the definition of 'Host farm' to require a direct link to an 'operating agricultural property'			X		
Make 'Host farm' a Section 1 (as-of-right) use in specified zones, providing it is undertaken in conjunction with agriculture and accommodates no more than 10 people at any one time			X		
If the Host farm is within 100 km of Melbourne, the use must be in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery			X		

### Do you have any comments on the proposed options for supporting agricultural diversification, value-adding and innovation?

The proposed update of the definition of 'primary produce' sales in the planning scheme to support farm gate sales is warmly welcomed by members of the Committee for Mornington Peninsula. Several members of the Committee are local producers and farm gate operators, who rely on farm gate sales for the viability of their local businesses.

Providing greater scope in what constitutes primary produce sales to enable the sale of a wider offering of products negates the need for small farm holdings to operate their own farm gates as they can sell their products, wholesale, to larger, nearby farm gate operators.

In addition to this redefined term, the Committee recommends that the 5km rule for the sale of produce from adjacent farms be removed and that a municipal approach be adopted, to enable the sale of products that are grown and produced in a local municipality from local farm gates. For example, Mornington Peninsula farm gates may strike agreements with other smaller farms in the same municipality to sell produce and products grown and produced on the Mornington Peninsula.

This policy change would advantage local farmers and encourage agri-tourism and local support for local production, provided that the majority of farm gate sales are grown and produced on that farm or other local farms that have an agreement with the farm gate to sell their products.

Due to a grey area in the definition of “ancillary use” or “in conjunction with” principles, ongoing enforcement proceedings are significantly contributing to the hardship faced by farmers on the Mornington Peninsula who diversify their product offerings to maintain their own business’ viability and to support neighboring farms.

Currently, local operators are subject to enforcement action by local government associations, based upon this grey area, where this problem could be easily avoided by clear a legal definition of land uses. As such, the Committee recommends that these terms be clearly defined to provide certainty for landowners, land managers and local government associations.

## Managing use of green wedge and peri-urban land

### Managing the urban-rural interface

#### 8. To what degree do you support the proposed options for managing the urban-rural interface?

(Consultation Paper section 3.3.1, pages 51 - 52)

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Provide planning practice guidance on how to consider and direct planning in urban–rural interface areas		X			
Provide guidance on preferred transitional land uses for land at the urban–rural interface and provide urban design/buffer guidance for transitional locations		X			
Introduce conditions in land use zones for particular uses, such as public open space or uses serving urban populations (e.g. schools, places of worship and infrastructure), to be located in transitional locations only					X
Introduce the ability to apply other rural zones more suited to the roles and land conditions of particular locations				X	

Do you have any comments on the proposed options for managing the urban-rural interface?

## Managing discretionary uses

### 9. To what degree do you support the proposed options for managing discretionary uses?

*(Consultation Paper section 3.3.3, pages 54 - 60)*

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Require that Educational facilities (primary and secondary schools) be located adjacent to the Urban Growth Boundary, adjoin or have access to a road, and not be located in high bushfire risk areas					X
Require that Places of worship be located adjacent to the Urban Growth Boundary, adjoin or have access to a road, and not be located in high bushfire risk areas					X
Redefine 'Halls' to differentiate commercial uses from those that provide community support services, and require that Halls be located adjacent to the Urban Growth Boundary, adjoin or have access to a road, and not be located in high bushfire risk areas		X			
Restrict the number of patrons for Exhibition centres to a maximum total of 150 at any one time, and prohibit Exhibition centres in areas of high bushfire risk			X		
Amend the Rural Conservation Zone to insert conditions of use (i.e. minimum lot size requirements, number of bedrooms, in conjunction with test) for 'Group accommodation' and 'Residential hotels' consistent with conditions in the green wedge zones			X		
Ensure new categories of camping and caravan parks are reflected in the planning scheme, and permit camping and caravan parks in certain zones only when they fall within 'bush/primitive' or 'tourist' categories				X	
Prohibit Data centres in the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone	X				

Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to require Data centres to be located adjacent to residential, commercial or industrial zoned land			X		

**Do you have any comments on the proposed options for managing discretionary uses?**

## Improving the design of development in green wedges

### Implementing design and development guidelines

#### 10. To what degree do you support the proposed options for implementing design and development guidelines?

(Consultation Paper section 4.1, pages 62 - 71)

Proposed Option	Strongly support	Somewhat support	Neutral (neither support nor oppose)	Somewhat oppose	Strongly oppose
Introduction of a new planning practice note to assist responsible authorities to assess development proposals on green wedge land	X				
Adjust the decision guidelines and introduce application requirements for development applications in Green Wedge zones		X			
Update the form and structure of Green Wedge Management Plans to require new or updated Green Wedge Management Plans to identify landscape typologies and detailed design guidelines		X			
Introduce a new particular provision that contains design guidelines and standards for development in green wedge areas		X			
Amend the schedule to Green Wedge zones to allow site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses				X	

#### Do you have any comments on implementing design and development guidelines?

The Committee would welcome further guidance from the state government in implementing green wedge provisions to better inform development proposals and compliance action at a local government level through the development of a practice note.



Whilst the majority of changes identified in the paper are welcomed by our members, significant hesitation was voiced regarding the introduction of additional development controls within the Green Wedge Zone provisions, given the level of control currently created by overlays within the Mornington Peninsula Planning Scheme.

The wide suite of overlay provisions already contain setback, height and colour controls with the overlays identifying localized environmental, landscape and rural issues. The inclusion of additional controls within the Green Wedge Zone has the potential to conflict with current localised design controls contained with the overlays and further adds to the complexity of the planning system for users.

There remains ongoing support for control over the siting, appearance and design of buildings within the Green Wedge Zone, however it is seen as unnecessary and overly burdensome to introduce another layer of control to farming structures through the inclusion of development controls within the Zone itself.