

9 July 2024

The Hon. Sonya Kilkenny MP
Minister for Planning
Level 20, 1 Spring Street
Melbourne VIC 3000

sent via email: sonya.kilkenny@parliament.vic.gov.au

Dear Minister Kilkenny

Planning For Melbourne's Green Wedges and Agricultural Land Action Plan

I write regarding the release of the Victorian Government's *Planning for Melbourne's Green Wedges and Agricultural Land Action Plan 2024* earlier this year.

Mornington Peninsula Shire Council welcomes this much-anticipated plan that seeks to better protect Melbourne's green wedges and agricultural land through stronger planning controls. Delivery of the Action Plan will reinforce the non-urban role and character of these significant areas while helping to create a more consolidated and sustainable city.

As you know, not all green wedges are the same. The Mornington Peninsula's green wedge and agricultural areas are world-class, being an integral part of Melbourne's food bowl, producing large volumes of high-quality fruit and vegetables year-round. Our region is critical to Victoria's food economy and security, yielding the second highest value food production region per hectare in Victoria. Equally importantly, our green wedges have important environmental, landscape, recreational and tourism values that are loved and valued by all Victorians.

Yet, like most green wedge areas, the Mornington Peninsula Green Wedge is subject to multiple pressures, and we have advocated strongly for more protections and tighter controls over inappropriate development.

Council believes that the new Action Plan is a step in the right direction. Clearer guidelines and stronger planning controls will help our efforts to support our \$1.3 billion agriculture, food and beverage sector and protect the rural values of our Green Wedge.

Overall, we support most elements of the Action Plan in principle, pending the release of details about how the actions will be implemented within the Victoria Planning Provisions (VPPs). There are, however, several matters of concern that require further attention. These were previously detailed in Council's submission to the State Government's earlier consultation paper *Planning for Melbourne's Green Wedges and Agricultural Land (P4GWAL)* in January 2021. I therefore attach to this letter a summary of the actions that Council supports in principle, as well as those we consider require further refinement or attention.

Contact the Mornington Peninsula Shire

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Most importantly, before any actions are implemented, I ask that the Department of Transport & Planning engages with us (and other affected councils) to assist in drafting and/or reviewing any proposed planning policies or controls. Our officers welcome the opportunity to take part in any working groups or committees convened by the Department to undertake such work.

We look forward to partnering with the State Government to ensure the Action Plan is successfully implemented through carefully considered planning controls that reflect the distinctive role and function of our region.

Please direct any queries to Katanya Barlow, Manager – Strategic & Infrastructure Planning on 5950 1021 or via email at Katanya.Barlow@mornpen.vic.gov.au.

Yours faithfully



Cr Simon Brooks
Mayor
Mornington Peninsula Shire Council

Encl.

Actions Supported In-Principle

Council provides in-principle support for the following actions, subject to the release of details regarding the statutory implementation of the actions within the VPPs:

- Action 2: Criteria for a new planning scheme overlay for key irrigated agricultural areas.
- Action 3: 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: A new regional policy to preserve future opportunities for irrigated agriculture around Melbourne.
- Action 5: Update agricultural planning policy to better protect agricultural land within 100 kilometres of Melbourne.
- Action 6: Develop a Planning Practice Note for applications within agricultural areas.
- 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.
- Action 10: Update Planning Practice Note 31 'Preparing a Green Wedge Management Plan.'
- Action 11: Develop a new Planning Practice Note for urban-rural interface areas.
- Action 13: Introduce mandatory site coverage, setbacks and building heights for discretionary uses in the Green Wedge Zone and Green Wedge A Zone as a pilot project.
- Action 15: Prohibit new data centres in the Green Wedge Zone, Green Wedge A Zone and the Rural Conservation Zone.
- Action 19: Introduce a new permit trigger for soil dumping (clean fill).
- Action 20: Introduce a new land use term for 'community hall.'

Actions Requiring Further Refinement & Detailed Consideration

Council considers that the following actions require refinement and careful detailed consideration before implementation:

- **Action 1: Introduce a new planning scheme overlay to protect key irrigated agricultural areas in Werribee and Bacchus Marsh.** We consider that the proposed overlay could be applied to designated areas with existing or potential to secure water supply. We have long advocated for funding to deliver the Tyabb-Somerville Recycled Water Scheme to grow the economic potential of the Mornington Peninsula Shire's agriculture sector and increase resilience to climate change. Accessing this water is an ideal way to secure climate resilient food production for Melbourne's growing population.
- **Action 7: Strengthen the 'right to farm' by expanding the 'agent of change' principle within 100 kilometres of Melbourne.** Council has previously urged caution in developing controls that may have unintended consequences such as conflict with conservation and landscape objectives for the Mornington Peninsula Green Wedge, as outlined in our submission to P4GWAL.
- **Action 9: Update planning policy to emphasise the non-urban values, purpose and character of the green wedges.** Council supports the protection of all agricultural land – not only land of 'strategic importance' – while recognising that land with particularly productive soils should be recognised and given weight in planning decisions. The Planning Policy Framework (PPF) within the VPPs should reflect the characteristics of each Green Wedge area. For example, there is a hierarchy of goals in Council's adopted [Mornington Peninsula Green Wedge Management Plan \(2019\)](#) from conservation of the natural environment, protection of landscape quality and support for sustainable agriculture.
- **Action 12: Review and update decision guidelines and application requirements for planning applications within green wedge zones.** Council strongly advocates that applications for a dwelling should demonstrate a link either to agriculture or to natural systems. To this end, we have a draft policy included in the [Mornington Peninsula Green Wedge Management Plan \(2019\)](#). This policy requires a Land Management Plan, based on agricultural use or biodiversity/conservation, to be approved as part of any application. The content of this policy could be translated into application requirements and decision guidelines within the green wedge zones.
- **Action 14: Increase flexibility for primary produce/farm gate sales.** This is a complex issue which requires further consultation prior to the framing of any amendments to the planning scheme. In the Mornington Peninsula, primary produce sales / farm gate sales provide an important opportunity to support the viability of production on smaller lots, promote sustainable forms of agriculture and encourage the use of local produce. Farm gate sales enable a greater proportion of the value of produce to be captured directly by the producers, while also developing the local supply network. However, there is the potential for commercial intrusion of 'shop' uses into the Green Wedge, unless the scope for primary produce sales is clearly defined and capable of practical monitoring and regulation.

- **Action 16: Prohibit subdivision of small lots below the minimum lot size in some zones within 100 kilometres of Melbourne.** There is a need to prevent fragmentation of land through subdivision and re-subdivision proposals. The State Government's original P4GWAL discussion paper canvassed tenement controls as an option where a landowner has several contiguous small lots (and could develop a house on each lot), but this issue is not specifically addressed in the Action Plan. We would like to work with the State Government on exploring tenement controls or other mechanisms to address this concern which has state-wide applicability.
- **Action 17: Insert new conditions for exhibition centres, group accommodation and hotels in green wedge zones.** There is a need for more comprehensive planning policy in relation to tourism-based uses, wineries and rural worker accommodation within Green Wedge areas and better definition of the scope of 'ancillary' uses. There is also a need to fully review the impacts of the current 'in conjunction with' provisions and associated matters regarding the consideration of non-defined (innominate) land uses and the appropriate limits to 'ancillary' use.
- **Action 18: Strengthen the link between host farm accommodation and operating agricultural properties.** Council strongly supports a planning definition of 'Host farm' that requires a direct link to an operating agricultural property. Council does not support 'Host Farms' as uses which do not require planning approval. We would support new provisions that limit the scale of accommodation consistent with farming activity on site, and to provide requirements about the site coverage, siting and design of buildings, and management of the use.

Outstanding Matters Requiring Attention

Finally, the Action Plan does not address the issue of residential caravan parks in the Green Wedge. Residential caravan parks can become a semi-urban use that has the potential to completely displace any agricultural use on the land, and may significantly limit the agricultural and/or conservation uses of adjoining land.

Proliferation of this type of use also threatens the ability to create a more consolidated and sustainable city – locating sizable communities in areas far from the services and infrastructure they need, and further entrenching car dependency. To this end, Council strongly supports the exclusion of residential caravan parks from the Green Wedge in favour of these uses being directed to areas within the Urban Growth Boundary.