

3.1 Strengthening the legislative and policy framework

3.1.1 Legislative and policy framework for Melbourne's green wedges

- Amend Part 3AA (Metropolitan Green Wedge Protection) of the *Planning and Environment Act 1987* to:
 - clearly express the Victorian Government's vision and objectives for green wedges
 - enshrine regional policy for each green wedge in legislation
 - introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge
 - require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities.
- Update state planning policy to clearly articulate the preferred outcomes for Melbourne's green wedges. The objectives of Clause 11.01 of the VPP (Green Wedges: Metropolitan Melbourne) can be potentially revised to include:
 - 'To maintain the important non-urban purpose of the green wedges and avoid use and development that would adversely affect their future productive use or environmental significance'
 - 'To support preferred land uses and encourage uses that contribute to the non-urban landscape and character'.
- 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.
- Develop and introduce regional policy directions in the PPF for Melbourne's green wedges in Clause 11.01- 1R (VPP) and through Land Use Framework Plans.

3.1.2 Legislative and policy framework for Melbourne's agricultural land

- Update the PPF to ensure that all agricultural land is protected.
- Update the PPF 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.
- Update the PPF to include new regional policy for Melbourne's agricultural land. The new policy should:
 - support greater resilience of Melbourne's food bowl by encouraging re-use of valuable city waste streams, including recycled water, stormwater, nutrients and biogas
 - encourage opportunities for growth and diversification of other activities complementary to agriculture that leverage the advantages of proximity to the city of Melbourne and its local markets
 - support the establishment and expansion of infrastructure that benefits agriculture
 - recognise the economic and employment contributions of Melbourne's agricultural land to local communities, the region and the State of Victoria.

- Establish new right to farm legislation for Melbourne’s agricultural land that ensures primary production carried out on a farm does not constitute a nuisance, provided that it is conducted lawfully and the zoning of the land supports agricultural use as a primary purpose of the zone.
- 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 ‘agent of change’ – the person or organisation who introduces a new use or development in an existing environment.
- In conjunction with legislative changes above, update the PPF to encourage appropriate siting, design and scale of sensitive uses and developments within rural areas to avoid conflicts with agricultural uses and to maintain capability to intensify agricultural production.

3.2 Supporting agricultural land use

3.2.1 Managing subdivision and dwelling development in agricultural areas

- Reduce the subdivision potential of Melbourne’s agricultural land by requiring parliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme in the Farming Zone and Rural Activity Zone within 100 km of Melbourne. Currently, any amendment that increases the subdivision potential of green wedge land requires the approval of the Minister for Planning and ratification of both Houses of Parliament. This option extends the current requirement to agricultural land in peri-urban areas.
- Amend the subdivision provisions of the Farming Zone and Rural Activity Zone to prohibit the creation of a lot for an existing dwelling that is smaller than the minimum lot size. This only applies within 100 km of Melbourne.
- Better control dwellings in Melbourne’s agricultural areas by:
 - adding the following condition to the use of land for an as-of-right dwelling in the Farming Zone
 - must not be within 100 km of Melbourne. This change would remove Dwelling as an as-of-right use in the Farming Zone within 100 km of Melbourne.
 - Introducing decision guidelines for ‘Dwelling Issues’ into the Green Wedge Zone and Green Wedge A Zone. The decision guidelines would mirror the guidelines provided in the Farming Zone, which require the responsible authority to consider, as appropriate:
 - Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
 - Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
 - Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
 - The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture and natural systems.

- Introducing application requirements for dwellings into the Green Wedge Zone and Green Wedge A Zone that require applications for dwellings to be accompanied by a written statement that explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

This change allows dwellings to be considered but ensures the use does not compromise the long term productivity of surrounding farmland or limit the operation and expansion of agricultural uses.

3.2.2 Improving decision-making on agricultural land

- Develop a practice note to guide council decision making on planning permits in agricultural areas.

The practice note would support the interpretation of the planning scheme and guide discretionary decision-making, and may outline:

- how to interpret the decision guidelines for zones relating to agriculture
 - how to determine whether a discretionary use will lead to loss of agriculture as the primary use of land
 - how to apply the ‘in conjunction with’ agriculture test
 - how to assess and minimise potential land use conflicts in development proposals, including proposals adjacent to agricultural land.
- Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme.

3.2.3 Future-proofing Melbourne’s food bowl

- Develop a new regional policy, Clause 14.02-3R of the PPF (Preserving opportunities for irrigated agriculture around Melbourne), with the following objective:
 - safeguard land with potential for future growth in irrigated agriculture, based on alternative water use.

The new policy would:

- delineate areas with potential for future growth in irrigated agriculture
 - ensure changes to land use in these areas do not limit potential opportunities for development and expansion of irrigation agricultural precincts
 - maximise the beneficial re-use of treated wastewater for agricultural purposes.
- Introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure. The purpose of the overlay would be to:
 - identify and protect areas with secure water resources for agricultural uses
 - provide certainty that these areas will continue as key agricultural areas into the future

- protect areas of significant water infrastructure investment
 - limit non-farming and incompatible uses that would restrict ongoing productive use of land for agricultural purposes
 - protect buffers of identified areas from encroaching sensitive uses such as dwellings to ensure agricultural activities continue without restrictions
 - facilitate agricultural uses in areas covered by the overlay by reducing permit requirements for buildings and works associated with agriculture and by providing exemptions from notice and review requirements.
- In conjunction with the development of a new overlay, establish a process to determine where the new overlay should be applied. In the first instance, it is proposed to apply the overlay to irrigation districts with defined boundaries, including the Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. There is potential to cover further areas once a clear process and criteria for its application are confirmed.

3.2.4 Strengthening referral and notice requirements

- 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.

3.2.5 Supporting agricultural diversification, value-adding and innovation

- Update the definition of ‘Primary produce sales’ to:
 - allow sale of ancillary goods (such as crackers and bottled drinks) to be consumed with the primary produce (e.g. cheese or strawberries)
 - allow sale of produce from land held in one ownership to support farms comprising divided holdings in the same ownership
 - allow a percentage of produce sold to be sourced from local producers within 5 km of the use.
- Amend the definition of the land use term ‘Host farm’ to require a direct link to an ‘operating agricultural property’.
- Move ‘Host farm’ to a Section 1 (as-of-right) use in the Farming Zone, Rural Activity Zone, Green Wedge Zone and Green Wedge A Zone, providing it is undertaken in conjunction with agriculture and accommodates no more than 10 people away from their normal place of residence at any one time. If these conditions are not met, the use will require a permit.
- 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.

3.3 Managing use of green wedge and peri-urban land

3.3.1 Managing the urban–rural interface

- Provide planning practice guidance for local authorities on how to consider and direct planning for urban–rural interface areas.

- Provide guidance on preferred transitional land uses for land at the urban–rural interface and provide urban design guidance that supports a permanent edge and buffer to the urban area through region-level strategic policies.
- 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.
- To improve transition between rural and urban land use, introduce the ability to apply other rural zones more suited to the roles and land conditions of particular locations (e.g. Rural Living Zone, Farming Zone), provided the minimum green wedge subdivision provisions are retained.

3.3.2 Planning for future infrastructure and energy needs

No options proposed.

3.3.3 Managing discretionary uses

Education facilities

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that primary and secondary schools must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit schools in high bushfire risk areas (i.e. areas subject to the Bushfire Management Overlay).

Places of worship

- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use requiring that places of worship must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit places of worship in high bushfire risk areas (i.e. areas subject to the BMO). Halls
- Develop and implement a land use definition of 'Hall' in Clause 73.03 (Land use terms; VPP). One option is to define 'community hall' to differentiate those uses that provide community support services and activities for a local area from those activities that are purely commercial.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use for halls that mirror the minimum lot size and maximum number of patron requirements applicable to 'Function centre' in the Green Wedge Zone.
- Amend the Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit halls in high bushfire risk areas (i.e. areas subject to the BMO).

Exhibition centres

- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use for exhibition centres that restrict the number of patrons to a maximum total of 150 at any one time.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to insert conditions of use that prohibit exhibition centres in areas of high bushfire risk (i.e. areas subject to the BMO).

Certain accommodation uses

- Amend the Rural Conservation Zone to insert conditions of use for 'Group accommodation' and 'Residential hotels' to be consistent with Green Wedge Zone and Green Wedge A Zone (i.e. minimum lot size requirements, maximum number of bedrooms/dwellings, 'in conjunction with' test).

Camping and caravan parks

- Amend Clause 73.03 (Land use terms, VPP) to reflect new categories of camping and caravan parks in line with changes to the registration categories under the *Residential Tenancies Act 1997*.
- Amend the Green Wedge Zone, Green Wedge A Zone and Clause 51.02 (VPP) to establish conditions of use that permit 'Camping and Caravan Parks' only when such use falls within 'bush/primitive' or 'tourist' categories.

Data centres

- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to prohibit data centres or, alternatively,
- Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to introduce a condition that requires data centres to be located adjacent to residential, commercial or industrial zoned land.

4. Improving the design of development in green wedges

4.1 Implementing design and development guidelines

- Introduction of a new planning practice note to assist responsible authorities assess development proposals on green wedge land.
- Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones.
- Update the form and structure of Green Wedge Management Plans (GWMPs) to require new or updated GWMPs to identify landscape typologies and detailed design guidelines. This would enable matters such as setbacks, siting and site coverage to be determined at a local level and could be used to inform changes to planning requirements.
- Introduce a new particular provision in the VPPs that contains design guidelines and standards for development in green wedge areas. The provision could outline

relevant considerations, objectives and standards similar to existing provisions in Clauses 54, 55, 56 and 58 of the VPPs.

- Amend the schedule to Green Wedge zones to allow for matters such as site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses.

4.2 Design requirements

- Proposed options for implementation at 4.1 Implementing design and development guidelines.