



City of Greater Dandenong Submission to the Planning for Melbourne's Green Wedges and Agricultural Land project, February 2021

Thank you for the opportunity to provide comment on DELWP's *Planning for Melbourne's Green Wedges and Agricultural Land* Consultation Paper.

Council officers have reviewed the Consultation Paper and accompanying fact sheets and provide the following submission.

Please note this submission is provided at officer level and has not been endorsed by Greater Dandenong City Council.

The issues and options as set out below have been responded to in the order set out in the Consultation Paper.

Legislative and policy framework for Melbourne's Green Wedges

Amending the Planning and Environment Act

Further strengthening of legislative protection of green wedges is strongly supported, including having a clear State Government vision and objectives for green wedges. A regional policy and approach for each green wedge is also supported.

It is important to stress that many Council's (including Greater Dandenong) have spent many years, in consultation with our community, developing a vision and objectives for our sections of the green wedge. These amendments need to build upon this work, and ensure it is not diminished.

The main issue in many green wedges (including within the South East Green Wedge) is the issue of land banking and speculation, including the widespread perception that the Urban Growth Boundary will move again. This leads to poor land management outcomes and an increasing degradation of the land as there is no incentive (or imperative) to look after or improve the land.

One option to encourage landowners to 'use' their land could be to tax the land value at a higher rate if it is vacant, not being used for agricultural/green wedge purposes, or to advance environmental or biodiversity outcomes.

The funds raised could then be reinvested in the green wedge through land improvements. This may then stop large developers or other absent companies from buying land to sit on it waiting for it to be rezoned.

Furthermore, consideration should now be given to any green wedge land that has been identified as unsuitable and unproductive agricultural/ green wedge land, with attention given to determining its future use that would achieve a better and broader community benefit. A process of identifying and resolving this now would alleviate a number of the issues identified above, such as land banking and speculation.

On a separate but related topic of rezoning, the State Government must consider how to capture the land value uplift when land is rezoned (from rural and urban zones) to avoid the current situation where small numbers of landowners make huge windfalls as a result of State and Local Government zoning decisions. This would lessen the rezoning pressure on these areas if the financial windfall was substantially reduced. This value uplift could then be spent by the State Government on land and environmental improvements in the green wedges and/or directed to Council's who already have GWMPs approved and part of their Planning Schemes.

Council officers have some reservations regarding the options proposed for Green Wedge Management Plans (GWMPs). It is our view that Greater Dandenong's GWMP already received Ministerial approval as it went through a full planning scheme amendment process, including Panel Hearing. This project was resource intensive and has only been in the Planning Scheme for some five years. It is not envisaged that the GWMP will be substantially altered in the next 15 years, as Council now concentrates on implementing its actions.

It is of concern that the consultation paper does not detail any transitional periods for existing GWMPs. If Council's are expected to substantially revise existing GWMPs, the State Government must provide adequate support, guidance and funding to do so.

Updating State Planning Policy

Updating State Planning Policy to clearly articulate the preferred outcomes for green wedges is supported, particularly at a regional level. For example, the South East Green Wedge covers four municipal Councils – yet there is no overarching vision for this green wedge.

As stated earlier in the submission, the development of state planning policy in this area must recognise the substantial strategic policy development that Councils have developed over many years. This includes existing local planning policies relating to Green Wedges.

The State Government have several major planning scheme reforms currently occurring and it is vital that these projects 'speak' to each other. There cannot be a situation where local detail relating to green wedges is taken out of the planning scheme (through the PPF translation) and it then not adequately replaced or strengthened through state and regional policies (this project).

State Policy should also encourage improved land management and conservation outcomes.

Review and update Planning Practice Note 31

PPN31 is only relevant to the handful of areas that are yet to have an approved GWMP, so it is of little use to Council's that have already 'prepared' one.

Council Officers have concerns that updating this Practice Note may cause existing GWMPs to require review/become non-conforming. Substantial resources have been invested in the

development of our GWMP and we do not want to see this work undone. Consideration of transitional arrangements must be required for existing GWMPs to ensure their continued implementation and to avoid unnecessary updates or reviews that take away from implementation.

If the thinking is to give Green Wedge Management Plan's greater weight in the Planning Scheme, it would be beneficial to consider other mechanisms in the scheme. This could include through the application of zones and overlays. Another option could be to examine *Clause 51.02 Metropolitan Green Wedge Land: Core Planning Provisions* and to strengthen reference to GWMPs here.

Greater Dandenong would welcome a further opportunity to comment on a revised PPN31 once drafted.

State-backed regional policy outcomes

A comment is made on page 18 of the Consultation paper that Council's *have close relationships with private landowners who are responsible for delivering and management and conservation outcomes in the area*. This has not been our experience to date. While we are in regular contact with landowners in the green wedge, many are not interested in land management and conservation outcomes and are instead seeking rezoning and/or movement of the UGB. There is no incentive for private landowners to rehabilitate their land. Council strongly supports regional policy developments that would look to incentivise land improvements and strongly discourage land banking, rezoning and UGB movements.

For illustration on this point, within Greater Dandenong there is a group of landowners who together with their consultants have been pushing strongly for several years for the development of a large section of the green wedge for residential and other uses, entirely inconsistent with Council's GWMP and the purposes of the Green Wedge Zone.

Legislative and policy framework for Melbourne's agricultural land

Updating the PPF

Having the PPF updated to ensure all agricultural land is protected is supported. However, agricultural land will need to be adequately defined – does it include past, current and future land? Will it be protected through a zoning mechanism or by its current use? This is also the opportunity to update the PPF to ensure that all green wedge land is enhanced – including through environmental and biodiversity improvements.

The Consultation Paper also details an option to update the PPF to encourage land uses that have limited or a negligible reliance on soil as the basis of production. Further information is required before Greater Dandenong can adequately respond to this option. Will regional mapping be provided showing where these important soils are located? Will soil testing reports be required? How will it be implemented?

A further point is that Council does not have the inhouse expertise to adequately assess any soil reports that accompany an application, so this will add to the cost of processing these types of applications.

Legislating the 'right to farm' and 'agent of change' principles

These principles are both broadly supported but should go further than just for lawful agricultural operations and include all existing lawful operations – e.g. The City of Greater Dandenong Green Wedge provides an important buffer to the Dandenong South National Employment and Innovation Cluster (including as a buffer to State Significant Industrial 2 Zoned land).

The same applies to the existing Eastern Treatment Plant which has an extensive odour buffer (ES03) already in place, discouraging large congregations of people over an extended period.

It is also important to consider how these principles would work if a new or expanded agricultural operation were to locate close to existing residential areas.

Managing subdivision and dwelling development in agricultural areas

It is of note that Section 3.2 Supporting Agricultural Land Use has three options that all concentrate on managing essentially the subdivision of land for dwellings or dwellings being constructed.

New dwellings are not the issue in the Greater Dandenong Green Wedge. Due to the minimum subdivision sizes already in place, the number of future dwellings in the green wedge is negligible. What is of concern is how to manage the existing (often already smaller lot sizes) and the uses and development that occur on them – which are often not residential uses.

The options proposed are blunt and it is unclear if the issues as described are of such significance to warrant the prohibiting of new lots for existing dwellings. What are we trying to encourage/avoid? It is not likely that these options will lead to increased land or ecological improvements. Does this merely push the problem 101+ kms from Melbourne?

This focus on dwellings leads to other issues not being considered such as:

- Why is a dwelling on an existing lot of more concern than uses such as Educational facilities or Places of Worship which have much larger building footprints and intensiveness of use?
- Host farm and bed and breakfast - can have up to 10 people (each) as of right, but a new dwelling must demonstrate it will be used for meaningful agricultural activity?
- Promoting improved land management and ecological outcomes.
- If we are prohibiting the creation of new lots for dwellings how do boundary re-alignments work?
- Presently, subdivision of a larger block in to smaller (sometimes fragmented sections of a larger lot) occur. Is this something we will continue to allow?
- The likely inconsistency in decision making across municipalities regarding those that will, and will not, issue planning permits for dwellings.

Would a different tact be to consider making it more straightforward for existing dwellings to carry out buildings and works that are associated with agriculture without requiring a permit (e.g. sheds for equipment, stables) subject to size thresholds?

Greater Dandenong partially supports the provision for decision guidelines for new dwellings. However, it does place a substantial burden on these applications, yet does nothing to promote existing dwellings and developments from making improvements to their land. It could also have the unintended consequence of encouraging other more intense uses such as places of assembly to locate on these sites if constructing a dwelling proves too cumbersome.

We wish to reiterate that while there is a strong focus in the Consultation Paper regarding dwellings, this is virtually a non-issue in the Greater Dandenong Green Wedge. Our issue is the continued pressure for new (and expanded) educational facilities and places of worship.

Improve decision-making on agricultural land

Improved decision-making

The options in Section 3.2.2 are generally supported though it will be important for the Practice Note to adequately define what 'agricultural land' is.

It is strongly supported that the Practice Note details how to apply the 'in conjunction with' test and to also provide examples of where this can be applied (and not applied).

Greater Dandenong has experienced issues in assessing the 'in conjunction with' test previously with applicants seeking to grow a small number of vines 'in conjunction with' a larger built form or use.

Greater Dandenong submits that the Practice Note needs to clearly spell out what is meant by 'in conjunction with' and for this to be an existing, established use. Section 97N of the *Planning and Environment Act, 1987* could assist. (Where a person can apply to the responsible authority for a certificate stating that an existing use or development of land complies with the requirements of the planning scheme).

The 'in conjunction test' needs to ensure we avoid 'pop up' uses – and it should be used as a way of supporting meaningful, existing agricultural uses and established businesses.

Greater Dandenong supports an agricultural referral process or expert advisory service but seeks further clarification regarding how it would operate. Would this be available for landowners/developers to utilise? Would Council have to pay to access this service or would the applicant? What statutory weight would this process/service have?

Future proofing Melbourne's food bowl

Develop a new regional policy to safeguard future growth in irrigated agriculture

This option is strongly supported. The policy should also investigate how to encourage further uptake in recycled water usage. For example, the Eastern Treatment Plant has seen a slow uptake in Greater Dandenong due to the high costs associated with accessing the water. Incentives or grants from the State Government should be explored to encourage greater uptake from this important asset.

Introduce a new overlay to protect food-producing areas

This option is supported as it will provide a clear protection for food-producing areas and secure access to a water supply. Guidance will need to be provided from the State Government as to how and where to apply this overlay. Will the overlay also apply over potential future food producing areas?

Greater Dandenong would also like to see a version of this overlay applied to all areas identified as being within the 500m buffer areas around irrigation districts and/or being within 1km of recycled water and outfall pipes (as mapped on Map 11, page 45 of the Consultation Paper). This could then create opportunities to encourage uptake in recycled water usage in these areas (such as from the Eastern Treatment Plant to Dandenong South).

Once the overlay has been drafted, Greater Dandenong would welcome the opportunity to provide further comment.

Strengthening referral and notice requirements

No additional comments to make.

Supporting agricultural diversification, value-adding and innovation

Farm gate sales

Greater Dandenong submits that the current controls are satisfactory and no ancillary 'cheese and crackers' addition is required. Very clear guidance will be required so it is clear where 'ancillary goods' start and stop.

The very notion of produce sales is that they are bought and then taken away. The 5km rule is acceptable as it allows a farmer to co-locate primary produce sales, rather than having multiple ones. A Practice Note should be considered to define what constitutes the 5km boundary so that this is clear.

Host farm

Greater Dandenong submits that this should remain a Section 2 Use, and if the conditions are not met, then it is prohibited. By making this use a Section 1 Use with a condition it opens the possibility of allowing more than 10 people with a permit, which we assume is not the intent.

If a dwelling already exists on site and operates as a bed and breakfast (which is a Section 1 use allowing up to 10 people as of right) and you then allow a 'Host farm' with 10 people as of right, you have the potential of allowing 20 people as of right on a property. The Host Farm building and works are then exempt from requiring a permit in most instances. The scenario then becomes that you can

build a 4-5 bedroom 'host farm' accommodation building as of right but you cannot do the same when constructing a dwelling? This does not appear to be the intent of the control.

Managing use of green wedge and peri-urban land

Managing the urban-rural interface

Greater detail is required regarding what constitutes a 'transitional location'. How wide are these areas envisaged to be? Where are they? What types of uses are to be encouraged? It is difficult to comment further on these options without understanding where these areas are. That said, zoning that supports open space uses could be a way to manage the transition and interface land.

Greater Dandenong strongly opposes the option to encourage schools and places of worship in transitional areas (or any areas of the green wedge). These uses are urban forms and belong in urban settings with good access to amenities. Encouraging these uses adjacent to the 'urban edge' merely creates an extension of that urban form into the green wedge, further undermining it.

Managing discretionary uses

General comment

Greater Dandenong submits that the fundamental test for managing discretionary uses in the green wedge is to ascertain if the proposed use and development is aligned with protecting and enhancing agricultural and landscape values.

Instead of this, the Consultation Paper seeks to 'tinker' with the controls of various uses in the green wedge. This will do little to stop the increase in urban form in the green wedge and the continued losses of both agricultural land and the inherent environmental and biodiversity value of these areas.

Greater Dandenong would encourage the State Government to closely examine each 'discretionary use' again with the above test in mind.

Considering the above, the following comments are made:

Primary and secondary schools and places of worship

Schools and places of worship should be directed to areas that are well serviced. Their presence (and often expansion) in the green wedge undermines the 'rural' nature of the area, increases traffic movements (often along rural roads), and continues to undermine agricultural and landscape values.

Concentrating these uses close to the UGB itself will not improve this, as these inappropriate uses will continue (and be encouraged) to remain and expand in the green wedge.

These uses should be prohibited in the green wedge.

Greater Dandenong has concerns with some of the detail in this section of the Consultation Paper and poses the following for consideration:

- What does 'located adjacent to the UGB' mean? Does this mean properties that share a title boundary with the UGB? Are across the road from the UGB (which most of our green wedge would fall under)? Within 100m of the UGB?
- What does 'adjoin, or have access to, a road in a Road Zone' mean? This loose language will be open to interpretation. One may argue that all sites have access to a Road Zone at some point.
- None of the options detail what happens to existing schools and places of worship that wish to expand in the future. These are constant issues in the Greater Dandenong Green Wedge and cause further land use conflict by their incremental growth.
- Educational facilities and places of worship cause increased traffic on often rural roads and Council has had issues with getting these sites to contribute to the upgrade of these roads as a result of their increased operations.
- The paper does not address the public transport and sustainable active transport deficiencies associated with both schools and places of worship in the green wedge. The assumption that a road zone provides either of these things is incorrect. Road zones typically have higher vehicle speeds and volumes which mean they are inappropriate for public transport/sustainable active transport.
- Generally, it is good practice to keep schools away from Road Zones from a road safety, noise and pollution perspective. Road zones are typically a barrier to walking and cycling – particularly for children.
- On the other hand, locating these uses on local (often unsealed) roads causes other issues such as increased traffic movements, increased maintenance costs and safety concerns. Another reason why these uses are not appropriate in green wedge settings.
- No guidance is provided for the 'in conjunction with' test which is a significant issue in the Green Wedge.

Soil and earth storage ('clean fill')

Council strongly disagrees that issues of soil and earth storage ('clean fill') sits outside the scope of this project. This is a significant issue in green wedges across Melbourne and is a serious gap for this review to stay silent on. The State Government should be providing leadership and guidance in this area, rather than leaving it to individual Council's to manage.

The impact of these activities in the green wedge include:

- Large trucks and trailers carrying heavy loads along rural roads that were not designed for this type of traffic, leading to complaints from residents and large road repair costs for Council
- Dust and noise impacts of trucks and dumping activities
- Uncertainty regarding what is in the fill from a contamination perspective

Due to the adverse impacts of 'soil and earth storage' activities, this should be a Section 3 Use in Green Wedge Zones.

Greater Dandenong submits that having clear, consistent policy regarding 'clean fill' (or any fill for that matter) forms an important part of *'Planning for Melbourne's Green Wedges and Agricultural Land'*.

It is also surprising that the Consultation Paper makes no mention of earthworks, which is a huge issue in the green wedge.

The current requirements for a planning permit are for:

- *Earthworks which change the rate of flow or the discharge point of water across a property boundary and;*
- *Earthworks which increase the discharge of saline groundwater.*

This is a long standing and confusing provision – what does change the rate of flow across the land mean? Do earthworks trigger a permit or not? Would it be clearer to state that earthworks within ‘x’ metres of a site boundary trigger a permit?

The issue of earthworks in the green wedge and the permit provisions regarding them should be further examined.

Halls

Difficult to ensure these buildings are only used for ‘community’ purposes and not for private/commercial functions.

Function centre/Exhibition centre

Limiting numbers is a positive, but 150 people is still a lot of people.

Data centres

Should be prohibited. They are not an appropriate green wedge use.

Materials Recycling

Should be prohibited in Green Wedge Zones. These belong in Industrial Zoned areas with good buffers and access to appropriate road networks.

Implementing design and development guidelines

Design guidelines

Greater Dandenong agrees in part with some of the options presented in this section. A new planning practice note to assist in assessing development proposals and introducing decision guidelines in green wedge zones is supported.

Council submits that the thinking around ‘landscape typologies’ is not overly helpful as green wedge land across Melbourne is highly varied. A regional policy approach, such as that detailed earlier in the Consultation Paper is of more use, and local nuances across green wedges and across Melbourne must be factored in at state level.

The Greater Dandenong Green Wedge Management Plan already contains detailed design guidelines and Council would strongly support the ability to include these requirements within a schedule to the zone.

Design requirements

This section of the Consultation paper is disappointing. It provides vague and uninspiring objectives and vague and uninformative design requirements. For example:

- Element 1 - What is the 'applicable landscape typology' defined as? Bearing in mind our comments above that these are generally broad and unhelpful.
- Why are none of the design requirements mandatory?
- Element 3 - In terms of site coverage, percentages need to be provided or it is meaningless. 'Site coverage' is quite 'urban' in its language and seems misplaced in the context of a rural land use strategy.
- Element 5 - Terminology throughout such as 'should be', and 'a sufficient distance' does not aid decision making.
- Element 6 - The design requirements for Landscaping refer to consideration of 'soil type and drainage patterns' – who considers this and how, and 'provide new habitat for plants and animals' – how and where?
- 'Development should provide for replacement trees that have been removed...' this must be a mandatory requirement or is highly unlikely to eventuate. Again, terms such as 'development' are 'urban' language and seem misplaced when describing these green wedge areas.
- Element 8 - The objective to 'minimise reliance on fossil fuels' raises a number of questions – just in the green wedge? How? Who decides if this has occurred? How is this measured?
- The second objective to 'encourage sustainable modes of transport' fails to recognise that by their very nature as non-urban places, these areas lack public transport and is an objective that will not be met.
- The Design Response fails to consider walking and cycling. The Design Response implies that a Road Zone is always a suitable location for public transport. Road Zones typically include freeways and high-speed roads that are not suitable for public transport.
- Element 9 – Access provides weak design requirements – vehicle size is a key consideration which is not addressed.
- Element 10 – Given the potential for large car parking areas which are not hard standing, it would be beneficial to have a trigger point for which a parking management plan is required which addresses matters such as maintenance, dust suppression and runoff.
- Element 12 - Much of this document seems to encourage additional access points into Road Zones. This is contrary to state policy on the matter which aims to reduce direct access to road zones from a safety, flow, and emissions perspective. A major issue affecting infrastructure in these areas are large commercial / agricultural vehicles, yet this is not addressed.

Further comments:

Consultation paper and survey difficult to respond to clearly

The consultation paper and survey has been designed in a way that has made it difficult and overly time consuming to respond to. The numerous options are scattered throughout the document and

appear to seek comment on both the option, but also the wording of it. This then leads to having to provide a lengthy response to why we 'strongly support' or 'strongly disagree' with each option.

Greater detail is required in areas of the consultation paper, particularly regarding the operation of the interface areas, the 'agent of change' principle, the 'in conjunction with' test and the proposed planning practice notes. Also, it is disappointing that while walking and cycling are mentioned in the preamble, they fail to be recognised in any option or design response.

Land banking and degradation

For Greater Dandenong, the main issue in our green wedge remains land banking and a reluctance from many owners to make land improvements. The consultation paper should look to more innovative ideas than those proposed to tackle this. What about a 'land improvement overlay' or zone? It seems we are asking the existing handful of rural zones to cover an incredible breadth of terrain and differing landscapes. We believe this to be an issue as there is no 'one size fits all' across the green wedges of Melbourne. Why is there no consideration of additional zones or schedules? Could the 'transitory area' be in a new zone where land improvements and open space are encouraged?

Section 1.4 Vision and guiding principles

The vision should be stronger on the environmental and biodiversity improvement opportunities sought. The vision should refer to habitat and ecological links but also what is not intended – i.e. an increase in residential and industrial development and uses in these areas.

CGD are of the view that the Consultation Paper is focussed almost entirely on trying to mitigate conflicting land uses – which are different and nuanced across the different green wedges. Whilst this is important, it is but one area of concern in green wedges. CGD believe an opportunity is being missed by DELWP to include environmental and biodiversity improvements as a 'land use' of the green wedge. Environmental and biodiversity improvements and agriculture are not mutually exclusive, but indeed should be seen as mutually supportive. For example, no farmer wants weeds from their neighbours vacant block crossing in to their paddocks.

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GWMPs should also be included in this list – many Council's already have them, and they are an important, existing, component of government policy.

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Regional features of the study area – South.

It is important to note here that the South East Green Wedge is the closest to central Melbourne and therefore experiences immense development pressure due to this proximity.

Clause 51.02 (Metropolitan Green Wedge Land)

Clause 51.02 (Metropolitan Green Wedge Land) of the Particular Provisions in the planning scheme is a powerful tool at your disposal. It is surprising that no options throughout this paper has considered amendments to this clause.

Appendix 7

Appendix 7 details the typologies of green wedge landscapes. The Greater Dandenong Green Wedge would likely fall within the 'Grassy plains' area although it is only briefly mentioned here. It is important to note that this area is also prone to flooding and is of poor quality. The Greater Dandenong Green Wedge also likely falls within 'modified landscapes' but the terminology is unclear.

A map showing the location of each of these typologies would be beneficial.
