

A Thriving Community  
Where Everyone Belongs



Melton City Council Submission  
Planning for Melbourne's Green Wedges and Agricultural Land

Melton City Council  
18 December 2020

## CONTENTS

<b>Introduction</b> .....	<b>3</b>
<b>Context</b> .....	<b>4</b>
<b>Specific Comments</b> .....	<b>5</b>
3.1 Strengthening the legislative and policy framework .....	5
3.2 Supporting agricultural land use .....	8
3.3 Managing use of green wedge and peri-urban land.....	12
4.1 Implementing design and development guidelines .....	16
<b>Conclusion</b> .....	<b>17</b>

## Introduction

Thank you for the opportunity to comment on Melbourne's Green Wedges and Agricultural Land project. The City of Melton acknowledges the significant work undertaken by Department of Environment, Land, Water and Planning (DELWP) in preparing consultation for this important project.

Key comments from the submission are:

- Discretionary uses – While some options such as improving design outcomes for development in rural areas are supported, Council remains concerned these do not address the fundamental issues of use that undermine the purposes of the rural zones. Council maintains that some of these uses such as places of worship are not compatible with rural areas and therefore should be prohibited.
- Urban-rural interface – The option to encourage discretionary uses to be located adjacent to the urban-rural interface within a transitional zone is not supported and would only allow for further fragmentation and uncertainty for these areas.
- Restricting subdivision and dwellings in agricultural areas is welcomed but will not necessarily result in additional land being used for farming. Other initiatives outside of the planning scheme need to be explored such as incentive programs to attract suitable agricultural uses and strategically acquired land where buffers and environmental corridors can be established.
- Whilst local provisions are technically out of scope, the process for Councils to amend their Green Wedge Zone (GWZ) schedules is challenging and lengthy. Some reforms proposed in this project will be ineffective until legacy subdivision controls are addressed.

The City of Melton looks forward to the next steps in the project and the outcomes from the consultation phase.

Should you have any questions about the above or the content of our submission, please contact Don Lewis, Strategic Planner on 9747 5256 or [citysupport@melton.vic.gov.au](mailto:citysupport@melton.vic.gov.au) by email.

Yours sincerely,

Darren Rudd  
**MANAGER CITY DESIGN AND STRATEGY**

**Context**

The City of Melton has a current population of over 173,000 people. In 2051 the population of the City of Melton is forecast to be 485,000, and will have an ultimate population of over 500,000 people, which is greater than the current population of Canberra, and a similar population size of the State of Tasmania.

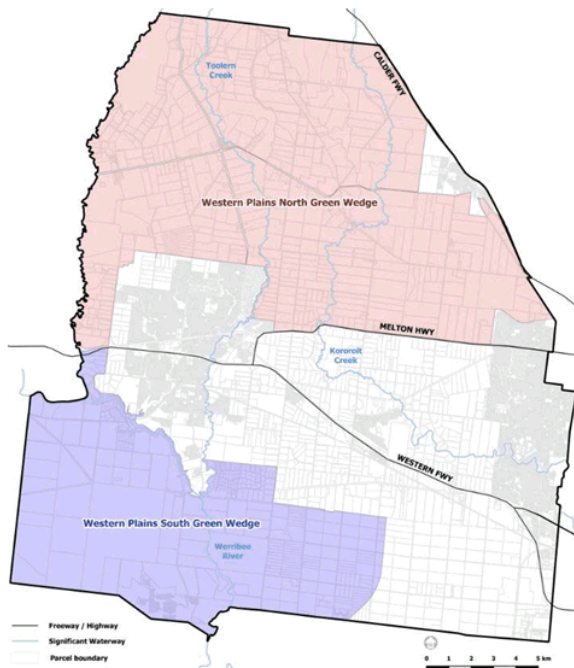
The rapid growth that has occurred in the City of Melton over the last decade has transformed the City from a mainly rural based Shire to a major growth corridor that will underpin Melbourne's future housing supply for the next 40 years. This growth has not come without significant challenges including lack of infrastructure, and an unsatisfied demand for health and education services. In this context, the remaining green wedge land is under increasing pressure to maintain its purpose to protect farming land, areas of biodiversity and important landscapes. Despite the obvious challenges for the City of Melton's green wedge areas, there are emerging opportunities through recycled water, environmental related programs and recreation that can support key issues discussed in this submission.

The City of Melton comprises two green wedge areas:

- Western Plains North Green Wedge – Management plan adopted by Council in 2014
- Western Plains South Green Wedge - Management Plan is currently under development (note the study area also includes part of the City of Wyndham)

The City of Melton's two green wedges are significantly different to other green wedges that surround Melbourne. These areas form part of the western volcanic plain, which is characterised by its flat landscape and long views. Dry stone walls and native grasslands are important features in a landscape that has limited tree cover away from its important waterways. Climate and topography produces relatively low rainfall resulting in a rain shadow affect throughout the seasons. Variable land use patterns range from clusters of small lots associated with older subdivisions, larger lots that are still farmed and land close to the urban growth boundary that is un-used, land banked and in some areas fragmented.

Figure 1 identifies the location of green wedge land located in the City of Melton.



**Figure 1 – City of Melton Green Wedges**

The following projects are relevant to green wedge land in the City of Melton and were key recommendations from the Western Plains North Green Wedge Management Plan (WPNGWMP):

- The Rural Landscape Features Strategy was adopted by Council in 2017. The strategy, local planning policy and Landscape Management Guidelines were implemented into the Melton Planning Scheme through Amendment C173 in 2020. This work is expected to compliment many of the proposed options discussed in the Planning for Melbourne's Green Wedges and Agricultural Land Project.
- The Rural Land Use Policy contains guidelines for dwellings and subdivision across the rural areas of the City of Melton. A key part of the policy is the requirement for dwellings to connect to reticulated water and be accessed by an all-weather road. The application of this policy has limited dwellings and subdivisions where reticulated water is too far away and costly to connect. The regional water authority also supports the policy requirement.

### Specific Comments

#### 3.1 Strengthening the legislative and policy framework

Council supports the overall intent to strengthen various parts of the current legislative framework. More specific referencing is encouraged to reflect local conditions and issues associated with green wedge planning. The City of Melton's two green wedges are significantly different to other green wedges due to topography, landscape, climate and land use patterns. State policy and legislation should acknowledge these variables and identify clear direction for where farming should be supported and the types of land use and development that are acceptable in these areas. The legislative and policy framework must protect agricultural areas from encroachment of other uses and further fragmentation; and ensure the planning scheme protects these areas.

##### Strengthening legislative protection of green wedges

<p>Amend Part 3AA (Metropolitan Green Wedge Protection) of the Planning and Environment Act 1987 to:</p> <ul style="list-style-type: none"> <li>▪ clearly express the Victorian Government's vision and objectives for green wedges</li> <li>▪ enshrine regional policy for each green wedge in legislation</li> <li>▪ introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge</li> <li>▪ require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities.</li> </ul>	<p>Support options</p> <p>Council recognises the need to elevate green wedge planning and sees stronger legislation and Ministerial support as positive steps in achieving this. To compliment these changes, additional support and expertise from DELWP should be made available for Councils to assist in the preparation of Green Wedge Management Plans.</p> <p>The preparation of regional policy, or altered legislative requirements must include consultation with Councils, landowners and other relevant stakeholders.</p>
--	---

##### Clarifying state policy objective for green wedges

<p>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:</p>	<p>Support options.</p> <p>Currently, Clause 11.01 contains conflicting strategies that give more weight to development rather than supporting a sustainable approach to managing the green wedge. It is important that this part of the planning scheme acknowledge the</p>
--	--

<ul style="list-style-type: none"> <li>▪ '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'</li> <li>▪ 'To support preferred land uses and encourage uses that contribute to the non-urban landscape and character'</li> </ul>	<p>differences in the green wedges across metropolitan Melbourne.</p>
---	---

Reviewing Green Wedge Management Plans

<p>Review and update Planning Practice Note 31 (PPN 31) 'Preparing a Green Wedge Management Plan' to improve the structure, form and content of Green Wedge Management Plans.</p>	<p>Support option – Management plans need to be more relevant and given statutory weight in planning schemes.</p> <p>PPN31 should provide clearer guidance in relation to rezoning which is a common issue raised by landowners during consultation. Climate change must be imbedded into the practice note and indicate how this issue is to be reflected in the management plan.</p>
---	--

Introducing state-backed regional policy for green wedges

<p>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.</p>	<p>Support option.</p> <p>The introduction of a regional policy will provide the ability for the unique characteristics of Green Wedges to be distinguished, and provide policy directions that respond to these.</p> <p>In addition, Council would like to see greater clarity included in clause 11.01-1R:</p> <ul style="list-style-type: none"> <li>▪ Define what a productive use is e.g. agriculture, horticulture, farming, rural industry etc.</li> <li>▪ Include a separate strategy for Tourism with reference to 'sustainable and low impact development' that links to the natural environment and supports local agriculture and related services.</li> </ul>
--	--

Protecting all agricultural land surrounding Melbourne

<p>Update the PPF to ensure that all agricultural land is protected.</p>	<p>Support option.</p> <p>Despite issues associated with land capability and market forces, uncertainty fuelled by land banking and discretionary planning decisions remain the biggest threats to available agricultural land across the City of Melton.</p>
--	---

Protecting the natural resources that underpin agricultural land use.

Update the PPF to ensure that all agricultural land is protected	Support option.
--	-----------------

Improving regional policy protection of Melbourne's agricultural land.

<p>Update the PPF to include new regional policy for Melbourne's agricultural land. The new policy should:</p> <ul style="list-style-type: none"> <li>▪ support greater resilience of Melbourne's food bowl by encouraging re-use of valuable city waste streams, including recycled water, stormwater, nutrients and biogas</li> <li>▪ 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</li> <li>▪ support the establishment and expansion of infrastructure that benefits agriculture</li> <li>▪ recognise the economic and employment contributions of Melbourne's agricultural land to local communities, the region and the State of Victoria</li> </ul>	Support option.
---	-----------------

Legislating the right to farm

<p>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.</p>	<p>Support options.</p> <p>If the green wedge is to be better understood by landowners, consideration should be given to requiring Land Titles and Planning Certificates to inform landholders of their obligations under the proposed legislation.</p>
<p>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.</p>	
<p>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.</p>	

**3.2 Supporting agricultural land use**

The City of Melton's green wedges contain significant rural landscapes and areas of open farmland. Subdivision of small lots and dwelling approvals for non-agricultural purposes generally should only be justified where similar developments have occurred as a result of a legacy subdivision and the proposal will not remove agricultural land.

It is important to note that while the proposed options are supported, legacy subdivision controls allowing small lots to be created remain in the Melton Planning Scheme. These controls will minimise the effectiveness of the proposed reforms at the state level while other reforms including, decision guidelines and application requirements into the GWZ for dwellings are considered appropriate.

Subdivision of rural landscapes

<p>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.</p> <p>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.</p>	<p>Support option</p> <p>It is noteworthy that the Melton schedule to the GWZ requires a Section 173 Agreement to prevent further subdivision of each lot created. This part of the schedule has provided a degree of certainty to current and prospective landholders, even though some of those affected don't always support such a restriction. If used appropriately, Section 173 Agreements remain an effective tool to preventing further subdivision of rural land.</p>
<p>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.</p>	<p>Support option</p>

Council supports the proposed options in this section with the addition of the following related change:

- Clause 35.04-3 (Realignment of boundaries) - This provision is often used to create smaller lots for rural living purposes that have no connection to agriculture or environmental outcomes which reduces the amount of land available for agriculture. This clause should only be applied for legitimate operational reasons such as road access and infrastructure provision to facilitate agricultural use and not to increase the number of dwellings within the tenement.

Dwellings in rural areas

<p>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.</p>	<p>Support options.</p> <p>Council recommends an inclusion in the Application Requirements for the ability for Councils to request a detailed report to determine the agricultural feasibility and environmental potential of a subject site in the Green Wedge and Green Wedge A Zone.</p>
<p>Introducing decision guidelines for 'Dwelling Issues' into the Green Wedge Zone and Green Wedge A</p>	



<p>Zone. The decision guidelines would mirror the guidelines provided in the Farming Zone, which require the responsible authority to consider, as appropriate:</p> <ul style="list-style-type: none"> <li>▪ Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</li> <li>▪ 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.</li> <li>▪ Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</li> <li>▪ 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.</li> </ul>	
<p>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.</p>	

Improving decision-making on agricultural land

<p>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:</p> <ul style="list-style-type: none"> <li>▪ how to interpret the decision guidelines for zones relating to agriculture</li> <li>▪ how to determine whether a discretionary use will lead to loss of agriculture as the primary use of land</li> <li>▪ how to apply the 'in conjunction with' agriculture test</li> <li>▪ how to assess and minimise potential land use conflicts in development proposals, including proposals adjacent to agricultural land.</li> </ul>	<p>Support options.</p> <p>Councils do not have the technical expertise in house to assess the agricultural impacts of permit applications. The establishment of an agricultural advisory service to support decisions makers will ensure that technical expertise is available in determining these applications.</p>
<p>Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme.</p>	

In addition, the following comments relate to the In Conjunction Test. The Melton experience has shown that planning permits proceed with the primary use identified in the planning permit, but instead proceed with the discretionary uses such as group accommodation and restaurants. This provision should be amended to require the primary use to be established prior to the commencement of the discretionary use or demonstrate that the existing primary use is currently ongoing and has a direct association between the two uses and their operations.

Future-proofing Melbourne's food bowl

The establishment of an agricultural referral or expert advice service is a welcome initiative. To ensure independence and transparency, this service should be located and delivered within DELWP or Agriculture Victoria/Department of Environment and Primary Industries.

Safeguarding agricultural land with potential access to alternative water

<p>Develop a new regional policy, Clause 14.02- 3R of the PPF (Preserving opportunities for irrigated agriculture around Melbourne), with the following objective:</p> <ul style="list-style-type: none"> <li>▪ safeguard land with potential for future growth in irrigated agriculture, based on alternative water use. The new policy would:             <ul style="list-style-type: none"> <li>• delineate areas with potential for future growth in irrigated agriculture</li> </ul> </li> <li>▪ ensure changes to land use in these areas do not limit potential opportunities for development and expansion of irrigation agricultural precincts</li> <li>▪ maximise the beneficial re-use of treated wastewater and stormwater for agricultural purposes</li> </ul>	<p>Support options.</p>
---	-------------------------

Supporting agricultural land use in Melbourne's irrigation districts

<p>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:</p> <ul style="list-style-type: none"> <li>▪ identify and protect areas with secure water resources for agricultural uses</li> <li>▪ provide certainty that these areas will continue as key agricultural areas into the future</li> <li>▪ protect areas of significant water infrastructure investment</li> <li>▪ limit non-farming and incompatible uses that would restrict ongoing productive use of land for agricultural purposes</li> </ul>	<p>Support options.</p> <p>Significant investment has been made to develop the Western Irrigation Network (WIN) through the Western Plains North Green Wedge. It is important to protect land where investment such as this has been undertaken, to ensure the benefit of this investment can be maximised.</p>
--	---

<ul style="list-style-type: none"> <li>▪ protect buffers of identified areas from encroaching sensitive uses such as dwellings to ensure agricultural activities continue without restrictions</li> <li>▪ 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.</li> </ul> <p>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.</p>	
--	--

Strengthening referral and notice requirements

<p>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</p>	<p>Support option.</p> <p>Referral and notice requirements would be improved by increasing rural planning knowledge within water authorities and agencies so that advice received is comprehensive, has local or regional input and specific to the proposal via a section 55 referral process.</p>
---	---

Supporting agricultural diversification, value-adding and innovation

Farm gate sales

<p>Update the definition of 'Primary produce sales' to:</p> <ul style="list-style-type: none"> <li>▪ allow sale of ancillary goods (such as crackers and bottled drinks) to be consumed with the primary produce (e.g. cheese or strawberries)</li> <li>▪ allow sale of produce from land held in one ownership to support farms comprising divided holdings in the same ownership</li> <li>▪ allow a percentage of produce sold to be sourced from local producers within 5 km of the use.</li> </ul>	<p>Not support</p> <p>The proposed changes to allow ancillary goods to be consumed with the primary produce sales could lead to other manufactured goods being sold and become more difficult for Councils to enforce. Allowing a percentage of produce to be sourced from local producers up to 5km away defeats the purpose of the produce being directly sourced from the actual grower. Produce for sale at the farm gate should have a direct relationship with that property.</p>
--	---

Host farms

<p>Amend the definition of the land use term 'Host farm' to require a direct link to an 'operating agricultural property'.</p>	<p>There is an understanding that in recent years limited applications have been received for Host farms, which suggests that Bed and Breakfasts have been used as a substitute. Notwithstanding, Council supports amendments to the definition subject to a Section 2 condition that requires the use must be a current operating agricultural use.</p>
<p>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.</p>	
<p>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.</p>	

**3.3 Managing use of green wedge and peri-urban land**

Managing the urban – rural interface

<p>Provide planning practice guidance for local authorities on how to consider and direct planning for urban–rural interface areas.</p>	<p>Not Supported</p> <p>Council has concerns about the concept and options presented in this section relating to 'preferred transitional land uses' at the urban-rural interface.</p> <p>The experience in Melton has found that discretionary uses have contributed the most to undermine the purposes of the green wedge zone.</p> <p>For this reason, the concept of transitional uses encouraged to locate near the urban-rural interface is considered an inconsistent approach to control urban uses in the green wedge and maintain a hard edge.</p> <p>The introduction of buildings, car parks and other facilities associated with urban uses generates a source of land use conflict setting a precedent difficult for Councils to contain over the long term, which only increases land speculation around these developments.</p> <p>The amenity of existing landowners can also be impacted from the introduction of new development including increased traffic, unsealed roads and dust. There are serious cost implications for Councils who</p>
<p>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 (see proposed regional policy for green wedges, Section 3.1).</p>	
<p>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.</p>	
<p>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.</p>	

	<p>are already challenged in recovering costs associated with the provision of infrastructure.</p> <p>Council supports greater use of buffer areas applied to the green wedge Urban Growth Boundary (UGB) interface to maintain a green break, which could be in the form of open space, agriculture, or re vegetation of green wedge land in between the Western Grasslands Reserve. Where a Precinct Structure Plan (PSP) adjoins the UGB, the PSP should incorporate a buffer within the designated PSP boundary rather than relying on adjoining green wedge land to provide urban related uses.</p> <p>Notwithstanding, if the transitional land uses concept is ultimately supported by DELWP, conditions addressing infrastructure requirements such as road upgrades should be included in the relevant Section 2 uses.</p>
--	---

Planning for future infrastructure and energy needs

While it is acknowledged that infrastructure projects are critical to the state's economy, these developments can have a significant impact on green wedge landscapes in particular. Examples of these include overhead transmission lines, quarries, waste facilities and road projects such as the proposed M6/Outer Metropolitan Ring. Public Acquisition Overlays (PAO) used to reserve land for long periods can result in poor planning outcomes for landowners directly affected or on the edge of these designated areas. Government acquisition of required land should be established early in the planning process to provide certainty and included with in the PAO framework and not something that is determined years or decades later.

Other infrastructure projects such as solar farms are equally difficult to accommodate due to their large footprint and have fewer locational options than other infrastructure projects which is why most solar farms in Australia are located outside of peri urban areas. Dust is a major problem across the Western Plains Green Wedge during the warmer months and often originates from quarries, waste facilities and green field development. In the past, limited attention was given to the design of these facilities to minimise their visual impacts. Design guidelines proposed in Section 4 should reference infrastructure development in the green wedge to ensure landscaping and visual impacts are considered for new and expanded facilities.

Education facilities

<p>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.</p>	<p>Not Supported.</p> <p>Education facilities require a significant footprint and have implications on existing landowners in these areas including, traffic, access, noise and dust issues. Council is also burdened with additional infrastructure costs that are often not able to be delivered when the schools have opened.</p> <p>It is acknowledged that some non-government schools do face challenges in securing suitable sites in growth areas – this in part is caused by the lack of proper sequencing of development in growth areas and a failure of the precinct structure plan process to</p>
--	--

	set aside land for non-government education providers.
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).	Support

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	<p>Not supported</p> <p>Places of Worship are fundamentally urban uses that become out of town destinations and therefore should be a prohibited use. An equal consideration is sustainable development and encouraging these activities in locations that require less patron travel.</p> <p>If this option were to be supported by DELWP, a best practice approach must be applied including, a limit on the size of development, limits on people attending, ensuring appropriate design outcomes and requiring appropriate infrastructure is provided such as road upgrades.</p>
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.	<p>Support options.</p> <p>The current land use term should be replaced by the term Community Hall and the definition restricted to community use only as suggested. This will avoid any ambiguity and allow a commercial use to be considered under the existing definition of Function Centre (which also includes reception centre to cater for wedding venues). The conditional requirements attached to this use should also be expanded to include "being located on land adjacent to a road in a Road Zone" (Category 1).</p>
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.	Support option to prohibit Exhibition Centres  Exhibition centres are commercial operations that require large buildings and car parks in order to cater for a broad range of users that generally has no ties to the local community. In contrast, a Hall serves the rural zones well as these buildings are often modest in size and are used by local communities.
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).	Support option.  Group accommodation can result in large stand alone buildings which can impact on views and the subject site. 'Low impact' development should be included within the purposes of the Rural Conservation Zone to clearly indicate that urban style development is generally not appropriate for this zone.
--	--

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.	Support option.  Consistent with recent Victorian Civil and Administrative Tribunal decisions, these uses are not appropriate in a green wedge area and at least, should be subject to the same condition requirements as other accommodation uses. They should also be restricted to land that adjoins or has access to a road zone. Glamping is currently very popular and is not adequately captured in the definition of Camping and Caravan Park. Either it needs to be separately defined or the definition of Camping and Caravan Park expanded to include Glamping.
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.	

Food and drink premises

It is recommended the following option is considered -

Apply conditions that tie food and drink premises to the preferred primary land uses to the 'in conjunction with' test and conditions limiting their size and scale (e.g. maximum patron capacity and minimum lot size requirements).

The central issue here is our rural areas can become commercialised through the sale of manufactured goods that have little or no connection to the primary use of that land. Planning permit conditions associated with these uses can also be difficult for Councils to enforce.

Soil and earth storage (clean fill)

Currently, Buildings and Works Clause 35.04-5 Earthworks does not trigger a planning permit unless a local provision is included in the schedule that states a permit is required. Several Councils including Melton have schedules but many are varied or outdated and do not reflect current issues.

The provisions restrict Councils ability to effectively manage the on-going dumping of fill and achieving compliance. Given how widespread this issue is and the number of Councils affected, it is considered that changes to the state provisions are appropriate and will provide a consistent approach across all growth areas.

The state provisions of the GWZ, Green Wedge A Zone (GWAZ) and Rural Conservation Zone (RCZ) should be amended to require a planning permit for earthworks under all circumstances and remove local provisions that are ambiguous and redundant. Any application for earthworks/ placement of fill should also require a Section 55 referral to Environment Protection Authority and DELWP.

Data centre

Amend the Green Wedge Zone, Green Wedge A Zone and Rural Conservation Zone to prohibit data centres or, alternatively	<u>Not supported</u>
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.	

Other uses and issues not listed

Currently the Market definition captures all types of Markets and is considered too broad. For example, it does not distinguish between new goods, second hand goods and farmers markets. Markets that sell new goods are effectively another form of a Shop that is prohibited and should not be supported in the context of a green wedge zone. Conversely, a Farmers Market that requires local or regional sourced produce should be encouraged.

It is recommended there are conditions attached to this use in the Green Wedge Zone restricting a Market to being Farmers Markets only and/or being run in conjunction with the use of land for agriculture, natural systems, outdoor recreation, rural industry and winery. Alternatively, a separate definition could be created for a Farmers Market. Markets should be located on land adjoining or that has access to a road in a Road Zone.

**4.1 Implementing design and development guidelines**

The proposed design and development guidelines are a positive step but these should not be seen as a solution to resolving the impact discretionary uses can have on the green wedge. Improving the design of buildings does not address the principles of poor location planning and the introduction of incompatible uses to an area.

While the introduction of design guidelines is a recognition that design outcomes are also critical for the green wedge, in practice, their performance based approach will make these guidelines less effective. The design guidelines would be useful to those Councils that do not currently have similar controls in their planning schemes but it will be necessary to ensure they are consistent with existing local design policies. The City of Melton Rural Landscape Character Policy and associated design guidelines were introduced into the Melton Planning Scheme in 2020 following several years of consultation and input from DELWP.

Introduction of a new planning practice note to assist responsible authorities assess development proposals on green wedge land.	Support Should include a range of diagrams to compliment the actual guidelines.
--	--



	Design Guidelines should apply to all development including infrastructure.
Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones.	Support These guidelines should be prescriptive as possible and also tailored to be included in the primary school or secondary school section and a new category for Places of worship.
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.	Support This requirement could be quite onerous for Councils but beneficial to those Councils who have already done this work.
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.	Support This option would provide greater weight in this section of the planning scheme.
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.	Not Support Will not capture section 1 uses that don't require planning approval.

#### Additional general comments

- Regular communication with DELWP and other green wedge Councils would provide opportunities to discuss common issues and solutions for green wedge planning and for Councils to be informed about DELWP initiatives, funding opportunities and related projects.
- While the Western Grassland Reserve is not specifically referenced in the consultation paper, its total area impacts on many landowners across two municipalities. In this context, the proposed reserve has created uncertainty and confusion amongst landholders who do not distinguish between the multitude of planning controls that apply to the proposed reserve and government agencies responsible for its management and land acquisition. A consequence of this has been Councils inability to undertake effective consultation with landholders on other planning and environmental projects. It is hoped the proposed reforms will provide a more consistent and integrated approach to this issue.

#### **Conclusion**

In conclusion, Council supports most of the options discussed in the Consultation Paper and acknowledges the significant work undertaken by DELWP to provide background and information across a range of issues. Notwithstanding, options canvassed to better manage discretionary uses fail to limit what will be adverse impact on rural and green wedge land.

Should you have any questions about the above or the content of our submission, please contact Don Lewis, Strategic Planner on 9747 5256 or [citysupport@melton.vic.gov.au](mailto:citysupport@melton.vic.gov.au).