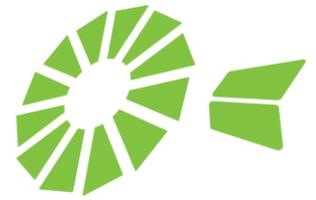


**Submission  
No 158**

**INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN  
PLANNING FRAMEWORK**

**Organisation:** Victorian Farmers Federation

**Date Received:** 31 January 2022



Victorian  
Farmers  
Federation

# SUBMISSION

**Inquiry into the protections within the Victorian  
Planning Scheme**

**January 2022**

## Introduction

The Victorian Farmers Federation (VFF) welcomes the opportunity to submit in response to the Inquiry into the Protections within the Victorian Planning Framework. The farming community routinely expresses concern that agricultural issues are not being properly considered by the Victorian planning system.

Victoria's agricultural production accounts for over \$13 billion of Victoria's economy and over 25 per cent of the State's exports per annum. Victoria's farmers produce high quality food and fibre to high standards of safety with little taxpayer support, and to some of the strictest environmental and highest animal welfare controls in the world.

The Victorian Farmers Federation (VFF) represents a farming community which creates a profitable, sustainable and socially responsible agriculture sector connecting with consumers. We have a proud history representing Victoria's farm businesses since 1979 – primarily family farms that produce the eggs, grain, fruit and vegetables, meat, and milk that help to feed Victoria's six million people, and the bigger global community, every day.

The VFF consists of commodity groups: dairy, grains, horticulture, chicken meat, eggs, pigs, and livestock – and expert committees representing; water, environment planning and climate change, farming systems, farm business, and workforce and social infrastructure.

It is critical changes are made to the planning system to support the retention and growth of agriculture in Victoria. Repeated failures to address or consider these matters, in response to consultation or in preparation of documents such as this, reinforces industry belief that there is an urban bias in the planning system that sees farming land as vacant or awaiting an urban use, or providing amenity and ecosystem services for towns.

Whilst the VFF accepts that farming operates in a regulated space, it is vital that planning and environmental regulations, which are generally designed for urban scenarios, do not have a perverse or adverse outcome in relation to facilitating the ongoing and productive use of land for agriculture.

VFF also recognises that the planning system is a land use and development system – not a land management system. Land management outcomes must have a nexus to a land use change or a clear development change. Where existing beneficial land use is expected to change to achieve a management outcome, other legislation that must compensate for the change is appropriate. For too long, ministerial intervention has been used to alter the planning system to avoid regulatory impact statements and compensation.

The terms of reference for this inquiry that the VFF are interested in and will submit on are:

1. The objectives of planning in Victoria
2. The increasing urban focus of the planning system
3. Limited regional housing stock
4. Environmental sustainability and vegetation protection
5. How the planning system can recognize and grow agriculture as a key sustainable economic development driver for the Victorian economy
6. Delivering certainty and fairness in planning decisions for communities
7. Other relevant items

## The objectives of planning in Victoria

To properly understand the opportunities to return the operation of the planning system to one that is strategic, gives equal consideration and resourcing to urban and non-urban land uses and development, the objectives<sup>i</sup> of the Planning and Environment Act (the Act) should be reviewed.

This submission will draw on certain objectives which we believe the custodians of the VPPs have failed to ensure proper understanding of all land uses issues and guidance in how to ensure sound and strategic development. VFF believes that the Act was also based on a wide view of ‘environment’ rather than the narrow natural conservation interpretation.

### Objectives

- (4) *The objectives of planning in Victoria are—*
- (a) *to provide for the **fair, orderly, economic and sustainable** use, and development of land;*
  - (b) *to provide for the protection of **natural and man-made resources** and the maintenance of ecological processes and genetic diversity;*
  - (c) *to secure a pleasant, **efficient and safe working**, living and recreational environment for all Victorians and visitors to Victoria;*
  - (f) *to **facilitate development** in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
  - (g) *to balance the present **and future interests** of all Victorians.*
- (2) *The objectives of the planning framework established by this Act are—*
- (a) *to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;*
  - (b) *to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the **use, development and protection of land**;*
  - (c) *to enable land use and development planning and policy to be **easily integrated** with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;*
  - (d) *to ensure that the effects on the environment are considered and provide **for explicit consideration** of social and economic effects when decisions are made about the **use and development** of land;*
  - (e) *to **facilitate development which achieves the objectives of planning** in Victoria and planning objectives set up in planning schemes;*
  - (g) *to encourage the achievement of planning objectives **through positive actions** by responsible authorities and planning authorities;*
  - (h) *to establish a clear procedure for amending planning schemes, with **appropriate public participation** in decision making;*

## The increasing urban focus of the planning system

The Planning and Environment Act envisaged a planning system that was for all land uses – not just urban uses. Over the decades the focus of the planning system has become increasingly urban. Even the terminology used has changed from *town and country* planning, to *urban* planning.

Ten years ago, the planning system was changed significantly without consultation or discussion in the amendment documentation. Agriculture was taken out of industry/economic development and placed in natural resources with water. This has had significant repercussions regarding the operation of planning and matters that are taken into consideration, even to the point of tourism being given preference in the Farming Zone at VCAT at the expense of agriculture, due to the fact tourism is considered an economic development good.

At no stage were the ramifications of this change recognised or discussed by the Minister for Planning or the Department. Many of the issues that Planning for Melbourne’s Green Wedges and Agricultural Land (GWAL) is attempting to address stem from that non decision ten years ago. It is critical that the

administration of planning and heritage return to an equitable focus on urban and rural issues. The great majority of the state is in rural areas.

These themes are discussed in VFF submission entitled [Protecting Melbourne's Green Wedges and agricultural land](#). That submission built on consistent submissions that highlighted the lack of guidance in the planning system regarding making decisions in farming areas and on the range of actions that would help resolve these issues – in the provisions, in processes governing the content of planning schemes and review, in documents that support good practice and guidance advice, as well as in auditing and monitoring decisions to ensure that decision guidelines have been complied with.

Of the 47 recommendations made to Government in that submission, the following are considered critical to ensure the provisions are properly delivering the objectives of Planning in Victoria.

### Recommendations for whole of government action

- Preparation of land access legislation to apply to any infrastructure proposal through farming land to:
  - Prioritise the use of crown land / existing infrastructure alignment;
  - Mandate full involvement of landholders in route design;
  - Ensure commercial consent and compensation for loss of production;
  - Ensure any ongoing restrictions on use (weight, height of machinery), access roads, inspections; biosecurity compliance, footprint etc and loss of opportunities are fully compensated on an annual basis;
  - Formal agreements be prepared that determine how the 'operation' is to occur and how biosecurity and other requirements are to be delivered;
  - Where the infrastructure impacts on viability of farming the whole site is acquired and efforts are made to locate appropriate new property and assist in all consequential costs;
  - A regulated 'rehabilitation' process similar to mining regulations; and
  - Fully funding legitimate legal and technical costs of the landholder.
- Removal of any 'over fence' impacts of urban development on farming practice. If the planning system encourages a hard urban edge to farm land then use of chemicals, hours of operation, use of scare guns, frost fans etc must not be constrained. (Right to Farm);
- VFF calls on the Government to fund the farming advisor roles on the Farm Safety officer model and to ensure VFFs active involvement at all stages of the development of planning system guidance documents.

## Limited regional housing stock

The VFF is deeply concerned by the shortage of housing supply in regional Victoria. Limited housing has been identified as a key constraint to attracting and retaining agricultural workers as well as the broader regional Victorian labour force. There is an identified need for more accommodation for not only temporary workers but also permanent workers, including farm workers, doctors, teachers and nurses. These jobs provide critical services to regional communities and help support the local economy. The need for these types of workers has been demonstrated throughout the COVID-19 pandemic.

Whilst limited housing stock in regional Victoria is not a new phenomenon, this has been exacerbated by the recent events of COVID-19. The inaugural Regional Australia Institute-CBA Regional Movers Index shows population movements from Australian capital cities to regional areas rose by seven percent from March 2020 to March 2021 – helping to drive net regional migration in the latest quarter 66 percent higher than a year earlier.

Economic growth and productivity are negatively impacted if employers cannot draw from the widest possible pool of potential or existing employees who are unable to access local housing or have to travel long distances to their workplaces.

There are several factors contributing to the current regional housing shortage which vary significantly both between and within regions that will need to be addressed to improve access to housing for agriculture and the broader regional Victorian economy.

Recognising the challenges unfettered housing developments can pose to agriculture as well as the significant market failings in small rural towns, it is important to note that simply allowing the market to create more housing will not in itself resolve housing issues for agriculture. Therefore, this paper will focus on the need for a coordinated statewide approach to housing and targeted interventions in small regional and rural towns to address agricultural housing shortages.

The VFF has identified several factors that are currently contributing to the shortage of appropriate housing, especially in rural and regional areas. These factors include:

- Lower rate of rental property investment
- Minimal growth in housing stock
- Changing demographics
- High rates of unoccupied properties in regions with large tourism populations
- Limited affordable housing
- Construction skill shortages in regional Victoria

#### Lower rates of rental property investment:

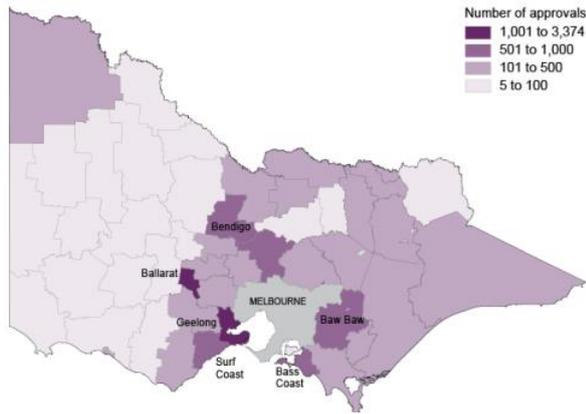
Many areas of regional Victoria have identified a severe shortage of available rental properties. Effective rental housing stock is critical to assist existing businesses to grow and sustain their competitiveness, especially in attracting new skilled staff to regions. This shortage of rental properties is further compounded by a strong trend of existing rental properties being leased to family or personal acquaintances.

#### Minimal growth in housing stock:

As the below map of building approvals in 2018-2019 period highlights, Western Victoria has much lower levels of building approvals than anywhere else in the state. Whilst there is significant new housing in tourism destinations and large regional centres, minimal additional housing stock has been developed in other regional areas.

For example, in the South West, whilst Surf Coast Shire has an additional 308 dwellings per year, rural shires such as Corangamite Shire and Glenelg Shire are projected to grow by fewer than 10 dwellings per year.

Similarly, this trend can be seen in Wimmera Southern Mallee where 82 additional dwellings were built during 2019-20 period in Horsham Rural City Council, whilst in contrast during the same period only four additional dwelling were built in West Wimmera.



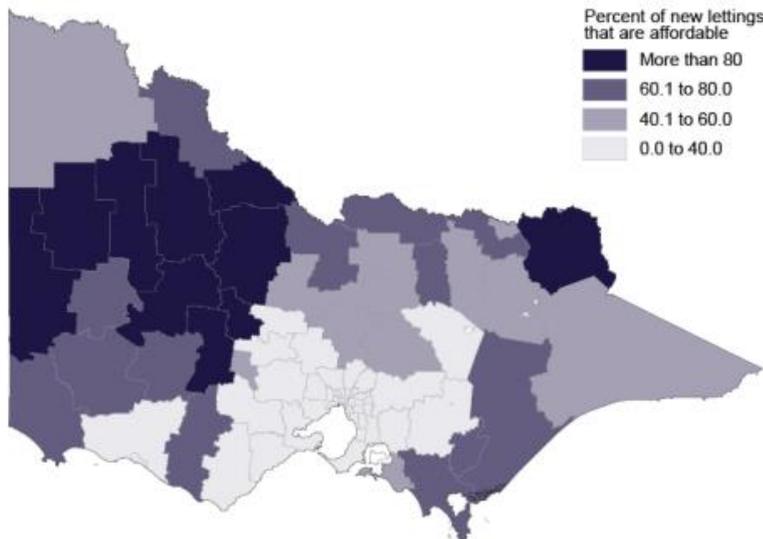
Source: [https://www.planning.vic.gov.au/\\_data/assets/pdf\\_file/0035/469178/Population-and-Housing-June-2020.pdf](https://www.planning.vic.gov.au/_data/assets/pdf_file/0035/469178/Population-and-Housing-June-2020.pdf)

### Changing demographic:

Changing demographics are also compounding the regional housing shortage and straining the existing housing stock. For instance, in the Wimmera, the average household size has declined from 4.1 person per dwelling in the 1960s to 2.2 people per dwelling now. Therefore, whilst the region’s population during this period has only increased 8.7%, the number of occupied houses has increased 99.7%.

### Limited affordable housing:

As a result of population growth, many local government areas closer to Melbourne are experiencing a shortage of affordable housing which is limiting the ability of workers to live in certain areas.



Source: [https://www.planning.vic.gov.au/\\_data/assets/pdf\\_file/0035/469178/Population-and-Housing-June-2020.pdf](https://www.planning.vic.gov.au/_data/assets/pdf_file/0035/469178/Population-and-Housing-June-2020.pdf)

The VFF has completed a Regional Housing Shortage briefing note that highlights the problems that regional Victoria is facing, work that is currently being done around these issues and proposes solutions to these issues. This briefing note will be made public when finalized shortly, however it contends that planning isn’t the one and only solution to the housing crisis within Victoria.

The VFF recommends that there be targeted funding for regional and rural planning. Several stakeholders have highlighted that budget and staffing constraints within rural and regional councils are contributing to the housing shortage through significant planning approval delays and outdated planning guidance.

To address these issues, the previous regional planning flying squads could be reinstated, with additional funding targeted specifically for regional and rural shires to update their policies and studies.

## Environmental sustainability and vegetation protection

The Victorian Planning Scheme includes regulations on environmental sustainability and vegetation protection. The VFF wants to ensure that these regulations are not overly onerous on individuals and ensure that the right factors are taken into consideration when developing these regulations. The VFF wants to ensure that these factors are included in the regulations, as they aren't currently. The factors are:

- Safety and emergency included in native vegetation regulations
- Use of climate friendly technology and recognising climate change adaptation in agriculture
- Landscape controls designed for rural areas being farmed

### Safety and emergency included in native vegetation regulations

The VFF and its members are affected by the current native vegetation regulations, as highlighted by the recent storms and flooding events, in July 2021 and January 2022. The current regulations are restrictive and are only focused on limiting the amount of native vegetation that can be removed, instead of safety. The objectives set out in the Planning and Environment Act specifically mention *“to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria”*, however, safety is not mentioned in Clause 52.17 within the Victorian Planning Scheme.

The VFF has identified issues within the current Native Vegetation regulations within Victoria. The main issues are that the regulations don't consider safety and the permit process takes longer than expected when applying to clear vegetation.

The issue of the native vegetation regulations not considering safety has been highlighted by the recent storm and flooding events across Victoria in June 2021, July 2021 November 2021 and January 2022. After these extreme weather events many roads were blocked by fallen trees as well as infrastructure like farm fences damaged by vegetation. This vegetation was hard to get cleared and, in some cases, had been known dangerous vegetation before the storms, however needed planning permits to be lopped or removed.

The native vegetation exemptions listed at Clause 52.17 of the Victorian Planning Scheme have an exemption for Emergency Works, which reads:

*“Native vegetation that is to be removed, destroyed, or lopped:*

- *In an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or*
- *Where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.”*

This exemption is read in two parts and is only for emergency works but does not enable creation of access to prepare for an emergency or after an emergency has occurred and the immediate threat has passed. It also does not enable the removal of native vegetation that has the potential to cause personal injury or property damage in the longer term - a planning permit is still needed for this.

This is the only exemption that considers safety to human life, there are other exemptions for road safety. However, they are more targeted towards maintenance of roadsides on behalf of public authority or municipal council.

The struggle to clear dangerous native vegetation along roadsides has also been raised as an issue by a number of VFF members. Most roadside clearing is the responsibility of the council or DELWP, however council can issue permits for vegetation to be cleared by another party. The issues that our members have alerted us to include council letting the vegetation become overgrown so that machinery now cannot pass through the road to access farms. This lack of action affects the farm and the business, and the overgrown vegetation can also become a fire risk and safety hazard.

Within the purpose of Clause 52.17 – Native Vegetation, safety to human life or infrastructure is not mentioned. The purpose seems to be focused on minimising the removal of native vegetation. The purpose reads:

*“To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*

- 1. Avoid the removal, destruction or lopping of native vegetation.*
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

*To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.”*

The VFF considers that for the native vegetation regulations to work more cohesively within the planning scheme, safety should be considered when making decisions about native vegetation, like how safety is considered for bushfire controls.

The second identified issue with native vegetation regulations is how long planning permits can take to go through council. This has been an issue for the VFF’s members recently. Members in the north-west have approached council for help in how to remove native vegetation along roadsides (public and private) and the process to go through council has taken over 3 months. The long process to remove overgrown native vegetation can mean that the vegetation can become more dangerous and subsequently become a hazard when extreme weather events (such as fire and storms) happen.

The VFF propose these three solutions to ensure that safety is considered when native vegetation planning applications are assessed:

### **1. Including safety in the purpose of Clause 52.17 – Native Vegetation and in the Clause 65 Decision Guidelines**

Safety is currently not mentioned within Clause 52.17 and does not have to be a consideration when assessing for a planning permit for the removal of native vegetation. The VFF proposes that safety to human life, property and livestock be considered when assessing native vegetation applications and be included in the clause. It is apparent that extreme weather events are becoming more common and that is why safety needs to be a consideration when assessing a planning permit for native vegetation.

### **2. Possible VicSmart Planning Permit process for native vegetation**

The VicSmart planning permit process is a tool that is readily available and already in place within the planning schemes. The VicSmart tool could be used to allow for the clearing of native vegetation in some circumstances. This tool cannot be used for large clearing but can be useful to quicken the process for safety reasons.

### **3. Independent reference group to redevelop native vegetation regulations**

The reference group should be made up of an independent Chair and senior representatives from DELWP and Industry groups that want to reform the native vegetation regulations. The group's role should be specifically around including safety for human life, livestock and property within the Planning Scheme and the Planning and Environment Act.

### Use of climate friendly technology and recognising climate change adaptation in agriculture

The VFF supports investment into emerging technologies in the agricultural sector and believe that this needs to be reflected in the Victorian Planning Scheme, but specific examples should be informed by local knowledge.

For agriculture to evolve and adapt, industry needs to be consulted to ensure that the policy and emerging technologies that are supported are viable options that do not adversely affect agriculture. The VFF recommends that industry groups and local farming communities be engaged to avoid unintended adverse impacts.

NFF and CEFC have prepared a document [Transforming Australian Agriculture with Clean Energy](#). This document highlights the wide-ranging nature of agricultural research in just one aspect of 'sustainability'. Technology such as GPS enabled agriculture has a range of climate, soil health and productivity benefits. As the Planning and Environment Act seeks to achieve a sustainable social, economic and environmental outcome, the VFF believes the need for agricultural practice to continually change and evolve be recognised and supported in the planning framework.

For instance, climate change adaptation does not extend to agriculture, even though agriculture is currently part of Natural Resource Management Policy. Further, blanket controls such as 52.17, do not allow for the consideration of a range of environmental outcomes achieved by an application.

Continuing an existing use (crop raising) and using more fuel and chemical efficient technology predominantly removes the need for stubble burning, improves soil carbon, reduces dust and soil loss, and increases productivity - this should not be seen as 'convenient' through the lens of a single particular provision. VFF realises that there may be the need to consider native vegetation. However, when impact on

native vegetation is minimised and offsets provided a more sustainable future for remaining vegetation, the current provision is ensuring net gain can never be achieved.

#### Landscape controls designed for rural areas

The VFF understands that landscape overlays/controls are sometimes justified, however these overlays/controls should not adversely affect agricultural uses. In the past there have been unintended negative consequences on agriculture from landscape overlays/controls. An example of this is when new landscape overlays were introduced in the Yarra Ranges Council that sought to prohibit horticulture structures, claiming that they ruined the visual aspect for tourists. Horticulture is a key commodity in the Council and underpins the local economy. VFF had to seek VPP change to exempt these structures from requiring a permit.

Poorly drafted landscape controls can lead to unnecessary planning controls, such as permits for ploughing or making it difficult to develop a machinery shed. Location and size can be restricted due to visual concerns, and design features are required which make the cost prohibitive.

Such controls are problematic to agriculture as farms need sheds for several reasons including the storage of machinery, improving OH&S by providing shelter for workers or to store feed for animals. The Yarra Ranges decision was reversed but is a prime example of unintended consequences to agriculture that need to be avoided.

#### Urban Bias in fire management and protection

Our emergency management system is built around the concept of protection of life and property. Property includes four aspects, principal residences, means of earning and income, key infrastructure and the environment. The objectives of Planning in Victoria (s4 of the Act) include providing a safe living and working environment. Farms are workplaces and often places of residence, however, specific provisions regarding bushfire safety focus purely on 'dwellings'. This may be due to Department of Environment, Land, Water and Planning's (DELWP) fire models using a dwelling for both calculating risk to life and to property.

This leads to an urban bias. Non dwelling impacts are under recorded and not planned for in 'preparedness'. Recovery provisions focus on reconstruction of dwellings. If you are a farmer affected by bushfire, you may have lost your place of residence as well as your means of earning an income. It can take decades until production has recovered to pre fire levels.

Fires can destroy crops, fodder, livestock, genetics, machinery and fences. The loss of machinery means the inability to farm – yet a machinery shed, while being 'property', is not protected in fire plans or 10/30 style rules.

If fences are taken out by wildfire or establishing control lines, stock are no longer contained on site and little is done to recover stock, or ensure stock is made safe before cutting fences to establish control lines which used to be provided for on crown land. Vegetation is often removed along fence lines by responders as it is deemed unsafe, yet farmers cannot get contractors to rebuild fences as native vegetation permits are not issued and the work site is deemed as unsafe. There is a different set of 'safety' rules applying to public servants.

In some instance it has taken 2 years to get a permit to reinstate a boundary fence post fire. This means 2 years until stock can be returned and 3 years for an income to be earned. These aspects are not considered in recovery provision.

## How the planning system can recognise and grow agriculture as a key sustainable economic development driver for the Victorian economy

For the past 5 years The VFF has been consistent in our position and calls in relation to failures of the current planning system to support agriculture and the solutions to address this. The Right to Farm Policy and the [Renewable Energy Policy](#) (amended 2021) are examples of policy that has guided our submissions to SMART Planning, Strategic Agricultural Land and GWAL, which can be found on the VFF website [here](#).

Agriculture was previously included in the economic development section of the Planning Policy Framework. In 2011 it was removed and placed in Natural Resource Management via a ministerial amendment. The explanatory report and reasons for intervention were silent on this change. The failure to even consider whether this change would have impacts has led to the loss of content supportive of agriculture in planning schemes.

In taking an action to facilitate the loss of agricultural land to encourage urban sprawl, created a range of impacts that the GWAL process has spent 4 years attempting to resolve, without even once considering that these issues are statewide and stem from treating an industry and key land use – agriculture as the natural resource it is often based on – soil.

The covid era has highlighted how critical local agriculture is to our state economy, its resilience and our food security. For too long planning has seen agriculture as vacant land waiting for a better use. Controls designed for urban areas are applied, making it difficult to continue existing use. There is no guidance on how to promote agriculture or consider land use conflict, despite the rural/ farming zones being the predominant land use in Victoria.

The VFF has highlighted not only the issues, but the solutions. It is over 4 years since the VFF first submitted draft provisions highlighting how a more sound and strategic policy platform can be provided for agriculture and the flow on provision changes, content review and supporting documents that are required to ensure planners trained predominantly on urban issues can properly plan for agricultural land uses.

## Delivering certainty and fairness in planning decisions for communities

### Appropriateness of controls and use of intervention

The VFF is concerned that the last time a planning panel / advisory committee has considered whether vegetation controls were appropriate in relation to the head of power of the *Planning and Environment Act* 1987 was the report into the initial control (S5). The provisions have moved away from the discussions and safeguards in that report, without proper considerations. The current provisions work more as a blanket control, something that the Victoria Planning Provisions and the NPS-1 schemes sought to end.

The S5 Panel Report, VFF submissions to Native Vegetation and SMART Planning, as well as VFF position on native vegetation controls can be found [here](#).

**VFF believes review processes such as Strategic Agricultural Land and Native Vegetation should only use s20(4) of the Act for their introduction when the process has been overseen by an Advisory Committee who considers submissions – for instance the Sustainable Animal Industries Process.**

#### The use of ministerial call ins

Ministerial powers are much wider than call ins alone. As indicated previously, the planning minister often introduces zones, overlays and provisions via intervention. There is a decreasing level of compliance with the principles behind the guidelines for intervention and often a wide range of changes in the amendment are not discussed at all in the amendment documents.

These controls may be created by processes where non planners develop the provisions. This can be via a review process where the submissions are considered by non-planners with little independence. There is no reason why this process could not be overseen by Planning Panels Victoria. They could consider submissions and make recommendations regarding the most orderly and proper planning system outcome. It would not add time to the process and would increase transparency.

#### Urban Growth Issues

In addition to the issues discussed in Planning for Melbourne's Green Wedges and Agricultural Land (GWAL) there are a range of issues with the exercise of Ministerial Powers to facilitate urban development, without consideration of the impacts on agriculture.

Traditionally hard edges to agriculture have been discouraged. Urban development would back on to a rural living area. Precinct Structure Plans were amended without consultation with agriculture to encourage no setback at all between houses and farming.

This leads to the inability to crop for up to 400m to the dwellings, predation of stock by domestic animals and even fire prevention notices being placed on crops by Councils. The guidelines do not discourage development with back fences to farmland which encourages dumping of waste on farmland which is a biosecurity and OH&S risk. The impact of this encroachment is a case study in the VFF submission [Protecting Melbourne's Green Wedges and agricultural land](#).

The myopic focus of DELWP on facilitating urban development has led to an oversight that is impacting on human rights of property owners of a state heritage listed winery in Sunbury. In order to gain an EPBC approval for the Metropolitan Assessment Area (MAA), DELWP prepared a growling grass frog study. This study looked at the property which is outside the MAA. Although it found no evidence of growling grass frogs it identified the site as habitat that would be protected to allow development.

This process is not unusual if the land was within the MAA, but it is not. Despite this fact, which means ICP/equalization processes that would see the owner compensated for provision of the land does not apply, DELWP has placed restrictions on the existing use of the land and Council has suggested that it be transferred to their ownership at no cost.

The Department say that it is an EPBC issue, however the Minister for Environment rightly states that the relevant document was produced by the state. The cost of meeting environmental approvals should be met

by developers/owners within the developable area. When this cost has been transferred to an owner outside the developable area with no mechanism for compensation, it demonstrates a serious defect in procedure that should be addressed immediately. Failure to do this over nearly a decade shows that fair, orderly and economic objectives are not applied to agriculture or farmers.

## Other relevant items

### Urban freight principles

The Commonwealth worked with all levels of government and industry to develop the Urban Freight Principles and on the 28<sup>th</sup> May 2021 the Infrastructure and Transport Ministers endorsed National Urban Freight Planning Principles.

With urban freight volumes predicted to increase 60 per cent by 2040, pressures on freight networks will increase. Congestion, freight curfews and limits on heavy vehicle access are expected to worsen as Australia's increasing population drives competition for land and space on transport networks. The VFF recommends that these Urban Freight Principles are considered and applied appropriately to the Victorian Planning Scheme. The Urban Freight Principles can be found [here](#).

The freight network is critical to food and fibre supply. A renewed focus on ensuring this freight network is facilitated statewide is critical.

### Ports

The Port of Melbourne has released its final 30-year 2050 Port Development Strategy which was established as a roadmap for the future development of the Port. The Development Strategy outlines the high-level plans and approach for developing the capacity and efficiency of the Port for the next 30 years, while also providing a planning framework which is adaptable and responsive to changing needs over time. The Development Strategy can be found [here](#). Westernport, Geelong and Portland are also key ports for primary producers.

## Conclusion

Farming is part of the history and social fabric of Victoria and will continue to be an important part of the local economy and environment into the future. Thank you for the opportunity to provide this submission. The VFF remains committed to assisting all levels of government in developing Planning Policy that has good agricultural outcomes and welcomes and encourages industry engagement.

Yours sincerely,

Emma Germano  
President

<sup>i</sup> **Objectives**

- (4) *The objectives of planning in Victoria are—*
- (a) *to provide for the fair, orderly, economic and sustainable use, and [development](#) of [land](#);*
  - (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
  - (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
  - (d) *to conserve and enhance those [buildings](#), [areas](#) or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
  - (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
  - (f) *to facilitate [development](#) in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
  - (fa) *to facilitate the provision of affordable housing in Victoria;*
  - (g) *to balance the present and future interests of all Victorians.*
- (2) *The objectives of the planning framework established by this Act are—*
- (a) *to ensure sound, strategic planning and co-ordinated action at State, [regional](#) and municipal levels;*
  - (b) *to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the use, [development](#) and protection of [land](#);*
  - (c) *to enable [land](#) use and [development](#) planning and policy to be easily integrated with environmental, social, economic, [conservation](#) and resource management policies at State, [regional](#) and municipal levels;*
  - (d) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and [development](#) of [land](#);*
  - (e) *to facilitate [development](#) which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;*
  - (f) *to provide for a single authority to issue [permits](#) for [land](#) use or [development](#) and related matters, and to co-ordinate the issue of [permits](#) with related approvals;*
  - (g) *to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities;*
  - (h) *to establish a clear procedure for amending planning schemes, with appropriate public participation in decision making;*
  - (i) *to ensure that those affected by proposals for the use, [development](#) or protection of [land](#) or changes in planning policy or requirements receive appropriate notice;*
  - (j) *to provide an accessible process for just and timely review of decisions without unnecessary formality;*
  - (k) *to provide for effective enforcement procedures to achieve compliance with planning schemes, [permits](#) and agreements;*
  - (l) *to provide for compensation when [land](#) is set aside for [public purposes](#) and in other circumstances.*