



City of
KINGSTON

23 December 2020

Asok Rao
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Department of Environmental, Land, Water and Planning
8 Nicholson Street
EAST MELBOURNE VIC 3001

submitted via email

Dear Asok

Re: Planning for Melbourne's Green Wedges and Agricultural Land

Thank you for the opportunity to provide this submission to the State Government's paper "Planning for Melbourne's Green Wedges and Agricultural Land". Council wishes to express its support for the general intent of this paper, which seeks to protect the green wedge and peri-urban areas within Melbourne, placing a greater emphasis on the protection of all agricultural land.

Council officers met with your team in February 2020 to brief DELWP on the work currently being undertaken in relation to the Kingston Green Wedge Management Plan Review (KGWMPR) and the Agricultural Preservation and Strengthening Strategy (APSS). We note the importance of these projects and the work that is being progressed by Council to now include consideration of their alignment with the direction presented within the DELWP consultation paper.

We note that you have already received Council's interim submission and that this submission expands on the issues raised within the interim submission.

Council's submission to the consultation paper is broken up to align with the four key themes within the report and contains a response to options considered most relevant to the Kingston context. Council would be pleased to meet with your team to further discuss its submission as presented below:

3.1 Strengthening the legislative and policy framework

- *Strengthen legislative and policy framework for Melbourne's green wedges*

Council supports the general principles within this section, noting the intent is to further protect the significant values and attributes of green wedges within legislative provisions. While Council is generally supportive of all the options outlined within this sub-theme, it is suggested that the option to 'develop and introduce regional policy directions' requires further consideration and clarity in relation the role of affected Council's. Whilst the development of regional policy has merit, Council considers that any such policy must have regard to the unique characteristics and location of the Kingston Green Wedge (KGW) and the specific objectives Kingston City Council has prioritised around immediate implementation (eg. Chain of Parks).

Council also seeks further clarity around the option to ‘...require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities’ and how this would work in practice. It is considered that the decision to adopt a GWMP appropriately rests with Council, with any subsequent statutory implementation then requiring the approval of DELWP and the Minister for Planning. Requiring Ministerial approval of both the strategic work and subsequent statutory implementation process creates an unnecessary additional level of delay and administrative oversight.

It is also considered that the KGW has some regional features that could be further highlighted within this section.

Map 8 also designates the economic output of the KGW as being less than \$7 million. Our draft Agricultural and Preservation Strengthening Strategy has identified that the economic output of the KGW is approximately \$16 million.

- *Strengthen legislative and policy framework for Melbourne’s agricultural land*

Council supports the general principles within this section, which notes the importance of all agricultural land and considers updates to the Planning Policy Framework to ensure that all agricultural land is protected. The move to identify all agricultural land as strategically important is a significant change and reflects feedback provided by Council in our submission to DELWP’s 2019 “Protecting Melbourne’s Strategic Agricultural Land Report”.

Council also supports options relating to “right to farm” and “agent of change” as they appropriately prioritise the role of agriculture in a Green Wedge context, will reduce land use conflicts with sensitive uses and help to ensure that agricultural uses can continue to operate.

Council notes that table 3.1.2 appears to omit clauses relevant to the Kingston Green Wedge, namely those around native vegetation and tree protection and this should be a relevant consideration.

3.2 Supporting agricultural land use

- *Manage subdivision and dwelling development in agricultural areas*

This component of the report discusses a number of agricultural areas within Melbourne however, it is noted that the KGW is not included. Agriculture in the Kingston Green Wedge has an economic output in excess of \$16 million annually, the significance of which should be acknowledged in the report.

Council generally supports the options within this section, specifically the proposed policy changes to further control dwellings within agricultural areas through the introduction of new decision guidelines and application requirements.

- *Improve decision-making on agricultural land*

Council supports the option to develop a practice note to guide discretionary decision making. Such an outcome would assist both applicants and Councils in reducing uncertainty and ambiguity through the Planning Permit approval process.

Council has some concerns in relation the proposed establishment of an ‘*agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme*’. Council’s support for such a measure would be conditional upon the manner and scope of authority of any such body. While Council would be pleased to receive and consider expert advice as needed, Council would not support the establishment of an advisory service if it has determining statutory weight or authority, as the final decision on planning permit applications in the Green Wedge appropriately rests with Council.

- *Future-proof Melbourne's food bowl*

Council has been working with South East Water and the Department of Environment, Land, Water and Planning to progress a recycled water project (purple pipe) to run from the Eastern Treatment Plant into Kingston for some time and is pleased to see the KGW in an "indicative recycled water supply area" on Map 11. Potential users of this water include uses within the green wedge including agricultural uses, golf courses and open space.

- *Support agricultural diversification, value-adding and innovation*

The challenge facing primary produce sales is noted, and while Council acknowledges the rationale provided for farm gate sales to include additional ancillary goods, care must be taken to ensure that these farm gate sales do not become de facto retail outlets by stealth and at the detriment to surrounding agricultural activities.

Council notes options in the report which seek to:

- *Allow sale of ancillary goods (such as crackers and bottled drinks).*
- *Allow a percentage of produce sold to be sourced from local producers within 5km of the use.*

Whilst Council acknowledges the important role that farm gate sales can play in supplementing farm incomes, Council does not support the above options in the absence of absolute clarity in relation what is permissible. It is considered that the presence of any ambiguity would likely lead to an inappropriate expansion of farm gate sales with an associated inability for Council to easily enforce the requirements.

In this regard, Council seeks further clarity as to how the options relating to 'primary produce sales' could effectively be enforced and monitored given such work would require an appreciation of both the geographic origin of all produce and verification of the percentage of produce being sold on site that has been sourced from within a 5km catchment.

3.3 Managing use of green wedge and peri-urban land

- *Managing the urban-rural interface*

While Council supports increased guidance in managing the urban interface with the KGW, concern is raised regarding the concept of transitional locations and zones. Council notes the option to '*...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*'.

Such an outcome is considered potentially problematic for a number of reasons as follows:

- The designation of transitional zones to which uses such as schools or places of worship can appropriately locate sends a signal to the market that would likely result in a proliferation of uses 'serving urban populations' within nominated transitional areas.
- The presence of a defined and absolute urban boundary is fundamental to the protection of Green Wedge areas and the encouragement of uses 'serving urban populations' adjacent the boundary is considered contrary to this fundamental objective of green wedge planning.

Council is strongly opposed to any option which encourages or requires public open space to be located in transitional locations only. This would directly contradict with the State Government endorsed Chain of Parks concept which provides a network of open spaces and trails through the KGW. The State Government has committed \$25 million to the Sandbelt Chain of Parks project, which will provide a pathway, linking parks through the Green Wedge from Karkarook Park to Braeside Park and will include a number of open spaces. The validity of this important open space outcome is not dependent on its proximity to the UGB or existing

residential areas. It is also noted that the Chain of Parks benefits residents from surrounding municipalities, including Monash, Glen Eira and Greater Dandenong.

- *Planning for future infrastructure and energy needs*

While there are no specific options within this subsection, Council wishes to express the strongest possible objection to the suggestion in relation to waste and resource recovery that:

'Appropriate locations for waste and recovery infrastructure need to be identified and safeguarded, including those which are already in operation where they make a significant contribution to our resource recovery capacity. Options to repurpose suitable land, such as former extractive sites, in green wedge and peri-urban land should be explored.'

The KGW has, for many years, been transitioning out waste and resource recovery as the Chain of Parks project is realised and notes that waste and resource recovery is not a suitable outcome for the Kingston Green Wedge. This position was reinforced by the Minister's approval of Planning Scheme Amendment C143, which prohibited the continuation and establishment of these uses within the northern part of the KGW, now included in the GWAZ. The adopted Kingston Green Wedge Management Plan (2012) seeks to further explore this outcome for the balance of land zoned GWZ.

Council does not support the establishment or continuation of waste and resource recovery industries within the KGW as these uses are located more appropriately within industrial areas. This outcome would run directly contrary to the State Governments financial and policy support of the Chain of Parks Project and would like to enliven limited life permissions or lead to new permissions being sought in areas directly identified to transition into the Chain of Parks.

In this regard Council notes that page 55 of the Consultation Paper states that (emphasis added):

*There are a considerable number of discretionary uses that are permitted on rural zoned land in green wedge and peri-urban areas, subject to approval. **Most of these uses are relevant and appropriate complementary uses that support the policy objectives and intent of agricultural, tourism, recreational, infrastructure, resource extraction and rural industry pursuits.** However, regular review of the appropriateness of the conditions under which these uses are allowed is necessary to achieve the broader objective of protecting and enhancing green wedge and peri-urban values.*

Council submits that any use that is not a '*...relevant and appropriate complementary use that support(s) the policy objectives and intent of agricultural, tourism, recreational, infrastructure, resource extraction and rural industry pursuits*' should be strongly discouraged in the Green Wedges, especially where such uses conflict with the listed Green Wedge purposes.

Council also strongly contends that this approach of contemplating Industrial nested uses pursuant to Clause 73.04-5 (particularly Materials Recycling) into Green Wedges directly contradicts the resolved position of the Victorian State Government with respect the Melbourne Industrial and Commercial Land Use Plan (MICLUP), regarding the role intended for Industrial zoned land. As a municipality with a very significant amount of Industrial zoned land it is evident that a large number of materials recycling businesses have appropriately established in locations they are encouraged by the Planning Scheme. This policy approach is consistent with that taken throughout many cities in the world, that are often more substantially space constrained than Melbourne, where critical resource recovery activities adapt and operate in Industrial Areas without encroaching into non-urban areas. Allowing these uses in Green Wedge Areas distorts the level playing field intended to be created through the planning system of dictating where Industrial uses should and should not be located.

It is further noted that page 91 of the consultation paper refers to a metropolitan landfill within Clayton South. This reference is incorrect as there are no remaining landfills within Clayton South.

- *Manage discretionary and other uses of land*

As noted above Council supports further clarity and guidelines regarding discretionary uses, however, has concerns in relation policy options which seek to encourage their location adjacent the UGB, adjoining a Road Zone.

Council reiterates its concerns in relation the extent to which such policy changes may lead to a potential proliferation and surge in market interest for the establishment of schools and places of worship adjacent the UGB. Such an outcome would, over time, lead to a blurring of the UGB as opposed to the desired separation between 'Green Wedge' uses and uses which are required to service the 'urban population'. It is also noted that Council has received a significant number of planning applications for schools and places in the green wedge in the past.

Further analysis is required as to the potentially unintended consequences of this approach.

Council notes the statement on page 54 that "*As of right uses are preferred primary land uses, while discretionary uses are considered appropriate when the proposal is considered to have satisfied the conditions prescribed in policies and planning controls of the planning scheme*" Council agrees with this statement and further submits that the main purposes and priorities for green wedges should be clearly identified as:

- *Agriculture (horticulture and grazing)*
- *Biodiversity/environmental conservation*
- *Parkland*
- *Rural open landscapes*

These uses are as of right in the green wedge and should be protected.

It is noted that page 55 of the consultation paper discusses golf courses and notes that "*It is generally agreed that land with extensive open space requirements that is used for outdoor recreation, such as golf courses and sports training facilities, can be appropriately situated in some green wedge locations rather than occupy scarce land close to transport and services within the UGB*" Council considers that this option should specify that these uses should not generally be able to establish on viable farmland or environmentally significant land.

Improving design and development in green wedges to respond to the surrounding landscape

- *implement design and development guidelines*
- *introduce design requirements*

Council considers that design and development guidelines should be able to be mandated within the scheme by a particular provision or overlay, such as a Design and Development Overlay with schedules allowed to tailor them having regard to the KGW. Council's GWMP contains a number of typologies that are regularly applied to statutory planning applications and these have been challenged at VCAT on a number of occasions. Council's GWMP speaks to the need for specific design and development typologies to be mandated within the planning scheme and Council supports this option.

Subject to the inclusion of further ESD objectives, Council supports the design elements drafted by DELWP, noting that they would need to be considered within the context of the KGW and the existing typologies contained within the existing KGWMP. Council would be pleased to test these elements on current applications within the KGW if that would assist DELWP in refining these elements.

Council looks forward to working with DELWP as the outcomes of the Consultation Paper are refined and implemented and would welcome the opportunity to provide further input to this process.

Please feel free to contact Paul Marsden, Manager City Strategy on [REDACTED] or via email [REDACTED] should you have any queries on the content of this submission.

Yours sincerely



Cr Steve Staikos
MAYOR