

Planning and Environment Act 1987

Panel Report

Wyndham Planning Scheme Amendment C202

**Werribee South Green Wedge Policy and Management
Plan**

Front page

16 May 2017

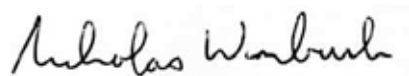
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Wyndham Planning Scheme Amendment C202

Werribee South Green Wedge Policy and Management Plan

16 May 2017



Nick Wimbush, Chair



Amanda Cornwall, Member

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Panel process.....	3
1.3 Procedural issues.....	4
1.4 Issues dealt with in this report.....	5
2 Planning policy and strategic context.....	6
2.1 Planning policy framework.....	6
2.2 Ministerial Directions and Practice Notes.....	12
2.3 Discussion and conclusion.....	12
2.4 Recommendation.....	13
3 Specific issues	14
3.1 Viability of farming in the Intensive Agriculture Precinct.....	14
3.2 Impact of Wyndham Harbour on the Intensive Agriculture Precinct.....	18
3.3 Rifle Range Road precinct – east of the D1 Drain.....	22
3.4 Point Cook Road, Point Cook.....	25
3.5 Discussion.....	26
3.6 Conclusions.....	28

Appendix A Submitters to the Amendment

Appendix B Documents tabled at and after hearing

List of Tables

	Page
Table 1: Parties to the Panel Hearing.....	3
Table 2: Council proposals in submissions to Victorian Government.....	16

List of Figures

	Page
Figure 1: Werribee South Green Wedge Boundary.....	1
Figure 2: Location of Rifle Range Road precinct.....	23
Figure 3: Werribee Irrigation District map.....	24

List of Abbreviations

Council	Wyndham City Council
DELWP	Department of Environment, Land, Water and Planning
IAP	Intensive Agriculture Precinct
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PMP	Werribee South Green Wedge Policy and Management Plan
SPPF	State Planning Policy Framework
UGB	Urban Growth Boundary
VPP	Victorian Planning Provisions

Executive summary

(i) Summary

Wyndham Planning Scheme Amendment C202 (the Amendment) is a 'policy neutral' amendment to introduce a new Werribee South Green Wedge Policy and Management Plan (2016) into the scheme to replace a 2010 version and make a change in designation of some areas immediately outside the Urban Growth Boundary from 'Dryland Precinct' to 'strategic buffer'.

The area affected is Werribee South outside the Urban Growth Boundary, an area with a long history of intensive agriculture or 'market gardening' and more recently home to development of the Wyndham Harbour precinct.

There were 45 submissions to the Amendment, and the large majority of these went to the broader issue of the future of the Werribee South Intensive Agriculture Precinct, the challenges the precinct is facing, and possible alternative futures for the area.

Wyndham City Council in supporting the Amendment rightly pointed out that while they have sympathy for farmers in the area, and are working hard on advocacy for them, the issues raised do not go to changes in this Amendment. The issues are larger and go to land use and planning decisions around agricultural policy and the Urban Growth Boundary which are the domain of State Government.

The Panel agrees, and whilst it has tried to reflect the concerns put to it in submissions and the Hearing, supports the Amendment as exhibited.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends:

- 1. Adopt Wyndham Planning Scheme Amendment C202 as exhibited with minor changes to reflect the accurate mapping of Cunningham Swamp.**

1 Introduction

1.1 The Amendment

(i) Amendment description

As described in the Explanatory Report, Amendment C202 proposes to amend the Wyndham Planning Scheme to:

- *Replace references to the Werribee South Green Wedge Policy and Management Plan 2010 in Clauses 21.03-3, 21.03-4, 21.05-3 and 21.11-6 with references to Werribee South Green Wedge Policy and Management Plan 2016.*
- *Replace reference to the Dryland Farming Precinct in Clause 21.11-2 with reference to a strategic buffer.*

The Wyndham City Council (Council) prepared the Amendment (as proponent and Planning Authority) and the Department of Environment, Land, Water and Planning (DELWP) under delegation authorised it on 29 April 2016.

Council stated that the terminology is being changed from 'Dryland Farming Precinct' to 'strategic buffer' due to the movement of the Urban Growth Boundary (UGB), but the intent of the buffer has not changed.

The Amendment applies to the green wedge land shown in Figure 1.



Figure 1: Werribee South Green Wedge Boundary

(ii) Purpose of the Amendment

Werribee South is one of two green wedges within Wyndham. It is considered to be of both local and state significance, in particular in relation to its agricultural values. The Werribee South Green Wedge consists of a number of precincts including:

- the Intensive Agricultural Precinct (IAP)
- Werribee South Township Precinct
- Marina Precinct
- Parks, Waterways and Wetlands Precinct
- Western Treatment Plant Precinct
- Tourism Precinct
- strategic buffer (previously Dryland Farming Precinct).

The Wyndham Planning Scheme currently contains the 2010 Policy and Management Plan (2010 PMP) as a reference document. The purpose of the plan is to bring together a consistent policy for the entire Werribee South Green Wedge to provide clarity and certainty, and to ensure land uses are planned for and managed in an integrated and sustainable manner.

Council stated that the Amendment is required to implement the revised 2016 Policy and Management Plan (2016 PMP) as a reference document in the Wyndham Planning Scheme. Council submitted that its review of the 2010 PMP was consistent with *Planning Practice Note 31: Preparing a Green Wedge Management Plan*, and that the changes do not alter the original policy of the 2010 PMP version.¹ Changes include:

- revised maps
- greater explanation in relation to a green wedge management plan
- addition of a Wyndham Harbour section, including objectives.

Council noted that a number of significant planning framework changes have taken place since the 2010 PMP and these include:

- the introduction of Plan Melbourne 2014 and now 2017-2050
- the development of the Wyndham Harbour
- the State Government's 2011 'logical inclusions process', which resulted in changes to the UGB.

(iii) The subject land

The Amendment applies to the Werribee South Green Wedge, which is an area bound by the Port Phillip Bay coastline to the south, the UGB to the northeast, the Princes Freeway to the northwest, and Little River (south of the Princes Freeway).

The IAP at Werribee South consists of approximately 3,000 hectares of land used for intensive agriculture. The IAP generates a significant proportion of the total annual Victorian production of many vegetables. Council submitted that according to the Australian Bureau of Statistics data on Agricultural Commodities in Australia (2010-11), the district produces 10

¹ That is it is 'policy neutral'.

per cent of Victoria’s vegetable production including 85 per cent of the state’s cauliflower, 53 per cent of the state’s broccoli and 34 per cent of the state’s lettuce.

1.2 Panel process

The Council placed the Amendment on public exhibition between 26 May and 15 July 2016. Council received a total of 45 submissions including two late submissions. Of these:

- 39 submissions objected to or requested changes to the Amendment
- six submissions supported the Amendment or provided no objection to the Amendment.

One of the submissions objecting to the Amendment contained 19 signatories and another contained eight signatories. Council treated each signatory as an individual submission.

The main issues raised in submissions include:

- rezoning/removal of the Werribee South Green Wedge and expansion of the UGB
- viability of farming in the IAP
- concerns about the impact of development at Wyndham Harbour on farming activities
- concerns about renaming the Dryland Farming Precinct to ‘strategic buffer’.

At its meeting of 28 November 2016, Council resolved to refer the submissions to a Panel. A Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 16 December 2016 and comprised Nick Wimbush (Chair) and Amanda Cornwall.

The Panel held a Directions Hearing in relation to the Amendment on 27 February 2017 in Melbourne.

The Panel met at Wyndham Civic Centre, Werribee on 30 March 2017 to hear submissions about the Amendment. A list of those attending the Panel Hearing is set out in Table 1.

Following the hearing the Panel members undertook an unaccompanied inspection of the Green Wedge precincts including: the Werribee South Township; the Marina and Wyndham Harbour, parts of the IAP; specific features of the Point Cook RAAF Base, the Green Wedge buffer (Remnant Dryland precinct), parts of the UGB interface, the Campbells Cove foreshore and Rifle Range Road.

Table 1: Parties to the Panel Hearing

Submitter	Represented by
Wyndham City Council	Adeline Lane of Maddocks Lawyers
Joe Schembri	Glenn Kell of Planning Central
Daphne Karantzouli	
Charlie Gauci	Greg Wood of Tract
Arthur Gigas	Greg Wood of Tract
Velisha Families	Brad Matheson
John Faranda	

1.3 Procedural issues

(i) Post exhibition changes supported by Council

At the Directions Hearing Council advised that one of the submissions during the exhibition period identified a minor discrepancy in mapping. The discrepancy affects:

- Clause 21.03 – maps 2 and 3
- Figures 10 and 16 of the 2016 PMP.

The mapping discrepancy relates to the extent of Cunningham Swamp in the future Aviators Field Precinct Structure Plan (PSP). This area is outside of the Werribee South Green Wedge, but Cunningham Swamp is identified on a number of maps. Council's Part A submission indicated that it will update the maps to ensure consistency with other maps and figures across policy documents and reflect the current DELWP data for Cunningham Swamp.

At the Panel Hearing Council tabled copies of the map using the latest datasets from DELWP.

(ii) Submissions seeking to extend the UGB

Most written submissions (37 out of the 45) directly or indirectly made a request to rezone land or remove the Werribee South Green Wedge and expand Melbourne's UGB.

Council's submission requested the Panel not to entertain those suggestions and to reject them because the Panel cannot make recommendations that would result in changes to the UGB. Any amendment to the UGB or changes to controls on green wedge land must be ratified by the Victorian Parliament under section 46AG of the *Planning and Environment Act 1987* (the Act).

The Panel Chair stated at the Hearing that as the submissions had been referred by Council that the Panel would hear the issues raised by submitters but made it clear that the Panel is not able to recommend changes that would alter the UGB.² The Panel's role is to report its findings and make recommendations to the Council as the planning authority.

The submitters at the Panel Hearing did not pursue the proposals in their original submissions to amend the UGB or remove the Green Wedge so the Panel was not required to make a ruling on the matter; the submitters at the Hearing focused on either specific precincts or the broader issue of farming in the IAP.

(iii) Late changes to position at hearing

Council requested more time to respond to issues that were not in the written submissions raised during the Panel Hearing by submitters. In particular the submission of Tract on behalf of Mr Arthur Gigas and Mr Charlie Gauci sought changes to the PMP that were not in the written submission. Mr Brad Matheson on behalf of the Velisha families also presented new proposals for land uses within the IAP.

² A Panel can make recommendations to the Minister for Planning under section 25A to amend the Victoria Planning Provisions, but this does not include a change to the UGB.

Council sought more time to provide a considered response to these 'new' submissions. The Panel allowed council two weeks after the Hearing to provide the additional response; this was received on 13 April 2017.

The Chair requested that Council meet with Tract prior to developing this further submission to explore any common ground.

In their additional response Council reported that Council officers met with Mr Wood on 7 April 2017 but he had no further information to put forward. The Council's response is discussed in chapter 3.

The Panel also requested Mr Matheson provide a written version of his oral presentation at the Hearing within one week, to which he agreed. A written submission, however, was not forthcoming.

1.4 Issues dealt with in this report

The Panel has considered all written submissions made in response to the exhibition of the Amendment, further submissions presented to it during, and after, the Hearing and observations from the site visit. The Panel has been selective in referring to the more relevant or determinative material in the report. The Panel has considered all submissions and materials in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning policy and strategic context
- Specific issues:
 - Viability of farming in the IAP
 - Impact of Wyndham Harbour on the IAP
 - Rifle Range Road precinct - east of the D1 Drain
 - Point Cook Road, Point Cook.

2 Planning policy and strategic context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant controls and planning strategies.

The relevant policy frameworks that provide the context for considering Amendment C202 are as follows:

- The State Planning Policy Framework (SPPF)
- The Local Planning Policy Framework (LPPF)
- A range of specific policies and strategic studies including Plan Melbourne, the existing 2010 PMP and the Logical Inclusions process.

Beyond the planning issues there are important matters of water infrastructure and pricing, roads infrastructure and state and federal government agriculture policies. These issues are included in this chapter as they provide context for state and local planning policy.

2.1 Planning policy framework

(i) State Planning Policy Framework

Council submitted that the SPPF supports the Amendment in the following clauses.

Clause 11.04-7 (Green wedges) – this clause seeks *“To protect the green wedges of Metropolitan Melbourne from inappropriate development”*. Specifically, it includes strategies (most relevant) to:

- *Ensure strategic planning and land management of each green wedge area to promote and encourage its key features and related values.*
- *Support development in the green wedge that provides for environmental, economic and social benefits.*
- *Consolidate new residential development within existing settlements and in locations where planned services are available and green wedge area values can be protected.*
- *Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.*
- *Protect areas of environmental, landscape and scenic views.*

Clause 11.05-2 (Melbourne's hinterland areas) – this clause seeks to manage growth in Melbourne's hinterland, the area immediately beyond Metropolitan Melbourne and within 100 kilometres of Melbourne's Central city. Specifically, it includes strategies (most relevant) to:

- *Provide for development in selected discrete settlements within the hinterland of Metropolitan Melbourne having regard to complex ecosystems, landscapes, agricultural and recreational activities in the area.*

Clause 11.05-5 (Coastal settlement) – this clause aims *“To plan for sustainable coastal development”*.

Clause 12.02-1 (Protection of coastal areas) – this clause seeks *“To recognise and enhance the value of the coastal areas to the community and ensure the sustainable use of natural resources”*.

Clause 12.02-4 (Coastal tourism) – this clause seeks *“To encourage suitably located and designed coastal and marine tourism opportunities”*.

Clause 12.04-2 (Landscapes) – this clause seeks *“To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments”*.

Clause 14.01-1 (Protection of agricultural land) – this clause seeks to protect productive farmland that is of strategic significance both locally and regionally. Relevant strategies include:

- *Ensure the State’s agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.*
- *Permanent removal of productive agricultural land from the State’s agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.*
- *Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.*

Clause 14.01-2 (Sustainable agricultural land use) – this clause is focused on encouraging sustainable agricultural land use. Relevant strategies include:

- *Encourage sustainable agricultural and associated land use and support and assist the development of innovative approaches to sustainable practices.*
- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibility to market changes.*

Clause 16.02-1 (Rural residential development) – this clause seeks *“To identify land suitable for rural living and rural residential development”*. Relevant strategies include:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:*
 - *Maintaining the long-term sustainable use and management of existing natural resources attributes in activities including agricultural production, water, mineral and energy resources*
- *Ensure land is not zoned for rural living or rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives.

Clause 21.03-1 (Biodiversity) – this clause seeks to improve the environmental health and protection of waterways and coastlines. One relevant strategy is: *“Protect and enhance waterways and coastal land as identified on Maps 3 and 4 (Conservation Map and Coastal and Werribee South Precinct Map)”*.

Clause 21.03-2 (Significant environments and landscapes) – this clause seeks *“To safeguard the visual, natural and cultural heritage values of urban and rural landscapes”*.

Clause 21.03-3 (Coastal areas) – this clause seeks to protect, manage and enhance the identified coastal values of Wyndham, and to protect and enhance the Werribee South coastline. Strategies include:

- *Protect private land and the right to farm along the Werribee South coastline*
- *Manage the interface and minimise conflicts between the activity in public areas and activity in adjoining private agricultural and domestic areas*
- *Ensure the development of the Wyndham harbour site is socially and environmentally responsive to the surrounding agricultural environs*
- *Contain urban development around the Wyndham harbour within the boundaries of the Special Use Zone.*

Clause 21.05-1 (Agriculture) – this clause seeks to preserve the agricultural areas of the municipality, and to protect agricultural land in the Intensive Agriculture Precinct from incompatible uses. Strategies include:

- *Retain productive land as identified on the Coastal and Werribee South Precinct Map (Map 4 of the MSS) for agriculture purposes*
- *Consider the impact of non-agricultural activity on agricultural production*
- *Consider the need to buffer and protect existing agricultural activities*
- *Ensure consolidation of rural allotments*
- *Encourage re-alignment of lot boundaries if it supports farm viability of agricultural activity*
- *Minimise loss of productive and within the Intensive Agriculture Precinct by encroachment or expansion of surrounding precincts*
- *Discourage new Intensive Animal Husbandry and Broiler Farms in precincts east of the Werribee River (south of the Princes Highway) and within the UGB*
- *Ensure that agriculture takes precedence over non-agricultural land uses in the Intensive Agriculture Precinct*
- *Ensure the siting of dwellings minimises the potential conflict with farming activities*
- *Ensure that rural stores are primarily used to load and transport agricultural produce from the precinct*
- *Ensure that deposits or loading facilities that accommodate heavy articulated vehicles located on Duncans Road, Diggers Road or Aviation Road (east of Duncans Road)*
- *Ensure new buildings and vegetation are set back an appropriate distance from any boundary adjoining productive agricultural land.*

Clause 21.05-2 (Waterways) – this clause aims to protect waterways and wetlands, and includes the following strategies:

- *Protect, enhance and reinstate environmental values of the waterway*
- *Ensure that development minimises loss or damage to waterway values*
- *Encourage connectivity of waterways to open space and other natural environment and landscape features*
- *Protect and restore native vegetation corridors along waterways*
- *Establish an appropriate buffer to protect the environmental values of a waterway corridor from negative impacts of development.*

Clause 21.08-1 (Economic growth) – this clause aims to facilitate new development and employment opportunities in Wyndham, and includes the strategy: *“Ensure adequate land availability for industrial and commercial growth”*.

Clause 21.08-4 (Tourism) – this clause seeks *“To identify and promote new tourism investment”*. It includes the strategies:

- *Encourage new tourism operations in the Werribee South Tourism and Harbour precincts*
- *Ensure new tourism operations within the Intensive Agriculture Precinct are agriculture related or have a significant agriculture component*
- *Link tourism and recreational assets across Green Wedges.*

Clause 21.11-3 (Werribee South Township) – this clause identifies the proximity of the township to the intensive agriculture precinct. A sensitive residential-rural interface exists that must be planned in a way that ensures that agricultural land is protected, along with protecting the viability of the township. An aim of the policy includes:

Manage the development of Werribee South to avoid overdevelopment, protect the adjoining rural precincts from any detrimental impacts that might arise from the townships development, and further prevent expansion of the townships into the surrounding rural precincts.

Clause 21.11-4 (Wyndham Harbour) – this clause identifies Wyndham Harbour as one of the largest marinas to be built on Port Phillip Bay. The policy includes the following aims:

- *Support development of the planned Wyndham Harbour*
- *Provide for a safe, functional and visually attractive harbour as part of an integrated marina and residential development*
- *Ensure the use and development of the marina is compatible with existing uses in the vicinity*
- *Ensure that development is responsive to the adjoining agricultural environs and does not encroach into the Intensive Agricultural Precinct*
- *Manage the development of Wyndham Harbour to protect the adjoining rural precincts from any detrimental impacts*
- *Prevent its further expansion into the surrounding rural precincts.*

Clause 21.11-5 (Werribee South and Western Plains South Green Wedges) – this clause seeks *“To ensure that any proposed use or development is generally consistent with any adopted Green Wedge Management Plan”*. An aim of the policy includes:

- *Protect and enhance sites of environmental significance on public and private land within green wedges.*
- *Recognise the Werribee South Intensive Agriculture Precinct as a primarily agricultural area, promoting the continuation of agricultural activity and protecting farming activities from non-agricultural uses.*
- *Maintain the Dryland Farming Precinct in the Werribee South Green Wedge as a strategic buffer between urban development and the Intensive Agriculture Precinct.*
- *Protect agricultural land within the Intensive Agriculture Precinct from incompatible land uses.*

(iii) Other planning strategies or policies used in formulating the Amendment

Green Wedge Management Plan (2010)

This document was introduced into the Wyndham Planning Scheme as a reference document as a consequence of Amendment C93. It was prepared in 2010 when the Melbourne 2030 update Melbourne@5 million was the metropolitan strategy. In 2014 Plan Melbourne was introduced. Since the gazettal of the 2010 PMP the development of Wyndham Harbour has commenced so the 2016 PMP discusses Wyndham Harbour in greater detail. The 2016 document also introduces objectives for the marina precinct which align with those specified in the Municipal Strategic Statement (MSS).

Plan Melbourne 2017-2050

On 11 March 2017 a revised Plan Melbourne was released. Plan Melbourne 2017-2050 reaffirms the importance of the green wedges and the permanent UGB for Melbourne. Policy 2.1.1 on page 47 states as follows:

Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city.

Maintaining a permanent urban growth boundary send a clear message about the long term development priorities for Melbourne and Victoria. Those priorities include:

- *Reducing urban sprawl*
- *....*
- *Protecting the values of non-urban land, opportunities for productive agricultural land and significant landscapes.*

A permanent urban growth boundary will be maintained to contain Melbourne's outward growth.

Plan Melbourne also highlights the importance of Victorian green wedge land and peri-urban areas in supporting Melbourne through food production, critical infrastructure (such as water supply catchments and airports), sand and stone supply, biodiversity, recreation and tourism.

Key Direction 1.4 is 'Support the productive use of land and resources in Melbourne's non-urban areas' for which further context is provided at page 40 as follows:

Melbourne's green wedges and peri-urban areas are immensely important to the state's economy, community and environment and support a wide range of non-urban land uses and activities. For instance, some of Victoria's most productive agricultural land is located within these areas...

These areas accommodate businesses that need buffers from residential and incompatible land uses. Non-urban land uses in the green wedges and peri-urban areas should be carefully planned and managed to avoid irreversible land use change and support their ongoing productivity.

Policy 1.4.1 is 'Protect agricultural land and support agricultural production'. It provides:

Agricultural production in green wedges and peri-urban areas are vital to Melbourne's long-term food security due to its proximity to markets, access to infrastructure and labour, and quality soils. Agricultural areas are also important agrifood tourism destinations as well as acting as green buffers for urban areas.

In green wedges and peri-urban areas, competing land uses (such as urban development and rural living) threaten agricultural production. Councils need support to maintain the long-term economic and social value of agricultural production.

Agricultural land in green wedges and peri-urban areas should be retained for productive use so it is not permanently lost.

The 5-Year Implementation Plan for Plan Melbourne states at Action 17 at page 11:

Action 17: Support strategic planning for agriculture

Improve planning decision-making to support sustainable agriculture by identifying areas of strategic agricultural land in Melbourne's green wedges and peri-urban areas. This will give consideration to climate change, soils and landscape, access to water, integration with industry and significant government investment in agricultural infrastructure. It will also protect the right to farm in key locations with the green wedges and peri-urban areas.

Plan Melbourne 2017–2050 specifically outlines a number of desired planning outcomes for green wedges and peri-urban areas. Environmental and biodiversity assets such as coastal areas, wetlands, rivers and creeks, forests and grasslands are key features of international and state significance such as Ramsar-listed wetlands (Port Phillip Bay-Western Shoreline). Planning for agricultural land includes protection from non-compatible uses, maintain farm size, promote the continuation of farming and provide a secure long-term future for productive and sustainable agriculture. It identifies Werribee South as a key agricultural area of Victoria (page 91).

The Logical Inclusions Process and Logical Inclusions Advisory Committee – Report No. 4 West Growth Area

In 2011, following changes in the UGB in 2009 the State Government announced a logical inclusions process. Report No 4 related to the west growth area and outlined strategies and issues in relation to peri-urban agricultural practices in the Wyndham area.

The State Government changed the UGB as a result of the 'logical inclusions process'. It moved the UGB to include land within the Werribee South Green Wedge that was previously identified as the Rural Residential Precinct and Dryland Farming Precinct. These areas no longer form part of the Werribee South Green Wedge with the exclusion of a small remaining area between the Point Cook RAAF base and the UGB to the north. These changes were facilitated by Amendment C180 (2012).

2.2 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and the associated Planning Practice Note 46 (Strategic Assessment Guidelines).

The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

(ii) Planning Practice Notes

PPN31 – Preparing a Green Wedge Management Strategy

The Amendment is consistent with this Practice Note which provides that a Green Wedge Management Plan should:

- *Establish a clear monitoring and review process to ensure the plan remains relevant and its performance can be measured. This should involve determining appropriate indicators and a commitment to review the plan in five years.*

PPN62 – Green Wedge Planning Provisions (June 2015)

The Amendment is consistent with this Practice Note which provides information and advice about Part 3AA of the Act, Core Planning Provisions for the Metropolitan Green Wedge and the application of zones to green wedge land in the context of the reformed rural zones September 2013.

2.3 Discussion and conclusion

The Panel agrees that the Amendment is policy neutral and does not introduce new strategic planning themes into the Wyndham Planning Scheme, but rather updates the PMP in the scheme.

The Panel is satisfied that the change in terminology from 'Dryland Farming Precinct' to 'strategic buffer' reflects changes to the UGB that have resulted in urban development to the north of the RAAF base. The intent of the strategic buffer has not changed and it

supports potential land uses appropriate to the strategic buffer area. Mr Schembri was the only submitter on the issue and now agrees that the changes are policy neutral.

The Panel agrees that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes.

The Panel concludes that the Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the specific issues discussed in chapter 3.

2.4 Recommendation

The Panel recommends:

Adopt Wyndham Planning Scheme Amendment C202 as exhibited with minor changes to reflect the accurate mapping of Cunningham Swamp.

3 Specific issues

3.1 Viability of farming in the Intensive Agriculture Precinct

(i) Background

A common issue raised in submissions 35 of 45 was the ongoing viability and sustainability of farming in the Werribee South IAP.

Council's submission noted that Werribee South farmers pay the highest price in Victoria for the poorest quality water. This reduces crop yield, soil quality and increases the cost of combating water salinity. It noted that Werribee South farmers face multiple challenges because of pressures from climate change and urban expansion. The greatest problem is the cost, reliability and quality of water for irrigation (including salinity). Less water is available for irrigation since the millennium drought. The aquifer is closed and there is less water available from the Werribee River. Southern Rural Water has made recycled water available following upgrades to its infrastructure but in drier years farmers can receive only a small proportion of their nominal water allocation.

Council's submission also noted that urban expansion has put pressure on the cost of land in the IAP. Lot sizes within the IAP are relatively small. Only 3.2 per cent of land holdings are more than 15 hectares and 32 per cent are less than 0.4 hectares. The estimated number of farm management holdings was approximately 90 in 2015, down from 130 in 2002 (based on figures from Southern Rural Water). Farmers have consolidated their farm management holdings more through leasing than land sales.

(ii) Submissions

Mr Brad Matheson, representing the Velisha families at the Panel Hearing, stated that farming is no longer financially viable in Werribee South. He submitted that the IAP as a food bowl for Melbourne is a fallacy because of the cost of the water, problems with water quality and unreliable supply.

Warren Velisha told the Panel Hearing that Werribee South farmers cannot compete with Gippsland farmers who pay \$100 per gegalitre of water which is reliable and high quality, while Werribee South farmers pay \$400 per gegalitre for poor quality water that is unreliable.

In response to a question from the Panel Chair he stated that even if Southern Rural Water could fix the problems of the cost, quality and security of water other factors make intensive agriculture unsustainable. They include the high cost of land, which makes consolidation of farming properties impractical, small plot sizes and high council rates compared to other farming areas. He told the Panel that he is achieving some economies of scale by increasing the area he is farming. He can only achieve that by leasing lots that are spread across a wide area, which offsets the potential benefits.

Ms Daphne Karantzouli stated at the Panel Hearing that she is a third generation farmer but she sees no future for young people to continue farming in Werribee South. She stated that the upgrading of the channel system is commendable but it is no guarantee of water security and the cost of water will remain too high.

Mr George Gigas in a supplementary written submission to the Panel (he did not appear at the Panel hearing) stated that many market gardeners had no choice but to give up farming and lease their farms 'for peanuts'. He submitted that these farmers have gone into deeper and deeper debt on irrigation water arrears and cannot afford to stay in farming. He submits that Council's policy supports the situation.

He states that his neighbours who grew vegetables to supply the war effort during World War 2 had to give up farming due to debt. He states that they could not get sufficient clean irrigation water, could not use their own bore water as it may lower the aquifer, and although water was available from Yan Yean the cost was prohibitive. He also expressed the view that the recycled water 'is filthy', leaves the vegetables with the 'stench of human excreta' and is not fit for use on the type of vegetables grown in Werribee South.

(iii) Council submission and response

Council's submission sets out its many activities on behalf of farmers in the IAP, particularly on locking down the UGB and water issues.

Advocacy with and for farmers

In October 2013, 43 farmers and landowners in Werribee South presented a petition to Council on profitability, land quality, concerns about the proposed marina, traffic issues and the quality, cost and volume of water. In response, in late 2014 Council conducted a survey of landowners in the Werribee South Green Wedge to collect data on the opportunities and challenges in the IAP. In June 2015, Council appointed SED consultants to facilitate a workshop with farmers and landowners in Werribee South.

Council organised another meeting in March 2016 attended by an estimated 100 Werribee South growers and landowners. Attendees expressed their views on water insecurity, quality and cost, and landowners who saw farming as unviable made requests for rezoning.

Council submitted that following the 2015 SED workshop Council representatives met with:

- an adviser to the Commonwealth Minister for Agriculture and Water Resources, the Hon Barnaby Joyce seeking support for funding to Southern Rural Water to upgrade irrigation infrastructure
- the Hon Tim Pallas, Member for Werribee and Victorian Treasurer to seek support for funding for Southern Rural Water to upgrade irrigation infrastructure and action to address high farm land costs which are partly due to land speculation in the Werribee South Green Wedge
- the former Department of Transport, Planning and Local Infrastructure to discuss issues raised at the SED workshop.

The meeting with farmers in March 2016 requested Council to organise an urgent meeting with the State Government but the government did not accept a request for a meeting. In September 2016 the Minister for Planning wrote to Council. The letter stated that the Victorian Government has committed to protecting sensitive rural and environmental land from conflicting uses and encroachment, and fixing the UGB. The letter also referred to Water for Victoria, under which the government is addressing water quality and availability for farmers across Victoria, including in Werribee South.

The Council submitted that it has sought a meeting with the Minister for Agriculture and Minister for Regional Development Victoria since the beginning of 2017.

Water issues, the UGB and green wedge

Council's submission also describes its work with Southern Rural Water to support the upgrade of IAP water infrastructure, and its advocacy for the Victorian Government to fund it. In 2015 Council commissioned an economic analysis to support a business case for the upgrade to be fully funded by government. Council's policy was in contrast to Southern Rural Water's policy of 'beneficiary pays'. Council's submission to the Australian Government Agricultural Competitiveness White paper 2015 states that this is because of the significant public benefit provided by the IAP. It states that the public benefit is '*... as a provider of quality, safe food, not just for the local community, but for all of the country ...*'

Council stated that the State Government will provide \$11.4m for Stage 1 of the irrigation upgrade for Werribee South, which represents a third of the total cost of \$31m. In February 2107, as part of its Pre-Budget submission, the Council requested the State Government to provide a further \$20m required to complete irrigation pipeline modernisation.

Council set out its proposals to address the water pricing and land use planning issues in the Werribee South IAP made in various submissions to the Victorian Government in 2015, 2016 and 2017. The proposals are summarised in Table 2 below.

Table 2: Council proposals in submissions to Victorian Government

Policy paper	Council position
Plan Melbourne Refresh 2015	<p>Council proposed (at page 19 of its submission) that the Victorian Government:</p> <ul style="list-style-type: none"> - Lock down a permanent UGB that protects Melbourne's remaining green wedges, biodiversity values, and agricultural land from urban encroachment; and - Support farming in the peri-urban areas by providing security of water supply, quality of supply (i.e. appropriate salinity levels), and appropriate water pricing. <p>Council supported more articulation of the values of the green wedges and peri-urban areas. It stated that an adjustable UGB tends to fuel land speculation, which in turn raises the value of land beyond agricultural land use.</p> <p>Council urged the State Government to provide security of water supply at an appropriate price through measures including:</p> <ul style="list-style-type: none"> - fast tracking modernisation of the water network - a review of water pricing arrangements, especially where water is not received - integrated water grid management across the whole water supply network - assistance/exit strategies for farmers during unviable periods.
Water for Victoria discussion paper,	Council's submission stated:

- 2016
- clarity is required on the level of government investment and support for supplying alternative sources of water for agriculture
 - the way water entitlements work are poorly understood and appear to lack transparency which leads to further frustration and discontent among the farming community
 - funds to support the upgrade of irrigation infrastructure not yet fully funded, represents only one third of cost, relies on federal money which is not guaranteed and on growers putting in one third
 - irrigation upgrades are just one part of the solution; actions such as targeted industry salinity reduction programs may be necessary.

Pre-budget submission 2017-18 to Victorian Government	Council requested, among other things, the government fund \$10m of the \$20m required to complete irrigation pipeline modernisation for the IAP, and for the government to apply for a further \$10m through the National Water Infrastructure Loans Facility.
---	---

Other measures to support farming in peri-urban areas

Council's submission to the Australian Government's Agricultural Competitiveness White Paper in 2015 recommended that state and federal governments:

- formally recognise the importance of the IAP as supplier of fresh, safe produce in Australia
- commit funds to a full upgrade of the water delivery system urgently
- facilitate collaboration among experts to explore innovative ways to provide greater certainty of water supply during droughts
- invest in key transport infrastructure to ensure growth of the region
- continue to fund food related research and development and target projects that aim to deliver cost and quality efficiencies to growers.

Council also cites a package of recommendations to support agriculture in peri-urban areas in the report of the *Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary* by the Outer Suburban/Interface Services and Development Committee (OSISDC) of the Victorian Parliament in 2010. Council submitted that the recommendations of particular importance are those identified in the SED report on:

- water security, quality, quantity and cost
- right to farm
- land use speculation, land cost and fragmentation
- traffic
- viability of farming.

Council's submission highlighted two recommendations that the then Victorian Government supported and a third that the government 'supported in part':

- That the Victorian Government recognises that the interface is a unique planning area requiring specific planning policies, resources and skills (recommendation 47)
- That the Victorian Government continue to invest in agricultural research and development and ensure that the Department of Primary Industries remains a robust source of advice for the industry (recommendation 52)

- That the Victorian Government provide funding to ensure all interface councils employ - or have access to - agribusiness officers (recommendation 16).

It highlighted recommendations that the government supported 'in principle', including:

- Encourage the Australian Government to develop a national approach to preserve productive agricultural land in rapidly urbanising areas (recommendation 2)
- Stabilise Melbourne's UGB to provide certainty to landholders and agribusiness (recommendation 11)
- Issue a policy statement setting out the values and long-term objectives of Melbourne's green wedges, the roles of government departments in managing the green wedges, and the government's priorities for supporting green wedges (recommendation 14)
- Continued support for the work of agribusiness forums in peri-urban Melbourne by providing advice, funding and other forms of assistance (recommendation 17)
- Direct assistance to agribusinesses to implement best practice farming methods which minimise off-farm impacts on neighbouring properties (recommendation 28)
- Provide advice and practical assistance to peri-urban farmers seeking to establish Community Supported Agriculture schemes (recommendation 63).

Council submitted that it would welcome the Panel recommending that the Minister explore ways to implement the OSISDC inquiry recommendations that the State Government supported or supported in principle in 2010.

3.2 Impact of Wyndham Harbour on the Intensive Agriculture Precinct

(i) Background

One of the key changes in the 2016 PMP is that it recognises the development of Wyndham Harbour, which was only at the planning stage in 2010. The State Government initially proposed Wyndham Harbour in the 1980s and since the 1990s it has been designated as a Special Use Zone. It provides a safe boat harbour, a marina and a residential community. Residents have settled in Wyndham Harbour since 2013 and the development continues to grow as planned.

The 2016 PMP introduces objectives for the marina precinct which align with the provisions in the MSS on green wedges. The objectives include:

- *To ensure development of Wyndham Harbour is socially and environmentally responsive to the surrounding agricultural environs*
- *To encourage tourism and new transport initiatives within the Werribee South area through the Wyndham Harbour development*
- *To ensure the use and development of the marina is compatible with existing uses in the vicinity*
- *To ensure that development is responsive to the adjoining agricultural environs and does not encroach into the IAP*
- *To prevent further expansion into the surrounding precincts.*

As outlined in Chapter 2, the Wyndham Planning Scheme provides for the protection of agricultural land in the IAP from incompatible uses (clauses 21.05). It identifies the key

issues as minimising the loss of productive agricultural land and minimising the impacts of incompatible uses on farming operations. Objective 1 is to preserve the agricultural areas of the municipality and objective 2 is to protect agricultural land in the IAP from incompatible uses. Among the strategies for objective one is:

- *Consider land uses that complement and enhance the viability of agricultural activity.*

Among the strategies for objective two are:

- *Ensure that agriculture takes precedence over non-agricultural land uses in the IAP.*

The scheme also provides for Coastal areas in clause 21.03-3. The objectives are:

- *Objective 4 - To protect, manage and enhancement identified coastal values of Wyndham*
- *Objective 5 - To protect and enhance the Werribee South coastline for environmental, recreational tourism purposes.*

The strategies to achieve Objective 4 include discouraging development in areas along the foreshore where there is the potential for coastal acid sulphate soils, storm wave action and rising sea levels.

Strategies to achieve Objective 5 include: providing for public access to the Werribee South coastline; protecting private land and the right to farm along the Werribee south coastline; and managing the interface and minimising conflicts between activity in public areas and activity in adjoining private agricultural and domestic areas.

The 2016 PMP provides a set of Future Directions, which include: that all land use and development in the precinct must be compatible with agricultural activity; and the protection of farm viability should take precedence over non-agricultural land uses in decision making.

(ii) Wyndham Harbour development

Submission

Ms Karantzouli's submission to the Panel was that the marina development and associated tourism is impinging on agricultural land use. Her submission stated that the farming community needs assurance so that they can continue farming and remain financially viable, which is now in jeopardy. She submitted that the Green Wedge boundary needs to be made clear taking into account the critical issue of water security.

Ms Karantzouli submitted that the definition of Green Wedge is not clear whether it's supporting agriculture, a buffer or something else. She stated that she wants to see the changes in Werribee South stopped and a long-term policy commitment from Council to the primacy of farming activities in Werribee South.

Ms Karantzouli submitted that Council should consider how the Wyndham Harbour development is impacting agricultural land use. She stated that the harbour development and the Werribee Park Tourism Precinct are competing land uses that are undermining agricultural land use. Development activity for Wyndham Harbour has damaged roads to the detriment of farmers and marina residents complain about the smell from agricultural

practices. She cited as an example a roundabout at the entrance to the marina that is an obstacle for tractors.

A number of submitters objected to the continued operation of the IAP around Wyndham Harbour (comprising 24 out of 45 submissions). They complained of mud on the roads, the presence of tractors, unpleasant odours and spray drift and expressed a desire for the harbour to be set in a more sophisticated urban landscape.

Council response

In its response Council stated that the definition and the boundary of the Werribee South Green Wedge is contained in Plan Melbourne 2017 and the SPPF. The continued existence of Wyndham Harbour is therefore unavoidable and to adopt a different position is unsupported. It stated that Clause 21.11-4 of the Wyndham Planning Scheme expresses local support for the development of the Wyndham Harbour and ensuring that it is compatible with existing uses in the vicinity and does not encroach on the IAP.

Council submitted that the 2016 PMP embeds a 'right to farm', which allows landowners and farmers in the IAP to undertake agricultural activities without being unreasonably constrained by adjoining non-agricultural activities.

(iii) Other foreshore development

Submission

Mr Matheson, on behalf of the Velisha families, submitted at the Panel Hearing that there is an immense opportunity for tourism by opening up the foreshore north of Wyndham Harbour to the community. The area is privately owned and part of the IAP. Mr Matheson stated that the Wyndham Planning Scheme should provide for intensive agriculture to continue in some areas of the IAP but allow other uses such development of the foreshore, and use of farmland for schools to serve the growing population within the UGB and Wyndham Harbour. The proposal was not part of the original submission by the Velishas.

Mr Matheson submitted that extensive erosion north of Wyndham Harbour is causing concern about the future development of the foreshore. He stated the farmers want the Council to put resources into stopping the erosion.

Council response

Council's submission in reply rejected Mr Matheson's proposal on numerous grounds. Council submitted that the Panel should consider the changes proposed by Mr Matheson with caution because:

- *making such changes to the reference document at this late stage of its preparation raises a genuine risk of 'planning on the run'*
- *the suggested changes would reorient the direction of the 2016 PMP from a policy neutral review of the 2010 PMP, to a reference document which set out a new statement of policy for an important part of the Werribee South Green Wedge*
- *while much was asserted to the Panel, there was a distinct lack of an evident empirical basis to support the claims made and the policy changes said to flow from the claims made.*

Council also challenged Mr Matheson's claim that all farmers in the area south west of D1 drain would support the proposal. It stated that to Council's knowledge some farmers in that area are investing in innovative farming practices and technologies to support the long term viability of their agribusinesses and are doing well. They have little if any incentive to make a submission in response to the Amendment or urge change to the 2016 PMP.

Council submitted:

- *other written submissions had been received in response to the exhibition of the Amendment to the contrary*
- *not all of the landholders of the IAP under consideration had made submissions*
- *the submission made by Ms Karantzouli to the Panel Hearing expressed frustration with tourist traffic on roads used by farmers, frustration with amenity complaints from the non-farming public about farming activities such as irrigation spray drift onto roads, fertiliser/insecticide spray drift and frustration with the poor quality of local road infrastructure.*

(iv) More flexibility on permitted land uses

Submission

Mr John Faranda's submission sought greater flexibility in the Green Wedge policy to allow land uses within the IAP that complement the Wyndham Harbour development. His submission states that Council issued DNA Fiberglass with a fine for illegally running a boat building business in the Green Wedge. He stated that Council should ... *"get behind anyone trying to establish a business within Wyndham rather than issue warnings and fines"*.

Mr Faranda submitted that the Green Wedge does not reflect the changes that have occurred over the past 20 years. In particular, the Wyndham Harbour development and the fact that there are less than half the number of farm holdings in the IAP than 20 years ago. He submitted that for sentimental reasons the original family members own most of the land and the remaining farmers now lease more than half of the area. He stated that the return on rent represents about one per cent on capital in most cases but third generation owners like himself are reluctant to sell the land and leave.

Mr Faranda submitted that Council should allow land holders to utilise facilities within the IAP that are no longer in use for farming purposes. He gave as an example the potential use of large sheds previously used for drying onions that could be used for boat building activities; farmers no longer grow onions in Werribee South due to the lack of water.

Mr Faranda submitted that the extra income from such businesses would help land owners in the area by supplementing their incomes.

Council response

Council addressed Mr Faranda's issues in summary by submitting:

- the Green Wedge Zone planning provisions are State controls and Council has no ability to change them
- the strategic support for, and approval of Wyndham Harbour had a long planning gestation and the facility is now being constructed

- Council's support for farmers in the IAP is well known and was articulated at length in Council's submission.

3.3 Rifle Range Road precinct – east of the D1 Drain

(i) Submissions

A group of eight farmers who live on Rifle Range Road, Werribee South made a written submission in response to the exhibition of the Amendment seeking to have the UGB moved so that the properties on Rifle Range Road are included within its boundary.

At the hearing Mr Greg Wood of Tract consulting represented two of those submitters: Mr Arthur Gigas of 70 Rifle Range Road and Mr Charlie Gauci of 77 Rifle Range Road. His submission stated that it addressed all of the properties of Rifle Range Road.

Rifle Range Road is located south of Aviation Road, immediately to the west of Point Cook RAAF base and east of the D1 Drain. The location of Rifle Range Road precinct is shown on the map in Figure 2 below.

Mr Wood's submission was substantially different from the original submission by Messrs Gauci and Gigas. It did not argue for changes to the UGB. Instead, it sought to have the properties in Rifle Range Road designated as within the Green Wedge strategic buffer instead of within the IAP.

The original submission stated that there are 14 properties on Rifle Range Road. Four are residential homes on acre lots³ and the rest bar one are hobby farmers. It stated that these properties cannot support intensive agriculture. Previously the area was flood irrigated when available from D1 drain for dairy farming but now there is no irrigation water available at all on the east side of Rifle Range Road.

Mr Wood's submission cites *Southern Rural Water's Western Irrigation Futures – Atlas 2009* as evidence that while the Rifle Range Road area is part of the irrigation district it is not part of the water supply network. The D1 Drain forms the effective edge of the irrigation area.

³ 4,000 square metres.



Figure 2: Location of Rifle Range Road precinct

Mr Wood's submission described the land uses in the Rifle Range Road precinct as a mix of horse agistment, limited forestry, dryland grazing and occasional irrigation from the D1 drain (which is erratic and of variable quality).

Mr Wood stated that the objectives of the IAP, which is to protect the viability of existing irrigated agriculture, potentially limit activities such as accommodation, animal agistment or tourism activity. The purpose of the Green Wedge buffer on the other hand is to:

- *encourage a broadening in the range of uses within the Green Wedge buffer area and promote flexibility of land use to improve its function as a buffer given its proximity to the UGB.*

He submitted that the constraints to the dryland farming area to the north of the RAAF base because of a lack of water also exist at Rifle Range Road.

Mr Wood's submission recommended that the Rifle Range Road precinct form a buffer to the IAP. Specifically he recommended that the 2016 PMP, Plan 4 (page 18) and figure 23 (page 37) be amended to show the Rifle Range Road area in Figure 2 above as part of the Green Wedge buffer.

(ii) Council response

Council rejected Mr Wood's proposal. It stated that the suggested changes would reorient the direction of the 2016 PMP from a policy neutral review of the 2010 PMP, to a document with a new statement of policy for an important part of the Werribee South Green Wedge. Council stated that it is unable to accept the proposal because it lacks an evidentiary base.

Council referred to a map obtained from Southern Rural Water showing the rollout of piping upgrades for the Werribee Irrigation District modernisation project (see Figure 3 below). It confirms that Rifle Range Road is outside the area of the current modernisation project. It states that Southern Rural Water advised that there is a possibility of the irrigation water system to be extended to the east side of the D1 drain, however this would be subject to funding and customer demand. Customers would need to purchase water share entitlements from other customers in the district.

Council submitted that water licence costs on the northeast side of the D1 drain are much cheaper compared to water licence costs west of the D1 drain. The charges reflect that west of the D1 drain water is supplied from various sources.

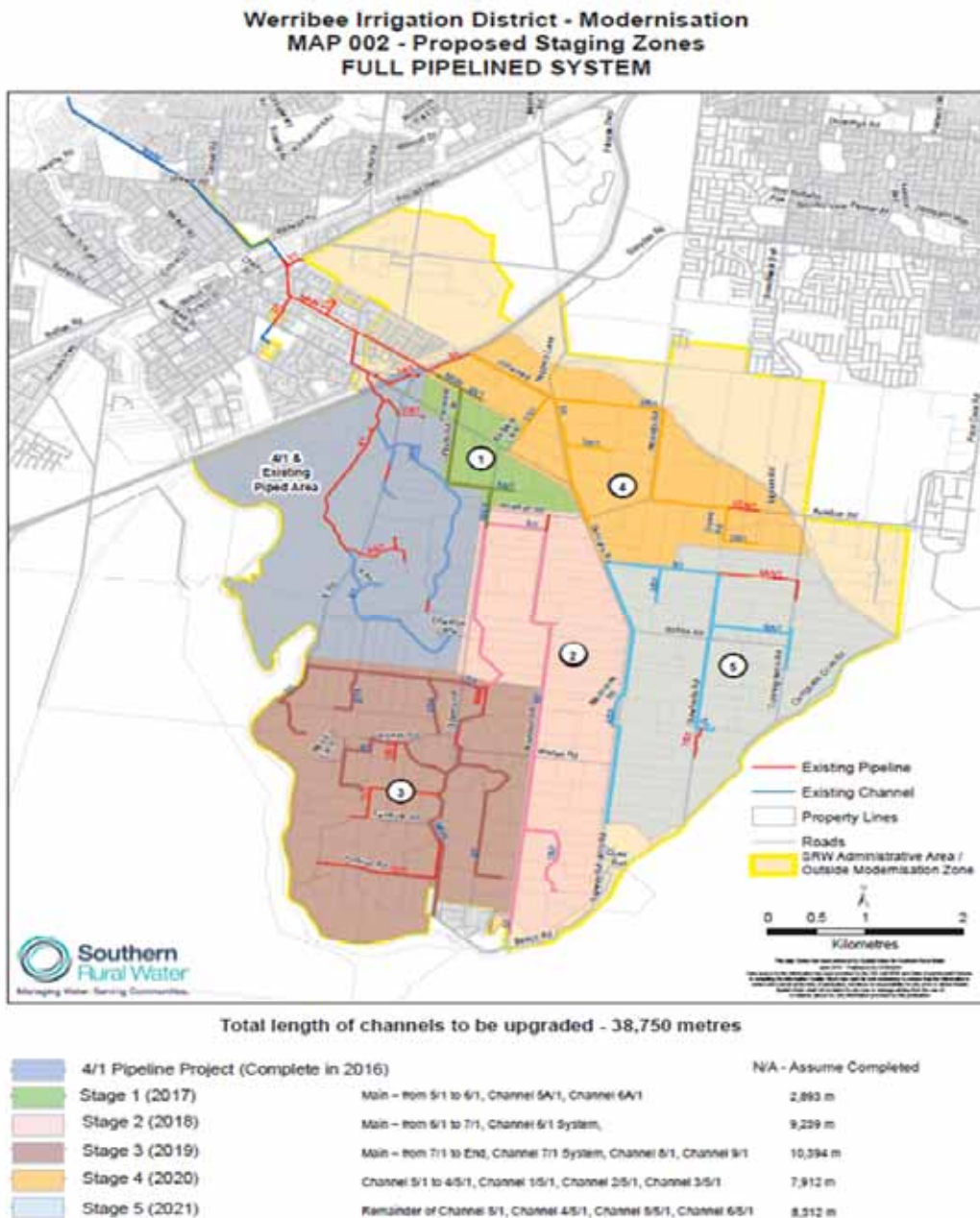


Figure 3: Werribee Irrigation District map

Council's submission challenged the assertion that the conditions of the Dryland Farming area and Rifle Range Road are the same. It quoted the Wyndham C93 Panel Report at page 45 that "... the Panel feels that the land within the Dryland Agriculture Precinct is effectively not being farmed."

Council submitted that shifting the policy settings to encourage other activities in this part of the IAP would not reflect the current activities, and would result in landholders not using the land for farming. Council submitted aerial imagery as evidence of some intensive agricultural farming with the use of irrigation (dams) from the D1 drain.

It submitted that the proposed change in designation of the precinct would impact land down to the coast, a change that would be significant and inconsistent with the current PMP. It stated that it would deliver a new land use relationship between the coast and the PMP. It noted that there is no urban development along that part of the coast other than at Wyndham South and Werribee South township areas. It further submitted that there is no regard for the interface with the RAAF base, which is immediate and adjacent.

3.4 Point Cook Road, Point Cook

The Amendment in clause 21.11-5 - Werribee South and Western Plains South Green Wedges changes the wording under 'Economic Development' from:

- *Maintain the Dryland Farming Precinct in the Werribee South Green Wedge as a strategic buffer between urban development and the IAP*

to

- *Maintain a strategic buffer between the Werribee South Green Wedge and the urban development to the north of the RAAF base.*

(i) Submission

Mr Joe Schembri owns land at Point Cook Road, Point Cook, which is within the area under the Amendment that will change from Dryland Farming Precinct to strategic buffer. His original submission in response to the exhibition objected to the change on the basis that it would unduly restrict his plans for future complementary uses of his land and that he did not believe it was policy neutral. He has been using his land for grazing and recycling under existing use rights since he purchased the land in the early 1980s.

Mr Glenn Kell of Planning Central represented Mr Schembri at the Panel Hearing. His submission states that Mr Schembri now acknowledges the Amendment and the 2016 PMP are policy neutral following discussion with council in the intervening period.

Mr Kell's submission noted the Future Directions for the buffer stated in the 2016 PMP and stated that these directions offer significant opportunities for the Council and Mr Schembri to work together to identify complementary uses for his land. He stated that on balance the Schembris are generally supportive of Amendment C202 and the 2016 PMP and have now lodged an application for a permit to use and develop part of their land for a market.

(ii) Council response

Council submitted that the change is policy neutral and reflects changes to the UGB. The 2016 PMP, chapter 5.3, The Green Wedge Buffer describes how the logical inclusions

process resulted in most of the Dryland Farming precinct and the entire Rural Residential precinct as identified in the 2010 PMP being included within the UGB. The remaining area of the dryland farming buffer is made up of small holdings that lack access to irrigation water and have salinity problems which means they are restrictive for dryland farming.

Council submitted that the objectives of the Dryland Farming Precinct in the 2010 PMP are the same as those in the strategic buffer in the 2016 PMP.

3.5 Discussion

(i) Viability of farming in the IAP

All of the submitters presented strong views about the viability of farming in the IAP. They presented a picture of possible inconsistency between the State Government's designation of the IAP as priority agricultural area and the submitted reality of unreliable and costly water supply, high land values and other associated costs. On the other hand, the Council submitted that there are farmers in the area who are doing well and who are not motivated to seek changes to the planning scheme.

The Panel notes that Council has worked consistently in advocating to Government over many years urging them to reduce land speculation by locking down the UGB and clarifying the purposes of the green wedges. The State Government has now addressed those issues in Plan Melbourne 2017-2015 and the Council's Amendment is consistent with those policies.

The high price and lack of security of water remains the biggest issue for farmers in Werribee South. The Victorian Government and Southern Rural Water are responsible for those decisions and the Council appears to be representing its farming community in an ongoing dialogue about possible solutions. Encouraging the Australian Government to develop a national approach to preserving productive agricultural land in peri-urban areas might also help, as the Council did in its submission to the 2015 Agriculture White Paper.

The Panel's role, however, is to review the proposed Amendment to the Wyndham Planning Scheme and the 2016 PMP as a reference document. Its focus is on whether the Amendment is strategically justified and consistent with State Planning Policy, and the Panel's view is that it is. The Panel is not charged with solving all the issues around water and agricultural policy in Werribee South; it would be going well beyond its remit to attempt to do so.

(ii) Impact of expansion of Wyndham Harbour

The issues raised in Ms Karantzouli's submission reflect the difficulties experienced by many farming communities on the urban fringe facing land use change. The significant reduction in water availability for farming in Werribee South over the past 15 years appears to have compounded those difficulties.

The Wyndham Harbour development adjacent to the IAP has been supported in strategic planning for many years and was given statutory approval following the relevant planning processes some time ago. Neither the Panel nor the planning authority can change those decisions.

(iii) Development of the foreshore

The proposal from Mr Matheson to develop private land along the foreshore north of Wyndham Harbour appears challenging and lacked any supporting evidence. His proposal that Council invest in actions to prevent erosion of the foreshore is contentious. Council would need considerable expert advice and public discussion before it could contemplate such a measure. Mr Matheson's proposal was presented without notice and without any supporting evidence.

Opening up public access to a section of the foreshore for development within the IAP that is privately owned is contrary to many aspects of the Wyndham Planning Scheme and the 2016 PMP. In particular it would seem to be clearly inconsistent with State and local planning policy relating to coastal planning and development and the Victorian Coastal Strategy.

At the very least the Panel agrees with Council that it is highly likely to create a conflict with primacy of agricultural land use as set out in the scheme.

(iv) More flexibility within the IAP

Mr Faranda's submission that the Council be more flexible about the permitted land uses within the IAP may not require a change to the Scheme or the 2016 PMP. The Green Wedge Zone permits a range of uses either as of right or via planning permit and it is up to applicants to work with Council within the planning scheme, recognising the intent of the zone to protect agricultural production. Without commenting specifically on the boat building example given by Mr Faranda, it would seem that there is some flexibility within the current land use and development controls that do not lead to a change in the Amendment.

(v) Rifle Range Road precinct

The proposal from Mr Wood to have the properties in Rifle Range Road redesignated from within the IAP to within the strategic buffer seems reasonable at first glance. The Council's submission acknowledges that farmers in Rifle Range Road use the properties for farming in a very different way than other farms within the IAP because of less water availability. The potential extension of the irrigation water system to Rifle Range Road appears to be unlikely.

Mr Wood's description of the current land use corresponds with what the Panel members observed during their site visit on 30 March; horses on some properties, limited forestry, and occasional irrigation from the D1 drain. Allowing the landowners to use the land in future for these purposes as well as for schools and accommodation seems reasonable given that it appears to be marginal for agriculture. The Council disputes whether that mix of land uses would be consistent with the intent of the strategic buffer. It states that the buffer is for areas where land holders are not farming the land. The Panel can find nothing in the 2016 PMP that leads to that conclusion.

The insurmountable problem with Mr Wood's proposal, however, is that it has come too late to allow it to be the subject of expert input and submissions from affected land owners. The Council quite rightly points out the importance of managing land use changes that might fuel speculation and problems with interfaces between the IAP and the coast and the RAAF base. The Panel does not support the proposal as part of this Amendment.

3.6 Conclusions

The Panel concludes that Council clearly articulates its future vision for the Werribee South Green Wedge in the 2016 PMP in accordance with the relevant sections of the State and Local Planning Policy Framework.

Implementing the 2016 PMP in the Wyndham Planning Scheme is consistent with proper processes that green wedge councils are required to follow and delivers certainty to stakeholders and statutory decision makers.

Existing agricultural land use is recognised and will continue to be recognised as being important in the Werribee South Green Wedge. The proposed Amendment and the 2016 PMP continue to support this strategic intent.

The Panel makes no specific recommendations on the issues in this chapter.

Appendix A Submitters to the Amendment

No.	Submitter
1	Catherine and Carmine Camerlengo
2	George Gigas (incorporates late submission to the Panel 29 March 2017)
3	Mary Gigas
4	G, G and M Gigas
5	VicRoads
6	Maree Maxfield
7	Charlie and Maria Gauci
8	Hobsons Bay City Council
9	Velisha Brothers Pty Ltd
10	Stan Velisha
11	Fred Velisha
12	Sue Velisha
13	Rosie Velisha
14	Velisha & Co Pty Ltd
15	Warren Velisha
16	Danielle Velisha
17	Michael Velisha
18	Cathy Velisha
19	Veli Velisha
20	E and F Velisha Pty Ltd
21	Harry Velisha
22	Ferah Velisha
23	Dearna Gigas
24	Mark Gigas
25	Deran Velisha
26	Bianca Murray
27	Eren Velisha
28	Angelo and Josie Menegazzo
29	John Zausa
30	Greg and Karen Murray

31	Daphne Karantzouli
32	Department of Defence
33	Patrizia Zangari
34	Arthur and Catherine Gigas
35	Charlie and Maria Gauci
36	Don and Wendy Verias
37	Michael and Sandra Tofolon
38	Bob and Teresa Smith
39	Flavio Baggio
40	Wayne and Heiki Butler
41	Frank Agosta
42	WGB Investments Pty Ltd
43	Joe Schembri
44	Environment Protection Victoria
45	Mr John Faranda (late submission)

Appendix B Documents tabled at and after hearing

No.	Date	Description	Tabled by
1	30/03/2017	Map showing location of submitters for use by panel members	Wyndham City Council
2	30/03/2017	Council Part B submission	Adeline Lane solicitor of Maddocks Lawyers
3	30/03/2017	Package of gazette notice for exhibition of Amendment C93, Panel report and government gazette notice for approval of Amendment C93, and government gazette notice for approval of Amendment C93	Adeline Lane solicitor of Maddocks Lawyers
4	30/03/2017	Letter from the Department of Environment, Land Water and Planning to Council with comments on the draft of the Werribee South Green Wedge Management Plan, 18 February 2016	Adeline Lane solicitor of Maddocks Lawyers
5	30/03/2017	Bundle of documents referred in Council Part A submission	Adeline Lane solicitor of Maddocks Lawyers
6	30/03/2017	Image showing latest DELWP data set for extent of Cunningham swamp	Adeline Lane solicitor of Maddocks Lawyers
7	30/03/2017	Submission on behalf of Aussie Challenger P/L and Joe Schembri	Mr Kell, Planning Central
8	30/03/2017	Submission on behalf of Arthur Gigas and Charlie Gauci	Mr Greg Wood, Tract consultants
9	30/03/2017	USB from Tract with submission and slides	Mr Greg Wood, Tract consultants
10	30/03/2017	Submission by John Faranda	Mr Faranda
11	30/03/2017	Supplementary submission sent to PPV by email	Mr George Gigas
12	13/04/2017	Council response to issues raised at the hearing	Adeline Lane solicitor of Maddocks Lawyers