

Planning for Melbourne's Green Wedges and Agricultural Land

Response to Options Report

Department of Transport and Planning

2024



Department
of Transport
and Planning

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Planning for Melbourne's Green Wedges
and Agricultural Land



Purpose of this report

This report complements the *Planning for Melbourne's Green Wedges and Agricultural Land Action Plan (2024)*, summarises the reform options put to the community in 2020 and closes the loop on the feedback we received.

The Victorian Government's *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper (2020)* outlined 41 planning reform options to deliver lasting protection for agricultural land and guide planning decision-making in Melbourne's green wedge and peri-urban areas. Through community engagement activities, a broad range of stakeholders contributed ideas and provided feedback on the reform options.

Across various engagement methods, we recorded 1,631 interactions, including 879 written submissions. A full summary of what we heard is outlined in *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Findings Summary Report (2024)*.

The Department of Transport and Planning (DTP) has engaged with Traditional Owners to ensure the government's response reflects First Peoples' knowledge, priorities and aspirations for land, water and culture in the spirit of self-determination and caring for Country.

Through the *Planning for Melbourne's Green Wedges and Agricultural Land Action Plan (2024)*, the government is delivering a comprehensive suite of reforms to better protect our green wedges and agricultural land and keep Melbourne liveable and sustainable. The action plan outlines 20 actions, which together will deliver against 28 of the planning reform options identified in the consultation paper.

This report complements the action plan and supplements the consultation findings summary report. It includes the original planning reform options contained in the consultation paper, summarises consultation findings and identifies which options form part of the action plan.

Background

The Victorian Government is committed to ensuring that the green wedges and agricultural land surrounding Melbourne continues to provide environmental, economic, cultural and health and wellbeing outcomes for our communities for generations to come.

Protecting the significant features, assets and industries found in our green wedge and peri-urban areas is key to our continued sustainability, prosperity and health and wellbeing. These areas have important cultural and spiritual significance to Traditional Owners who have cared for land and waters in the region for thousands of years. In addition to natural, cultural and rural uses, these areas contain infrastructure critical to the functioning of the city, such as airports, road and rail networks, waste and resource recovery facilities, wastewater treatment plants and renewable energy infrastructure.

The Planning for Melbourne’s Green Wedges and Agricultural Land program responds to the government’s 2018 election commitment to permanently protect Melbourne’s green wedges from overdevelopment by strengthening statutory planning controls, clarifying the definition of ‘permitted land use’, determining the appropriate size and scale of uses in non-urban settings, and strengthening permanent planning controls and legislation to protect and support agricultural land surrounding Melbourne.

The program delivers on commitments contained in the metropolitan planning strategy, *Plan Melbourne 2017 – 2050*, which emphasises the importance of productive use of land and resources in Melbourne’s non-urban areas, and the need to strengthen protection and management of these areas. The accompanying Plan Melbourne Five - Year Implementation Plan includes three priority government actions to achieve the plan’s vision for green wedge and peri-urban areas:

- Action 17 Support strategic planning for agriculture
- Action 72 Review green wedge planning provisions
- Action 73 Green Wedge Management Plans.

Release of the Planning for Melbourne’s Green Wedges and Agricultural Land action plan, and its implementation, builds on the previous four phases of the project, as shown below.

Further information, as well as consultation materials, findings and background research documents, can be found at <https://www.planning.vic.gov.au/guides-and-resources/guides/all-guides/green-wedges>.

Project phases

Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
Background and technical research	Public consultation on criteria to identify strategic agricultural land	Consideration of findings and development of planning options for public consideration	Public consultation on planning options for Melbourne’s green wedges and agricultural land	Action plan and implementation



Government response

The government is proceeding in full, or in part, with 28 of the 41 proposed reform options identified in 2020 and delivering an additional reform in response to community feedback.

Where a proposed option is not proceeding, this section provides further explanation and commentary. Some of the planning reform options canvassed in the consultation paper have been combined into single planning reform actions in the action plan, resulting in a total of 20 actions to be implemented.

The Victorian Government acknowledges that implementing these important reforms is a significant body of work, which in some cases may require additional targeted consultation with key stakeholders.

This report also recognises a range of other Victorian Government initiatives underway that contribute to our vision for Melbourne's green wedges. These include:

- the Suburban Parks Program and the metropolitan open space strategy, *Open Space for Everyone* (2021)
- ongoing purchase and management of land within the Western Grassland Reserve
- establishment of a new national park linking Lerderderg State Park to the existing Wombat State Forest
- implementation of *Biodiversity 2037*
- preparation and implementation of policies for distinctive areas and landscapes under Part 3AAB of the *Planning and Environment Act 1987*
- protecting 'Strategic Extractive Resource Areas' and planning for key infrastructure needs.

Implementation of government's responses will align with and support key environmental policies, plans and legislation, while contributing to the protection and enhancement of environmental values, biodiversity, significant landscapes, open space and water supply catchments.

The tables in this section should be read as follows:

Option: the option posed in the *Planning for Melbourne's Green Wedges and Agricultural Land Consultation Paper* (2020) and the page reference to the consultation paper.

Commentary: a brief outline of key feedback and analysis.

Response: details whether or not the option will proceed to implementation, the corresponding action and other relevant information on next steps.

Strengthening the legislative and policy framework

Theme: Legislative and policy framework for Melbourne's green wedges

OPTION	COMMENTARY	RESPONSE	
<p>Amend Part 3AA (Metropolitan Green Wedge Protection) of the Planning and Environment Act 1987 to:</p> <ul style="list-style-type: none"> clearly express the Victorian Government's vision and objectives for green wedges enshrine regional policy for each green wedge in legislation introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities. <p><i>Consultation Paper: p. 14</i></p>	<p>There is strong support for strengthening green wedge legislation, particularly for the inclusion of clear green wedge objectives and stronger requirements for the preparation of Green Wedge Management Plans (GWMP).</p> <p>However too much detail in legislation, such as regional policies, is generally not supported as there are concerns it would become outdated and a constraint.</p> <p>There is mixed support for requiring ministerial approval of GWMPs, with many noting it may add unnecessary bureaucracy to the process, is a potential duplication (as the Minister for Planning approves statutory implementation of GWMPs) and it would be inappropriate for the Minister for Planning to approve a document with information that sits outside the scope of planning.</p>	<p>Proceed in part</p>	<p>Completed</p>
<p>Update state planning policy to clearly articulate the preferred outcomes for Melbourne's green wedges. The objectives of Clause 11.01 of the Victoria Planning Provisions (VPP) (Green Wedges: Metropolitan Melbourne) can be potentially revised to include:</p> <ul style="list-style-type: none"> 'To maintain the important non-urban purpose of the green wedges and avoid use and development that would adversely affect their future productive use or environmental significance' 'To support preferred land uses and encourage uses that contribute to the non-urban landscape and character'. <p><i>Consultation Paper: p. 15</i></p>	<p>There is strong support for providing greater direction in state policy and increased clarity on green wedge priorities. These are seen by respondents as important elements to help guide local decision making and ensure appropriate outcomes in green wedge areas. There is a wide range of suggestions from respondents to further enhance wording, use clearly defined terms, and expand the scope of the proposed revisions. In particular, it is noted that the current Clause 11.01 does not recognise cultural heritage, and there is a need to work with Traditional Owners on developing appropriate policy to address this gap.</p>	<p>Proceed</p>	<p>See Action 9</p>
<p>The government will update legislation to address the following elements:</p> <ul style="list-style-type: none"> clearly express the Victorian Government's vision and objectives for green wedges. This will include giving recognition to the connection and stewardship of Traditional Owners to green wedge land. introduce legislative requirements to prepare and implement strategic planning frameworks for each green wedge. This will take the form of a requirement for each green wedge council to prepare a plan. <p>The government will not proceed with the following elements:</p> <ul style="list-style-type: none"> enshrine regional policy for each green wedge in legislation. require ministerial approval for the adoption and implementation of strategic plans for green wedges prepared by local government authorities 		<p>The government will refine the proposed policy objectives and address policy gaps in alignment with proposed green wedge legislative changes.</p>	

OPTION	COMMENTARY	RESPONSE	
<p>Review and update Planning Practice Note 31 ‘Preparing a Green Wedge Management Plan’ to improve the structure, form and content of GWMPs.</p> <p><i>Consultation Paper: p. 17</i></p>	<p>This option is strongly supported. Feedback from respondents recognises the importance of GWMPs and indicates support for revised guidelines to ensure increased clarity, structure, content, process and keeping material contemporary and relevant. Feedback also discusses the statutory weight of GWMPs and suggestions for how the current guidelines could be improved.</p> <p>The government notes that by including GWMPs as a legislative requirement, the status of these plans will be elevated. The updated practice note will need to reflect any changes in the policy and legislative framework for green wedges in order to better direct green wedge planning at the local level. The practice note will be updated with input from Traditional Owners and will specify how councils are expected to partner with Traditional Owners to develop green wedge management plans.</p>	<p>Proceed</p>	<p>See Action: 10</p>
<p>Develop and introduce regional policy directions in the Planning Policy Framework (PPF) for Melbourne’s green wedges in Clause 11.01-1R (VPP) and through Land Use Framework Plans (LUFs).</p> <p><i>Consultation Paper: p. 18</i></p>	<p>While some respondents oppose this option and question the need for a regional layer of policy, others feel it offers an opportunity to highlight the differences between the green wedges across metropolitan Melbourne, describe the diversity of roles each region plays, and provide direction on the appropriateness of different land uses.</p> <p>Some respondents are of the view that clearer direction within the regional area is a positive step that would facilitate better alignment and consistency across municipal boundaries.</p>	<p>Proceed in part</p>	<p>See Action 9</p>

Theme: Legislative and policy framework for Melbourne’s agricultural land

OPTION	COMMENTARY	RESPONSE	
<p>Update the PPF to ensure all agricultural land is protected. <i>Consultation Paper: p. 30</i></p>	<p>There is strong support for this option, however respondents also note that other important values such as biodiversity conservation, catchment management and high amenity landscapes should also be protected. In the context of updates to Clause 14.01-1S ‘Protection of agricultural land’ this could encompass encouraging sustainable land management and regenerative farming practices.</p> <p>Respondents cite the need to clearly define ‘all agricultural land’ as part of this reform, including a measure to distinguish between marginal and other land uses and values.</p> <p>Respondents also identify numerous existing policies and previous work already carried out by various councils in support of protecting agricultural land and note the importance of avoiding duplication.</p>	<p>Proceed</p>	<p>See Action 5 & 9</p>
<p>Update the PPF to encourage land uses that have limited or negligible reliance on soil as the basis of production, to be located in areas where soil-based agriculture is likely to be constrained. <i>Consultation Paper: p. 30</i></p>	<p>This option is generally supported. Questions are raised about how areas of low-quality soil would be identified and how the land uses would be defined. Respondents suggest there is a need for further guidance to support decision making in relation to soil quality.</p> <p>Although the government’s approach has shifted from identifying areas of high-quality agricultural land to the protection of all agricultural land, it is still important to ensure the best use of productive soils for agriculture rather than other land uses.</p> <p>On a site-specific basis, this can be achieved through appropriate siting of buildings and works on the land to retain areas of potentially productive agricultural land. Consideration also needs to be given to providing further guidance to applicants and decision makers about appropriate alternative land uses in areas where soil-based agriculture is likely to be constrained.</p>	<p>Proceed</p>	<p>See Action 8</p>

OPTION	COMMENTARY	RESPONSE	
<p>Update the PPF to include new regional policy for Melbourne’s agricultural land. <i>Consultation Paper: p. 30</i></p>	<p>There is general support for this option, however some respondents note the variability across the wider Melbourne region in the suitability of land for agricultural use. Accordingly, this regional policy will be appropriate in some circumstances but not in others. Respondents also note the policy should provide further detail on ‘other activities complementary to agriculture’ to provide clarity and consistency. This also applies to ‘infrastructure that benefits agriculture’.</p> <p>Melbourne’s food supply is partly sourced from land beyond the 100 km study area and there are mixed views as to whether this new regional policy should be for land within the study area only or statewide.</p>	<p>Proceed</p>	<p>See Action 8</p>
<p>Establish new Right to Farm (RtF) legislation for Melbourne’s agricultural land that ensures primary production carried out on a farm does not constitute a nuisance, provided that it is conducted lawfully and the zoning of the land supports agricultural use as a primary purpose of the zone. <i>Consultation Paper: p. 31</i></p>	<p>There is strong support for this option, which respondents feel should apply statewide. Responses vary as to whether it is best effected via specific legislation, the VPP, or a combination of both.</p> <p>There is a nexus between the RtF and Agent of Change (AoC) principles and opinions vary as to which zones and Section 2 uses (where a planning permit is required) should be subject to these principles. The need to define ‘primary production’ at Clause 73.03 is also raised, as is the question of whether native grasslands and other Country for Aboriginal food sovereignty should be included in the definition.</p> <p>As farmers must already comply with a range of legislation governing the lawful operation of their farms, such as the <i>Environment Protection Act 2017</i>, some feel there is a need to ensure any new RtF/AoC legislation is subordinate to the existing legislative architecture. Such an analysis would take a considerable amount of time.</p>	<p>Proceed in part</p>	<p>See Action 7</p>



OPTION	COMMENTARY	RESPONSE	
<p>Introduce the ‘Agent of Change’ (AoC) principle into legislation to assign responsibility for mitigating impacts of lawful agricultural operations (e.g. dust, noise and odour) to the AoC – the person or organisation who introduces a new use or development in an existing environment.</p> <p><i>Consultation Paper: p. 31</i></p>	<p>There is strong support for this option, which respondents feel should apply statewide. However, views are mixed on how, where and under what circumstances it should apply.</p> <p>Most respondents believe it would be best effected via the VPP to guide fine-grain, potentially site-specific solutions, rather than being applied via legislation which may be too broad-brush.</p> <p>Concerns include:</p> <ul style="list-style-type: none"> • no one would be responsible for mitigating impacts of agriculture where a new or more intensive Section 1 agricultural use commences adjacent to an existing sensitive use; and • applying AoC principles at the urban-rural interface of the UGB could result in the AoC facing prohibitive costs to implement additional mitigation measures. 	<p>Proceed in part</p>	<p>See Action 7</p>
<p>In conjunction with legislative changes above, update the PPF to encourage appropriate siting, design and scale of sensitive uses and to maintain capability to intensify agricultural production.</p> <p><i>Consultation Paper: p. 31</i></p>	<p>Respondents were generally in favour of decision-making guidance for siting and design of sensitive uses, based on site context. Although appropriate siting and design can minimise conflict between sensitive and agricultural uses, this strategy should be secondary to the objective of ensuring that land use and development is compatible with the existing and likely land uses of the area.</p> <p>The consultation paper defines sensitive use as ‘land uses that are likely to be potentially sensitive to emissions (dust, odour, noise, light) from agricultural activities.’</p>	<p>Proceed</p>	<p>See Action 8</p>

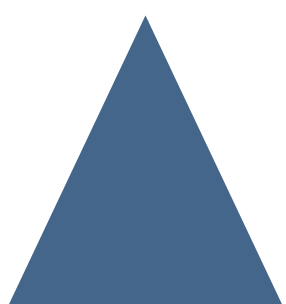
OPTION	COMMENTARY	RESPONSE		
<p>Soil and earth storage and disposal</p> <p>While the consultation paper did not include a planning reform option to better regulate the dumping of uncontaminated soil and earth (also known as 'clean fill material'), it acknowledged the challenge of relocating and storing an increasing volume of these materials.</p> <p>Reusing excavated material within the 'circular economy' is preferred, however there is an increasing need to better regulate the permanent off-site storage of this material. The issue is compounded in green wedge and peri-urban areas due to their proximity to metropolitan Melbourne, where land development and excavation most frequently occurs.</p> <p><i>Consultation Paper: p. 60</i></p>	<p>Respondents consider that unmanaged soil and earth storage can negatively impact waterways, ecosystems, landscapes, habitat, and agricultural land, increase truck traffic on rural roads, and cause dust and noise impacts.</p> <p>Currently, a planning permit for Earthworks is limited to rare circumstances specified in a schedule to a zone or an overlay. Respondents express a desire for the government to more broadly address the issue of soil storage on a state-wide basis. They suggest prohibiting soil and earth storage activities in the green wedge zones. Elsewhere, they suggest requiring a planning permit for Earthworks and including detailed application requirements. They also suggest a review of the definition of Earthworks at Clause 73.01 of the VPP.</p>	<table border="1"> <tr> <td data-bbox="1007 383 1219 461">Proceed</td> <td data-bbox="1219 383 1428 461">See Action 19</td> </tr> </table> <p>Through recent changes to the environment protection framework, soil and earth storage activities are better regulated in order to avoid negative environmental impacts. However, some residual issues remain, including potential damage to or loss of agricultural land, impacts on rural landscape character, other potential environmental impacts due to revised surface water flows, and amenity and traffic challenges.</p> <p>In response to these issues, and without duplicating or conflicting with the environment protection laws, the government will investigate the introduction of a threshold volume permit trigger for soil dumping (clean fill) in rural zones.</p>	Proceed	See Action 19
Proceed	See Action 19			

Supporting agricultural land use

Theme: Managing subdivision and dwellings in agricultural areas

OPTION	COMMENTARY	RESPONSE	
<p>Reduce the subdivision potential of Melbourne's agricultural land by requiring parliamentary ratification of proposals to subdivide land into more lots or smaller lots than currently provided for in the planning scheme in the Farming Zone (FZ) and Rural Activity Zone (RAZ) within 100 km of Melbourne.</p> <p>Currently, any amendment that increases the subdivision potential of green wedge land requires the approval of the Minister for Planning and ratification of both Houses of Parliament.</p> <p><i>Consultation Paper: p. 38</i></p>	<p>Feedback indicates that while there is strong support for greater scrutiny on proposals to subdivide and develop agricultural land, there are concerns about this option potentially being burdensome and a 'one size fits all' solution.</p> <p>Particular issues raised include the potential to compromise the strategically planned and justified growth of townships, including those that do not yet have identified settlement boundaries, and the potential for unintended consequences, such as impeding the provision of public open space or utility installations and hindering subdivision undertaken to support genuine needs of agricultural operators.</p>	<table border="1"> <tr> <td data-bbox="1007 1276 1428 1368" style="text-align: center;">Not proceeding</td> </tr> </table> <p>It is considered premature to proceed with expanding the requirement for parliamentary ratification. The government will focus on continuing to strengthen planning schemes and decision-making processes as outlined in other proposed reform options, to ensure agricultural land is protected from inappropriate land uses and developments.</p>	Not proceeding
Not proceeding			

OPTION	COMMENTARY	RESPONSE	
<p>Amend the subdivision provisions of the FZ and RAZ to prohibit the creation of a lot for an existing dwelling that is smaller than the minimum lot size. This only applies within 100km of Melbourne.</p> <p><i>Consultation Paper: p. 38</i></p>	<p>There is strong support for this option, which is seen to have potential to reduce land use conflict and loss of agricultural land.</p> <p>Suggested alternatives to this option (e.g., permitting small-lot dwelling excisions in conjunction with section 173 agreements) have the potential to be used inconsistently and would not adequately address the challenge of agricultural land fragmentation.</p>	<p>Proceed</p>	<p>See Action 16</p>
<p>Better control dwellings in Melbourne’s agricultural areas by adding the following condition to the use of land for an as-of-right dwelling in the FZ: ‘must not be within 100km of Melbourne’.</p> <p>This change would remove Dwelling as an as-of-right use in the FZ within 100km of Melbourne.</p> <p><i>Consultation Paper: p. 40</i></p>	<p>This option is strongly supported by the quantitative survey data. However, concern has been expressed in some submissions and in the media about the perceived impacts this option may have on land values. There is also a view that a single dwelling on a lot should continue to be permitted as-of-right to support farm succession planning.</p>	<p>Not proceeding</p>	
<p>Introduce decision guidelines for ‘Dwelling Issues’ into the Green Wedge Zone (GWZ) and Green Wedge A Zone (GWAZ). The decision guidelines would mirror the guidelines provided in the FZ.</p> <p>Introduce application requirements for dwellings into the GWZ and GWAZ that require applications for dwellings to be accompanied by a written statement that explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.</p> <p><i>Consultation Paper: p. 40</i></p>	<p>There is strong support for this option, which respondents feel will assist with decision-making on dwelling applications in the green wedge zones.</p> <p>There is also significant feedback about the need to ensure dwellings are linked to an operating agricultural use.</p> <p>Some comments indicate a view that dwellings should be permitted to support green wedge uses other than agriculture, such as conservation.</p>	<p>Proceed</p>	<p>See Action 12</p>



Theme: Improving decision-making on agricultural land

OPTION	COMMENTARY	RESPONSE	
<p>Develop a Planning Practice Note (PPN) to guide council decision-making on planning permits in agricultural areas.</p> <p>The PPN would support the interpretation of the planning scheme and guide discretionary decision-making.</p> <p><i>Consultation Paper: p. 41</i></p>	<p>There is very strong support for this option, which respondents feel will improve the quality and consistency of council decision-making on permits in agricultural areas. Respondents suggest that the scope of guidance within the practice note should cover issues relating to landscape and environmental matters, interpreting planning terminology, assessing dwelling applications and farm management plans, tourism and various infrastructure uses.</p> <p>While protecting agriculture is seen as important, respondents feel guidance is also needed on how to consider other rural uses in relation to agriculture.</p> <p>There is a range of suggestions to amend the VPP to ensure more binding decision-making, as some respondents question the statutory weight and enforceability of practice notes.</p>	<p>Proceed</p>	<p>See Action 6 & 11</p>
<p>Establish an agricultural referral or expert advisory service to support decision-makers and facilitate compliance with the planning scheme.</p> <p><i>Consultation Paper: p. 41</i></p>	<p>There is very strong support to establish an agricultural expert advisory service, which respondents feel will improve agricultural planning outcomes and increase confidence in the planning system.</p> <p>Respondents also consider that the advisory service should encompass expertise and experience in diverse farming practices, agricultural economics and business models, water and irrigation issues, agricultural sustainability, assessing farm management plans, and knowledge of statutory planning.</p> <p>There is mixed feedback on whether use of the service should be optional or mandatory, and whether the service should have determining or recommending referral authority status.</p>	<p>Proceed</p>	<p>Completed</p>



Theme: Future-proofing Melbourne's food bowl

OPTION	COMMENTARY	RESPONSE	
<p>Develop a new regional policy, Clause 14.02-3R of the PPF (Preserving opportunities for irrigated agriculture around Melbourne), with the following objective: 'safeguard land with potential for future growth in irrigated agriculture, based on alternative water use'. The new policy would:</p> <ul style="list-style-type: none"> • delineate areas with potential for future growth in irrigated agriculture • ensure changes to land use in these areas do not limit potential opportunities for development and expansion of irrigation agricultural precincts • maximise the beneficial re-use of treated wastewater and stormwater for agricultural purposes. <p><i>Consultation Paper: p. 44</i></p>	<p>There is strong support for a new policy that encourages increased access to urban wastewater for agriculture to boost productivity and strengthen the resilience of Melbourne's food bowl to climate change.</p> <p>The government acknowledges that there is significant unused capacity of recycled water from Melbourne's water treatment plants and that increased volumes of recycled water and treated stormwater will become available as Melbourne's population grows.</p> <p>It is recognised that adaptive planning of water infrastructure will continue to evolve over time. The areas the consultation paper highlighted as having potential for future growth in irrigated agriculture are preliminary and will need to be updated over time.</p>	<p>Proceed</p>	<p>See Action 4</p>
<p>Introduce a new overlay designed to protect food-producing areas with access to secure water supply and irrigation infrastructure.</p> <p><i>Consultation Paper: p. 47</i></p>	<p>There is widespread support for this option. Respondents believe the new overlay could provide greater protection for irrigated food-producing land.</p> <p>Some respondents question whether the overlay may weaken the principle that all agricultural land should be protected. However, it is generally accepted that the strategic significance of this valuable water resource and associated investment into water infrastructure warrant a targeted planning response.</p> <p>Most respondent feedback focuses on the particulars of where and how this overlay would operate. These details will need to be resolved during the drafting process.</p> <p>Comments also express a need to balance water supply for agriculture and other purposes.</p>	<p>Proceed</p>	<p>See Action 1</p>

OPTION	COMMENTARY	RESPONSE	
<p>In conjunction with the development of a new overlay, establish a process to determine where the new overlay should be applied. In the first instance, it is proposed to apply the overlay to irrigation districts with defined boundaries, including the Werribee and Bacchus Marsh irrigation districts, the Boneo Recycled Water Irrigation Scheme, the Western Irrigation Network and the Cora Lynn Recycled Water Irrigation Scheme. There is potential to cover further areas once a clear process and criteria for its application are confirmed.</p> <p><i>Consultation Paper: p. 47</i></p>	<p>This option is strongly supported. Many organisational respondents indicate a preference to be consulted on, and involved in, the process to determine where the new overlay should be applied. They feel this process should include consideration of how to manage the buffer around the irrigation districts.</p>	<p>Proceed</p>	<p>See Action 2</p>
		<p>The government will develop criteria to guide implementation of the overlay. The government will also consider whether a Planning Practice Note would assist in supporting the application of the overlay.</p>	

Theme: Strengthening referral and notice requirements

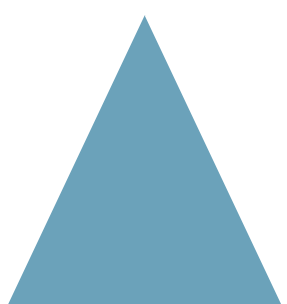
OPTION	COMMENTARY	RESPONSE	
<p>Ensure water authorities have a clear role in the decision-making process for applications to use or develop land in protected irrigation districts or in non-urban areas identified as having potential for access to alternative water in the future.</p> <p><i>Consultation Paper: p. 48</i></p>	<p>There is strong support for strengthening referral and notice requirements with many respondents noting that expert advice from water authorities and catchment management authorities on these applications could assist councils with decision making.</p> <p>A common concern raised by councils and water authorities is the resourcing and capacity of water authorities to administer new referral processes.</p>	<p>Proceed</p>	<p>See Action 3</p>
		<p>The government work with councils and water authorities to determine what the role and responsibilities of water authorities should be and the anticipated impact on resources.</p>	

Theme: Supporting diversification, value-adding and innovation

OPTION	COMMENTARY	RESPONSE					
<p>Update the definition of 'Primary produce sales' to:</p> <ul style="list-style-type: none"> allow sale of ancillary goods (such as crackers and bottled drinks) to be consumed with the primary produce (e.g. cheese or strawberries) allow sale of produce from land held in one ownership to support farms comprising divided holdings in the same ownership allow a percentage of produce sold to be sourced from local producers within 5 km of the use. <p><i>Consultation Paper: p. 49</i></p>	<p>This option is supported in more detailed responses but not supported in the quantitative survey data. Supportive responses cite the potential for increased financial benefit to farmers via direct-farm income, however there are concerns an expanded definition could lead to inappropriate competition with established local retail premises. Variation in support is also partly due to there being three distinct components to the revised definition. Councils are supportive in principle of the sale of 'ancillary goods', however there are concerns this would be difficult to enforce. An exhaustive list or test to verify whether an item is 'ancillary' would be overly complex. There are also concerns that primary produce sales would shift too far towards a retail-type use if ancillary goods were allowed to be sold. There is general support for the definition of 'Primary produce sales' to include the sale of produce from land held in one ownership, however there are concerns that land ownership and/or leasing arrangements can be complex which could result in burdensome tests for farmers to prove land 'ownership' as well as for planners and/or planning enforcement officers. There is also support for a percentage of goods sold to be sourced from local producers, however there are concerns the 5km limit is arbitrary and will be difficult for planning and/or planning enforcement officers to apply. Responses are mixed as to whether this option should apply statewide.</p>	<table border="1"> <tr> <td data-bbox="992 450 1216 548">Proceed in part</td> <td data-bbox="1216 450 1444 548">See Action 14</td> </tr> <tr> <td colspan="2" data-bbox="992 548 1444 1632"> <p>The government supports broadening the scope of primary produce sales. The current definition is "Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce".</p> <p>The government will expand the definition of "Primary produce sales" to include the display and sale of primary produce that has been grown elsewhere. This will be limited to a portion of the overall floor/display area. The area cap will be determined through further targeted consultation. The updated definition will not include the sale of ancillary goods.</p> <p>The expanded definition will enable farmers to sell primary produce sourced from other farms while maintaining a link between produce grown on the land or adjacent land upon which the farm gate sales operation takes place. Consistent with the existing definition, the primary produce from other farms may also include processed goods made primarily from that primary produce.</p> </td> </tr> </table>		Proceed in part	See Action 14	<p>The government supports broadening the scope of primary produce sales. The current definition is "Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce".</p> <p>The government will expand the definition of "Primary produce sales" to include the display and sale of primary produce that has been grown elsewhere. This will be limited to a portion of the overall floor/display area. The area cap will be determined through further targeted consultation. The updated definition will not include the sale of ancillary goods.</p> <p>The expanded definition will enable farmers to sell primary produce sourced from other farms while maintaining a link between produce grown on the land or adjacent land upon which the farm gate sales operation takes place. Consistent with the existing definition, the primary produce from other farms may also include processed goods made primarily from that primary produce.</p>	
Proceed in part	See Action 14						
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OPTION	COMMENTARY	RESPONSE		
<p>Amend the definition of the land use term 'Host farm' to require a direct link to an 'operating agricultural property'.</p> <p><i>Consultation Paper: p. 50</i></p>	<p>There is strong support for this option.</p> <p>The proposed definition strengthens the connection between a 'Host farm' and agriculture by embedding the requirement for an agricultural property to be 'operating' within the definition.</p> <p>Some responses cite the need to clearly define 'operating agricultural property' to ensure the test for this use is clearly and easily applied. Others raise concerns around the need for guidance on siting, design, and footprints associated with buildings containing a 'Host farm' use.</p> <p>There is strong support for the amended definition to apply statewide.</p>	<table border="1"> <tr> <td data-bbox="995 376 1216 495">Proceed</td> <td data-bbox="1216 376 1444 495">See Action 18</td> </tr> </table> <p>The government will work with stakeholders to define 'operating agricultural property' and clarify the test to prove the direct link.</p> <p>Permit conditions to ensure the direct link is ongoing will be required.</p> <p>As these options relate to green wedge areas only, built form guidance for Host farms located outside green wedge areas will also be required.</p> <p>Siting and design considerations will be managed in green wedge areas through Action 13.</p>	Proceed	See Action 18
Proceed	See Action 18			
<p>Move 'Host farm' to a Section 1 (as-of-right) use in the FZ, RAZ, GWZ and GWAZ, providing it is undertaken in conjunction with agriculture and accommodates no more than 10 people away from their normal place of residence at any one time.</p> <p>If these conditions are not met, the use will require a permit.</p> <p><i>Consultation Paper: p. 50</i></p>	<p>Most respondents do not support this option.</p> <p>They raise concerns that there is already an as-of-right provision for 'Bed and breakfast' for up to 10 persons away from their normal place of residence in these zones. Shifting 'Host farm' to a Section 1 use could result in up to 20 persons staying overnight at the same premises without a planning permit, which is considered excessive and inappropriate for these zones.</p> <p>Respondents are also concerned that as this option is silent on controls or thresholds for built form footprints, siting, and design, it could result in the construction of five or more separate dwellings on a lot without a planning permit - a built form outcome that is contrary to long-established planning controls within these rural zones.</p>	<table border="1"> <tr> <td data-bbox="995 936 1444 1048" style="text-align: center;">Not proceeding</td> </tr> </table> <p>The government agrees with feedback that relocating 'Host farm' to a Section 1 use removes council oversight and could result in an unacceptable increase in built form. It could also place an unacceptable administrative burden on planning enforcement officers to investigate complaints of non-compliance.</p>	Not proceeding	
Not proceeding				

OPTION	COMMENTARY	RESPONSE
<p>If the Host farm is within 100km of Melbourne, the use must be in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p><i>Consultation Paper: p. 50</i></p>	<p>While there is strong support for this option in the quantitative survey data, detailed comments are mixed as the additional land uses proposed under the revised definition of 'Host farm' are not typically characterised as having a direct link to an agricultural property.</p> <p>While land containing a winery may also contain vineyards, the land use term 'Winery' is not nested within the 'Agriculture group' at Clause 73.04-3 but is identified at Clause 73.04-17 as a land use term that is not nested. The merits of a permit application for a Host farm within a winery context should therefore be considered on a case-by-case basis.</p>	<p style="text-align: center;">Not proceeding</p> <p>The government agrees with feedback that the proposed additional land uses under a revised definition of 'Host Farm' may not always result in a direct link to an operating agricultural property and would not be fit for purpose.</p>







Managing use of green wedge and peri-urban land

Theme: Managing the urban rural interface

OPTION	COMMENTARY	RESPONSE	
<p>Provide planning practice guidance for local authorities on how to consider and direct planning for urban–rural interface areas.</p> <p><i>Consultation Paper: p. 52</i></p>	<p>This option is supported within the detailed qualitative feedback, but not in the quantitative survey data.</p> <p>Opposition to this option is not specifically in relation to the proposed development of planning practice guidance, but rather it reflects concern about what the guidance would say about what should and should not be included in urban-rural interface areas.</p> <p>Submissions indicate there is demand for greater guidance within urban-rural interface areas to ensure greater consistency and direction, which is largely welcomed through a PPN. The government supports stakeholder feedback that indicates a clear desire for that guidance to align with the non-urban vision and intent of green wedges.</p>	<p>Proceed</p>	<p>See Action 11</p>
<p>Provide guidance on preferred transitional land uses for land at the urban–rural interface and provide urban design guidance that supports a permanent edge and buffer to the urban area through region-level strategic policies (see proposed regional policy for green wedges, Section 3.1 of the Planning for Melbourne’s Green Wedges and Agricultural Land consultation paper).</p> <p><i>Consultation Paper: p. 52</i></p>	<p>This option is supported within the detailed qualitative feedback and less so in the quantitative survey data.</p> <p>There is support for the need to plan for consistent decision making in urban-rural interface areas and to provide a permanent edge or boundary to protect green wedges and agricultural land.</p> <p>Respondents are concerned about the concept of ‘transitional’ land uses eroding green wedge values and note that it is unclear from the wording of the option what side of the UGB will be utilised to avoid conflict at the interface. The government acknowledges that planning on both urban and rural sides of the UGB needs to be designed to minimise interface issues such as conflict, pressure for urban expansion, land speculation and land management issues.</p>	<p>Proceed</p>	<p>See Action 11</p>

OPTION	COMMENTARY	RESPONSE
<p>Introduce conditions in land use zones for particular uses, such as public open space or uses serving urban populations (e.g. schools, places of worship and infrastructure), to be located in transitional locations only.</p> <p><i>Consultation Paper: p. 52</i></p>	<p>This option is strongly opposed.</p> <p>Respondents are concerned this approach could undermine the green wedges and UGB. Many respondents consider that schools and places of worship (permitted in green wedges) should be prohibited from green wedges entirely.</p> <p>Respondents also feel that the definition of the 'transitional' locations needs further clarification and are concerned it may result in urban incursion into green wedge areas.</p>	<p style="text-align: center;">Not proceeding</p> <p>The government acknowledges the views of submitters and will address the potential development impacts of these types of uses through siting and design requirements to be delivered through actions 9, 11, 13 and 17.</p>
<p>To improve transition between rural and urban land use, introduce the ability to apply other rural zones more suited to the roles and land conditions of particular locations (e.g. Rural Living Zone (RLZ, FZ), provided the minimum green wedge subdivision provisions are retained.</p> <p><i>Consultation Paper: p. 52</i></p>	<p>This option is strongly opposed.</p> <p>Respondents feel it could weaken the intent of the UGB and could blur the lines between urban and rural land. Furthermore, respondents consider that this option could result in inflated land prices and speculation.</p>	<p style="text-align: center;">Not proceeding</p> <p>The government acknowledges the views of submitters and agrees this option should not proceed. Guidance on transitional uses will be provided via Green Wedge Management Plans and existing planning controls and policies.</p>



Theme: Managing discretionary uses

OPTION	COMMENTARY	RESPONSE
<p><i>Education facilities</i></p> <p>Amend the GWZ, GWAZ, RCZ and Clause 51.02 (VPP) to insert conditions of use that:</p> <ul style="list-style-type: none"> require that primary and secondary schools must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone prohibit schools in high bushfire risk areas (i.e. areas subject to the BMO). <p><i>Consultation Paper: p. 56</i></p>	<p>This option is generally not supported. However, the strong opposition to this option is not an indication of a desire for primary and secondary schools to remain Section 2 uses with no conditions, but rather a desire for these uses to be prohibited in green wedge areas.</p> <p>The government supports the primacy of non-urban uses in green wedge areas and accepts respondent feedback that primary and secondary schools are generally most appropriately located inside the UGB or within townships, however there are instances where a school is appropriately located within the green wedges.</p> <p>Placing restrictions on the location of primary and secondary schools in green wedge areas could result in unintended consequences.</p>	<p style="text-align: center;">Not proceeding</p> <p>The government acknowledges that there may be unintended consequences in proceeding with this option, particularly for smaller community groups. As such, this option is not supported.</p> <p>Potential issues arising from education facilities option will continue to be managed through the existing planning framework.</p>
<p><i>Places of worship</i></p> <p>Amend the GWZ, GWAZ, RCZ and Clause 51.02 (VPP) to insert conditions of use that:</p> <ul style="list-style-type: none"> require that places of worship must be located adjacent to the UGB and adjoin, or have access to, a road in a Road Zone. prohibit places of worship in high bushfire risk areas (i.e. areas subject to the BMO). <p><i>Consultation Paper: p. 57</i></p>	<p>This option is generally not supported. Again, the strong opposition to this option is not an indication of a desire for places of worship to remain a Section 2 use with no conditions, but rather a desire for places of worship to be prohibited in green wedge areas.</p> <p>The government supports the primacy of non-urban uses in green wedge areas and accepts stakeholder feedback that places of worship are most appropriately located inside the UGB. However, restricting the location of such facilities may have unintended consequences on smaller community groups.</p>	<p style="text-align: center;">Not proceeding</p> <p>As with schools, the government acknowledges that there may be unintended consequences in proceeding with this option, particularly for smaller community groups. As such, this option is not supported.</p> <p>Potential issues arising from places of worship will continue to be managed through the existing planning framework, noting that a place of worship is already a prohibited use in the Rural Conservation Zone.</p>

OPTION	COMMENTARY	RESPONSE	
<p><i>Halls</i></p> <p>Develop and implement a land use definition of ‘Hall’ in Clause 73.03 (Land use terms; VPP).</p> <p>Amend the GWZ, GWAZ, RCZ and Clause 51.02 (VPP) to insert conditions of use for halls that:</p> <ul style="list-style-type: none"> • mirror the minimum lot size and maximum number of patron requirements applicable to ‘Function centre’ in the GWZ • prohibit halls in high bushfire risk areas (i.e. areas subject to the BMO). <p><i>Consultation Paper: p. 57</i></p>	<p>Respondents support a new ‘Community hall’ definition that differentiates between commercial and community uses. It is generally accepted that to reduce risk to human life, halls should not be located in high bushfire risk locations. However, other proposed conditions of use (including minimum lot size and maximum number of patrons) are not supported by respondents because they do not respond to local circumstances and needs.</p>	<p>Proceed in part</p>	<p>See Action 20</p>
<p><i>Exhibition centres</i></p> <p>Amend the GWZ, GWAZ and Clause 51.02 (VPP) to insert conditions of use for Exhibition centres that:</p> <ul style="list-style-type: none"> • restrict the number of patrons to a maximum total of 150 at any one time • prohibit Exhibition centres in areas of high bushfire risk (i.e. areas subject to the BMO). <p><i>Consultation Paper: p. 58</i></p>	<p>This option is generally supported, with respondents noting the important role these facilities can provide to rural communities and economies. There is mixed support for prohibiting Exhibition centres in the BMO as this would be inconsistent with other uses for an assembly of people that are not prohibited. The potential impact of natural hazards should form part of the assessment of the merits of an Exhibition centres in the BMO.</p> <p>Some respondents raise concerns about ‘ancillary’ uses (such as restaurants and cafes) associated with exhibition centres, which they feel can cause disruption and be interpreted differently by decision-makers.</p>	<p>Proceed in part</p>	<p>See Action 17</p>
<p><i>Certain accommodation uses</i></p> <p>Amend the RCZ to insert conditions of use for ‘Group accommodation’ and ‘Residential hotels’ to be consistent with GWZ and GWAZ (i.e. minimum lot size requirements, maximum number of bedrooms/ dwellings, ‘in conjunction with’ test).</p> <p><i>Consultation Paper: p. 58</i></p>	<p>There is support for strengthening conditions of use for group accommodation and residential hotels in the RCZ to ensure a functional relationship with the primary non-urban land use.</p> <p>The government supports applying consistent conditions of use to group accommodation and residential hotels across the RCZ and green wedge zones, which will reduce confusion and provide greater clarity.</p>	<p>Proceed</p>	<p>See Action 17</p>

OPTION	COMMENTARY	RESPONSE		
<p><i>Camping and caravan parks</i> Amend Clause 73.03 (Land use terms, VPP) to reflect new categories of camping and caravan parks in line with changes to the registration categories under the Residential Tenancies Act 1997. Amend the GWZ, GWAZ and Clause 51.02 (VPP) to establish conditions of use that permit Camping and caravan parks only when such use falls within 'bush/primitive' or 'tourist' categories. <i>Consultation Paper: p. 59</i></p>	<p>While survey respondents indicated strong support for this option, there is little input on this option from camping and caravan proponents. Respondents who gave a reason for their support are primarily concerned that, over time, camping and caravan parks intended for short-term accommodation may transform into permanent accommodation, which they consider to be inappropriate in green wedge areas.</p>	<p style="text-align: center;">Not proceeding</p> <p>The government will not proceed with this option and affirms its longstanding policy to protect the residency and tenancy rights of all caravan park residents while ensuring camping and caravan parks are appropriately regulated in the green wedges to protect their non-urban role and prevent land-use conflict. The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 are scheduled to expire in June 2024 and are currently being reviewed.</p>		
<p><i>Data centres</i> Amend the GWZ, GWAZ and RCZ to prohibit Data centres or, alternatively, amend the GWZ, GWAZ and RCZ to introduce a condition that requires Data centres to be located adjacent to residential, commercial or industrial zoned land. <i>Consultation Paper: p. 60</i></p>	<p>There is strong support for prohibiting data centres in the RCZ and green wedge zones, rather than introducing conditions to restrict their location. The government notes stakeholder feedback that data centres are not appropriate in these zones due to their large built form. Data centres are largely an intensive urban land use which is not consistent with the primary non-urban purpose of these zones.</p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Proceed</td> <td style="width: 50%; text-align: center;">See Action 15</td> </tr> </table> <p>The government will prohibit data centres in the GWZ, GWAZ and RCZ statewide.</p>	Proceed	See Action 15
Proceed	See Action 15			
<p><i>Data centres</i> Alternatively, amend the GWZ, GWAZ and RCZ to introduce a condition that requires Data centres to be located adjacent to residential, commercial or industrial zoned land. <i>Consultation Paper: p. 60</i></p>	<p>As above, there is strong support for prohibiting data centres in the RCZ and green wedge zones, rather than introducing conditions to restrict their location.</p>	<p style="text-align: center;">Not proceeding</p> <p>In proceeding with Action 15, government will not proceed with implementation of the option to amend the GWZ, GWAZ and RCZ to introduce a condition that requires data centres to be located adjacent to residential, commercial or industrial zoned land.</p>		

Improving the design of development in green wedges

Theme: Implementing design and development guidelines

OPTION	COMMENTARY	RESPONSE
<p>Introduce a new PPN to assist responsible authorities to assess development proposals on green wedge land.</p> <p><i>Consultation Paper: p. 63</i></p>	<p>A PPN to guide assessment of development applications in green wedges is supported, however respondents suggest the breadth of design and development guidance that is respectful of landscape character, view lines, biodiversity, hydrological changes, bushfire management, protection of waterways, wetlands, drinking water catchments and state significant infrastructure, should already be contained in GWMP content and local design provisions.</p> <p>Survey respondents also express concern as to how a practice note would deliver guidance that adequately responds to the uniqueness and diversity of different green wedges.</p>	<p style="text-align: center;">Not proceeding</p> <p>Given the diversity of planning contexts in green wedge areas, together with existing direction in planning schemes – and stronger policy to be implemented through the action plan – the government agrees that additional general guidance to assess development in green wedges would be of limited value and may be duplicative of existing measures.</p>
<p>Adjust the decision guidelines (General Issues and Design and Siting) and introduce application requirements for development applications in Green Wedge zones.</p> <p><i>Consultation Paper: p. 63</i></p>	<p>There is strong support for more consistent decision-making across green wedge areas, with many respondents noting that guidelines should be clear and specific.</p> <p>Comments indicate this option would improve decision-making and strengthen the intent of the green wedge zones. Respondents suggest that application requirements should seek to achieve site-responsive built form outcomes.</p>	<p style="text-align: center;">Proceed See Action 12</p> <p>The government will work with stakeholders to deliver proposed changes to decision guidelines and application requirements in green wedge zones.</p> <p>This would apply to green wedge land in the GWZ, GWAZ and RCZ.</p>

OPTION	COMMENTARY	RESPONSE	
<p>Update the form and structure of GWMPs to require new or updated GWMPs to identify landscape typologies and detailed design guidelines. This would enable matters such as setbacks, siting and site coverage to be determined at a local level and could be used to inform changes to planning requirements.</p> <p><i>Consultation Paper: p. 63</i></p>	<p>Respondents support a consistent, state-led approach to protecting landscape values. They feel landscape assessment should recognise locally unique characteristics. However, they also acknowledge the potential resource burden this would create.</p> <p>Questions are raised around the effectiveness of the landscape typology approach, which may be too generic given the uniqueness and diversity across all green wedges. Respondents suggest design objectives should be tailored to manage specific risks and pressures. Some councils note they have already completed strategic work to identify key landscape elements.</p> <p>Respondents prefer the planning scheme to GWMPs as a tool to impose design and siting requirements. They consider that GWMPs do not have the same statutory weight.</p>	<p>Proceed in part</p>	<p>See Action 10</p>
<p>Introduce a new particular provision in the VPP that contains design guidelines and standards for development in green wedge areas. The provision could outline relevant considerations, objectives and standards similar to existing provisions in Clauses 54, 55, 56 and 58 of the VPP.</p> <p><i>Consultation Paper: p. 63</i></p>	<p>Respondents support this option but note that a new particular provision cannot be tailored to suit local landscape characteristics.</p> <p>Although respondents are in favour of a consistent approach to assessing built form proposals, the range of site contexts and potential land uses make it difficult to define standard requirements in the VPPs that are applicable to all proposals.</p>	<p>Not proceeding</p>	
<p>Amend the schedule to Green Wedge zones to allow for matters such as site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses.</p> <p><i>Consultation Paper: p. 63</i></p>	<p>This option is strongly supported as it is perceived to offer the potential for more localised design and development outcomes.</p> <p>There is mixed feedback about requirements for site coverage, setbacks and building heights, which some respondents feel should be clearly stipulated for greater certainty. Conversely, others suggest these factors have the potential to encourage inappropriate development in green wedges.</p>	<p>Proceed</p>	<p>See Action 13</p>
<p>The government will update Planning Practice Note 31 'Preparing a Green Wedge Management Plan' to better direct green wedge planning at the local level.</p> <p>Through this work, further consideration will be given to an appropriate framework for landscape typologies and design guidelines to ensure consistency across local government and green wedge areas. This may involve a review of local landscape studies linked with planning provisions that have recently been introduced.</p> <p>The government will work with stakeholders to determine the best approach to landscape assessment and appropriate translation into design guidance within planning scheme. This will occur during the review and drafting of the updated practice note.</p>			

Glossary of acronyms

AoC	Agent of Change
BMO	Bushfire Management Overlay
GWAZ	Green Wedge A Zone
GWZ	Green Wedge Zone
GWMP	Green Wedge Management Plan
LGA	Local Government Area
LUFP	Land Use Framework Plan
PPF	Planning Policy Framework
PPN	Planning Practice Note
RCZ	Rural Conservation Zone
RtF	Right to Farm
UGB	Urban Growth Boundary
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions

