

Green Wedges and Non-urban Issues



Technical Report 2

PLANNING MELBOURNE FOR THE 21ST CENTURY



Message from the Ministers

By world standards Melbourne is a great city. The Bracks Government is committed to maintaining Melbourne's reputation as a highly liveable city and an attractive investment destination. The Government has embarked on the preparation of a Metropolitan Strategy to set a clear vision for Melbourne's future liveability, prosperity and, importantly, its long-term sustainability.

The preparation of the Metropolitan Strategy is drawing on inputs from a wide range of sources. It is vital that the strategy has a sound research and information basis. It is also especially vital that community aspirations for the city's future be well understood. The key inputs to the strategy therefore include both a wide ranging public consultation program as well as a series of research or technical papers on issues that may have an impact on Melbourne's future.

The Bracks Government has given an undertaking to make as much of this background information as possible widely available to stimulate discussion about the future of Melbourne.

This report is one of the technical reports commissioned by the Department of Infrastructure, which we hope will stimulate feedback. At this stage content and recommendations are only the views of its authors and not necessarily the views of the Government. The Strategy is still in its early stages of development and we remain open to hearing what the broader community would like it to encompass.

We encourage you to read this and other technical reports and, should you wish, to make your views known about the future of Melbourne by contacting us on:

Tel. 1800 191 012

Email: melbourne2030@doi.vic.gov.au

write to:

Melbourne 2030

Department of Infrastructure

GPO Box 2797Y

Melbourne 3001

or visit

www.melbourne2030.vic.gov.au

Mary Delahunty MP
Minister for Planning

Peter Batchelor MP
Minister for Transport

The technical reports entitled, *Planning Issues in Melbourne's Green-wedge Areas, Specific Planning Issues in Melbourne's Non-urban Areas and Metropolitan Non-urban Issues (Including Green Wedges and Green Belts)*, have been written to the Department of Infrastructure by Alastair Kellock and Associates.

PLANNING ISSUES IN MELBOURNE'S GREEN- WEDGE AREAS

An issues paper prepared as a contribution to the development of a Melbourne Metropolitan Strategy

This paper has been produced as a background discussion document for the Melbourne Metropolitan Strategy Project. The contents of this paper do not necessarily represent the position of the Department of Infrastructure or its employees or of the State of Victoria.

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Comments with respect to the contents of this paper should be sent to:

*Metropolitan Strategy Project Team
Department of Infrastructure
Level 23, 80 Collins St
GPO Box 2797Y
Melbourne Vic 3001*

e-mail: metroplan@doi.vic.gov.au

Prepared by Alastair Kellock and Associates

6 Lord Avenue, Dingley Village
9551 3630

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Executive summary and overview

This paper outlines current planning and management issues in the non-urban green wedges forming part of the Melbourne metropolitan area. The paper is intended to stimulate discussion on an issue of significance to Melbourne's future growth and development.

This paper draws on existing publications, reports and studies conducted in recent years, draft Municipal Strategic Statements prepared by councils, and discussions with a range of individuals.

What are green wedges?

For the purpose of this paper, a green wedge is a term describing the non-urban areas that fall between Melbourne's urban growth corridors.

Land in the green wedges is mostly open or rural in appearance – either farmed, occupied by low-density (possibly intensive) activities, in public use such as airports or sewage farms, protected for conservation purposes or in low-density residential use.

Despite these commonalities, there are wide variations across Melbourne's green wedges in terms of use and appearance. These range from the relatively featureless south-eastern green wedge enclosed by urban development, the open basalt plains of the west to the highly prized environmental landscapes in the Yarra Valley.

While this paper is directed at issues within the green wedges, the matters raised have equal relevance to other non-urban areas around the metropolitan area.

Background and policy context for green wedges

The concept of green wedges as a desirable component of metropolitan policy first emerged in 1960s and 1970s when it was decided to encourage Melbourne's growth into defined urban corridors centred on transport networks. The non-urban green-wedge areas between these corridors were

seen to be permanent and to be protected for a range of purposes, including agriculture, flora and fauna, airfields and extractive materials.

However, the observation of those consulted during the preparation of this paper is that the coherent corridor/green-wedge policies of earlier decades have been replaced with growing uncertainty.

As a result there is less metropolitan wide agreement on the purpose of green wedges, the role they should play and the methods of achieving desired outcomes. Recent metropolitan policy statements are generally sweeping, and not particularly helpful when applied regionally or at a municipal level.

The view is that, increasingly, State governments appear unwilling or unable to make positive statements about the role of green wedges and the contribution they make to a desirable form of city development.

International experience

Planning issues in non-urban green wedges are not peculiar to Melbourne. Many international cities grapple with the same sort of issues as Melbourne does. While the reasons for setting aside green wedges or green belts varies in overseas cities, planning policies are usually aimed at safeguarding agricultural production, open space/recreational or landscape character, or preventing urban sprawl – similar reasons to Melbourne.

A consistent set of policy elements is present in many international examples such as, a clear articulation by government of the purpose of green belts, demarcation between urban and green belt land, the fact that green belts shape urban development at least equally as much as urbanisation shapes green belts and a preference to select and maintain recognisable boundaries.

Planning and management issues in green wedges

There is consistent and ongoing comment that green-wedge issues matter. However, there has been increasing reluctance by State governments to make positive statements about the role of green wedges in the metropolitan context. As a result, there is less metropolitan wide agreement on the purpose

of green wedges, the role they should play, desired outcomes and the methods to be adopted. In contrast, some local governments have defined very clear strategies for their own green wedges.

Questions continue to emerge about the permanency of green wedges. Not all land in green wedges is environmentally significant with high landscape values. Infrastructure availability varies, as do the constraints imposed by certain uses, such as airports or sewage farms.

In some wedges agricultural uses seem to be retreating while other activities such as rural living are being attracted. Some perceive the green wedges as simply a holding zone for future residential use despite the vast areas already set aside for these purposes in designated growth areas. Even where policies have been developed to deal with these issues, the time horizon can be relatively short. In few areas can it be said that a truly long-term (50-year-plus) policy has been identified.

The issue of certainty about green wedges and the urban fringe has arisen on numerous occasions in researching this paper. Uncertainty leads to a range of undesirable effects, including poor land management, inappropriate uses and development, land speculation, inflated land prices, lack of investment, constant ad hoc pressure on planning authorities, etc. The common view is that the more secure that boundaries are between urban and non-urban areas, the greater the opportunity for people to take a long-term view about the values and opportunities of green-wedge areas and the development of identified urban areas.

There must be a commitment by governments to reinforce desired policy positions through their actions. This can be difficult to sustain over the longer term as administrations at State and local levels come and go. It is also a reason for attempting to achieve bipartisan support for green-wedge policies. Importantly, therefore, the outcomes being sought must be clearly articulated and the reasons for determining policies well researched if they are to have any lasting affect.

A key to ensuring that green wedges are maintained and enhanced for their desired purpose is to make sure that sound management practices are followed and there is adequate investment in the outcomes sought for wedges.

Green wedges form part of natural systems that need to be cared for. This is increasingly difficult where landowners do not have the incentive or expertise to undertake the necessary practices. As in urban areas, governments need to think about direct investment to ensure that desirable outcomes are achieved.

Drawing from the matters arising in this paper, a possible method on how to proceed is outlined below.

1 Identify or restate the metropolitan wide purposes for including land in green wedges

At a metropolitan level these purposes might include statements about checking unrestricted urban sprawl and assisting in safeguarding valued non-urban areas from encroachment.

2 Identify or restate the purposes and objectives for each green wedge

As there are quite distinct differences between many green wedges, more specific purposes for each wedge should be defined. There should also be a statement of objectives for the wedge and a statement of what outcomes or results are expected to be achieved.

3 Define the green-wedge boundaries

Defining a defensible edge will give greater certainty to green-wedge/urban policies. In some cases, this will be a relatively simple task as much work has already been put into drawing the line between urban and non-urban areas. In other instances the line will need to be identified with care and additional investigation.

4 Boundary review

The above actions should more substantially set the boundary between green-wedge areas and urban boundaries. However, there may be a need to review the boundary from time to time (say between five and 10 years) depending on changed circumstances.

The use of an advisory committee for this process is suggested which could take account of metropolitan urban growth needs and any changed circumstances in green wedges.

5 Develop a toolbox of techniques to assist planning authorities in managing towards desired outcomes

Policies and objectives must flow through to actions if planning authorities hope to achieve their intended purpose. Many councils and agencies have instituted excellent plans to achieve desired outcomes for their green wedges.

Unfortunately, much of this good work is not shared nor does any one body assume the responsibility for implementation or coordination. A toolbox of good ideas would provide a range of possible responses for different situations.

6 Green-wedge action and investment plans

A series of programs should be developed to guarantee the continued existence and practical use of land in green wedges. This may require additional funding, programs and projects over the longer term to ensure a viable outcome and demonstrate that government is serious about the future of the wedges.

Local government has a particular responsibility for developing action plans for green wedges. Many have excellent programs in place now.

Ideally, there should be an integrated program of action between State and local governments and work should be undertaken to ensure a better understanding as to how this might occur.

Introduction

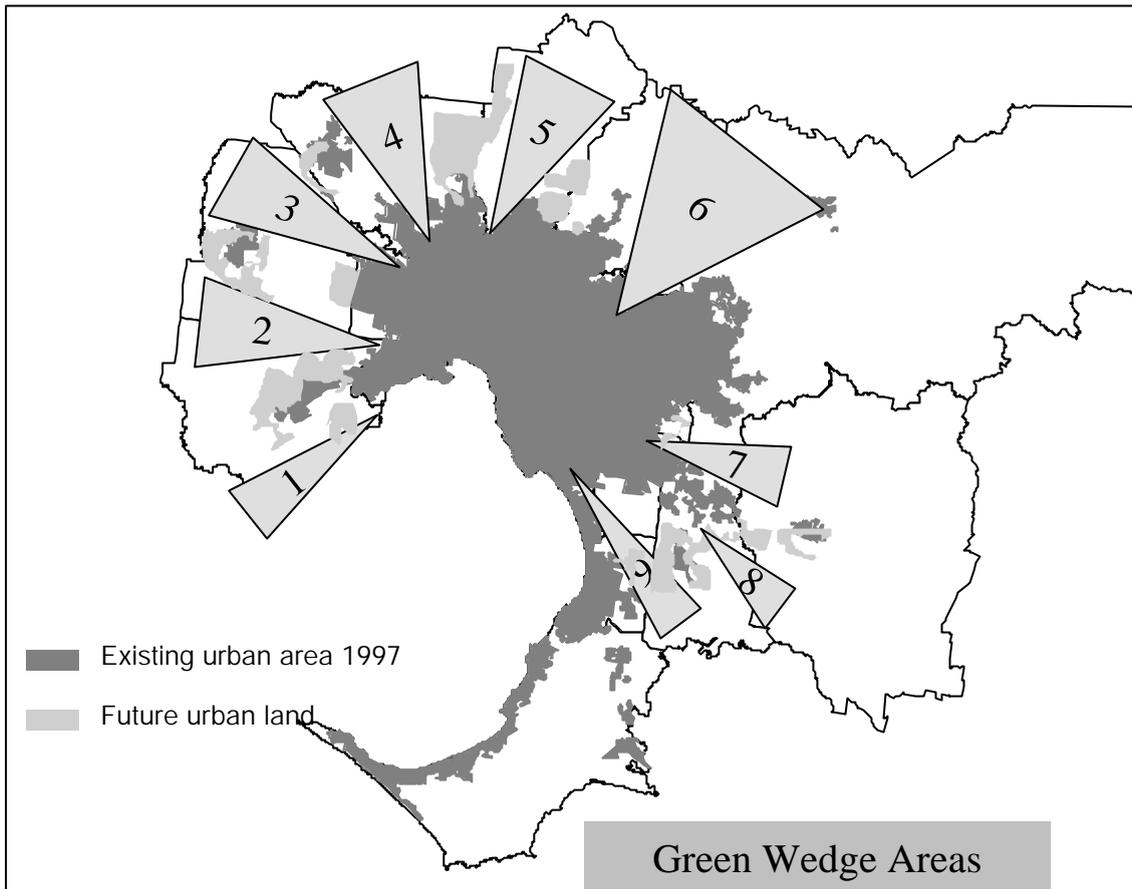
This paper outlines current planning and management issues in the non-urban green wedges forming part of the Melbourne metropolitan area. The paper is intended to stimulate discussion on an issue of significance to Melbourne's future growth and development.

This paper draws on existing publications, reports and studies conducted in recent years, draft Municipal Strategic Statements prepared by councils and discussions with a range of individuals.

What are green wedges?

For the purpose of this paper a green wedge is a term describing the non-urban areas that fall between Melbourne's urban growth corridors. The wedges comprise:

1. Land between Port Phillip Bay and Werribee Growth corridor
2. Land between the Werribee growth corridor and Brimbank/Melton
3. Land between Sydenham and Greenvale including part of Melbourne Airport.
4. Land north-east of the Melbourne Airport to the Hume corridor.
5. Land between Craigieburn and Mernda
6. Land east of South Morang, including the Yarra Valley
7. Land between Rowville and Lysterfield
8. Land between Narree Warren South and Cranbourne
9. Land between the south-eastern growth corridor and the bayside urban area.



Land in the green wedges is mostly open or rural in appearance - either farmed, occupied by low-density (possibly intensive) activities, in public use such as airports or sewage farms, protected for conservation purposes or in quite low-density residential use.

While this paper is directed at issues within the green wedges, the matters raised have equal relevance to other non-urban areas around the metropolitan area.

Background and policy context for green wedges

Early development

Melbourne's green wedges have evolved through a combination of natural topography, historical growth patterns and deliberate policies on the part of governments.

Poor transport meant that the early growth of Melbourne clustered around available services. With the advent of the railways and the development of the main road network, Melbourne's growth and development spread. The arrangement of transport, road and rail, tended to be radial in character and urban growth followed this pattern with Melbourne city at the centre of the network. This growth left large areas of land undeveloped in the shape of green wedges between these natural growth corridors.

With the increasing popularity of the motor car, travel restrictions lessened and green wedges that were attractive, easy to service and develop were subdivided and sold off for housing. Areas that were more difficult in terms of terrain, visually unappealing or used for incompatible activities (such as quarrying, or sewage works) were bypassed.

With the advent of the Melbourne and Metropolitan Board of Works as Melbourne's planning authority, a more considered approach was taken to Melbourne's growth and development. With optimism for large scale urban growth existing in the late 1960s and early 1970s, a new urban structure for the expansion of the city. Metropolitan policies were developed that encouraged and reinforced urban development with ready access to major transport spines. Given the uncertainty of growth predictions the corridor concept was to be open ended and flexible along the edges of some corridors where rather arbitrary boundaries were based on drainage catchments and the feasible extent of the water supply network. In the west, the Werribee and Melton (Melton as a satellite city) corridors were nominated, in the north, the Merri and Plenty corridors, in the east, the Lilydale corridor and in the south-east, the Berwick and Frankston corridors. The non-urban areas were seen to be permanent and urban expectations limited to the Corridor zones. The green wedges lying between the corridors were seen as fulfilling five key planning objectives:

- Conservation of significant landscape and habitat, floodways and catchments
- Protection of landscape and habitat where appropriate

- Conservation and utilisation of proven stone and sand deposits
- Conservation of significant intensive agricultural areas
- Conservation of open farmlands.

In addition, some Special Use Zones and Public Purposes Reserves were also envisaged for the green wedges (for example, land comprising Melbourne Airport and the eastern and western sewage treatment plants). Amendment 150 to the Metropolitan Planning Scheme locked these policies into place.

Green-wedge policy during the 1980s and 1990s

During the 1980s, the corridor-wedge guiding principle was reaffirmed through a range of metropolitan policies including major strategies such as *Shaping Melbourne's Future*, released in 1987.

Following growth corridor investigations undertaken between 1987 and 1990, two Ministerial Directions were released in 1990 that provided a strategic framework for the future planning of the south-eastern and Werribee growth areas and a growth area strategy was signed off for the Plenty corridor. The results were to reaffirm the concept of corridor growth, but the almost limitless outward growth envisaged in earlier policies was curtailed. Where practical, new urban growth was to be consolidated and major activities directed towards town centres in each growth corridor, such as Cranbourne and Werribee. The new urban land identified in each of the corridors was, to some extent, at the expense of the green wedges in these locations, which were reduced in size.

With the introduction of new metropolitan planning schemes in 1989, the Regional Section of all metropolitan planning schemes was amended to incorporate a policy statement for non-urban areas that said, in part:

Melbourne's growth corridors are separated by valuable wedges of open countryside that are to be preserved. Parts of these areas have valuable resources of minerals and stone which are also to be protected for future extraction and reinstatement for non-urban uses.

The Metropolitan Strategy, *Living Suburbs*, released in December 1995, dealt softly with many traditional planning issues and did not give prominence to green wedges as such. Nevertheless, a variety of protection objectives were envisaged which corresponded with green-wedge aims. *Living Suburbs* adopted five basic spatial objectives. Two of these have relevance to green-wedge policy:

- Optimum use should be made of existing urban land and land already set aside for growth, and
- Melburnians should continue to have ready access to green spaces and non-urban land offering recreational and related opportunities.

Living Suburbs made reference to the protection of airports, rubbish tips; sewage treatment plants; mining activities; recreation areas; areas of high landscape quality; areas of high conservation value, and high-quality agricultural land. This list covers the range of protection objectives evident in earlier green-wedge policies.

Reform of the Victorian planning system in the mid 1990s resulted in a standardised framework of *Victorian Planning Provisions* (VPP). Within the context of the objectives outlined in the Planning and Environment Act, the VPP State Planning Provisions Framework (SPPF) provides a range of policies that must be applied and integrated into planning decisions. As with *Living Suburbs*, the term 'green wedge' is not used, although protective and ameliorative measures are envisaged across a broad range of activities that would be relevant to the green-wedge areas of Melbourne, i.e. protection of environmentally sensitive areas, management of resources and economic well-being.

The observation of those consulted during the preparation of this paper is that the clear corridor/green-wedge policies of the 1970s have been replaced with mounting uncertainty. The view is that, increasingly, State governments appear unwilling or unable to make positive statements about the role of green wedges and desired forms of city development.

Other studies and reports

In addition to these formal policy documents, a number of studies/reports/decisions were produced during the 1990s that are directly relevant to green-wedge policy. Four are listed below

The first is the independent panel's report into Amendment L76 to the Doncaster and Templestowe Planning Scheme in 1995. The amendment sought to include green-wedge land in a landscape interest zone. This was opposed by a number of landowners who sought higher density subdivision rights. The amendment was a major test of green wedge policies. The panel observed that:

The essence of good planning is not necessarily to respond to immediate personal views but to take a much wider and longer-term view.

...if ever there is an example of the importance of orderly and proper planning it was the decision in the late 1960s to permanently reserve wedges of non-urban land between growth corridors. It was good planning then and it is good planning now. It is nowhere near its 'use-by date' in planning terms. Indeed, the importance of that decision is only going to become more evident as time passes and as the urban breathing spaces become more appreciated by the community and the landowners. If this green wedge were to be abandoned now it would be lost forever; there would never be any prospect of resurrecting the green wedge again in the Warrandyte/Park Orchards area. This is a prospect that the Panel believes cannot be contemplated.

The second report is the *Review of Issues on the Urban Fringe* prepared by an Advisory Committee established by the Minister for Planning and Local Government and released in late 1996. The Advisory Committee held that:

Land which forms part of the green wedges of Melbourne...must be protected. This is fundamental to:

- promote the sustainable management of natural and physical resources
- protect land having a high or potential value for the production of food
- protect rural areas generally from sporadic subdivision and urban development, and

- protect the landscape qualities as well as the recreational, botanical, heritage and environment values of land surrounding urban areas.

The report recommended:

- that the principles of the growth corridor/green-wedge concept be upheld when planning fringe areas for reasons of environmental sustainability and the protection of recreational opportunities, natural resources, landscape values and high quality agricultural land
- that any proposals to alter the boundary of urban areas to allow large scale residential and other development within green wedges and outside designated growth areas only be considered within a strategic planning framework
- that planning authorities should ensure that long-term policies are established giving firm direction for future urban growth and maintaining a stable and enduring urban edge, to reduce expectations that the primary function of non-urban land will change.

The same Advisory Committee's *Review of Submissions and Final Recommendations* drew the following conclusions:

- there was support for emphasising the importance of strategic and regional planning, retention of green wedges, land capability assessment and definition of a hard boundary between urban and rural areas
- integration of land use planning and catchment management is strongly supported
- one of the major issuesis to identify the processes and actions which will serve to improve the quality of land management within the green wedge
- it is necessary to have a clear approach to management within the green wedge. In most cases this involve groups of landholders rather than individuals.

Some guiding principles are:

- each green wedge needs to be considered as an individual entity due to its environmental, community and economic uniqueness
- strategic planning at the State and local level, while essential to developing the planning framework is not enough to stimulate grass roots change. Programs need to impact on the property owner and site directly and need to be thoroughly researched and implemented through using group or catchment based techniques
- these programs will need to be funded, in some cases to quite significant levels, if real and permanent improvement is to be effected

- the Department of Infrastructure should consider targeting one green wedge and undertake a study, which has as its objective, the identification of a process and program which would result in increasing the efficiency of resource use, particularly as it impacted upon the environment, community and the local and regional economy.

The third report focused specifically on the south-eastern green wedge. Entitled *South East Non-Urban Study (SENUM)* it was released in early 1997, and has since been used in the development of local policies by the municipalities of Frankston, Greater Dandenong, Kingston, and Casey. The report supported the green-wedge concept while also identifying some limited areas that have potential for urban conversion. The report stated that:

- any urban rezonings must only occur in the context of a detailed structure plan
- a defined edge to the green wedge should be provided
- contributions from urban rezonings are to be made to the achievement of the green-wedge concept.

Major urban conversion was not supported except in the context of a metropolitan review of growth area needs.

Neither the Advisory Committee's report nor SENUS has been incorporated into State level planning policy.

The fourth report, *Final Report, New Format Planning Schemes* was prepared by Helen Gibson, Chief Panel Member, in April 1999, in response to the panel's assessment of various planning schemes. Gibson's report recommended among other things the protection of agricultural land across the State. More particularly:

- The SPPF* should be reviewed to better recognise the role that all forms of productive agricultural land play in maintaining and expanding the State's agricultural base, not just high quality agricultural land.
- The Department of Infrastructure should encourage councils to develop mechanisms in the form of policies and other initiatives by which to deal with pressures, which may result in the loss of productive agricultural land from production.

* State Planning Policy Framework

- The principles underlying the rural zones and the environmental overlays should be reviewed and modifications made to the VPPs** to ensure that important objectives in respect of agriculture and rural land can be met effectively.
- Consideration should be given to expanding the suite of rural zones in the VPPs.

Policy benefits

Many benefits have occurred as a result of policies that have created or protected green-wedge land. For example:

- Melbourne's major airport has been safeguarded from residential development through land acquisition, by planning overlays and buffers on private land and as a result can maintain 24-hour operations and the potential for expansion.
- Melbourne has been able to retain world-class conservation areas close to the metropolis. These include areas such as internationally recognised wetlands and grasslands in the west, and major parklands along the Dandenong Creek valley at Point Cook and Braeside.
- Environmental and landscape sensitive areas such as the Yarra Valley, the foothills of the Dandenongs and the Mornington Peninsula have been protected from inappropriate subdivision and development.
- Industries such as basalt and sand extraction and subsequent land fill/waste disposal and operations have been able to continue operation within close proximity to major markets in Melbourne. This has created efficiencies in the provision of raw materials to the construction industry and useful, if somewhat controversial, sites for refuse disposal. It has also allowed, in time, the conversion of some of these areas for recreation use.
- The ability of certain land uses (such as sewage plants) to locate within close proximity to Melbourne, but with protection from urban incursion, results in major cost savings to the community. These savings relate to both operating costs and the avoidance of dispute-related costs.

** Victoria Planning Provisions

- Areas at Werribee and Cranbourne have been safeguarded for market gardening and intensive horticulture and the opportunity provided for broadacre farming.

While the impact is uneven around the metropolitan area, it can be seen that green-wedge and other non-urban policies of Melbourne have been of environmental and cultural benefit and economic advantage in terms of both costs avoided and competitive gain.

International observations

The following precis of observations by David Turnbull, Director Planning and Development, City of Whittlesea (following a study trip to Europe and North America in late 1997) provide a useful picture of overseas practice in metropolitan areas.

A great number of modern cities around the world have withheld land from development and created what are often referred to as 'green belts' or areas held for enduring non-urban use. As with Melbourne's green wedges, these areas are under continual pressure for development.

The approach and levels of direction from government varies between countries and regions. However, the stronger and more active the leadership there is from central government, the more productive is the implementation of green-belt objectives. The most successful were those green belts held in government ownership (compare Canberra).

The reasons for setting aside such land varies but is usually related to agricultural production, open space/recreational or landscape character reasons.

The consistent set of elements that seem to be present in most if not all international examples are:

- a clear articulation by government of the purpose of the green belt
- unequivocal support and leadership from central and then local government
- clear demarcation between urbanisation and green-belt land
- green belts shape urban development more so than urbanisation shape green belts
- clear performance-based conditions upon which land in a green belt can be developed
- an understanding via research of agricultural values of land – not prediction

- an understanding by landowners and developers of why land parcels are included in a green belt
- broadscale and bipartisan political support
- selection and maintenance of recognisable boundaries.

The British Planning Policy Guideline for Greenbelts is helpful and has some applicability in the Melbourne situation (see Appendix 1).

The nature and character of Melbourne's green wedges

While their commonality is their low-density development, each green wedge has different physical characteristics and serves a different purpose in its sub regional or local setting. Brief descriptions of each green wedge are provided at Appendix 2.

Planning and management issues in green wedges

There are a variety of forces that impact on green wedges. These are complex and require an understanding of both broader influences as well as localised considerations.

While this paper describes issues mainly at the broader scale, it should be borne in mind that there is a range of complicated micro-issues affecting different metropolitan subregions and different municipalities.

Some of the broader issues are outlined below.

Urban growth issues

The need for additional urban land

In most urban growth corridors the supply of residentially zoned land will last for many years (see forecasts¹ in Table 1). With such large areas of land already identified for urban growth it might be argued that there is no foreseeable need to be concerned about future urban growth needs in this metropolitan strategy. Therefore, the role that any green wedges or other non-

urban land could play in providing new urban land might be deferred to another time and another strategy.

However, this denies the fact that in fast growing areas, such as the south east, land might be exhausted within two decades and pressure will build during that time for additional urban land.

There has been a general mood that there is an abundance of land around the metropolitan fringe for further urban development. This belief may not be the case in reality given a proper investigation of all green wedges and other non-urban areas. Taking no action in this strategy about the need for new urban land would be avoiding the question as to the importance of green wedges in their own right and how they shape Melbourne's urban development, rather than how urban development should shape the green wedges.

Accordingly there is a need for a complimentary urban strategy to guide long term development and which outlines what outcomes are sought.

As described above, the green wedges do have important values and a significant role in shaping future urban growth patterns. Therefore, it would be sound policy to identify these values as part of this strategy. It is a fact that access to comprehensive information about non-urban areas can be difficult leading to presumptions about the values of non-urban land.

Given that there are non-urban areas suited for urban growth there will be a need to introduce the necessary safeguards to Protect desirable urban growth options. For instance, if low-density residential development or capital-intensive land uses are permitted in non-urban areas suitable for urban development, it may make land assembly difficult or costly at a later time.

If some land in green wedges is deemed as suited in the long term for urban development, then strategic decisions must be made with regard to 'interim' land uses.

¹ Department of Infrastructure – July 1999.

What are the long-term needs for additional urban land in each urban corridor?

What planning policies and mechanisms are best suited to safeguarding urban development opportunities?

The figures below relate to broadhectare supplies of un-subdivided land. In addition, there may be some two years' supply of serviced lots in the pipeline.

Table 1
Estimated supply for outer Melbourne (average of 10 lots per hectare)

Subregion	Current residentially zoned land (Hectares)	Land expected to be used for residential purposes (ie not currently zoned residential) (Hectares)*	Average consumption per year (Hectares)**	Estimated years of supply (currently zoned)	Estimated years of supply (residentially zoned and non zoned)
South Western	2483	5120	94	26	81
Western	3149	2500	225	14	25
North Western	2199	4260	118	19	55
Northern	2090	4	88	24	24
Eastern	451	0	165	3	3
South Eastern	4751	2400	244	19	29
Peninsula	1378	14	108	13	13
Total outer Melbourne	16501	14298	1042	16	30
Notes					

* This is land identified in structure plans, Ministerial Directions and Municipal Strategic Statements as land identified for future residential development although it has not been zoned residential.

** Average consumption is based on land developed from 1996 to 1999

Source: Land and Development Information Unit, Department of Infrastructure.

Ad hoc urban rezonings of green wedges

The green wedges have been highly susceptible to development pressures. During the 1970s and 1980s, urban expansion into green wedges was minor. Possible reasons for this include the prevailing strength of the corridor/green-wedge policies, the fact that substantial areas were already set aside for urban growth, and development could easily be accommodated on a wide range of development fronts. Additionally, urban-zoned land could be acquired at reasonable prices and development had not progressed so far as to reach the limits of zoned urban boundaries.

The expansion of the three growth corridors, (South Eastern, Werribee and Plenty) in the early 1990s and the strategic planning processes that led to these expansions can be contrasted with the relatively ad hoc group of other urban zonings in green wedges and non-urban areas since which have added substantially to the stock of new urban land. While each of these rezonings may be sound in their local context, they raise broader questions of certainty about metropolitan planning policies and assurances for landowners, planning authorities, governments, or service providers.

These rezonings have occurred despite the large supply of urban-zoned land and despite policies that encourage better use of land already zoned for urban development and the efficient provision of public and private infrastructure to new development.

Should metropolitan policy be enhanced to ensure that rezonings of green-wedge land for urban development is considered more strategically?

An urban edge

The fringes of the metropolitan urban area are seen by some as a locality of impermanence. Depending on a point of view, this can lead to uncertainty or

opportunity for landowners, planning authorities, service providers and the broader community.

These issues were fully recognised and debated in the *Review of Issues on the Urban Fringe* report where it was recommended that:

The *Victoria Planning Provisions* acknowledge the interface of urban and non-urban areas and require planning authorities to define enduring boundaries between urban and non-urban areas and recognise such boundaries in decision-making.

An advantage of defining an urban edge would be to help limit the constant demands to amend the boundary through separate and unrelated rezonings.

The *Review of Issues on the Urban Fringe* recognised that:

The guarantee of a secure boundary will be the crucial step in beginning to minimise existing conflicts and preventing conflict in the future.

The Committee went further stating:

The Committee concurs with those views that a hard edge between urban and non-urban areas is essential to prevent conflict in the future and to commence the resolution of existing points of conflict...There is little indication that a soft edge comprising low density residential development can be, and is, maintained – and is therefore ineffective in containing urban growth. Development expectations, land management issues, and erosion of agricultural and environmentally sensitive land are some of the consequences of a soft edge which have been noted.

The boundary of the metropolitan area is not readily apparent unless a range of documents is consulted. These include growth plans, Municipal Strategic Statements, various ad hoc strategies, individual planning schemes, amendments and zoning boundaries,

Given that boundary can be identified, and within the context of a desirable set of outcomes for the metropolitan area, reviews of the boundary as a whole might occur at regular intervals. For instance, it could take place in conjunction with any new metropolitan strategy, as part of a regular (say five

to 10 year) review of urban growth needs, Ministerial Direction or some other appropriate mechanism².

It is likely that some boundaries should never be moved. For instance areas of high conservation value or high community value (airports and sewage works) should be permanently protected. Therefore the urban edge should be defined such as to clearly indicate the reasons why the boundary is located where it is.

The disadvantage of this approach is that it would remove the flexibility to consider individual proposals on their merit.

What is the best method for more clearly defining a boundary between green wedges and metropolitan urban development?

What mechanism or procedure should be used to review the boundary from time to time?

What guidelines or criteria should be specified to help assess changes to the urban edge?

Rural residential development

The Chief Panel Member, Helen Gibson found that:

the majority of urban fringe and rural councils are constantly plagued by a continuing stream of planning scheme amendment applications for rezoning of rural land for rural residential subdivision.

The dilemma surrounding the delineation of where urban style residential living stops and rural activities commence is replayed constantly around the fringe of metropolitan Melbourne and large rural towns.

The findings by Gibson are supported by a recent study in Whittlesea³ that concluded the demand for low density and rural living lots is likely to increase.

There is no comprehensive understanding of the extent and impact of low-density subdivision and residential development that has occurred in the

² The State Planning Policy Framework requires planning authorities to maintain a 10-year buffer of urban land.

³ *Demand Analysis: Low Density Residential and Rural Living Land Requirements for the City of Whittlesea* (June 1999), i.d. Consulting

wedges or fringe non-urban areas. However, an overview of available mapping indicates that there are substantial areas already subdivided into smaller lots, that is, below two hectares.

This lack of knowledge should be improved over the longer term when, as proposed, the Department of Infrastructure (DOI) expands its information gathering to these locations.

Even if the demand for small lots from genuine buyers were to diminish, it is safe to assume that many landowners will maintain pressure on planning authorities to allow further subdivision to occur.

Low-density residential development can make a positive contribution to local areas through the provision of a wider choice of housing, improved land management, economic investment and the revegetation of denuded landscapes.

However, rural residential development can also put a strong demand on urban services for example, water, garbage collection, bus services, etc. It is usual for rural residential landowners to expect the sort of services normally provided to higher density subdivisions and at a similar cost. Rural residential lots are usually too small to farm and, therefore, any agricultural contribution that the land has made is lost.

Low-density residential development can effectively put a barrier to further conventional urban development. This may be a desirable outcome in some locations where there is a desire to limit further conventional residential development.

Low-density residential development makes it difficult if not impossible to resubdivide, effectively 'sterilising' the land for future urban development. Agricultural use is difficult to carry out effectively and nearby uses that may have off site effects come under increasing pressure.

It is, therefore, important for planning authorities to be confident that this form of development will not prejudice long-term needs for other activities. A Ministerial Direction (Number 6) already addresses many of the issues related to new low-density development. While supported by the majority of

municipalities consulted, one council was of the view that the direction is inappropriate, outdated and impossible to satisfy.

Should there be an assessment and identification of land suited for low-density residential development in each green wedge?

Use of non-urban land

Importance of productive agricultural land

The State has set high targets for agricultural production to improve Victoria's exports. A number of the green wedges play a role in providing metropolitan and export markets with a range of produce, including horticultural products and chicken meat. The average value of agricultural production per hectare in the Port Phillip and Westernport catchments is twice that of any other catchment region and more than three times the State average⁴.

However, while green-wedge locations such as Werribee South increase in productivity, areas such as Keysborough decline in output. In some industries production techniques have changed to more controlled forms of horticulture such as flower growing in specially built structures. This has not only changed practices but also the appearance of some non-urban areas.

The Chief Panel Member, Helen Gibson, made substantial reference to the problems associated with rural residential subdivision and existing and potential value of agricultural land in her report on New Format Planning Schemes⁵. Gibson considers that:

The greatest threat to agriculture is to take productive land out of production by converting it to residential use. The pressure for this arises from two primary sources. One is the increased cost of land when its value for residential

4 Port Phillip Regional Catchment and Land Protection Board; Port Phillip and Westernport Regional Catchment Strategy.

5 *New Format Planning Scheme – Panel report* (April 1999)

purposes exceeds its value for agricultural purposes. This can be managed to a certain extent by strong policies limiting the size of allotments on which houses can be built and by not allowing further subdivision. The second is by a failure to manage conflicts between agricultural use and residential use, so it simply becomes too hard to continue farming.

If agriculture is to be properly recognised and promoted as a major contributor to the economy of the State and individual municipalities, it needs to be appreciated that valuable productive land is not limited to high quality agricultural land.

Some farmers state that it is neither practical nor easy to continue farming near to urban areas - water quality has declined, practices such as spraying or creating odours give rise to complaint from nearby residential areas and vandalism leads to security problems. In the west of Melbourne, the spread of the serrated tussock weed has made it difficult for owners to manage their land productively.

Despite the high average agricultural output in the metropolitan area, many claim that, with certain exceptions such as intensive agriculture, productive farming around the metropolitan area is a thing of the past. However, there does not appear to have been any comprehensive study to prove or disprove this suggestion.

Some owners limit management to the essentials in the hope that urban rezoning will provide a profitable way to leave the land. Genuine farmers can find it difficult to acquire land because of inflated prices brought on by unreasonable prospects of closer subdivision. Older farmers face the loss of a sense of community as traditional farming practices give way to hobby farming while there can be growing criticism of new farming methods (for example, the environmental impact of viticulture in the Yarra Valley)

Faced with these issues, the Department of Natural Resources and Environment (DNRE) has initiated some limited actions to guide farmers to take a strategic approach to improving the agri-business opportunities on their properties. However extension services previously offered by the State government to farmers around the metropolitan area have been substantially reduced.

How important is the agricultural land in green wedges and do we understand enough about its long-term prospects?

What additional metropolitan policies, strategies and action plans should be developed to safeguard and promote agricultural production in green wedges?

Environmental protection

The role that areas of environmental importance play in the liveability and biodiversity of the metropolitan area cannot be underestimated. Areas such as the Mornington Peninsula, the Dandenong Ranges and the Yarra Valley are well recognised as contributing to the visual character of Melbourne, providing opportunities for conserving important flora and fauna and contributing to water and air quality. Many councils actively support the retention of bushland settings and valuable stands of native vegetation. Active programs are in place in councils such as Nilumbik and Manningham to help landowners better manage their land and conserve natural features. Landowners often have an intense pride in their local neighbourhood and are active in preserving desirable features

This strong desire to protect and conserve can be in contrast to areas with less notable landscape or environmental features. Here landowners and planning authorities often lack the same level of purpose and will to safeguard the more modest features in their municipalities. As a result, the landscape degrades and remnant vegetation disappears.

Should a study be undertaken into the location, value, role and long-term prospects of environmentally sensitive land in green-wedge areas?

Should additional metropolitan policies, strategies and action plans be developed to safeguard and promote environmental protection in green wedges?

Semi-rural industries and urban support uses

There are forms of development in green wedges that by their nature could be described as industrial or urban in character. Examples include shedded intensive horticulture or rural processing, dog breeding/dog kennels, schools, social clubs, places of entertainment and retail and wholesale plant nurseries.

What may distinguish these uses from traditional industrial and urban uses is their requirement for space, their relationship with the land itself or the need to provide substantial buffers to protect their activities. Thus, they often find it difficult to establish in urban areas because of their off-site effects, their need for soil based inputs or the costs associated with acquiring sufficient land.

Some green wedges have become attractive for this form of use. In Keysborough, planning authorities, through their actions, have encouraged this form of development on small parcels, changing the appearance and use of the area from a rural setting to a low-density urban location. A miscellaneous collection of developments has now emerged, ranging from petrol filling stations, churches, schools, boat displays and repairs, and large retail nurseries. It is doubtful that this was the intended outcome and purpose when planning controls were relaxed some years ago.

While the policies in council Municipal Strategic Statements (MSSs) are intended to give guidance when permits are being considered, there is now wider opportunity for possibly unintended uses being allowed in green wedges. At least one council, Kingston, is planning to undertake a study to examine what an acceptable range of uses in its remaining non-urban areas may be.

Under the new and generalised rural zones applying around the metropolitan area, an even larger range of uses can now be permitted in green wedges. The only uses now prohibited in the Rural Zone are brothels, cinema-based entertainment and shops.

In England, a government prepared Planning Policy Guideline takes a tough approach to new development in green belts.

The general policies controlling development in the countryside apply with equal force in Greenbelts but there is, in addition, a general presumption against inappropriate development within them...inappropriate development is, by definition, harmful to the Greenbelt. It is for the applicant to show why permission should be granted.

The construction of new buildings inside a Greenbelt is inappropriate unless it is for the following purposes:

- Agriculture or forestry
- Essential facilities for outdoor recreation, for cemeteries and for other use of land which preserve the openness of the Greenbelt and which do not conflict with the purposes of including land within it
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages.

One criticism of the new suite of zones is that they do not sufficiently deal with problems in some fringe urban areas. The only choice for many of the green wedges is the Rural Zone, mainly intended for broadhectare areas. It may not be appropriate when applied to areas where development expectations are substantially different and where uses can be in a regular state of transition. However the Chief Panel member found:

There are no submissions which, in the Committee's view, present convincing justification for an additional rural zone.

Should metropolitan guidelines or performance measures be prepared to guide consideration of applications for permits in green wedges?

Should there be a new zone applicable to some green wedges and areas on the metropolitan fringe, and what should its purpose be?

Green wedges serving as buffers to other uses with off site effects

The low-density nature of green wedges sometimes attracts activities that have influence beyond their immediate sites. The low-density nature of land

uses in green wedges can act as a buffer to activities in another ownership. Examples include the rural areas abutting the sewage works at Werribee and Carrum; and land surrounding refuse disposal areas, extractive industries, broiler farms, airports, dog kennels, and noisy places of assembly. In Dandenong South, the green wedge provides a buffer for offensive industry in urban areas. Whether these uses are reasonable to allow in the first place will rely on what role a green wedge may play in its particular setting.

These uses are not always without conflict or controversy. The emitting activity may restrict uses on adjoining land in other ownerships, impact negatively on other activities or restrict what may in other circumstances be considered reasonable development. This impact can worsen over time as land uses change, emissions increase, community expectations alter, etc. The Urban Fringe Advisory Committee has partly addressed this question and made suggestions on how to resolve existing or potential conflicts including the apportionment of costs.

Despite the potential for some conflict, the green wedges provide a significant economic advantage for a range of uses with off-site effects. If these uses have to be relocated because urban development is allowed to develop close by, then additional costs may need to be borne by the community for their relocation. For instance, the cost of relocating sewage farms and airports would be horrendous.

What planning guidelines should apply to uses with off site effects?

Should policies or guidelines be developed to safeguard uses (both public and private) with off-site effects, for example, sewage farms, airports, and intensive agriculture?

If so, what policies should be developed?

Liveability

Community aspirations for green wedges

Plans and policies mean little unless they produce a social and community spirit and lifestyle in which people can be happy in their living, working and leisure. Metropolitan planning must respond to social needs and desires.

The variety and quality of natural features, landscapes or recreational opportunities in all of the green wedges contribute significantly to Melbourne's reputation as one of the world's most liveable cities. Those wedges with waterways provide a particular focus for leisure and an opportunity to expand and improve natural features, trail networks and access to green spaces. Many people choose to live in green wedges because of the attractive environment and space.

During the preparation of the strategic growth plans for the south-east and Werribee, some of the greatest concerns expressed related to a desire by future urban dwellers for a sense of place and the retention of community identity. This feeling could be described as a negative reaction to continuous outward urban expansion and a concern for the environment and social well being. The urban growth plans that have ensued have attempted to create settlements with a focus on centres and, where practical, maintenance of visual breaks between various locations. Similarly, councils such as Hume, Melton and Whittlesea have sought to protect the separate identity of towns such as Melton, Sunbury, Hurstbridge, Mernda and Whittlesea with non-urban or green-wedge breaks.

What policies are needed to reinforce the characteristics of the green wedges that contribute to the liveability of Melbourne?

Environmental enhancement

Green wedges often serve the purpose of conserving natural resources and safeguarding attractive rural landscapes. Planning authorities often think in terms of policies and planning controls as a means to protect or directing desirable land-use outcomes. However, these tools alone may not achieve a desired outcome.

Agencies such as DNRE, Melbourne Water or Parks Victoria have a direct interest in some locations through land management or acquisition, but this is usually in limited locations with high environmental values. Agencies often have a single focus that is only a contributory factor to planning objectives in an area. In many instances, the programs of agencies could be better aligned to achieve improved outcomes

What is generally lacking in green-wedge areas is direct investment by governments to enhance rural landscapes and achieve desirable environmental outcomes. For instance, many publicly owned roadsides are devoid of vegetation, creek lines are poorly managed and Landcare-type programs are not initiated.

Where landowners do undertake revegetation or enhancements voluntarily, or as part of planning conditions, plant species are often inappropriate to the overall landscape needs of the area and land practices can be misdirected. Councils such as Whittlesea have undertaken an assessment of landscape values and land systems and are, therefore, in a good position to respond to landowners and applicants. In the absence of such work, other planning authorities are unable to implement consistent landscape guidelines and actions. In some instances, new buildings and structures are permitted which dominate the landscape and are inappropriate in their local or regional setting.

Perhaps private landowners alone should not bear the complete burden for maintaining and improving green wedges for the environmental or recreational health of the whole community. Governments need to decide whether they

should invest in the green wedges for the benefit of the whole community as they do within urban areas, and what the nature of this investment should be.

Investment of this nature would send a strong signal to the marketplace of the commitment of governments to green wedges and reduce expectations that the primary function of the land will change.

One suggestion from the consultation process is that government should establish a body that has as its prime focus the enhancement of the green wedges. It could be charged with promoting and organising land management programs, promoting appropriate policies and planning techniques, assembling land and educating landowners.

The fringe area advisory committee suggested something similar when it suggested that DoI should consider targeting one green wedge to identify a process and program that would result in increasing the efficiency of resource use.

To what extent, if any, should governments invest funds in an integrated program of environmental enhancements such as main road planting, walking and bike tracks, waterway restoration and Landcare programs across all green wedges?

Who should be responsible for these actions and how should programs of different agencies be better integrated?

Economic hardship experienced by some rural landholders

Planning controls have been seen by many as restrictive and rigid instruments that have stifled opportunities and failed to facilitate appropriate development and adequate land management.

Landowner frustration has often been expressed in terms of 'tell us what we can do with the land, not what we cannot do'. If planning authorities are

serious about maintaining land in a fruitful activity, more effort may be needed in guiding landowners on how to productively use their land.

A financial hardship, which may be experienced by green-wedge landholders, is that of being asset rich, but income poor. As landowners become older they may be unable to maintain a large property, but wish to stay on part of the land while selling off other parts. Many have reached a time in their life when they consider it is their 'right' to be able to subdivide and reap the rewards that closer land settlement would bring. Some see their land asset as a form of superannuation.

For planners, there is usually conflict between making long-term strategic land-use planning decisions that meet the needs of future generations while trying to satisfy today's personal expectations of landowners.

If there is a case for assisting individuals, this might best be found through non-planning means (for example, rate relief, or some other form of support) rather than undermining the strategic framework of an area that is designed to protect current investments and future options.

Should guidelines and techniques be prepared to identify measures that can help sustain sound management practices in green-wedge areas such as rate relief, environmental incentives and direct grants?

Strategy and management

Certainty

A critical input to achieving good planning outcomes is certainty. By taking a strategic approach to planning, the new planning system has attempted to provide clarity of purpose and intent for public and private stakeholders.

This system aimed to achieve the potential of the objectives of the Planning and Environment Act by concentrating on the outcomes the planning system is

seeking to achieve, expressed through policy statements, rather than layers of control with unclear purposes.⁶

The green wedges and other non-urban areas are regarded by many as areas of impermanence. No doubt this is due to the low-density nature of the land and the possibility of change to an alternative, probably more intensive activity. Certainty in non-urban areas can be more difficult to achieve than in a residential neighbourhood where changes are iterative and expectations of modification are low.

Sustaining green wedges can also be difficult if the 'rules' are likely to change in an ad hoc way or expectations of the possibility of change are always high. Uncertainty feeds speculation. Anticipation of further subdivision or urban use will usually bid up land prices and limit the ability of genuine non-urban occupiers to continue their activities. This expectation can be fuelled by a lack of clear policy direction at the State or local government level and by approvals or actions that collectively bring into question the basis of the policies themselves.

As mentioned previously, defining a boundary between urban land and green wedges for a set period of time might provide greater confidence about this issue. It could also give greater certainty to those in the urban development industry undertaking new urban development in defined growth areas, as well as those wishing to invest productively in green-wedge areas.

⁶ *Final Report, New Format Planning Schemes*

How can planning authorities achieve greater certainty about the future of green-wedge areas?

Strategic planning for green wedges

While the State Planning Policy Framework (SPPF) has many elements of general applicability to green wedges, there is no specific set of geographic policies that apply to metropolitan green wedges. In the absence of clearly stated and contemporary green-wedge policies, practitioners have had to rely on interpretation of general policy, past history, past practice or local guidelines. Some councils and some developers have seen this as an opportunity to press for change which in earlier times might not have been entertained. Others have sought guidance on State policy but found a lack of detail in the response. The general appeal from councils has been for more, rather than less, guidance about green-wedge and urban boundary issues.

While municipalities like Whittlesea have developed a rural strategy covering and including green wedges, there has been limited strategic planning conducted in most green wedges. There has been even less cross-municipal planning. Councils have mainly addressed green-wedge issues in the context of their own MSSs and the SPPF.

In contrast, four councils in the east (Kingston, Greater Dandenong, Frankston and Casey with assistance from Department of Infrastructure) prepared the SENUS[#] that addressed green-wedge issues at a regional level.

The study's strategic approach to a regional problem led to greater appreciation of common issues impacting across the four municipalities. It also resulted in the signing of a Memorandum of Understanding between the four councils that endorsed the principles of the study and an agreement on

[#] South-East Non-urban Study

future working relationships. These principles and related matters have been incorporated into local MSSs, more detailed studies and structure planning has been undertaken and the principles applied to a range of permit applications and rezonings.

The study is aligned to the principles of the Urban Fringe Advisory Committee report that recommends strongly that the urban boundary be only altered within a strategic planning framework.

Subsequent criticism levelled at SENUS is that it did not state a purpose for the south-east green wedge clearly enough, potentially leaving the individual local governments too much freedom to interpret the study recommendations. In fact despite SENUS large areas of the south eastern green wedge have been or are in the process of being zoned for urban purposes.

Should councils and the State Government jointly develop regional responses to issues in each green wedge?

What is an appropriate model for this to occur?

Issues emerging from MSSs

There is quite sound consistency among fringe councils about policies that should apply to non-urban land within their municipalities, albeit with different emphasis around the metropolitan area.

All councils recognise the value that non-urban land contributes to their municipality. Without exception, they encourage the protection and enhancement of agricultural pursuits but not necessarily at the expense of other forms of economic development or environmental protection.

Other common themes include:

- maintaining non-urban breaks
- maintaining sustainable urban boundaries

- encouraging retention and enhancement of environmental integrity and landscape values
- discouraging urban uses that conflict with non-urban values
- encouraging land extensive activities that support nearby urban areas.

(See Appendix 3 for brief summary of non-urban policies by municipality.)

Responsibilities for green-wedge planning and management

Responsibilities for land use planning across the metropolitan area have always been shared between State and local governments. Changes in recent years have placed greater responsibilities on local government to develop strategic planning guidelines.

The State Government has changed the planning system to reduce the number of zones, outline issues of State significance through the SPPF and encourage local government to take a more proactive role in policy development.

While the State Government has responsibilities for metropolitan planning there has been criticism that the policy framework provided by *Living Suburbs* and other documents have been insufficient in dealing with issues such as green wedges.

Similarly, there has been criticism levelled at local government that issues of regional significance have been ignored in favour of the many issues existing at the local municipal level. The result is that some issues have not been dealt with adequately at either level of government. Green wedges are a case in point. While some local governments have strenuously safeguarded their green wedges, others have been happy to support large urban developments.

While planning policy and statutory planning action will address some issues in green wedges, a critical factor will be how well the land is managed in practice. Each green wedge is different and the same combination of policy and land management techniques will not be appropriate across all areas. Management of land in Werribee South with its highly productive soils will be different from the basalt plains in Melton. The management of the relatively

small lots in the landscape interest areas of Park Orchards and Warrandyte will be unlike the needs of old market garden areas at Heatherton.

The Advisory Committee on the Urban Fringe put it succinctly:

It is necessary to have a clear strategic approach to management in the green wedge. In most cases, this involves groups of landholders rather than individuals which adds complexity to any proposed solutions. Detailed structure plans are likely to be required to provide the link to what could be reasonably achieved, given environmental realities, community expectations and economic sustainability.

How should responsibilities for green-wedge issues be shared between State and local governments?

What role should governments have in helping manage land in green wedges?

Conclusions

There is consistent and ongoing advice from commentators that green-wedge issues matter. However, since the clear green-wedge/corridor policies of the 1960s and 1970s, there has been increasing reluctance by State governments to make positive statements about the role of green wedges in the metropolitan context. As a result, there is less metropolitan wide agreement on the purpose of green wedges, the role they should play, desired outcomes and the methods to be adopted. The metropolitan policy statements that are made are generally sweeping, such as in *Living Suburbs*, and often not particularly helpful when applied regionally or at a municipal level. In contrast to the lack of depth in metropolitan policy, some local governments have defined very clear strategies for their own green wedges. This has been achieved despite the lack of a metropolitan overview.

What is the purpose and role of green wedges in the development of the metropolitan region and how should the State government respond to this?

Questions continue to emerge about the permanency of green wedges. Not all land in green wedges is environmentally significant with high landscape values. Infrastructure availability varies, as do the constraints imposed by certain uses, such as airports or sewage farms.

In some wedges agricultural uses seem to be retreating while other activities such as rural living are being attracted. Some perceive the green wedges as simply a holding zone for future residential use despite the vast areas already set aside for these purposes in designated growth areas. Even where policies have been developed to deal with these issues, the time horizon can be relatively short. In few areas can it be said that a truly long-term (50-year-plus) policy has been identified.

Should agricultural uses in green wedges be given special consideration or protection from development?

Should the green wedges cater for residential development given the available land in designated growth areas and what issues should guide where future urban development should occur?

The issue of certainty about green wedges and the urban fringe has arisen on numerous occasions in researching this paper. Uncertainty leads to a range of undesirable effects, including poor land management, inappropriate uses and

development, land speculation, inflated land prices, lack of investment, constant ad hoc pressure on planning authorities, etc. The common view is that the more secure that boundaries are between urban and non-urban areas, the greater the opportunity for people to take a long-term view about the values and opportunities of green-wedge areas and the development of identified urban areas.

What is the best method for defining a boundary between green wedges and metropolitan urban development?

Coming to grips with a purpose, role and desirable outcomes for green wedges is only part of the picture. There must also be a commitment by governments to reinforce desired policy positions through their actions. This can be difficult to sustain over the longer term as administrations at State and local levels come and go. It is also a reason for attempting to achieve bipartisan support for green-wedge policies. Importantly, therefore, the outcomes being sought must be clearly articulated and the reasons for determining policies well researched if they are to have any lasting affect. The alternative to taking a long-term approach, and sticking to it, is to continue with the present system that encourages individual municipalities to develop their own policies under a very generalised umbrella provided by the State Government. Most have said that this is unsatisfactory.

How should responsibilities for green wedge issues be shared and maintained between State and local governments? A key to ensuring that green wedges are maintained and enhanced for their desired purpose is to make sure that sound management practices are followed and there is adequate investment in the outcomes sought for wedges.

Green wedges form part of natural systems that need to be cared for. This is increasingly difficult where landowners do not have the incentive or expertise to undertake the necessary practices. As in urban areas, governments need to think about direct investment to ensure that desirable outcomes are achieved.

What measures can help sustain sound management practices in green wedge areas?

Drawing from the matters arising in this paper, a possible method on how to proceed is outlined below. A suggested set of responsibilities is also included:

1. Identify or restate the metropolitan-wide purposes for including land in green wedges

- At a metropolitan level these purposes might include: checking unrestricted sprawl of the metropolitan area assisting in urban regeneration by encouraging the recycling of urban land.
- maintaining the separate identity of towns and communities near the metropolitan boundary by preventing them from merging into the metropolitan area
- assisting in safeguarding productive agricultural areas from encroachment of urban development and sporadic subdivision
- conserving non-renewable and use renewable resources sustainably
- preserving and enhancing the setting and special character of enriching features, such as rural landscapes, road sides or historic locations
- conserving features which contribute to biodiversity

These purposes and how they should be applied could be further developed in a Ministerial Direction.

2. Identify or restate the purposes and objectives for each green wedge

As there are quite distinct differences between many green wedges more specific purposes for each wedge should be defined. There should also be a statement of objectives for the wedge and a statement of what outcomes or results are expected to be achieved.

In the case of the Yarra Valley, the emphasis might be on environmental outcomes, while in the areas south of Werribee it might be on safeguarding and enabling the use of quality agricultural land and the conservation of natural resources.

3. Define the green wedges

In some cases, this will be a relatively simple task as much work has already been put into drawing the line between urban and non-urban areas. In other instances, the line will need to be identified with care and additional investigation.

In the first instance, it may be a matter of using existing boundaries between urban and non-urban areas and reviewing these from time to time through another process (see 4 below).

4. Boundary Review

The above actions should more substantially set the boundary between green-wedge areas and urban boundaries. However, there may be a need to review the boundary from time to time, depending on changed circumstances.

One option is to undertake this review only at regular intervals (say between five and 10 years). This would overcome the criticism levelled at the current system that allows developers and landowners to put forward proposals at any time and for any reason, leading to ad hoc consideration of proposals around the metropolitan area.

The use of an Advisory Committee for this process is suggested that could take account of metropolitan urban growth needs and any changed circumstances in green wedges.

5. Develop a tool-box of techniques to assist planning authorities in managing towards desired outcomes

Policies and objectives must flow through to actions if planning authorities hope to achieve their intended purpose.

Many councils and agencies have instituted plans to achieve desired outcomes for their green wedges. Sophisticated programs and policies have been developed ranging from weed management, rabbit control, land use guidelines, siting and design guidelines, tree planting, habitat and conservation strategies, waterway protection, environmental rebates and the like.

Unfortunately, much of this good work is not shared nor does any one body assume the responsibility. It is debateable that DOI is the correct agency to be expert in all issues of land management and planning techniques. However, it is probably in the best position to draw such a tool-box together.

6. Green-wedge action and investment plans

In conjunction with the development of a tool-box, the State Government should consider how the individual efforts of State agencies responsible for land management in green wedges and other metropolitan non-urban areas can be better integrated. A series of programs should be developed to ensure the long-term survival and practical use of land in green wedges. This may require the establishment of a body charged with is responsibility, additional funding and programs and projects over the longer term to ensure a viable outcome to demonstrate that government is serious about the future of the wedges.

As many of the impacts are felt at the local level, local government has a particular responsibility for developing action plans for green wedges. Many have excellent programs in place now.

Ideally, there should an integrated program of actions between both State and local governments, and work should be undertaken to ensure there is a better understanding as to how this might occur.

Appendix 1

Excerpts from British PPG on green belts

(Extracted from David Turnbull's paper)

The PPG lists five **purposes** for including land in green belts:

1. To check unrestricted sprawl of large built up area
2. To prevent neighboring towns from merging into one another
3. To assist in safeguarding the countryside from encroachment
4. To preserve the setting and special character of historic towns
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Once the green belts have been defined the use of land between them has a positive role in fulfilling the following **objectives**:

1. To provide opportunities for access to open countryside for the urban population
2. To provide opportunities for outdoor sport and outdoor recreation near urban areas
3. To retain attractive landscapes, and entrance landscapes, near to where people live
4. To improve damaged and derelict land around towns to service
5. To service nature conservation interests
6. To retain land in agricultural, forestry and related uses.

The PPG makes the important point that the **purpose** of including land in green belts are of paramount importance to their continued protection, and should take precedent over the land use **objectives**.

Some important and instructive policy elements within the PPG are:

Defining boundaries

Once the general extent of a Greenbelt has been approved it should be altered only in exceptional circumstances. If such an alteration is proposed the Secretary of State will wish to be satisfied that the authority has considered opportunities for development within the urban areas contained by and beyond the Greenbelt...detailed boundaries should not be altered or development allowed merely because the land has become derelict.

Wherever practicable a Greenbelt should be several miles wide, so as to ensure an appreciable open zone all round the built up area concerned. Boundaries should be clearly defined, using readily recognizable features such as roads, streams, and belts of trees or woodland wedges where possible. Well-defined long term Greenbelt boundaries help ensure the future agricultural, recreational and amenity value of Greenbelt land. Whereas less secure boundaries would make it more difficult for farmers and other landowners to maintain and improve their land.

Presumption against inappropriate development

The general policies controlling development in the countryside apply with equal force in Greenbelts but there is, in addition, a general presumption against inappropriate development within them...inappropriate developments, by definition harmful to the Greenbelt. It is for the applicant to show why permission should be granted.

New buildings

The construction of new buildings inside a Greenbelt is inappropriate unless it is for the following purpose:

- *Agriculture*
- *Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses which preserve the openness of the Greenbelt and which do not conflict with the purposes of including land within it*
- *Limited extension, alteration or replacement of existing dwellings*

- *Limited infilling of existing villages*

Appendix 2

The nature and character of Melbourne's green wedges

1. Land between Port Phillip Bay and the Werribee growth corridor

This land is flat with some areas constrained for development because of drainage impairments. It is also an area rich in environmental attributes along the coastal strip and is home the Point Cook Metropolitan Park and the western treatment plant. The rich soils at Werribee South provide a location for 60-70 per cent of south-east Australia's leaf and cole crops with increasing international markets.

2. Land between the Werribee growth corridor and Brimbank/Melton

This area is generally flat and part of the western basalt plains. A few quarries provide Melbourne with essential building materials. Some of the area is covered with valuable native grasslands and there are difficulties in providing an urban water service above the 60-metre contour. A non-urban area in this location also provides a break between Melton township and the growth areas near Melton East and Sydenham. It is also home to the women's correctional centre.

3. Land between Sydenham and Greenvale including part of the Melbourne Airport.

A significant attribute in this location is the Maribyrnong River and its tributaries with their attractive landscape setting. However, these same features also limit transport movements north and south. Noise contours associated with Melbourne Airport contribute to development limitations on freehold land but also provide Melbourne and Victoria with a curfew free international airport.

4 Land north-east of the Melbourne Airport to the Hume corridor.

This location is an attractive landscape and conservation area including the Moonee Valley Creek valley. The airport and other features also provide a clear break between Sunbury and the main metropolitan area.

5 *Land between Craigieburn and Mernda*

The landscape is generally flat but subtle undulations create a series of rolling hillsides and open plains. River red gum grassy woodland is the dominant vegetation community interspersed with a range of other smaller communities. Significant watercourses such as the Merri, Edgars and Darebin Creeks follow shallow courses with broad floodplains. Indigenous grassland communities of national significance can be found in proximity to the Merri Creek.

The open landscape separates and provides relief between the Hume and Plenty corridors. Agricultural productivity is generally limited to traditional activities conducted on large land holdings. Land capability for various forms of unserviced subdivision is constrained by a range of factors.

6. *Land between South Morang and the Dandenong Ranges including the Yarra Valley*

Flora and fauna values are high in this green wedge, which comprises a mix of grasslands, woodlands, orchards, and intensive agriculture. High landscape values exist in this broad area interspersed with a range of small settlements and low-density residential living.

7. *Land between Rowville and Lysterfield*

At the foothills of the Dandenongs, this attractive terrain is interspersed with low-density residential development. Public parks in the Lysterfield area occupy much of the location. Infrastructure costs are high in this area and fire danger is a problem on the steeper lands.

8 *Land between Narree Warren South and Cranbourne*

This generally flat land is lightly farmed and has significant drainage problems and downstream flooding.

9 *Land between the south east growth corridor and bayside urban area*

This area has a range of mixed uses, is generally flat, and suffers from drainage problems over much of its location. Several large constraints on urban development exist as this wedge is home to the eastern sewage treatment plant and a location for sand quarrying and tipping. Some other

uses with off-site effects such as tips, dog kennels and poultry sheds exist in the area. The Offensive Industrial Zone at Dandenong South borders the wedge and also limits development of area.

Appendix 3

Summary of council policy positions from Municipal Strategic Statements.

Wyndham	<ul style="list-style-type: none"> ▪ Maintain productive capacity of farming areas ▪ Prevent urban intrusions ▪ Maintain non-urban separations between urban areas
Melton	<ul style="list-style-type: none"> ▪ Preserve integrity of rural areas ▪ Discourage rural residential in productive agricultural areas ▪ Maintain buffer between Melton and Melbourne
Hume	<ul style="list-style-type: none"> ▪ Encourage sustainable agricultural industries ▪ Protect high-quality productive farmland ▪ Protect rural activities with off-site effects against encroachment from incompatible uses ▪ To direct rural residential development to designated areas
Brimbank	<ul style="list-style-type: none"> ▪ Retain character of landscape ▪ Discourage development that undermines native grasslands ▪ Assess potential of non-urban areas for urban development and market gardening
Whittlesea	<ul style="list-style-type: none"> ▪ Define limits of future growth ▪ Discourage ad hoc rezoning in favour of comprehensive planning ▪ Ensure rural living considers protection of natural environment, rural character and agricultural viability
Nilumbik	<ul style="list-style-type: none"> ▪ Sustain green wedge ▪ Contain urban development ▪ Maintain non-urban breaks between urban areas ▪ Protect the natural environment and landscape values ▪ Encourage rural uses that expand tourism and serve local population
Manningham	<ul style="list-style-type: none"> ▪ Green wedge plays an important role ▪ Protect character and natural features ▪ Support sustainable non-intensive agriculture

Yarra Ranges	<ul style="list-style-type: none"> ▪ Outward suburban expansion is inappropriate ▪ Landscape and environment qualities to be retained ▪ Safeguard farming operations ▪ Ensure continuation of farming use
Cardinia	<ul style="list-style-type: none"> ▪ Agricultural land is of enormous value to the State economy ▪ Protect non-urban land form urban intrusion ▪ Provide for intensive agriculture ▪ Provide a clear stable urban boundary
Casey	<ul style="list-style-type: none"> ▪ Prevent further fragmentation ▪ Support farming ▪ Discourage repeat excisions ▪ Encourage innovative farming that does not degrade landscape quality or lower water quality
Greater Dandenong	<ul style="list-style-type: none"> ▪ Define a sustainable urban boundary ▪ Restore endangered landscapes and restore degraded landscapes and assets ▪ Maintain capacity to support urban related uses requiring extensive land parcels ▪ Have regard to <i>South East Non-urban Study</i>
Kingston	<ul style="list-style-type: none"> ▪ Prevent ad hoc intrusions of urban development which prejudice non-urban use and agricultural production ▪ Consider limited urban development provided it is able to use urban infrastructure ▪ Maintain landscape character of non-urban land ▪ Implement <i>South East Non-urban Study</i>
Frankston	<ul style="list-style-type: none"> ▪ Maintain capacity to support urban related uses requiring extensive land parcels ▪ Implement <i>South East Non-urban Study</i> ▪ Encourage intensive agriculture and horticultural industry in non-urban area ▪ Retain inter-urban breaks for breathing space and storm water treatment
Mornington Peninsula	<ul style="list-style-type: none"> ▪ Maintain and foster agricultural viability ▪ Avoid impediments to proper agricultural management ▪ Maintain non-urban breaks around townships

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SPECIFIC PLANNING ISSUES IN MELBOURNE'S NON-URBAN AREAS

**An issues paper prepared as a contribution to the
development of a Melbourne Metropolitan Strategy**

This paper has been produced as a background discussion document for the Melbourne Metropolitan Strategy Project. The contents of this paper do not necessarily represent the position of the Department of Infrastructure or its employees or of the State of Victoria.

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Comments with respect to the contents of this paper should be sent to:

*Metropolitan Strategy Project Team
Department of Infrastructure
Level 23, 80 Collins St
GPO Box 2797Y
Melbourne Vic 3001*

e-mail: metroplan@doi.vic.gov.au

Prepared by Alastair Kellock and Associates

6 Lord Avenue Dingley Village
9551 3630

September 2000

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SPECIFIC PLANNING ISSUES IN MELBOURNE'S NON-URBAN AREAS

EXECUTIVE SUMMARY

Introduction

This paper explores several specific non-urban planning and management issues as part of the development of the Melbourne Metropolitan Strategy.

The five issues are:

- **Definition of an urban/non-urban boundary**
- **The meaning of the term non-urban**
- **Land classified as 'restricted urban' eg airports, sewerage plants**
- **Reservation of land for public purposes over the long term**
- **Protection of the 'right to farm'**

The paper follows the preparation of an earlier discussion paper, 'Planning Issues in Melbourne's Green Wedge Areas'.

Definition of an urban/non-urban boundary

Arguably Melbourne has an urban boundary which helps guide Melbourne's development and helps safeguard its non-urban areas. But, it must be determined by referring to a wide range of strategy and policy documents, zoning decisions etc. that vary in detail and origin.

Planning panels and the former advisory committee on the urban fringe have been of the firm view that the constant shifting of the boundary by ad hoc rezonings around the metropolitan fringe has undesirable impacts.

International experience and the views of some Councils would suggest that a more formal approach to setting an urban/non-urban boundary would be desirable. The view of this paper is that a strategically determined urban boundary is a powerful tool in helping guide Melbourne's urban development, safeguard the values of non-urban areas, and limit the degree of uncertainty and speculation on the fringe. An agreement between State and local governments on the rationale for this boundary will limit speculation and improve confidence.

It needs to be determined at what level of detail a metropolitan boundary should be set. The more general the boundary the more likelihood of future argument. The more specific the boundary the greater the certainty but the lesser the flexibility. The more strategic the process for defining the boundary, the more certain the intent.

While flexibility may be appealing it also leads to uncertainty and speculation. If the boundary is determined strategically with specific objectives it should not be set aside through ad hoc reviews but rather through a metropolitan review process that has built into it the need to consider both metropolitan, regional and local impacts.

The meaning of the term non-urban

Unlike the English green belts where development and land use is significantly pre-empted there is no presumption in metropolitan Melbourne of what are acceptable or unacceptable uses in metropolitan non-urban areas.

The only policy yardstick is derived from the generalised policy statements in the Victoria Planning Provisions. Local government has been left to fill the void through its Municipal Strategic Statements.

Given this situation a number of options present themselves. Either:

- Allow local government to continue to make choices within the current limited metropolitan non-urban policy framework, or
- Produce metropolitan guidelines for local government to work within.

The latter is considered preferable to ensure that State interests are adequately taken into account and to provide a clearer benchmark against which local policies can be assessed

A process for identifying the purpose of different non-urban areas is outlined in this report that should lead to appropriate land use and development policy.

If the State government wants to better influence outcomes it should lead this work rather than simply reacting to local government policy.

Land classified as 'restricted urban'

There are a range of restricted urban activities such as sewerage farms, airports, cemeteries, prisons, transport facilities that are sited in non-urban areas. In many cases these uses are reasonable and legitimate given the essential nature of the activity, the public good that comes from the use, the potential for off site effects or amenity impacts and specialised locational criteria.

As with other uses in non-urban areas it will be necessary to develop clear non-urban policies that can guide where and under what conditions these activities should be able to proceed. In many instances there is a prima facie case to permitting the use and development subject to reasonable performance measures being in place.

One decision that must be made by a planning authority is whether a restricted urban use should be included in a non-urban rural zone, expressly identified in a special uses zone, or placed in an appropriate urban zone.

Reservation of land for public purposes - long term

A Metropolitan Strategy should explore the future location of major infrastructure to better inform and alert others of possibilities. How this is undertaken will depend on the nature and certainty of the proposal and other sensitivities. Incorporation in the strategy will require appropriate research and sign offs to policy by agencies and Ministers.

There are a range of ways in which long-term reservations might be indicated in the strategy. These include words in the strategy and references on a strategy map or plan. A number of examples where these techniques have been used successfully are included in the report.

Protection of the 'right to farm'

It is government policy to support agriculture and to implement a range of measures to protect farming practice. A committee has been established to investigate this matter further.

Despite the government's support for agriculture and the productive nature of the region there is no policy or strategy that safeguards agricultural land in the metropolitan area. Current policies are directed mainly at the protection of high quality rather than productive agricultural land. The protection that is provided is through individual local government planning schemes.

Given a desire to better protect agricultural land in the metropolitan area, a range of techniques exist including government statements, improved strategies, special agriculture zones and improved dispute resolution mechanisms.

Overview of ancillary findings

A number of issues have arisen during the preparation of this paper that are not addressed directly under the topics that follow. However, they are important and should be addressed as part of the strategy:

Current role of VPPs and lack of metro strategy influence

Because of the importance of the metropolitan area it is recommended that consideration be given to developing a section in the VPPs dedicated to metropolitan issues.

Purpose of non-urban areas

The lack of a metropolitan purpose or purposes for most non-urban areas means that the values that guide land use and development are those attributed mainly by local government. This can lead to the potential for important issues of significance to the State and the metropolitan region as a whole being undervalued in favour of matters of municipal significance.

Metropolitan and sub regional scale

While there is little spatial planning policy at the metropolitan level there is even less at the sub-regional scale. This is despite the geographic, economic, and environmental differences that exist between various parts of the metropolitan area. A sub-regional approach would lessen the 'distance' between metropolitan issues and municipal issues and offer the possibility to develop spatial strategies that better marry metropolitan and local matters.

Timing of strategies and policies

A number of issues raised in this paper may lead to a decision to designate an urban growth boundary, develop sub-regional policies or other substantive pieces of work. A decision will need to be made about whether these matters should form part of the Metropolitan Strategy itself or be pieces of work that flow directly from the strategy.

SPECIFIC PLANNING ISSUES IN MELBOURNE'S NON-URBAN AREAS

INTRODUCTION

This paper explores several specific non-urban planning and management issues as part of the development of the Melbourne Metropolitan Strategy.

The five issues are:

- **The meaning of the term non-urban**
- **Definition of an urban/non-urban boundary**
- **Protection of the 'right to farm'**
- **Land classified as 'restricted urban' eg airports, sewerage plants**
- **Reservation of land for public purposes over the long term**

The paper follows the preparation of an earlier discussion paper, 'Planning Issues In Melbourne's Green Wedge Areas', intended to stimulate discussion on an issue of significance to Melbourne's future growth and development. It is recommended that the reader of this document also peruse the earlier discussion paper to provide background to the issues discussed here.

This paper draws on existing publications, reports, and studies conducted in recent years and discussions with a range of individuals.

OVERVIEW OF ANCILLARY FINDINGS FROM THIS PAPER

A number of issues have arisen during the preparation of this paper that are not addressed directly under the topics that follow. However, they are important and should be addressed as part of the strategy:

Current role of VPPs and lack of metro strategy influence

For all its good points, the State Planning Policy Framework within the VPPs is extremely thin in content when referring to metropolitan planning issues. Because of the importance of the metropolitan area it is recommended that consideration be given to developing a section dedicated to metropolitan issues.

Purpose of non-urban areas

The lack of a metropolitan purpose or purposes for most non-urban areas means that the values that guide land use and development are those attributed mainly by local government. This can lead to the potential for important issues of significance to the State and the metropolitan regional as a whole being undervalued in favour of matters of municipal significance.

Metropolitan and regional scale

In researching this paper, it is apparent that not only is there little spatial planning policy at the metropolitan level but even less at the sub-regional scale. With the exception of areas such as the Dandenong Ranges and Yarra Valley there are no regional plans for different sectors of the metropolitan area. This is despite the geographic, economic, and environmental differences that exist between various parts of the metropolitan area.

Sub regions could be based on catchments or broad communities of interest and usually relate to two or more municipalities. A sub-regional approach would have the benefit of taking broader State and metropolitan policies and developing these with local governments that have like issues.

A sub-regional approach would lessen the 'distance' between metropolitan issues and municipal issues and offer the possibility to develop spatial strategies that better marry metropolitan and local matters.

Timing of strategies and policies

A number of issues raised in this paper may lead to a decision to designate an urban growth boundary, develop sub-regional policies or other substantive pieces of work. A decision will need to be made about whether these matters should form part of the Metropolitan Strategy itself or be pieces of work that flow directly from the strategy.

THE MEANING OF THE TERM NON-URBAN

Preamble

The term non-urban has become a catch all for land use that may or may not be compatible with each other. Different expectations of development are encompassed by the term. This paper will address:

- What land uses or areas constitute the meaning of the term non-urban
- What are the appropriate policy responses for each type of use or area

Coming to grips with a simple interpretation of non-urban areas and uses can be difficult. Urban areas are relatively easy to distinguish. They consist of high-density development with a predominance of residential, commercial, and industrial development. Physical and social infrastructure services are usually sophisticated and there are centres of high activity.

As a contrast, non-urban areas can be characterised as low to very low in development density, housing is relatively sparse, farming activities increase, and natural features are more pronounced. However, non-urban areas can play host to a range of intensive commercial activities eg airfields, plant nurseries, service stations, corner shops, retail outlets, tourist establishments, wineries, motor racing. Major industries are also to be found eg quarries, land fill and recycling depots, food processing, poultry farms, dairies, animal husbandry, wholesale nurseries. Some non-urban areas are also home to a number of uses usually found in urban areas eg schools, churches, golf courses, playing fields, and places of assembly.

A framework for thinking

The degree to which uses are suitable in a non-urban area depends on a combination of factors. The framework below divides non-urban into:

- Land uses, and
- Land use areas

Layered on these are

- Development expectations, and
- Performance expectations

Land uses – The activities carried out on land in a non-urban area. These may consist of different forms of farming, commerce, industry, recreation, or other activity.

Land use areas – The areas of land where the predominant land use activities can be described. For instance the horticultural theme at Werribee South, the broad acre farming activities in parts of Whittlesea, the mixed-use development in Keysborough and the conservation areas at Point Cook and the Yarra Valley.

Development expectations – Each land use and land use area attracts different forms of development. The rural living areas in Nillumbik attract housing and associated outbuildings while an airport land use may attract terminals and storage areas. Horticultural areas may attract growing igloos, sheds, and houses for the owners while recreation areas may attract clubhouses and visitor amenities.

Performance expectations – The manner in which development and land use is carried out is often critical. Land use and development in highly sensitive environmental areas needs to reflect the critical natural features of an area such as its fauna, flora, and landscape values. In extreme cases most land uses and development may be denied because of these attributes. In broad-acre farming areas the manner in which development is carried out may not be as critical. Landscape values could be low and sound farming practices will normally be employed to safeguard environmental qualities.

Victoria Planning Provisions

With the changes now in place as a result of the Victoria Planning Provisions there is a choice of 3 Rural Zones in the metropolitan non-urban areas – Rural, Environmental Rural, and Rural Living. This might be compared with urban areas where a choice of 19 zones is available.

Within the **Rural Zone** only 3 uses are prohibited, shop, brothel, and cinema based entertainment. In the **Environmental Rural** and **Rural Living** Zones there are some further restrictions but a wide range of commercial and industrial uses are permissible.

The present system encourages local governments to make choices about which zones should apply to non-urban areas and which of the 21 types of overlays are appropriate. In terms of the framework described above:

- Zones identify **land use and land use areas**, and
- Overlays describe the **development and performance expectations**.

Councils are also expected through their Municipal Strategic Statements to outline strategies and policies to be taken into account in considering new development and land use.

At present there is little metropolitan wide guidance on land use and development expectations offered by the State, other than through the SPPF. For instance there are no policies that dictate State government expectations about farming and horticulture around the metropolitan area. Local government is therefore left to determine policies for these forms of activity at a municipal rather than at a metropolitan level.

Existing policy responses

There is no simple metropolitan wide presumption in non-urban areas of what uses are appropriate and what is not. This may be due to a number of reasons that include:

- A lack of clear metropolitan purpose for non-urban areas
- The variation in natural, geographical and other differences
- Assumptions that each local government should be able to determine what policies should apply in its municipality

The prevailing practice within Victoria is to encourage local governments to develop policies to guide what is appropriate in non-urban areas. However, apart from the VPPs there is no benchmark against which local government policies can be tested. VPP provisions are generalised and in the case of metropolitan development extend for no more than one page. The only reference to geographic policies is the need to safeguard the Dandenong Ranges, Yarra Valley, and Mornington Peninsula. There is no reference to non-urban areas generally or the role of green wedges.

Other parts of the VPPs require reference to the growth area plans for Southeastern, Werribee and Plenty. However, these plans refer more to urban growth policies than non-urban policies.

What are Councils saying about their non-urban areas?

A brief summary of municipal policies for non-urban areas is included at Appendix 6.

Council policies are generally protective of non-urban areas with an emphasis on:

- Safeguarding environmental and conservation elements
- Preserving important landscapes and interurban breaks
- Siting and design
- “Protecting” rural uses and discouraging urban uses

While these policies are commendable they tend to concentrate on **performance expectations** rather than on use and development. They refer more to what uses will be discouraged rather than what uses will be encouraged.

There are significant differences in the thrust of policies between different geographic areas. The more urbanised municipalities of Frankston, Kingston, and Greater Dandenong have relatively little emphasis on farming and broad acre activities while more rural councils such as Cardinia highlight the importance of agriculture to the municipality and even promote the rights of farmers.

These variations in response reinforce the view that there is need for more guidance on what is expected at a metropolitan level.

The level and type of protection or management required for non-urban areas.

The lack of a clear metropolitan purpose for non-urban areas means that there is no immediately apparent presumption about what use and development the State considers is reasonable in non-urban areas. The new rural zones give only limited guidance with a wide range of uses permissible. By contrast, in England, greenbelt development policies are clear and strict:

The construction of new buildings inside a Greenbelt is inappropriate unless it is for the following purpose:

- *Agriculture*
- *Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses which preserve the openness of the Greenbelt and which do not conflict with the purposes of including land within it*
- *Limited extension, alteration or replacement of existing dwellings*
- *Limited infilling of existing villages*

In Victoria the presumption sometimes appears to be the opposite - allow development in non-urban areas unless there are good reasons not to.

Given the current planning system and the desire to emphasise policy rather than regulation as means of determining outcomes it is more incumbent on local and State governments to be clear about the policies that should apply given the wide range of activities that may be permitted in any non-urban area.

At the metropolitan level it would be expected that the State should respond accordingly. For instance Planning Panels Victoria is of the view that proper land

management by land owners and managers is the only effective, long-term way in which good catchment management will be achieved and problems of land degradation will be properly managed or reversed. The panels believe that the State should be offering guidance as to how to achieve this in practical terms. For instance, at present, there is a large gap between the general principles embodied in most catchment management plans and the sort of details needed to guide individual landowners in the day-to-day management of their land.

An effective approach might be to for the State to develop policies for whole catchments or appropriate sectors of the metropolitan area. The aim could be to integrate planning policy across State and local government agencies and develop appropriate land management responses by owners and public bodies.

Policy responses for each land use

It is difficult to apply a universal approach to non-urban uses in the absence of a clear purpose for non-urban areas. Choices include devising a purpose for the whole metropolitan area or segments.

Given the variety of landforms, catchments, features and expectations in different parts of the metropolis it may be preferable to examine the metropolitan area in sub regions ie. identify locations with similar features. See comments above.

One approach is to start with the presumption of the English greenbelt model and allow only agriculture, recreation, dwelling extensions and replacements and other low-key activities. From this starting point other uses could be added.

Given adequate research into the physical, environmental, economic and social characteristics of an area it should then be possible to come to a decision about what its future purpose should be. Further work would define what uses should be encouraged and discouraged and what level of performance should apply to the development that follows. This will require a multi-layered approach to considering land use in non-urban areas.

A suggested framework for considering non-urban land use policy is as follows:

Purpose of non-urban area. Following an examination of the natural and other features of an area, identify what the future purpose should be. Eg encourage sustainable agriculture and encourage rural living in defined areas close to services.

Land use expectations. Having defined the purpose of an area it should be possible to indicate the range of uses that should be encouraged eg farming, commerce, rural industry, recreation, tourism etc.

Development Expectations. Identify what development is likely to be encouraged given the purpose of the non-urban area. In a farming area this would include farmhouses, machinery sheds, rural industry buildings and the like. In a mixed use area it may be playing pavilions, school buildings etc. These uses might be linked to availability of services such as transport networks, water, and sewerage.

Performance. Identify the needs of land use and development to be responsive to a range of critical issues. In a farming area with few environmental attributes these might relate to generalised siting and design criteria. However in a sensitive landscape area, sustainability, access to services, siting, site coverage, design, preservation of vegetation, density of development, access etc will become more important. The planning authority may wish to identify critical landscape corridors or sensitive environmental locations where it expects a higher level of design responsiveness.

Despite the difficulty of being prescriptive about individual uses some might lend themselves to developing performance based criteria along the lines of the new residential codes or codes of practice for certain activities. Some uses have critical off site effects or specific design and servicing requirements that bear looking at.

The State could consider drawing up such a list in consultation with local government to determine which uses should have practice notes developed for them.

Conclusions

There does not appear to be any agreed position at the State or metropolitan level of what land use and development is acceptable in non-urban areas. Unlike the English green belts where development and land use is significantly pre-empted there is no presumption of what are acceptable or unacceptable uses in metropolitan non-urban areas.

The generalised policy statements in the VPPs provide the only State policy guidance. Local government has also developed local policies through their MSSs.

Given this situation a number of options present themselves. Either:

- Allow local government to continue to make choices within the current limited metropolitan non-urban policy framework, or
- Produce metropolitan guidelines for local government to work within.

The latter is considered preferable to ensure that State interests are adequately taken into account and to provide greater certainty to the public as a whole.

A framework for identifying the purpose of different non-urban areas is outlined above which should lead to appropriate land use and development policy.

DEFINING THE URBAN/NON-URBAN BOUNDARY

Preamble

The government has signalled its belief that legislation is required to control subdivision and development of Melbourne's greenbelts eg Dandenong Ranges, Upper Yarra Valley, Macedon Ranges and Mornington Peninsula. Emerging from this:

- Should a boundary be defined between urban/non-urban areas?
- If so, what policy and planning issues arise in implementing such a boundary?
- What roles do the areas nominated as "greenbelt" plays in managing the short and long-term development pattern of Melbourne? Should they be extended?

International and national methods for establishing boundaries between urban and non-urban areas.

International experience

Many American cities clearly define a boundary between urban and non-urban development areas. This is often in response to what is referred to in the US as urban sprawl.

Oregon

Each of Oregon's 241 cities is surrounded by an "urban growth boundary" or "UGB." The UGB is a line drawn on planning and zoning maps to show where a city expects to grow. Oregon also has a strong policy to safeguard farming.

Drawing an urban growth boundary is a joint effort between the city and the surrounding county in consultation with the public. It is endorsed by the State government to ensure it is consistent with State Planning Goal 14. This goal includes seven need and location factors. Need is based on:

- Population projections and
- Existing land banks.

Location factors include:

- Efficient use of land,

- Protection of agricultural land, and
- Cost-effective public services.

Once a UGB is agreed, an "urban growth management agreement" is made which addresses issues like:

- Who will administer land-use regulations in the urban growth area?
- How should the growth area be zoned until it is urbanised?
- What standards for public services and facilities should be applied there?
- What interim controls should be used to prevent haphazard, premature development?

UGBs can be modified but must comply with the "exception" requirements outlined in State Planning Goal 2. Goal 2 includes a review of alternatives. Basically, it asks the question "Is this the best place to expand (or contract) the UGB?"

With the wisdom of 15 years of experience, the State's view is that UGBs are effective:

- UGBs have helped to hold down the costs of public services and facilities.
- They have saved a great deal of farmland from urban sprawl.
- They have led to better coordination of city and county land-use planning, and
- They have brought greater certainty for those who own, use, or invest in land at the city's edge.

A fuller description of the Oregon UGB policies can be found at Appendix 1.

The process of identifying new urban land is not unlike Melbourne's. However, Melbourne does not have a widely understood and agreed process for defining urban growth boundaries or agreements between State and local government as outlined above.

Another difference is that Oregon has adopted a clear policy related to preserving farmland. While promoting agriculture as a major export industry, Victorian governments have been less clear about the need to preserve productive farmland around the metropolitan area or in regional locations.

Tennessee

A key provision of a bill introduced in the State legislature calls for cities and counties to map out, within the next three years, their projected growth areas for the next 20 years.

In that time, all areas would be declared either:

- Rural
- A "planned growth area," or
- An "urban growth boundary."

The bill forces cities to provide a service plan and timetable for the areas they hope to annex from the adjoining county. A city that does not comply with the provisions of the plan will not be allowed to annex additional property until the deficiencies are corrected.

California

There has been some 30 years of growth control and environmental legislation operating in California. This has been in response to the effects of urban sprawl, including its impact on the environment.

As at 1989, 93 cities had adopted growth control measures including limits being placed on population growth, housing permits and commercial square footage. Additionally, more than 300 of California's 500 cities and counties had adopted some form of growth management measures. The primary tools of growth management are:

- Conventional zoning and subdivision regulations,
- Urban growth limit lines, and
- Adequate public facilities requirements.

England

The long held green belt policies of British governments have stood the test of time and effectively drawn urban and non-urban boundaries around many of England's largest cities. In 1967, the fourteen greenbelts covered approximately 1.65 million hectares or about 13% of the land in England. Planning Policy Guideline No.2, dealing with green belts, was reviewed and tightened in 1995. Specifically it sets out five purposes for including land in greenbelts:

- To check the unrestricted sprawl of large built up areas

- To prevent neighbouring towns from merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and character of historic towns, and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The adoption of the green belts around cities such as London, York, and Cambridge has effectively limited the physical size of these metropolises and required the establishment of new towns outside the green belts or higher density use of existing urban land.

Australia

Sydney

There is no specific urban boundary for metropolitan Sydney. However, urban growth has been managed by regular land releases and the imposition of a 40 ha minimum subdivision size in rural areas on Sydney's outskirts¹.

In terms of greenbelts, the 1994 strategy lists among its strategic principles the establishment and enhancement of *"green corridors between each urban area to ensure a continuous conurbation does not develop in the greater metropolitan area"*. This goal has been backed with a major north south open space corridor west of Liverpool comprising over 16,000 hectares, two thirds of which has now been brought into public ownership.

The Liverpool corridor forms an important visual backdrop to Sydney. It is used for nature conservation and parkland and as a location for low intensity agricultural activities, garbage tips, other non-urban activities and is the site for the Eastern Creek raceway. Retention in freehold ownership has not been considered sufficient to manage the development pressure that would inevitably ensue.

The purchase at Liverpool might be equated with the efforts in Melbourne to secure land along the Dandenong Ranges, Yarra Valley, and the Dandenong Creek valley

The Department of Urban Affairs and Planning (DUAP) has also pursued the purchase of land along two major natural systems (Sydney Harbour and the Georges River) to create open space linkages and access.

¹ Information provided by Peter Hamilton, Director of Metropolitan Planning, Department of Urban Affairs and Planning (DUAP)

A current and pressing issue for Sydney is that the urban land supply is diminishing and major efforts will need to be undertaken to identify locations for new urban development. DUAP believes that this will inevitably lead to disputes about the value of non-urban areas on Sydney's fringes.

Adelaide

Adelaide has effectively had an urban boundary defined since 1962 implemented by zoning². "Residential" or "Deferred Urban" zones fall within the boundary and "Rural" zones outside the boundary. There are currently about 5,515 hectares of undeveloped land zoned "Residential" or "Deferred Urban".

From 1967 onwards, planning authorities have been obliged to refuse land subdivision that is not a compact extension of an existing urban area, and this has helped to prevent scattered and isolated land subdivisions. This approach has tended to contain fringe development.

The zoning regulations give certainty to capital-intensive land uses in rural areas.

The Adelaide Planning Strategy has a dual approach to reducing the demand for and containing fringe growth. A number of strategies reduce demand for the expansion of new housing areas and increase housing choice eg:

- Through release of major tracts of land.
- Area redevelopment projects.
- Use of smaller parcels of surplus State Government owned land for housing.

The State Government has also decided that Planning SA should extend its assessment to include the surplus land of agencies that previously have been exempt from these processes.

The planning strategy encourages housing diversity and higher densities than was traditionally the case for fringe development. The development industry in South Australia leads the nation with innovative outer area "Villa" and "Courtyard" housing styles.

Future urban areas are zoned Rural A and are commonly referred to as deferred urban because the principles of development control provide for low-intensity agricultural purposes until services and community facilities are available for future urban expansion.

² Information provide by David Ellis, Director-Strategic Planning, Planning SA

The Metropolitan Planning Strategy is clear about the protection of agricultural land. For example the planning strategy specifies in the south that only land west of Main South Road can be developed for urban uses.

The South Australian Government has constrained speculative profits and managed the process of outer area development through State Government land banking. At the same time, infrastructure agencies have benefited from certainty about location and timing of development. The result has been compact development at the fringe and at densities that sometimes exceed inner and middle suburbs.

In the current economic and growth climate, Adelaide has enough zoned land for about 40 years, much of it in Government ownership. The Land Management Corporation controls about 2000 hectares. The overall approach to urban fringe development has given Adelaide some of the most affordable urban land in the nation. It has reduced the leap frogging experienced elsewhere and given Adelaide a perceived competitive advantage through affordable housing. Nevertheless, the ongoing impact on the State budget through servicing fringe development is significant.

Adelaide has not had the urban growth management problem to the extent experienced in many US cities. The large government land holdings on the fringe have promoted planned and orderly incremental growth. There has been a Government policy that human services and physical infrastructure will be provided in a timely manner as identified in the Metropolitan Development Program (MDP).

See Appendix 2 for further details.

Conclusions

From the few examples above it can be seen that there are a variety of measures in other capitals and in other countries to manage urban growth.

A key lesson from the international examples is clarity of purpose. In the Oregon illustration there is a stated desire to safeguard farmland and prevent sprawl. In England there is a desire to prevent sprawl and safeguard the livability of cities.

The Adelaide and Sydney examples are broadly comparable with Melbourne except that in Adelaide the government has greater control over the release of urban land through its extensive ownership patterns. In Victoria the Urban Land Commission has played a similar role.

Victoria

In Victoria the usual technique for setting urban boundaries is through statutory zoning or by reference to a range of strategy plans or policy documents such as the growth area plans of the early 1990's for Plenty Valley, Werribee and the South East.

But, there is no widely accepted concept of using prescribed urban growth boundaries or green belts, as described above, as a technique to manage urban growth or safeguard non-urban areas and their values.

State approach

The Victorian government has adopted a range of measures over the years that have created green belts of sorts using different techniques to ensure their implementation. Statements of Planning Policy, produced in the 1970's for the Dandenong Ranges, Yarra Valley, Mornington Peninsula, and Macedon Ranges established the State's policy position for these important conservation locations. In the case of the Mornington Peninsula and the Dandenong Ranges and Yarra Valley special authorities were set up (now abandoned) to develop implementation plans that consisted of regional strategy plans, planning controls and other practical measures.

A more recent example where large areas have been put off limits to development is in the Dandenongs where the Kennett government introduced legislation requiring both houses of Parliament to agree to new urban zonings that amended the regional strategy plan.

A metropolitan document that came close to defining a boundary was the Strategic Framework Plan incorporated into the regional section of all metropolitan planning schemes, before the introduction of the VPPs. This plan showed the urban area and a diagrammatic urban boundary. Although the map boundaries had been chosen based on drainage catchments, water supply, gravity sewerage and physical features it was not given any special status in the planning scheme other than simply demarking the boundary between the rural and urban zones.

Metropolitan urban boundaries are described by inference in the Victoria Planning Provisions (VPPs) in that they say:

“Outward urban growth must be confined to designated growth areas in accordance with Minister's Directions”.³

³ Clause 14.02-2

These Ministerial Directions specify (in the case of Werribee and the Southeastern growth areas), that a planning authority *'must have regard'* to the growth area plans. The plan itself is shown in diagrammatic form in the document and indicates an urban and non-urban area.

However, the boundary in these Directions has limited status in that the Minister or the Director of Planning may provide an exemption from the need to comply with the Direction. No criteria are provided to guide the exemption process.

In the case of the Plenty Valley Growth Area a planning authority *'must consider'* the Plenty Valley Strategic Plan and a range of other documents. These plans describe in a variety of ways the areas and boundaries of different proposed land uses.

Each of these plans specifies in general terms the areas to be set aside for urban and non-urban uses. The boundaries between main activities are relatively clear in some areas but less clear in others. The explanatory background reports identify in general terms why the boundary has been chosen where it is.

Local Government approach

Local government has a mixed approach to defining urban boundaries. (See Appendix 6). Some councils refer to strategic plans where they exist, some use words to describe strategic intent while others rely solely on zoning to identify boundaries.

Where no strategy exists, the reasons for choosing the location of the zoning boundary is not always immediately apparent unless the local planning authority has explained its reasons in its Municipal Strategic Statement (MSS). It may require considerable searching through working documents to determine why a particular boundary has been selected.

Even the zoning boundary may not define the eventual boundary. As a permit is usually required for subdivision there is a further process of refinement that takes into account detailed landscape, landform and servicing issues.

Conclusion

As can be seen from above there are mixed techniques used to define the metropolitan boundary including:

- Metropolitan and regional strategy plans eg Plenty, Werribee, South East, the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan
- Municipal Strategic Statements and local strategies

- Zoning boundaries
- Subdivision boundaries

Hard edge or soft edge

While the discussion above focuses primarily on a boundary line, a related issue focuses on treatment at the interface of urban/non-urban areas.

The Advisory Committee (Review of Issues on the Urban Fringe), 1996, came to the view that a “hard” edge between urban and non-urban areas is essential to prevent conflict on the urban fringe and commence the resolution of existing points of conflict.

The committee was of the view that a hard boundary, one that clearly defined the edge between urban and non-urban development, was superior to a soft edge. A soft edge, often comprising low-density residential development, was considered to be ineffective in containing urban growth. In the committee’s view, development expectations, land management issues, and erosion of agricultural and environmentally sensitive land are some of the consequences of a soft edge.

Setting urban boundaries

A metropolitan boundary should be the product of a strategic process that has identified future housing and other needs, valuable environmental areas and so on, and has applied a set of values to seek a desirable outcome.

While a boundary may be an obvious natural or built form feature, as described below, there should be a clear logic as to what strategic purpose it serves. For example:

- Is it a boundary meant to protect valuable environmental areas in a green wedge in perpetuity, or
- Is a boundary that may have a short life, perhaps designed to establish a line at a servicing threshold?

The planning expectations are different in each case.

An important step is therefore to determine what outcomes are being sought from designating a boundary and what purpose is to be served. Apart from the two examples mentioned above, other reasons that can give rise to a boundary being designated include:

- Establishing clear areas for housing development

- Encouraging more compact and efficient urban areas by containing unlimited outward growth
- Safeguarding conservation areas and greenbelts
- Providing access for city dwellers to open landscapes
- Safeguarding productive agricultural land
- Reducing land use conflict in fringe locations

If a boundary is set arbitrarily or capriciously it is less likely to withstand the pressure for change, as the reasons for its location will not have been founded on explicit outcomes.

Defining the boundary between urban and non-urban areas

The Fringe Area Advisory Committee was of the view that the use of natural boundaries such as watercourses, ridges, vegetated public land, and water bodies provide a clear and justifiable boundary that is less subject to pressure than using roads or other man-made physical features. Not only can such boundaries be supported on the basis of substantive evidence but also the community and landowners can easily understand them.

Artificial boundaries are not always perceived as common sense boundaries and are therefore harder to maintain as pressure builds to expand. Even freeways are not seen as barriers to development. Freeways bisect both Melton and Moe townships and the metropolitan area is bisected with freeways. In Keysborough the reservations for the Dingley, Scoresby and Mornington Peninsula freeways have formed a barrier to urban development for many years. However, these boundaries have now been hurdled through a major rezoning east of the Mornington Peninsula Freeway and proposed rezonings south of the Dingley freeway reservation.

While roads or other built form features create a line on the ground they do not always create a barrier to development unless associated with a natural feature. In a submission to the advisory committee the City of Whittlesea made a relevant point saying:

“The extent of rural residential development should be defined by a logical boundary such as a natural landscape feature (i.e. with a valley), man made features (i.e. railway, road) or an historical boundary. There must be a set rationale for this boundary which is accepted and endorsed by the local community”.

Some submitters to the Advisory Committee indicated that boundaries defining the urban edge or zones should not cut across property boundaries. This is despite the fact that natural features may traverse the area and form a more logical natural boundary.

The Advisory Committee came to the view that clear boundaries need to be defined, preferably by natural features. For this reason there may be excellent reasons for siting the boundary through a property.

In some circumstances there may not be any strong physical feature that creates an easily distinguishable boundary. In these instances a boundary must be established using less tangible criteria. For instance, boundaries might be determined by:

- land quality ie a clear difference in soil types might distinguish a higher quality agricultural area from a low quality location
- the ability to service land ie water supply can be provided to a certain level,
- a desire to maintain an open landscape, or
- the need to provide a buffer for a use with off site effects.

Boundaries that rely on these sorts of limitations alone can be ephemeral. While such boundaries may exist in practice for many years, changes may bring the boundary into question. Referring to the above examples:

- agricultural practices may change whereby land is no longer required for this purpose,
- the community or individuals may be prepared to pay the cost of servicing locations that were once seen to be uneconomic,
- landscapes that were once attractive become degraded; or
- the need for a buffer disappears.

This will raise questions about whether the boundary is still appropriate and where the strategic reasons for choosing the boundary remain defensible.

As can be seen from the above it is usually easier to defend a boundary based on features that form natural dividing lines between different forms of land use. In the absence of these natural features it will be necessary to choose a boundary based on other defensible criteria. Boundaries might be grouped as follows:

Natural boundaries

- Ridgelines

- Flood plains and water bodies
- Escarpments
- Areas of natural vegetation on public or private land
- Land quality – soil types and versatility

Built form

- Freeways
- Major roads
- Railways

Variable

- Servicing thresholds eg contours
- Buffer areas to uses with off site effects
- Fence lines
- Property or lot boundaries

Reinforcing boundaries

Once established it may be desirable to physically reinforce or strengthen a boundary to ensure that it is more easily recognised. This could be by means of landscaping, widening and strengthening natural or constructed waterways and purchase of land for open space or other public use compatible with the purpose of the adjoining non-urban area.

Greenbelts and boundaries and the roles they play in managing urban development.

Greenbelts

A greenbelt can be described as a non-urban area with relatively high environmental values and low development expectations. As suggested in the earlier paper on green wedge issues there is a need to identify a clear purpose for non-urban areas. Without a purpose, planning objectives and subsequent statutory controls have diminished meaning.

The purpose of a non-urban area or greenbelt may vary widely. For instance it may be retained for its own intrinsic values eg high scenic and environmental quality or

high quality agricultural soils. It might be unsuitable for development being steep and fire prone or low lying and flood prone.

In England, a greenbelt is synonymous with the open areas around Greater London and other major cities where development expectations are severely curtailed.

A greenbelt may also serve a different purpose, as a tool to achieve other planning objectives. This purpose could be to withhold land from development thus encouraging urban consolidation. Its purpose might be to maintain separation between different communities – an inter-urban break. In these cases a greenbelt may have no intrinsic value except to serve a wider benefit. Therefore, the purpose is important and should underpin the reasons why land policies for an area exist. The purpose should guide the development of planning objectives and policies and drive how permit applications are considered.

Given that a purpose is prescribed for a greenbelt, this should lead to the forms of management that are appropriate for that location. If the area is a valued conservation area then land uses within the greenbelt should be managed accordingly.

Boundaries

A boundary, rather than a greenbelt, can serve a number of related but separate purposes. As noted above it may serve as a tool to achieve other planning objectives. For instance, it could be used to create an edge to urban development thereby encouraging consolidation. It could define the border between two urban communities. It could also define the logical boundary between areas with different features and purposes. For example, the boundary between areas considered environmentally sensitive and those suitable for other forms of development.

The establishment of a boundary between urban and non-urban areas should be a statement about where land uses and policies are expected to change. Not only should it be a functional and technical statement based on proper analysis of land types but also a policy tool and political statement of what the planning authority expects to happen.

A boundary may take on different forms. It could be a generalised line on a plan identifiable through major landforms or a line that can be specifically surveyed on the ground.

To demonstrate the decisions that may have to be made take the example of a planning authority that wishes to draw a boundary between urban development and

flood prone land. In broad terms the boundary between developable and undevelopable land will be a contour line. However, other features such as vegetation cover or nearby roads could be better determining features. There may be a good case for allowing some landfill to occur and land that had been previously considered inappropriate for urban development brought onto the market.

The final boundary that establishes the dividing line between urban development and non-urban land may therefore be an amalgam of strategic intent, practical identification, and detailed design. The important point is that the purpose of the boundary is well established, properly recorded and where possible has the endorsement of the community.

Methods for appraising and reviewing the boundary.

Given that there is an agreement to use a metropolitan boundary as an effective planning tool a number of issues present themselves.

Responsibilities for setting the boundary

Who should the metropolitan urban boundary be established by - State or local government? Councils certainly have a major responsibility to address strategic planning issues at the local municipal level and therefore should have a responsibility for setting growth area boundaries within those responsibilities. Councils are in good position to understand the local environment and local issues.

The State government has the primary responsibility for metropolitan planning and issues regarding the future needs of the whole city as well as any single part. The State should be in the best position to understand sub regional and metropolitan wide issues impacting on the city. However, it may not be in the best position to judge with any accuracy where boundaries should be drawn on the ground.

It is therefore suggested that boundary setting is a task for both State and local government working in partnership.

Time frame

Certainty for landowners is an important issue. Sustaining green wedges, non-urban areas and urban boundaries can be difficult if the "rules" are likely to change in an ad hoc way or expectations of the possibility of change are high. There is substantial criticism by Ministerial advisory committees and local government officers about the somewhat arbitrary nature of fringe urban rezonings of recent years.

The life span of the urban boundary needs to also be considered. Policy makers will need to decide whether it is desirable to continue with the current system of incremental boundary changes through rezonings on the urban fringe, or impose a boundary which lasts for a given time period, say 10 years.

Establishing a boundary

As mentioned above the urban boundary may be different in form depending at what scale it is to be determined and what techniques are used. There needs to be a decision as to whether a boundary is defined by:

- A set of purposes, principles and objectives
- physical features (natural or man-made)
- land quality
- zoning
- subdivision and cadastral information, or
- A combination of all.

At the metropolitan scale it is considered more appropriate to define the boundary through the first two techniques. The boundary could then be refined on the ground through local planning processes i.e. MSSs, zonings and permits. Three possible options for identifying the boundary are:

Option 1 - A pragmatic approach

- The Department of Infrastructure could define the urban boundary. The boundary would be based on:
 - The current edge of existing urban zonings,
 - Existing strategy plans, and
 - New boundaries determined through the metropolitan planning process.
- Statements regarding the future purpose of green wedges, other non-urban areas, and urban areas should support the boundary.
- The boundary could be included in map form within the Metropolitan Strategy and incorporated into the VPPs.

This approach might be followed later by a more detailed review along the lines described below.

Option 2- Joint approach

- DoI could establish metropolitan wide criteria and policies for helping set the urban/non-urban boundary such as:
 - Defining strategic objectives for urban and non-urban development
 - Defining the purpose the boundary will play in meeting these objectives
 - Prescribing the use of natural and enduring features to set the boundary
 - Recommending non-urban policies for green wedges or definable metropolitan regions
- DoI could work in partnership with each local government to designate a boundary for each municipality. This will require the following to be identified:
 - The future purpose and objectives for non-urban and green wedge land
 - The future purpose and objectives for land incorporated in urban areas
 - The rationale for choosing the boundary in the location including the key purposes and reasons for nominating the boundary.
- The boundary could be identified in text and map form within the Metropolitan Strategy, VPPs and/or included in map and text form in each Council's MSS.

Option 3 – Subregional plans

- This option would use the techniques described in Option 2 but be preceded and supported by the development of a sub-regional plan for that sector of the metropolitan area.

Reviewing the boundary

Given that a boundary is set, a number of options exist for reviewing it from time to time. These might include:

Option 1- Ad hoc reviews

- Planning authorities and individuals would be able to submit cases for a boundary review from time to time which address criteria outlined in the Metropolitan Strategy, VPPs, a Ministerial guideline or practice note.

- The advantages of this approach would be to maintain flexibility and allow the boundary to be reviewed on a needs basis. The disadvantage is that it reinforces the current uncertainty outlined above.

Option 2 - Ordered reviews

- Boundaries should be set for a given period, say 10 years and then reviewed through a metropolitan wide process that takes account of metropolitan wide needs.
- This approach would overcome the ad hoc nature to many rezonings on the urban fringe and help change the perception that the green wedges and the urban boundary is a zone of impermanence.
- The review would take into account future urban growth needs, the purpose of the green wedges and non-urban areas and the purpose of the urban boundary as a whole.
- Individual proposals for boundary changes (and rezoning) would be incorporated into this review and recommendations made to planning authorities and/or the Minister for Planning about the relevance of the boundary and any subsequent rezoning proposals.

Conclusion

The role of a metropolitan boundary or metropolitan green belt should be based on a strategic process, have a strategic purpose, and its determination based on sound, identifiable criteria. This is clearly a role for the State government working in conjunction with local government.

It needs to be determined at what level of detail a metropolitan boundary should be set. The more general the boundary the more likelihood of future argument. The more specific the boundary the greater the certainty but the lesser the flexibility. The more strategic the process for defining the boundary the greater will be the certainty of intent.

A strategically determined urban boundary is a powerful tool in helping guide Melbourne's urban development, safeguard the values of non-urban areas, and limit the degree of uncertainty and speculation on the fringe. An agreement between State and local governments on the rationale for this boundary will limit speculation and improve confidence.

The process by which the boundary is changed from time to time is important. While flexibility may be appealing it also leads to uncertainty and speculation. If the

boundary is determined strategically with specific objectives it should not be set aside through ad hoc reviews but rather through a metropolitan review process that has built into it the need to consider both metropolitan, regional and local impacts.

PROTECTION OF THE RIGHT TO FARM

Preamble

The protection of legitimate farming enterprises on the urban fringe has arisen. The questions addressed here include:

- To what extent should planning policy be used to help protect farming?
- What should be the criteria for protecting land for farming?
- What are the policy responses needed to protect land for farming?

Current Government Position - right to farm

The Bracks Government has indicated in its pre-election policy (see Appendix 5) that it recognises the need for legislative protection of farmers "right to farm". It has promised to put in place measures to avoid expensive legal battles resulting from disputes between farmers and newcomers to a rural area.

Position of peak industry bodies & government agencies

Under the Kennett Government a small review committee was established to:

1. Examine the cause of disputes between farmers and landowners which may affect the normal and traditional conduct of farm business
2. Examine relevant legislation, regulation and codes of practice and identify any issues which may need to be addressed to minimise the potential for such disputes, and
3. Recommend any action that may be necessary for a cost effective codification of rights and obligations relating to farming practices and other adjacent land uses.

The committee comprised representatives of the Government, Victorian Farmers Federation (VFF), and Municipal Association of Victoria, supported by Department of Natural Resources and Environment and Department of Infrastructure. Discussions also occurred with Planning Panels Victoria, a rural planning consultant and the Disputes Settlement Centre. A similar committee is being established under the Bracks Government.

The working group found that the call for the "right to farm" emerged more often from disputes between neighbours and in specific areas such as the urban fringe. While

the working group did not come to any final conclusions it became apparent that existing legislation is generally adequate to resolve these issues.

The view emerging was that much could be achieved through:

- Stronger statements from the State government about the importance of farming and acceptable farming practice
- Well-founded and administered planning controls to help separate incompatible land uses, and
- An increase of dispute resolving mechanisms such as mediators.

Collectively these measures could overcome many of the disagreements between individuals without the need for expensive court appearances or additional legislation.

The view was put that right to farm legislation may not always be in the best interests of farmers themselves. Indeed some farmers find themselves in a position of wanting to dispose of their properties for uses other than farming.

The concept of a new Agricultural Zone in the suite of statewide zones was also examined. The zone would have as its objective the primacy of agriculture in specific areas of high productivity. However the committee was of the view that such a zone would not resolve disputes between neighbours and would lessen the importance and perception of agriculture in other rural zones possibly leading to an overall negative impact on agriculture. Hence the importance of clarifying the purpose of different non-urban areas

The VFF desires to maintain the opportunity to farm wherever and whenever possible. However the VFF does not appear to be overwhelmingly in favour of the right to farm if this leads to unnecessary restrictions on farmers. The VFF cited what in its view was a good example of planning policy for farming. In the Shire of Campaspe the council has made it clear in its MSS that agriculture is important to its economy and its future. Planning decisions flow from this clear policy stance.

Cardinia Shire also has a strong farming policy including protecting farmers right to farm. Urban uses in rural areas are discouraged as well as fragmentation of land parcels. Council's aim is to provide a better demarcation between urban and rural areas and encourage uses in rural areas that are predominantly farming related.

International policies and practices

All 50 States in the USA have some form of right to farm legislation that has been enacted from the late 1970's. These laws vary widely in purpose and content. The general approach is to provide that agricultural activities not be considered a nuisance if the activities are consistent with good agricultural practices and were established before any other more recent activities. Right to farm is seen as:

- An incentive to farming
- A legal protection for farming practices
- A statement of the legitimacy of farming, and
- A statement of the limited rights of urban dwellers entering an agricultural area.

US laws forbid the enactment of local and State regulations or ordinances that restrict normal farming practices, unless they endanger public health and safety. They do not override the right of agencies to abate nuisances such as spray drift, odours etc.

Evidently reliance on right to farm legislation has diminished as agricultural practices have improved. The benefits have mainly been limited to providing a clear legislative statement that each State rates highly the role of agriculture, a message that legitimises farming at the community level.

It has been necessary in the US to complement right to farm laws with other measures introduced to more effectively address the issues of conflicts between farmers and their neighbours. These include:

- **Urban growth boundaries** – fixing urban boundaries for 20 or so years to encourage agricultural investment in areas adjacent to urban locations
- **Exclusionary zoning** – Zoning areas exclusively for agriculture purposes. This approach has worked best in highly productive areas
- **State purchase or transfer of development rights** – In conjunction with exclusionary zoning, compensation has been paid for restrictions on future subdivision
- **Issue of disclaimer notices** – Issue of notices to new owners at point of sale or with transfer documents warning of agricultural practices.

Some specific US State examples are:

Oregon

Protecting Oregon's farm and forestland has been an important goal of the State-planning program for the last 25 years. Agriculture is regarded as an important and dynamic force in Oregon and the land use program seeks to maintain that strength.

There are specific limitations on where counties may allow houses on land zoned for exclusive farm use. Counties are required to report annually to the State's Land Conservation and Development Commission the number of dwellings, subdivisions and other uses approved on agricultural land.

As mentioned earlier Oregon also has a strong policy of using urban growth boundaries to control urban development.

Larimar County, Colorado

In response to increased conflicts between agricultural operators, residents and visitors which are threatening the economic viability of agricultural operations Larimar County has introduced a right to farm policy. It sets forth that

"Ranching, farming and all manner of agricultural activities and operations within and throughout Larimar County are integral elements of and necessary for the continued vitality of the County's history, economy, landscape, open space, lifestyle and culture. Given their importance to Larimar County, Northern Colorado, and the State, agricultural lands and operations are worthy of recognition of protection".

Metropolitan policies and practices

Current agricultural policy

The Kennett and Bracks Governments were and are both highly supportive of the farming sector. The Bracks government has committed a number of additional resources to supporting agriculture to underpin the target of \$12b of food and fibre exports by the year 2010.

Despite this support there has been a traditional reluctance by State agencies responsible for agriculture to support land use measures that help protect land for agriculture. It is usually left to planning authorities to determine what land use policies should apply in any given location. Metropolitan planning policies have gradually become less specific over the years.

The VPPs reference agriculture policy objectives as follows:

To ensure that the State's agricultural base is protected from the unplanned loss of high quality productive land due to permanent changes of land use and to enable protection of productive farmland, which is of high quality and strategic significance in the local or regional context.

There is no general mandate to protect productive (rather than high quality productive) agricultural land. (See later comments by Planning Panels Victoria). Additionally, there are no specific spatial policy objectives that indicate areas of the State that should be protected.

In the metropolitan area there is no metropolitan policy objective or spatial objective related to agriculture despite the fact that the average value of agricultural production per hectare in the Port Phillip and Westernport catchments is twice that of any other catchment region and more than three times the State average⁴. Rather, local government is left to determine the importance of agriculture to its own municipality.

The changing nature of metropolitan farming policy and practice

In 1976 Aberdeen, Hogg and Associates, farming consultants to the MMBW, stated that:

"A very large proportion of the land in the region's non-urban zones remains in active farming.....it is therefore of great importance to both the metropolitan community as well as to Victoria as whole."

The non-urban policies and zones of the 1970's encouraged agriculture as well as a range of other non-urban activities such as nature conservation and extractive industry. However, in the last 25 years agriculture has changed around the metropolitan area. Many orchards and intensive horticulture areas have moved to other locations, dairying has virtually disappeared and part time farmers, as opposed to persons earning a full time living from the land, now occupy broad acre farming areas.

However, some areas such as the Yarra Valley and the Mornington Peninsula have flourished. Niche markets have emerged for grape growers, vineyards, flower growers, and specialist animal breeders. These industries provide direct employment and spin-offs into tourism thus being of benefit to the local area and the metropolitan region as whole.

⁴ Port Phillip Regional Catchment and Land Protection Board; Port Phillip and Westernport Regional Catchment Strategy

Western Water now recycles 65% of the wastewater it manages. It aims to recycle 100% and is in the process of confirming new markets with landowners near its plants at Melton and Sunbury. It is also seeking additional waste water to treat continue to look for a market for their products that, if successful, could change opportunities in existing low productivity dryland farming areas such as the north western sector of the metropolitan area. In fact the State government has a set a target of 20% reuse of wastewater by Melbourne Water by 2010. Current reuse is less than 1%.

Along with these changes there has been a gradual lessening of helpful metropolitan wide farming policy. *Living Suburbs* referred to the commitment of the government to protect high quality agricultural areas from unplanned changes of land use. It gave as examples the farms and market gardens around Werribee, Cranbourne, and Silvan, the vineyards of Sunbury, Mornington Peninsula, and the Yarra Valley and the orchards of the Yarra Valley and the Dandenongs. Nevertheless, little further direction and follow up ensued other than to encourage councils to develop management strategies for non-urban areas.

Comments by Planning Panels Victoria

Productive agricultural land

The Planning Panels Victoria report on Victoria's new planning schemes in 1999 made some pertinent observations regarding agriculture and planning schemes.

The panels concluded that agriculture is of prime economic significance to Victoria. Throughout Victoria, the panels saw evidence of an industry reinventing itself and substantial levels of investment in agriculture. The two most vital ingredients in maintaining sustainable growth in agriculture were:

- Productive land and
- Adequate supplies of water.

The panels concluded the greatest threat to agriculture is the growth of residential use and the conflicts this creates. Some excerpts from the report are contained in Appendix 4. The panels recommended that:

The State Planning Policy Framework (SPPF) should be reviewed to better recognise the role that all forms of productive agricultural land play in maintaining and expanding the State's agricultural base, not just high quality agricultural land.

DoI should encourage Councils to develop mechanisms in the form of policies and other initiatives by which to deal with pressures, which may result in the loss of productive agricultural land from production.

The panels also believe that recognition should be given to the contribution that all forms of agricultural production make to the overall economy, as distinct from the returns to individual landowners.

The panels stated that it has long been a central tenet of our planning system that planning is not intended to protect individuals from the effects of competition⁵. The purpose of the planning system should be to protect resources, in this case productive agricultural land, to enable it to be used in a sustainable way. The system should also recognise that agriculture, in common with most activities, is susceptible to change. Just because one activity ceases to be attractive because of low returns or management problems (for example, grazing), does not mean that the land ceases to be suitable for all forms of agriculture and should therefore be subdivided for rural residential purposes.

These were the sorts of pressures faced by the Yarra Valley 20 years ago. A different form of agriculture in the form of viticulture gradually took over, resulting in a thriving wine industry, which today brings far more economic benefit to the region and Victoria than residential use of the land was ever likely to do.

Rural Zones

The panels also questioned whether there should be different rural zones than those currently forming the standard three – Rural, Rural Living and Environmental Rural.

The panels believe that experience with the rural zones demonstrates a number of shortcomings with the zones and overlays as they presently stand.

The panels recommended that:

⁵ See High Court of Australia decision in *Kentucky Fried Chicken Pty Ltd v Gantidis* 40 LGRA 132 at 141:

“However, the mere threat of competition to existing businesses, if not accompanied by a prospect of resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration.”

See also Planning Appeals Board decision in *Shell Company Ltd v City of Frankston and Amoco Ltd* 8 APAD 126:

“Town planning is not concerned with general economic regulation or the rationalisation of product markets; rather it is concerned with promoting consistency between various uses of land. Town planning provides a fetter on our free enterprise market system, but it is not designed to replace that system with a form of centralised economic decision-making. Moreover, competition is an essential ingredient of the market system.”

The principles underlying the rural zones and the environmental overlays should be reviewed and modifications made to the VPPs to ensure that important objectives in respect of agriculture and rural land can be met effectively.

The panels considered the ambit of the Rural Zone was too wide. The issue is whether greater emphasis needs to be given to the primacy of agriculture, in certain locations, over residential uses. The panels suggests that this could be achieved by the creation of an Agriculture Zone where dwellings would be more strictly controlled and where productive agriculture was seen to be the primary purpose of the land. The panels recommended that:

Consideration should be given to expanding the suite of rural zones in the VPPS to encompass an agriculture zone based on the above objective.

Sustainable agriculture and codes of practice

Agriculture is not a use that lends itself well to being controlled by planning schemes. Planning is good at setting conditions for development (buildings and works) or spatial parameters (e.g. establishing setbacks from features such as roads, watercourses etc) but is not so good in governing the ongoing way in which certain activities will be carried out. This is because the nature of agricultural activities are constantly changing, in response to either price fluctuations, weather, new machinery, processes, methods or products, or different animals or crops being used.

Requiring permits for agriculture activities is unpopular with farmers and potentially stifling to their capacity to respond to changing circumstances because of the need to seek constant modifications. Appropriate land management, which results in sustainable agriculture and improved catchment management, is unlikely to result from a planning regime that requires permits for all sorts of agriculture. Rather, it will come from the development of codes of practice, which have widespread industry support and which are incorporated into the day-to-day land management practices of all farmers, irrespective of when they initially commenced their particular agricultural use.

Examples of this performance-based approach to agricultural activities are references in the VPPs to codes of practice for cattle feedlots, timber production, and piggeries.

Information supplied to panels during the course of their hearings indicates a growing need to establish codes of practice for the establishment and ongoing management

of various forms of agricultural activity.⁶ Poultry farming is a perennial source of conflict while the growth, intensification and mechanisation in dairying and viticulture is resulting in new concerns being raised about these activities. Industry standards relating to the establishment and ongoing management of these uses need to be developed and then applied across the board. The full range of impacts needs to be addressed, including traffic impact on roads, catchment issues, spray drift etc.

The panels recommended that:

DoI should take the lead in coordinating, in conjunction with industry groups, local government, catchment management and water authorities, and relevant government departments:

- The development of codes of practice relating to various agricultural uses, which establish standards and a performance based approach to the management of land for these purposes. They should be designed for inclusion in the VPPs as the basis on which these activities will be conducted. Consideration should be given to whether they should apply to all existing uses, as well as new uses, in a similar fashion to the Code of Forest Practices for Timber Production.
- The ongoing review of the VPPs to:
 - Incorporate particular provisions relating to specific agricultural uses, including codes of practice
 - Include conditions that, if met, results in no permit being required for specific agricultural uses in appropriate locations or zones.

Land management plans and use of schedules

Codes of practice and the particular provisions in the VPPs are applicable to specific activities or forms of development. However, in some locations, there may be land management practices that are common to a range of uses that should be carried out in certain ways in order to avoid detrimental impacts or to achieve other outcomes. Salinity management plans are one example; vegetation management plans are another.

Various provisions of the rural zones require a permit for certain things specified in schedules (earthworks and dams above a certain size) and overlays require permits for things unless it is stated in the schedule that no permit is required.

⁶ See also Report of the Advisory Committee on the Victoria Planning Provisions (VPPS) - August 1997, Section 16.9, planning permit 255-258

The provisions are intended to give Councils the opportunity to customise zones and overlays to respond to the particular needs of their municipalities or areas within them. Thus, if earthworks of a particular sort cause concern in a particular area, they can be identified in the schedule to the Rural Zone and a permit can be required.⁷

The ability to schedule out certain buildings or works from the need for a permit in a range of overlays is intended to encourage Councils, referral authorities and other organisations to develop performance standards, conditions or management plans, so that if development complies with them no permit is required.

At this stage, relatively few Councils have taken advantage of these provisions in overlays to schedule out development from the need for a permit.

As stated previously, there are important distinctions between use and development of lands, which planning schemes and planning permits can control but which are subject to existing use rights, and land management. The panels believe that a commitment to **proper land management** by land owners and managers is the only effective, long-term way in which good catchment management will be achieved and problems of land degradation, such as salinity and erosion, will be properly managed or reversed.

The panels believe that DoI should be offering guidance on how to achieve this in practical terms. For instance, at present, there is a large gap between the general principles embodied in most catchment management plans and the sort of details needed to guide individual landowners in the day-to-day management of their land. An important role for DoI, DNRE, catchment management authorities and the like will be to identify in terms of practical detail what constitutes good land management in particular circumstances. The development of suitable models will be of great assistance to Councils to enable them to make appropriate use of the overlay provisions.

The panels recommended that DoI should:

- Monitor the way in which the new planning system integrates with issues relating to ongoing land management. It should consider if legislative change is required to better achieve the objectives of planning set out in the *Planning and Environment Act 1987*.
- Provide guidance on how to encourage land managers to assume responsibility for the impacts that their activities may have and to manage

⁷ This provision was modified in the VPPS in particular response to the needs of the Municipalities Against Salinity for Northern Victoria: see Report of the Advisory Committee on

their land according to identified standards or in line with agreed management plans.

- Develop suitable models to assist Councils in making appropriate use of the overlay provisions, which enable certain buildings and works to be scheduled out of the need for a permit.

Council actions in protecting farming

Most fringe Council with substantial rural areas have included policies aimed at encouraging agriculture and farming. A brief overview of these policies is included at Appendix 6. Although the response varies around the metropolitan area, many have policies directed at excluding uses that are incompatible with farming and discouraging inappropriate subdivision.

Despite these reasonably strong statements, no council (apart from Wyndham with Werribee South) has identified specific areas for agricultural production where other activities will be subservient.

One Council, Cardinia, has made strong statement about farmers right to farm and therefore its attitude to other uses in rural areas is quite clear.

Possible planning responses for protecting farming

The Government has already stated the importance of agriculture to the State and said that it intends to follow up with right to farm legislation that will protect farmers carrying out normal farming operations. Government committees have and will continue to work on refining how this can be achieved.

Emerging from the above, there seems every likelihood that planning policy and other planning measures will need to be refined and improved to safeguard farming and limit the conflicts that appear to be a root cause of the call for the right to farm.

But, as the panels have rightly pointed out there is a limit to what planning policy and regulation can achieve. Planning is good at regulating new land use and the spatial order of development but is not so good in governing the ongoing management of farming activities. Planning clearly has little sway over changing market preferences and economic cycles, preferred crops and products and the individual wishes and desires of landowners.

A number of possible planning options are outlined below.

Option 1 - Government planning policy and metropolitan planning

While agriculture remains a high priority for the State government the VPPs lay down only broad statewide objectives and implementation policies directed principally at high quality agricultural land. There is no recognition of the contribution the metropolitan non-urban areas make to agricultural output despite the high overall productivity of the region.

An important step is to recognise to what extent agriculture should be given priority in terms of metropolitan land use policies. While most metropolitan fringe councils have given recognition to agriculture in their policies this has been done without much support and guidance from the State.

Responsibility for policy

A related issue is who should be responsible for developing agricultural policy for the metropolitan region. Limited direction is offered by the agencies responsible for agriculture about areas that should be safeguarded for agriculture.

Councils need to make choices about the direction their municipality is heading in including the importance of agriculture and other competing land uses. This is perhaps an easier task in regional Victoria where community prosperity is closely linked with farming. In municipalities that are part urban growth and part farming the choices can become more difficult.

One option at the metropolitan level would be to state more implicitly the importance of metropolitan agriculture to the State. To be relevant it would be helpful if this broad statement were also backed with comment about where farming should be supported.

Content of policy

Taking up the panel's challenge, choices will need to be made about the importance of "productive" agricultural land rather than the current emphasis on "high quality" agricultural land.

This could be achieved by:

- Stating as policy the importance of productive agriculture
- Developing policies that encourage productive agriculture in non-urban zones

- Undertaking an assessment of the metropolitan area in terms of its existing and likely future productivity and identifying these areas spatially
- Seeking agreements with groups of local governments on the importance of sub regions for agriculture and reflecting these agreements in Municipal Strategic Statements as part of the VPPs

Implementation

The panels have spoken of a range of measures that could be undertaken to implement policy. These include:

- The development of codes of practice
- Identification in terms of practical detail what constitutes good land management in particular circumstances
- Developing an Agriculture Zone that can be applied to areas where productive farming is to be carried out.
- Development of suitable models to assist Councils in making appropriate use of the overlay provisions, which enable certain buildings and works to be scheduled out of the need for a permit planning controls

Option 2 - Dispute resolution and mediation

Dispute mediation is part of the normal ongoing responsibilities of planning authorities. However, resources for these skills could be improved rather than rely on planning tribunals or the courts with their adversarial make up to settle disputes. A means to fund this task would need to be identified.

Option 3- Urban growth boundaries

Defining an urban growth boundary could encourage agricultural investment in non-urban areas. Farmers are more likely to invest in the plant and machinery and land management required if they are more certain that land use changes brought on by urban development are unlikely.

Option 4 – The Agricultural Zones

The panels have suggested the use of an agricultural zone to safeguard and encourage genuine farming and to discourage activities that may be incompatible. The arguments against this proposal are that it limits the importance of the rural zone and gives insufficient flexibility to farmers to change the use of their land. A zone of

this nature would need to be accompanied by clear policies relating to protecting agricultural land.

Option 5 - Improving local policy

In the absence of a well-rounded metropolitan policy for farming, local governments have developed a range of localised responses. These are variable and relate only to the issues of significance to local municipalities. In partnership with DoI, local government could be encouraged to develop sub regional policies that could guide local government in further improving the responses in their MSSs.

Option 6 - Information and education

Good information and knowledge is a fundamental input to developing sound policy. There is a large body of information that has been collected by agencies over decades which could be better amalgamated, brought up to date and distributed to decision makers.

Conclusion

The use of one technique is not considered to be sufficient in itself to ensure that farming is protected. Nevertheless it will be important for government to decide:

- To what extent it is prepared to protect agricultural land generally rather than supporting the activity of farming
- Whether this protection applies only to high quality agricultural land or all productive land
- What role the metropolitan area plays in the State's agricultural production
- Whether local government will be expected to make its own decisions about the benefits of agriculture or whether there should be greater direction from the State and
- What techniques will be used to safeguard land considered worthy of protection.

LAND CLASSIFIED AS 'RESTRICTED URBAN' EG AIRPORTS, SEWERAGE FARMS

Preamble

A specific set of uses is of major importance to the development of urban areas. They provide major infrastructure or services that exist solely because there is an urban area. This section will address:

- What specialised activities, such as sewerage plants and airports, should be classified separately from non-urban areas, and
- The appropriate policy responses for these uses.

The range of broad land use types that could be classified as restricted urban?

There are a range of uses in non-urban areas that are usually thought of as acceptable. These uses are fundamentally urban in character. A possible grouping of these uses is as follows:

Service infrastructure related to health, safety, and environmental well-being. Eg water supply installations and catchments, sewerage plants and treatment areas, retarding basins, drainage channels, refuse disposal areas, fire stations, cemeteries, and crematoria.

Service infrastructure related to economic and social well-being. Eg generating works, power lines, sub stations, gas facilities, telecommunications towers and cabling, oil pipelines.

Service infrastructure related to transport. Eg ports, roads, airports, rail lines, and transport terminals.

Specialised infrastructure activities. Eg prisons, explosives reserves, chemical storage, animal health laboratories. This group is often incompatible within urban areas because of the possible security and social impacts of the activities being conducted.

While the above uses are often associated with the public sector that distinction is less applicable now with the privatisation and corporatisation of many of the State's former public facilities. However, to a greater or lesser degree they are 'essential' services that any modern urban community would expect.

There are also a range of other activities, sometimes referred to as 'urban support' uses that are less essential although important for the social well being of the community.

Urban Support activities Eg playing fields, golf courses, places of assembly, clubs, churches, education centres, motor-racing tracks, tourist establishments, industry, retailing.

Existing policy responses

There is limited guidance in the VPPs about the infrastructure uses described above except that:

- new airfields are encouraged to establish on land that does not have a long term value to the community,
- port development should be physically separated from sensitive urban development,
- water supply catchments should be protected,
- waste disposal facilities should be located to safeguard the environment and
- transmission pipelines should be protected from residential encroachment.

The conclusion to be drawn from the wide range of uses allowed in the Rural Zone is that there is a presumption in Victoria that, given the right conditions, a large range of uses are appropriate in non-urban areas. The new planning system envisages that should guide where different uses and development are acceptable or not acceptable.

Few planning schemes make direct reference to infrastructure and it could be concluded from past practice that most planning authorities would accept that:

- **Service infrastructure related to health, safety, and environmental well-being.**
- **Service infrastructure related to economic and social well-being, and**
- **Service infrastructure related to transport.**

are reasonable and appropriate in non-urban areas. There may be some debate about design and siting and external impacts but not about the activity itself. Even though these activities may have a major influence they are regarded as indispensable urban support services.

Specialised infrastructure activities can raise questions in the community. Depending on the nature of the use and development some of these activities could be located within urban areas. For instance, apart from the perceived amenity and safety issues that emerge from living near prisons there is no other fundamental reason why these cannot be established in urban areas. Subject to stringent conditions chemicals can and are stored at limited risk to the community.

Urban support activities receive a generally mixed response. Many councils have little concern about these uses in non-urban areas provided they are sited and designed with care. As a result non-urban areas are sometimes home to schools, churches, clubs, industry, and commercial premises.

The policy responses and control regimes suitable for each land use

As suggested above the first four categories of land uses are broadly supportable in non-urban areas because of the essential service they offer and the “public good” that emerges. Location in a non-urban area can be dictated by the nature of the use itself. For the purposes of this paper these uses will be designated “restricted urban” in order to differentiate them from other non-urban uses.

Despite a sound prima facie case to allow restricted urban uses in non-urban areas it may be appropriate to manage the form of development and its performance, depending on the purpose of non-urban area and policies applying thereto.

For example, it may be important to ensure that the siting and design of a restricted non-urban use is properly taken into account, its off site effects are adequately compensated for and the location is appropriate given long term planning proposals for an area.

It may also be appropriate to ensure that the range of ancillary or supporting uses attracted to an activity is suitable. For instance an airfield is a specialised activity incompatible with an urban area and requiring a non-urban location with adequate buffers. The activities of aeroplanes are inherently noisy therefore separation from housing areas makes sense. An airfield would understandably attract basic support facilities such as a terminal building, hanger, refuelling facilities and servicing areas. But, is it reasonable to allow overnight accommodation and shops for waiting travellers? Should downstream industries that use the airport as a means to access their markets be allowed to establish? Should other industries be allowed to set up which have no relationship to the airport but cluster along side the airport industries?

The above illustration raises questions about the policy responses and conditions of development in non-urban areas.

Using the VPPs as a framework there would appear to be a number of possible options for managing restricted urban uses in non-urban areas:

1. Incorporate affected land areas in an appropriate Rural Zone, apply appropriate overlays and develop suitable policy at the local and State level
2. Include restricted urban uses in a Special Uses Zone and include an appropriate schedule to guide development
3. Include the land in an appropriate urban zone and overlay.

The first option is appropriate for many uses where the activity is benign in nature and does not differ markedly from surrounding uses.

On the second option, Planning Panels Victoria made comments⁸ relevant to the above when considering the need for land to be included in Special Uses Zones.

Apart from clear statements in the MSS and Local Policy, the Special Use Zone should only be applied where a use is of such significance that it is regionally important in some way, or has particular issues with respect to zoning or management.

The State has issued a Practice Note relating to the Special Use Zone. In addressing the issue of where the Special Use Zone should be applied, it is stated:

A Special Use Zone can be considered when either:

- An appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements.
- The site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate.

Application of the Special Use Zone is not appropriate when an alternative zone can achieve a similar outcome, with appropriate support from local policies and overlays.

However, the panels believe this does not resolve the underlying issues causing difficulty in dealing with large, single-purpose uses, which stand out from the pattern of surrounding uses for a variety of reasons. These reasons relate to:

- Amenity and other off-site impacts

⁸ Final report on

- Future use of the land in the event that the current use ceases
- Dichotomy between zones based on public/private ownership and the potential to zone land according to use rather than ownership

The third option may be appropriate where a range of other uses is also appropriate in connection with the restricted urban use.

As with other non-urban uses there will be a need to consider the following issues for all forms of restricted urban uses.

- **The purpose of the non-urban area**
- **Land use expectations**
- **Development expectations, and**
- **Performance.**

Conclusion

There are a range of restricted urban activities as described above that utilise non-urban areas. In many cases these uses are reasonable and legitimate given the essential nature of the activity, the public good that comes from the use, the off site effects or amenity impacts and specialised locational criteria.

As with other uses in non-urban areas it is necessary to develop and review non-urban policies that can guide where and under what conditions these activities should be able to proceed. In many instances there is a prima facie case for permitting the use and development subject to reasonable performance measures being in place.

A decision that must be made by a planning authority is whether the land use should be included in a rural zone, a special uses zone, or appropriate urban zone and whether there needs to be any overlay control applied to control the performance of the development.

RESERVATION OF LAND FOR PUBLIC PURPOSES OVER THE LONG TERM

Preamble

Under current planning controls, land is reserved for public purposes through the use of overlay controls. These controls apply when a purchasing authority can be identified. However, some infrastructure items are of such a long term nature that this means of control may not be the best mechanism to ensure appropriate land is set aside at the right time. This topic addresses:

- How land should be best protected for long term future public use
- The policy options needed to safeguard opportunities for long term public use.

Current legislative policies and practices

Under current Victorian planning controls, land is reserved for public purposes through the use of a public acquisition overlay in a planning scheme. The overlay provisions require the grant of a permit for all use and development and applications must be forwarded to the acquiring authority. An overlay applies only when a purchasing authority can be nominated.

The Planning and Environment Act provides for compensation in the event that land is reserved or proposed to be reserved for a public purpose or access to land is restricted by a road closure. Restrictive zonings are not compensable.

The purpose of providing compensation is to ensure that owners of land affected by a planning scheme reservation or a proposed acquisition can be adequately recompensed for loss or damage. It is a fundamental and well-accepted principle that if a public agency wishes to acquire land it needs to do so in a way that is equitable. Where legislation permits, public authorities can purchase land on the open market without paying compensation or requiring reservations to be applied through the planning system.

A claim for compensation may only arise after a responsible authority has refused a permit on the grounds that a land parcel is required for public purposes or the Victorian Civil and Administrative Tribunal has directed that a permit be refused on similar grounds.

The current system appears to be well understood and accepted by planning authorities and public agencies. For instance VicRoads uses the planning system to propose road reservations and widening.

The Planning and Environment Act also provides for payments of loss on sale. If land is proposed to be acquired and is sold before acquisition or purchase by the acquiring authority the owner may claim the difference between the sum expected (without reservation) and the actual sum received. This enables the owner or owners to continue with the use of the land until the purchasing authority requires it. This is a convenient factor for both the authority and the landowner where reserved land is not required for many years. Some freeway reservations and proposed open space areas along the Yarra Valley and Dandenong Valley have been in existence for over 30 years and are still held in private ownership.

Once a reservation is in place agencies must have the financial backing to be able to compensate owners should they seek to have their land acquired.

Are long term reserves needed for public purposes eg regional parks, transmission corridors, main roads, railways?

The short answer to this question is yes. To serve the public interest, there will continue to be a need to acquire private freehold for a range of public purposes.

The more difficult question is how to protect land that may be required but where there is no firm government commitment and no agency prepared to provide the funds for purchase.

There are many proposals for new infrastructure corridors or public places that have not reached the depth of commitment to require the application of an acquisition overlay. Some that have been suggested from time to time are an outer western ring road, a rail corridor from Port of Hastings to Gippsland or new metropolitan parks in growth corridors.

Policy responses appropriate for safeguarding land required for public purposes

Victoria's current legal and political system does not countenance public authorities acquiring land without due compensation being paid and an appropriate process being followed. However, it is possible for planning authorities working with other agencies to provide some level of protection to land that may be required for public purposes over the longer term. Some of these options are outlined below. In giving

consideration to which option may be the most appropriate there are a range of issues that need to be considered including:

- The certainty and criticality of the proposal
- The need or desirability for public exposure, input or information
- The criticality of the land required for the project
- The options available for alternative locations
- The likelihood of the land being made unavailable through other actions
- The timing of the proposal
- The views of the public authority required to pay compensation
- The impact on landowners of any planning measures proposed to be adopted

Option 1 – Reserve the land

If land is critical to achieve long-term public planning objectives (such as new transport corridor) then a decision needs to be made to reserve it in the long-term interests of the State. This will require a policy decision to be made and steps taken through the planning process to develop an appropriate amendment to the affected planning scheme. The processes described above then come into play. These actions may well apply only after lengthy investigations and years of planning.

This method is well tested and an accepted fair way of protecting the public interest and managing the personal interests of those affected.

Option 2- Victoria Planning Provisions, Municipal Strategic Statements and zoning

In some circumstances planning policy may overlap with the desire of an agency to protect land in the public interest. For instance a planning authority may develop environmental policies in its MSS for a given parcel of land, include that land in an Environmental Rural Zone and incorporate a series of environmental, land management and building overlays. Collectively these measures may rigorously limit the extent of development and land use. The public interest may well be satisfied by these means and remove the necessity for public ownership.

However there are limitations to the effectiveness of zoning and policy. For instance, the planning process must ensure that the reasonable use of land by an owner is not denied. This may not always be in the public interest. Additionally, land use patterns change and new developments are constantly being approved meaning that

agencies with an interest in land must remain vigilant to ensure that their interests are still being protected.

Option 3 – Strategy plans

This option may be used in various ways and in conjunction with the two options above. As described in Appendix 3 there have been a range of ways in which policies and strategies have been developed and formulated in the public arena, which alert the public, planning authorities and other agencies of key interests of government. There is scope in this process to explore ideas about long-term needs. Decisions can then be made by individuals, planning authorities and agencies about the likelihood of future events.

Conclusion

It is not unreasonable to expect a Metropolitan Strategy to explore the possible location of major infrastructure to better inform and alert others of possibilities. For example this may include indicative and alternative routes for a very fast train, a new highway linkage, the general area for new metropolitan parkland or the site of another airport. The degree to which the government may feel inclined to indicate these proposals in a Metropolitan Strategy would depend in part on the issues raised above.

Given that a possible reserve is to receive public airing in the strategy there will be a need to determine the degree of detail to be included in the strategy. The examples in Appendix 3 give some indication of the scope of such possibilities. In summary they might include:

- **Words in the strategy** eg “A new metropolitan park will be explored along the Merri Creek”
- **Reference on a strategy map or plan** eg the proposed orbital transport corridor in Living Suburbs and Transporting Melbourne
- **Amendment of planning schemes** by incorporation of appropriate policy in the VPPs or a MSS.

The above actions will require appropriate research, sign offs to the policy by agencies and Ministers.

APPENDIX 1

URBAN GROWTH BOUNDARIES - OREGON

An "urban growth boundary" or "UGB" surrounds each of Oregon's 241 cities. The UGB is a line drawn on planning and zoning maps to show where a city expects to grow.

Land outside the UGB will remain rural. Urban services like sewers won't be extended there, and the zoning will prohibit urban development and the creation of small new lots. Most of the land outside the urban growth boundary will continue to be used for farming, forestry, or low-density residential development.

While this policy might be classified as an urban policy Oregon also has a strong policy aimed at protecting agricultural land.

Who draws the UGB?

Drawing an urban growth boundary is a joint effort between the city and the surrounding county in consultation with the public. After local governments draw a UGB, the State's Land Conservation and Development Commission (LCDC) reviews it to make sure it is consistent with Goal 14.

What is Goal 14?

Goal 14, Urbanisation, adopted by LCDC in 1974, requires each city to adopt a UGB, "in a cooperative process between a city and the county or counties that surround it." The goal also lists seven "factors" that must be considered in drawing the UGB. The first two factors deal with the question of how much land should be brought into the urban growth boundary. They are known as the "need factors." The remaining five factors (known as the "locational factors") have to do with where the boundary should be placed (see below).

How much land is needed in the UGB?

The amount of land to be included in the UGB depends on how much the city is expected to grow. City officials estimate growth by making population projections or by using projections already done by some state or regional agency. The city's projections must be consistent with those of other local governments in the area. The city then decides how much vacant land is likely to be needed to accommodate the expected growth.

How is the location of the UGB decided?

Once the amount of land to be included in the UGB has been determined, the city and the adjoining county must decide which areas should be put inside the boundary. In making that decision, they use Goal 14's "locational factors."

The locational factors focus on three main issues:

- Efficient use of land,
- Protection of agricultural land at the city's edge, and
- Cost-effective public services.

For example, Factor 3 calls for *"orderly and economic provision of public facilities and services."*

What is an urban growth management agreement?

Usually, the urban growth area is subject to the city's comprehensive plan, but the adjoining county controls zoning and land use permits until the area is annexed to the city or becomes developed to urban standards.

Cities and counties coordinate planning and zoning in urban growth areas through "urban growth management agreements." Such agreements provide the answers to important questions like these:

- Which local government will administer land-use regulations in the urban growth area?
- How should the growth area be zoned until it is urbanised?
- What standards for public services and facilities should be applied there?
- What interim controls should be used to protect the growth area's potential for urban development? Interim controls are necessary to prevent haphazard, premature development.

Can a boundary be enlarged?

Urban growth boundaries can be modified. In the four years from 1987 through 1990, for example, 52 proposals to expand UGBs were approved in Oregon.

To amend its UGB, a city must comply with the "exception" requirements from Statewide Planning Goal 2 and apply Goal 14's standards for establishing an urban growth boundary.

The requirements from Goal 2 call for a review of alternatives. Basically, they ask the question "Is this the best place to expand (or contract) the UGB?"

Do UGBs work?

In the LCDC's view and with the wisdom of 15 years of experience urban growth boundaries are found to be highly effective:

- UGBs have helped to hold down the costs of public services and facilities.
- They have saved a great deal of farmland from urban sprawl.
- They have led to better coordination of city and county land-use planning, and
- They have brought greater certainty for those who own, use, or invest in land at the city's edge.

APPENDIX 2

URBAN AND NON-URBAN GROWTH - ADELAIDE

The Development of Fringe Growth Controls

Adelaide has effectively had an urban boundary defined since 1962 implemented by zoning. "Residential" or "Deferred Urban" zones fall within the boundary and "Rural" zones outside the boundary. There are currently about 5,515 hectares of undeveloped land zoned "Residential" or "Deferred Urban" which fall within the boundary largely on the northern and southern fringe areas.

The first Metropolitan Development Plan published in 1962 established zones for future development including Living, Business, Rural, and Deferred Living Zones. The Plan further emphasised the protection of the unique character of the Mount Lofty Ranges. The subsequent Planning and Development Act (1967) gave statutory recognition to the 1962 Plan and formed the basis for the controls and decision making on land subdivision and zoning regulations.

From 1967 onwards, planning authorities have been obliged to refuse land subdivision that is not a compact extension of an existing urban area, and this has helped to prevent scattered and isolated land subdivisions.

The zoning regulations gave certainty to land uses in rural areas for capital-intensive activities and reserved land for future urban purposes (Rural A) when demand and services were present.

An urban boundary has therefore effectively existed since 1962, based on current zoning, with a degree of flexibility that has enabled assessment of opportunities subject to supply and demand for urban or rural purposes. This approach has tended to contain much of the fringe development. Subdivisions on the southern coast at Moana, Aldinga, and Sellicks Beach occurred in the 1950s and 1960s prior to the impact of the zoning boundary.

b. Reducing Demand for Fringe Growth

The Adelaide Planning Strategy has a dual approach to reducing the demand for and containing fringe growth. A number of strategies reduce demand for the expansion of new housing areas and increase housing choice by continuing to encourage development in middle ring suburbs. These strategies have been in place for some time and have been backed up by State Government action, including:

- Release of major tracts of land at Northfield, Walkley Heights and more recently at Mawson Lakes.
- Area redevelopment projects around Northfield, the Inner West, Mile End, and the Parks.
- Assessment of the potential of smaller strategic parcels of surplus State Government owned land for housing.

The State Government has also decided that Planning SA should extend its assessment to include the surplus land of agencies that previously have been exempt from these processes. Numerous changes to the Planning Strategy and Development Plans to better facilitate redevelopment. A major awareness and implementation program for better residential design that has been running for some years. The Strategy also identifies "indicative outer development areas concentrating on housing diversity":

The Planning Strategy encourages housing diversity and higher densities than was traditionally the case for fringe development. The development industry in South Australia leads the nation with innovative outer area "Villa" and "Courtyard" housing styles.

The Rural A zones are commonly referred to as deferred urban because the principles of development control provide for low-intensity agricultural purposes until services and community facilities are available for future urban expansion.

c. Protection of Agricultural Land

The Metropolitan Planning Strategy is clear about the protection of agricultural land. For example the Planning Strategy specifies that in the south only land west of Main South Road can be developed for urban uses. In the northern region there is protection for the valuable and productive Virginia Triangle and provision for a buffer between Munno Para and Gawler. In the last decade, the preservation of the rural land in the Willunga Basin and the Northern Adelaide Plains has been reinforced by the use of the urban area's wastewater for irrigation of crops. This is creating a symbiotic relationship between the urban and rural areas. Irrigated horticulture is also intrinsically a high value land use that will resist conversion to urban purposes, and this influence tends to reinforce the urban boundary.

d. Development of Land Banking

The South Australian Government has constrained speculative profits and

Managed the process of outer area development through State Government land banking.

Some land in the current land bank was acquired by the SA Housing Trust in the 1950's. The rest was purchased in the 1970's under the Land Commission program. In 1979, the decision was taken to discontinue the land banking function. The Land Commission was replaced with an Urban Land Trust (SAULT) that adopted an orderly land sale process to the private sector for development when required. In 1984 SAULT powers were expanded to enable Joint Ventures such as Golden Grove. This arrangement was opposed by the UDIA. It nevertheless provided certainty of broad acre land supply and provision of infrastructure.

At the same time, infrastructure agencies benefited from certainty about location and timing of development. The result has been compact development at the fringe and at densities that sometimes exceed inner and middle suburbs.

In the current economic and growth climate, Adelaide has enough zoned land for about 40 years, much of it in Government ownership. Of approximately 5000 hectares of land zoned either residential or deferred urban, about 2000 hectares is controlled by the Land Management Corporation. The overall approach to urban fringe development has given Adelaide some of the most affordable urban land in the nation. It has reduced the leap frogging experienced elsewhere and given Adelaide a perceived competitive advantage through affordable housing. Nevertheless, the ongoing impact on the State budget through servicing fringe development is significant.

e. Staging Of Urban Growth

Adelaide has not had the urban growth management problem to the extent experienced in many US cities. The large government land holdings on the fringe have promoted planned and orderly incremental growth on the northern and southern fringes. There has been a Government policy that human services and physical infrastructure will be provided in a timely manner as identified in the Metropolitan Development Program (MDP). Increasingly physical service providers (sewer, water, power etc) have sought to recover costs of service provision from the land subdivider through headworks charging, although this process has been somewhat inconsistent in the past with each service agency developing its own policy on headwork charging. Human Service providers have not sought recovery of costs from developers. For example, the Education Department has traditionally bought land at market rates and provided a full service with no recovery from developers.

APPENDIX 3

SAFEGUARDING THE PUBLIC INTEREST

CASE EXAMPLES -

The first involves **the Scoresby transport corridor** and freeway reservation. A freeway reservation has been on the ground for many years. VicRoads has accepted the responsibility for acquisition and compensation. However with a recent Environment Effects Statement review of alternative transport futures for the corridor a raft of new issues emerged. These included expansion of the existing freeway reservation, alternative routes for some parts of the freeway, a train extension to Rowville and different configurations (including widening) for Springvale and Stud Roads. In many of these options additional property owners outside the long-standing freeway reserve were to be affected.

Although VicRoads gave an undertaking that it would pay the necessary compensation for road acquisitions no such promise was made with regard to a possible train line extension. The process resulted in the community being confronted over a considerable period of time by proposals for new land acquisition and a considerable upheaval in the status quo. An agreement to proceed has yet to be made by the State government.

While the process has been long the public has been well advised and is now aware that changes other than the freeway may result over the longer term.

The second example involves a long held proposal for another major **domestic airport in the south east** of Melbourne. Since the 1970's there have been plans afoot to preserve the opportunity for another airport. With the introduction of wide bodies jets this need diminished and there appears ample scope for expansion at Melbourne airport for the foreseeable future. However, there is the perception that additional capacity might be required one day and that another site will be required. The flat land around Clyde has been mooted as a possible location. However, no government agency is prepared to endorse this site as a firm possibility or is prepared to request the reservation of the property.

The area is relatively safe from prejudice as an airport site at present as it is distant from urban development and services and is unlikely to attract high levels of interest

for activities other than those in the agricultural sector. However, should development pressure build for alternative activities such as rural residential development or major industrial development the availability of the site may reduce for either economic or social reasons.

The third example is the proposal in 'Living Suburbs' and 'Transporting Melbourne' to establish an **orbital transport corridor** linking the Western Ring Road with the proposed Scoresby by pass reservation. This may involve the construction of a road across sensitive areas in the Yarra Valley. The Kennett government was careful to say in its public announcements that existing transport connections from Keysborough to Ringwood would be used "*for the foreseeable future*". However, link is shown diagrammatically on plans contained in the two strategies. While this proposal has created some controversy it has also had the effect of notifying the community about a long-term possibility, but one that may never eventuate.

A fourth example is the **transport strategy for Werribee** growth area. Among its proposals the strategy indicated a proposed rail line to serve the long term needs of the growing urban community. While no reservation exists the proposition has enabled planning authorities to develop local structure plans and treat with proposed developers with this knowledge in mind. At some stage the appropriate transport authority will need to make a decision about the reservation of such a line and whether it is prepared to commit to its construction. In the transport plan it was proposed that much of the rail infrastructure would be paid for through developer contributions. It was also proposed that a transport co-ordination committee be established to implement and coordinate the transport strategy.

A related fifth example is a proposal by Wyndham council for an **outer ring road around Werribee** township. This proposal appears in diagrammatic form in Council's MSS with the following words.

Protect options for the outer transport link at this time through application of the Rural Zone and by encouraging landowners & developers to recognise & plan for such a route.

Although not a public purpose reservation large areas of land at Westernport have been earmarked for **industrial development surrounding the Port of Hastings**. Large tracts of land were zoned in the 1970's for expected industrial development. While substantial industries were completed by Esso, BHP, and others the level of predicted development did not occur.

Accordingly, large areas are zoned industrial that are used instead for farming and related purposes. Some areas have been converted to other zones but the fundamental aims and policies for the area have survived. The low density and generally low intensity uses existing in the area still make it possible for a new major industry to establish and for it to be economic to do so. While there are periodic attempts to rezone parts of the area for rural residential or other development the fundamental principles as originally laid out in Statement of Planning Policy 2 have been adhered to.

APPENDIX 4

EXCERPTS FROM PANEL REPORT

Agriculture cannot be regarded as a benign activity, but is one with potential to cause substantial detriment to surrounding uses, particularly residential, through noise, traffic, odour, spray drift, runoff, and visual impact. Conversely, agriculture is also being adversely impacted by surrounding uses through the spread of plant and animal pests and erosion resulting from poor land management, reduced water quality and quantity, and complaints about agricultural practices.

If land holdings are fragmented, new owners frequently purchasing them for residential purposes move in with quite different expectations about what constitutes rural amenity and what farming means in practice compared to farmers themselves.

The panels consider that unresolved conflicts between residential use and agriculture have the potential to inhibit the growth of agriculture and the contribution it can make to the economy, or create ongoing dissension and dissatisfaction within communities

This raises issues of how residential use in the Rural Zone should be managed and whether greater emphasis should be given in certain locations to the primacy of agriculture over residential uses.

Houses/Small Lot Subdivision in the Rural Zone

Many previous planning schemes have controlled the proliferation of residential uses in rural areas by including tenement provisions, which have limited the fragmentation of lots in the one ownership by limiting the number of potential houses, or by excluding the ability for small lot excisions. Neither of these mechanisms is possible under the provisions of the Rural Zone in the VPPs. As a result, many Councils now face strong pressure to allow additional houses and small lot subdivision in the Rural Zone.

Panels have consistently emphasised the need for Councils to consider the implications of allowing residential use in the Rural Zone and to develop strong policies to guide their discretion and to assist potential applicants. Otherwise there will be a constant temptation to make decisions based on the individual needs and circumstances of applicants.⁹

⁹ The most frequent reasons presented to panels to justify a change in zoning from Rural Zone to Rural Living Zone was lack of economic viability or lack of capacity, due to age, to manage the land any more.

There are two options that Councils will face. They can succumb to pressure to allow a proliferation of additional dwellings and small lot subdivisions. This will add to the growing conflict between farmers on the one hand and, on the other hand, residents who move in and have a set of expectations about rural amenity that is often based on ignorance of agricultural practices. Alternatively, Councils can identify that houses and small lot excisions will not be encouraged where there is no demonstrable link with an agricultural enterprise. Councils will then need to identify how that link must be demonstrated.

The pressures to excise lots are more pronounced at the fringe of the metropolitan area and large rural centres where there is a demand for small lots so that a non-urban, yet essentially residential, lifestyle can be pursued.

The Advisory Committee on the VPPs made the point that councils should prepare policies to guide their decision-making on this subject in order to:

- Minimise the adverse effects of dispersed small lot subdivision
- Ensure that the provisions are only used in the case of the genuine farmer where:
 - They will support the primary use of the zone; and
 - All other decision guidelines are satisfactorily complied with.

Rural Residential Subdivision

Many of the same issues relating to loss of productive agricultural land and conflict between agricultural and residential uses are raised by the subdivision of rural land for rural living purposes.

A recent study of rural living development prepared for DOI¹⁰ identified demand for rural living lots as a consistent and significant component of new residential development in many areas of the State, representing an important component of Victoria's economy. Rural living can be expected to be a continuing component of residential development in many areas of the State. It found that:

Market forces together with State and local planning policies are likely, in the short term at least, to significantly limit the loss of highly productive agricultural land to rural living demand, however, the continuing demand for rural living development will see a continuing loss of highly productive land to

¹⁰ A Study of Rural Living Development (October 1997), prepared for the Department of Infrastructure by TBA Planners in association with Spiller Gibbins Swan, Centre for Land Protection Research and Neil Clark and Associates

non-productive uses unless a firm policy is put in place to prevent it from occurring.¹¹

The majority of urban fringe and rural Councils are constantly plagued by a continuing stream of applications for rezoning of rural land for rural residential subdivision. This can lead to a perception that the Council has a weak stance in relation to the issue, which only adds to the pressure for change.

The dilemma surrounding the delineation of where urban style residential living stops and rural activities commence is replayed constantly around the fringe of metropolitan Melbourne and large rural towns. Councils need to take a strong stand to provide certainty about the point at which this change occurs.

Requests to rezone rural land to allow some form of rural residential subdivision were the most prolific sort of submissions that panels dealt with. In very few instances did either Councils or panels support these requests. Nevertheless, the pressures on Councils remain. For this reason, the MSS should contain information about rural residential supply and demand, identify the locations where it is concentrated, and establish clearly whether further rural residential development is to be encouraged.

Assessment criteria that a Council could require proponents seeking a rezoning to respond to, and by which Council would assess requests for rezonings, may include the following:

- What support is found in the SPPF and MSS?
- Does it require a change to the MSS?
- What other changes have been made to the MSS in this respect?
- Are constant changes to the MSS undermining its integrity and overall direction?
- Have the requirements of Ministerial Direction No. 6 been complied with?

Councils that recognise that management of landowner development expectations is a key issue and who develop strategies to deal with this are in a much stronger position to deal with pressures for rural residential development than those who respond on an ad hoc basis. It is also important to recognise that other strategies are needed to resolve the long-term issues of 'viability' and rural land management. Panels are strongly supportive of a holistic approach to rural issues, as they believe that land use strategies and zoning alone cannot achieve the desired outcomes for

¹¹ Ibid, p 9

the whole community. If planning controls are combined with active encouragement of the rural sector, much better long-term outcomes are likely to result.

Economic Viability and Agricultural Land Productivity

The most frequently used basis to support the rezoning of rural land to a residential or rural residential based zone is that *"it is no longer economically viable to farm"*.

Rarely will the minimum subdivision size reflect any particular concept of an 'economically viable' farming unit. Economic viability is not a matter that a planning scheme can influence, nor should it be used as justification for either rezoning or subdivision. None of the purposes in the Rural Zone refer to viability. Viability will always be a product of size of total land holdings, markets, prices, products, efficiency, land management practices etc. It will vary from time to time, place-to-place and person-to-person. It is therefore unrealistic to equate a minimum subdivision size with what can be conceived as a 'viable farming unit'.

What is far more important than economic viability when considering rural land and agriculture is productive use. Agricultural land can still be used productively and can make a contribution to the overall economy of the State even though returns from it may be supplemented by other off-farm income in order to sustain the landowner.

The panels believe that the emphasis given to *'high quality productive agricultural land'* in the SPPF does not go far enough and should be altered to focus on *'productive agricultural land'*.

It is not disputed that high quality agricultural land is a limited resource of particular value to the State. However, if agriculture is to be properly recognised and promoted as a major contributor to the economy of the State and individual municipalities, it needs to be appreciated that valuable productive land is not limited to high quality agricultural land.

Some of the most productive land in Victoria, for example the river flats at Bacchus Marsh, is not classified as high quality (Class 1), but derives its productivity from access to water. Certain types of intensive agriculture, which are not soil dependent, such as poultry farms or cattle feedlots, have different sets of locational requirements relating to matters such as capacity for waste disposal, drainage, proximity to feed sources and access to processing plants etc.

The greatest threat to agriculture is to take productive land out of production by converting it to residential use. The pressure for this arises from two primary sources. One is the increased cost of land when its value for residential purposes exceeds its

value for agricultural purposes. This can be managed to a certain extent by strong policies limiting the size of allotments on which houses can be built and by not allowing further subdivision. The second is by a failure to manage conflicts between agricultural use and residential use, so it simply becomes too hard to continue farming.

The solution to the broad problem of the loss of productive agricultural land is to limit, where possible, the proliferation of residential use within agricultural areas, and to state clearly within the MSS the priorities the Council sees as applying in different areas.

APPENDIX 5

Current Government position – right to farm

“Urban sprawl is increasingly encroaching on agricultural land and one result has been a rise in complaints against farmers for carrying out normal farming activities. Labor will ensure that there are mechanisms in place to avoid farmers becoming tied up in expensive and time consuming legal battles resulting from conventional farm practices that predate the arrival of the complainant.

We will not tolerate bad farming practices but we will protect farmers from complaints about accepted agricultural practices and reduce the number of constraints from all levels of government.

Provided farmers can show that the activity complained of falls within acceptable industry performance standards, they will be able to argue in defence of a nuisance action that the farm was in operation and the conditions complained of were in existence prior to the complainant coming to the area.

They will not protect new agricultural or horticultural activity that many have been regards as a nuisance from the moment it was introduced.

In conjunction with the above Labor will require local government to issue disclosure notices to all ratepayers, developers and land purchasers in rural zone that will set out agricultural activities in the zone that are likely to generate noise, dust, odours etc

Labour will recognise the need to raise community awareness of the importance of agriculture to the economy and the rural communities and will implement an education campaign to help reduce the number of disputes between farmers and the community.

Labor will establish a dispute resolution mechanism to mediate disputes between farmers and the EPA and complainants.”

FRINGE COUNCIL POLICIES DERIVED FROM MUNICIPAL STRATEGIC STATEMENTS APPENDIX 6

Municipality	Broad urban/non-urban objectives and strategies	Agricultural policies	Urban policies	Boundary polices and practice	Preserving options
Wyndam	Balance city and country	Productive use of rural land. Werribee Sth – State and national significance Impacts on rural activity need to be considered.	Limit to specific growth fronts Containment and compactness Maintain 15 years supply of land Be in accord with growth area plan	Restrict urban development to easily serviced land No development below 1-100 year flood level Map showing approx. boundary of future urban development	Protect options for the outer transport link at this time through application of the Rural Zone and by encouraging landowners & developers to recognise & plan for such a route. (Shown on framework plan in diagrammatic form)
Melton	Should develop as two residential communities supported by small villages (with constrained boundaries). Supported by non-urban land that fulfils a variety of purposes – environmental, visual, tourist. Rural areas divided into different units. Objectives, opportunities, constraints, strategies, & scheme implementation shown for each unit. Eg Rockbank Plan <ul style="list-style-type: none"> • Discourages ribbon development 	Preserve integrity of rural land Maintain a permanent non-urban buffer between Melton and metro. area		Melton structure plan shows a boundary. Melton East structure plan shows a hard edge on west. Villages -settlement boundaries to be maintained in accord with structure plans	

	<ul style="list-style-type: none"> Discourages urban uses Aims to prevent urban growth from Melton 	<p>Primary emphasis of rural areas – farming and productive uses and enhancing quality of rural land resources</p> <p>Encourage productive use and improved management of rural land.</p>		<p>For Merri growth corridor – new residential development to be limited to designated areas where development can be serviced efficiently</p> <p>Separate Sunbury from other urban areas</p> <p>No new rural living areas beyond those designated.</p>	<p>Protect Melbourne airport</p>
<p>Hume</p>	<p>Protect and enhance unique landscape qualities and features that contribute to rural character of municipality.</p> <p>Rural areas are 71% of city</p> <p>Rural areas define the character and identity of cities, towns, and suburbs.</p> <p>Permanent landscape and non-urban buffer between Craigieburn and additional northern development – to be used for high quality rural living to contain substantial conservation and open space areas.</p> <p>Maintain rural character and appearance</p> <p>Discourage widespread conversion of rural land to residential use.</p> <p>Siting design criteria</p> <p>To provide open space and a sense of spaciousness</p> <p>Conservation reasons</p> <p>Lifestyle opportunities</p> <p>Protect mineral and stone deposits</p>	<p>Maintain rural land resource.</p> <p>Preserve opportunities for agriculture.</p> <p>Limit Rural res. Development.</p> <p>Productive agricultural</p>	<p>Recognise need for non-urban breaks – to be permanently reserved.</p> <p>Proposal for development of Epping “bulge”</p>	<p>Growth to be channelled into designated areas as shown on Plenty Valley Strategic Plan</p>	
<p>Whittlesea</p>	<p>Plenty Valley Strategy plan balances the land suitable for urban and non-urban development</p> <p>Agricultural land use not high but intrinsic landscape character to be recognised.</p> <p>Subdivision and additional housing</p>	<p>Maintain rural land resource.</p> <p>Preserve opportunities for agriculture.</p> <p>Limit Rural res. Development.</p> <p>Productive agricultural</p>	<p>Recognise need for non-urban breaks – to be permanently reserved.</p> <p>Proposal for development of Epping “bulge”</p>	<p>Growth to be channelled into designated areas as shown on Plenty Valley Strategic Plan</p>	

	will degrade attractive rural landscapes. Maintain rural character, vistas etc. Siting and design criteria.	land to be retained.		
Nilumbik	Nature and conservation focus for shire	Promote sustainable agriculture. Encourage compatible land uses. Separate incompatible land uses.		Contain urban development to existing urban areas. Maintain non-urban breaks
Casey	Balance town and country Shire divided into 5 regions: Foothills, built up areas, urban fringe, the farm, the bay Rural land to be protected as a long-term resource so that farming, environmental and landscape values can be enjoyed through future generations. <u>Eg.Foothills (northern part of the city)</u> Clear and justified demarcation between urban and Non-urban areas. Valued rural landscape and character. Siting and design. Urban and non-urban areas. Residential expansion only with full strategic justification. <u>The Farm (main rural areas)</u> Retain quality land for intensive agriculture and ensure viability. Encourage innovative farming. Protect remnant vegetation. Assist		Consolidate urban development	Provide a defensible urban boundary and a clear demarcation between urban and non-urban areas.

	sustainable farm, practices				
Cardinia		<p>Maintain farming as a strong and sustainable economic activity.</p> <p>Protect from intrusion by urban uses, inappropriate development and fragmentation and erosion of farmers rights to farm.</p> <p>Encourage value added industries.</p> <p>Excisions only allowed creating a small lot for owners with a long-term interest in the land.</p>			Urban growth corridors shown on framework plan.
Greater Dandenong	<p>Provide an environment with the capacity to support a range of urban related uses requiring extensive areas of land.</p>				<p>Aim is to define a sustainable non-urban boundary in Keysborough. Edge of urban area defined on a map. (Edge being redefined currently through amendment process).</p>
Frankston	<p>Maintain rural landscapes and predominantly rural uses.</p> <p>Rural areas to be maintained—emphasise encouraging agricultural production in the north and rural retreats and hobby farms in the south of the city.</p> <p>Encourage private recreation & institutional uses that are consistent with a rural landscape</p> <p>Non-urban land to be protected from intrusion from urban uses.</p> <p>Protect economic and operational</p>	<p>Promote agricultural uses suited to the urban fringe and can reuse wastewater.</p>			<p>Framework plan showing generalised area of urban development etc.</p> <p>Established a sound basis for boundaries between urban and non-urban areas</p>
Kingston		<p>Protect the use of high quality agricultural land.</p>	<p>To ensure use of non-urban area does not compromise metro.</p> <p>Urban growth</p>		<p>Creation of a hard edge between urban and non-urban areas important</p>

	<p>viability of industries and infrastructure in non-urban areas. Protect scenic and landscape values.</p>		strategies.	
<p>Mornington Peninsula</p>	<p>Strike a balance between local and metropolitan interests. Conserve as a conservation area of State significance.</p>			

METROPOLITAN NON-URBAN ISSUES

(INCLUDING GREEN WEDGES AND GREENBELTS)

An issues paper prepared as a contribution to the development of a Melbourne Metropolitan Strategy

This paper has been produced as a background discussion document for the Melbourne Metropolitan Strategy Project. The contents of this paper do not necessarily represent the position of the Department of Infrastructure or its employees or of the State of Victoria.

Any representation, statement, opinion or advice, expressed or implied in this paper is made in good faith but is not intended to be nor should be relied upon by any person.

Comments with respect to the contents of this paper should be sent to:

*Metropolitan Strategy Project Team
Department of Infrastructure
Level 23, 80 Collins St
GPO Box 2797Y
Melbourne Vic 3001*

e-mail: metroplan@doi.vic.gov.au

Prepared by Alastair Kellock and Associates

6 Lord Avenue Dingley Village

9551 3630

September 2000

Executive Summary

Purpose

This report summarises possible policy responses to planning and management issues in metropolitan Melbourne's non-urban areas. It is intended to stimulate discussion on an issue of significance to Melbourne's future growth and development.

This paper draws on two recently prepared issues papers titled:

- "Planning Issues in Melbourne's Green Wedge Areas," and
- "Specific Planning Issues in Melbourne's Non-Urban Areas."

For more detailed information on issues raised in this paper, please refer to the above documents.

Non-urban areas, green wedges and green belts

Non-urban areas are those locations mostly open or rural in appearance and located outside the designated urban areas. The non-urban land is used for both public and private purposes.

Within the broader context of non-urban areas, there are specific types of non-urban areas:

Green Wedges are non-urban areas that fall between Melbourne's urban growth corridors.

Greenbelts are those non-urban areas with high environmental values including the Yarra Valley, Dandenong Ranges and Mornington Peninsula.

Despite some commonalities, there are wide variations across Melbourne's non-urban areas in terms of use, features and appearance.

Protection of non-urban land can result in economic, environmental and social benefits. These benefits include the retention of world-class conservation areas close to the metropolis, safe guarding Melbourne's major airports, protection of significant agriculture and farming activities and the location of industries within close proximity to urban areas.

The benefits of non-urban areas could be lost, if they are not managed properly. These threats include a net loss of native vegetation, loss of agricultural productivity, reduced water quality.

Non-Urban Planning Issues

Confusion about the role and desired outcomes for non-urban areas in metropolitan Melbourne raises various questions about the permanency of non-urban areas. This uncertainty can lead to many undesirable impacts. Currently, policy provides little guidance on uses appropriate to non-urban areas and is a major contributor to this uncertainty.

It is recommended that metropolitan guidelines be established. The guidelines should state the purpose for non-urban areas, as well as land use and development expectations. This would provide more certainty for local government.

Green Wedges

The State has provided little guidance on green wedge issues during the 1990s. This has resulted in local government playing a more prominent role in the management of these areas, responding to localised pressures in the absence of a clear policy context. This has led to a range of responses to green wedges around metropolitan Melbourne, creating a number of inconsistencies. This highlights the need for State policy to identify the purposes of the green wedges, (as a whole and individually) and how they contribute to metropolitan quality of life.

Impacts of metropolitan urban growth

Urban development is placing increasing pressure on Metropolitan Melbourne. To protect bio-diversity, landscape aesthetics and agricultural productivity, non-urban and urban development will have to be managed appropriately.

The management of urban development should give consideration to existing and future conservation and environment policies, landform, special uses and other constraints. This suggests the need for a complementary urban strategy that can guide urban development. Such a strategy should consider safeguarding land for future conversion to urban development and ensure at a latter time it will not be difficult to develop. This may be achieved through sound policies and planning controls.

Agriculture and farming

Agriculture plays an important role in the Victorian economy, accounting for more than 35% of all State exports. Traditionally State agriculture agencies have been reluctant to foster land use measures that protect agriculture and farming. The role is normally left to the discretion of land use planning authorities. Due to a lack of State guidance, it is left to local governments to develop their own policies, leading to inconsistencies metropolitan wide.

A report by Planning Panels Victoria in 1999 recognised the important role productive land and adequate supplies of water play in maintaining adequate growth in agriculture. Growth of residential use is considered to be the greatest threat to agriculture.

The planning system has a role to protect resources, in this case agricultural land. Developing long-term policies to regulate new development would be an effective way to ensure the needs of agriculture would be protected.

There is also a need to reinforce the importance of agriculture. These include developing policies and codes that encourage productive agriculture activity in non-urban areas, assessing the existing and likely future of productive agriculture in the metropolitan region, improving resolution and mediation skills and defining an urban boundary to underpin agricultural investment in non-urban areas.

Special uses in non urban areas eg Airports, Sewerage Farms

A number of infrastructure providers and services exist in non-urban areas. They are located in non-urban areas as they are inappropriate in urban areas, but at the same time are required by the city. Such uses include water supply catchments, sewerage plants, powerlines, telecommunications towers and cabling, oil pipelines, ports, roads, airports, rail lines, transport terminals, prisons, chemical storage and animal health laboratories.

The Victoria Planning Provisions (VPPs) currently provide limited guidance regarding these special uses. Effective tools in the VPPs which can manage special uses in non-urban areas. Options include:

- Incorporate affected land areas in a Rural Zone, apply overlays and develop suitable policy at the local and State level;
- Include restricted urban uses in Special Uses Zones and include an appropriate schedule to guide development;
- Include land in an appropriate urban zone and overlay.

These options require the purposes of the non-urban areas, land-use expectations and performance to be specified.

Liveability

The variety and quality of natural features, landscapes or recreational opportunities in Melbourne's green wedges, greenbelts and other non-urban areas contribute significantly to the city's reputation as one of the world's most livable cities.

The State role in recognising and planning for the future of non-urban areas has been declining. Also the importance that non-urban areas play in contributing to the liveability of metropolitan Melbourne has been ignored. A clear policy approach at the metropolitan level, on the value that non-urban areas contribute to the liveability of the city, would contribute to State and local government decision making.

Management of non-urban areas

Planning Panels Victoria and the Fringe Area Advisory Committee have expressed the view that there is an increasing need to establish codes of practice for the establishment and ongoing management of various forms of agricultural activity. These codes would have to be applied across the board. In addition the panels recommend that the state should:

- monitor the way which the new planning system integrates with issues relating to ongoing land management;
- provide guidance and encourage land managers to assume greater responsibility and manage the impacts that their activities may have and manage their land in line with agreed management plans;
- develop suitable models to assist Councils in making appropriate use of the overlay provisions.

Defining an urban/non-urban boundary

Boundaries can be an effective means of creating certainty. Urban boundaries in Victoria are usually set through planning scheme zoning or through municipal and State policies and strategies. A difficulty with this process is that it can lead to uncertainty through ad hoc urban rezoning around the fringe.

Defining an urban boundary could provide certainty to landowners and developers by allowing long-term investment and limiting speculation and ad hoc rezoning requests. It is recommended that both local and State Governments should be responsible for setting the boundary. A long-term period of 10 years is suggested before a boundary could be reviewed.

Long term reservation of land

Currently, planning controls in planning schemes are used to reserve land. Nevertheless some infrastructure items are of such long-term nature, that this may not be the appropriate or best mechanism to ensure land is set aside at the right time - for example a possible rail corridor from the Port of Hastings to Gippsland.

Three options are suggested which would allow long-term public planning objectives to be achieved. The first option would be to make amendments to the planning scheme once it has been established that land would be required to achieve long term planning objectives. The second option may be to rely on strategy, policy and overlays in planning schemes to reflect identified values of land rather than reserving it for a specific public purpose. The final option is to state possible uses of land in policy in Planning Schemes.

FUTURE DIRECTIONS

There appears to be common principles that would assist the planning and future use and development of non-urban areas. These are:

- Support and leadership from State government in partnership with local government;
- Broad bipartisan support for non-urban policies;
- A clear articulation by the State government of the purpose of non-urban areas generally, including the purpose of each green belt and green wedge;
- Clear demarcation between urban and non-urban land;

- A commitment by all stake holders in directing and containing urban development in designated Growth Areas;
- A recognition of the importance of the resources and constraints inherent in much non-urban land in guiding urban development;
- Clear performance based conditions for development of non-urban land.

Measures which would support these principles are:

1. Identify, clarify and/or restate metropolitan-wide purposes for land being in non-urban areas.
2. Identify or restate the purposes and objectives for non-urban subregions, greenbelts and green wedges.
3. Define the urban/non-urban boundary.
4. Land management and co-ordination.
5. Develop a toolbox of techniques to assist planning authorities in managing and aiming towards desired outcomes.
6. Green-wedge action and investment plans.

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METROPOLITAN NON-URBAN ISSUES (INCLUDING GREEN WEDGES AND GREENBELTS)

INTRODUCTION

Purpose

This paper summarises possible policy responses to planning and management issues in Melbourne's non-urban areas. The paper is intended to stimulate discussion on an issue of significance to Melbourne's future growth and development.

This paper draws on two recently prepared papers titled:

- *“Planning Issues in Melbourne's Green-Wedge Areas”,* and
- *“Specific Planning Issues in Melbourne's Non-Urban Areas”.*

For more detailed information, please refer to the above documents.

Non-urban areas, green wedges and greenbelts

The above terms are often used interchangeably, resulting in different meanings being applied by different users to convey different implications.

For the purposes of this paper non-urban areas are those locations mostly open or rural in appearance, located outside urban designated areas. Non-urban land is used for both public and private uses. Parks and sewerage treatments are two examples of public uses. Private uses may include agriculture and low-density residential uses. Non-urban areas may also be used for commercial activities such as tourism or institutional activities such as schools or clubs.

There are specific types of non-urban areas-:

Green wedges are non-urban areas that fall between Melbourne's urban growth corridors.

Greenbelts are those non-urban areas with high environmental values including the Yarra Valley, Dandenong Ranges and Mornington Peninsula

The term inter-urban break is sometimes referred to in planning documents. It is a non-urban area (sometimes described as a greenbelt) intended to maintain open landscapes between urbanised areas.

Despite some commonalities, there are wide variations across Melbourne's non-urban areas in terms of use, features and appearance. These range from low lying, relatively flat south-eastern green wedge containing significant

wetlands enclosed by urban development to the open basalt plains of the west to the highly prized environmental landscapes in the Yarra Valley.

POLICY BACKGROUND

The policies of the 1970's and 1980's aimed to conserve and permanently maintain rural activities, significant features and resources of non-urban areas.

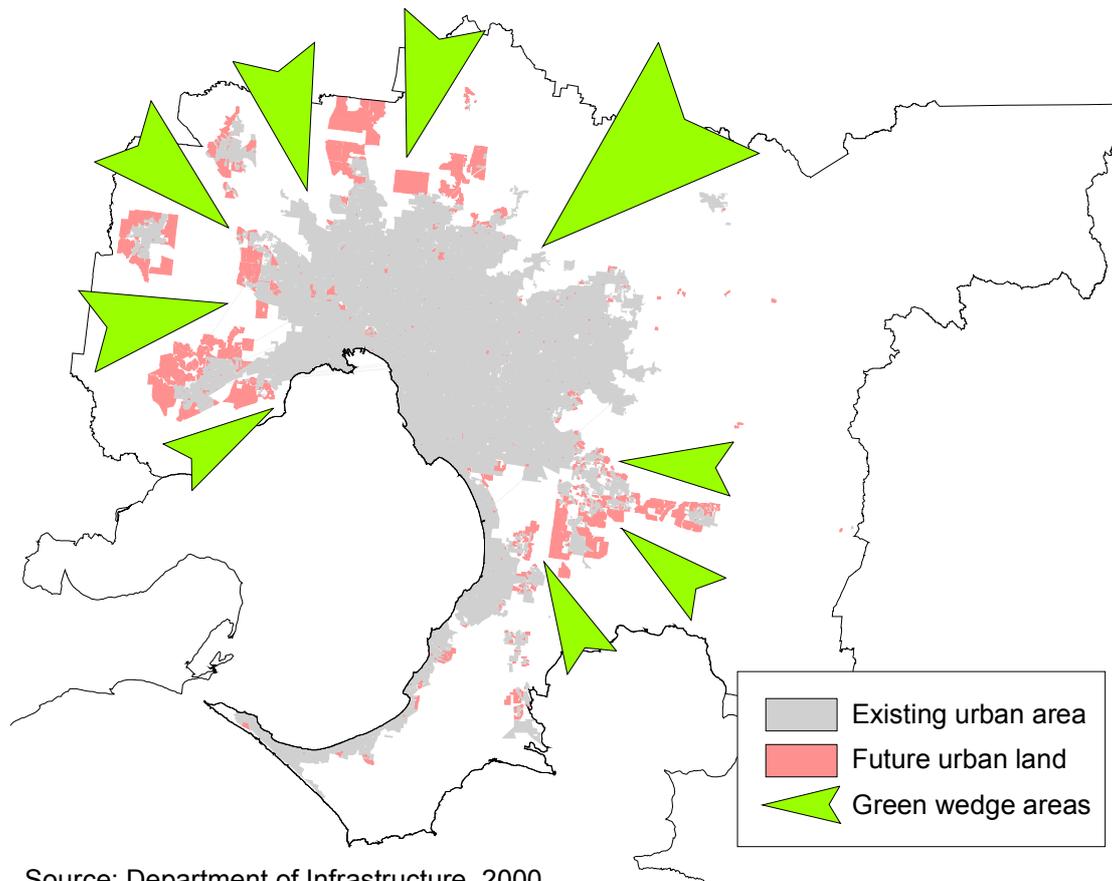
The general thrust of these policies has been broadly followed through into the 1990's but with local government assuming greater responsibility for planning generally.

Green wedges and metropolitan green belts

Melbourne's green wedges evolved through a combination of natural topography, historical growth patterns and deliberate policies on the part of State governments.

Historical growth left large areas of land undeveloped in the shape of green wedges between growth corridors which followed radial transport routes, infrastructure corridors and avoided less suitable land.

Green Wedges Areas



Source: Department of Infrastructure, 2000

With the advent of the Melbourne and Metropolitan Board of Works as Melbourne's planning authority, a more considered approach was taken to Melbourne's growth and development. From work that the Board undertook in the 1960's the corridor/green wedge concept evolved.

With optimism for large scale urban growth existing into the early 1970s, planning policies were developed that encouraged and reinforced urban development into locations with ready access to major transport spines and other infrastructure including tank sewer and water supply. The corridor concept was to be open ended and flexible along the leading edges of some corridors where rather arbitrary boundaries were based on drainage catchments and the feasible extent of the water supply network.

The non-urban areas in the green wedges were seen to be permanent and urban expectations limited to designated Corridor zones. The wedges had five key planning objectives:

- Conservation of significant landscape and habitat, floodways and catchments;
- Protection of landscape and habitat where appropriate;
- Conservation and utilisation of proven stone and sand deposits;
- Conservation of significant intensive agricultural areas;
- Conservation of open farmlands.

In addition, some special areas were also envisaged for the green wedges (for example, land comprising Melbourne Airport and the eastern and western sewage treatment plants). Amendment 150 to the Metropolitan Planning Scheme, 1983, locked these policies into place.

Also, during the late 1960's and 70's the State Government addressed development threats to the environmentally significant areas of the Yarra Valley, Dandenong Ranges, Macedon Ranges and Mornington Peninsula. Policies were approved that declared these areas off limits to major urban development, extending metropolitan Melbourne. Their future was to be primarily directed towards conserving the natural features for which these areas were renowned.

During the 1980s, the corridor-wedge guiding principle was reaffirmed through a range of metropolitan policies including *Shaping Melbourne's Future*, released by the State Government in 1987.

In response to a shortage of urban land, Growth Area Planning occurred in the South East, North West of Melbourne. This resulted in the Ministerial Directions in 1990 which provided a strategic framework for the future planning of the south-eastern, Werribee and Plenty growth corridors. The results were to reaffirm the concept of corridor growth the almost limitless outward growth envisaged in earlier policies was curtailed. Where practical, new urban growth was to be consolidated and commercial and service activities directed towards town centres in each growth corridor, such as Cranbourne and Werribee. New urban land identified in each of the corridors was, to some extent, at the expense of the green wedges in these locations.

The most recent metropolitan policy statement, *Living Suburbs*, released in December 1995, dealt lightly with many traditional planning issues and did not give high prominence to non-urban policies or corridor/green wedge issues. Nevertheless, a variety of protection objectives were envisaged which corresponded with earlier non-urban policy aims.

The importance of non-urban areas, green wedges, the need for a clear approach to metropolitan planning and the requirement to better manage issues on the fringe of the metropolitan area were the subject of a number of reports during the 1990's. These included a Ministerial Advisory Committee report on fringe area planning and a report by the Planning Panels Victoria on Melbourne's new planning system. These reports reaffirmed the corridor/green wedge policy and reinforced the need for strategic planning to form the basis for decision making.

Policy outcomes

Many benefits have occurred as a result of policies affecting metropolitan non-urban land. For example:

- World-class conservation areas have been retained and safeguarded close to the metropolis including internationally recognised wetlands and grasslands in the west and Westernport to the south-east;
- Environmental and landscape sensitive areas such as the Yarra Valley, the Dandenong Ranges and the Mornington Peninsula have been largely protected from inappropriate subdivision and development;
- Melbourne's major airport has been safeguarded from residential development and as a result can maintain 24-hour operations;
- Industries such as basalt and sand extraction and subsequent land fill/waste disposal and operations have been able to continue operation within close proximity to major markets in Melbourne;
- Certain land uses (such as sewerage plants) have been able to locate within close proximity to Melbourne, with protection from urban incursion, resulting in major cost savings to the community;
- Areas at Werribee and Cranbourne have been safeguarded for market gardening and intensive horticulture and the opportunity provided for broad acre farming;
- Urban development has been directed to areas with access to planned transport, major infrastructure and other services;
- Inefficient use of existing infrastructure. Costs of infrastructure will increase if urban development expands into non-urban areas.

While the benefits are uneven around the metropolitan area, it can be seen that non-urban policies have been of environmental and social benefit and of economic advantage in terms of both costs avoided and competitive gain.

However, there are ranges of threats that if not managed properly could result in some of the benefits of non-urban areas being lost. For example:

- There remains a net loss of native vegetation across the State, including the metropolitan area, contrary to international and national treaties and the objective of improving habitat for biodiversity purposes;
- Land is poorly managed in areas where traditional farming activities have become uncompetitive; such as fringe locations, leading to weed growth and loss of agricultural productivity;
- Rural residential development has replaced traditional farming in some areas leading to a loss of productivity, increasing disputes between landowners with different expectations and a loss of open spaces;
- The quality of water issuing from new urban settlement patterns and which traverses non-urban areas is relatively poor, leading to problems in major water bodies such as Westernport and Port Phillip;
- Increasing numbers of uses (eg service stations, commercial developments, institutional uses), arguably better located in urban areas, are finding a home in non-urban areas raising questions about planning expectations, land values and desirable policy outcomes;
- Ad hoc urban re-zonings have been approved in several fringe locations undermining the long held strategic intent of existing policies.

NON-URBAN PLANNING ISSUES

There are many complex planning issues affecting non-urban land. Some of the key issues are outlined below.

Issue - Use of non-urban areas

Preamble

The types of acceptable uses in Melbourne's non-urban areas varies across the metropolis. Acceptability may depend on a combination of factors including State and local planning policies, the land use itself, the nature of the area, the development expectation that runs with the land use and the manner in which the development or land use is carried out.

Protection and management of non-urban areas

The management and use of non-urban areas in the metropolitan area is of most importance. There is a desire to maintain good policy outcomes and to avoid some of the threats described earlier. Nevertheless, there was a reluctance during the 1990s by the State to make positive statements about the purpose of non-urban areas and green wedges in the metropolitan context. As a result, there is now no metropolitan wide agreement on the role and desired outcomes for non-urban areas.

Questions continue to emerge about the permanency of non-urban areas and how they should be used. In particular there is ongoing debate about the use of green wedges due in part to their proximity to urban development. Some landowners perceive the green wedges as simply a holding zone for future

urban use. The lack of certainty threatens the positive values of non-urban areas and can lead to a range of undesirable impacts such as those mentioned above and including poor land management, inappropriate uses and development, land speculation, inflated land prices, lack of investment in productive activities and constant ad hoc pressure on planning authorities,

A commonly expressed view is that the more secure the boundaries are between urban and non-urban areas, the greater prospect for the community to take a long-term view about the resources, values and opportunities of non-urban areas.

A commitment by State and local governments to reinforce desired policy positions through their actions over the long term will go a long way to providing greater certainty in non-urban areas. It is also a reason for attempting to achieve bipartisan support for non-urban policies.

Current Planning Policy

There is no simple metropolitan statement of what uses are appropriate in non-urban areas. The current planning system prohibits only three land uses in the widely applied Rural Zone with the emphasis on local government to develop policies, strategies and planning provisions to manage anticipated land use and development.

The only metropolitan geographic policies in the Victoria Planning Provisions apply to the conservation areas of the Dandenong Ranges, Yarra Valley and Mornington Peninsula. While municipal policies are generally protective of non-urban land and supportive of rural uses it is not unusual to see a range of policy responses around the metropolitan area depending on the individual council. Currently, there is little guidance from the State government on these issues. In many cases policies and planning controls are directed towards performance expectations rather than whether a particular land use or development is to be encouraged.

Possible policy responses

Unlike English green belts where development and land use is significantly curtailed in Victoria, there is no clear guidance of what are acceptable or unacceptable uses in metropolitan non-urban areas.

The policy statements in the VPP provide only generalised formal State policy guidance. Local government has also developed local policies through their Local Planning Policy Framework.

Given this situation, a number of options present themselves. Either:

- Allow local government to continue to make choices within the current limited metropolitan non-urban policy framework; or
- Produce metropolitan guidelines for local government to work within. These might include a clearer purpose being set for non-urban areas for example:

➤ checking unrestricted sprawl of the metropolitan area;

- maintaining the separate identity of towns and communities near the metropolitan boundary by preventing them from merging into the metropolitan area;
- assisting in safeguarding productive agricultural areas from encroachment of urban development and sporadic subdivision;
- preserving and enhancing the setting and special character of enriching features, such as rural landscapes, road sides or historic locations;
- conserving features which contribute to biodiversity;

A possible approach for framing land-use policy for different non-urban areas is outlined below:

Purpose of non-urban area. Following an examination of the natural and other features of an area, identify what its future purpose should be. Eg encourage sustainable agriculture or encourage rural living in defined areas close to services. A range of more specific objectives could support the purpose.

Land use expectations. Having defined the purpose of an area indicate the range of uses that should be encouraged eg farming, commerce, rural industry, recreation, tourism etc.

Development Expectations. Identify what development should be encouraged given the purpose of the non-urban area. In a farming area this would include farmhouses, machinery sheds, rural industry buildings and the like. In a mixed use area it may be playing pavilions, school buildings etc. These uses might be linked to availability of services such as transport networks, water, and sewerage.

Performance. Identify the needs of land use and development to be responsive to a range of critical issues. In a farming area with few environmental attributes these might relate to generalised siting and design criteria.

Some uses might lend themselves to developing performance-based criteria along the lines of the new residential codes or codes of practice for certain activities. Some uses have critical off site effects or specific design and servicing requirements that need operational considerations.

The State could consider drawing up such a list in consultation with local government to determine which uses should have practice notes developed for them.

Issue - Green Wedges

Preamble

The concept of urban growth corridors and wedges of non-urban land has been long held as best serving overall metropolitan needs. While urban growth has been encouraged proximate to major transport spines, sewers and other infrastructure, green wedges have a purpose of providing for a range of

essential and supporting activities including critical infrastructure (airports, sewerage works), productive agricultural land and extractive industries, parklands and conservation areas and low density living.

While not every wedge has valuable environmental assets as suggested by the word “green”, they are visually and spatially identifiable and act to separate, balance and frame more densely developed urban communities providing a contrast in landscape and land use terms. In a less tangible way they provide “breathing spaces” close to urban development (sometimes penetrating deep into urban areas), a backdrop to urban concentrations and a valued illustration of orderly planning.

Existing policy responses

Many people consider that the clear corridor/green wedge policies of the 1970’s have been replaced with mounting uncertainty. State governments have appeared unwilling or unable to make positive statements about the role of green wedges and desirable forms of city development. Instead, local government has been pressed by the State to develop strategic policies for their individual municipalities leading to a range of differing responses around the metropolitan area.

Possible policy responses

While the corridor/green wedge concept has sustained metropolitan planning policy for many years it cannot be taken for granted. The imperative to increase the quantity and quality of native vegetation for biodiversity reasons or simply retain the wedges as a visual break between urban settlements are just two of the reasons that green wedge areas might be considered to be a useful adjunct to metropolitan development.

What is clear is the need to determine the boundaries of green wedge evaluating existing boundaries and amending them if necessary. The purpose of green wedges as a whole must also be identified, as must what each individual wedge contributes to metropolitan quality of life. Incorporated in this is the management of the wedges.

Issue - Impacts of metropolitan urban growth

Preamble

While Melbourne still has large reserves of land earmarked for outward urban growth, land in the east will be fully utilised shortly and in the south east, at current rates of consumption, land supplies will be consumed in less than two decades. This will put demands on planning authorities to consider how and where the inevitable demand will be taken up. The conversion of non-urban areas for urban use will be one option.

Given the range of environmental resources and constraints in some sub regions, such as quality landscapes, flood prone land and high quality conservation areas, difficult decisions about the relative values of non-urban land and urban growth will need to be made.

Existing policy responses

The need for new urban land was re-examined in the late 1980's and culminated in new urban growth areas being identified in the south east, Werribee and Plenty Valley. The idea of almost limitless outward growth envisaged in earlier policies was curtailed. It is these policies that currently guide metropolitan outward development.

In addition to these strategically based decisions a number of "ad hoc" zonings have been approved or are in the pipeline in fringe locations adding to the stock of urban land. However, many of these proposals have been formulated without the benefit of a metropolitan wide perspective.

Low density or rural residential development continues to be a source of policy debate. The general consensus is that rural residential development is urban development. Accordingly, many believe that it should be provided for within urban growth corridors rather than be regarded as a non-urban land use and allowed in non-urban areas. A Ministerial direction provides a range of criteria which guide consideration of new development, however the choice of where such development is to be encouraged is a function of local government decision making.

Possible policy responses

There has been a general presumption that there is an abundance of land available around the fringe for urban development. However if non-urban values are given heightened recognition, such as the important role they play in biodiversity protection, landscape protection or agricultural productivity, then Melbourne's supply of future urban land may be more tenuous. At the very least it will be distorted geographically.

An examination of existing and future conservation and environment policies, landform and other constraints may well rule out extensive new areas for urban development in the south, south-east, east and north-east of Melbourne. This will put greater demands on land in the north west and west where these constraints are not as pronounced but where restraints such as Melbourne airport add other layers of limitation.

This suggests the need for a complementary urban strategy that can help guide urban development. However, given the significance of resources and features in some non-urban areas an urban strategy will need to be undertaken with the realisation that options may be limited in some locations

Given that land for additional urban development is identified in non-urban areas it will be necessary to safeguard that land for future conversion to urban development. Sound policies and planning controls need to be applied that will not make the land difficult to develop at a later point of time. For instance more intensive subdivision and land use patterns should not be encouraged, as this will make land assembly more difficult.

Issue - Agriculture and farming

Preamble

Victoria's food and agriculture sector has been one of the most successful in competing for world markets, accounting for more than 35 per cent of all State exports. The Victorian Government has recognised the importance of this sector to the growth of the Victorian economy by establishing a food export target of \$12 billion by 2010. The contribution of the Port Phillip and Westernport catchments to agricultural production is twice that of any other catchment region and more than three times the State average.

Existing policy responses

Despite these high targets there has been a traditional reluctance by State agriculture agencies to foster land use measures that protect land for agriculture. This role is normally left to the discretion of land use planning authorities.

The agriculture objectives in the Victoria Planning Provisions are directed primarily to protecting the *“unplanned loss of high quality productive land”*, a relatively small part of the agricultural resource base, rather than productive agricultural land per se.

While local governments with larger areas of rural land have been broadly supportive of agriculture and rural pursuits they have undertaken this support in the absence of any objectives that outline the significance of metropolitan agriculture and agricultural land.

Importance of productive agricultural land

Over time the nature of farming has changed across the metropolitan area from more traditional broad acre cropping, dairying and orcharding pursuits. Part time farmers are now more prevalent and there are now many areas of newly developed intensive horticulture such as the Yarra Valley and Mornington Peninsula. Planning Panels Victoria were of the view that this growth in new industries has been possible through the limitations placed on urban development in these areas.

In its 1999 report on Victoria's new planning schemes Planning Panels Victoria reinforced the view that agriculture is of prime economic significance to Victoria. Throughout Victoria, the panels saw evidence of an industry reinventing itself and substantial levels of investment in agriculture. The two most vital ingredients in maintaining sustainable growth in agriculture were productive land and adequate supplies of water.

The panels concluded that:

- if agriculture is to be properly recognised and promoted as a major contributor to the economy it needs to be recognised that valuable productive land is not limited to high quality agricultural land; and
- the greatest threat to agriculture is the growth of residential use and the conflicts this creates.

One purpose of the planning system should be to protect resources, in this case productive agricultural land. The system should also recognise that agriculture, in common with most activities, is susceptible to change. Just because one activity ceases to be attractive because of low returns or management problems does not mean that the land stops being suitable for all forms of agriculture and should therefore be subdivided for rural residential purposes.

While planning schemes may be good at controlling development they are not so good at governing ongoing activities which are subject to regular change. Sustainable management of agricultural land is more likely to arise from codes of practice that have widespread industry support. An important role for the State is to show in practical terms what constitutes good land management in particular circumstances and develop suitable models for councils and land managers to use including planning policy, overlay provisions, codes of practice and education.

Protection of the right to farm

The Bracks Government has indicated that it recognises the need for legislative protection of a farmer's right to farm. A Government committee examining this question concluded that much could be achieved through:

- Stronger statements by the State Government about the importance of farming and acceptable farming practice;
- Well founded and administered planning provisions that separate incompatible uses; and
- Improved dispute resolving mechanisms between neighbours such as mediators.

In the United States a range of measures are used to support farming including the fixing of urban growth boundaries, establishing farming zones, purchasing or transferring development rights and issuing disclaimer notices to new land owners about the possible impact of agricultural practices.

Possible policy responses

Planning is good at setting long term policies, regulating new land use and the spatial order of development but is not so good in governing the ongoing management of land such as farming activities. Planning clearly has little sway over changing market preferences and economic cycles, preferred crops and products and the individual wishes and desires of landowners.

Nevertheless given a desire to reinforce the role that the metropolitan area can make to agricultural production a number of options are possible:

- State more explicitly the importance of productive metropolitan agricultural land to the State;
- Develop policies that encourage productive agricultural activities uses in non-urban zones;
- Undertake an assessment of the metropolitan area in terms of its existing and likely future productivity and identify these areas spatially;

- Seek agreements with groups of local governments on the importance of sub regions for agriculture and reflect these agreements in Municipal Strategic Statements;
- Develop codes of practice for different forms of agriculture to better manage off site effects eg poultry farms;
- Identify in terms of practical detail what constitutes good land management in particular circumstances;
- Develop suitable models to assist Councils in making appropriate use of the overlay provisions, which enable certain buildings and works to be excluded from the need for a permit;
- Improve resolution and mediation for these skills at the local level rather than rely on planning tribunals or the courts to help settle disputes between neighbours;
- Define an urban growth boundary to underpin agricultural investment in non-urban areas. Farmers are more likely to invest in the plant and machinery and adequate land management if urban growth policies are more certain;
- Develop an Agriculture Zone that can be applied to areas where productive farming can be carried out;
- Encourage partnerships between the State and local government to develop sub regional policies to guide local government in further improving policy responses in their MSSs;
- Amalgamate and distribute information and knowledge to decision makers regarding sound land management practices.

Issue – Special uses in non-urban areas eg Airports, Sewerage Farms

Preamble

A special set of uses is of major importance to the development of urban areas. These provide major infrastructure or services that exist solely because there is an urban area. For a range of reasons these uses are usually located in non-urban areas. A possible grouping of these activities is as follows:

- **Service infrastructure related to health, safety, and environmental well being.** Eg water supply installations and catchments, sewerage plants and treatment areas, retarding basins, drainage channels, refuse disposal areas, fire stations, cemeteries, and crematoria;
- **Service infrastructure related to economic and social well being.** Eg generating works, power lines, sub stations, gas facilities, telecommunications towers and cabling, oil pipelines;
- **Service infrastructure related to transport.** Eg ports roads, airports, rail lines, and transport terminals;
- **Specialised infrastructure activities.** Eg prisons, explosive reserves, chemical storage, and animal health laboratories. This group is often

incompatible within urban areas because of the possible security and social impacts of the activities being conducted.

While the above uses are often associated with the public sector, that distinction is less applicable now with the privatisation and corporatisation of many of the State's former public facilities. However, they are all 'essential' services that any modern urban community would expect.

Existing policy responses

There is limited guidance in the VPPs about the infrastructure uses described above except that:

- new airfields are encouraged to establish on land that does not have a long term value to the community;
- port development should be physically separated from sensitive urban development;
- water supply catchments should be protected;
- waste disposal facilities should be located to safeguard the environment; and
- transmission pipelines should be protected from residential encroachment.

It can be concluded from past practice that most planning authorities would accept that the range of infrastructure and special uses referred to above are reasonable and appropriate in non-urban areas. There may be some debate about design, siting and external impacts but not about the activity itself.

Possible policy responses

As suggested above the special uses are broadly supportable in non-urban areas because of the essential service they offer and the "public good" that emerges. Location in a non-urban area is usually influenced by the nature of the use itself eg water catchments are usually located near the headwaters of rivers and sewerage farms at a low-lying position.

Despite a sound prima facie case to allow these special uses in non-urban areas it may be appropriate to manage the form of development and its performance, depending on the purpose of non-urban area and policies applying thereto. For example, it may be important to ensure that the siting and design takes into account the physical infrastructure of the area, off site effects are adequately compensated for and the location is appropriate given long term planning proposals for an area.

It may also be appropriate to ensure that the range of ancillary or supporting uses attracted to an activity is suitable in a non-urban location. For instance a noisy airfield is a specialised activity incompatible with an urban area and requiring a non-urban location with adequate buffers. An airfield would understandably attract basic support facilities and might attract some servicing industries. But, is it reasonable to encourage industries that have no relationship to the airport?

Using the Victoria Planning Provisions as a framework there would appear to be a number of possible options for managing special uses in non-urban areas:

- Incorporate affected land areas in an appropriate Rural Zone, apply appropriate overlays and develop suitable policy at the local and State level. This option is appropriate for many uses where the activity is benign in nature and does not differ markedly from surrounding uses;
- Include restricted urban uses in a Special Uses Zone and include an appropriate schedule to guide development;
- Include the land in an appropriate urban zone and overlay. This option may be appropriate where a range of other uses is also appropriate in connection with the restricted urban use and other urban uses are acceptable over the long term.

As with other non-urban uses there will be a need to consider the following issues for all forms of restricted urban uses:

- The purpose of the non-urban area;
- Land use expectations;
- Development expectations; and
- Performance.

Issue - Liveability

Preamble

Plans and policies mean little unless they produce a social and community spirit and lifestyle in which people can be happy in their living, working and leisure.

The variety and quality of natural features, landscapes or recreational opportunities in Melbourne's green wedges, greenbelts and other non-urban areas contribute significantly to the city's reputation as one of the world's most liveable cities.

Existing policy responses

During the preparation of the strategic growth plans for the south-east and Werribee, some of the greatest concerns expressed by residents related to a desire for a sense of place and the retention of community identity. This feeling could be interpreted as a negative reaction to continuous outward urban expansion and a concern for the environment and social well being.

As a consequence the urban growth plans attempted to create settlements with a focus on centres and, where practical, maintenance of visual breaks between various locations. Similarly, councils such as Hume, Melton and Whittlesea have sought to protect the separate identity of towns such as Melton, Sunbury, Hurstbridge, Mernda and Whittlesea with inter-urban or green wedge breaks.

Successive State governments have made supportive statements about greenbelt areas like the Mornington Peninsula, Yarra Valley and Dandenong Ranges but have been silent about other less obvious non-urban locations.

As outlined in their MSSs, it is clear that most local governments are conscious of the contribution that green wedges, greenbelts and other non-urban areas make to their municipality. In particular the visual and landscape qualities of these areas. Accordingly, most councils have as policy the need for adequate siting and design of new development to respond to the landscape.

Possible policy responses

While the recognition of landscape quality, siting and design is high in most municipalities there is declining recognition at the metropolitan level, such as in documents like *Living Suburbs*, of the contribution that non-urban areas make to the liveability of the metropolitan area.

Green wedges are a case in point. While some local governments like Nillumbik have strenuously supported the qualities of green wedge areas this has been undertaken in the absence of a regional assessment of each wedge and its contribution to the liveability of the metropolitan area as a whole.

A clear policy approach at the metropolitan level on the value of non-urban areas to the liveability of the city would underpin decision making at both State and local government levels and bring into focus issues of social concern to the development of the city. Liveability purposes that might be applied to non-urban areas are:

- maintaining the separate identity of towns and communities near the metropolitan boundary by preventing them from merging into the metropolitan area;
- preserving and enhancing the setting and special character of enriching features, such as rural landscapes, road sides or historic locations;
- providing ready access for urban dwellers to rural and scenic landscapes, green spaces and non-urban land offering recreational and other opportunities in an open landscaped setting.

Issue - Management of non-urban areas

Preamble

As discussed above, rural land uses such as agriculture do not lend themselves well to being controlled by planning schemes. Planning is good at setting broad policy directions and conditions for development (buildings and works) or spatial parameters (e.g. establishing setbacks from features such as roads, watercourses etc) but is not so good in governing the ongoing way in which certain activities will be carried out. Many rural activities are constantly changing, in response to price fluctuations for agricultural products, weather, new machinery, processes, methods or products, or different animals or crops being used. In addition the skill levels of individuals may vary widely and many

metropolitan properties are managed not as a full time business but as a lifestyle choice.

Existing policy responses

Many councils and agencies have instituted plans to achieve desirable outcomes for non-urban areas. Sophisticated programs and policies have been developed ranging from weed management, rabbit control, land use guidelines, siting and design guidelines, tree planting, habitat and conservation strategies, waterway protection, environmental rebates and the like.

The Victoria Planning Provisions say a good deal about catchment management including the need for coordination of programs between agencies, safeguarding floodplains and salinity areas, protecting land subject to wildfire and conserving native flora and fauna.

The Catchment and Land Protection Board has produced a strategy for managing the catchments of Port Phillip and Westernport. Agencies such as the Department of Natural Resources and the Environment (DNRE), Melbourne Water, Environmental Protection Authority (EPA) or Parks Victoria have a direct interest in some locations through land management, policy setting and land acquisition however this is may be limited to locations with high environmental values.

Possible policy responses

The Planning Panels Victoria have indicated that appropriate land management in farming areas will come from the development of codes of practice. These should have widespread industry support and be incorporated into the day-to-day land management practices of all farmers, irrespective of when they initially commenced their particular agricultural use.

Information supplied to panels during the course of their hearings indicated a growing need to establish codes of practice for the establishment and ongoing management of various forms of agricultural activity. Industry standards relating to the establishment and ongoing management of uses need to be developed and then applied across the board. The full range of impacts needs to be addressed, including traffic impact on roads, catchment issues, spray drift etc. In addition the panels recommended that the State should:

- Monitor the way in which the new planning system integrates with issues relating to ongoing land management;
- Provide guidance on how to encourage land managers to assume responsibility for the impacts that their activities may have and to manage their land according to identified standards or in line with agreed management plans;
- Develop suitable models to assist Councils in making appropriate use of the overlay provisions.

These views were echoed the Fringe Area Advisory Committee which recommended targeting a sample green wedge to identify a process and program that would result in increasing the efficiency of resource use

Issue - Defining an urban/non-urban boundary

Preamble

The government has signalled its belief that legislation is required to control subdivision and development of Melbourne's greenbelts eg Dandenong Ranges, Upper Yarra Valley, Macedon Ranges and Mornington Peninsula. Emerging from this and other needs, should a specific boundary be defined between urban/non-urban areas?

Existing policy responses

In Victoria the usual technique for setting urban boundaries is through planning scheme zoning or by reference to a range of strategies or policies such as municipal or State based urban growth strategy plans.

There is no widely accepted technique of prescribing an urban growth boundary or designating green belts as a method of managing urban growth. This might be compared with the English greenbelt policy applied around major cities which has effectively drawn a distinction between urban and rural areas or a range of States in the US which designate urban growth boundaries as a means to safeguard farmland and prevent urban sprawl.

Other capital cities in Australia use methods broadly comparable with those used in Melbourne, however, cities such as Adelaide use State government land banking as a method of releasing urban land in an orderly fashion and protecting valued farmland.

The Victorian/Melbourne approach has led to some criticism by advisory committees and Planning Panels Victoria because of the uncertainty that exists at the metropolitan fringe. This uncertainty leads to the constant requests for ad hoc urban rezoning around the urban fringe. Rezoning requests are often put forward based only on their local merits without any real appreciation of their impact on metropolitan policies as a whole.

Greenbelts and boundaries and the role they play in managing urban development

There is some confusion in the Melbourne context of what is meant by a green belt. In Melbourne the term is used to loosely describe areas such as the Dandenong Ranges, Yarra Valley, Mornington Peninsula and the green wedges. None of these areas have the same level of control as experienced in the English green belts where only minor works or "green" uses such as parklands are permitted.

Given that greenbelts can be described as an area of low development expectation their use can serve a number of purposes. These might include:

- safeguarding areas for their own intrinsic values eg conservation;
- acting as a tool to support other policies eg maintaining a defined break between communities; or
- encouraging urban consolidation by withholding land from development.

The purpose is important, as it will underpin the importance of a greenbelt in achieving planning objectives.

An urban boundary can serve a number of related purposes. A boundary is usually a statement about where land uses and policies are expected to change. Not only is it a functional or technical statement but a policy tool and political statement of what the planning authority expects to happen.

To have meaning a boundary should have a clear purpose and be derived from a strategic process that balances policy intent with practical identification.

Advantages

Setting a metropolitan boundary or establishing a greenbelt has a number of advantages. These include:

- Providing certainty to land owners and developers;
- Allowing longer term investment in non-urban activities near the fringe;
- Limiting speculation and ad hoc rezoning requests;
- Better safeguarding areas of environmental significance and productive farmland;
- Encouraging compact and efficient cities.

An argument against establishing a firm boundary is a possible need to retain flexibility to cater with unforeseen circumstances. Additionally, the planning system has moved towards performance based planning rather than what might be perceived as a regulated approach to achieving desirable planning outcomes.

Possible policy responses

In applying the concept of an urban boundary it will be important to determine what technique is used. At the metropolitan scale it is considered appropriate to clarify the purpose, principle and objectives of the boundary as well as identifying a suitable physical feature upon which to base the boundary.

Although a number of options present themselves the preference is for the State to produce metropolitan criteria and policies for establishing the urban/non-urban boundary and then in partnership with local government set the boundary in each municipality.

The criteria might include:

- Strategic objectives for urban and non-urban development;
- The importance of a boundary in meeting such objectives;
- The use of enduring features to set the boundary;
- Policies of non-urban areas.

In setting the boundary it will be important to identify:

- The future purpose and objectives and non-urban and urban land abutting the boundary;
- The rationale for choosing the boundary location.

Setting urban boundaries

The Fringe Area Ministerial Advisory Committee was of the view that the use of natural boundaries such as watercourses, ridges, vegetated public land and water bodies provide clear and justifiable and is less subject to pressure than using roads or other built form features. Not only can such boundaries be supported by substantive evidence but the community and landowners can easily understand them.

In cases where there are no strong features that help create a boundary less tangible criteria might have to be used such as servicing thresholds or property lines. Boundaries that rely on these sort of limitations alone can be ephemeral and therefore the fundamental purpose and reasons for the boundary must be as clear as possible if it is to withstand the test of time.

It may be appropriate to physically reinforce the boundary where this is desirable by the use of landscaping or purchase of open space buffers.

Methods for appraising and reviewing the boundary

Given an agreement to use a boundary as an effective metropolitan planning tool it needs to be decided who should have the prime responsibility for determining its location, over what time span it should last and what technique will be used.

The State is in the best position to address regional metropolitan needs and local government in the best position to assess local strategic responses. For that reason, the setting of an urban boundary, which has both metropolitan as well as local implications, suggests that boundary setting should be a shared responsibility between State and local governments.

Certainty is one of the important aspects behind investing in sustainable land uses. Therefore a boundary that is well founded and unlikely to change in ad hoc ways is important. It enables landowners, infrastructure agencies and others to plan more strategically. It also addresses the criticism levelled at the somewhat arbitrary nature of fringe rezonings in recent years.

While a boundary should be set with long term strategic objectives in mind there will no doubt be a need to review planning strategies and the boundary from time to time. An ordered review at a set period (say 10 years) would allow a metropolitan wide approach to be taken at the review period and overcome the problems associated with ad hoc reviews based more on local rather than metropolitan wide needs.

Issue - Long term reservation of land

Preamble

Under current planning controls, land is reserved for public purposes through the use of overlay controls in planning schemes. These controls apply when a purchasing authority can be identified. However, some infrastructure items are of such a long term nature that this means may not be the best mechanism to ensure appropriate land is set aside at the right time.

For instance it has been suggested from time to time the need in the long term for an outer western ring road, a route for a Very Fast Train, a rail corridor from Port of Hastings to Gippsland or new metropolitan parks in growth corridors.

Current policies and practices

The Planning and Environment Act provides for compensation in the event that land is reserved or proposed to be reserved for a public purpose in a planning scheme. Restrictive zonings are not compensable.

Providing compensation ensures that owners of land affected by a proposed acquisition can be adequately recompensed for loss or damage.

The current system is well understood and accepted by planning authorities and public agencies. For instance VicRoads uses the planning system to propose road reservations and widening.

Possible policy responses

Some options are outlined below. In giving consideration to which alternative may be the most appropriate there are a range of issues that should be considered including:

- The certainty and criticality of the proposal;
- The need or desirability for public exposure, input or information;
- The criticality of the land required for the project;
- The options available for alternative locations;
- The likelihood of the land being made unavailable through other actions;
- The timing of the proposal;
- The views of the public authority required to pay compensation;
- The impact on landowners of any planning measures proposed to be adopted.

Option 1 – Reserve the land

If land is critical to achieve long-term public planning objectives then steps need to be taken through the planning process to develop an appropriate amendment to the affected planning scheme.

This method is well tested and an accepted fair way of protecting the public interest and managing the personal interests of those affected.

Option 2- Victoria Planning Provisions, Municipal Strategic Statements and zoning

In some circumstances planning policy may overlap with the desire of an agency to protect land in the public interest. For instance desirable environmental outcomes for an area might be achieved through policies in a MSS, inclusion in an Environmental Rural Zone and incorporation of a series of environmental, land management and building overlays. Collectively while these measures may rigorously limit the extent of development and land use, they will protect the identified values on non-urban areas. The public interest

may well be satisfied by these means and remove the necessity for public ownership.

Option 3 – Strategy plans

There have been numerous ways in which policies and strategies have been developed and formulated that give an alert to the key infrastructure interests of government. For instance the Scoresby Transport Corridor Environment Effects Statement process explored alternative routes for a freeway, major public transport options and extension and possible land acquisitions along Springvale Road. *Transporting Melbourne* and *Living Suburbs* represented a possible major road link between eastern and northern transport corridors. Wyndham council proposes an outer ring road around Werribee and has referred to the need to safeguard this route in its Municipal Strategic Statement.

In each of these cases the proposal has been explored publicly but no commitment made to construction, land purchase or acquisition. Knowledge of these different strategies and approaches enable decisions to be made by individuals, planning authorities and agencies about the likelihood of future events.

FUTURE DIRECTIONS

Melbourne's growth has been guided and limited in part by environmental and economic constraints emerging from non-urban areas. These have included areas of natural beauty such as the Mornington Peninsula and Yarra Valley, locations of environmental significance such as the wetlands at Point Cook and Seaford and areas of economic significance such as the Werribee agricultural area and extractive industries in a variety of locations. Decisions to develop major infrastructure facilities at Melbourne airport and sewerage farms in non-urban areas near to the city have also influenced the shape and direction of Melbourne's growth.

The green wedge areas contain many of these characteristics but also symbolise a significant feature of Melbourne's metropolitan urban form derived from long held corridor/green wedge planning principles.

However, there is no general agreement of what is inappropriate development in non-urban areas. This is despite the increasing impact of urban growth resulting in:

- productive agricultural land being used for residential and rural residential development;
- commercial and other urban related activities infiltrating some locations eg Keysborough;
- increasing threats to locations with native vegetation cover;
- the potential for waterway pollution through increased activity within catchments;
- Uncertainty about long term land use leading to speculation, lack of investment in rural enterprises and poor land management.

The clear metropolitan policies of the 1970's have been substituted with greater emphasis being placed on the need for local governments to define strategic objectives for their own municipality. Many of those consulted through the preparation of this paper refer to a lack of clearly articulated purpose for non-urban areas by the State in the context of metropolitan urban development.

From discussions with individuals and an overview of international and national examples it is clear that the more active the leadership there is from central government the more productive is the implementation of planning policy objectives. This view is reinforced by many in local government who seek greater guidance about metropolitan wide planning objectives.

Emerging from the above there appears to be some common principles that would assist the planning and future use and development of non-urban areas.

- Support and leadership from State government in partnership with local government;
- Broad bipartisan support for non-urban policies;
- A clear articulation by the State government of the purpose of non-urban areas generally, including the purpose of each green belt and green wedge;
- Clear demarcation between urban and non-urban land;
- A commitment by all stake holders in directing and containing urban development in designated Growth Areas;
- A recognition of the importance of the resources and constraints inherent in much non-urban land in guiding urban development;
- Clear performance based conditions for development of non-urban land.

A suggested set of measures that would support these principles are:

1. Identify or restate metropolitan-wide purposes for including land in non-urban areas

Metropolitan wide purposes might include:

- Checking unrestricted sprawl of the metropolitan area;
- Assisting in urban regeneration by encouraging the recycling of urban land;
- Efficiency use of existing infrastructure.
- Maintaining the separate identity of towns and communities near the metropolitan boundary by preventing them from merging into the metropolitan area;
- Assisting in safeguarding productive agricultural areas from encroachment of urban development and sporadic subdivision;
- Conserving non-renewable and use renewable resources sustainably;
- Preserving and enhancing the setting and special character of enriching features, such as rural landscapes, road sides or historic locations;

- Conserving features which contribute to biodiversity.

With regard to green wedges then purposes might include:

- Supporting consolidation of Melbourne's urban growth into defined urban areas which have ready access to major road, rail and other transport systems, major reticulated services, major activity centres and public support services;
- Providing ready access for urban dwellers to rural and scenic landscapes, green spaces and non-urban land offering recreational and other opportunities in an open landscaped setting;
- Valuing non-urban locations close to urban areas for their resources and contribution to nearby urban areas.

2. Identify or restate the purposes and objectives for non-urban sub regions, greenbelts and green wedges

As there are distinct differences between many non-urban areas more specific purposes for each region could be defined including a statement of objectives and a statement of expected outcomes.

In the case of the Yarra Valley, the emphasis might be on environmental outcomes, while in the areas south of Werribee it might be on safeguarding and enabling the use of quality agricultural land and the conservation of natural resources.

3. Define the urban/non-urban boundary

Articulating the limits of urban and non-urban development could provide greater certainty regarding metropolitan growth and the sustainability of non-urban resources.

The definition of a boundary and clearly expressed reasons for that boundary will assist when reviews are warranted.

Ideally reviews should occur at regular intervals (say every 10 years), in association with developing long-term strategic objectives. The reviews should take into account the overall needs of the metropolitan area as well as local circumstances. This would overcome the criticism levelled at the current system that allows developers and landowners to put forward proposals at any time and for any reason, leading to ad hoc consideration of proposals around the metropolitan area.

4. Land management and co-ordination

Given that good land management by landowners is the principal way to achieve high-quality catchment management there appears to be a large gap between the general principles embodied in such instruments as catchment management plans and planning schemes and the sort of details needed to guide landowners in the day to day management of their land.

The State could achieve good practical outcomes in terms of agricultural productivity, improvements in biodiversity and environmental improvements by identifying in practical terms what constitutes good management in particular circumstances.

To be effective this will require a cooperative integrated approach between planning agencies, DNRE, Melbourne Water and catchment management authorities including the preparation of codes of practice advice to landowners, vegetation renewal plans, modification to overlay controls etc. No formal mechanism exists at present to ensure this occurs.

5. Develop a toolbox of techniques to assist planning authorities in managing towards desired outcomes

Policies and objectives must flow through to actions if planning authorities hope to achieve their intended purpose.

Many councils and agencies have instituted plans to achieve desired outcomes for their green wedges. Sophisticated programs and policies have been developed ranging from weed management, rabbit control, land use guidelines, siting and design guidelines, tree planting schemes, habitat and conservation strategies, waterway protection, environmental rebates and the like.

Unfortunately, much of this good work is not shared nor does any one body assume the responsibility for coordinating a toolbox of techniques. A State agency could take prime responsibility for this role.

6. Green-wedge action and investment plans

In conjunction with 4 and 5 above, the State might consider how the individual efforts of agencies responsible for land management in green wedges and other metropolitan non-urban areas could be better integrated. A series of programs could be developed to ensure the long-term survival and practical use of land in non-urban areas.

To demonstrate that government is serious about the future of non-urban land there may be scope to establish an agency with the responsibility and funding to invest in programs and projects over the longer term that reinforce desired outcomes.

Ideally, there might be an integrated program of actions between both State and local governments, and work could be undertaken to ensure there is a better understanding as to how this might occur.