



# AUSTRALIAN FOOD SOVEREIGNTY ALLIANCE

## **Submission on the Protections within the Victorian Planning Framework**

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### **Prepared by**

*Australian Food Sovereignty Alliance*

Tammi Jonas

Airlie Morris

Addressed to [planninginquiry@parliament.vic.gov.au](mailto:planninginquiry@parliament.vic.gov.au)

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## About the Australian Food Sovereignty Alliance (AFSA)

The Australian Food Sovereignty Alliance (AFSA) is a farmer-led civil society organisation of people working towards socially-just and ecologically-sound food and agriculture systems. The democratic participation of smallholders, local communities, and particularly of Indigenous Peoples in decision-making processes is integral to these efforts.

AFSA provides a balanced voice to represent smallholders' and local communities' interests at all levels of government. We connect smallholders for farmer-to-farmer knowledge sharing, assist government in instituting scale-appropriate and consistent regulations and standards, and advocate for fair access for smallholders to local markets.

We are part of a robust global network of civil society organisations involved in food sovereignty and food security policy development and advocacy. We are members of the International Planning Committee for Food Sovereignty (IPC), La Via Campesina (the global movement of peasant farmers), and Urgenci (the International Network for Community-Supported Agriculture). We also support the Australasian representative on the Civil Society and Indigenous Peoples' Mechanism (CSM), which relates to the UN Committee on World Food Security (CFS).

Our vision is to enable regenerative and agroecological farms to thrive. This has taken on an added salience in the face of the increasing impacts of the climate crisis and the ongoing COVID-19 pandemic. Australians care more than ever about the way their food is produced and how and where they can access it, with a growing awareness of its social, environmental, and economic impacts. Nutritious food produced locally in ethical and ecologically-sound ways is increasingly in demand, and governments must facilitate and encourage the emergence and viability of agroecology and regenerative agriculture, thereby protecting the environment and human and animal health. Inextricable to this vision is the need to honestly and truthfully account for the land's needs. As such, AFSA works to increase understandings of and appreciation for Aboriginal and Torres Strait Islander Peoples connection to and care for Country, the imposed coloniality on Country, and decolonising efforts therefore are areas of our concern. We aim to put First Peoples knowledges first in best practice of healing Country and sustaining life.

We work extensively with primary food producers and eaters across every state and territory in Australia. Our committee has consisted of published academics and lecturers from the University of Melbourne, RMIT, Deakin University, University of Tasmania, University of Sydney, QUT, and UWA. We have also had representation from farmers from every state, and local advocates and campaigners such as Open Food Network, Food Connect, Friends of the Earth, Regrarians, Fair Food Brisbane, and the Permaculture Network.

Our vision is to enable regenerative farming businesses and local communities to thrive.

As a key stakeholder and representative body of small- and medium-scale producers Australia-wide, AFSA welcomes the opportunity to submit on the protections within the Victorian Planning Framework.

## Context

In October 2021 the Victorian Legislative Council tasked the Environment and Planning Committee to inquire into and report on:

*“the adequacy of the Planning and Environment Act 1987 and Victorian planning framework in relation to planning and heritage protection”.*

Particular terms of reference were outlined for the Committee to address and AFSA provides its submission in accordance with the terms of reference relevant to its members below.

## The high cost of housing, including the cost of rental accommodation

There is clear consensus amongst AFSA’s membership that housing for farmers and farm workers is a systemic problem. Rental accommodation has been a staple mode of housing for farm workers for many years, and with the high cost of land in Australia that is a major barrier to the growth of the burgeoning small-scale farming movement, young farmers are forced to lease land and seek rental accommodation as well. With the rising cost of housing in rural areas, in part due to the exodus from the city demonstrated most recently during the COVID-19 pandemic, there are fewer rental properties available. In addition, what housing that is available as long term rentals is increasing in rental prices, and often security of tenure is not guaranteed beyond the initial rental term - a problem that is all the worse when the tenure is for a farming operation in addition to housing.

This is also exacerbated by the trend for regional and rural property owners to list their properties as short-stay sites instead of long-term rentals. As The Age reported in November 2021 “a shortage of affordable long-term rental properties is contributing to an acute under-supply of (regional) workers across a range industries”.<sup>1</sup>

AFSA notes the Victorian Government’s initiative to make it easier to provide on-farm accommodation for rural workers, by removing the need for a planning permit for worker accommodation for up to 10 people in the farming zone.<sup>2</sup> We support this initiative wholeheartedly, but note it is limited to farm zone properties greater than 40 hectares of land. Many small-scale and artisanal farms, comprising the base of AFSA’s farmer membership, fall under this size and are therefore unable to avail themselves of this noteworthy planning change. A key concept in agroecological farming comes from one of the best-known agrarian thinkers of the past century Wendell Berry, who calls for a return to more active land stewardship with ‘more eyes per acre’, and it is not at all uncommon for four to six people to be gainfully employed on our members’ smallholdings. AFSA suggests that as part of this Inquiry such an initiative should be extended to any farm zone property that is being actively farmed (ie not extended to simply rural lifestyle properties).

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<https://www.theage.com.au/national/victoria/council-sees-long-term-rental-as-solution-to-regional-worker-shortages-20211129-p59czf.html>

<sup>2</sup> <https://www.planning.vic.gov.au/latest-news/rural-worker-accommodation-changes>

## The high cost of housing, including factors encouraging housing as an investment vehicle

Like the rental property problems outlined above, AFSA's membership has reported that the acquisition of rurally based investment properties is taking agricultural land out of the pool. The pandemic has stimulated more tree-change moves which is resulting in the gentrification of the farming zone.

An example of this is the conundrum faced by the Macedon Ranges Shire Council in 2021 when it attempted to balance what it saw as competing needs of agricultural pursuits, conservation, and residential development. The Shire's Planning and Environment Director Angela Hughes noted in an article in *The Age* that the region was highly attractive to Melbourne tree-changes, and that

*"this leads to a high demand for residential development, lifestyle properties and some tourism activities in the shire...the proposed changes would allow agriculture to co-exist with tourism...(and that) land banking was also a problem with some landowners and developers hoping to keep the 'status quo' to allow further speculation on rural properties."*<sup>3</sup>

One of our member farmers is directly impacted by the Shire's planning changes and is likely to give up their pastured pig and poultry farm entirely, as the proposal to re-zone from Farming to Rural Living Zones would preclude them from the rural industry they are pursuing - a farm gate shop and on-farm boning room such as those on several other innovative farm properties in this and other regions of Victoria. Time and again AFSA is confronted with members such as this in agricultural areas having to bow to the machine of "progress" and residential development as property as an investment vehicle continues to prove ever-increasingly lucrative.

## The high cost of housing, including mandatory affordable housing in new housing developments

AFSA implores to the Committee to ensure that no housing development is ever permitted in Victoria's zones associated with farming - ie our Farm Zones, Rural Conservation Zones, Rural Living Zones - but also in our Green Wedge areas and peri-urban areas as these are of critical importance to the Victorian community. These areas comprise Melbourne's foodbowl.

AFSA submitted in 2021<sup>4</sup> that the pressures of a growing population must be dealt with in the residential suite of zones, not in Farming, Green Wedge, Rural Conservation nor Rural Lifestyle Zones. This is especially critical in the face of the negative impacts of climate change on Australia's capacity to grow food on the limited arable land we have, most of which is concentrated around cities (and indeed is the very reason cities were settled where they were). If the Government continues to allow inappropriate encroachment and urban growth into viable farmland, what will future generations have to eat? A food secure and food sovereign future depends on appropriate planning

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<https://www.theage.com.au/national/victoria/showdown-at-the-macedon-ranges-where-growth-and-beauty-collide-20210923-p58u8q.html>

<sup>4</sup> To the Engage Victoria "Planning for Melbourne's Green Wedge and Agricultural Land" inquiry

controls that preserve farmland in perpetuity.

We have identified that a food sovereign future for Victoria cannot be achieved unless the government incentivises regenerative and agroecological agricultural practices. A diverse range of agricultural land uses but mostly regenerative and agroecological small-scale production will ameliorate the conflict between high-density housing of livestock and residential uses. The Victorian government is responsible for preserving the GWZs and peri-urban areas. It carries the legacy of environmental and farmland protection laid down by the Hamer government of the late 1960s. Further erosion of strategic farmland and agricultural precincts will mean the vision of the GWZs will be lost and development will continue to cause dislocation of the agricultural communities of Greater Melbourne.

## Environmental Sustainability and vegetation protection

The industrial food system and extractive industries are the primary causes of climate change, biodiversity loss, and the destruction of ecosystems, as witnessed in the 2020 Black Summer's devastation of over 16 million hectares of Australian forests and farmlands. A transition to more diversified and sustainable systems of food production and a rapid transition away from unsustainable energy, manufacturing, and transport industries is therefore urgent.

Protection of vegetation does need to be managed by responsible land managers, but without undue regulatory reach. To unpack some of what we mean by this, we must understand the fundamental differences between the agriculture of industry and the agroecology of smallholders.

Since the rise of industrial agriculture during the Green Revolution, biodiversity has been considered incompatible with agriculture – something that happens on the other side of the fence, or only in shelter belts. Even the current work by the UN's Convention on Biological Diversity towards a [post-2020 Global Biodiversity Framework](#) takes a productivist approach in its limited attention to agriculture, and a colonial approach to conservation. Proposals to lock up land away from sustainable human co-existence is a fundamental violation of Indigenous Peoples' right to land, and a denial of the thousands of years of care and co-production with Nature.

AFSA submits that environmental sustainability and biodiversity are not incommensurate with agroecology. That is, the Committee needs to be aware that farming in and of itself is not a pursuit incompatible with sustainability and vegetation protection, and the rise of regenerative farming and agroecology provide examples of this. Our members, including and perhaps especially our farmer members, are keen environmentalists and are constantly coming up with more regenerative, ecologically-sound land use practices, having learnt through experience that the better the soil is, the better the product coming from the farm, and the more positive and just one's legacy is for future generations.

We must consider agricultural biodiversity at the genetic, species, and ecosystem levels, above and below ground, and in all the waters of the world. In smallholder systems (those that have not been forced to convert to industrial cash crops sold into commodity markets), diversity is a given – it feeds, clothes, and provides shelter and medicine for families and communities, is nurtured for its cultural and spiritual values, and provides ecological and economic resilience.

## Delivering certainty and fairness in planning decisions including protecting Green Wedges and the urban growth boundary

As mentioned above, AFSA has submitted previously to the Victorian Government on the protection of Green Wedges and peri-urban areas in the face of the urban growth boundary. Our key position is that the Inquiry should act to:

1. Preserve the well-established and historical foodbowl for Greater Melbourne and surrounds, and indeed all food-producing areas around any regional city or area.
2. Support and cultivate Victoria's food and agricultural identity.
3. Reduce land-use conflict by promoting and incentivising a diverse range of agricultural land uses including regenerative agriculture and agroecology.

We see that the challenges for agricultural land management in the Green Wedge Zones and peri-urban areas are:

1. ending the loss of agricultural land and subsequent dislocation of farming communities;
2. designing sustainable, fair and ecological water use, treatment and distribution policies;
3. managing land use conflict between land uses on the urban fringes;
4. avoiding the imminent public health and environmental impacts of high-density animal confinement practices;
5. reducing the remaining and expanding intensive agricultural industries that dominate the urban fringes while supporting food production;
6. overcoming ongoing land-use biases that have developed in the planning scheme towards low-density livestock practices;
7. bridging land use planning and food sovereignty in Victoria's planning scheme; and
8. encouraging long-term employment incentives across the agricultural industry including in processing facilities - especially but not only on farms.

## Delivering certainty and fairness in planning decisions including community concerns about VCAT appeal processes and protecting third party appeal rights

It is no secret that the prevailing view has always been that those with the deepest pockets have the lion's share of successes at VCAT. However, it has been noteworthy in more recent times that communities are having more successes when it comes to protecting highly valued open spaces from development. A recent example of this has been on the Mornington Peninsula where planning scheme amendments have been made to protect parcels of land, and developers have been thwarted from developing large estates into retirement villages and aged care facilities.<sup>5</sup>

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<sup>5</sup> <https://www.mpnews.com.au/2022/01/17/planning-protection-a-step-closer/>

A similar tale comes from Nagambie where a group of concerned locals used the VCAT process to have a permit for a lifestyle village revoked which would have involved the removal of 51 ancient grey and yellow box gums.<sup>6</sup>

AFSA has its own member-example of the use of VCAT to try and orchestrate a planning outcome. In late 2020 our member farm Torello was issued VCAT proceedings for allegedly breaching its primary sales permit. The allegation was that in selling more than just its own produce at its farmgate, Torello was in breach. However, a compromise was reached in 2021 with the Council before VCAT heard the matter.<sup>7</sup> This is another example of the VCAT process working somewhat incongruously to produce what ended up being a commonsense resolution.

As for third party appeal rights, we agree they need to be protected. The cases above demonstrate when concerned third parties take action, they can have success. However, on the flip side we would also maintain that the third party needs to demonstrate standing – that they have a private right or special interest at risk – before it can appeal a planning application or decision. We have had experience of what could be termed vexatious third party interference in planning permits, for example some of our pastured poultry and pig farmers have had neighbours make unreasonable objections to planning applications purely because they don't want to live next door to an animal farm. While such appeals are usually unsuccessful, they do take a lot of time and resources to deal with them. Our members have access to legal advice as part of their AFSA membership and these sorts of planning appeal matters absorb a significant amount of our lawyers' time.

AFSA's view is that planning applications from farmers that meet the objectives of the relevant planning scheme should be streamlined and not subject to cumbersome regulatory processes. We note in this respect the heartening developments in this area by Hepburn and Baw Baw Shires in their improvements to agriculture in their planning schemes. The Baw Baw Planning Scheme provides that some of its strategies in relation to "Sustainable agricultural land use" are:

- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
- *Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.*<sup>8</sup>

## Protecting heritage in Victoria:

### a) *The adequacy of current criteria and processes for heritage protection*

AFSA suggests this inquiry topic should include cultural heritage as well as built heritage, that agroecology and cultural heritage can sit in alignment, and that all decision-making should be in community hands.

### b) *Possible federal involvement in heritage protection*

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<sup>6</sup>

<https://www.abc.net.au/news/2021-12-04/51-native-trees-saved-from-developer-removal-nagambie/100673266>

<sup>7</sup> <https://www.stockandland.com.au/story/7467323/compromise-reached-on-peninsula-farmgate-sales/>

<sup>8</sup> 14.01-2S Baw Baw Planning Scheme



AFSA strongly advocates that heritage protection continue to be dealt with at the local level. We cannot think of any logical reason why federal involvement would be required or useful.

*c) Separating heritage protection from the planning administration*

AFSA queries what would be the reason or benefit to silo heritage from planning?

*d) The role of Councils in heritage protection*

AFSA believes that local councils have a significant and important role in heritage protection. It has been our experience that when councillors and planners are well educated about the built and cultural heritage of their shires, they are guided to make good decisions. We would encourage the continuing education of councillors and planners in this respect.

*e) Penalties for illegal demolitions and tree removals*

AFSA maintains it is important to safeguard land managers in the farm/rural conservation/rural living zones to make place-based decisions about “illegal” (eg shedding) demolition and/or sensitive and responsible tree removal. We would also suggest at this point that in order to support sustainable agroforestry that the planning provisions around rural industry be amended to allow sawmills that process endogenous timber without the current restrictions the separation distances (buffers) produce.

AFSA trusts that the Committee will be taking all of the above into account. We would appreciate the opportunity to meet and discuss our concerns further so we can be assured that all farming interests, of all shapes and sizes, are being considered in any proposed development of the planning provisions.

## About Food Sovereignty

*“Food sovereignty asserts the right of peoples to nourishing and culturally-appropriate food produced and distributed in ecologically-sound and ethical ways, and their right to collectively determine their own food and agriculture systems.”<sup>9</sup>*

The core of food sovereignty lies in the following principles:

- Food is a human need and a basic right, rather than a commodity.
- Food systems should be democratically constructed, responding to diverse social, cultural and environmental conditions.
- Food systems should be based on a strong commitment to social justice: for farmers, food system workers, and the most vulnerable members of our society who experience food insecurity.
- Resilient food systems require long-term environmental sustainability, transitioning away from dependence on fossil fuels and chemical inputs.
- Resilient and sustainable food systems will be more localised and regionalised.
- Trade in food and agricultural products can enhance economic and social well-being but should be conducted on the basis of international solidarity, respecting and not undermining the food sovereignty ambitions of other peoples and countries.<sup>10</sup>

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<sup>9</sup> The Australian Food Sovereignty Alliance, <<https://afsa.org.au/?s=food+sovereignty+>>.

<sup>10</sup> Patel, R. (2009). What does food sovereignty look like? *Journal of Peasant Studies*, 36(3), 663-671.