

TRANSCRIPT

LEGISLATIVE ASSEMBLY ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Environmental Infrastructure for Growing Populations

Melbourne—Thursday, 25 March 2021

(via videoconference)

MEMBERS

Ms Sarah Connolly—Chair

Mr David Morris—Deputy Chair

Mr Will Fowles

Ms Danielle Green

Mr Paul Hamer

Mr Tim McCurdy

Mr Tim Smith

WITNESSES

Ms Kate Jewell, Coordinator, City Strategy and Place Planning, Glen Eira City Council;

Ms Sherry Hopkins, Coordinator, Strategic Planning, and

Mr Andre Schmid, Senior Strategic Planner, Monash City Council;

Cr Lina Messina, Mayor,

Ms Rachel Ollivier, General Manager, City Sustainability and Strategy, and

Ms Amy O’Keeffe, Senior Strategic Planner, Darebin City Council.

The CHAIR: I advise that the sessions today are being broadcast live on the Parliament’s website. Rebroadcast of the hearing is only permitted in accordance with the Legislative Assembly standing order 234. Thank you to everyone for joining us here this afternoon at the public hearing for the Inquiry into Environmental Infrastructure for Growing Populations. On behalf of the committee I acknowledge the traditional Aboriginal owners of this land, and we pay our respects to them, their culture, their elders past and future, and elders from other communities who may be joining us here today. I also extend a very warm welcome to any members of the public and the media that have rejoined us this afternoon to watch these hearings. This is one of several public hearings that the Environment and Planning Committee will be conducting to inform itself about the issues relevant to the inquiry.

Before I begin, I do need to say to you all: all evidence taken today will be recorded by Hansard and is protected by parliamentary privilege. What this means is that you can speak freely without fear of legal action in relation to the evidence that you give, but it is really important to remember that parliamentary privilege does not apply to your comments made outside this hearing, even if you are just restating what you said here at the hearing today. You will receive a draft transcript of your evidence in the next week or so to check and to approve, and then corrected transcripts will be published on the committee’s website and may be quoted from in our final report. Thank you all so much for joining us this afternoon and taking the time to talk about what matters to your councils and local communities. Can I just remind members, as part of housekeeping: members and witnesses, put your microphones on mute when not speaking, to minimise interference.

I hope everyone is well today. We will kick off by introducing the members of the committee, and then I will hand over to witnesses to introduce themselves and their council. My name is Sarah Connolly, and I am the Chair of this committee. I am also the very lucky Member for Tarneit. For those of you that have not ventured out west into Tarneit, Tarneit is sitting in what we call one of Australia’s largest growth corridors. Will.

Mr FOWLES: Thank you, Chair. I am Will Fowles. I am the Member for Burwood.

The CHAIR: Paul.

Mr HAMER: I am Paul Hamer. I am the Member for Box Hill.

The CHAIR: And just for witnesses, David Morris, who is the Deputy Chair, will be joining us very soon, and he can introduce himself then. What I might do is throw over to Kate from Glen Eira City Council to introduce yourself and the council.

Ms JEWELL: Thank you very much. Kate Jewell, Glen Eira City Council. I am the Coordinator of City Strategy and Place Planning.

The CHAIR: Great. We will go to Monash City Council.

Mr SCHMID: Hello. I am Andre Schmid, Senior Strategic Planner from the City of Monash, and my colleague Sherry Hopkins is here as well, so I will just let her introduce herself.

Ms HOPKINS: Yes, hi. I am Sherry Hopkins. I am the Coordinator of Strategic Planning here at the City of Monash.

The CHAIR: Welcome. And Darebin.

Cr MESSINA: Hi. I am Cr Lina Messina, the Mayor of City of Darebin, and I have my colleagues—officers—in Zoom. We have got Rachel Ollivier and Amy O’Keeffe.

The CHAIR: Thanks, Lina. Welcome to all. One of the ways that is easiest to kick off these hearings, particularly on Zoom, is I am going to invite each council to present to us, whether you have a PowerPoint slide presentation or not—however you would like to do it—and really limit that presentation to 10–15 minutes. Once we finish going through all councils that are here today, I know committee members are really keen to ask you all some questions. What if we start with Glen Eira, so if we start with Kate?

Ms JEWELL: Thank you very much, Sarah. I am going to keep it fairly short; however, Glen Eira is very, very interested to increase environmental infrastructure and the importance of it. Glen Eira has the unfortunate distinction, which is probably a poor term, of having the lowest amount of open space per person, at a mere 12 square metres per head of our population, whereas our neighbouring municipalities of Kingston and Bayside have 83 square metres and 45 square metres respectively, so we are very challenged. We have a growing population; indeed Glen Eira is seeing significant growth. We expect to go from a population of around about 160 000 to 180 000 by 2036. A lot of this development is going into urban renewal sites, particularly around the East Village area, which is in East Bentleigh, and around the Caulfield station precinct, thus increasing the demand for open space, particularly public open space.

We have certainly seen, as I am sure many councils have in the challenges that 2020 presented to us with COVID, the changing needs of the population with regard to open space and the value that the community has put on the provision and type of open space. Not only is it those larger areas that fortunately we are blessed with—areas like Caulfield Park—but it is those more discrete areas of open space, which are often found within the neighbourhood centres, that are becoming increasingly important, particularly as people return to community, as was seen during COVID. So having places that are accessible, that are green, that are inviting, that encourage people to dwell has been recognised as being very, very important.

Council would say that green infrastructure needs to be reprioritised, that green infrastructure seems to have lost importance, particularly with regard to heavy infrastructure. This has become apparent too with the level crossing removals within Glen Eira, which have obviously made a significant difference, with huge benefits for our community and for communities moving through Glen Eira, but have also left some areas that are fairly barren and not hospitable when perhaps time and space could have been given back to the community in terms of places to dwell, places to meet. So we would say that certainly the provision of green infrastructure needs to be reprioritised. It also needs to be relooked at. It is not just the provision of open space. We would say that the provision of such things as water-sensitive urban design and improved stormwater management within the municipality and our neighbouring south-eastern municipalities should be improved.

We would like to see that the barriers that exist for increasing open space contributions within private development be reduced. We are currently attempting to undertake a planning scheme amendment to increase the amount of open space given at times of subdivision. The bar is very high in terms of increasing this amount of open space. We are fortunate at Glen Eira that we are perhaps one of the more able municipalities in terms of financial resources and human resources to be able to put in the extra work that is required to cross this high bar, but my colleagues who work in less privileged councils certainly struggle and some would not even undertake a planning scheme amendment to increase the amount of open space, simply because the evidence that is required is too onerous. Having to go down to detailed costings at the very early stages of contemplating a planning scheme amendment is onerous. It is presumptuous; we do not quite know what is going to be required. We have been asked to provide a minimum of three costings for significant open space redevelopment. That is very hard for council to produce at a responsible level when capital works forward decisions have not been made at that time. We are feeling somewhat nervous about having to release those costings if indeed those projects do not proceed in the way that they have been costed. So we would certainly call for action to reduce those barriers and to lower the bar for open space contributions.

We would like to also see that publicly held open space—for example, within schools and other facilities—be more readily accessible. Glen Eira does have the benefit of an amazing resource in terms of Caulfield Racecourse, and that is publicly accessible; however, the public does not generally know that it is accessible. The access is quite limited in terms of the physical access. There is only one very inhospitable tunnel to access that. It is also accessed by vehicles and racehorses, making it quite difficult to move through, and there is a small gate. Unless they are aware of that access, members of the public would not feel comfortable to use that. Certainly we have a number of state high schools and primary schools that have wonderful playing ovals and

the like and courts that are not accessible to the public, to our community, at times when those schools are closed. They are often located in the very areas where there are denser populations and any form of open space would be very much appreciated.

Just in summing up, council thanks the state government for undertaking this review—we think it is very timely—but certainly would impress upon the committee to look at, as I said, the reprioritisation of green spaces for our communities. Thank you.

The CHAIR: Thanks, Kate. I did not realise, Glen Eira; that is a really interesting stat for you guys. It is good to have you here today. I am going to throw over to Monash, to Sherry and Andre, next.

Ms HOPKINS: I am just going to say Andre is going to do our short presentation.

Mr SCHMID: Thank you, Sherry. Thank you to Sarah as well. I will just be looking up in this direction. That is just where I have got the presentation to do.

So thank you for providing us with the opportunity to make a submission to the inquiry and to speak today. I will provide a summary of the key points of our submission. The City of Monash has a current population projected to be around 200 000. The population is expected to increase to over 238 000 by 2036. The rising population has resulted in an increase in the number of households, and it is estimated that it will continue to drive demand for almost 15 000 new dwellings over the period to 2036. This is likely to be even higher due to the planning of the Suburban Rail Loop and potential for development intensification at the proposed major connecting stations of Glen Waverley, Clayton and Monash University.

The Monash community highly values its environmental infrastructure and is known for its garden city character. Monash Council has developed a number of important strategies and documents to manage, protect and enhance environmental infrastructure, as outlined in our submission.

The current legislative framework we feel has limitations on its impact to deliver effectively on the implementation of these documents, and two of these we highlighted in our submission. Some of them have been touched on by Glen Eira before, but I will just sort of run through those. The first relates to public open space contributions and the legislation we feel is outdated. In 2008, the then Minister for Environment and Climate Change requested the Victorian Environment and Assessment Council, VEAC, to undertake an investigation into public land use including the use of open public space in metropolitan Melbourne. The City of Monash was identified in the 2011 report as having one of the lowest levels of public open space as a percentage of the municipal area. VEAC predicted that between 2006 and 2026, on a per capita basis, open space provision across Monash would fall from 46 square metres per person to 40 square metres per person, and recent material undertaken by the VPA in 2017 has estimated that is at 38.3 square metres. The methodology on this is probably a bit different than how we undertook this in our open space strategy, and not all of that land is fully public. The open space strategy has assessed it in a lot better detail and determined that public open space provision varies significantly across Monash and on average there is 2.7 hectares of public community open space per 1000 residents.

The changes have been driven by very high population growth in Melbourne in recent years and the need to plan for this growth—the promotion of planning policy that significantly increases housing densities for infill and medium to high-density housing in the existing urban areas. This has an impact on planning for infrastructure such as public open space, where higher and higher demands are placed upon it.

The legislation and regulations for open space improvements through development are outdated and were developed prior to the significant population density increases noted above. Key aspects—and predominantly the *Subdivision Act 1988*—that we feel require a review include that the public open space contribution may only be made once in respect of the land subdivided. This is quite restrictive, particularly if the land was subdivided a number of years ago into two lots and now a high-density development or land use change is occurring, with numerous lots for potential population increases proposed on the site and we are not able to seek or address the increased demand on open space. Secondly, the *Subdivision Act* sets out that an open space contribution cannot be sought for a two-lot subdivision, only three or more lots. Two-lot subdivisions make up a significant proportion of development intensity in Monash. This development results in increased demand on open space infrastructure, but there is again no ability to seek the contributions to address this. Thirdly, in the *Subdivision Act* there is no ability to seek a mandatory public open space requirement for any development that

does not involve a subdivision—because it is obviously the *Subdivision Act*. For residential development not involving subdivision, because a lot of this development is in high areas of population, such as activity centres, where public open spaces can already be limited and high additional demands are placed on the existing open spaces, it creates a problem for how we address open space needs when we get developments of a few hundred units et cetera—and more and more coming into that space in the future.

In its final report, VEAC recognised the difficulties faced by council as a result of population growth. It identified a need in recommendation 9 for the government to review the open space policy, the provisions of the Victorian planning provisions and also the *Subdivision Act*, with the aim of assisting metropolitan councils to meet the challenges of population increase by maximising the contribution of open space through subdivision of land. This recommendation, although supported in principle by the government of the day, was never acted upon.

Like Glen Eira, we have recently undertaken to change our public open space contribution rate through planning scheme amendment C148. A key part of the amendment involved development of an appropriate open space standard based on a per person rate of 30 square metres. This was an innovative approach to determine an open space level based on population growth and developed in collaboration with SGS Economics and Planning. The planning hearing to consider amendment C148 was held in February 2020, and the interim panel report was released in April 2020. The panel in their report noted that the idea of 30 square metres per capita as a benchmark or aspiration has merit; however, they considered that there were issues using this as a standard to derive a public open space contribution rate as planning standards require testing and debate. The advisers should be derived from the VPP, from a government authority or from other sources where they have been tested through a process of a wider review, debate and consultation. This is a very disappointing outcome for Monash and other councils following our amendment, particularly since local authorities have been waiting for more than a decade or around a decade for a review of open space contributions to occur and in their absence have been required to undertake their own background work and amendments at significant cost, and every council across Victoria having to undertake that themselves.

The second issue I would like to raise today is the lack of support at the state level for protection of canopy vegetation. Canopy vegetation is one important way of mitigating some of the impacts of climate change, including addressing impacts of the urban heat island effect. It is also important for aesthetic and environmental reasons. This is supported by directions in *Plan Melbourne* and was endorsed in *Living Melbourne: Our Metropolitan Urban Forest* in 2019. The *Monash Urban Landscape and Canopy Vegetation Strategy* is consistent with the state policy and guidance and has set a target of achieving 30 per cent canopy cover by 2040. However, current estimates show canopy cover of about 14.2 per cent, requiring us to more than double our canopy cover over the next 20 years. Between 2014 and 2018 the City of Monash had an annual net loss of 74 hectares of canopy cover, which is the greatest amount of canopy loss in the eastern metropolitan region and accounts for 11 per cent of the total urban canopy loss in the Melbourne metropolitan area.

The implementation of the canopy vegetation strategy: we submitted to the Department of Environment, Land, Water and Planning—DELWP—a request for authorisation of amendment C153 to the Monash planning scheme. Amendment C153 seeks to implement outcomes of the vegetation strategy through the application of a significant landscape overlay over most areas of the City of Monash. Councils are limited in applying this overlay with the tools that are currently available within the Victorian planning provisions, and the SLO is considered to be the best tool available at present for the intended purpose. The amendment was lodged for authorisation after six months of preauthorisation discussions with DELWP, and a similar amendment for the City of Whitehorse was underway at that time. Officers considered the panel report and recommendations from that Whitehorse amendment prior to lodging our amendment. Despite more than 18 months of discussions with DELWP overall now, no clear direction has been provided by DELWP for authorisation of amendment C153. We have been advised that the request for authorisation was put on hold at the end of April 2020 pending further review. We have received no formal correspondence since that date. We were advised by DELWP that they are currently developing new tools for detecting and enhancing urban canopy cover. This is the reason given as the sunset provision for the SLO in the City of Whitehorse and the reason why there appears to be a lack of support for the City of Monash to properly implement our canopy vegetation strategy.

While these tools are being developed we will continue to see widespread canopy loss and an erosion of our garden city character, especially with no support to introduce interim controls from DELWP as well. This is not acceptable to the Monash community. We are inundated with complaints essentially about how much is being

lost in certain areas, and by the time we are able to get through the amendment process to gazettal it may be too late.

Ultimately council would like to stress to the inquiry that municipalities across Victoria have been proactive in trying to protect and enhance canopy vegetation at significant cost to our communities, both in environmental values but also in terms of how much it costs to undertake the work and get through the process. However, barriers and delays at the state government level are hampering these attempts. Thank you. That is all we have got to highlight at the moment.

The CHAIR: Thanks, Andre. That was very interesting. Rachel, I can see you there smiling. Is it you that is going to kick off with a presentation for Darebin?

Ms OLLIVIER: It is actually Lina who will kick off, Sarah.

The CHAIR: Go for it, Lina.

Cr MESSINA: Thank you. Through you, Chair and members. Good afternoon, all. My name is Lina Messina. I am an independent councillor and the mayor of the City of Darebin. Darebin sits in the inner Melbourne north area which encompasses suburbs such as Northcote, Thornbury; we have Macleod, parts of Bundoora, Reservoir, Preston and one tiny street in Coburg North. This is my first time speaking to a parliamentary inquiry, and I thank you for the opportunity.

First of all, I want to acknowledge the traditional owners of the land that we stand on here today and pay my respects to the Wurundjeri Woiwurrung people, to their elders past and present and emerging. First of all, at council we strongly encourage the inquiry to seek out and listen to the traditional custodians' knowledge to inform its deliberations and recommendations. Aboriginal and Torres Strait Islander people's world view and connection to country have long made them skilled at managing land, water and keeping the Australian continent healthy.

Darebin, as I just said, is an inner Melbourne north municipality, and some of our challenges will not be the same challenges as the outer Melbourne municipalities. As you know, environmental infrastructure includes public parks, streetscapes and creeks. In Darebin we recognise the benefits of environmental infrastructure, so to mitigate the risks we introduced the ambitious open space strategy which is titled *Breathing Space*, which plans out the future of Darebin's open space strategy. If I could also draw your attention, you will notice the *Breathing Space* strategy provides analysis of Darebin's public open space provision rates per capita in 2018 compared to the expected provision rates in 2028. This shows that Darebin has low rates of open space provision per capita at approximately 19.4 square metres per person per capita, and that is expected to drop to 16 square metres per capita. An integral component of its success is the commitment to increase Darebin's open space levy through the planning scheme to fund the acquisitions and the improvements of the open space.

Our submission will address key issues, firstly addressing the growing need for open space and community sports grounds in Darebin. I think it is time to rethink and to think outside the box. Given our challenges with the increase of the population and maintaining the open space provision, there is a need for more sporting grounds, and the lack of space will need to see vertical rooftop sports pitches. That will involve an urban rethinking, with planning schemes and amendments looking at industrial and commercial change use, and that will involve designers and architects to design better urban cities.

State has a role to play in setting these rules and the sale of its own land, looking at government-to-government acquisitions that are affordable. Looking at government infrastructure upgrades, an example of this is the Preston and Reservoir elevated rail projects, where the approach to the end and the start of the projects had no consideration for the bland open space on either side of those projects. The project at Murray Road, for example, was without the consideration of VicTrack and Melbourne Water at the completion of the project. It needs to be a holistic approach to work with you rather than working on our own. We know that that has been a problem in the past. It requires addressing state government land, and it is not a one-approach agency. We need stakeholders such as Melbourne Water, VicRoads, DHHS and VicTrack.

Darebin also has the unique situation where we have got the second-largest lake in Melbourne after Albert Park Lake, and that is Edwards Park Lake. It borders on the waterways of Darebin Creek and Merri Creek. Council is responsible and is the only stakeholder currently at Edwards Park Lake. The run-off from the cities of Whittlesea and Moreland, and of course Melbourne Water needs to come into—

Our vision is to create a recreational non-contact sport there at the Edwards Park Lake, so we need to increase biodiversity in the natural habitat to introduce that particular vision. I guess we also need strong sustainable development controls—green roofs, vertical gardens, bee hotels, roof to paddock, compost—and that is with the circular food waste economy, especially in multi-unit developments.

We know that we are going to have substantial growth and the need for multi-unit developments in Darebin. Currently we are in the process of our council plan, which currently has the Darebin nature plan focussed on kerbside gardening and looking at water sensitive designs and addressing heat island effects, providing the community education on what species of grasses and what can you actually plant, and working with them to mitigate and address climate change, and also the unique concerns and planning of a tree canopy, and to encompass that. But I also am going to say, thank you, to the state government. I am going to give you over to the team with the rest of the presentation.

Ms O'KEEFFE: Thanks, Mayor Messina. I think it is my turn to speak. Hi, everyone. I am Amy O'Keeffe. I am a Senior Strategic Planner at City of Darebin. Like my colleagues here from Glen Eira and Monash, we are part way through a planning scheme amendment to increase our open space levy in the municipality. As Mayor Messina said, we have a new very ambitious open space strategy called *Breathing Space*, which shows that if there is not investment in open spaces to improve open spaces but also buy land for more open spaces, our community is really going to suffer. A lot of the population increase and development also corresponds with where there are already gaps in public open space in our municipality, so it is only going to get worse as population increases and we have more development.

In terms of open space levies—as Glen Eira and Monash have said—they are very onerous. All councils work on their own and engage numerous consultants, legal representatives. We have a planning panel process. We have developer opposition. We have spent a lot of money, time and resources on our open space levy planning scheme amendment, and we would really love to see some leadership from the state for especially inner municipalities, so that we have some guidance on what an appropriate open space levy is. Our current open space levy is 2 to 5 per cent on a sliding scale, which is really low. We would like to see it at about 10 per cent, but the strategic justification to justify that is proving to be quite a lot of work. But we are getting there.

The other things we would like to advocate for in terms of planning are—similar to Monash again—some more guidance on protecting trees on private land. Again, planning scheme amendments with vegetation overlays are onerous and time-consuming and expensive, and we would like an acknowledgement that the cumulative effects of canopy coverage on both private land as well as public land all go towards mitigating the impacts of climate change and the urban heat island effects. So it would be great if we could get some leadership in terms of requiring and protecting tree canopies on private land.

Cr Messina, I think, spoke about the growing need for sporting infrastructure in the City of Darebin, and again that is due to our growing population. We have got a really high need for more sports infrastructure on top of what we have already planned for. So again that is another funding issue. I will hand over to our General Manager, Rachel.

Ms OLLIVIER: Hi, everyone. I just thought I would mention for Paul that I am a Box Hill resident—so, hello. The thing I wanted to draw out—Cr Messina talked about it—is the opportunity we think there is for state government owned land to contribute to solving this problem. We are aware of lots of state landholding in Darebin. What it seems to be from our perspective is that each agency holds some land, but thinking about what to do with that land is not anyone's job. There is VicTrack land, for example, that borders railway infrastructure, there is Melbourne Water land that has got underground assets, there is DH land that may be currently used but may have bigger potential than its current use is—and each of the state agencies can only kind of dispose of or do something with that land that fits their core purpose. So where the opportunity is is to look at that land and what it could do for the community in a more holistic way. Certainly we have been talking to Melbourne Water recently about how do you create community use on their land where they have got underground infrastructure, and there is nothing at a principle level that stops that happening. They would like to be able to do it, but they do not have a funding stream that enables them to do it. It seems to me that if we thought about state government land in a holistic way, that could really be a game changer actually in terms of environmental infrastructure provision and probably a really quite cost-effective one. That was the detail I wanted to draw out. I will leave it there, I think.

The CHAIR: Thanks, Rachel. That was really interesting. I have to say we are speaking to a lot of councils across Melbourne and really across Victoria, and it is very interesting to see common themes and then things that are the direct opposite of, say, what is being faced out in my world. It is certainly interesting. Before I kick off with the first question I am going to get David Morris to introduce himself.

Mr MORRIS: Hi, everyone; I am David Morris. I am the Deputy Chair of the committee and the Member for Mornington.

The CHAIR: Thanks, David. I will kick off with the first question. I am just going to throw this one out to Darebin. Reading through your submission I was interested in the Rewilding Darebin campaign. Can you talk a little bit about what that was? I can see that it was initiated partly in response to the challenges of the COVID pandemic and our government's response, but can you outline what you undertook in that program and, most importantly, the broader lessons that government could take away for the provision of environmental infrastructure, not only across Darebin but across greater Melbourne and Victoria?

Ms OLLIVIER: Shall I respond initially, Lina?

Cr MESSINA: Over to you.

Ms OLLIVIER: Thanks. At a high level it is about revegetating our spaces. For us that means street trees. There are quite a lot of areas still on Darebin's streets where there have been vacant locations where street trees can be planted. One element of the program was just to accelerate the filling of those gaps. We will probably be finished with that within a couple of years. Then it will take some time for that to grow, but that could really change the character of some of our streets. The other element is revegetation of a lot of our parklands. We have obviously got lots of parklands. Much of that was originally fields or paddocks where almost all the tree cover had gone at some stage. Really we are still in a space where some of those parks might have a few large trees, but they do not have any understorey, and there is certainly lots of potential for more trees throughout them. So it is a concerted effort to accelerate the revegetation and to make sure we are doing that with a biodiversity lens to it so we are building in the midstorey plantings and we are choosing species that flora and fauna support. There is lots of opportunity, I think, in urban areas to do that really well, and certainly Darebin is planning to continue that work. It made a big step change last year, and it was really great to be able to redeploy staff into it. But we will need to keep that effort up for quite a while before we finish the job.

The CHAIR: How many trees did you end up planting and over what period of time?

Ms OLLIVIER: I do not think I have got those figures with me. We could certainly provide them.

Ms O'KEEFFE: I have got some of the information, Rachel. I have got information that in 15 weeks the team planted 78 000 indigenous and native grasses, shrubs and trees—so not exactly how many trees but the amount of vegetation in total. It was pretty huge.

Cr MESSINA: And our plan in the next year is 381 000 trees—a pretty big, ambitious plan.

The CHAIR: That is really interesting. I find it interesting because out in my patch there are very few trees, but by having an ambitious target to plant trees along streetscapes obviously over a number of decades you get beautiful streets, and the beautification of streets can really add to the livability of a community. So that is very interesting, if you have further information on that and want to send it through. I am going to throw to you, David.

Mr MORRIS: Thanks, Sarah. There are a number of threads I would like to follow up. I will not be greedy; I will just start with one. Rachel, I think you mentioned the Melbourne Water land and the assets underneath. I am on the Mornington Peninsula, and we are just going through a process where Melbourne Water have owned the land on top of the south-eastern outfall and they have just been in the process of selling it off basically to the highest bidder, which has been a bit irritating for both residents and the council. I understood you to be saying that this land is land that Melbourne Water wishes to continue to hold but which has assets within it. What sort of assets are we talking about, and what is the state of the land at the moment?

Ms OLLIVIER: Sure. Look, some of the strips in Darebin they have got large pipes under, water pipes, but there are really good opportunities for them to become shared trails—so they might become cycling or walking trails—and to introduce biodiversity habitat into those areas. They need them in the long run, so definitely they

need to keep holding onto them. But the scenario you are talking about, where they sell things at the highest and best use, we have that same challenge too, and that seems to me to be an opportunity for the state government to think about its landholdings differently. I understand all the agencies face that kind of rule, where they are kind of forced to think of it as highest and best use, and it means it is very difficult for them to factor in other community benefit. If you set the bar in a different way and said, 'You've got to be able to fund the next use through the sale', you might end up with more community facilities being funded through some development, whereas at the moment it is all about financial return. I would love to see a rethink of that approach.

Mr MORRIS: We were talking this morning, and I think it was Whitehorse who were talking about a particular disused school site, not required school site. They had managed to negotiate a discount for Treasury to acquire the site because it was for an ongoing public purpose. I was asking them, and I would be interested in your comments. Obviously we want highest and best use where the asset is being disposed of. If it was a police station site, for example, in a country town that was no longer required, then you would want to sell it for probably a residential property. But where you have got parcels like we are talking about, which could easily transition from one public purpose to another public purpose, but in the process they need to move in ownership from the state to the municipality, do you think it is worth exploring some sort of system that would recognise that public ownership and adjust the price accordingly?

Ms OLLIVIER: Yes.

Mr MORRIS: Which of course is the way it used to be done, probably up until the mid to late 1980s, but then it sort of became more market driven from then.

Ms OLLIVIER: Yes, we certainly do, and there is also an opportunity to kind of look at all the landholdings together and make sensible decisions about what should go where. So maybe overall you need some development, but maybe overall you need some parks and a new sportsground. Looking at each site in isolation misses some of those big opportunities to get the right thing in the right place. So that is the other element I would add to that.

Mr MORRIS: Thank you for that. Thanks, Sarah.

The CHAIR: Thanks, David. Will.

Mr FOWLES: Thank you, Chair. So I am interested in the first instance—Kate, at Glen Eira, that 12 square metres metric feels alarmingly low. Is there some quirk there? Is that just where the LGA boundaries are? Have you got a bunch of parks immediately on the border or anything like that? So what historically has driven that number to be so much lower than comparable and nearby municipalities?

Ms JEWELL: I think it is a combination of factors. We do have pockets of quite dense development within the municipality, particularly around the sort of central to northern areas, so around Glen Huntly and Caulfield. We are fortunate to have some large municipal reserves like Caulfield Park, like Glen Huntly Park, but that is sort of the limit to it. Because it has been historically developed, most of Glen Eira, in the time prior to public open space being required, there just was not that provision of the smaller parks within some of the suburbs. So that has probably been the most appreciable difference as opposed to the sort of newer areas—perhaps like Monash, perhaps like Kingston, particularly sort of the outer parts of Kingston—that have been developed subsequent to open space requirements occurring.

And we keep getting challenged with the amount of open space that we do have. The general rationale is that it is those sorts of larger municipal reserves that are quite densely used for active open space uses. We have restricted open space in the form of the Caulfield Racecourse. When you would look at the municipality, you would go, 'Gosh, there seems a lot of green', but when you look at it more closely, there in fact is not.

Mr FOWLES: So facilities like Caulfield Racecourse do not get counted into that metric.

Ms JEWELL: No, they do not.

Mr FOWLES: And is that because—

Ms JEWELL: Because it is restricted.

Mr FOWLES: Right. And so is there a threshold for the degree of restriction for things to be excluded? Are there any other spaces that have some time restrictions attached to them that have been excluded?

Ms JEWELL: Correct. Similar to private golf courses, so we do have the Yarra Yarra golf course also within the municipality. That is classed as restricted open space as well.

Mr FOWLES: Right. And in terms of the development, then, you have got pretty dense and built-up sort of areas and presumably therefore a lower throughput of new developments, potentially. Ergo your POSC fund is not necessarily getting topped up at a frantic rate. What are the key obstacles, then, for you? Because to get to like a Bayside level, quadrupling the amount of open space, just feels like an enormous mountain to climb.

Ms JEWELL: Yes.

Mr FOWLES: How do you anticipate doing it? What are the obstacles to getting it done?

Ms JEWELL: Look, we certainly do have obstacles, and often we are left to negotiate, often with bare fists, with developers, particularly of the larger urban renewal sites, which really constitute where the largest amount of new population will be going. As I mentioned, East Village is a large former light industrial area within East Bentleigh that is going to be home to, I think, around about 2000 new dwellings. We had to literally fight tooth and nail through a very exhaustive panel process to get areas of open space in that. Similarly, there is redevelopment proposed to occur of the land that is currently used by Melbourne Racing Club racehorse trainers. That is around about 9 hectares, which for some of the outer areas is not significant but for an area like Glen Eira is very significant. We expect to see a population growth of around about 4000 to 6000 people within that area. The land that MRC are looking to reserve for open space in that is severely compromised, is small; things like pathways through the development towers they are looking to count as open space. So we do have these very significant challenges, and whilst we do put in the first instance our preferred location of open space in these redevelopment sites, often through the planning process that gets knocked out along the process and thus us trying to increase our public open space contributions. But, as I outlined, that is a very high bar and, as other councils such as Monash have had to go through, it is a very daunting and very, very expensive exercise to go through.

Mr FOWLES: So the manner in which councils generally measure their public open space—is the methodology consistent across councils, or is there a degree of subjectivity here?

Ms JEWELL: Generally, when councils are undertaking open space strategies, which is what most of the needs analysis is based on, it is pretty standardised.

Mr FOWLES: Presumably some councils benefit from having foreshore reserves and the like.

Ms JEWELL: Yes, and we unfortunately do not have any of that.

Mr FOWLES: Did you pick up much in the way of public open space as a result of the sky rail development?

Ms JEWELL: There were some gains, and it has certainly been appreciated, particularly in those communities to the north of Glen Eira, because they too were quite severely compromised, being older areas in which we do not see a lot of new subdivision. We see certainly redevelopment, but that has just really intensified. Those communities certainly did get—and it was very much appreciated—open space, but we have a trench now going through Glen Huntly and Neerim Road to the north, which is a loss. It could have been an appreciable gain for the area. Glen Huntly is the most dense area of Glen Eira, and to have gained a public open space under elevated rail would have been very beneficial, but unfortunately that has not transpired. Indeed, despite very intense negotiations with LXP, we have only been able to gain a fairly dismal 10 square metres, which council has to pay for, on top of the trench, so that is once again a pretty disappointing outcome.

Mr FOWLES: Okay. Well, if I can turn just to the Monash team briefly, I remain a little bit confused about the tree amendment. I have got 143 in my head, but forgive me if I have—oh, 148, is it? No, hang on.

Mr SCHMID: 148 is the open space and 153 is the canopy vegetation strategy.

Mr FOWLES: 153, sorry, yes. Got it. Just so I understand where you are up to, 153 intends to preserve a bunch of canopy via various mechanisms, if I am right, and it has been up to DELWP and has been sitting there, you say, for a year without any progress that you are aware of.

Mr SCHMID: That is correct. In the process that we have gone through we have identified different areas across Monash based on different characteristics and so forth. We did have some VPOs, vegetation protection overlays, in certain areas, but over the last 10 years that has not actually helped anything. We have still been losing vegetation. We went through this quite detailed process to develop the canopy vegetation strategy, and through that—

Mr FOWLES: Sorry, is the intended outcome of the strategy to mean that there is no net loss, or are you actually seeking to have a significant uplift, for example, in the amount of canopy?

Mr SCHMID: On private land we are seeking to uplift it. What the SLOs, or the significant landscape overlays, allow us to do is to not only protect the vegetation but require additional vegetation through development. There are a lot of ways that we propose that through that. The strategy is wideranging, so it does look at public land as well and how we deal with that, but it is also looking at private land too.

Mr FOWLES: And are those measures being resisted by developers particularly, or do you say it is a bureaucratic inertia thing? Or is there something else driving it?

Mr SCHMID: Well, we are not 100 per cent sure exactly. Developers not so much—we have not actually had a huge amount of pushback from them because the requirements on the land are still allowing for growth to happen. It is restricting it in some respects because it is around how you cite buildings on a property to allow for the additional trees et cetera that we propose through that. We have had some sort of verbal advice from DELWP, and it is on the basis that they are proposing to come up with some different overlay requirements—but we are not completely sure what they are yet. We are a little bit stuck in the middle, but the process that Whitehorse went through was very similar and slightly ahead of us. They did get the ability to apply interim controls to stop the vegetation loss happening in the immediate sense, and then also proposed—Sherry, correct me if I am wrong, there are some sunset clauses on those. Is it 24 months?

Ms HOPKINS: Yes, I think they have got until the end of this year, and I think the reason given was that DELWP were developing their own suite of new tools that would apply. We were quite disappointed that we were not given at least interim controls to try and stem the loss of trees in this intermediate time, when the state is developing their own controls, but it is disappointing that we have not had a formal response either way. We are still waiting on that. It is sitting on the table in at DELWP at the moment.

Mr SCHMID: And I guess when you mention inertia, Will, there is no set time frame at the moment in terms of the additional controls coming in. We are not sure how big the policy gap could be. If you look back to some of the requirements around environmental sustainability design, that took a number of years and the councils still had sunset controls on that. We are a bit concerned that we are stopped from doing anything at the moment. We are losing vegetation and we have got complete uncertainty for us and the community in terms of what messaging we go back to them about what time we have, because the strategy has been out there and was strongly supported by the community in a broad sense. We are often rung up by people, and in every other consultation we do we always get significant numbers of letters in opposition, whether or not it is directly related to that particular piece of policy development, all around the loss of vegetation and how sites are being landscaped and big dwellings are being replaced.

Mr FOWLES: And so with the exception of Whitehorse, are there any other municipalities that have gone down this path? Have there been identified any problems with it or anything like that that you are aware of?

Mr SCHMID: I understand that a group of councils about a year ago was looking to develop something driven through the City of Melbourne, and I think Port Philip and some other councils are doing a combined process, but I am not sure where that has got to at the moment. Sherry, are there any other examples of some major—

Ms HOPKINS: I do not know of recently. I think some of the councils have SLO controls in their schemes that have been there for a little while, but I do not know of any in more recent times.

Mr FOWLES: Thanks, Chair.

The CHAIR: Thanks, Will. Paul.

Mr HAMER: I saw Rachel had her hand up. Was that in relation to that question?

Ms OLLIVIER: Yes, it was. I was just wanting to say we have not pursued that sort of tool, but we have certainly contemplated the question of: is there a planning tool that would allow us to ask people to revegetate in areas where we think they should? And there is not an easy answer to that. It is a gap that we would like to fill in the planning scheme broadly. I have kind of been watching the work that Whitehorse and Monash have been doing with interest because they are doing the hard yards of kind of working out how to fit a round peg in a square hole a little bit, I think. It would be lovely for that to be more straightforward.

The CHAIR: Paul.

Mr HAMER: Thanks, Sarah. I just want to go back to you, Kate, to start with. You were talking to the previous question about the use of Caulfield Racecourse as a restricted open space. Now, my understanding was that the central reserve is Crown reserve. I am just wondering: why is that restricted? And what is stopping it from being unrestricted?

Ms JEWELL: Yes, it is publicly accessible. As I said, it is not freely publicly accessible. It is fairly inhospitable to get in there. Not a lot of people are aware that it is accessible. But under the definitions, because of the predominant use as a racecourse, it falls under the definition of restricted open space. The Caulfield Racecourse Reserve land management trust is on the eve of publishing its final land management plan. That does propose a far higher, greater use of the internal land within the racecourse reserve. But still, the land is fenced and will remain fenced because of the obvious security requirements for the predominant use as a racecourse and the lease that is in place with the Melbourne Racing Club. So whilst certainly there are additional openings proposed, the hours will change moving forward for when the trainers move off the track, because the hours are restricted currently for the use of the land because of the racehorse training that is conducted there. So it will be more publicly accessible, but certainly the challenge is going to be getting the message out to the community that they can use it and providing more hospitable access to that central area.

Mr HAMER: I see one of the challenges in terms of the definition, and Darebin might have something to say about this. You mentioned golf courses, and I understand that public golf courses are considered unrestricted public open space, and so contribute to the public open space, and are often defended fiercely by councils as being part of their open space, yet they are not necessarily any more available to the public than what would be that land within the Caulfield Racecourse. I mean, obviously in Darebin's situation there has been a pretty high-profile battle between users. I noted with Glen Eira we talked about the foreshore reserves, but to me, broadly knowing the geography, there are not any major creeks or streams that flow through Glen Eira either, which are often a major source of public open space—even though, for example, in Whitehorse a large area of that actually ends up being freeway reserve.

I guess there is a quality of open space as well, and it is often not conducive to, say, sporting fields and ovals. I know that the ones down in Glen Eira, the larger parks that you have, are very intensely utilised, like you said. They are sort of well spaced out and well set out for sport and recreation so you can use them. There are joggers and dog walkers in the morning right through to footy training till 10 pm at night or whatever, so you are using them all times of the day.

I think, as you say, it is perhaps not always comparing apples with apples in terms of the open space. And I would not mind perhaps a comment from Rachel or any of you at Darebin just on how you have worked through some of the tension around that use of open space, particularly in relation to the golf course, which has been quite high profile, but also other areas that are in your municipalities as well.

Cr MESSINA: Thank you, Paul. I can address that initially, I guess. Darebin has an agreement, a contractual agreement, with Leisure Management Services, and it is an antiquated lease or contractual agreement in terms of what the land can be used for. So that is up for renewal in 2022.

At this particular time, we did liaise with Leisure Management Services during the initial lockdown and say, 'Can we have access to the open space and let our community facilitate usage?', but they were reluctant during the five-day lockdown based on some of the damage and some of the rubbish that was left behind, and the expense of that, the second time around.

Council took a stance or a view last Monday night to engage in community consultation for a shared use moving forward. So until we actually enter into that consultative period and liaise on the future of Leisure Management Services' acquisition or leasehold on the property, we need to wait and see how that pans out. Of course we are talking about an antiquated agreement that does not suit today's terms and the need for open space and the usage. It is an old agreement. Moving forward, I would hesitate. And I would be correct in saying that there will be some changes, foreshadowing community consultation.

Mr HAMER: Thanks, Lina. But is it correct to say that it is, currently notwithstanding—

Cr MESSINA: Rach, did you want to add anything further to that? Sorry, I did not hear the question. Sorry.

Mr HAMER: I was just going to clarify that even with the current restrictions and that you have leased it to a private provider it is still considered part of your public open space allocation. Or is it restricted open space?

Cr MESSINA: Well, it is restricted, because you need to go through the actual golf course to have access to it. It does not allow you to go from the street into the open space. But I am not sure about how it is calculated in the overall scheme of things, so I might throw that over to Rach or Amy.

Ms OLLIVIER: Amy, do you know that? I think Amy might be looking it up.

Ms O'KEEFFE: I believe golf courses were excluded from the public open space calculations in *Breathing Space*.

Mr HAMER: Okay.

Ms O'KEEFFE: Educated guess, I believe they were excluded.

Mr HAMER: I have just heard some different responses over time—not through these hearings but at various other times—whether they are public or private golf courses, even though I would assume that similar restrictions apply. So I was just, I guess, interested in terms of how they were being calculated. Particularly if we are trying to work on a model or are saying a certain amount of open space per person in a given area, it is probably important to try to understand and utilise what open space that we do have, because I think in all of these developed areas purchasing additional open space is incredibly, incredibly difficult.

Cr MESSINA: Yes.

Ms O'KEEFFE: Absolutely. We are developing a couple of plans at the moment for increasing open space in the municipality, and one of the things we will be looking at is relooking at our maps and seeing where access can be shared between different users. And if there is an opportunity to not purchase but a shared user agreement or something like that, that is something definitely preferable for council.

Mr HAMER: I think this is probably more for Darebin, but I know everyone there has touched on the open space contribution. We have heard quite a lot about the open space development levy from various councils. And I guess I was just wondering what could be done, particularly from a state perspective, to actually improve that scenario. I mean, Darebin, I think you may have talked about potentially increasing it up to 10 per cent in certain locations.

Cr MESSINA: Yes, 10 per cent. I think it is overall 10 per cent, is it not, Rach?

Ms OLLIVIER: That is certainly what we are proposing. In terms of what could make it easier, there are a few possibilities. You could consider a standard approach across Melbourne so that some of that detailed justification that council currently needs to go through, which is lengthy and expensive, does not need to happen. I think it is a topic, a bit like other infrastructure developer contributions, which could be standardised. And some of that is standardised on the urban fringe, but it is not in the built-up areas. That would probably be the main opportunity, I think—simplify either the process or create a standard approach to it, to reduce the effort that is involved in getting it across the line.

Ms HOPKINS: I would agree with that—through you, Chair—because it has been quite a long process for us to, first, have an open space strategy that justifies what we are doing and then to start going through the amendment process. And we are also seeking 10 per cent. We currently have a sliding scale range from 2 to 5 per cent, and we are finding that is really very inadequate. So I think across metropolitan Melbourne, as a

number of other councils are seeking similar sorts of amounts but the process they have to go through really does put you off a little.

Mr HAMER: And what has been the feedback from the development industry to date on that increase? I probably suspect I know the answer.

Ms HOPKINS: Fairly negative. But one thing that comes through is the development industry just wants some certainty and not retrospectivity either. So if the change is going to be made, it needs to be made not retrospective and be justified. And if it is the same across the board, it is a good reason to have something standardised across metropolitan Melbourne. Then there are no winners and losers; it is a standard approach. And you can look at it as an infrastructure item and as something that needs to be provided more and more, going forward, and councils have much more limited ability to do that with rate capping the way it is as well. So we are being pushed at both ends, to be honest. So with the development industry I suppose their initial reaction to anything that is going to raise costs is concern, but I think certainty is something they would value over anything.

Ms OLLIVIER: One thing that our economic consultants have really taken some time to step us through is that it is the transition period of introducing this kind of charge that can create some strange things in the market, but that once it is in essentially it does not increase the price of land or housing. What it does is it gets absorbed within the sale price envelope. So it is not a change that affects housing affordability, because housing affordability is driven by the funding people have available. The cost of a levy gets absorbed at the other end of the supply change by in fact potentially reducing the land price component of housing purchase. I am not sure I explained that very clearly, but that was quite important when we were talking to our councillors about this—to understand that it was not going to affect housing affordability.

Mr HAMER: You might have to just run that by me again, how it does not, because I would have thought that the developer ultimately will be passing it on as a cost to whoever buys the property.

Ms OLLIVIER: The developer's business model will work out what price the buyer will pay, and then they have to work out what their costs are inside that. Their costs include buying land, they include constructing whatever they are constructing and then they include levies, and if the levies go up, it does not mean the buyer can pay any more; what it means is they will be prepared to pay less for the land. So they do not have control over how much the buyer will pay. What they do have control over is how much they will offer to buy the land in the first place, so it does not affect the sale price for the end user. What can happen in the transition period, though, is if they have already bought the land, they cannot go back and get a better price for the land that they have already bought. So if a developer is in a position where they have already paid a price based on an earlier assumption, then you can get that situation where they have passed it through, but if they have not already bought that, they work it out in their business model. Did that help?

Mr HAMER: And at what point in time does the levy apply and is the levy actually paid for? Is it based on the purchase price that the developer pays for the land, or is it part of that subdivision based on the total sale price of all the number of units?

Ms O'KEEFFE: Do you want me to answer that, Rachel?

Ms OLLIVIER: Yes.

Ms O'KEEFFE: The open space levy is charged when the subdivision permit is issued, and it is based on a valuation of the land at that time, which is a standardised valuation methodology which includes some consideration of what can be developed on the land but not the development itself.

Mr HAMER: Okay, but if there was a unit development that had been subdivided into 50 units, then even if theoretically you might have been able to subdivide into 80 units or whatever, there are 50 lots of land, each with its own land value, site value, and the cumulative value of that is what the levy will be paid on. Is that correct?

Ms O'KEEFFE: Yes, it is a valuation of the land with the development permit, not per lot.

Mr HAMER: Okay, so it is the whole—

Ms O'KEEFFE: The entire land.

Mr HAMER: The value of the entire site.

Ms O'KEEFFE: Yes, that is right.

Mr HAMER: Thank you.

Ms O'KEEFFE: So the cost per dwelling would be less if there are more dwellings, if that is where your thinking was going.

The CHAIR: Have you got any follow-up questions there, Paul?

Mr HAMER: Not at the minute.

The CHAIR: I just want to turn people's minds to a different track. I am interested to know about inequality of access to open space in different parts of your community, and I can see that, Darebin, your submission discussed the importance of a human rights centred approach to environmental infrastructure, which was quite interesting because the committee has not really had any discussions around that. We have sort of previously touched on, maybe, inequality around different parts of communities being able to access open space and the type of open space they can access. I want to throw this out as a question to all councils, but we can start with Darebin, just because your submission mentioned it. Do you want to provide some more detail on the challenges involved in balancing the rights of marginalised community members with more privileged members of the community, and what do you think councils can do to reverse the trend of restricting the accessibility of public space to groups at risk of discrimination and disadvantage?

Ms OLLIVIER: I will start and perhaps then see, Lina, if you want to add to that. I reckon we are on the journey in terms of actually how we do it in practice. I do not think we have found a solution to this problem particularly. There are a couple of things to think about though. It is partly about the design of the space and how different segments of the community feel welcome in it. For example, women often tell us that they feel unsafe when there is not good lighting, so they use spaces less. We are aware that parks have often been designed from a particular cultural heritage background, so they are not places where some of our community see themselves reflected. It is about making space that connects with individuals so they feel welcome.

The way that I think we might navigate to a better way of doing open space is essentially by talking to our disadvantaged and diverse community better about what they need. There is some work in different parts of the world that is about connecting streetscapes and open spaces better so that there is that sense of passive surveillance and people feel safe because there are others around them. Particularly there are opportunities for civic spaces like libraries or museums to connect well with parks. So those are some of the things that we are thinking about, but I also think that we are early in that journey. We are very conscious—and I think our submission talks about this—that it is easy for people at real disadvantage to be excluded from everywhere, like homeless people, for example, and some of that stuff. Again, we have not cracked that. Lina?

Cr MESSINA: I was going to address the environmental design and outlay based on what you talked about—public surveillance and looking at flora and fauna and making sure that those open spaces are updated and kept clean and given the perception of safety when it comes to litter management, graffiti management and just ensuring that it is nice and clean and safe, especially for the vulnerable and our multicultural community and women, especially in the east Preston and east Reservoir areas, just to ensure that the design and the outlay makes them feel safe and is inviting.

The CHAIR: Do the other councils have any opinions about that?

Ms JEWELL: Our open space strategy underwent a refresh last year that forms part of the basis of our planning scheme amendment moving forward. It did look at particularly the different religious groups. We are probably a little bit different to a lot of other councils in that our relative social standing is slightly different to many other areas. And I appreciate that we do have a more privileged community. However, there was certainly work done with some of the different cultural groups within Glen Eira, which found that they were most comfortable using spaces like schools and church grounds—not church grounds but religious facilities, so using open space that is often associated with those facilities. And that was similar with some of the traditional

owners. That work was done with the traditional owners that are still within Glen Eira. They once again felt very comfortable using school grounds and allowing their children to congregate and to utilise school facilities.

And particularly with some of the elderly within the Glen Eira population and those with limited mobility, some of the community gardens that have been established, particularly in conjunction with other community facilities, like senior citizens facilities, like community centres, were a really valued resource for our community and for those elements of the community that had particular challenges in terms of mobility. So it was typically those places where people felt safe and familiar, that they were not going to stand out too much, that their children felt comfortable using those spaces.

Mr SCHMID: Sorry, I will just jump in there regarding Monash. Probably we have not got to the level of detail or level of thinking, I suppose, that Darebin have gone into in this space. Our open space strategy at this point in time has a lot of policy and directions within it about where we see the future open space going towards, and that talks about issues such as different ages using facilities—so not just children using playgrounds but having older play space—but also looking at what different cultures are around Monash and what needs there may be there as well.

We had hoped to get our changes to the public open space contributions in place and focus our efforts on there and then go to the next step and develop some implementation and have some thinking around what is actually needed in certain areas—so with 12 precincts within the *Monash Open Space Strategy*, and that needs to look at more diversity around all types of spaces et cetera that we plan for within that, and then through other documents that we develop over time to look at what the key messages are in the open space strategy and how that reflects the demographics. So, for example, around Glen Waverley and so forth we have got a high Chinese population, and that means we have to start looking at what are the different cultural aspects that we may need to bring into some of the open space and public spaces around activity centres et cetera as well. So structure plans potentially look at those as well.

I suppose just generally it is something that we probably have not done that well through the open space strategy yet, but we do have general policy directions to improve that. And we need to develop some implementation through better implementation plans as we get some of the other open space contributions developed as well.

The CHAIR: Thank you. And just quickly off the back of that, I know in areas in the outer suburbs that are greenfield sites and quickly growing, one of the issues for open space, say, for clubs and sporting fields is the need to be able to fund and construct a second set of night lights to enable obviously more people to play during the winter months and of a night-time. Is that an issue in your councils? I can see Rachel nodding.

Cr MESSINA: Or about when it is time to walk your dog—they are some of the debates. It is more about for the dog walkers—it is so much so, especially with daylight savings and during COVID and the pandemic and more people wanting to walk and use the facilities. I am not too sure what the evolution of that is going to be after this particular difficult period, but I know that the lighting was an issue and what type of lighting, especially for our sports and playing fields. And we are only addressing some of those gaps at this particular time. Rach or Amy, did you want to say anything further?

Ms OLLIVIER: I think I would just add that it is one of those areas where we have a far longer list of requests than we can build in any one year. I think we probably deal with one or two sites every year out of 60 of 80 sites that we would love to be able to work to, so it will take decades at that rate to get to the sort of infrastructure that we would ultimately want.

Ms JEWELL: Through sheer necessity because of the shortage, particularly of organised open space, our open space areas for organised sports are lit and often the hours of use are quite bizarre. We have some clubs not starting until 11.00 at night. That is the only time that they can get on. So we are fortunate that the lighting and facilities have had to—just to enable usage of those spaces.

Cr MESSINA: Can I interject? You mentioned lack of getting on. Through you, Chair, is that because of the lack of open space for sporting clubs, not the time limits? Okay. Yes. Hence my earlier discussion about vertical sporting fields and how do we look at that, and perhaps addressing that for future concerns and the lack, especially for inner-city Melbourne municipalities. Sorry for the interjection.

The CHAIR: No, it is interesting to hear, because I thought it was just a greenfields, growth suburb-type issue. But no, very interesting.

Mr SCHMID: I think maybe if I just add as well, we are all getting population increases. I think we have outlined that generally in our submission, and that then has flow-on effects as younger people come into the area and that places increased demands on the fields. Active use: obviously when that is the predominant use of it, but also passive uses, because there are shortages of open spaces and so forth around.

There have actually been some pretty good grants around from state government to get additional funding to help with some of the lighting, and it does result in maybe one or two a year, depending on how you get the grants et cetera. But that has been one where can progressively increase as the years go by. But it definitely is an issue, because it is very difficult to get additional active open space land unless you are in a growth area where it is already planned out through precinct structure plans. So we have to look at innovative ways of how we provide for additional demand, and part of that we have identified could be through some joint use of school grounds.

It probably needs some sort of policy shift, I guess, within the education department to be more supportive of that. I think a lot of schools are quite keen to not open them up sometimes, because it does have implications for security and overuse and so forth. But we definitely do identify it as another way of trying to increase the ability to provide for more sporting use, I guess.

The CHAIR: I imagine particularly if we are building new schools and thinking about that.

Mr SCHMID: Yes.

The CHAIR: Only because they are conversations that I am having.

I know that on our agenda we were going to break at the moment, but I think there is really great momentum. I just want to make sure that witnesses are okay with pushing through closer to 4 o'clock without a break as opposed to going on to 5 o'clock, if that is okay? If you need a toilet break, I think just switch your camera off and no-one will know. David, I am going to throw to you.

Mr MORRIS: Thanks, Sarah. I would just be interested in the views of all three councils. Andre was talking about the delay in planning scheme amendments. Others have talked about the delay in planning scheme amendments—what is now clearly and has been for years a deliberate tactic on the part of the department. Of course councils as responsible authorities need to consider planning applications within 60 days. We have just amended the planning and environment Act to require councils to release annual reports within a particular time frame, and it occurs to me that there is no time frame set for either approval of requests for planning scheme amendments or in fact to finalise them at the other end. They go into the department and they sit on the minister's desk. What are your thoughts around potentially legislating to impose time limits on consideration of commencement and finalisation of planning scheme amendments?

Ms O'KEEFFE: Two thumbs up.

Ms OLLIVIER: I reckon I would focus on simplifying the process. I think there is lots of goodwill in the department. I think it is complex and there are barristers that get involved. There is this whole process that takes them time; it takes us time. I think I would put my focus on, rather than a time limit, actually trying to simplify some of the bureaucracy and the process involved.

Mr MORRIS: I am not sure whether they are in the upper house, whether they have gone through or not—the amendments that are either currently before the Parliament or have just gone through will effectively allow the minister to involve himself in what is in a planning scheme amendment before consent is given to even put it on exhibition. It seems to me that there is a desire to centralise control even more. That may give consistency, and I am not saying that is necessarily a bad thing. I guess my starting point is it should be local. The intent may be to give consistency, so I am not decrying that. If it is all one way and not the other and there are no time limits, it gives neither you nor the development industry certainty. That is the issue, I guess.

Mr SCHMID: I think also that time frames have extended out over different parts of the process as well, and policies—we do not often know what they are internally within, for example, DELWP—can kind of change. We will have discussions with certain staff members at our level, I guess, and we are told certain things

if we go down that process, and then a year or so later, depending on what stage of the process, things may have shifted a little bit or the focus on the types of tools to use may have changed. Also, probably over the last two to three years, there are a lot of prediscussions that we are having now that probably have been added into the process that were not there previously. I mean, we have sort of outlined two quite major and complicated amendments through our submissions, but even with some of the more simple, site-specific ones et cetera, there is a lot more involvement with officers than what used to be. To get authorisation we are having to do a lot more work and we provide information beforehand. That can often push the process, even at the start before you even get to authorisation, and then through the authorisation and the panel hearing process et cetera and then to the minister stage. Just all the way along the track things have changed quite significantly in terms of times, and also we get a little bit confused at times about exactly where things are at with that. I do not really know if there is an answer to that. Things have pushed out across the board, really, how we go through an amendment, compared to what it would have been maybe five or 10 years ago.

Mr MORRIS: I go back to the days when the current Act was first introduced and we did not need to jump any hurdles in terms of commencing a planning scheme amendment. We just did it. We went through the process. We had the panel hearing if necessary and then it was dropped into the department. That was the sole involvement of the department—dealing with what was handed up to them. Now, I think the broader input has probably improved the process a bit, but it is certainly a lot more complicated than it was to start with, and that was considerably more complicated than the earlier *Town and Country Planning Act*.

Mr FOWLES: Well, fair to say that building has changed a bit since the 1950s as well, hasn't it, David?

Mr MORRIS: Well, building has. I mean, the principles of planning are pretty consistent.

Ms JEWELL: I think what we have certainly observed, and not only just from Glen Eira's perspective but across the board because we do keep a really sharp eye on what other councils are doing, is that there are certainly a greater amount of amendments that are not only sitting in the minister's office for a long time but are also being abandoned. That kind of suggests that they are ill-founded in the first instance. We have gone through, ourselves, a process that has resulted in council determining only a fortnight ago to abandon a very significant amendment, which went through several iterations and was submitted originally two years ago to the department. We are sort of saying, 'Well, yes, it was our fault for going down that path, but why was a red flag raised late rather than early?'. So I know we are straying onto something far beyond what we were originally discussing, but that would be my two cents worth—that there perhaps needs to be a lot more rigour surrounding authorisation than perhaps there has been in the past. Even with our recent authorisations—because we have a very busy and proactive strategic planning agenda—we are noticing a lot more rigour going into the assessment of our applications for planning scheme amendments now.

Mr MORRIS: So get it right at the front end and then you do the public consultation process, and if something is thrown up there that changes plans, well, that is one thing, but if it just sails through the rest, then you would have a right to expect that the final status would be relatively straightforward. Okay. That is helpful. Thanks, Sarah.

Ms O'KEEFFE: Can I just add something else to that discussion: I think we always need to keep in mind that external factors do influence planning. Political factors always influence planning, and one thing we have been particularly mindful of during the pandemic is that there has been a real focus on economic stimulus and supporting the development industry. When it comes to open space I think the pandemic has really shown the importance of open space for the community and perhaps the focus should also be on the wellbeing of people and the many benefits that open space has, rather than just on that economic stimulus focus.

Mr MORRIS: I could not agree more.

The CHAIR: Thanks, Amy. Will.

Mr FOWLES: Amy, I think that is absolutely spot on, and as with almost all government decision-making there is a balance to be struck between the various competing interests. I wonder if I could just get you all to pull back a bit from the detail of your submissions and see if you could proffer a view about if there was just one thing you could change about the way in which we provide environmental infrastructure to our respective communities, what would it be?

Ms JEWELL: The levy.

Mr FOWLES: And what would you change about the levy, Kate?

Ms JEWELL: That the percentage was able to be calculated by a municipality based on their needs, presuming it is a fairly standardised needs analysis that is carried out. All one has to do is look at open space strategies across various municipalities and there are very common themes that run throughout. Obviously some are a lot more weighty and targeted, but I think if the municipality can strike a rate that they think is suitable—and in Glen Eira's example I think we are saying 8.5 per cent across the board; if other councils are going for 10, more power to them but 8.5 is where we think is good for us—then I think the process therefore should be a lot simpler.

Mr FOWLES: And Monash?

Mr SCHMID: It probably reiterates what was said in the submission, but I would say to have a look at the *Subdivision Act*, because that is an Act that was conceived in the 1980s when and how development occurred and the intensity of that was quite different. The inability to get open space contributions on two lots, which make up I think about 30 or 40 per cent of our subdivisions, is quite a significant issue in this day and age. But just generally to have a review of that *Subdivision Act* and how that works and to modernise it, I suppose.

Mr FOWLES: Thank you. Darebin?

Ms OLLIVIER: I think I would say standardise the levy as well. So a standard methodology that essentially is then that calculation based on need—so, similar to Kate. Lina, did you have a view?

Cr MESSINA: I think you hit that on the head, but I also wanted to perhaps look forward at sporting grounds and the lack of sporting grounds and how we are going to work on the demand versus the scarcity of sporting grounds, especially in inner-city Melbourne.

Mr FOWLES: Beauty; thank you. I am done, Sarah.

The CHAIR: Thank you. Paul, do you have any final questions?

Mr HAMER: No, I am done as well.

The CHAIR: Okay. All right. Well, I want to thank you all for your time today. I can see, Kate, you want to jump in.

Ms JEWELL: No, no, I just wanted to thank you for the opportunity to articulate further. I think it has been really, really valuable both ways. Obviously we do discuss it with our own colleagues, but I think we have all appreciated this opportunity and hope sincerely that something does come of it.

Cr MESSINA: There is a need; there is definitely a need.

The CHAIR: I would not be too shy in saying on behalf of the committee that I think that we are hearing a lot of things that will probably come into the final report and we can see the need, whether we are in this committee or whether we are on the ground in our communities. There are a lot of things that we are hearing and have heard, particularly from councils and in conversations we are having within our local communities as well.

I will say thank you, and I will end the live broadcast there.

Committee adjourned.