

TRANSCRIPT

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Ecosystem Decline in Victoria

Melbourne—Tuesday, 11 May 2021

MEMBERS

Ms Sonja Terpstra—Chair

Mr Clifford Hayes—Deputy Chair

Dr Matthew Bach

Ms Melina Bath

Dr Catherine Cumming

Mr Stuart Grimley

Mr Andy Meddick

Mr Cesar Melhem

Dr Samantha Ratnam

Ms Nina Taylor

PARTICIPATING MEMBERS

Ms Georgie Crozier

Mr David Davis

Dr Tien Kieu

Mrs Beverley McArthur

Mr Tim Quilty

WITNESSES

Mr Stuart Moseley, Chief Executive Officer,

Mr Paul Cassidy, Director, Streamlining, and

Mr Peter Murrell, Sustainability and Liveability Officer, Victorian Planning Authority.

The CHAIR: I declare open the Legislative Council Environment and Planning Committee public hearing for the Inquiry into Ecosystem Decline in Victoria. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the traditional custodians of the various lands which each of us are gathered on today and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings. I would also like to welcome any members of the public who may be watching these proceedings via the live broadcast.

With that, I will just quickly take the opportunity to introduce committee members to you. I am Sonja Terpstra—I am the Chair of the Environment and Planning Committee. Mr Clifford Hayes is the Deputy Chair. Up on Zoom we have Ms Nina Taylor, Mr Stuart Grimley, Dr Matthew Bach and Dr Samantha Ratnam. Back in the room we have Mr Cesar Melhem, Mr Andy Meddick and Mrs Bev McArthur.

All evidence that is taken is protected by parliamentary privilege, as provided by the *Constitution Act 1975*, and further by the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded and you will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

Now, just before you get underway, if I could get you to state your name and the organisation that you are appearing on behalf of.

Mr MOSELEY: Stuart Moseley, Chief Executive Officer, Victorian Planning Authority.

Mr CASSIDY: Paul Cassidy, Director, Streamlining, Victorian Planning Authority.

Mr MURRELL: Pete Murrell, VPA, Sustainability Officer.

The CHAIR: Great. Thank you. With that we will actually get underway. If you could please keep your opening remarks to about 5 or 10 minutes, that will allow plenty of time for all of us to ask you questions. So over to you.

Mr MOSELEY: Thank you. And thank you to the committee for the opportunity to present and be questioned today. We will be very quick. You have got our submission, so we might just draw out a few points to lead into the discussion.

Visual presentation.

Mr MOSELEY: Firstly, about the Victorian Planning Authority: we are a statutory entity responsible to the Minister for Planning. Our job in life is to structure plan and up-zone designated growth areas in outer Melbourne, in established Melbourne and in regional cities and towns, so we are a place-based planner. Our job, if you like, is to take government policy and map it into place in the form of a structure plan that forms the rules for subsequent development. We do not do development. We do not issue permits. We do not build infrastructure. We are a planning authority.

Our interface with ecosystems and biodiversity happens when we do our planning work. The most prominent example would be outer Melbourne, where we work basically to deliver the Melbourne strategic assessment,

which has proven to be a really valuable tool for the streamlined and orderly setting aside of land of high biodiversity value in our fast-growing outer suburbs. That is not just land-based biodiversity, but also in our planning work we work with Melbourne Water to make sure that the waterways all the way leading down to the bay—the marine ecosystem, and the riverine ecosystem are also protected as development occurs.

We have an active role in established Melbourne, and the significance of that for this committee I think is: the more we can provide opportunities for people to live closer to existing jobs and services in our built-up areas, the less we need to provide for them in the form of urban expansion where the interface with areas of biodiversity value is increasingly pressing. So our role in contributing to the compact city that *Plan Melbourne* calls for is around making the most of the designated areas that we structure-plan for urban renewal. I will mention one of them later on.

Typically we take the work done in the BCS and we truth it, apply it in place and make sure that land is protected from development. When we do that more detailed work we sometimes find there is a need to adjust the boundaries from the BCS. By and large that happens smoothly, but it is probably something this committee should consider, you need to do high-level work to protect areas assessed to be of value, but the more detailed work you do, the more you find out, the more you need to be able to adjust on a no-net-loss basis of course.

The MSA, we would say, has been extremely successful. I guess it is easy for us to say that given that we are not the organisation buying the offset land; we are the organisation protecting the identified areas of value. It has really helped streamline our planning work, and it makes it a lot more efficient than if you are doing that case by case. But outside of the MSA we have these things called logical inclusions, which were added to Melbourne's growth boundary after the MSA, and in those areas it is a case-by-case exercise. But generally this too works well. It takes a bit more time, but it is accepted by the development sector and local government and DELWP Biodiversity, and it works well.

But there is a looming issue this committee should probably have in its scope, that we are now seeing growth of scale in regional cities—Ballarat, Bendigo and Geelong—where that sort of strategic assessment has not been done and it is already appearing that there is uncertainty. Geelong have identified northern and western growth areas. One of them at least is already in an urban growth zone, which is a holding zone, and now they are finding they have significant biodiversity issues, whereas if an BCS had been done first, that would have helped that situation.

Urban renewal I think is relevant to the terms of reference for this committee, not just in terms of compact urban form but what ecosystem benefits can we build into urban renewal areas around tree canopy cover and around integrated water management. Arden is a significant example, where the aquatic ecosystem of Moonee Ponds Creek is highly modified but has great potential for enhancement if we can flood-proof Arden and get the right water quality treatment into that precinct. So it is not just about stopping buildings getting wet, it is about actually improving the water quality in the Moonee Ponds Creek and points downstream.

This last slide, I guess, is a view the VPA has that the open space network for greater Melbourne is best viewed as an integrated and connected whole and managed for its biodiversity values, its recreation values, its amenity values, not just for land-based ecosystems but also riverine and ultimately marine ecosystems. And we think in an environment where greater Melbourne is becoming denser, it is beneficial to look beyond the historical view of 'open space equals a park' to think about other forms of biodiversity values in our built environment. Roof gardens, green walls, communal open spaces, innovative use of streets, laneways, utility corridors, transport corridors and institutional land—all of these things have a value for biodiversity. And the more you can look at it as a whole, the better the outcomes will be.

Unless Paul or Pete want to add anything, I think we are happy to open it for questioning. Are there any key points? No? So we are in your hands.

The CHAIR: Okay. Great. Thank you very much for that. That was a really interesting presentation. Mr Hayes.

Mr HAYES: Thanks very much for the presentation. I am very interested in that metro open space strategy you were just showing us then. I just want to ask: how is the VPA accounting for biodiversity losses owing to habitat loss, and how is this being reported and documented in terms of species impacted or how these developments in these areas act as drivers for species being put on the endangered or threatened lists?

Mr MOSELEY: I might ask Paul and Peter to deal with that, but in principle we swing in behind the BCS, and so we only need to justify ourselves really when we are departing from that. But in practical terms, Paul is one of our most experienced structure planners. He has been working in outer Melbourne for a decade, so I am very happy, Paul, for you to give an insight on that.

Mr CASSIDY: We essentially work very closely with DELWP Biodiversity in translating the higher order plans that Stuart outlined, the growth corridor plans, which show the conservation areas that have been determined as part of the Melbourne strategic assessment and the biodiversity conservation strategy, and we translate that into precinct structure plans. So our work enables those boundaries to be set and incorporated into the planning scheme and land to be ultimately managed. So we rely on the directions of the Biodiversity Conservation Strategy and the listing of species that that outlines are endangered or threatened, and setting aside the land to protect those species is part of the biodiversity conservation strategy. So that is our main operation. And as Stuart mentioned, prior to the Biodiversity Conservation Strategy and the Melbourne Strategic Assessment, this was done all individually on a very localised basis, and I would say the biodiversity outcomes were probably overall more fragmented. Smaller parcels of land were set aside which are more difficult to manage. And so we set aside significant areas along waterways, corridors and grassland reserves, and where we cannot set the land aside, the Melbourne Strategic Assessment kicks in and levies offsets for the preservation of land elsewhere.

Mr HAYES: I was interested in the wildlife corridors that you showed on the map there. I am just wondering: you talk about ‘no net loss’ of biodiversity—do you have to use offsets to achieve that? And how much land do you have to purchase in terms of offsets if that is the case?

Mr MOSELEY: I might just clarify that. When I used that phrase I meant ‘no net reduction in the protected areas’.

Mr CASSIDY: That is right.

Mr MOSELEY: So we report in the form of the studies that we do and the changes to the boundaries that we substantiate, but the idea is always that there is no net reduction in the area of protected land. And as Paul said, based on the BCS, in our PSP area—precinct structure plan area—there will either be land that is set aside and cannot be developed or the development that does occur will pay an offset amount through DELWP’s arrangement to secure land elsewhere. So if you are a landowner in a PSP area, you either contribute land, in which case there is a compensation mechanism—I might ask you to talk about when that applies—

Mr CASSIDY: Yes.

Mr MOSELEY: or you contribute an offset amount.

Mr CASSIDY: So the important thing is that this is all governed by the Biodiversity Conservation Strategy and the Melbourne Strategic Assessment, which is the overarching policy, so when we are determining the Precinct Structure Plan this is all mapped, all the areas that need to be protected. Prior to our structure planning it is already mapped, and we translate that into a spatial plan. Sometimes we find local anomalies or potential improvements that we work closely with DELWP Biodiversity to adjust, and that is allowable on the basis that we do not reduce the overall area.

Mr HAYES: Is this what was used in the western grasslands disaster?

Mr CASSIDY: Well, the western grasslands reserve is land outside the urban growth boundary, and offset fees are paid by developers, which go into a pool to fund the acquisition of that land, which is obviously progressing—

Mr HAYES: Rather slowly.

Mr MOSELEY: It has its own issues.

Mr CASSIDY: It has its own issues, depending on your view. Acquisitions obviously have been occurring—maybe not as fast as some would hope.

Mr HAYES: But that is the principle—that that should happen more rapidly or effectively.

Mr CASSIDY: Again, the key thing from our point of view is setting aside the land inside the urban growth boundary. The management of the grasslands and the management offset fees is not something that the VPA is charged with—managing that is the Melbourne Strategic Assessment team at DELWP.

Mr MOSELEY: That said, we strongly support the mechanism because it makes sure that everyone pays their fair share and it gives confidence. So for people who do not have to set land aside, they know it is a transaction: they pay an amount, they get their permit.

Mr CASSIDY: And as an example: prior to the MSA grassland reserves were being set aside within the urban growth boundary, but they were often small, very fragmented, extremely difficult to manage, and biodiversity-wise—and I am not a biodiversity expert, but it is certainly what we have heard from those colleagues in DELWP—problematic in terms of actually having a critical mass to enable ecosystems to operate effectively, hence the large grasslands reserve-type approach and the significant areas we are setting aside for the Growling Grass Frog on waterways and things like that.

The CHAIR: I might just ask some follow-up questions from Mr Hayes's line of questioning. So when you talk about when you are looking at some developments and you are analysing, I guess, the biodiversity value of the particular land—you were mentioning overarching policy—are you referencing the strategy *Biodiversity 2037*? I just was not sure which policy framework you were talking about.

Mr CASSIDY: I know it is there. I am not quite sure of the year, but certainly the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (June 2013) is linked to the Melbourne Strategic Assessment. That actually governs what land is spatially set aside within the areas we plan. So I suppose our primary role is to ensure that what is in those strategies is translated into a spatial plan and that when you finish your precinct structure plan, which is incorporated into the planning scheme, the correct zone applies to ensure that it is a conservation zone or it is a residential developable zone or a—

The CHAIR: But it sounds like it is part of a planning approach, whereas I am talking about an environmental overarching policy approach to conservation. That is what I am saying. You can provide that on notice if you like, because if you do not know, that is fine. I am just wondering about the intersection of planning and environmental—the way that is looked at. That is fine. You can provide that on notice if you like.

Mr MOSELEY: Well, happy to do that. But a final comment would be that we assume government's policy intent is reflected in the BCS and the MSA, because that is the instruction we have got and that was signed off by cabinet for our planning work. I think an issue for this committee might be if subsequently there is a recognition at a policy level, which means, 'Well, hang on, we actually need more or different'—

The CHAIR: To update.

Mr MOSELEY: That is—

The CHAIR: Yes, a decision for government.

Mr MOSELEY: That is right. And if that happens, if we are given new rails to run on, then we would implement that.

The CHAIR: No, that is fair enough. Just on offsets, and I am kind of familiar with this as well. It may not be a question for you. It might be more for someone else—it could be DELWP. When you are talking about offsets, so you are going to develop some land and there might be an area in there that cannot be developed, or if there is an area that could be developed, then there is an offset provided. Now, I have seen in dispatches—I cannot remember exactly where—where some planning is done or a development is done, an offset is provided elsewhere. How, then, are those offset areas managed for their continuing survival or thriving of biodiversity? You might say, 'We couldn't protect or preserve that area there, but in terms of the development X amount of land over there will be'. Who is responsible for, I guess, maintaining that offset? How is it done? And, like I said, if you cannot answer that, it might be for someone else.

Mr CASSIDY: Look, in truth, it is probably not a role that the VPA has a great deal of expertise in. As Stuart said, we do not manage land, so it is not an area that we are responsible for. It is probably a question that is probably for others in government most likely. Go on, Stuart.

Mr MOSELEY: In principle, if it is an MSA offset area, then DELWP Biodiversity oversee that. They make sure the land is purchased.

The CHAIR: So the developer does not have any responsibility, for example, in managing it?

Mr MOSELEY: If it is outside the MSA area, then we would I think typically look to the developer to provide that offset to the satisfaction of DELWP Biodiversity.

Mr CASSIDY: That is right. Yes.

The CHAIR: Right. Yes, okay. And like you said earlier, there could be some financial contributions that the developer pays. For example, I know in councils sometimes there is a fee that they might have to pay as part of a development for maintaining parks or whatever it is as part of that. But I am just wondering if there is an offset elsewhere—outside that development—how the mechanism works. I accept your point; it is not you guys, but who is it and how does it work?

Mr MOSELEY: So, we would rely on advice from DELWP Biodiversity, and I would imagine in situations where the offset amount is collected by a public authority, that would have a high level of confidence. In fact that is probably the only option, isn't it? It has to be collected and expended by a public authority of some sort.

The CHAIR: Yes, so it is a question for that authority.

Mr CASSIDY: And we do understand that there is a determination, if there is a proposal for an offset, that DELWP—if it is in the regions, the regional offices—will look at that and determine, 'Is there actually an offset that is available to be purchased or acquired or managed?'. And if there is not, then the developer may be required to preserve that land in site. So it is not automatically available; there is an assessment process to determine whether it can be secured in perpetuity et cetera.

The CHAIR: Okay, thank you. Ms Taylor.

Ms TAYLOR: Thank you. I just want to expand a little bit—and there is a risk of me stating the obvious here—but just to understand the linking of the open space network. Is the premise of that that that is the best way to foster biodiversity, because biodiversity does not function in a linear way so to speak in terms of fostering ecosystems, and secondly just to improve overall amenity? I just want to understand more about that approach and that direction, which sounds a good one, but I just want to understand it better.

Mr MOSELEY: I think from our point of view the benefits we see in some cases are because habitat is indeed linear. So a waterway, for instance, is a connected network. In other cases it is because of their recreational value—you know, for movement trails and for connecting people with their environment. And the other set of values would be around amenity and pleasantness and landscape outlook. So those are the reasons we would see a coordinated network as beneficial.

Mr CASSIDY: And I suppose we treat the open space network as an integrated network, and the recently released open space strategy has those themes as well. So we see benefits even in conservation land that may be set aside and preserved for the primary purpose of conservation. Where we can we work with DELWP or the local council to ensure that people who might be living in these areas can get reasonable access around, sometimes within depending on the values, so you actually build an overall appreciation of the conservation values. So we see a really strong value because, as I say, open space is a network where all the various functions, if carefully thought through, can actually complement each other.

Ms TAYLOR: Gotcha. Thank you very much. That was very helpful.

Mr HAYES: Thanks a lot. I might ask Dr Ratnam—would you like to ask some questions?

Dr RATNAM: Thanks, Deputy Chair. Thanks, Mr Moseley, and thanks for your submission and presentation today. I can understand why forward strategic planning seems the best way to go, and I obviously understand your advocacy for it. However, we do need to know that it is actually going to deliver the ecosystem and biodiversity outcomes that we want to see. For example, it has been 10 years for the Melbourne strategic assessment that you referred to and the government has done just about 10 per cent of the acquisition it was meant to. Do you have any insights into why the government has failed to deliver the MSA outcomes? And I guess more importantly, what can be done at this time to ensure that they are actually delivered as soon as

possible? And in future, for future strategic assessments, how can we be assured that we are not going to face the same problems?

Mr MOSELEY: I think it is probably something we should not comment on as it is not our wheelhouse. As Paul said, our obligation is to make sure our planning reflects the MSA. The implementation of the offset arrangement is something probably best commented on by somebody who has insight, which we just do not. We acknowledge there are issues. You know, we have seen the response to those issues, but I think at the time the MSA was signed off it was agreed as, ‘This is the way to manage biodiversity over the life of these corridors being developed’, which at the time was maybe, I do not know, Paul, 30 years?

Mr CASSIDY: Yes, that is right.

Mr MOSELEY: And so we have got another 20 years to go, so it is a long-term play, but I think it is best we do not offer observations on that as we are not responsible for it.

Dr RATNAM: Could I ask then, as a follow-up, what is your accountability to the MSA? So what part do you all have to report to or account to, if any?

Mr MOSELEY: So we are accountable through DELWP Biodiversity. Our work ultimately is signed off by Richard Wynne as Minister for Planning. He receives advice on whatever we submit to him from his department, which includes DELWP Biodiversity. In effect, if DELWP Biodiversity do not think we are implementing the MSA, then that is a red flag and we would almost never get past that. So we work in partnership with DELWP Biodiversity and make sure that they are happy that we are doing what we are meant to do. The bigger question about, ‘Is this giving us the outcome that we would want?’, and I guess 10 years is a long time—things change—that would be an issue for DELWP Biodiversity to comment on. But we are certainly held to account to make sure our planning work is consistent with that strategic assessment.

Dr RATNAM: So in that regard, have you met the requirements according to DELWP Biodiversity? So if you say they have to sign off your part of it, do you feel that VPA has done their part of it? Is that what you are saying? And you cannot comment on why the whole project has failed in other regards.

Mr MOSELEY: That is correct. I am looking at Pete and Paul in case there is anything, but we have a very good and close working relationship with DELWP Biodiversity, and our job is to make sure the land within the urban growth boundary that needs to be set aside is set aside. And then the rest of it, really as development happens the offset fees come in and then it is up to others to secure that land. So any questions about that process are best directed to them, I think.

Dr RATNAM: So is that to DELWP, then? Are you suggesting that that question is better answered by DELWP?

Mr MOSELEY: Yes.

Dr RATNAM: Okay, thank you.

Mr CASSIDY: In terms of clarifying, within the areas that we plan we are still setting aside significant areas for conservation. So as part of the Biodiversity Conservation Strategy, one of the key elements is setting aside land along waterways for the Growling Grass Frog. Essentially that is 100 metres each side of key waterways in the growth areas. That is a significant amount of land that largely does not need to be acquired. It is actually not developable, and it is set aside as part of the planning. So it is not just offsets on land outside the Urban Growth Boundary.

The CHAIR: It is specifically set aside.

Mr CASSIDY: It is strategic sites, land, that should be preserved within urban communities, and we ensure that that is set aside in accordance with the BCS and in close cooperation with DELWP Biodiversity.

The CHAIR: Yes, great. Thanks. Mr Meddick.

Mr MEDDICK: Thank you, Chair, and thank you, gentlemen. I suspect that the bulk of what you are going to be asked is all about offsets—criticisms thereof. The main criticism on the ground in communities is that, first of all, the paying of a fee as a means of abrogating your environmental responsibilities when you are a developer in the majority of cases does not result in an outcome that is acceptable to the communities.

Secondly, when offsets are left to developers to include in their planning processes, in their applications, they never actually result. In other words, they are in there—they put in their application and a local council may approve that—but they never actually fulfil their obligation under that planning application, and councils do not insist upon checking to see whether that actually happens. But when they do, they are not like for like.

I take into account what you are talking about—that growling grass frog, for instance. Let us say, for instance, a developer wants to put 120 houses in the Armstrong Creek area and it is decided that there is a significant area of growling grass frog there, but they are allowed to develop that area. They go off somewhere else and there is a bit of grassland on a farm somewhere down in western Victoria that has no relevancy of similar biodiversity value, but they are allowed to do that. Now that is a criticism that is coming from grassroots people all around the state. Where is this breaking down? You were alluding to it in what your answers were to other questions in that that is not your area of responsibility. Whose area of responsibility is it? Where is the breakdown occurring? Because what is actually happening, and why this inquiry is actually here, is that loss of biodiversity, and if we are not protecting that when we are creating a bank of offsets—we are just looking at land—they are not real outcomes. People are expecting to see an area, if an offset is allowed, that is exactly like for like so that those species are kept going. Is it at local council? Is it higher up in DELWP? Where is it? Where does it lie?

Mr MOSELEY: Given that this is not an area we have visibility on, I would say those are questions for DELWP Biodiversity and probably secondarily DELWP Planning Group insofar as the decisions of the responsible authority, the permit issuer, give effect to that offset arrangement. From our point of view, I cannot stress strongly enough that in the early expansion of Melbourne's outer suburbs land of biodiversity value was protected in an ad hoc way, and as a result of that you do see little islands of fenced grasslands which are not well maintained, not well used, sometimes pose a fire hazard and are not connected to anything else. In our view that does not get you the outcomes you need and an integrated model has much more potential because you can protect the areas of value by size and connectivity and other things that need to be protected, and where you can get better outcomes through an offset, everybody contributes to that and everybody gets certainty. I acknowledge it relies upon land of appropriate biodiversity value being secured in a timely way to provide those values. I would have thought that with the quality question, the expert adviser on that in a policy sense would be DELWP Biodiversity and then it would come to the responsible authority, which typically is the councils, to make sure that the planning decisions and conditions give effect to that.

Mr MEDDICK: We often see, for instance, where it is trees, an area of land is set aside and they will replant trees. But you do not see—that is decades, 50, 60 to 100 years down the track there is a realisation of that asset then if that is not already then taken into account for another development.

Mr MOSELEY: Yes. The whole benefit of a strategic assessment falls down if the required offset areas are not doing the job they are meant to do, but we are not able to comment on that. We are not biodiversity experts and we are not administering that part of the process.

Mr MEDDICK: Yes. Fantastic. You have answered very well. Thank you.

The CHAIR: Mr Grimley.

Mr GRIMLEY: Thanks to the VPA for their submission today. I have no questions at this stage and I will refer to my colleagues. Thanks.

The CHAIR: Okay, thank you. Dr Bach.

Dr BACH: Thank you, Chair, and thank you all for coming along. I am a metropolitan member and I am particularly interested in the preservation of green spaces and open spaces and our green wedges in metropolitan areas. So I certainly note the comments that you have already made, both in your presentation and in particular in relation to a question that Mr Hayes asked, about your thoughts about how we can do better to seek to preserve as much of our natural environment in metropolitan areas as possible, but I wonder—just an entirely open-ended question—if there is anything more you can tell us about your views on that front.

Mr MOSELEY: I think I can only reiterate that we need to think innovatively about what land it is that will give us this benefit, and there cannot be a linear relationship between growth and land area—so to take an extreme example, the population of the city of Melbourne has exploded over the last two decades. The amount of open space in the city of Melbourne has not changed much. What there has been is much more intensive use and, I would say, better embellishment and management of what we have got. So in most of established

Melbourne it is not practical to find new land, it is about better connecting and using what you have got. And supplementing that, why do we not view infrastructure corridors as biodiversity assets as well as infrastructure assets? Why do we not view public transport, heavy rail corridors in particular, as having a connectivity value? Streets and laneways can have a biodiversity value or at least an amenity value if they are planned as part of an integrated network.

So I think my only comment would be: when we approach a precinct like Arden we are thinking not just about what is the open space in a traditional publicly owned park sense, we are thinking about how can flood-proofing contribute to amenity, recreation and biodiversity? How can we design communal space into apartment complexes, which might be space above ground level, which does have a greening value through deep soil landscaping and other provision? It is balconies, green walls, green roofs. So we are often talking to councils who say, 'Oh, the population of this area is going to double. We need twice as much open space', and we say there are other ways of generating benefit that do not rely on what is often—I mean, think of an area like Fishermans Bend. To acquire open space in Fishermans Bend, which the government has done, is extraordinarily expensive. So what other items, what other angles have we got? Pete, is there anything I am missing there in terms of how we view these things?

Mr MURRELL: The only other question probably raised is about streets as well, so looking at streets as a network as well with the green infrastructure. We are trying to do our bit in terms of tree canopy and working with DELWP to look at ways we can allocate provisions or targets around street tree canopy and then the co-benefit of that with passive irrigation and things like water-sensitive urban design, which hopefully can lead to some biophilic outcomes when it comes to biodiversity.

Dr BACH: All right. That is very interesting. Thank you very much.

The CHAIR: Did you want to add something?

Mr CASSIDY: Stuart mentioned the open space portal which is fed into the open space strategy. If I recall correctly, at the time that mapping was done there were around about 9000 hectares of public land of various types—easements, corridors, schools et cetera. Those sorts of things where there is a lot of potential in public lands available, it would be tricky but we could maybe do better at leveraging them, especially in established areas where there is a finite amount of land. So there are opportunities there and I think the open space strategy speaks to those sorts of opportunities and working harder to get better outcomes.

The CHAIR: Great. I might just sort of slightly change topic a little bit—and you may or may not be able to talk about this. I was reading in some submissions from councils and others about the heat island effect. Are you able to talk a little bit about that, and do you take that into consideration as well when you are looking at doing an overall structure plan? How does that effect in established communities perhaps influence or impact how you might look at planning in other areas? Are you able to unpack that a little bit?

Mr MOSELEY: Yes. It is definitely an issue we are alive to and it is another reason why as densities increase both in greenfields and urban renewal settings the provision of greenery, particularly tree canopy cover—which is not just an open space potential, it is a street tree potential—is a design challenge as well. So in our greenfields now we are getting a lot of house on increasingly small amounts of land, meaning there is less room for landscaping. If we could shift to more of a medium-density model of row houses, terrace houses, we would fit the same number of houses—perhaps more per unit area—but we would have more ground plane for landscaping. So there is a variety of techniques that can be used to achieve this. Increasing density is a good thing in a whole lot of respects: more use of urban land; more housing opportunities; and if it is done right, more affordable housing. It is good to have that, but one ought not sacrifice amenity and biodiversity, and the heat island effect is definitely a thing and we understand that.

The CHAIR: Yes, and so when you are talking about street trees, there has been a theme in this inquiry as well around the views of First Nations people, so I am wondering how you as the planning authority might incorporate or take into account First Nations people's views. Certainly with street trees do you look at, when you are looking at planning, indigenous species to a particular area in terms of biodiversity? Are you able to comment on those things as well?

Mr MOSELEY: I might ask Paul to comment in a minute but I would observe that it is actually not our purview to make sure everything is in place for our targets to be achieved. So for street tree targets to be achieved, yes, you need a good subdivision layout with the right road widths and allotment sizes, and we can make sure that happens. But the asset owner, local government, has very strict requirements about street trees

and they do not unfortunately always fully reflect amenity value. They are more about risk—‘Is this going to buckle the pavement, drop twigs, drop nuts?’, ‘Do I have to sweep up the leaves every year?’—and that often means you do not get trees that give you the spreading canopy. Some of the lovely trees we all think of in streets of suburbs we love you cannot do anymore because councils do not want (for example) London plane trees in their streets.

Utilities also have a key role to play. So every utility regulates the proximity of trees of certain types to their assets because they do not want roots getting into their pipes—that costs them money. But it also means again the options are cut down. We had a recent change to the utility clearance rules for street tree planting that was brought in without consultation—at least, that is the story as it was relayed to me—and it instantly about halved the number of trees that could be put into an approved subdivision layout. The subdivision was approved, it was being built, and suddenly it was going to get half as many trees because of a regulation completely exogenous to the planning system.

I might ask Paul to talk about the connection with Indigenous landowners and interests, but I guess I just wanted to say that achieving a target—would that we had the authority to make sure that target was achievable, but we rely on others.

The CHAIR: Yes, sure.

Mr CASSIDY: Certainly in terms of native indigenous planting, as part of our structure planning we do work with local Aboriginal parties when they exist and with Aboriginal Victoria when they do not to assess areas of heritage value. Where they align, where there is a biodiversity value, we seek to maximise the potential of those in terms of their location and how they may work together in a new community. Where we have got urban development adjoining conservation areas, as a general rule our structure plans encourage and sometimes require indigenous planting in those areas, and that is when we work closely with the councils. When we are doing our strategic planning, we are speaking with the councils constantly to ensure that they are comfortable with that if those requirements go into the structure plan, so that we have got a high level of confidence that our plan will translate into the good outcome on the ground. So we are certainly mindful of that. We do not have a view that there should be indigenous planting everywhere. It is more about understanding spatially where that is going to be most appropriate and the best value.

The CHAIR: Okay. Mr Melhem.

Mr MELHEM: No.

The CHAIR: Do you want to?

Mr MEDDICK: Yes. Just as an observational thing—I am not sure if this comes under your purview, whether you can influence whether these happen or not—I saw a really interesting article online the other day on a local council in Melbourne. I am sure you are aware of these massive, big concrete drains. They were all the rage of the day to stop urban flooding, and now there is a real movement to actually turn them over and turn them back into creek arrangements but done in a different way. They are actually landscaped really well to take into account water flows and things like that, but also native planting goes around that to help mitigate any flood happening. They seem to me to be a really great proactive way to counter both things. We are providing then the linked landscapes that you are talking about, and so consequently you are increasing the chances of smaller species in particular in urban environments. Is that something that you would have some sort of purview over to work with the lower authorities?

Mr MOSELEY: Very much so. In our greenfields areas obviously the days of concrete lined channels are well behind us, and thank goodness for that. We work with Melbourne Water, who are responsible for the trunk drainage network, and councils, who deal with the feeder network. That often gives you odd demarcation disputes, but everybody is trying to achieve that much better outcome than that which you just described so well. In established Melbourne, where a lot of those drainage channels from, I suppose, right up to the 50s, 60s were getting built, where our structure planning work touches on them, we do try and work with Melbourne Water to enable innovative solutions. So the Arden urban renewal precinct, which butts up against Moonee Ponds Creek, is a classic case of where we would like to do that, but it is really difficult because that Moonee Ponds Creek channel is basically built up on either side. To redesign it requires land that is controlled by all sorts of people. But the City of Melbourne, ourselves and Melbourne Water are seeing what we can do, ancillary to the Arden urban renewal precinct, that might turn Moonee Ponds Creek into more of an amenity and biodiversity asset rather than simply a drainage asset.

Mr MEDDICK: Great. Thanks.

Mr HAYES: Chair, could I ask just one more brief question?

The CHAIR: Yes.

Mr HAYES: I just wanted to ask: if you wanted to put biodiversity protection into planning law so that it had to be considered in all projects, what particular act or overarching legal framework would you aim to do that in?

Mr MOSELEY: I would say that that is a question for the DELWP Planning Group, but as a planning practitioner, the *Planning and Environment Act* with the Victorian Planning Provisions does enable government to do that. To be effective it relies on good spatial information. What you do not want is for every permit to have to have a biodiversity study attached to it, because then everyone is spending money, time—there is uncertainty. You would want to create as much certainty for as many people as you can and then focus the expensive investigations around the big and high-risk matters. That is where we really, to hammer the point, think the strategic assessment model is a great one, because it enables a whole lot of people to do a whole lot of stuff and contribute to biodiversity values being protected. What we are seeing in the areas that do not have the MSA is that the developers have to do expensive studies, which take time. Some of them understand that and get on with it and others grumble and they do not cooperate. I think there are mechanisms in the planning legislation that are very versatile, but the main thing would be not lumbering any more development activity than you absolutely have to with cost and uncertainty.

The CHAIR: Okay. That is great. All right. Thank you all very much for coming in and giving your presentation today. That has been fantastic.

Witnesses withdrew.