

UDIA (VIC)

SUBMISSION TO GOVERNMENT IN RESPONSE TO

Delivering Melbourne's Newest Sustainable Communities

JULY 2009



UDIA Submission on Delivering Melbourne's Newest Sustainable Communities

17 July 2009

This submission, from the Urban Development Institute of Australia (Vic) is laid out in five parts, dealing with each aspect of the draft new Urban Growth Boundary (UGB) separately.

The parts are:

- Strategic Impact Assessment Report
- Urban Growth Boundary Review
- Regional Rail Link
- Outer Metropolitan Ring Road/E6 Transport Corridor
- Refinement of Urban Growth Boundary

Table of Contents

Executive Summary	2
Recommendations	6
Strategic Impact Assessment	8
UGB Investigation Areas	16
Regional Rail Link	18
Outer Metropolitan Ring Road/E6 Transport Corridor	21
Refinement of Urban Growth Boundary	22
APPENDIX 1	25
About UDIA	29

Executive Summary

The Urban Development Institute of Australia (Victoria) (UDIA) is broadly supportive of *Delivering Melbourne's Newest Sustainable Communities*. The UDIA is particularly pleased to note the whole-of-government approach that has been taken in ensuring that there is sufficient land supply for Melbourne's burgeoning population. The extension of the Urban Growth Boundary (UGB) is a welcome first step in ensuring that Melbourne has an adequate land supply in the face of ongoing population pressures.

We applaud the government for integrating major transport upgrades and environmental sustainability in the draft new UGB. The collaboration shown by the Department of Planning and Community Development, Department of Sustainability and Environment, and Department of Transport is essential and is welcomed by the industry.

The industry is, however, concerned that the expansion of the UGB is only the first step in ensuring that the land is ready for development. The slow pace of the Precinct Structure Planning process has meant that the last tranche of land brought into the UGB has only just begun to be brought to market. We are hopeful that this experience will not be repeated and that new land zoned "Urban Growth Zone" will be able to be brought to market in a more timely manner.

While we are broadly supportive of the draft new UGB, this submission contains our comments and recommendations.

Strategic Assessment Report

The UDIA considers that the overarching philosophy for the Strategic Assessment Report should be to reduce red tape, reduce costs, improve certainty and achieve better outcomes (both environmentally and for the community).

When State governments agreed to support the Commonwealth's foray into environmental assessment using the EPBC Act it was done on the basis it would not duplicate state legislation and policy and would focus on places of outstanding international value. As more and more matters have become listed under the EPBC Act the requirement for increased referrals and assessments that only duplicate State processes and therefore add little or no value have increased and lead to significant unnecessary delays, costs and red tape.

This strategic assessment does in principle provide a very significant opportunity to eliminate hundreds of future referrals and assessments and more importantly to achieve significantly better environmental outcomes. The distinctive features of the EPBC Act that has allowed this strategic

environmental assessment has precipitated some much needed strategic “environmental” planning in Victoria, whereas the Native Vegetation Framework is by its very nature reactionary, ad-hoc and outcomes are questionable and costly.. Assuming a blanket approval can also be granted for all future actions consistent with the plan/program the potential to reduce red tape, time delays, unnecessary costs and increase certainty is significant. The UDIA is very supportive of this approach.

However, the intention of the report, commitments and “prescriptions” appear only designed to satisfy future Commonwealth requirements and falls short of satisfying all (or at least as many as possible) future Victorian requirements. The UDIA considers that the outcome should be made to resolve with certainty the requirements under the Victorian Flora and Fauna Guarantee Act (FFG Act), Planning and Environment Act, the Native Vegetation Framework, vegetation overlays, Victorian Planning Provisions and so on. This would eliminate the need to prepare Native Vegetation Precinct Plans. A similar blanket approval should also apply to all Victorian flora and fauna requirements and mitigate the need for future site surveys, permits, assessments, plans and approvals.

If the intention is to achieve less red tape, greater certainty and better outcomes, it is difficult to understand why this strategic assessment, which breaks new ground, particularly in the area of avoidance, minimisation and offsetting would then provide prescriptions for further (additional) efforts at later levels of planning and development to again avoid, maintain and offset under Victorian legislation and policy.

The report seeks to support an argument that small remnant pockets of native grasslands should not be retained, unless they form part of a contiguous area of native vegetation under the same type of management which is said to be typically of at least 150 hectares. The UDIA considers this to be a step forward. If native grassland is permitted to be removed, it still requires to be offset. What is not set out anywhere in the assessment, is a basis which would enable one to determine what the economic cost will be for providing that offset within the nominated grasslands. In addition, the assessment report says that parts of these reserves, “Will be made available as offsets for grasslands cleared within the Urban Growth Boundary.” The UDIA seeks clarification that this means both the existing Urban Growth Boundary and that to be expanded.

UGB Investigation Areas

The UDIA is concerned that the approach taken in establishing new UGB boundaries in many cases may present long term interface issues. Urban boundaries are often best established by clear dividing features such as freeways, creeks, ridges and cadastral boundaries. Many of the current proposed boundaries are located along arterial roads, which arguably could be more appropriate as transport spines with development served equally on both sides.

In these instances it would be more appropriate to nominate areas for urban development on both sides of the current or future arterial roads in growth areas.

The current Growth Area plans are showing substantial areas identified as "Significantly Constrained Land". The GAA will need to ensure that appropriate development outcomes are able to be achieved in conjunction with managing the basis for the identified constraint.

Once the new UGB is finalised there is likely to be a push from many land holders in all areas for preparation and approval of Precinct Structure Plans (PSPs). It is important that, regardless of how the land is readied for development, an adequate future land supply of 15 years or more of zoned land is retained.

Different models may be used to help deliver growth area development. Consideration could be given to introducing an equivalent to a Development Assessment Committee format. Such a system would best blend the various roles and interests of GAA / Councils / agencies / Developers / Owners.

Regional Rail Link

Responding to the unprecedented growth in train patronage in recent years, the Regional Rail Link (RRL) is supported by the UDIA as it will enhance the capacity of the regional and suburban railway networks including the "early provision of high quality public transport in urban growth in Melbourne's west".

The RRL will be of great benefit to the new communities in the Wyndham Growth Corridor. As such, the government should commit to ensuring that effective transport oriented development along the Wyndham Growth Corridor is incorporated into the planning of the RRL. In order for this to happen, the government should commit to delivering the four tracks and additional stations that would be required for the benefits to be delivered, as well as ensuring that higher densities and activity centres are located close to stations.

Outer Metropolitan Ring Road/E6 Transport Corridor

The Outer Metropolitan Ring Route aims to facilitate a high speed transport link for freight and people. However, the UDIA considers that an alternative route for the E6 is available to the east, which would be more effective and less disruptive.

Refinement of Urban Growth Boundary

The UDIA considers that there is a clear risk that a fixed investigation approach to boundary settings could repeat the mistakes of 2002-2005 where planning for 'logical' communities has been disrupted by a poorly sited UGB.

The UDIA is aware that a number of submissions have been made to the GAA as part of the first stage of consultation on land outside of the UGB, outside of the previously identified Investigation Areas but within the Municipal jurisdiction of the respective growth area Councils.

In principle, these sites represent short term, sensible development sites that are in a position to make best use of existing infrastructure and would provide a significant short term solution to the immediate land supply needs of Melbourne. This short term land supply opportunity could be accessed without compromising the long term viability of the identified growth areas, the development of which will be undertaken over a much longer timeframe.

The "Sensible Inclusion" sites have a number of common characteristics including the following:

- The sites are contiguous or proximate to existing urban areas and/or services and infrastructure.
- Capable of urban development, with no known significant natural, cultural or infrastructure constraints.
- Their inclusion within the UGB will not distort or change the wider strategic directions for the growth areas.
- Urban development of the land does not require significant or expensive infrastructure upgrades.
- Land has convenient access to local employment opportunities, community services and public transport services.
- The sites can be readily connected to existing services and infrastructure at little or no cost to government in the short term and in many cases infrastructure has already been constructed to site boundaries.

Recommendations

Strategic Impact Assessment

- The government should ensure that the outcome of the report resolves with certainty requirements under the FFG Act, Planning and Environment Act and planning scheme controls over the removal of native vegetation in order to eliminate the need to prepare Native Vegetation Precinct Plans. A similar blanket approval should also apply to all Victorian flora and fauna requirements and mitigate the need for future site surveys, permits, assessments, plans and approvals.
- The final report should ensure the Commonwealth assessment achieves an endorsed plan/program and blanket approval for all consequential actions.
- The government should ensure conditions, commitments and management measures (prescriptions) are formulated to also address future approval requirements under Victorian legislation and policy; and then specify a range of exemptions for approvals at later levels of planning and development.
- Reconsider the need (beyond that specified in Appendix 1, Table 1) for additional avoidance, minimisation and offsetting (under Victorian legislation) at later levels of planning and development.
- Simplify and rewrite the species prescriptions to the extent the proposed measures to avoid, minimise and offset for impacts on ecological communities also addresses impacts on species.
- Clarify that the reserves to be made available as offsets for grasslands cleared within the Urban Growth Boundary are available to both the existing Urban Growth Boundary and that to be expanded.
- The government should establish a mechanism which would enable the economic cost for providing offsets within the nominated grasslands to be determined, with such cost to not undermine housing affordability.
- As this assessment has assumed all native vegetation will be cleared and offset, the Native Vegetation Framework should only apply as a tool to calculate the offset for a particular precinct or project.
- Any offset should be allocated to one of the large reserves being created or areas avoided or minimised. While the cost of this offset is not discussed it should be transparent, borne by the whole community, consistently applied and affordable. This would require the methodology adopted by DSE to calculate offset to be reviewed.
- In conjunction with industry, develop an offset transactional model which is simple, expeditious, transparent, fair and consistent.
- The government should reassess the process to determine when a target protection threshold is reached.

- The government should clarify what credits, if any, would apply if trees were to be included in parks and roadsides.
- The outcomes under the Strategy be adapted to address native vegetation on land already zoned for urban development.

UGB Investigation Areas

- The GAA, through the PSP process, needs to ensure that at least a 15 year land supply pipeline is maintained.
- The government should consider a Development Assessment Committee approach to land use planning in the Growth Areas.

Regional Rail Link

- The government should commit to a timetable to provide suburban rail services through the Wyndham Growth Corridor.
- The government should make Transport Oriented Development a priority through the Wyndham Growth Corridor.

Outer Metropolitan Ring Road/E6 Corridor

- The E6 alignment should be further to the east.

Refinement of Urban Growth Boundary

- The government should consider areas of “Sensible Inclusion” for inclusion into the new Urban Growth Boundary.
- UDIA calls for the creation of a process that allows for appropriate and effective consultation with stakeholders.

Strategic Impact Assessment

Introduction

The Strategic Impact Assessment report ("the report") has been prepared by the Victorian government in response to its commitment to do so under its agreement with the Commonwealth of Australia dated 4 March 2009. The report defines "the program" to which it relates and deals with four distinct areas:-

- The area proposed for future urban development within an expanded Urban Growth Boundary;
- The areas within the existing Urban Growth Boundary that are not subject to precinct structure planning processes (noted as 28);
- The proposed Outer Metropolitan Ring/E6 Transport Corridor; and
- The Tarneit section of the proposed Regional Rail-link Project.

Regrettably, the program does not include land within the Urban Growth Boundary that is zoned for urban development and that is not proposed for a Precinct Structure Plan (PSP).

Accordingly the strategic assessment does not address in any way the application of the Framework Plan and its relationship to the EPPC Act to land that is zoned for urban development but not subject to any PSP process.

To critically examine the report's technical matters, the UDIA considers that it is first useful to reflect on the intended strategic objectives and outcomes. This provides the context within which the technical detail should fit and hopefully ensure the intended objectives and outcomes are more likely to be fulfilled. The test is whether this strategic approach is likely to reduce red tape, reduce costs, reduce time delays, improve certainty and lead to better planning and environmental outcomes.

The report's forward highlights these aspirations. Mention is made of "*short-sighted decisions*", "*creating large consolidated offsets*" and "*reducing red-tape and providing certainty for local communities*". We consider this to be a good start, and is an acknowledgment that the current planning process needs to be appreciably more efficient and effective. Having said that, the forward is silent on Melbourne's dwindling housing affordability.

The UDIA considers that the report should achieve the following objectives and outcomes:

Reduced Red Tape

- Integrate and reduce future Victorian and Commonwealth approval requirements
- Eliminate or streamline approvals
- Reduce time delays

Reduced Costs

- Reduce unnecessary and inefficient costs
- Increase the supply of affordable housing

Improved Certainty

- Greater certainty to the environment, planning and the development industry

Better Outcomes

- Achieve meaningful and improved environmental outcomes
- Create excellent community and planning outcomes

The Proposal

Assessment Approach

When State governments agreed to support the Commonwealth's foray into environmental assessment using the EPBC Act it was done on the basis it would not duplicate State legislation and policy and would focus on places of outstanding international value, the Great Barrier Reef, Kakadu and so on. Today the EPBC Act substantially duplicates State environmental legislation and policy. For example, the report makes numerous references to:

- Species and communities which are listed under the EPBC Act and the Victorian Flora and Fauna Guarantee Act (FFG ACT).
- The Victorian Government responsibly manages places of international environmental importance listed under the EPBC Act.
- Victoria has an effective environmental impact assessment process which considers these dual listed matters.
- Victorian planning legislation and policy has embedded in it detailed consideration of EPBC listed matters covering flora and fauna.
- Victoria's Native Vegetation Framework provides a highly prescriptive framework which is consistent with EPBC Act policies on avoidance, minimisation and offsetting.

As more and more matters have become listed under the EPBC Act the requirement for increased referrals and assessments that only duplicate State processes and therefore add little or no value have increased and lead to significant unnecessary delays, costs and red tape.

This strategic assessment does in principle provide a very significant opportunity to eliminate hundreds of future referrals and assessments and more importantly to achieve significantly better environmental outcomes. The report says *"the strategic assessment process can reduce administrative burden because approval removes the need for individual project assessment for every action that results from the approved plan, policy or program."*

However, the State's interpretation of the EPBC Act and the intention of the current strategic impact assessment now and into the future may differ from the Commonwealth's. Part 10 of the EPBC Act is divided into three sections. The first outlines the strategic assessment process (Subdivision A), the second covers how the Minister "may approve taking of actions in accordance with policy, plan or program" (Subdivision B) and last section covers those matters the Minister

must consider when approving actions (Subdivision C). It is not clear whether this process will arrive at an endorsed plan/program and then over 20 to 30 years subsequent approvals for actions will be necessary as the program/plan is implemented or whether this process will result in an endorsed plan/program and all actions under this plan/program will also be approved.

Based on Section 2.2 and 8 it would appear the Victorian government intends the latter, that is a blanket approval for the program/plan and all consequential actions which would give rise to the implementation of that program/plan. Whether the Commonwealth shares this intent remains to be seen. It certainly would not achieve the objectives of the strategic assessment for the program/plan to be endorsed, but Commonwealth approval for ground disturbing actions deferred to later point(s).

Assuming a blanket approval can also be granted for all future actions consistent with the plan/program the potential to reduce red tape, time delays, unnecessary costs and increased certainty is significant. The UDIA is very supportive of this approach.

The distinctive features of the EPBC Act that has allowed this strategic environmental assessment has precipitated some much needed strategic 'environmental' planning in Victoria, whereas the Native Vegetation Framework is by its very nature reactionary, ad-hoc and outcomes are questionable and costly.

Considerable reference is made in Section 3.5 of the report to Victorian approval processes, as a mechanism to satisfy the requirements of this EPBC Act strategic assessment. In this regard the report states: *"While the EPBC Act focuses on national matters, the Victorian Environmental Effects Act 1978 (EE Act) and Planning and Environment Act 1987 relates to Victorian state and regional matters and assessment under these legislation will still be required."*

Unfortunately the intention of the report, commitments and management measures (prescriptions) appear only designed to satisfy future Commonwealth requirements and falls short of satisfying Victorian requirements. It is an obvious and attractive opportunity. The UDIA considers that the outcome should satisfy (i.e. resolve with certainty) requirements under the FFG Act, Planning and Environment Act, the Native Vegetation Framework, vegetation overlays, Victorian Planning Provisions and so on. This would eliminate the need to prepare Native Vegetation Precinct Plans. A similar blanket approval should also apply to all Victorian flora and fauna requirements and mitigate the need for future site surveys, permits, assessments, plans and approvals.

The underlying approach of the strategic assessment which endeavours to conserve a diverse range of species, communities, populations, habitats and landscapes in large sustainable and manageable reserves is generous, comprehensive and well considered. This is coupled with a very thorough effort to avoid and minimise clearing wherever practical. This refreshing approach is supported and makes ecological sense particularly as it moves away from retaining ad-hoc, expensive,

isolated, small and unsustainable patches of native vegetation. Given the duplication between species and ecological communities listed under Commonwealth and State legislation and the consistency of the overall approach with both governments' policies regarding avoidance, minimisation and offsetting it is eminently sensible that a blanket approval for actions under Commonwealth and State legislation can be granted, subject to a single set of commitments, conditions and management measures.

If the intention is to achieve less red tape, greater certainty and better outcomes, it is difficult to understand why this strategic assessment, which breaks new ground, particularly in the area of avoidance, minimisation and offsetting would then provide prescriptions for further (additional) efforts at later levels of planning and development to again avoid, maintain and offset under Victorian legislation and policy.

Prescriptions

Ecological Communities

Natural Temperate Grassland Community

- Natural Temperate Grassland, even though it may be regarded as a national matter under the EPBC Act, has very limited appeal and value in an urban context; particularly when much of it has a long history of agricultural use. While conditions can be improved over time and the community 'educated' it is hard to imagine Natural Temperate Grassland being valued by communities from a scientific or passive recreation perspective and in all likelihood pressure to use reserves for more active recreational pursuits may emerge.
- The report should explicitly exempt the need for any further (additional) requirement to avoid, minimise and offset as part of the precinct planning process, inside or outside the current UGB.
- As this assessment has assumed all native vegetation will be cleared and offset, the Native Vegetation Framework should only apply as a tool to calculate the magnitude of offset for a particular precinct or project.
- Any offset should be allocated to one of the large reserves being created or areas avoided or minimised.
 - While the cost of this offset is not discussed it should be transparent, borne by the whole community, consistently applied and affordable.
- Whether prescriptions are needed to take into account species is discussed below.

Grassy Woodland Community

- The report indicates that approximately half the known areas have been avoided and a further 600ha will be protected within the growth area. There is also discussion regarding two additional reserves south-west of Whittlesea and Quarry Hill. Once again all the efforts to avoid, minimise and offset will more than compensate for the maximum extent of clearing of 924ha (275 habitat hectares). On this basis and like Natural Temperate Grassland the

prescription for this community should explicitly exempt the need for any further (additional) requirement to avoid, minimise and offset as part of the Precinct Planning Process, inside or outside the current UGB.

- As this assessment has assumed all native vegetation will be cleared and offset, the Native Vegetation Framework should only apply as a tool to calculate the magnitude of offset for a particular precinct or project.
- The only proviso on the above points is the presence of trees in this community, which are valued by the community, add character and interest to the landscape and assist in creating a sense of place. It should be emphasised that their value and need for preservation in the landscape is social, rather than environmental. The prescription which requires the precinct planning process to retain trees wherever possible and practical, incorporating them “into open space (as tree in parks and roadsides)” is supported.
- Any offset should be allocated to one of the large reserves being created or areas avoided or minimised.
- On the other hand and consistent with the first point, the prescription in the report which requires the establishment of “conservation reserves” (i.e. additional efforts to minimise and avoid) because of understory condition or because of species is not supported.
- Whether prescriptions are needed to take into account species is discussed below.

Grassy Wetland Community

- This community is not formally listed under the EPBC Act. However for the purposes of meeting all the requirements of the Commonwealth and Victoria legislation its inclusion in this EPBC Act assessment is supported.
- There are no prescriptions regarding this community and it is thought only 110ha will be impacted and approximately the same area will be retained and protected within the UGB.

Species

One of the most concerning aspects of the report is the prescriptions relating to species.

Landscapes contain a complex and dynamic relationship between topography, geology, landform, moisture and biology. Scientists like to understand complex things so they break them down into their component parts. In reading the species prescriptions one can't help but think that the specialist scientists may have forgotten species are part of complex and interconnected ecological communities.

All the notable species listed in the Proposal section above inhabit the three listed ecological communities and their associated depressions, wetlands and waterways. Ecological first principles dictate that avoiding and minimising impacts to ecological communities and creating large, secure and well managed reserves, is the only way to protect species and their habitat. If a process has been followed that comprehensively and very adequately avoids, minimises and offsets impacts to ecological communities it inextricably must have also avoided, minimised and offset for impacts on species.

Even without looking at what individual species prescriptions do or don't say it can be said that none of them should require additional measures to avoid, minimise and offset, over and above what is proposed for listed ecological communities (Table 1 in Appendix 1). The presence or potential presence of listed species should not be used as justification to retain or conserve additional areas within urban and infrastructure areas inside or outside the UGB. In other words it must be accepted that all proposed avoidance, minimisation and offsets (Table 1 in Appendix 1) will serve a dual purpose, that is they will satisfy any requirement to avoid, minimise and offset for impacts on ecological communities and species. It therefore becomes reasonable to argue that within precincts, investigation areas and infrastructure corridors (inside and outside the UGB) no further targeted surveys, specific management plans or requirements should be stipulated which would prevent actions.

The species prescriptions should be limited, that is:

- Make reference to the relevant Recovery Plan.
- For Striped Legless Lizard, Matted Flax-lily and Spiny Rice Flower only refer to accepted translocation procedures.
- For Growling Grass Frog only refer to accepted procedures to enhance habitat, assuming these areas will be below the 1:100 flood level, precluded from development and will be within multiuse drainage/WSUD/waterway corridors.

In conclusion all the species prescriptions are complex, duplicative, poorly justified and open to wide interpretation, factors which can hardly contribute toward reducing red tape, approval times, costs and better outcomes. The UDIA can not support the species prescriptions without major amendment.

Further discussion of species prescriptions is at [Appendix 1](#).

Offsets

Unfortunately the strategy does nothing to avoid a debate at the precinct structure planning process as to how to deal with native grasslands within an area covered by the PSP.

However, the prescription seeks to support an argument that small remnant pockets of native grasslands should not be retained, unless they form part of a contiguous area of native vegetation under the same type of management which is said to be typically of at least 150 hectares. The UDIA considers this to be a step forward.

If native grassland is permitted to be removed, it still requires to be offset. Two reserves are proposed to be established as the two core areas for offsets and the two reserves will be approximately 15,000 hectares in size.

The assessment report says that parts of these reserves, "Will be made available as offsets for grasslands cleared within the Urban Growth Boundary." The UDIA seeks clarification that this means both the existing Urban Growth Boundary and that to be expanded.

What is not set out anywhere in the assessment, is a basis which would enable one to determine what the economic cost will be for providing that offset within the nominated grasslands.

There is provision for offsets but no indication is given as to, for example, the credits that would apply, if any, if the trees were to be included in parks and roadsides. This would be particularly relevant given the DSE requirements as to what constitutes protection for the purpose of securing an offset and again, this is something that should be clarified as part of this strategic assessment.

The report suggests a scenario that if more than 80 per cent of confirmed "high contribution" habitat is already protected and appropriately managed clearing will be allowed in the west of Melbourne, surveys that confirm equivalent areas of habitat outside the Urban Growth Boundary would be required. However, if 80 per cent of confirmed high contribution habitat is not yet protected, a proponent cannot clear habitat until this target protection threshold is reached. The assessment says that this could be accelerated by undertaking surveys in high contribution habitat at the appropriate time of the year and confirming candidate sites. The candidate site then needs to be protected and the management regime confirmed. If the confirmed site is already in a secure conservation reserve, much of the protection requirement will have been met once management arrangements have been confirmed with the land manager. Theoretically, this requirement could involve a proponent having to undertake surveys on land which it does not own, which might be identified as being part of the 80 per cent of a high contribution habitat – co-operation between land owners may not be possible.

The requirement for offset is also of some concern. The assessment says that if a site supporting the Golden Sun Moth within "High contributions to species persistence" habitat is approved for clearing, offsets will be the primary mitigation measure. "This will involve finding and protecting sufficient habitat to meet the overall protection target. Initially, the proposed new grassland reserves will more than likely act as offsets, subject to the confirmation of Golden Sun Moth populations in 'high contribution' habitat areas...". It is unclear what the basis of that offset will be, the nature of the offset envisaged and the economic cost of that offset need to be considered.

Recommendations

- The government should ensure that the outcome of the report resolves with certainty requirements under the FFG Act, Planning and Environment Act and planning scheme controls over the removal of native vegetation in order to eliminate the need to prepare Native Vegetation Precinct Plans. A similar blanket approval should also apply to all Victorian flora and fauna requirements and mitigate the need for future site surveys, permits, assessments, plans and approvals.
- The final report should ensure the Commonwealth assessment achieves an endorsed plan/program and blanket approval for all consequential actions.
- The government should ensure conditions, commitments and management measures (prescriptions) are formulated to also address future approval requirements under Victorian legislation and policy; and then specify a range of exemptions for approvals at later levels of planning and development.
- Reconsider the need (beyond that specified in Appendix 1, Table 1) for additional avoidance, minimisation and offsetting (under Victorian legislation) at later levels of planning and development.
- Simplify and rewrite the species prescriptions to the extent the proposed measures to avoid, minimise and offset for impacts on ecological communities also addresses impacts on species.
- Clarify that the reserves to be made available as offsets for grasslands cleared within the Urban Growth Boundary are available to both the existing Urban Growth Boundary and that to be expanded.
- The government should establish a mechanism which would enable the economic cost for providing offsets within the nominated grasslands to be determined, with such cost to not undermine housing affordability.
- As this assessment has assumed all native vegetation will be cleared and offset, the Native Vegetation Framework should only apply as a tool to calculate the offset for a particular precinct or project.
- Any offset should be allocated to one of the large reserves being created or areas avoided or minimised. While the cost of this offset is not discussed it should be transparent, borne by the whole community, consistently applied and affordable. This would require the methodology adopted by DSE to calculate offset to be reviewed.
- In conjunction with industry, develop an offset transactional model which is simple, expeditious, transparent, fair and consistent.
- The government should reassess the process to determine when a target protection threshold is reached.
- The government should clarify what credits, if any, would apply if trees were to be included in parks and roadsides.
- The outcomes under the Strategy be adapted to address native vegetation on land already zoned for urban development.

UGB Investigation Areas

Introduction

Through the report on the Urban Growth Boundary (UGB) review, the government has reintroduced long term strategic planning for metropolitan Melbourne. The plan is strongly focused toward providing for new growth in the west and north of Melbourne.

The previous approach to growth area planning, taken in *Melbourne 2030* in 2002, sought to severely constrict green field growth. In many areas the growth boundaries directly prevented the ability to comprehensively plan for new communities.

The new UGB, land use and transport initiatives provide much greater freedom to ensure that well coordinated Precinct Structure Planning can proceed in all growth areas.

The overall plans also recognise six 'Central Activities Districts' to provide a focus for new business and medium density development in established areas.

The overriding aim is to increase transport and employment accessibility in proximity to new urban and future suburban communities.

Process

The UDIA supports a bipartisan approach to planning being adopted in 2009. This may help to avoid unnecessary disruption to the approval of desirable UGB changes or inclusions.

The UDIA's overarching philosophy on the UGB is that it should include more areas than less and the PSP process can be used to manage development timing.

Boundary Setting

The UDIA is concerned that the approach taken in establishing new UGB boundaries in many cases may present long term interface issues. Urban boundaries are often best established by clear dividing features such as freeways, creeks, ridges and cadastral boundaries. Many of the current proposed boundaries are located along arterial roads, which arguably could be more appropriate as transport spines with development served equally on both sides.

In these instances it would be more appropriate to nominate areas for urban development on both sides of the current or future arterial roads in growth areas.

“Significantly Constrained Land”

The current Growth Area plans are showing substantial areas identified as “Significantly Constrained Land”. The GAA will need to ensure that appropriate development outcomes are able to be achieved in conjunction with managing the basis for the identified constraint. Absent a detailed analysis of the constraints it is more appropriate to refer to these areas as “Potentially Constrained Land”.

Approval Sequencing

Once the new UGB is finalised there is likely to be a push from many land holders in all areas for preparation and approval of Precinct Structure Plans (PSPs). In the past this process was managed through the use of sequencing. Areas were variously nominated as ‘in sequence’ or ‘out of sequence’. It is important that, regardless of how the land is readied for development, an adequate future land supply of 15 years or more of zoned land is retained.

The UDIA will seek to have an input into the overall process to assist in keeping land supply up in all growth areas.

As the GAA will be responsible for the coordination of PSPs they will largely manage this aspect of the planning process through the allocation of their planning resources.

Different models may be used to help deliver growth area development. Consideration could be given to introducing an equivalent to a Development Assessment Committee format. Such a system would best blend the various roles and interests of GAA / Councils / agencies / Developers / Owners.

Recommendations

- The GAA, through the PSP process, needs to ensure that at least a 15 year land supply pipeline is maintained.
- The government should consider a Development Assessment Committee approach to land use planning in the Growth Areas.

Regional Rail Link

Introduction

Responding to the unprecedented growth in train patronage in recent years, the Regional Rail Link (RRL) is supported by the UDIA on the basis that it will enhance the capacity of the regional and suburban railway networks including the “early provision of high quality public transport in urban growth in Melbourne’s west”.

The RRL, which is to be jointly by the Commonwealth and State governments, proposes a preferred alignment of a rail track and two new stations. It is anticipated that land acquisition for the corridor and stations (including the three later proposed stations) will begin before the first phase of construction, which will commence in 2010.

There are a number of key issues around the RRL that the UDIA considers should be resolved.

Firstly, the report sells the benefits of the RRL to the Wyndham Growth Corridor, but there is no commitment in the report to delivering the four tracks and additional stations that would be required for the benefits to be delivered.

The second issue relates to the effectiveness of potential transit oriented development along the RRL. For transit oriented development to be effective, higher densities and activity centres are required close to stations. As development proceeds, it will be important for the government to ensure that the new communities are integrated with the RRL.

Wyndham Growth Corridor

Commonwealth and State funding will ensure the delivery of the RRL between West Werribee and Deer Park to accommodate the Geelong regional service in the short to medium term. However there is no commitment or stated timeframe to delivering the required infrastructure (two additional tracks along key sections of the RRL corridor and three stations) that will support the provision of a suburban service along the RRL despite it extending through the Wyndham Growth Corridor, one of Australia’s fastest growing regions.

The need for the early provision of high quality public transport in urban growth areas in Melbourne’s west is recognised within *Regional Rail Link: West of Werribee to Deer Park Strategic Assessment*, particularly its role in supporting the sustainable development of growth areas in Wyndham. It is recognised that the RRL will encourage

“more sustainable land use development in Melbourne’s western fringe by encouraging denser, mixed use development around proposed station locations. Introducing fixed rail public transport infrastructure early in the planning and development of these urban areas will lead to more ‘transit oriented’ communities”

The proposed stations along the corridor will serve as catalysts for higher density, mixed use activity centres that will accommodate employment, residential, community and other land uses. Typically the railway station will be at the core of each activity centre. Within a radius of approximately 800m from the station denser land development and mixing of uses will be encouraged to provide a critical mass to the centre and lock in the transport, social, economic and environmental benefits of the denser development”

(page 10)

The policy context relevant to this project only further reinforces the justification for committing to the delivery of the suburban service along the RRL in the short term. Specifically, this is highlighted in *Meeting Our Transport Challenges, The Victorian Transport Plan, Melbourne @ 5 Million* and *Melbourne 2030*, all of which recognise the need for the early provision of public transport infrastructure as a basis upon which sustainable communities can be delivered.

Transport Oriented Development

Melbourne 2030 contains a number of ‘Directions’ that directly relate to this submission. This includes:

Direction 1: A more compact city which promotes higher density development around railway station and the proposed application of compact city principles in the planning of activity centres outside of the UGB;

Direction 2: Better management of metropolitan growth that describes that the expansion of the UGB will be predicated on suitable infrastructure (including transport) being in place; and

Direction 8: Better transport links which focuses on combining transport and land use planning and integrating train stations with activity centres.

As stated within *Regional Rail Link: West of Werribee to Deer Park Strategic Assessment*,

*“The population of the City of Wyndham and the Shire of Melton will increase significantly as more and more metropolitan growth is accommodated in the region and **transport infrastructure must be in place as early as possible. Without suitable public transport access to employment, education and community facilities, sustainable population growth in the area will be difficult to maintain.** The Regional Rail Link – West of Werribee to Deer Park will ensure that adequate public transport infrastructure is provided to anchor future land use and development in Wyndham and Melton.*

With development already abutting the existing Urban Growth Boundary in many parts of the Wyndham Growth Corridor, it is considered necessary that a commitment to delivering suburban services and the required infrastructure is made urgently.

Recommendations

- The government should commit to a timetable to provide suburban rail services through the Wyndham Growth Corridor.
- The government should make Transport Oriented Development a priority through the Wyndham Growth Corridor.

Outer Metropolitan Ring Road/E6 Transport Corridor

Introduction

The Outer Metropolitan Ring Route aims to facilitate a high speed transport link for freight and people. As it is currently drawn, it will be west of the Hume Freeway & the Sydney-Melbourne rail route. The requirement to include a potential rail link has driven the proposed alignment.

The E6 section between Beveridge and the existing Ring road at Thomastown is being planned to facilitate a freeway standard link.

The UDIA is largely supportive of the OMR alignment, although there are some concerns about the E6 Transport Corridor alignment.

E6 Route

The extension of the E6 route, north from the current reservation in Epping is largely aligned along Bindts Road and Epping Road (High Street). This alignment cuts through the existing historic and low density Wollert community.

An alternative alignment of the E6 route to the east through more rural holdings may reduce the impact on the Wollert community and allow High Street to perform a future arterial 'spine' function to northern growth area.

Recommendations

- The E6 alignment should be further to the east.

Refinement of Urban Growth Boundary

Introduction

Whilst several submissions were received for areas outside the initial 'Investigation Area Boundary', the reports make it clear that, in this round, none of these were considered for inclusion.

There is a clear risk that such a fixed investigation approach to boundary settings could repeat the mistakes of 2002-2005 where planning for 'logical' communities has been disrupted by a poorly sited UGB.

The UDIA is aware that a number of submissions have been made to the GAA as part of the first stage of consultation on land outside of the UGB, outside of the previously identified Investigation Areas but within the Municipal jurisdiction of the respective growth area Councils. These often clearly defined sites have been given numerous labels including 'anomaly sites' however, the term anomaly provides an incorrect perception of these sites of significant strategic merit. The term 'sensible inclusions' has also been coined and we believe is more accurate.

From the published reports to date it is our understanding that these sites were not considered as part of the recent interim UGB alignment on the basis that they were outside of the investigation areas. We consider that these sites, in principle, represent short term, sensible development sites that are in a position to make best use of existing infrastructure and would provide a significant short term solution to the immediate land supply needs of Melbourne. In addition, the locational advantages of these sites brings numerous other benefits as detailed below. This short term land supply opportunity could be accessed without compromising the long term viability of the identified growth areas, the development of which will be undertaken over a much longer timeframe.

Principle Characteristics

The Sensible Inclusion sites have a number of common characteristics including the following:

- The sites are contiguous or proximate to existing urban areas and/or services and infrastructure.
- Capable of urban development, with no known significant natural, cultural or infrastructure constraints.
- Their inclusion within the UGB will not distort or change the wider strategic directions for the growth areas.
- Urban development of the land does not require significant or expensive infrastructure upgrades.

- Land has convenient access to local employment opportunities, community services and public transport services.

The sites represent potential for a diversity of land use opportunities including residential, community uses and employment. Land with such attributes can bring many significant benefits to the locale and wider Melbourne and aid in the implementation of Whole of Government policies. As these sites can generally be developed in the shorter term and benefit from being proximate to existing urban land, they have the potential to generate and/or support: employment, existing and emerging activity centres, sustainable water initiatives, public transport routes and importantly support the values of place making and sustainable communities in Melbourne's existing communities. Vitally, these benefits can be achieved in the shorter term. The principle of developing these sites is considered to be in the best interests of the State.

Cost Saving / Economic Benefits

These sites can be readily connected to existing services and infrastructure at little or no cost to government in the short term. In many cases infrastructure has already been constructed to site boundaries. The benefit to the government and the community would be clearly seen in the reduction in costs of infrastructure delivery as the extent of headworks is minimized and the consequential creation of jobs in the short term. The benefit of proximity to existing infrastructure and lower headworks costs would result in civil works being undertaken quicker and subsequent time cost savings would be observed throughout the development process, including achieving lot creation or subsequent land development sooner.

Population Massing

The inclusion of the Sensible Inclusions sites can add to the population mass around existing and emerging centres. In many cases The achievement of a critical mass of households can ensure higher order services can be delivered. Population mass is also critical in ensuring the vitality and sustainability of activity centres including shopping centres, community uses and retailing. The achievement of a greater household mass in closer proximity to existing and emerging centres can provide a greater economic net benefit to the State (over the longer term) by stimulating not only jobs but also retail spending including at Central Activity Districts. This creation of earlier demand will enable CADs and other lower order centres to become viable centres in their own right in a shorter timeframe and thus aid in the delivery of the government's broader principles of a decentralised city.

Process

It is disappointing that these sites were not included in the Investigation Area and considered as part of the initial UGB amendment assessment given the clear benefits they offer Metropolitan Melbourne in the short term. The matter that these sites were not within an identified Investigation Area should not have prohibited their consideration as a contributor to Melbourne's future urban land requirements. These sites represent sensible, cost effective and short term opportunities to compliment the longer term growth area strategies.

There are a number of sites around Melbourne that have the physical characteristics and locational advantages identified above that would allow them to meet identified land supply needs in the short term. All sites may not present large tracts of land that have significant strategic values in their own right. However, as a collective, constitute a substantial body of land that is available for urban development in the short term.

Clearly the sites would need to be proven in terms of land capability, including addressing any inherent environmental and vegetation values. That said, we understand that many have been the subject of appropriate studies either recently or in the past, or are not shown to be of significant value through publicly available biodiversity mapping. These issues would need to be appropriately addressed as part of due process.

The land identified in the initial Investigation Areas represents land that may become available for development in the longer term. The land that ultimately comes within a redefined Urban Growth Boundary will be the subject of precinct identification, pre-planning studies, constraints analysis and ultimately a planning scheme amendment to introduce any approved Precinct Plan in the relevant scheme. The identification of such land and this process may be appropriate for the medium to long term growth needs of Melbourne. In the interim however, the Sensible Inclusion sites present an opportunity that must not be overlooked for procedural reasons only.

If these Sensible Inclusion sites are to contribute to short term growth needs and long term sustainability of Melbourne, it is practical that their consideration form part of the UGB assessment process currently being undertaken. To not do so will result in very beneficial and sensible land use opportunities being lost for many years to come.

Recommendations

- The government should consider areas of "Sensible Inclusion" for inclusion into the new Urban Growth Boundary.
- UDIA calls for the creation of a process that allows for appropriate and effective consultation with stakeholders.

APPENDIX 1

Ecological Communities

Section 6.2 (pages 121-134) deals with impacts and mitigation on communities. For Natural Temperate Grassland, Grassy Woodland and Grassy Wetland communities the report indicates urban development in new growth areas, precincts inside growth areas, OMR/E6 and Regional Rail Link (RRL). While the exact amounts are difficult to follow the following is proposed (Table 1):

Table 1: Proposed areas to be impacted, avoided, minimised and offset.

	Maximum Impact (ha)	Impact Avoided (ha)	Impact Minimised (ha)	Impact Offset (ha)
Natural Temperate Grassland	6,918	~3,000	1,230	15,000
Grassy Woodland	924	Half the area known	600	600 plus Whittlesea reserve Quarry Hill reserve
Grassy Wetland	110			105
TOTAL	7,952	3,700	1,830	+17,000

In summary:

- Planning of precinct areas, investigation areas and other infrastructure avoided approximately 4,000ha of clearing for all communities.
- Fine tuning of the UGB, investigation areas, proposed UGB and infrastructure “avoided the majority of known native grasslands”, which will be included in manageable reserves of approximately 1,900ha.
- Approximately 15,000ha (“some of the highest quality areas of grasslands known, and support several nationally threatened plant and animal species”) of Natural Temperate Grassland will be acquired and reserved, which will become a well managed National Park.
- For Grassy Woodland a number of large reserves in excess of 500ha are proposed, but also deferring to the precinct planning process to minimise and offset.

Species

Section 6.3 (pages 135-171) deals with impacts on species. Prescriptions are proposed for the more notable species, these include:

- Striped Legless Lizard
- Golden Sun Moth
- Matted Flax-Lily
- Spiny Rice Flower
- Growling Grass Frog

SPECIES PRESCRIPTIONS

Many of the modelled habitat figures are based on limited data and conservative assumptions, as a result the output can not be regarded as reliable or credible. An argument can not be sustained which says 99% of the habitat (e.g. Striped Legless Lizard and Golden Sun Moth) has been “*destroyed or drastically altered/severely degraded*” then produce figures which show very large areas of the mapped range as having medium and high habitat suitability or high contribution to species persistence. To make matters worse these figures are used to prescribe “*the protection across the relevant bioregion of at least 80% of the total area of places where ‘high contribution to species’ and ‘confirmed habitat’ interest*”. This approach applies to Golden Sun Moth, Matted Flax-Lily and Spiny Rice Flower. Further prescriptions then stipulate that clearing is not permitted until the 80% target is reached. Apart from being flawed it is difficult to contemplate how these prescriptions will be met in the short and medium term. The report contains no assessment or information on who will be responsible for achieving the 80% target, over what timeframe, for what cost and paid for by whom. Based on a cursory examination of the figures it is fairly clear that the 80% target is very onerous, will involve substantial cost and take many years to achieve without some form of compulsory acquisition power.

Golden Sun Moth

Of most concern is the prescription for Golden Sun Moth.

Firstly it is arguable this species should have been listed. The EPBC listing was based on limited information. Recent surveys show this species is widespread throughout Melbourne and can occur in large numbers on vegetation with 95% cover of weeds, which might explain the exaggerated figure (38) in the report which regards “*non-native*” species (i.e. weeds) as potential habitat, more particularly Chilean Needlegrass, which is a declared national weed.

It is problematic to consider the value and impact of any action on areas dominated by Chilean Needlegrass, which has been described as “*potentially the worst environmental weed of native*

grasslands in south eastern Australia". Such an approach sets a very undesirable policy precedent and means almost all agricultural grazing land north and west of Melbourne, even with no native vegetation cover is regarded as potential Golden Sun Moth habitat. In practical terms this approach is inconsistent with a landowner's obligation to control this weed under Victorian law.

While the understanding of Golden Sun Moth habitat has broadened the underlying principle that the species is dependent on and prefers areas with a higher proportion of native grasses has not been disputed in the literature. On this basis, potential Golden Sun Moth habitat should only be regarded as remnant native grassland and secondary grassland defined as native vegetation under the Victorian Native Vegetation Framework, that is vegetation with more than 25% native species cover.

The report claims an area "*of more than 200 metres of unsuitable habitat effectively isolates populations.*" The most cited reference in the literature supporting this link is Clarke and O'Dwyer (2000)¹, which stated: "*The males are capable of active and prolonged flight but will not fly long distances (>100m) away from areas of suitable habitat. Thus populations separated by distances of greater than 200m can be considered effectively isolated, and sites from which the moth has gone extinct, or vacant patches of suitable habitat, are highly unlikely to be (re)colonised.*" This unreferenced statement is made in the paper's introduction as background, though it does not actually study GSM flight distance or population size. Clarke and O'Dwyer's unreferenced statement is then cited in DSE and DEWHA policy. Clarke and O'Dwyer were in all probability referring to Cook and Edwards (1993)², which records one casual observation of a single male moth in Canberra, that is (pg.7) "*One male moth was followed along Sydney Avenue nature strip for about 100m towards NSW Crescent before it turned and flew back to the site*". Clearly the observation of one moth in an urban setting does not constitute valid scientific evidence and its use to formulate Commonwealth and State policy is concerning. It is entirely reasonable and possible for male moths to fly more than 100m.

The report introduces the proposition of "*confirmed habitat*", which assumes a perfect correlation between recording males (females are poor flyers) and the presence of habitat. Habitat meaning an area where vegetation is known to support the presence of females, allows breeding with males, egg ovipositing, and the provision of food for the development and emergence of larvae and subsequent pupa to form. This often cited correlation is not well justified or supported by the

¹ Clarke, G.M. and O'Dwyer, C. (2000). Genetic Variability and Population Structure of the Endangered Golden Sun Moth, *Synemon plana*. *Biological Conservation* 92, 371-381.

² Cook, L. and Edwards, E.D. (1993). Population Monitoring of Endangered Moth *Synemon plana* 1992 – 93, York Park, Barton. Report to the Capital National Planning Authority. CSIRO Division of Entomology, Acton, Canberra.

scientific literature and is certainly unlikely to exist in all cases. In the absence of females, eggs, pupa or larvae, in areas dominated by exotic species (i.e. Chilean Needle Grass) and diminished patch size and condition, patrolling males should not be used as a conclusive indicator of confirmed Golden Sun Moth habitat. Clearly the prescription that suggests a whole site should be regarded as confirmed habitat when one patrolling male Golden Sun Moth might be recorded is unjustified and unreasonable.

In the face of the admirable measures taken to avoid, minimise and offset the impact on ecological communities the moth is known inhabit, the last prescription is very difficult to accept or understand. The prescription effectively requires another offset (called a "contribution") for all confirmed Golden Sun Moth habitat impacted, irrespective of habitat condition, i.e. conceivably a site dominated by Chilean Needlegrass. As written and taking into account figure 38 complying with this prescription could be interpreted to mean a separate and very large Golden Sun Moth overall offset. While the report does say the new large reserves will "*initially*" (whatever that means) act as offsets it needs to be made very clear whether an offset will be required to clear Natural Temperate Grassland and if that grassland contains confirm Golden Sun Moth habitat whether another offset of the same size will also be required, or whether the one offset will be able to cover impacts to the grassland community and Golden Sun Moth habitat. The same question is relevant where a site might have Natural Temperate Grassland, Golden Sun Moth, Striped Legless Lizard and Matt Flax-lily; would four offsets be required or one?

About UDIA

The Urban Development Institute of Australia (Victoria) (“UDIA”) is an independent association of over 300 organisations directly involved in the production, financing and marketing of all facets of property development.

The UDIA is:

- A forum for discussion of industry problems and objectives
- An active political lobbyist for industry causes and goals
- An active collator and disseminator of information and data relating to urban development
- A monitor of Government and Public Authority activities that affect urban development and the viability of the industry.