

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Melbourne — 27 June 2008

Members

Mr D. Davis

Mr P. Hall

Mr P. Kavanagh

Mr E. O'Donohue

Ms S. Pennicuik

Mr B. Tee

Mr E. Thornley

Chair: Mr D. Davis

Deputy Chair: Mr B. Tee

Staff

Secretary: Mr R. Willis

Research Officer: Mr A. Walsh

Witnesses

Professor R. Moodie, chair,

Mr D. Whitney, and

Mr M. Wright, QC, Melbourne 2030 Expert Audit Group.

The CHAIR — I declare open the public hearing of the Legislative Council Select Committee on Public Land Development. Today's hearings are in relation to the sale and development of public land. In particular, I welcome Professor Rob Moodie, Michael Wright, QC, and David Whitney. All evidence taken at this hearing is protected by parliamentary privilege, as provided by the Constitution Act 1975 and further subject to the provisions of the Legislative Council standing orders.

Any comments you make outside the hearing may not be afforded such privilege. You will receive a copy of the Hansard transcript in a few days, and you will have the opportunity to make typographical corrections and so forth. If I can ask you to lead with a statement?

Prof. MOODIE — I don't have a formal opening statement.

The CHAIR — That is all right. I thought you or either of the other witnesses might wish to avail yourselves of that opportunity.

Mr WRIGHT — I think we are basically here at your invitation.

The CHAIR — You are, indeed — and we are pleased that you are here; welcome. If I can lead off by saying that you have obviously done a very important review of Melbourne 2030, in a sense the major metropolitan and broader planning strategy that the government has in place, setting out principles and rules for the development of our society. We obviously have population issues that challenge the state at the moment. Our reference, as you are aware, concerns the sale and development and the alienation of public land.

I might start with a very general question. Please feel free, any of the three of you, to respond. It seems that with a massively growing population — not quite unprecedented, but a very significant growth in the population, far beyond the government's estimates — the importance of public land is underlined. More population means a greater requirement for public land and — to perhaps use the words out of your report — public open space.

Prof. MOODIE — Thank you, Chair. Certainly from our work — and we received a huge number of submissions and talked with a large number of people — both population increases and climate change adaptation and mitigation, these major changes, in a sense were not seen to be as important, I guess, when Melbourne 2030 was originally mooted and planned. They mean that there is pressure on any bit of space for a whole number of competing reasons. They may be around industry or transport corridors, and they are obviously around retail, office space and accommodation.

We certainly received a number of submissions around ensuring that the sale of public land was for the best and highest community interest, not necessarily the most money. That came back very strongly from local community groups but also, frankly, from politicians and some bureaucrats — not all bureaucrats, I hasten to add; some were pushing much more for the highest economic benefit. I guess from our point of view that when we made a recommendation, it was in terms of the most value to the community.

I think that, like everything else, this comes down to really difficult choices. The question is: who do you get to make those choices? What we have really advised very strongly in our audit is that government engage the community broadly, going well beyond the loud and often vociferous community groups that we see and hear about, and develop a public engagement process that really does help to have the majority, not just a few, make those fundamentally difficult decisions.

Mr WHITNEY — Could I add, just as a prelude to any comments we might make, that one of the things that came out in the consultation we had was that despite enormous criticism across the board of aspects of Melbourne 2030, there was unanimous support for the underlying principles. I think it is important to realise that those who are concerned about aspects of Melbourne 2030 still believe that the concept of containing Melbourne's outward spread,

maximising the use of existing infrastructure and increasing densities, was the way to go. Those underlying principles have been endorsed by successive governments since 1970. It is important to understand that.

As Rob says, when we were undertaking our consultation it was fairly clear that there was concern about alienation of public land, and public land in the broadest sense — anything that is government owned. There was concern that if it is deemed surplus then it must certainly be put to the use which is of most benefit to the community.

One of the things that the community stressed in the consultation we had was a strong concern and belief that increasing densities meant loss of tree canopy, loss of open space — the sorts of things that are important to keep the city livable and breathable.

One other aspect that I think we did hear, and it is not commented on in our report, is it seemed to us that a number of the government agencies that were in control of land assets were almost required by their empowering legislation to maximise the return on any land that they disposed of. I think the one group that comes to mind is VicTrack, which has considerable assets. VicTrack, as we heard it, seemed to be a law unto itself and did not relate to the rest of DOI.

The CHAIR — Absolutely.

Ms PENNICUIK — Like VicRoads.

Mr WHITNEY — It is probably important to understand whether or not there is empowering legislation that forces the way agencies that have land which is deemed to be surplus dispose of it.

The CHAIR — To follow through that point and the broad principles and so forth on one hand, as that density increases surely there is a need to ensure that public land is protected, added to — more people, you might think, means more opportunities for recreation, for example?

Mr WHITNEY — There will certainly be greater demands for recreation. There is often a belief I think from some of the community groups that public land is always open space.

The CHAIR — No, of course it is not.

Mr WHITNEY — Of course it is not. I think the surplus land that people like VicRoads and VicTrack and these sorts of people might have is not open space. But there is no doubt, there is no overall audit, to our knowledge or we heard about, that says what amounts of open space are there at present and what may be required in the future. There is very little evidence of long-term infrastructure planning, and that includes open space as well as engineering services, transport et cetera.

Mr WRIGHT — We got the distinct impression that where land became surplus to the requirements of a particular department or authority, which is the sort of land we are talking about — it was initially acquired 50, 60 or 70 years ago in anticipation that at some stage there would be a duplication of the railway or whatever it is but that has never happened — we got the impression that when it does become surplus to requirements, it is regarded as sort of an asset of that particular fiefdom, and it is almost their obligation to protect it as though it is some sort of personal asset and when disposing of it ensure that it produces the largest economic return.

There did not seem to be any coordination between the various possessors of surplus public land with a view to formulating strategy as to how its disposal can be effected to produce the greatest community gain. In some cases it may be appropriate to sell it for medium-density housing. In other cases it may be appropriate simply to convert it to open space for recreational purposes. It all depends on the requirements of the particular locality where the land is.

The CHAIR — Just a final question in a sense, as a development proposal goes forward or a cluster of developments, is there any requirement that you are aware of that links those developments to appropriate amounts of open space and public spaces?

Mr WRIGHT — Generally the planning approval for any project will contain conditions requiring the developer to set aside whatever is regarded as appropriate for public open space generated by that particular development. The classic case is subdivisions, where for the last 40 years now there has been a sort of rule of thumb that you set aside 5 per cent of the land for parkland and it is then transferred to the local council and they maintain it.

The CHAIR — That is perhaps a greenfield-type arrangement. What about where you have got infill development or a series of modest-density or high-intensity developments occurring in a cluster? Is there any linking — —

Mr WRIGHT — There are really two courses. There is either a requirement to actually provide the open space within the development itself, or alternatively, if it is clearly impractical to do that, there is often a requirement to contribute towards a municipal fund which is then applied to developing or acquiring open spaces somewhere in the municipality which is accessible to the particular development.

Mr WHITNEY — I think if I can add: the Subdivision Act generally requires 5 per cent of any land subdivided to be set aside for open space or an equivalent contribution.

The CHAIR — Is that adequate?

Mr WHITNEY — If one goes to the outer suburbs, for example, in greenfield situations council planning schemes often contain a requirement of up to 19 per cent. In fact sometimes the requirement is greater than the resources the council has to manage the land that they end up in possession of.

Regardless of that, in the infill situations you were talking about the strata subdivision of some medium-density units attracts that requirement as well. I think there is quite a concern that developers often contest the requirement as a condition of permit and take it to VCAT. VCAT will often say, 'These additional units do not justify a demand for 5 per cent', and they might reduce it to 2 per cent or 3 per cent or something like that. However, that is usually a contribution — it is not land. That goes into a fund and, I think to the concern of developers, no more open space appears — the fund is used to maintain and manage and what have you, but it does not provide an additional asset.

Ms PENNICUIK — Or you could say open space has disappeared because what was open space has been infilled?

Mr WHITNEY — It is being used more intensively, it is not diminishing in size.

Mr WRIGHT — You are talking about surplus government land. Prior to its disposal it is not generally accessible to the public. It is usually fenced off.

Ms PENNICUIK — I was just talking about general infill development — what was someone's backyard or something being infilled.

Mr WRIGHT — David is right in the sense that a developer of, say, a block of flats is required to pay 5 per cent of the site value of the land, and that is supposed to go into a fund. The problem is somewhere between the contribution and the supply, something goes missing — —

Ms PENNICUIK — Usually the open space.

Mr WRIGHT — And the supply often does not eventuate.

Prof. MOODIE — Can I just come back to a point that David raised: we found pretty much across the board in the audit this notion of infrastructure planning and long-term infrastructure planning. I think as a group we were very strongly supportive of the notion to really look beyond 2030, and in all forms of infrastructure planning.

Public open space is a form of fundamental community infrastructure, so are schools, so is transport, so is industry. In our report we said we should be thinking in a 60 to 90-year time frame. The government said no, that was too difficult. We would still disagree with them, but the point is that children who are born now will be alive at the end of the century. We have to think about that and think about the competing pressures on all forms of infrastructure.

We also were, I guess, encouraging the notion of an ongoing infrastructure fund where this was really thought about, that infrastructure was automatically sort of built into the budget cycle — looking after infrastructure, renewing it, re-establishing it in all these forms rather than having to go back all the time for new money. I think in this area too it is important that systematic long-term thinking about how public land is used is part of overall planning framework.

Mr WRIGHT — You are talking about non-glamorous aspects of infrastructure like drainage and sewerage, where there has been a history of, I suppose, benign neglect over the last 50 years to the point where, particularly in the northern suburbs, additional development is being constrained because the infrastructure is simply not there to accommodate it.

The CHAIR — The trunk sewer and all of that?

Mr WRIGHT — Yes.

Mr WHITNEY — The issue of open space seems to be one that most people are concerned about. I apologise somewhat for being underprepared, but I looked on the Web two nights ago at your first two interim reports, and it seemed that a lot of the time you had been spending had been looking at specific issues where communities get outraged at the potential loss of land.

One of the things that we thought was an imperative if Melbourne 2030 is going to succeed is that the government works as a whole and that the individual departments do not tend to do their own thing. By way of example, as I explained before, the outer suburban city of Whittlesea is getting something like 15 per cent or 19 per cent of land set aside for open space. At the same time Parks Victoria is in the process of acquiring vast amounts of land out there which have been reserved since Alan Croxford's days at the board of works for the Plenty Gorge parklands.

One can say that out in those growth areas there is going to be a very generous provision of open space, but the amount of compensation paid for the land that Parks Victoria is acquiring, because the land would otherwise these days be residential, is astronomical — it is millions and millions — and one wonders whether, if Parks Victoria did not work in isolation but worked with government, some of that land might be generated into improvements in the area, and, I might say, the money might be better spent. But that is an observation I make; it is not one that the committee has made.

The CHAIR — That you have formally — — ?

Mr WHITNEY — It is just on the basis of experience. But it does seem that open space is one of the issues. And just on the feeling that site-specific issues are the ones that raise the community's angst, it seems to us that it does not matter whether it is the alienation of open space or whether it is the building of 10 units, the community still experiences angst, and one of the reasons we have found for this in doing our audit was that councils and governments do not know how to engage with the community. It is always after the event that the community comes in, and it is no wonder that there is angst in a lot of cases. I just make that comment.

Mr WRIGHT — It seemed to us that there was a strong case for some sort of centralised coordinating authority, so that when a particular department found land surplus to its requirements, rather than simply doing its own thing in terms of selling it off, it would advise this central agency that the land was available so that that central agency would then be in a position to see what land was available from a number of departments and make a decision as to how that land could be best utilised.

The CHAIR — That the individual parcels are best utilised for community benefit?

Mr WRIGHT — Exactly, in the general community interest.

Mr WHITNEY — That is the broad community; that is not just the neighbours around that one bit of land.

The CHAIR — No, the regional and the subregional issues as well.

Mr THORNLEY — It is a very important discussion about the question of best community use. The challenge, of course, is how you decide that, and I would not contrast that with the highest economic value. I think you are talking about the highest short-term financial value, and there is a bit of a difference.

Mr MOODIE — Sure.

Mr THORNLEY — The economic value of the community uses may in fact be higher; the problem is most of it is positive [inaudible] cannot be captured.

Mr MOODIE — Or are not even attempted to be captured.

Mr THORNLEY — Or valued, and nobody looks at the thing in terms of lifetime value, either. I am wondering if the committee has any thoughts about what is an effective way of trying to determine highest community value? The benefit for the financial players is that at least everyone has got the same currency, so you can trade off one use versus another.

It is much more complex, and to your point, just trading off with who has got the loudest voice does not necessarily make that a better currency. Did you have any thoughts about, as a practical matter, what processes or systems you would recommend to determine highest community value?

Mr WRIGHT — It is very hard to compare apples with oranges; that is the essence of the problem. I think it is probably fair to say we did not specifically address this.

Prof. MOODIE — We did not actually address it. We addressed the point of saying, ‘Well, we really think it should be around highest community value, not just highest short-term financial gain’. But certainly from thinking about it and from discussions that we have had during and subsequent to the report — and these are tricky issues across many parts of our lives — first, you have got to attempt to do it, and you really have to set out what are the most important six criteria for judging the value of the land, and that is about where it is, who it might serve and what are the potential alternatives in terms of its utilisation, and then having those criteria fairly explicit.

Then you have got a better way of actually giving to the community and to the local councils better criteria on which they can then make a decision, I think, and that currently is not done, because the decision does not necessarily get to them at all, it is made by a — —

The CHAIR — By VicTrack or —

Prof. MOODIE — It is made by a department, as Mike was saying, for completely different but yet from their point of view quite compelling reasons such as, ‘We’ve got to balance our budget’ or, say, in the education department, ‘We want to trade the sale off for this particular bit of land, which is a primary school which is surplus to requirements, and we want to build a

high school in a new area'. It is a bit like David's argument about Parks Victoria; in that particular instance it may be the right decision to make, but it is not the right decision to make in the totality of what is available and at what cost.

Mr THORNLEY — So you would suggest some sort of consolidated balance sheet where a single Treasury or whoever ultimately owns any land that is surplus to the requirements of any of the entities? What is the mechanism that you think — —

Mr WRIGHT — I think that is a good start.

Mr WHITNEY — It would have to engage the whole of government. It might well be that it is very easy to show on an audit there is a shortage of open space in that particular area.

The CHAIR — An audit would be a good start, though.

Mr WHITNEY — It would, but some other department might then be able to show that there is an urgent need for subsidised housing for a particular group in the same area, and the balancing exercise is the impossible one, because the local community will have the open space every day. They do not want subsidised housing in their area, but that might be the critical need.

These balancing acts in planning are often decided by who can afford the best assistance to argue their case or who argues their case best. I think the audit should not just be for open space, the audit should be for all community needs, to understand which might be the way to go. But it is very easy to get community support for something like open space, which is valued; it is not very easy to get assistance for more the social needs.

Prof. MOODIE — And also the notion of offsetting has to come in, I think, in terms of saying, 'Okay, in the trade-offs, if you are going to have supported housing and if this is an important issue and that goes up to the top, what is the offset that we need to ensure that will allow people to be physically active in their community and that will enhance and maintain livability?'. We have to get more canny at doing those offsets. Even with the simple thing of having green roofs in the city, they are simple, but not many people actually invest in green roofs. There is quite a bit of space you can actually tip back into — —

The CHAIR — Into the pool, as it were.

Prof. MOODIE — Yes.

Mr WRIGHT — One of the classic examples of the clash of values that I think you are referring to, Mr Thornley, occurs where you have got the controls protecting native vegetation inside the urban growth boundary. There is a very strong element within DSE that has been successful in recent years in developing fairly draconian rules in relation to the protection of native vegetation. But when you apply those rules inside the urban growth boundary, you are taking out of play a lot of land which has been basically identified as being suitable for residential development to accommodate this huge increase in population. That requires this sort of subjective judgement to be made as to which of those purposes serves a more important community end.

The CHAIR — In each case?

Mr WHITNEY — Yes.

Mr WRIGHT — There is an argument to be made for residential development as close to the city as you can. There is an argument to be made for protecting native vegetation wherever it occurs. But what do you do when the two clash?

Mr THORNLEY — The ecological value of two pieces of native vegetation may be identical, but the economic value of the two locations may be vastly different.

Mr WRIGHT — I think we generally formed the view that inside the urban growth boundary there should be less emphasis than at present on the protection of native vegetation, and that should be given priority outside the urban growth boundary.

Mr THORNLEY — I guess this would actually apply to private land as well — in fact, more so — but we are here to talk about public land. A lot of the discussion we have — and rightly so — talks about the long-term use of the land and where it is ultimately used. But there is a second question that matters a lot when land scarcity is such a huge issue and is only going to grow — that is, the speed of the transactions and the speed of getting to the final use, whatever that is, and saying, 'Let's get to that as quickly as possible'. The processes of Melbourne 2030 or the processes necessary to give effect to the Melbourne 2030 strategy are about both getting the right end uses but also having an impact on the speed with which we get there. I wonder if you as a group have looked at that issue generally, and obviously in this case particularly in relation to public land, and have any recommendations about — in this case, for public land — not just how we determine what the best use is but what processes might speed us getting to that best use from a surplus use right now.

Mr WHITNEY — We did not look at that specifically. In fact, there have been a number of inquiries that have looked at speeding up the planning process. Whilst there is pretty much universal support for speeding up the process, my own belief would be — and I am sure my colleagues would probably share it — that the right outcome is preferable to a quick outcome that is wrong. It is just a question of working out more successful ways to engage the community so they feel that they have, as we said in our report, a sense of ownership of the plan and what it is trying to achieve and a sense of involvement in making decisions along the way.

Mr THORNLEY — I certainly agree with you that the right outcome is more important than the speed of the outcome, but I suspect in a large number of cases the outcome is going to be what the outcome is going to be, and it is more a question of bureaucracy and administrative confusion. Obviously there are certain contentious things where we need to have a really proper debate.

Prof. MOODIE — We are certainly aware of the work that the Growth Area Authority is doing in trying to, in a sense, cut that planning process by half. I think the outcome of that is very important, so that can be applied across the board. One of the things that we have to be very careful about, in a sense, is having a very successful Growth Area Authority and not having the same level of success in inner Melbourne. That is why we were very strong on the notion of upping the implementation capacity in the inner and established suburbs of Melbourne, because you do not want to get to where you have got the outer part of the doughnut being, in a sense, done very well but the middle bit missing out.

Can I also make another comment about the use of existing public land in a sense of public? I think, for example, with public schools we have to get much smarter about 24/7 use of public —

Mr THORNLEY — On which we have been doing a lot of work; the whole schools community hub thing is a big focus for us.

Prof. MOODIE — Absolutely, and I think the more that we can do that and I think even encourage the private schools as well to allow their assets for community use, I think — —

The CHAIR — This is just about more effective use of existing assets.

Prof. MOODIE — Yes. Well, not 9.00 to 3.00 but — —

Mr THORNLEY — Some of us think a racecourses community hub would be a good idea, too.

Prof. MOODIE — Absolutely. You are talking about basically parks, sporting facilities, schools — all these are sort of common. It comes back to the notion of the common, actually. In terms of integrating and having fundamentally active and connected communities, these are a potentially fabulous way of getting more and more interaction and better utilisation of existing resources, but you have to cut down some of the red tape and the public liability stuff that is stopping that sort of approach where we have gone to risk mitigation and we are creating other risks by virtue of keeping people in their house, inactive and unconnected.

Mr THORNLEY — So the density of use is in a sense just as important. There is definitely a finite amount of space, but therefore the density of the use of that space becomes an increasing priority.

Prof. MOODIE — But it has got a whole lot of other positives to it that are distinct from just providing space for people to use. It is about using all those. The best community hub you have in any particular community is the local primary school, and it is the local public primary school, frankly, because that is where people get to meet each other. When we have a whole lot of other forms of association — I am sort of going outside our bounds now, but I am on my hobbyhorse.

Mr THORNLEY — Do not worry, we have been doing it for a long time.

Prof. MOODIE — When these forms of association — the scout groups, the guide groups, the trade unions — are less important than they were 30 years ago, then you have got to create new forms of associations, otherwise you get disengaged, inactive communities. When we are looking at mental health issues, drug abuse and isolation, these associations are important.

Mr WRIGHT — But as Rob suggests, it is the spectrum of public liability that is really inhibiting that process, and that is something that has emerged over the last 10 to 15 years, I guess. That is where the legislature — —

Mr THORNLEY — I blame the tort lawyers.

The CHAIR — Can I just slightly interrupt then? On that public liability issue, do you think there is a capacity for the community, through the Parliament, to actually deal with those risks?

Mr WRIGHT — I think there is.

The CHAIR — And ensure that, in effect, you open up those spaces?

Mr WRIGHT — You either limit liability or you cap liability, and that has to be done through the legislature.

The CHAIR — Or you assume liability.

Mr WRIGHT — Yes.

Prof. MOODIE — That is such an important thing, because what you are doing then as a society is guaranteeing, in a sense, connection activity like leisure occupation and supporting it rather than getting in the way of it. I think we have got in the way of it too much by virtue of how we manage risk. We manage risk in this way, but we create a whole lot of other risks here. It is a bit like a sausage sizzle.

The CHAIR — Public health risks, for example.

Prof. MOODIE — I know you could blame us. I am sorry, but we have such stringent food-handling requirements that that stops people doing a sausage sizzle, so nothing happens.

Mr THORNLEY — There are risks in doing things and there are risks in not doing things.

Prof. MOODIE — Exactly, yes.

Mr O'DONOHUE — Good morning, gentlemen. I would like to ask a question in relation to the green wedge, which is one of our terms of reference. As urban development extends to the edge of the urban growth zone and abuts with parts of the green wedge, the green wedge will become more important. I have got a sense from feedback I get from people in my electorate but also from submissions we have had to the committee that there is almost like a holding pattern with regards to the green wedge and that there has not been perhaps a clear direction about where the green wedge is going and how it is to be managed, given that most of it is on privately owned land. I was wondering if you as a committee or in your own capacities would like to comment on that general proposition.

Mr WHITNEY — We did make comment about it. First of all, we regard the green wedges as important, and we supported the concept of an urban growth boundary. We made the statement that where the green wedges are protecting valuable and viable agricultural land, scenic landscapes, catchments, river valleys and what have you, it is important that they are maintained. However, we also acknowledge the fact that the urban growth boundary will change in time, and the comment we made is there must be compelling circumstances and in fact that where changes are made they should occur along the transportation routes — that is, the major road and rail routes. In effect, the areas that are regarded as sacrosanct are areas that we are supporting in our comments as being maintained.

They have been part of metropolitan planning since 1967, I think, and they are legitimately regarded as the lungs of the city. Sometimes the boundaries chosen were very arbitrary. The Yarra Valley and the Mornington Peninsula were pretty clear, but with the Werribee corridor, the urban boundary was 1.5 kilometres either side of the railway. It is a straight line, and it makes —

The CHAIR — Just to interrupt, can I just ask something on that? The boundary was drawn in 2002 — I remember the ratification motion going through the Parliament — and there were the so-called smart growth committees. Have you actually seen the submissions to the smart growth committees?

Mr WHITNEY — Not as part of this exercise, but I have read those submissions and I have seen the reports.

The CHAIR — You saw them at the time.

Mr WHITNEY — What happened was that the initial urban growth boundary was a line that was drawn around existing zoned land, so it made no allowance for any growth or modification.

The CHAIR — Just historical accident.

Mr WHITNEY — It was very simple: there is the zone, there is the urban growth boundary.

The CHAIR — One thing that has been an issue with the legitimacy of Melbourne 2030 has been the failure to release those submissions from the smart growth committees.

Mr WHITNEY — I think when I said I had seen them, I meant I have seen the smart growth committee reports. I have not seen what was put them to in terms of the written submissions, and I do not think, as was the case with our inquiry, they were put on the Web.

The CHAIR — We have sought them many times.

Mr WHITNEY — The point I was going to make is that when it was first introduced it was an interim measure because the smart growth committees were then set up to make their own judgements on where there should be some variations, and subsequent amendments have been made. There have been a couple of exceptions where there have been changes subsequently, but those subsequent changes have had to go through both houses of Parliament to be approved. I do not know if that answers the question or not.

Mr O'DONOHUE — It does.

Mr WRIGHT — I think the way the controls operate at the moment they provide for almost a blanket moratorium on development in the green wedge zones. That was certainly the interim measure, but that has acquired a degree of permanence as the years have rolled by, and I am not sure that it is a permanence that is entirely warranted because there are types of uses which are not inappropriate, subject to proper controls, in the green wedge areas — for example, conference centres or even schools and institutions that acquire large land-holdings.

Mr O'DONOHUE — Or even changing agricultural uses with changing climate patterns or perhaps increasing land values which are driving more highly productive farming uses, but some of them are prohibited because of the green wedges and the change that would be required. I know that — again just speaking from experiences in my own electorate — some groups of farmers are having real trouble because of the green wedge zoning, and I imagine that will only —

Prof. MOODIE — Particularly at the edge.

Mr O'DONOHUE — Exactly.

Prof. MOODIE — We found when we were talking to the Victorian Farmers Federation and others around that it is really right at that interface where you get real problems. They are paying rates which are equivalent, in a sense, to those in residential areas, yet it is farming land. There are some real inconsistencies, I think, that have to be better managed.

Mr WRIGHT — And you get anomalies. For example, you can have a vineyard which is an agricultural pursuit but the guy is not permitted to have a restaurant there because it is regarded as inappropriate in the green wedge area, or he is only permitted to have a small restaurant.

Mr WHITNEY — But you are allowed to have a school provided it has courses related to agriculture or something like that, and you sort of think to yourself 'A school is a school' regardless.

Mr WRIGHT — Certainly the controls need looking at.

Mr O'DONOHUE — If I can just make two other comments. I am interested in your comments, David, about the provision of open space in greenfield development. There seems to be a real inconsistency across different municipalities about the amount of open space that is required, and I think perhaps that is something that government could look at: a greater consistency of open space being provided. I note your comments about different levels of government and different agencies working more collaboratively around that issue.

Mr WHITNEY — It is interesting, the fact that there are variations in the amount of open space, because the planning scheme will allow a specific percentage to be placed in it. The development industry does not seem to worry about that. It is something that when they acquire land they build in. It is part and parcel of the balance sheet, I presume.

Mr WRIGHT — It is a selling point for them ultimately.

Mr WHITNEY — It is what?

Mr WRIGHT — It is a selling point for them if they provide good open space.

Mr WHITNEY — There is one of the ironies of native vegetation. If you go to Whittlesea, the developers and everyone wants to retain the river red gums and native vegetation. If you go to Werribee, it is grass, and everyone looks at it and thinks, 'It gives me hay fever, why do we have to keep it?'

Ms PENNICUIK — Some of it is valuable.

Mr WHITNEY — In terms of importance and vulnerability they are equally as important. I do not think it is an issue of different amounts of open space provided the threshold amount — the minimum — is adequate to not only provide for the needs of the community that is going to settle there but if one looks 30 years down the track we might see the intensification of densities in Caroline Springs, so they might need more open space down the track. East Bentleigh used to be on the edge. It is no different to Caroline Springs. But now it is increasing in density with dual occupancy and units, and if one looks far enough ahead that is the sort of thing that should happen in the future. We have to anticipate the open space needs of not only what is happening in those areas but what may happen way down the track.

Mr O'DONOHUE — One other comment, too, just to pick up the observation about infrastructure and the importance of infrastructure. Again if you look at either an infill or a greenfield development, there is a compulsion to deliver the sewerage or the basic roads or the basic services as part of the statement of compliance and the releases from the various authorities but there is no requirement on government to similarly deliver. That is perhaps a failing in the system. If Delfin is doing a 5000-lot estate or someone else is doing a significant estate that requires state government infrastructure, they seem to be the only player in that mix that is not compelled to provide as part of the planning process.

Mr WHITNEY — That is a frustration in the development industry, particularly if it is something like roads. VicRoads says its budgeting process allocates so much for the next year. Suddenly a new suburb appears and there are intersections. There are cases where the developer picks up the tab, and is reimbursed in due course, just to keep things moving. That compulsion would certainly be welcomed by the development industry.

Mr O'DONOHUE — And the community I would imagine, too.

Mr WHITNEY — And the community.

Mr WRIGHT — Melbourne 2030 in its pure, original form contemplated that the intensification of activity around activity centres would be accompanied by a fairly dramatic increase in public transport serving those centres.

The CHAIR — There is no evidence of that.

Mr WRIGHT — One of the reasons why Melbourne 2030 has not perhaps been as successful as was hoped is that that just has not happened.

The CHAIR — Do you think that the 2020 promise of 20 per cent public transport by 2020 is still valuable?

Mr WRIGHT — Realisable?

The CHAIR — Yes, realisable.

Mr WRIGHT — It depends on commitments.

Mr WHITNEY — Petrol prices have helped.

Prof. MOODIE — It is interesting looking at the work done by the Eddington committee — you do not get a sense from that that it is realisable. I guess my view would be that it is still really worth aiming at but you need an enormous amount of modal shift to get there. It is a huge challenge.

Mr TEE — I suppose reading through the report and through this discussion, the impression you get is that we have these competing tensions between public land use in terms of recreational use but also being used to accommodate the 1200 people we get in each week in terms of trying to make housing affordable, in terms of aged care. Is the takeaway message that Melbourne 2030 is more important now than it was probably in 2002 when we were predicting a growth to 2030 which will in fact occur in 2020? Is the takeaway message from your report that Melbourne 2030 and the green wedges are almost more important than they were in 2002? What your report does, I think, is try to develop ways to buttress and reinforce Melbourne 2030. Have I got a handle on the issue?

Mr WRIGHT — I think you are quite right about all that. It is the principles that underlie Melbourne 2030 that are important. As David said at the outset, the principles of urban consolidation utilising the existing infrastructure, infill development which utilises that infrastructure. There are basically two reasons why it has become more important. Firstly, the population has increased at a much faster rate than was anticipated in 2002. Secondly, climate change has been established as a real phenomenon, and climate change is something that very much underscores urban consolidation. If you add those two factors in, Melbourne 2030 becomes even more critical.

Prof. MOODIE — That is the question of choice. We are coming back to very difficult choices to be made. If you are living where David and I live in Boroondara, and if you want to stay there and live there and age in that municipality, and you want your kids to be able to stay there too, I am sorry but you have got to have more houses. You have got to have more accommodation. There is no choice. The point is about who makes those choices: is it just coming back, as I say, to very vocal groups who say, 'We oppose any inappropriate development because it is not like ours', or do you get 80 per cent or 90 per cent of the people who actually do want to stay and age in place and do want to have room for their kids to live there as well.

Mr TEE — And perhaps move from the large house with a backyard into an apartment which is in their neighbourhood, with their friends and community.

Prof. MOODIE — Absolutely. Some very interesting work is being done on that: a study looking at what happens to a family with three kids over succeeding generations, and how one house needs to become six houses over time by virtue of how families develop, and how you get more and more one or two-person households so we need greater diversity in what is offered as well. At the same time we need to optimise, as Michael is saying, the use of infrastructure because utility and infrastructure is about optimisation. You can overload it and you can underload it. It is a question of getting it right in terms of the urban consolidation. For parts of the infrastructure — the transport infrastructure — you would actually help optimise it. Some parts of increasing urban consolidation, when you are putting it on weak sewerage facilities, literally overloads it. There are problems there, but certainly we found this very strong, compelling reason that we had better get better at doing this pretty quickly.

Melbourne is a two-tiered town: inner city is 30 storeys and then it is one storey or two storeys, but you need the four. It is around transport. We are seeing in Boroondara: very sensible, three-storey and four-storey developments along Whitehorse Road. They are absolutely ideal. It is along a transport corridor. It ramps up something where you may have had 4 dwellings to 140 dwellings, and it is common sense.

The CHAIR — But just to pick up exactly that point, if you accept that — and I am not advocating either way here — and you suddenly go from 4 dwellings to 140 on the site, you actually need to have the space. At the same time you need to have accessible public land near that, and there is no necessary link that is provided in Melbourne 2030 to provide that land.

Mr WRIGHT — That should be attended to in the conditions of the development approval. If you get a redevelopment like, that the conditions of approval should require adequate provision to be made for open space. By and large you will find the developer is happy to provide it if he is able to because it makes his product more saleable.

Mr TEE — That is where the 5 per cent local council open space requirement, or 19 per cent if you are in — —

Mr WRIGHT — The current law is — and it has been for the last 40 years — that there is a 5 per cent default — that is, if nothing is specified in the planning scheme, you put in 5 per cent, but there is an ability for the planning scheme to require more.

The CHAIR — But, to be frank, there is still actually no guarantee that the people going into that set of developments will have access to that open space infrastructure nearby. There is no link on that.

Mr WRIGHT — No. The Subdivision Act actually imposes a trust on the funds that are collected under the act, which requires the money to be spent on public open space, but that is as far as it goes. How it actually translates in action just depends on the circumstances. The council can say, 'Look, we've got all this money, but there's no land we can buy'. That is where surplus government land may become important.

The CHAIR — That is wholly inadequate, really.

Mr WRIGHT — That is right.

Ms PENNICUIK — I might just pick up on that particular point for a moment. Early in the discussion we were talking about greenfield sites and how it is easy to find that 5 per cent with a new development. In the inner and middle ring, we do have a lot of infill happening, and living in Southern Metropolitan Region I see this. We are getting a lot of infill, with people filling in their backyards or a vacant block is getting 6 or 10 units put on it. There might be the legal requirement to have 5 per cent public open space, but often it is cashed out, so that the actual open space does not appear.

Prof. MOODIE — That is what David was saying.

Mr WRIGHT — In the case of units, the requirement is for cash, not for land.

Ms PENNICUIK — That is right, but the effect of that, Mr Wright, is that the open space is not there. In fact, little pockets of open space are being sold off by government departments to developers for housing development. I am not against that — I also support the idea of Melbourne 2030 and a strategy — but what are the effects on the ground? In some of those areas, particularly in local areas, it is loss of open space where people can go. Professor Moodie said that if you want your kids to grow up in Boroondara and to stay there, you need more houses. But you also need places where the children can go and play. If, as Mr Tee said, they are in apartments, they do need somewhere nearby, within walking distance. That is where there is a lot of angst in the inner area.

Mr WHITNEY — I have no doubt.

Ms PENNICUIK — What are your comments on how to fix that?

Mr THORNLEY — Where is the public open space that has been taken out of Boroondara lately? I do not recall any.

The CHAIR — Twenty-seven hectares of the Kew Residential Services site would be a good start.

Ms PENNICUIK — I was talking just generally, Mr Thornley. I think you get the point.

Prof. MOODIE — Again, the difficult choices that we face as a major metropolis is that we do have limited open space and it is going to be about the best possible use that we make of it. Frankly, if you live in Paris or London, you do not have a park; you live in very high density accommodation. The point is you can still do quite good urban design where people still have access to local parks and facilities and you can still maintain tree canopy, but you do not have the same ratio of people to a park that you had before. That will have to increase — the people-to-the-park ratio. The point is that you can still be very smart about how you use that park, how you maintain and increase tree canopy along a street to the park and in the park — make greater investments in that.

We cannot stand still. If we stand still and say, ‘Okay, we want it as we’ve always had it’, we will bleed at the edges and we will get Melbourne running up to Sydney. I do not think that is a very good option. I think we have to get much smarter at the inner suburban development.

Mr WRIGHT — One thing you can do is facilitate access to existing parks. That is probably the practical way to go, because it is a bit of a pipe dream to think that we have all this money sitting in the public open space fund. Are we going to buy six houses in Brown Street, raze them and turn that area into a park? Well, (a), it is not going to happen; and (b), if it did happen, it is in a sense contrary to the principles of Melbourne 2030, which really is looking for more housing, not conversion of existing housing to parkland. I think you really have to use the existing parkland you have to best effect, as Rob says, but also to facilitate access to that parkland through bike paths, roads and things like that.

Prof. MOODIE — Also, in terms of fairly large infill developments, I guess, it is saying, ‘Okay, we are going from an average lot density which is really very low to something which is much higher and includes some open space as well’ — the village development-type of approach, where you are getting three or four-storey developments. Down at Port Melbourne there are good examples of where you have gone from single dwellings to three or four storeys but they still have open space. The open space was not there before.

Mr WHITNEY — The problem you raise is one that I do not know the answer to, because the money that is collected does not purchase new open space. I think the problem has become exacerbated over the years. When I was a kid, our street was open space. That is where we played cricket and kicked a football. Nowadays you have got to have a gate to keep your kids in. If we could somehow return streets, that might assist. But I cannot see a situation where the moneys that are acquired from new developments will be buying new land. I can see a strong argument for curtailing the alienation of existing open space, which is probably your charter.

The CHAIR — At least in part.

Mr WHITNEY — I think, in part, unless some overall audit is done and one can anticipate what the open space needs of the community are, then decisions, which might be expedient for a local council to shave off a corner of the park, should be resisted unless obviously the balance sheet weighs in favour of it.

Mr WRIGHT — There is lot of open space around the city at the moment that is just not properly utilised for a number of reasons. It may be poorly located, there may be perceived security problems — a whole host of reasons. If those things can be tackled and you can increase

the utility of the existing open space, you are going some way towards addressing your problem. Whether you have to fence them or what you have to do, I do not know.

Prof. MOODIE — The planning issues come up against the way we have changed our lives. The whole issue that David is referring to is a sense of public insecurity and public safety — the reason we do not let our kids walk to school any more; we fear. But hang on, it is no less safe now than it was 30 years ago — it is the perceptions that have changed. In terms of this work, the committee is also coming up against those issues around how we need in the long run to, in a sense, re-establish greatest levels of community interaction that will help diminish notions of public alienation and public insecurity. They are fundamental to good planning.

Mr WRIGHT — When we were kids there were all sorts of temptations to go out of the house. Nowadays the temptations are to stay in the house with the computer games and all these other things that are upon us.

Mr THORNLEY — Ironically, with mobile phones now the safety issues are actually much easier to handle than they were when we were kids.

Mr WRIGHT — Theoretically that is right. One of the more startling pieces of evidence that came before us was, I think, that if 80 per cent of schoolchildren walked or cycled to school, it would take a million cars off the road every day.

Ms PENNICUIK — Absolutely. I just want to follow that up a little bit, because a couple of the issues that we have had put to us are about actual existing parkland, including parkland with remnant vegetation — indigenous, valuable vegetation — being razed and having houses put on it. A couple have happened and a couple are in the pipeline. I am not sure whether you have looked at this. I have looked at your report and there is a bit in there about that. I wonder whether we need some sort of a moratorium on that until we actually get the audit and know where we are going, so that we are not going to lose any more existing local parkland. But I think we have done that one a bit.

The issue of the value of the land — I was very pleased to see raise that in your report, because it is certainly an issue that has come to this committee, particularly from local councils. You say there that state government land or surplus assets should be looked at in terms of public benefits such as social housing and community facilities. A lot of that land is actually open space and has been used by the community as open space and maintained by the councils as open space — VicTrack land or VicRoads land or whatever — for decades and yet — —

Prof. MOODIE — And then suddenly it gets — —

Ms PENNICUIK — That agency says, ‘We will make a squillion out of this by selling it off for housing’ and you did not actually include public open space in that recommendation. You did not mention — you may have thought about it — the actual history of that use and the involvement and maintenance of the community. I wonder if you could comment on that.

Mr WHITNEY — I think our use of the term ‘for the greatest community good’ includes open space if open space is to the greatest good.

Ms PENNICUIK — I did not actually mention that though. I am just trying to draw it out.

Prof. MOODIE — I think from our point of view we would certainly include that in the community benefit, yes. Sorry.

Ms PENNICUIK — Okay. I had another quite different question. On page 30 you mention that:

Close identification of a plan with a particular government raises questions about its relevance when governments change.

I wonder what strategies you think need to be employed to avoid this, because we obviously need to have this long-term planning. I agree with you that 2030 is sort of phase 1. We need to be looking at 2100 or 2099.

Mr WRIGHT — The principles do not really change with change of government.

Ms PENNICUIK — You have made this comment in the report, so I just wanted to draw that out a bit.

Prof. MOODIE — I guess we are very supportive of multi-partisan support of the principles of Melbourne 2030 and in a sense we hope that advances made by the current government in terms of implementation will be supported in the future by other governments. We are trying to put it in a space where we think this is absolutely about public good, not just related to party politics.

Mr WRIGHT — Urban consolidation has really been the basic planning platform of successive governments of all views since the late 1960s, and they have all accepted it. What differs is the mechanics of implementation. The new government comes in and thinks there may be a better way to implement it and then there is another change when there is the next change of government and so on. It is the implementation phase that has really been the problem. Who is to say whether one method of doing it is better than another method? At the end of the day, it depends upon commitment and resourcing, and the resourcing is probably the important thing.

Ms PENNICUIK — I noticed that the other member of the committee, Dr McAfee, was from Vancouver and I know they have a very similar plan. I have had a look at their plan on the website. I noticed that they have annual reports on the implementation of that plan. I think what has come out of your review, even though it is a five-year review it is actually six years since Melbourne 2030 was — —

The CHAIR — Promulgated.

Ms PENNICUIK — Yes, thank you for the word. Promulgated. I am a little bit concerned that we might be waiting until 2011 before we hear anything more about how Melbourne 2030 is going, given what has happened in that six years. You speak about climate change, much more rapid growth in population congestion. What is your idea about perhaps if we get a coordinating body, as you recommend, the coordinating body or something could do a — —

Mr WHITNEY — Continuous monitoring sort of — —

Ms PENNICUIK — A report, an annual report. It may not be a total review but a report; and whether we need indicators for that, because we do not have many indicators.

Prof. MOODIE — We made reasonably detailed recommendations about monitoring. One of the things we found was that we were limited in what responses we could make by virtue of lack of good monitoring. We have said that is absolutely essential. That is there and the government has said it will do it in this implementation unit. The government has to be held to account on the implementation unit: how much is going to be implemented, and in a sense the monitoring and the surveillance that goes with that.

You do not want to get into a situation where you overmonitor and you pool all your resources and money, but you do want to be against an optimal level. That is a pretty fundamental recommendation, and I think you will see the government has responded to it.

Mr WRIGHT — When we started we found it very difficult to actually find out what had happened, because there was an absence of data.

Mr WHITNEY — And I think when we were told what had happened the government gave us a checklist of things that it had ticked off. In fact it is not unfair to say that all it ticked off was more studies and more plans. Things had not actually happened on the ground, so the degree of success that it saw, we did not share. But as Ann McAfee said the whole way through this exercise, 2030 was a 30-year plan, and you cannot expect all sorts of things to have changed in the first five years. What she did warn was that if things have not changed in the next five years, then something is horribly wrong, and that is the message we have tried to give.

Ms PENNICUIK — I suppose my point is: do we want to wait five years before we find that out, or do we need some sort of — —

The CHAIR — Interim?

Ms PENNICUIK — Yes.

Mr WHITNEY — Another thing we found was that when you call for submissions — and I noticed on the list of people who are seeing you there are quite a few familiar names, because they came to see us — some of these people are getting sick of fronting up day after day to inquiries trying to give the same message and feel that people are nice and listen, or they hear us but they do not listen, I think. One can understand the frustration in some respects, because they would like to see some action on the ground, too.

Mr KAVANAGH — Thank you for your evidence. You raised an issue that I think maybe we should have spent a bit more time on, which is using school grounds much better than we do now. I was wondering if you have any experience of other jurisdictions that would help us make recommendations about that.

Prof. MOODIE — Not specifically. I think there are some good experiences from within our own jurisdiction in terms of changing thinking around what a school is about, for example, or what a local area is about. For so long we have come with them being 9 till 5 on a Monday to Friday, and it becomes sort of alienated land on the weekends. Why? Because there is no-one there, and people feel unsafe in a school.

The CHAIR — Or it is locked up.

Prof. MOODIE — Exactly. But I think changing our approaches to that and building in supports that encourage it rather than discourage it. It is the way, for example, that local governments operate around getting their local constituents to use the streets and use the local parks and encouraging them. Some of the local councils have done very well in creating Street Life programs. Traditionally local government has stopped you doing that — ‘Sorry, you cannot do that because — —

Mr TEE — Of regulations.

Prof. MOODIE — Exactly, and, ‘You cannot — heaven forbid! — block a road. That would throw us all into chaos’. I think it is changing that thinking around how we try and live in our neighbourhoods and getting local governments and state instrumentalities that are important in terms of, say, education to really look at the way they do their business. Their mission is more than just roads, rates, rubbish, or numeracy and literacy, because they have got assets that are fundamentally usable in much more creative ways. They do numeracy and literacy as well, and you do roads, rates and rubbish, which you need to do well, but we can be a bit more expansive in our thinking.

Mr KAVANAGH — We have heard of a couple of examples ourselves. You said that it is happening within Victoria.

Mr WRIGHT — One example that I am aware of in the broad, although I do not know the detail — and it is with the private sector rather than the public sector — is Xavier College, which built some years ago a fairly substantial recreational building with basketball courts and a swimming pool. I understand that is used widely by the local community, both in the evenings and at weekends by all manner of different groups.

Mr WHITNEY — The much-maligned Caroline Springs has an innovative combination of dual use of schools. Are you familiar with that? They share a library, staff, and all sorts of things. It could demonstrate to some of the established municipalities the way to go, but I am pretty sure it was all developer inspired.

Prof. MOODIE — It was, and that was a case of saying, ‘Do you have a state public school, a Catholic school and a primary school? That is fine for this generation, but in the next generation you will not have the number of young kids to use them, so think ahead. Get multiple use and sharing of facilities’.

Mr KAVANAGH — Thank you.

The CHAIR — I want to tease out a set of your recommendations around development assessment committees. I will use the Boroondara example, which is known to a number of us. If I can perhaps use the Boroondara example with Camberwell. You recommend — and the government has chosen Camberwell as a site for — —

Prof. MOODIE — That was not in our recommendation.

The CHAIR — It was an adaptation of some points that you made, I think is perhaps —

Mr WRIGHT — We recommended that there be some sort of activity centre authority, similar to the Growth Areas Authority, that coordinated development in and around activity centres.

The CHAIR — You would prefer that it were run just by one authority like that? How would you see that interacting with the local council and community?

Mr WRIGHT — The model we were contemplating envisaged that there would be, say, a dozen or so activity centres selected for preferred or priority development because of their location characteristics or their economic ripeness for development — in other words, they are areas where developers would be attracted — and that they would be put under the control of the activity centre authority, which would be made up of people drawn from the state government but also from the local municipality in which that activity centre was located. It would have a sort of rotating composition, depending upon which activity was being considered at the time.

The CHAIR — And how would the interaction occur with council and local community?

Mr WRIGHT — The interaction would occur by virtue of the council representation on the authority in relation to that particular activity centre, and the interaction with the local community, one would imagine, would be something that would be sensibly instigated by the authority itself.

Prof. MOODIE — It is really talking about special areas. In a sense local governments are saying, ‘In this whole engagement process you really need to work out which are the no-go, slow-go and go-go areas’, if you like.

The CHAIR — They are becoming troublesome phrases.

Prof. MOODIE — Whatever. The real recommendation is around if you want to get activity centres moving, then local government by itself probably cannot muster the authority to get the money, the developers, the resources and the state government departments all involved to do that. You need a higher level of resource assembly to do that.

The CHAIR — Part of that resource assembly that we have been quite interested in is that open space public land issue. If you see this density model occurring in these hubs — whatever phrase you want to call that them — how do you ensure that those requirements of land and open space are actually met when the government has now, in a sense, come up with a model where it has said, ‘There will be a committee that will assess this. Development applications will come forward, they will be stamped or not and modified or not’. There does not seem to me to be any necessary link that makes sure that, if you put in a lot more people, that infrastructure, including open space, is put in behind it.

Mr WRIGHT — If the development is large enough it will provide its own open space. It has to in order to be marketable, I think. The problem arises with the smaller development which cannot provide its own open space. That is where you run into the sort of difficulties we have been talking about.

The CHAIR — Just to follow this through, would you not actually say, if you are you going to use this hub theory — and it might be good, it might not; I am not editorialising on that — would you not require that there be a plan in that hub that makes sure that that space is there?

Mr WRIGHT — Yes.

The CHAIR — That does not seem to be part of the current approach.

Mr WRIGHT — It is fundamental that there be a structure plan for each of these activity centres.

The CHAIR — Sure.

Mr WRIGHT — That structure plan should ideally indicate where open space either is located or is to be located.

The CHAIR — Keep going — the structure plan; I mean VCAT routinely now just rides past structure plans.

Mr WRIGHT — I think that is a bit unfair on VCAT. Provided the structure plan has a genuine status; there is an adopted policy of council that is not simply some draft dreamt up by a junior planner, the structure plan will generally be given some operation by VCAT.

Mr WHITNEY — First of all the development approvals committees proposal by the government came out of left field as far as we were concerned; a number of them. But it was always envisaged, as I understand it, that there be a structure plan. The way the planning system works is the structure plan will go through a very public process, and that is assessed by Planning Panels Victoria rather than VCAT. Once it becomes part of the planning scheme, then the process of approvals is supposedly sped up because things will have to accord with the structure plan. To satisfy the concerns that you are now expressing, one has got to make sure that the structure plan anticipates the appropriate needs of all the infrastructure, including open space. That is something that just has to go through a public process, I guess. I do not know how you could guarantee all these needs are it, but proper structure planning processes should anticipate those needs.

Mr WRIGHT — Once the structure plan is in the planning scheme, then VCAT is legally obliged to adopt it. It cuts both ways, the structure plan.

The CHAIR — It does. You are quite correct, it is legally obliged, but the statewide provisions seem on a number of occasions to just lead to some override.

Mr WRIGHT — Ultimately all planning decisions nowadays are policy driven — whatever that means! That is the problem. There are so many statements of policy that you are down there one day and you are arguing for points 2 and 4, and then the next day you are on the other side for points 1 and 3. That is the way the system is working at the present time, but there is ultimately a sort of a net community benefit test in sustainable outcomes — they are the sort of the buzzwords that are applied. But you will find that once the structure plan is embodied in the planning scheme, then VCAT will apply it. Decisions are sped up because if a proposal accords with the structure plan, it will be approved, and conversely there is not opportunity for third-party opposition, so there are no objections. The views of the community are taken into account during the structure planning process.

Mr TEE — And at that stage the community could argue successfully to have 5, 10, 50 per cent open space.

Mr WRIGHT — That is right, and that is all initially worked out through the council officers, and the structure plan is put forward. People can then make more formal submissions, and those submissions are ultimately heard and dealt with by Planning Panels Victoria, which makes recommendations back to the council which then adopts its structure plan.

Ms PENNICUIK — I could go on for longer, but I think we have run out of time.

The CHAIR — I thank the three of you very much for your generosity today and the discussion, and perhaps flag that we may want to talk to you a little more, including the committee staff, as we work through the process of writing up our report. It has been very helpful indeed, and I appreciate the time you have devoted.

Witnesses withdrew.