

# CORRECTED VERSION

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Melbourne — 30 January 2008

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### Witness

Professor C. Bull, Professor of Landscape Architecture and Associate Dean (Research and Research Training), University of Melbourne.

**The CHAIR** — I declare open the public hearing of the Legislative Council Select Committee on Public Land Development. Today's hearing is in relation to the Victorian government's policies relating to the sale and development of public land. I welcome Professor Catherin Bull, the Professor of Landscape Architecture and Associate Dean (Research and Research Training) at the University of Melbourne. 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's standing orders. Any comments you make outside the hearing may not be afforded such privilege. Witnesses will be provided with a copy of the transcript and are asked to make any minor corrections to that. I also want put on record my thanks to Professor Bull and a number of other witnesses today for their cooperation in terms of a change in timing due to unforeseen events. If you would make a brief statement, then members of the committee will ask some questions.

**Prof. BULL** — Thank you, Chair, and members of the committee of inquiry for the opportunity to address you on what is an extremely important matter. I have taken the opportunity of providing a short report for each of you which will cover and expand on the elements of my submission. The report is organised by way of a brief summary of issues as I see them, followed by an expansion on notes according to the issues that are put before you to do with values of open space, et cetera, which I was provided with, and finally, in what I have called section C, a list of what I consider to be relevant experience in my addressing you. I understand I have only about 4 or 5 minutes to get started; is that correct?

**The CHAIR** — We are flexible on that. If you have a bit more time, we are very happy to have that contribution.

**Prof. BULL** — You should be aware that, given the fact that open space and public land has been the subject or topic of my interest in my entire adult life, restricting my comments to 5 minutes takes a lot of discipline, I should say, but I have attempted it.

It all started with my masters degree at the University of Melbourne, when I was a young landscape architect and I actually looked at urban open space systems in the United States and Australia. I then went on to do my doctorate dealing with public lands particularly related to tourism in northern parts of Australia, but covering issues related to public lands and tourism internationally. More recently I have published a couple of books on the topic nationally and internationally with some colleagues that are listed there. At the moment I advise state and local governments around Australia about public open space issues relating to both development and conservation. In an earlier incarnation I was a commissioner in the Land and Environment Court of New South Wales and I was involved in planning panels in Victoria, so I have some knowledge of the jurisdictional issues and statutory frameworks that apply in those states.

I will focus on and address quickly the biggest issues as I see them. They do relate to Melbourne 2030 because it arises out of a way of thinking about public lands that is rooted in the seminal traditions of urban thinking that came out of the 19th and early 20th centuries. If you like, it is a structural pattern or diagram particularly related to the way in which the city has grown. That needs to eventually be balanced with the particular qualities of individual places and lands as they are understood at a site level, both in terms of local government and often surrounding communities. So the balancing between the strategic goals to do with urban development and urban change, and local interests and the actual particular qualities of the land, often creates tensions in planning — tensions that are rooted in and can be seen in many urban developments internationally, most famously the green belt around London, the story of which is enough to fill many textbooks in terms of its successes and in other ways.

The late 20th century and early parts of the 21st century have presented us with enormous cities that have changed fundamentally in character from core and periphery to expanded domains of mixtures of development with open lands. Those open lands are expected to continue to be productive in some ways and to contribute to what is often called the urban metabolism — the expectation that they should be productive, that either they should produce food or they should contribute to things like biodiversity, air quality, water quality et cetera — and those areas that have often been excluded from the urban domain actually become part of the urban domain. This requires new ways of thinking about how we manage those things.

Converting an abstract diagram of Melbourne for 2030 with its green wedges into a working reality is the challenge ahead, I would suggest, and it requires quite significant new structures, skills and capacities. That arises not only

from the idea itself but from the sheer enormity of the urban territory once you move into this new way of thinking, and this is a problem that is confronting cities internationally, which they are coping with with varying degrees of success. Barcelona, for example, is often cited as being successful, not only because of its intensive urban spaces inside the city core but because of its approach to urban expansion and control of the periphery and the way development occurs there.

The other thing about open space that makes it so complicated — and I have expanded on this in my report — is that it is contested in terms of values. It is often very easy to get agreement amongst parties as to what various objective values can be assigned to open space, and 2030 does that — it says biodiversity and recreation, and it lists a lot of functional qualities — but the values assigned to that are often not resolved. To what degree in a particular place or space is a productive agricultural quality superior or more important than a more qualitative value such as scenic quality or the like? Whenever issues of development and redevelopment of open space come up, the contestation is usually around the weight given to the values, and that contest, I would suggest to the committee, is actually predictable. It is not something that will go away. You can anticipate that this will happen, and it places planning, management and development of public lands always within this highly contested framework. My experience internationally would confirm that. I would say the complexity of the expanding urban domain, the expectations of what open lands are meant to do in the 21st century, plus this aspect of contradictory values, are what make the complexity of the planning and management process typical and predictable.

Many cities or states, depending on how these things are managed, are confronting this issue. How do they actually set up structures that enable these things to be looked after? In Victoria my understanding is that the way that the state government implements many of its policies is through the planning framework and of course through Parks Victoria and local government. I will not go a long way into this, and I will wait particularly for your questions, but you will see from my observations around Australia and recent research into the way in which open space and open lands have been thought about in the major cities of Australia — as it turns out, I have been doing some studies of this over the last three or four years in south-east Queensland; around the conurbation of Sydney north to Newcastle, west and then down to Wollongong; the urban areas of Melbourne right down to the peninsulas; and around Canberra — that Melbourne and Victoria have always led at a strategic level in the thinking about these things. The driving of the broader planning ideas down through the system and the identification within the Parks Victoria documents of strategic goals for various open space developments are the kind of things I am very proud to show internationally at conferences as exemplars.

However, what has occurred to me in some of these analyses over the last couple of years is the gap between that strategic planning and the capacity for delivery, and it seems to me that a number of the other states are beginning to work out ways of delivering the strategic goals more effectively through being more creative about governmental and statutory structures and the way they focus their delivery programs. I have cited a few examples of that in my short report — for example, WSROC, which is the western region of Sydney's open space consultative committee, which is empowered to deliver some very major open space outcomes in the growth corridor to the west of Sydney, including a 5000 hectare remnant of mixed public lands, agricultural land, recreational land and all sorts of things out in that region.

There are other things such as the Torrens catchment in Adelaide — the Torrens River corridor — which transformed about 20 kilometres of degraded corridor of the Torrens River and its catchment into a much more healthy system. But that was a project that took 20 years and was a distinct and purposeful program to deliver. I have talked about a few of those things because, of course, they usually engage all levels of government. That notion that at the delivery level I am not so convinced that existing structures are working well for Victoria is something I would like to get across.

Finally, and I notice that you are seeing Mark Stone from Parks Victoria shortly after me, the presumption that I think goes into thinking about open lands, particularly in the urban domain but also in other parts of Victoria, is that if we want them to perform productively in the broader sense environmentally, then unfortunately in Australia much open land — and this applies to post-agricultural and post-industrial lands; this is not only an Australian problem, it is an international problem, but you see it particularly in Australia — does not perform those functions just by setting it aside. It is severely degraded. Two hundred years of bad treatment agriculturally or industrially have resulted in that land being degraded. Therefore to make it function requires significant investment on return. For example, I had an experience looking at an area that has been assigned as a regional park in Werribee, and I cite that in my short report. I was very concerned about the budget that had been assigned to that, because essentially this was a really poor piece of land, strategically perfectly located but incredibly degraded. So in order to make it

function much more significant budgets would be required to get it back in order, but I do not really think that institutionally and realistically that has been addressed.

I talked have about the possibility of considering, given a number of these points, a specific unit or division in government with the charter to sort many of these things out and drive programs with identified deliverables over 5, 10 years et cetera, as you do in other areas where there are specific goals for achievement. Often open lands get left behind when they are compared to, say, building development, where a lot of expertise and energy will be invested in management because it is assumed that they will be productive and valuable once developed. I would suggest, and international experience demonstrates, that we have to have the same attitude to open lands in the 21st century. They are going to be where our health and survival actually materialises, so a change of emphasis in thinking is required. As I have said, in various parts of the world, and Australia, that challenge is being confronted. I hope that is of assistance.

**The CHAIR** — I thank you very much for your presentation. It is helpful for us to put this in a structured context and have some of that international comparison made for us as well. I guess the first question that strikes me here is that some of the evidence we have heard put to the committee about public land or public open space is that there does not seem to be a clear understanding of where and how much. Do you think there is a role in a city like Melbourne and perhaps some of our regional cities for a systematic audit to — —

**Prof. BULL** — Absolutely. One of the issues that has come up on proposed areas of green wedge around Caroline Springs and areas east, which we had some students looking at as an exercise last semester, was — but the audit is not just what it is or where it is, it is what is the land quality.

**The CHAIR** — The detailed mapping.

**Prof. BULL** — Does the land have capability to produce what you want it to produce, because the debate in that area was why would you have that area as open land when it is very poor for agricultural purposes or even in fact for revegetation purposes, when next door there is some land that would be relatively high quality in terms of agricultural capacity or capability, and yet it is scheduled for development? That is where strategic-level thinking needs to meet knowledge of the actual site and land itself. The driving of an urban pattern in terms of logic should meet real understanding of the land capacity and capability.

**The CHAIR** — My question about the audit is in a sense do you need that background information to make those two meet?

**Prof. BULL** — Yes, I would say so. Whether or not you can do it on a citywide basis, that would obviously be the goal, but particularly the focus in the growth corridors would have to be a priority so that the logic of those arguments is more defensible. One of the issues canvassed in this is that the community now expects to be involved in these decisions and informed about them; therefore greater knowledge of the basis for decisions, which are supported by information audit and the like, is needed in order to make those decisions defensible.

**Mr TEE** — Thank you very much for that presentation; I look forward to reading your paper. I am particularly interested, I suppose, in your comments that the experience in terms of these issues is predictable throughout any number of places in Australia but also overseas. I suppose one of the issues we have got here is the opposition to 2030 from the Liberal Party, which essentially says it drives up the cost of land. My question is: is that predictable elsewhere — —

**Prof. BULL** — Yes.

**Mr TEE** — And how do you overcome that way of thinking and move the debate along?

**Prof. BULL** — I would say that the reason that land values go up has many bases. Often it is to do with the level of infrastructure that is expected in contemporary development, but also often unrealistic expectations in Australia as to the cheap value of land and the lack of recognition that open land is actually a resource and that it brings other values than potential for development. That debate, as I said, is a debate that has been going on since the major urban expansions of the 19th century. The argument you are pointing to about it driving up the cost of development is also an argument that has been going on since that time, and so the competition for space is at the root of this. To me the addressing of the issues requires the work to be done to identify values, and that needs more backup as to the kind of contributions that open spaces of various types make — for example, food, and secondly,

air quality and microclimate. There were some excellent studies done in Brisbane of the contribution of vegetation and vegetative lands particularly to those two things, and that was a funded research study.

**The CHAIR** — Have you referred to that in your — —

**Prof. BULL** — I have not referred to that particular one.

**The CHAIR** — You might want to make that reference available to the committee.

**Prof. BULL** — I actually think you can find it through the Brisbane City Council itself, which, as you know, is a very large council that controls very large areas of Brisbane. To my knowledge it was that council that commissioned that study. That kind of work is done in various parts of the world. I think it was Zurich, for example, where they also looked at the microclimate and air quality contribution of open space.

The other issue which I have always thought is very well handled in Victoria is water quality — the conservation of water catchment and the contribution of open lands to water quality. It is actually the identification and publication of these contributions which need to be celebrated and therefore more broadly understood in the community. That is where I see that nexus being debated: explicit identification of the contribution of open lands.

**Mr TEE** — You indicated a number of other cities in Australia that were adopting a similar approach and catching up to Melbourne. What cities do you have in mind?

**Prof. BULL** — When I say ‘catching up to Melbourne’, they all compete in different ways. For example, Canberra has had an open space system and plan since its inception, and that was restated and reconfirmed in the 1970s in a major review carried out by Professor George Seddon and his team. That structure is still in place, and it really drives the structure of that city, and debates about what should be the form of development there also continue. I will not put a lot of emphasis on Canberra, because I think it really has developed most of its open space, so I do not see it as comparable with the Victorian situation. It is not experiencing the kind of population growth that Melbourne is or that somewhere like south-east Queensland is.

Melbourne is kind of halfway between Sydney and south-east Queensland in terms of the kind of pressures applied. In terms of size it is much more comparable to Sydney, and in fact it exhibits a number of the same characteristics from the point of view of the expansion of these corridors of growth and the way in which that megatropolis is catching things like national parks and productive lands in its wake as it grows. But I am saying that in terms of delivery of major goals, even though strategically I do not think — in terms of open space planning — Sydney is as sophisticated as Melbourne and Victoria, in the few things it has decided to do it is actually making better inroads into them because it has set up these sorts of regional governmental clusters like WSROC or even Sydney Olympic Park as a delivery mechanism that says, ‘We are going to do this, and within so many years we are going to balance development, conserve these species, protect this national park — —

**The CHAIR** — Involve the community?

**Prof. BULL** — ‘Involve the community, develop major parklands of regional Australia et cetera’, and those goals are deliverable, measurable and answerable. I sit on a couple of review boards for Sydney Olympic Park, which gives me some insights into that.

South-east Queensland has the major development of a much more fragmented city with very poor early stage planning. The best thing about it is that it is beginning to realise that and has invested a lot in the last decade in audits, reviews, identification of where its open space resources are and the beginnings of how it then drives that down to local government level. It has the same challenges, too, once it identifies open lands. You can imagine, if you have never done that, the kinds of arguments that arise out of starting to identify new areas of land for open space. Where people in that environment have had very weak statutory systems that would support these kinds of goals, there are big problems. But the issue of expecting that, having independent review mechanisms for decisions, expertise brought to site-by-site, region-by-region, part-by-part decision making, they are beginning to put those structures in place — not always successfully, I have to say, but interestingly enough apparently driven more by the local governments than by the state. It is the local governments who were so desperate for some form of structure and some way of dealing with the kind of debates — —

**The CHAIR** — They are sort of creating their own, in a sense?

**Prof. BULL** — They have pushed upwards into the strategic. I suppose what disappoints me in Victoria at present is that I see the strategic structure, I see the rationale, I see how good it looks on paper, but I am concerned about the delivery end. A local government does not have a citywide interest in why this structure needs to be pursued. It is not in its interests. It does not care if the air quality in the jurisdiction next to it goes down or the water quality or something. It has a focused requirement to deliver on its own patch. How is that mediated, that broader tension with the local?

**Ms PENNICUIK** — It is very interesting, what you have had to say. You mentioned that we need a greater knowledge of the basis of decisions. I was wondering if you could expand on what you believe are the bases of decisions that are being made now in terms of allocation, sale, disposal or whatever of public land and public open space and what you think about how we need to change that.

**Prof. BULL** — I have already mentioned this example around Caroline Springs and in that area where the debate was really whether it was driven by a diagram or whether it was driven by the agricultural and other productive potential of the land itself and the lack of clarity about what was to be ultimately the decider in that situation. The other example I was very interested to know about was the one — I think it was at Lorne, or was it Apollo Bay? — that was in your documents.

**Ms PENNICUIK** — Apollo Bay.

**Prof. BULL** — Apollo Bay, which again some of our students explored and looked at in another program last year as well. That one, for example, I was not clear about the statutory history of that site. I suspected that it may have had commercial value and statutorily may have had development rights pre-existing, which was bound to make it highly contested. However, forward planning of a site like that to prepare either a development control plan for that particular precinct to anticipate development, rather than for debate to follow propositions for development, would, to me, have put the council and those involved in much stronger positions statutorily to both guide development and to deal with the kind of debates that would follow.

**The CHAIR** — That is a sort of strategic planning approach, for want of a better word?

**Prof. BULL** — That is right, so that when you have these major areas, you are not only putting just an open space layer on the planning scheme, but you do what you would do in the city — you actually go and make a local area strategy that defines the areas of open space, defines the areas of development and gives the kind of controls you would expect, and the developers can then go and play within that structure. They will always challenge that structure, but if it is well founded and well based on fact, usually you can win. For example, at Sydney Olympic Park and at WSROC, that is what they intend to do. They are in there defining in advance where development occurs, where open space occurs and why. When the arguments come in — as I said, there are always going to be arguments — you are ready and you have the explicit definition of what the debates are going to be about. In other words, you structure your values. You give the rationale for your decisions on a public basis before the private interests come in. That is an ideal world. I mean, that is the planner's approach and it would be great if you could do that for your whole city. You can never always do the whole urban territory in advance, but I would say that a city like Melbourne in a state like Victoria can pretty well predict where development is going to occur, strategically. It is knowing that, all right, where do you come in and put your energies to get in front, to defend this approach, to refine the very broad document that 2030 is and give it that next level of defensibility.

**Ms PENNICUIK** — I hear you saying that 2030 is a good strategic document but you said, I think twice, that the delivery side is a problem — —

**Prof. BULL** — I agree.

**Ms PENNICUIK** — I am also hearing that somewhere in the middle is the identification of what you mentioned earlier, the predictable hotspots — if I can say it that way — is not being addressed in a timely way to prevent the sorts of problems that arise from tensions about the conflicts of values that you are talking about?

**Prof. BULL** — Absolutely, so I have just defined two next levels down: the one where you convert the diagram to the reality based on things like audits, but also strategic thinking about the two things of what your resource is in terms of open lands and urban growth. It cannot be done by a botanist or a scientist or a water engineer; it has to be somebody who understands the dynamics of developments, or at least you need teams of people that understand the two things and how they come together. You need that next level, and then you need the

operationalisation of that into statutory frameworks and deliverable outcomes on the ground. I am saying yes, those next two levels are where I get concerned in terms of capacity to deliver.

**Ms PENNICUIK** — I was quickly trying to read your report as well. You said we have got the planning instrument, we have got Parks Victoria and we have got local councils. It seems there is nobody with the job that we are talking about now — that with the work that needs to be done nobody has really actually got carriage of that work.

**Prof. BULL** — That is right. I see it as more than Parks Victoria, because it is not always parks.

**Ms PENNICUIK** — Indeed.

**Prof. BULL** — Some of these lands may remain productive lands. They may be in other hands. But how are you going to manage them and how are you going to decide whether they can be sold in due course because they are not actually performing what you need? But if you did that, maybe you need to purchase that bit. Parks Victoria, I do not think, has the capacity to do that, and I do not think it is up to it in its current form. That is why I am saying more is needed. I do not think that that is the only way to deliver that outcome.

The other thing is that they have tried in New South Wales with national parks, and they are having quite an interesting time trying to develop an arm of national parks in parts of national parks in New South Wales that deals with development issues as well. But because of the institutional traditions of national parks being run by conservation and biological scientists without knowledge of development, there are usually problems, so then you are not meeting the contemporary condition. The contemporary condition is that those developments and open lands work together. In the early 20th century and the late 19th century the two things were seen as separate, but in the 21st century city — and this is international — the patchwork of development brings those two things together. Having one structure — like the department of planning or infrastructure — that only deals with development, another that only deals with parks and another one that might deal with forests of particular sorts, then you are not actually confronting the problem at its source, which is: how do you deal with this stuff together?

**Ms PENNICUIK** — I will let someone else ask a question.

**Prof. BULL** — I am sorry if my answers are too long.

**Mr O'DONOHUE** — Professor, thank you for your submission and comments this afternoon. Could you just expand on the experience of Barcelona? You mentioned that in passing, and I must admit I am not familiar with their urban planning. Could you perhaps expand on that?

**Prof. BULL** — Barcelona — a very interesting city with a long urban tradition, not in very good shape in the middle of the 20th century but visionary — decided, as part of its international positioning and development related to the Barcelona Olympics, to institute a major program of development of urban space and precincts, and did that for the Olympics as part of not only its positioning but also in terms of urban improvement. It not only carried that work out, which included all sorts of things — major projects to do with regenerating urban precincts, degraded urban areas, and has become internationally known for that — it also instituted a major exercise, which started from what I can understand about eight years ago, of auditing and considering all of its peripheral lands with a view to both moderating development expansion into the periphery and also identifying the major resources and qualities that that land contributed using fairly standard planning techniques. As a major study it commissioned a colleague of mine, an internationally known ecologist, Professor Richard Forman — who is known for his work on what is called landscape ecology — to be part of that major study. That study is about defining, on the basis not just of urban expansion but on the basis also of land quality and capacity, the way in which that city has to think about its peripheral space. It is not only thinking about the space within the traditional urban core; it is also thinking about the peripheral lands and how to plan for that. That again has been kind of a pioneering international study.

**Mr O'DONOHUE** — Has that been adopted in other cities subsequently?

**Prof. BULL** — In fact these ideas are not new. One thing I enjoy doing is looking at these things through history. When the great open space movements at the end of the 19th and early 20th centuries started in North America and in parts of the UK and Europe, these studies were done then for many of those cities, and the urban open space systems grew out of those studies. The patterns were set then, often with overlays of bigger ideas, like

ring park systems and the like. Boston, for example, has not only its famous central core open space system called the emerald necklace, but also a peripheral ring of regional open-space systems which define the city.

**Ms PENNICUIK** — I have just one question or comment. When I was asking about the knowledge basis for decisions you were talking earlier about councils not necessarily being concerned with city-wide. A lot of the submissions we have had from councils and council groups are that the state identifies its surplus land and does not value it in terms of local, and yet you sort of mentioned that earlier in your introductory address. How do you see us getting around that? That issue has been identified by a number of councils, that actual state government land is identified by state government departments as surplus to its needs but local people have often wanted that open space.

**Prof. BULL** — Which is because the state is maybe considering those as surplus and wanting to then off-load them or sell them, and then local people are thinking that that land was theirs — again, a very common problem. It used to happen, I used to get quite a lot of that in the — —

**Ms PENNICUIK** — But technically it is state land.

**Prof. BULL** — That is right. It happens right up to national level, where the commonwealth has owned very strategic lands around the coast of Australia, particularly, say, in Sydney with some of the heads. With one or two major headlands in Sydney, the defence department wanted to sell those for commercial development, and, for example, the one at Mosman–Cremorne, how could you sell that? It is a wonderful remnant bushland outcrop. Eventually there were the mechanisms there across government to mediate on those decisions, but there was a period there of about five years where many very important pieces of open space around Australia that were owned by the defence department were going to be sold for commercial development. Cases had to be made about each one of those, about these values that existed in addition to commercial potential.

**Ms PENNICUIK** — So perhaps we need to resource local councils to identify those values in conjunction with the wider identification?

**Prof. BULL** — Either they do that alone or there is a cross-jurisdictional system that enables the balance to happen and be overseen, either through some form of cooperative structure of regional development and conservation — not just regional development, but a regional development, conservation and management structure — or through a state government department with a statutory capacity to do or require that work.

**Ms PENNICUIK** — Thank you very much.

**The CHAIR** — I thank you again, Professor, because that was a very good overview of what are important concepts for us. We may well need to be in touch with you again.

**Prof. BULL** — I wish you well. As you can see, I am right behind you. My entire working life is about supporting this particular issue and its resolution.

**Witness withdrew.**