



PART **A**

INTRODUCTION

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INTRODUCTION

1.1 Background to the investigation

Australia is one of the most urbanised countries in the world, with 75 per cent of its population living in cities of more than 100,000 people. With more than 4 million people living within its boundaries, Melbourne is Australia's second largest city and is considered to be a global city.¹

Melbourne's population is growing. The metropolitan area, including the Shires of Mornington Peninsula and Yarra Ranges, had the largest population growth of any Australian capital city for the last nine years. In June 2010 its population reached 4.08 million—an increase of 79,000 people or two per cent since June 2009.²

As Melbourne's population grows, its landscape is becoming increasingly urbanised. Urbanisation (along with agriculture) has impacted, and continues to impact, on the natural environment of metropolitan Melbourne. Most of the natural environment of suburban Melbourne has been irreversibly changed. It is the most altered landscape in Victoria from a biodiversity perspective. While substantial biodiversity values remain, these are mostly outside Melbourne's urban areas. Kinglake and Dandenong Ranges national parks on Melbourne's fringe; Warrandyte, Lerderderg and Bunyip state parks; and the many conservation reserves on public land play an important role in protecting these values.

Successive Victorian governments have aimed to limit Melbourne's outward development with an Urban Growth Boundary and to concentrate urban expansion in designated growth areas. The Cities of Wyndham, Whittlesea and Casey—all growth municipalities—had the largest population growth of all Victorian municipalities in 2009–10. The City of Wyndham also had the fastest annual growth rate (8.8 per cent). Melbourne's established suburbs are also becoming more densely populated. The City of Melbourne, for example, continued to experience relatively fast population growth, growing by 3.6 per cent in 2009–10.

A focus for government has been accommodating this growing population. There are challenges associated with both maintaining liveability in established suburbs, where urban density is increasing, and creating new liveable communities in growth areas. Over the next two years the Victorian government will be developing a new

metropolitan strategy for Melbourne. It is envisaged that, in planning for Melbourne's growth, a major focus will be addressing the liveability, productivity and sustainability of the city. It is likely that public land will be a key part of this strategy. Public transport, health and educational services and facilities and open space are all provided on public land.

Some insights into the government's future directions can be gained from the government's 2010 election policies, which included a number of commitments related to public land. Its planning policy, for example, made commitments to establish a State register of significant public land to protect it from sale, and increase the transparency of public land sales. It also committed to assessing the public parkland and open space requirements across Melbourne to ensure that, as the city grows, adequate open space and parkland exists for public use. Other commitments that may have implications for public land include auditing the capacity of Melbourne's transport and road networks and water and sewerage systems.³

In 2008 the Victorian government requested the Victorian Environmental Assessment Council (VEAC) to investigate public land in 29 municipalities in metropolitan Melbourne (see figure 1.1). The investigation area is approximately 562,740 hectares or 5,627.4 square kilometres in total, of which approximately 89,074 hectares or 890.7 square kilometres (16 per cent) is public land (excluding some roads).

A large proportion of this public land is used for services and utilities—the roads, railways, hospitals, cemeteries, reservoirs and sewerage treatment plants that service and support Melbourne's residents. Parks and reserves managed for conservation and/or recreation also account for a large proportion of public land. A smaller but significant proportion is used for schools, libraries, community halls and cultural, sports and entertainment venues.

VEAC released a discussion paper in October 2010 which documented the values, uses and ownership of this public land and its contribution to Melbourne's liveability. It also included a small number of draft recommendations for public land use changes aimed at enhancing the protection of biodiversity in metropolitan Melbourne.

Figure 1.1
The investigation area



1.2 The Victorian Environmental Assessment Council

The *Victorian Environmental Assessment Council Act 2001* (VEAC Act) came into effect on 31 December 2001. This Act repealed the *Environment Conservation Council Act 1997* and established the Victorian Environmental Assessment Council (VEAC) to conduct investigations and make recommendations relating to the protection and ecologically sustainable management of the environment and natural resources of public land. VEAC is a successor organisation to the Land Conservation Council (LCC), established in 1971, and the Environment Conservation Council, which replaced the LCC in 1997.

The current five members appointed to VEAC are Mr Duncan Malcolm AM (Chairperson), Mr Barry Clugston, Mr Ian Harris, Mr Ian Munro PSM and Dr Airlie Worrall. A brief biography of each of the Council members can be found on VEAC's website at www.veac.vic.gov.au. The Council is supported by a small research, policy and administrative staff. The VEAC Act requires the Council to consult with departments and public authorities, and requires departments and public authorities to give practicable assistance to the Council in carrying out investigations. VEAC papers and reports are, however, prepared independently.

The Council conducts its affairs in accordance with the VEAC Act. In particular, Section 18 specifies that

“Council must have regard to the following considerations in carrying out an investigation and in making recommendations to the Minister-

- a** the principles of ecologically sustainable development;
- b** the need to conserve and protect biological diversity;
- c** the need to conserve and protect any areas which have ecological, natural, landscape or cultural interest or significance, recreational value or geological or geomorphological significance;
- d** the need to provide for the creation and preservation of a comprehensive, adequate and representative system of parks and reserves within the State of Victoria;
- e** the existence of any international treaty ratified by the Commonwealth of Australia which is relevant to the investigation;
- f** any agreement at a national, interstate or local government level into which the Government of Victoria has entered, or under which the Government of Victoria has undertaken any obligation in conjunction with the Commonwealth, a State, Territory or municipal council, which relates to the subject matter of the investigation;
- g** the potential environmental, social and economic consequences of implementing the proposed recommendations;
- h** any existing or proposed use of the environment or natural resources.”

1.3 Terms of reference for the investigation

The then Minister for Environment and Climate Change requested VEAC to undertake the Metropolitan Melbourne Investigation in July 2008. The terms of reference for the investigation are copied below.

TERMS OF REFERENCE

Pursuant to section 15 of the *Victorian Environmental Assessment Council Act 2001* the Minister for Environment and Climate Change hereby requests the Council to carry out an investigation of Crown land and public authority land in the cities constituting metropolitan Melbourne* and the Shire of Cardinia.

The purposes of the Metropolitan Melbourne investigation are to:

- a** systematically identify and assess the uses, resources, condition, values and management of Crown land, and public authority land in metropolitan Melbourne;
- b** assess values of Crown land, and public authority land for areas not committed to a specific use, and report on appropriate future uses relevant to Melbourne’s liveability and natural values; and
- c** report on the contribution of Crown land, and public authority land to Melbourne’s liveability and opportunities for enhancement of this contribution.

In addition to the considerations specified in section 18 of the *VEAC Act*, the Council would need to take into account the following matters:

- ▶ relevant State Government policies, programs, strategies and Ministerial Statements relating to the use of open space in Melbourne, including *Melbourne 2030* and *Planning for all of Melbourne* and *Linking People and Spaces*;
- ▶ public authority plans and strategies such as the Port Phillip Catchment Management Authority *Regional Catchment Strategy* and *Native Vegetation Plan*; and
- ▶ land required by transport and other utilities for their functions and appropriate access for social, recreational and community activities.

The Council is required to consult with the community in accordance with the *VEAC Act*, to release a Discussion Paper, and to submit a Final Report on the results of its investigation. The Final Report must be submitted by May 2010.**

* Municipalities of Banyule, Bayside, Boroondara, Brimbank, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribymong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Nillumbik, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra, Melbourne Docklands.

** In July 2009, the then Minister extended the timeline for the completion of the investigation until May 2011. In April 2011, the Minister extended the timeline until 1 August 2011.

1.4 Scope of the investigation

This investigation includes both Crown land and public authority land—collectively referred to as public land—within 29 of the 31 municipalities that make up metropolitan Melbourne. The Shires of Yarra Ranges and Mornington Peninsula are not included as they were part of previous investigations undertaken by VEAC's predecessor, the Land Conservation Council.

The VEAC Act defines public land. In brief, this is Crown land, including state forests and national parks, and land owned by public authorities. It does not include land owned by the Commonwealth government or local councils. However, for this investigation VEAC has decided to include information on, and discussions relevant to, open space on local council land in the relevant chapters of the discussion paper and this final report. This is partly for context—as local councils are significant providers of open space—and partly because VEAC found it could not properly consider open space issues in metropolitan Melbourne without taking this land into account.

The terms of reference for the investigation specify that VEAC is to identify and assess the uses, resources, condition, values and management of public land in the investigation area. Chapter 4 of the discussion paper describes the public land within the investigation area and its ownership, uses, resources, values, and management. This is the first time that the ownership and use of public land has been identified for the inner and middle municipalities of metropolitan Melbourne. Chapter 7 of the final report includes general recommendations that, if accepted by government, will formally confirm the existing uses of public land within the investigation area as shown on map A in the back pocket of this report.

The terms of reference also require VEAC to report on the contribution of public land to Melbourne's liveability and opportunities for enhancing this contribution. Chapter 5 of the discussion paper documents this contribution. This is likely to be the first time that this contribution has been articulated for metropolitan Melbourne. Both the discussion paper and final report consider public land's contribution to open space and the conservation of biodiversity, and the role of public land in aiding communities to adapt to climate change.

In addition, VEAC is required to report on the values and appropriate future uses of public land not committed to a specific use, and report on future uses relevant to Melbourne's liveability and natural values. The Council has taken the view that land not committed to a specific use is public land that is surplus to the requirements of its current owner or manager. It also decided to focus on the processes for disposing of surplus public land and determining its future uses, rather than

identifying particular surplus land that could make these contributions. The discussion paper and final report describe the values and scope of this land and the policies and processes for determining its appropriate future uses.

The discussion paper invited comment on discussion points relating to the contribution of public land to Melbourne's liveability. It also invited comment on draft recommendations for confirming existing public land use across the investigation area and draft recommendations for a small number of additions to protected areas. This final report contains 10 findings highlighting significant observations, 24 policy and strategy recommendations, and 21 public land use recommendations.

1.5 The investigation process

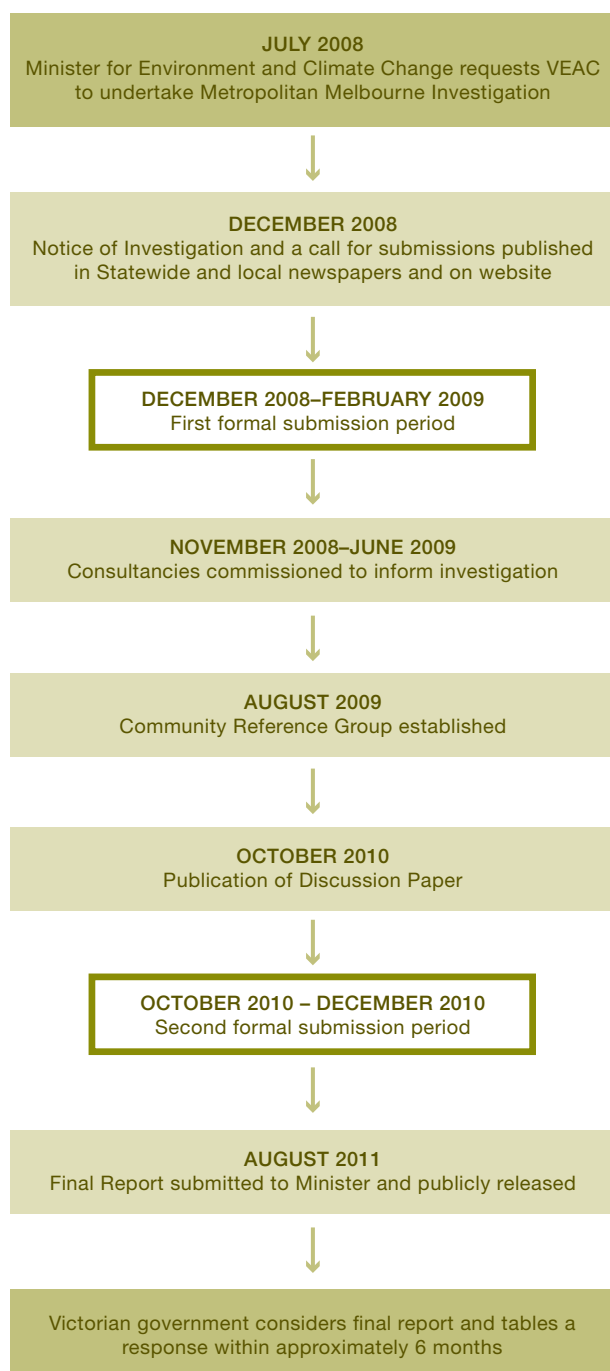
The process for this investigation is specified in both the VEAC Act and the terms of reference for the investigation. The process and timeline are shown in figure 1.2 and include two formal submission periods of more than the minimum 60 days required under the Act.

The terms of reference specified that VEAC was to release a discussion paper and submit a final report. The usual process for VEAC investigations also includes the preparation of a draft proposals paper for public comment. As this was not specified for this investigation, the Council decided to invite comment on particular issues and on a small number of draft land use recommendations in the discussion paper.

A number of submissions responding to the discussion paper proposed additional land use recommendations, some of which covered quite extensive areas. VEAC has considered these proposals and made recommendations in relation to two small areas (see chapter 7). In most cases, however, the Council decided that it was inappropriate to make recommendations for major land use changes that have not been subject to a public consultation process. For this reason, VEAC considers that all future investigations should include the preparation of a draft proposals paper.

This final report completes the investigation and was submitted to the Minister for Environment and Climate Change, the Hon Ryan Smith MP on 1 August 2011.

Figure 1.2
Investigation process and timeline



1.6 Consultation and information gathering

VEAC gathered information from a number of sources during the investigation including seeking advice from the Community Reference Group for the investigation and commissioning expert consultancies. Consultation with the community, public authorities and local councils was an important aspect of the investigation. The information gained from all of these sources provided VEAC with valuable insights into the values, uses and management of public land in metropolitan Melbourne and associated issues.

1.6.1 COMMUNITY REFERENCE GROUP

VEAC established a Community Reference Group for this investigation in accordance with section 13 of the VEAC Act. The group comprised representatives of a broad range of interests related to the investigation. Members are listed on the inside front cover of this report. Over the course of its five meetings during 2009 and 2010, the Community Reference Group provided advice on the contribution of public land to Melbourne's liveability. In particular, the group provided input on the importance of public open space and the conservation of remaining biodiversity values in the context of Melbourne's population growth and increasing urban density.

1.6.2 CONSULTANTS' REPORTS

VEAC commissioned six reports from consultants to inform the investigation. These reports are listed in box 1.1 and are available at www.veac.vic.gov.au.

Box 1.1

Consultants' reports commissioned by VEAC

- ▶ *The contribution of public land to Melbourne's liveability*⁴
- ▶ *Demographic characteristics of communities within the Metropolitan Melbourne Investigation Area*⁵
- ▶ *Biodiversity of metropolitan Melbourne*⁶
- ▶ *Sites of geological and geomorphological significance on public land*⁷
- ▶ *Indigenous cultural heritage and history within the Metropolitan Melbourne Investigation Area*⁸
- ▶ *Non-Indigenous cultural heritage and historic places on public land in VEAC's Metropolitan Melbourne Investigation Area*⁹

1.6.3 COMMUNITY AND STAKEHOLDER CONSULTATION

VEAC received significant input from a range of public authorities and local councils within the investigation area. This input included advice on public landholdings from public authorities and participation at three roundtables on public land issues. VEAC also received invaluable information from local councils on the distribution of public open space within their municipalities and on local open space issues.

A separate consultation program was undertaken with Indigenous communities to provide additional opportunity for their input.

Public consultation on issues associated with public land is a key source of information for VEAC. During the first submission period VEAC received 189 written submissions which were considered during the development of the discussion paper. One hundred and twenty-three submissions were received during the second submission period following the release of the discussion paper on 15 October 2010. These submissions can be viewed on VEAC's website.

In addition, nine formal meetings and several informal meetings were held with members of the community, other key stakeholders and local council staff soon after the release of the discussion paper. These meetings provided VEAC with the opportunity to discuss the contents of the discussion paper with the community and to receive feedback on the issues raised in the discussion paper.

VEAC wishes to thank everyone who made a submission, attended meetings or otherwise participated in the consultation process over the course of the investigation. The information and perspectives were considered when preparing this final report. A list of individuals and organisations who made submissions is in appendix 1. A summary of community and other stakeholder views provided to VEAC in submissions or at meetings in response to the discussion paper is provided below and in relevant places throughout this final report. For a summary of community and other stakeholder views provided to VEAC in the first round of submissions, see chapter 1 of the discussion paper.

Community and other stakeholder views

Many submissions commented on the important contribution of public land to Melbourne's liveability, particularly its contribution to open space, enhancing biodiversity and mitigating and adapting to climate change. A small number discussed other contributions such as social and affordable housing, community gardens and food production. A number of submissions commented on the pressures on liveability and public land from Melbourne's increasing population, urban consolidation and expansion and climate change. Comments were also made about contributions to liveability of specific areas of public land or public open space.

The importance to Aboriginal people of the entire landscape, regardless of its tenure, was raised during consultation with Indigenous communities, as was the importance of Aboriginal cultural heritage sites and places on public land, and the ongoing management and identification of these sites. It was suggested that public land managers should have greater access to information sources to assist with the identification of cultural heritage sites and therefore avoid on-ground works that could result in the inadvertent loss of cultural heritage sites. The responsibility to identify, conserve and protect cultural heritage sites is reflected in the public land use general recommendations contained in section 7.2, and a recommendation emphasising the need to be aware of Aboriginal cultural heritage values on public land is also provided in chapter 7.

Submissions commented on the importance of metropolitan Melbourne's remaining habitat for native flora and fauna—often within the context of climate change—and pressures on biodiversity. A number of submissions stressed the importance of protecting natural values on public land from urban development and degrading processes, and suggested that additional areas of public land with natural values in the investigation area be protected. Submissions also discussed the need for an interconnected, multi-tenure conservation network to provide habitat links, enhance ecosystem resilience and allow native species to adapt to climate change. Recommendations relating to biodiversity conservation can be found in chapters 3 and 7 of this report.

Submissions commented on the implications of climate change for public land, focusing on impacts such as increasing temperatures and rainfall variability, and storm surge inundation and erosion. The importance of urban vegetation on public land, particularly native vegetation, in mitigating the urban heat island effect and maintaining and protecting natural values was highlighted. Several submissions commented on the vulnerability of coastal foreshores to climate change impacts, and the measures necessary to mitigate these impacts. The impact of climate change on current water and fire management practices was also mentioned in several submissions. Chapter 4 contains a finding and recommendation relevant to climate change and public land.

Public open space was the most common theme raised in submissions. Many submissions highlighted the importance of public open space to Melbourne's liveability. Submissions commented on the public open space inventory and analysis provided in the discussion paper. Submissions also commented in detail on the protection, creation and future planning of metropolitan Melbourne's public open space network. Chapter 5 contains recommendations and findings relating to the protection, provision and planning of Melbourne's public open space.

A large number of submissions commented on surplus public land. Some considered that surplus public land with biodiversity or open space values should be retained to enhance biodiversity or to provide open space for Melbourne's growing population. Other submissions stated that surplus public land should be used for a range of alternative public uses such as social and affordable housing, community gardens, urban agriculture and respite facilities. There was also the view that public land should be valued as an intergenerational and a community wide resource, and that it should be retained indefinitely to respond to new and emerging needs.

Submissions provided detailed comments on the surplus public land issues examined in the discussion paper: namely listing all surplus public land on a central register, retaining Crown land that is suitable for another public use and making it available at no cost to a new manager, selling public authority freehold land at a price that reflects its intended public use and clarifying responsibilities and resourcing for the management of Crown land. Recommendations and key findings relating to surplus public land are provided in chapter 6 of this report.

There was a range of comments on the draft general and site-specific public land use recommendations proposed in the discussion paper. The majority of submissions agreed with the general recommendations. Others proposed changes to the range of permitted activities in specific public land use categories. Several submissions identified specific sites that they considered should be re-categorised or were missing from the public land or public open space maps. Others suggested minor modifications to the recommendations—usually extending the area under recommendation—and/or proposed that new areas be added to, or recommended as, conservation reserves. Chapter 7 contains general and site-specific public land use recommendations.

Many submissions commented on Melbourne's increasing population and the pressures that this has, or will have, on liveability and on public land values. Some submissions linked this to the need to provide more open space and/or to protect and enhance Melbourne's remaining biodiversity. A small number linked population growth to the need to contain Melbourne's urban expansion.

Although most submissions focused on the topics and issues covered in the discussion paper, a small number raised additional issues. Some considered that public land should be made available for urban food production. Some wanted public land allocated for community gardens to facilitate social and health outcomes in communities. Others were concerned with the extensive transportation of food and wanted to foster larger urban agriculture projects on public land to reduce urban communities' reliance on fossil fuels for food distribution and to reduce greenhouse gas emissions.

A small number of submissions considered that there is too much reliance on volunteers to manage public land and that there is a need for additional resourcing for the management of Crown land.