

PEAK ENVIRONMENTAL ENTERPRISES

and CONSERVATION CENTRE OF AUSTRALIA

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SUBMISSION NO. 80

29th October 2003

The Secretary
Environment and Heritage Committee
Parliament House
Canberra ACT 2600

Dear Secretary

SUBMISSION ON INQUIRY INTO SUSTAINABLE CITIES 2025

Secretary.....

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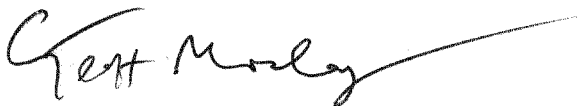
HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON
ENVIRONMENT AND HERITAGE

Please find attached my submission on the above inquiry. It concerns the role of protected landscapes in rural urban fringe areas which I believe have a contribution to make to the sustainability of Australian cities by both providing for recreational needs and limiting urban expansion

Because the proposals to strengthen the protection of Melbourne's Green Wedge areas are the most advanced broad scale attempt to provide protected areas of this type I have focussed on this example. I realise that the opportunities for the use of such measures vary from city to city because of the different circumstances but believe there are lessons to be derived which have a general application.

I would be grateful if you would advise me of any hearing on the inquiry topic to be held in Melbourne.

Yours sincerely



Dr J.G. Mosley

SUMMARY

The submission is concerned with the development of protected areas in the rural-urban fringe. It argues that sustainable cities need such areas to limit growth and meet recreational needs and that although Victoria's metropolitan Green Wedge proposals are the most advanced of their kind in Australia they have shortcomings which are likely to limit the chances of the long term success as landscape protection and recreation areas. In the case of this concept the amenity protection role is compromised by it being secondary to the urban containment role and expendable. Changes which would overcome this problem are outlined. It is suggested that giving priority to the amenity protection role would best serve the objective of sustainable cities

RELEVANT EXPERTISE

1. My background relevant to this submission is that for many years through either research or practice I have been involved with measures to meet the recreational and conservation needs of urban populations. During this time I have had a particular interest in types of measure which seek to achieve these objectives on privately owned lands in rural-urban fringe areas through planning.

2. My experience in this field has included research for MA and PhD theses; the former on the English approach to landscape protection and the latter on the meeting recreational needs in the State of Tasmania. I have also carried out post-doctoral research on the New South Wales protected area systems. Since 1979 I have been a member of the World Commission on Protected Areas and from 1981 to 1988 represented Australasia and Oceania on the governing body of the World Conservation Union. Through my involvement with the Australian Conservation Foundation since 1966 (including as Executive Director from 1973 to 1986 and Councillor from 1987) I have played a leading role in the development of measures to protect areas with high amenity value both within Melbourne and in Melbourne's rural-urban fringe; notably the Yarra Valley and its tributaries, the Dandenong Ranges, and the Mornington Peninsula. In 1989/91 I played the leading role in promoting the Melbourne Ring Park proposal (now the 29 kilometre long Capital City Trail). Since 1990 I have lived in what is now the Green Wedge Shire of Nillumbik and have worked for the upgrading of the protection of the area through improved management and greater security for the planning objectives. Throughout the last four decades I have also endeavoured to foster better public understanding of this aspect of area protection, an example being the Conference on Rural Landscape Conservation With Particular Reference To the Rural-Urban Fringe which I organised with the assistance of the Commonwealth Department of Urban and Regional Development in August, 1975.

MEETING THE RECREATIONAL NEEDS OF CITY DWELLERS - AN HISTORICAL PERSPECTIVE

3. The way in which city dwellers have engaged in outdoor recreation and sought to secure conditions favourable to this activity in the post-industrial revolution era is one of the great stories of modern history. It deserves greater publicity. At the heart of the story is the fact that the city provides a phylogenetically unsuitable environment for humans. The experience of living in cities is too recent for there to have been any inherent biological adaptation to the environment cities offer. The basic biological needs of city dwellers are those developed during millions of years of evolution when there was a far closer and more fundamental relationship with the natural environment than that offered by today's urban environments. There are many ways in which urban populations have endeavoured to compensate for this fundamental maladjustment including making regular excursions to areas beyond the city and the setting aside of protected areas where there can be some relief from the otherwise alien condition of city life. The term 'recreation' effectively conveys the nature of this movement. Those involved are seeking to 're-create' the past relationships which humans had with the environment.

4. The outdoor recreation movement and the articulation of its needs developed strongly in the late eighteenth century at the same time as the industrial revolution was resulting in a bigger proportion of the population of western countries living in cities. Initially, lack of means including mass transport systems, prevented most people from travelling beyond the city. The history of the responses to the needs of these caged populations is a complicated one. Suffice it to say that it took several forms, developed in overlapping stages and involved taking advantage of and building on earlier gains at each new stage. The first phase involved the development of protected open space areas within walking distance of living places. This happened in all Australian cities and was justified as necessary for the health and well being of the inhabitants. Probably the best example was the urban design which established the Adelaide townlands (a circular belt of parkland set aside for public purposes in 1839). As with the twentieth century green belt concept there appears to have also been an urban efficiency motive (control of urban form) for this part of the plan. The parklands have survived today largely intact because there was ample room for planned urban expansion beyond the townlands. A similar 1840s concept of a ring of parkland around Melbourne was developed by Charles La Trobe but was only partially successful. A second phase involved the development of parks in natural areas either on the fringe of the cities (as in the case of The National Park south of Sydney in 1879) or further afield as at Mount Buffalo and Wilsons Promontory in 1898. A major factor at this stage was transport improvements in the form of railways which enabled more people to be able to make excursions to new national parks and the rural areas. These parks were transitional to a third stage of development in the twentieth century of more widespread systems of parks now accessible by motor vehicle with dual recreational and nature conservation objectives. Concurrent with these latter moves, the period after the First World War

witnessed the development of town and country planning approaches to open space planning. The most visionary example of this was the Town Planning Commission's 1929 proposal for a linked system of metropolitan parks along Melbourne's river valleys. Other moves included the development of open space standards and the importation of the English green belt movement. While Sydney's green belt project was a failure in Melbourne a late 1960s variant comprising green wedges separating urban growth corridors has not only survived but is being consolidated and forms the main subject of this submission. Regrettably, the Town Planning Commission's proposals were not acted on but the ideas survived and were implemented in part through the Metropolitan Park systems of the 1970s. Similarly, La Trobe's 1840s and 1850s inner city parks became important building blocks for Melbourne's 1990's Capital City Trail.

5. A significant feature of the planning approach to protecting amenity is that it applies to private as well as public land. The public is deemed to have an interest in the values of such areas even though they are privately owned and their survival and enhancement is sought by a combination of development control and positive action.

6. As a result of this long history the open space and amenity protection situation is a complicated one varying from city to city. Many of the most salient features are the legacies of these past stages involving provision of recreational opportunities on public land. Added to this are further layers of open space and heritage protection achieved through planning on private land. There has been a great deal of experimentation with different methods of providing overall direction and control for these efforts. In Victoria for instance they have ranged from the development of specific planning policies by the state planning authorities, the production of special conservation plans as in the case of the Mornington Peninsula Conservation Plan and the Upper Yarra Valley and Dandenong Ranges Strategy Plan and the creation through special legislation of a special regional planning body as in the case of the Upper Yarra Valley and Dandenong Ranges Authority.

MELBOURNE'S GREEN WEDGE SYSTEM - ORIGINS

7. The latest attempt to provide overall direction and focus for attempts to achieve amenity conservation objectives in rural-urban fringe areas around Melbourne is the strengthening of the green wedge system. This approach involves designating land between urban growth corridors as green wedge areas. The term "green wedge", which appears to have been first used by Premier Rupert Hamer in 1969, was formalised by the Melbourne and Metropolitan Board of Works in the 1971 report *Planning Policies for the Melbourne Metropolitan Region* which identified nine green wedges. Implementation of the green wedge objectives was sought through state government influence on the content of the planning schemes of the various municipalities in which the green wedges were located. Although having bi-partisan support the green wedges were not mentioned in the state planning policy framework known as the *Victoria Planning Provisions* which was developed in the mid 1990s.

8. In 2002 with the approval of a new metropolitan strategy (*Melbourne 2030 Planning for Sustainable Growth*) major plans were made to strengthen the protection of the green wedges. In April, 2003 the *Planning and Environment (Metropolitan Green Wedge Protection) Bill* was initiated in the Assembly. It is scheduled to be finalised before the end of the year. This legislation when enacted will give a legislative basis for the existence of the green wedges and give the Planning Minister and Parliament decisive roles in their protection. It is also the Government's intention to include reference to the green wedges in the *Victoria Planning Provisions*.

ANALYSIS OF THE EFFECTIVENESS OF THE GREEN WEDGE PROPOSALS

9. I have consulted: the proposed legislation (*Planning and Environment (Metropolitan Green Wedge Protection) Bill*); *Technical Report 2* (three issue papers and the Summary); *Implementation Report No. 5*; and the *Draft Clause 12 to The Victoria Planning Provisions* (the state planning policy framework). I have based my analysis on my awareness of the values and problems of the areas in question and on knowledge of the highly successful measures used for amenity protection in similar circumstances in England and Wales.

10. As the English case shows there are many important factors in achieving a successful outcome but key elements include a positive approach to protection; giving central government a decisive role, making special arrangements for administration; adopting an appropriate approach to zoning; and making adequate funding arrangements. It is highly preferable that these matters be addressed in the organic legislation since this gives a clear sign of the importance attached to them and are less easily changed.

11. Expression of Concept and Statement of Purpose Appendices 1 and 2 of the *Implementation Report 5* refer to the attributes and overall purpose of Green Wedges. Included are the purposes of providing for urban infrastructure and extractive industries which sets up a clear potential for conflict with environmental landscape protection objectives. The bill is deficient in including no statement of purpose for green wedges. Indeed in terms of concept it is clear that of the two objectives of the Strategy - control of urban development and provision of open space - the latter is very much the junior partner. The green wedges serve primarily to separate the urban growth corridors and can be converted to urban purposes when and if required.

12. Determination, Definition and Security of Boundaries of Green Wedges The bill refers to green wedge land as "land which is described in a metropolitan fringe planning scheme as being outside an urban growth boundary". The bill proposes that amendments authorised by the Minister which affect an urban growth boundary or which alter or remove any controls over subdivision of green wedge land allowing subdivision into smaller lots require parliamentary ratification. Whilst the designation

of this as a function of Parliament is appropriate the security of the green wedges will depend upon how expendable the legislature considers them to be. The lack in the bill of a positive statement concerning their purpose, the reference to their boundaries as being the urban growth boundaries and the emphasis placed on the procedure for amendment of the urban growth boundaries does not inspire confidence that the green wedges have a long term future in relation to today's boundaries..

13. Funding This vital matter appears not to have been addressed. There is no reference to it in the bill. In Britain approximately half the funds for administration and protection of equivalent protected areas is provided by central government. Failure to make adequate arrangements for this could undermine the whole green wedge mission.

14. Administration The *Implementation Report* recognises the existence of 12 Green Wedges several of which have parts located in more than one municipality. It is proposed that Regional Working Groups be formed to develop individual action plans for the green wedges. Who these bodies will advise and how the action plans will relate to the local planning schemes is unclear. The planning method used successfully in Britain is the appointment of planning Boards or Committees for each area. This is a stronger arrangement than the Regional Working Groups proposed for Melbourne. However, the Victorian legislation is clear in giving responsibility for major planning decisions to the Minister and Parliament.

15. 'Whole of Property' Versus 'Values' Approach There is a consistent theme in the Melbourne 2030 documents that some parts of the green wedges have higher values than other parts and should therefore be given a higher level of protection. Partly, this seems to reflect an inadequate understanding of the nature of the overall values. The confusion probably has its roots in the past focus on the conservation of natural features. What needs to be clearly understood is that the amenity values of the green wedges relate to both natural and rural features and their integrated presence in extensive landscapes and vistas ie 'the whole property'. The planning approach that is best suited to protecting these assets is one which recognises and endeavours to protect their essential 'broad acre' nature. An alternative approach of endeavouring to identify the various heritage values and protect them through a complicated regime of zones and controls is likely to undermine the overall effort. Examining what has been proposed for the green wedges the situation is not encouraging. It is proposed that two extra zones be created, a 'Green Wedge Zone' and a 'Rural Conservation Zone', to make a total of five. It appears that an attempt may also be made to recognise different levels of past rural residential development with different zone categories. In addition a Reference Group on Rural Zones (*Rural Zones Review Reference Group Discussion and Options Paper, January 2003*) has made a different set of recommendations for rural areas across the state and an attempt is being made to reconcile these with those proposed for the green wedges. The notion of having some parts of green wedges in green wedge zones and others not is also in itself confusing. The general trend towards a fragmented zoning approach, out of kilter

with the broad acre nature of the resource, is of great concern. The variety of zones would most likely take the form of a variety of minimum subdivision lot sizes. Compounding this, and also likely to facilitate fragmentation, is the notion expressed in both the Melbourne 2030 and the Rural Zones Review paper that instead of minimum subdivision levels for zones subdivision control should be performance based and related to the results of land capability studies. The ideal arrangement for the green wedges would be a single zone such as 'rural landscape zone' or 'green wedge zone' with an appropriate minimum subdivision level such as 40 hectares and covering all land except the rural townships. Whilst agricultural productivity is an important objective for green wedge areas it is undesirable for this to be accorded the highest land use priority as it might well be in many rural areas beyond the rural-urban fringe.

16. Proactive Approach One of the weakest links in the improvement of protection for the green wedges over the last thirty years has been the lack of education programmes dedicated to developing higher levels of community understanding about green wedge objectives and needs. Similarly, it is important that positive action programmes form an important part of the approach to protection and that these involve local residents and land owners to the maximum extent.

17. Population Policy Melbourne 2030 is premised on a policy of continued population growth. The statements in it are a mixture of support for growth and expression of the idea that growth is "inevitable". Such an approach has serious consequences for all aspects of sustainability of Melbourne including the likely eventual conversion of large parts of the green wedges to urban needs other than conservation of amenity, including increased use of land for housing, infrastructure, building materials, energy and food. Melbourne 2030 envisages an increase in population by 1 million by 2030 and considers that there is enough land in the urban growth corridors to meet the housing needs related to a growth of this order. However, the land available for urban development is not evenly distributed within the urban growth corridors and some green wedges are likely to be threatened by boundary adjustments earlier than others. According to a report in *The Age* (11th October, 2003) two of the north western growth corridors now have a land availability of only 10 to 15 years. Regardless of the pressures likely to be felt within the next three decades the basic approach of the policy on population is flawed in the sense that it does not adequately acknowledge the pressure on land and resources that will be created by the extra million people beyond 2030. Unlike the Adelaide townlands concept of the nineteenth century there no plans to develop urban areas beyond the green areas

SUGGESTIONS FOR IMPROVEMENT TO GREEN WEDGE SYSTEM

18. Whilst the proposal for improved protection of a system of green wedges in the rural-urban fringe areas around Melbourne are of national interest the context in which they are expected to operate of major population growth and subservience to the aim of efficient urban expansion casts a dark shadow over their long term future. The green wedges are seen as having the dual

function of containing growth and providing for recreational needs but they are expected to do this in a policy situation of urban expansion so that without growth limits the recreational function is expendable. This contrasts strongly with the British approach where for over fifty years the protected areas have been established for their own sake as permanent entities, and there are no long term threats to their existence. Unfortunately, it is the basic pro growth concept of Melbourne 2030 that is at fault. Until this is changed to a non growth policy the green wedges will always be seen as being ultimately expendable and not of the highest value for their recreational function. If the role of the green wedges was changed to one where their primary aim was landscape protection and they were given a higher degree of security and a improved means for planning and management they could make a better contribution to the development of Melbourne as a sustainable city. The following are some suggestions for improvement of the green wedges: A. In the legislation include a positive statement on the values and purpose of the green wedges (this could include reference to what they can deliver in terms of recreation, education, agricultural production, and catchment and biodiversity protection); B. Include a statement in the legislation that guarantees the permanence of the boundaries (eliminating the provisions for amendment of boundaries to allow urban expansion); C. Include a statement in the legislation which indicates that priority will be given to conservation objectives over infrastructure developments and extractive industries; D. Include a provision in legislation which broadly spells out the undertaking of the state to provide at least half of the finance needed for green wedge administration, planning and management; E. Make reference in the legislation to the establishment of an additional tier of specialised planning bodies for regional groupings of green wedges and state their responsibilities including development of green wedge plans (the Upper Yarra Valley and Dandenong Ranges Authority provides a useful precedent and model); F. In the *Victoria Planning Provisions* indicate the adoption of a 'whole of property' approach to planning and management of the green wedges; G. In *The Victoria Planning Provisions* indicate the zone categories to be used to avoid fragmentation (preferably a single category with a minimum lot size of 40 hectares for subdivisions); H. Include in the legislation a requirement for State Government to facilitate the development of positive action and community education programmes by the green wedge regional authorities.

CONCLUSION

20. Protection of the amenity values of rural-urban fringe areas by measures which ensure long term security for the boundaries, relevant planning and positive action can make a desirable contribution to the achievement of sustainable cities both by placing real limits on city growth and by providing for the recreational and other needs of city dwellers. For this reason the Melbourne green wedge proposals are of Australia wide interest. Unfortunately, with continued city growth it is difficult to see them surviving for thirty years let alone the fifty plus years of their English counterparts. What is needed is a new approach in which Victoria abandons its growth aspirations and the green wedge areas are given a permanent status as rural

areas. With these changes they can properly help constrain urban growth while contributing to recreational needs.

J.G.MOSLEY

28/10/03