



24 September 2007

Metropolitan Planning Audit
Department of Planning and Community development
PO Box 500
East Melbourne VIC 3002

By email audit.submissions@dse.vic.gov.au

Dear Sir or Madam

Submission to the Melbourne 2030 Audit

The Environment Defenders Office ('EDO') welcomes the opportunity to make a submission with respect to the Melbourne 2030 audit.

About the EDO

The EDO is a not for profit community legal centre specialising in public interest environmental law. We are part of a network of EDOs in each State and Territory. Our work includes:

- Providing legal advice and representation to individuals, community groups and conservation organisations with respect to environmental law issues.
- Providing training and education about environmental law and policy issues.
- Pursuing policy and law reform.

Reflecting our interest and expertise, our concerns relate to the implications of Melbourne 2030 on matters such as biodiversity conservation, protection of native vegetation and climate change.

Implementation of Direction 7: A greener city

New development on the ground does not always reflect the policy intent of Melbourne 2030 in relation to Direction 7; 'a greener city'. This policy intent is often overridden by the strategy's other directions and initiatives.

Melbourne 2030 as a whole focuses too heavily on infrastructure. As the majority of Melbourne 2030's key directions focus on development, transport and urban planning, the strategy allows scope for overdevelopment and neglect of detrimental environmental impacts. It contains inadequate protection for environmental matters, particularly the conservation, protection and enhancement of native vegetation within the metropolitan area, and addressing climate change impacts.

It is submitted that increased and improved implementation plans are needed with regard to the Direction for 'a greener city'. New initiatives should be developed for each of the 9 policies. The initiatives should contain stronger implementation of the environmental policies, and spell out clear and precise actions or projects to be undertaken.

Some policies and initiatives of particular relevance are discussed below.

Protection of biodiversity and native vegetation

Victoria is facing a biodiversity crisis, and urgent action is required to address this.

The fact that action needs to be taken to protect Victoria's biodiversity was recognised by the Government through the Department of Sustainability and Environment's commitment to develop a White Paper addressing 'Land and biodiversity at a time of climate change'.

Melbourne 2030 recognises on page 40 that 'biodiversity is a key issue', and claims that 'native vegetation communities will be protected and improved and habitat restoration encouraged'. Yet Policy 7.7 has not been effectively applied (see below for more discussion of the native vegetation framework under Initiative 7.7.2).

Further programs and strategies should be developed which provide increased and effective protection, as well as enhancement, of biodiversity. Suggestions include landholder incentives and increased public funding for new reserves.

Melbourne 2030 also states that 'the proposed urban growth boundary will help with protection of important flora and fauna habitat'. It is essential that the urban growth boundary remains in place and is adhered to. Any future extensions to the boundary should be carefully considered and should avoid all ecologically significant areas or biolinks.

Greater priority should be given to the protection of remnant patches of native vegetation in green wedge areas.

Addressing climate change impacts

Similar arguments to Policy 7.7 apply in relation to Policy 7.3 which deals with climate change. Melbourne 2030 acknowledges that 'climate change due to the greenhouse effect is one of the world's most serious environmental challenges'. However, this policy intent is not adequately reflected in the initiatives and implementation plans set out in the strategy. Increased, and more effective, initiatives are needed to address the serious threat of climate change.

Native Vegetation Framework

Initiative 7.7.2 provides for implementation of a native vegetation management framework. It is necessary for the audit to examine the success of the implementation of *Victoria's Native Vegetation, A Framework for Action*, which plays a vital role in attempting to achieve protection of native habitat and areas of important biodiversity through appropriate land-use planning

Whilst the *Framework* and associated initiatives have led to some significant advances, there remain significant deficiencies which undermine the 'net gain' objective. Key issues include:

- The lack of monitoring. Despite the importance of monitoring and in particular a permit tracking system being recognised since the initial introduction of the Native Vegetation Framework, a system still has not been implemented.
- Lack of enforcement of illegal clearing and vegetation destruction.
- The uncertainties generated as a result of the implementation of the *Framework* as one policy amongst many under the Victoria Planning Provisions.
- A continuing lack of emphasis on the priority that the *Framework* gives to avoiding the clearing of native vegetation.
- The lack of capacity and political will on the part of some Councils in implementing the *Framework*.
- A series of exemptions which in the main have not been revised since they were initially introduced in the early 1990s.

- The lack of effective tools for a more strategic approach to native vegetation regulation and the lack of integration of *Framework* policy objectives at the crucial strategic planning stage.
- The lack of clarity about the role of Bush Broker, third party offset providers and payments in lieu of actual offset provision.

A review of the effectiveness of the *Framework*, and its implementation, is required in order to address these deficiencies and to ensure adequate protection of native vegetation. The enforcement of native vegetation provisions in the planning controls should be given priority to prevent illegal clearing.

Green wedge controls

Whilst the green wedge controls are a positive development, they require a degree of refinement. Strengthened and more prescriptive green wedge planning controls flowing from Policy 2.4 would lessen the scope for the policy intent of the green wedge provisions being undermined in individual cases.

The EDO hopes that the Melbourne 2030 audit will result in further implementation plans, mechanisms and projects which concentrate more specifically and directly on environmental matters such as biodiversity conservation and protection.

Yours faithfully,



Brendan Sydes

Principal Solicitor