Submission No 50

INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK

Organisation: Australian Institute of Landscape Architects (Victoria)

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INQUIRY INTO THE PROTECTIONS WITHIN THE VICTORIAN PLANNING FRAMEWORK
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Australian Institute of Landscape Architects

25 January 2022

The Secretary
Legislative Council Environment and Planning Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Dear Secretary,

Submission to the Parliament of Victoria Legislative Council inquiry into protections within the Victorian planning framework

The Australian Institute of Landscape Architects (AILA) Victorian Chapter provides the following response to the call for submissions to the Parliament of Victoria Legislative Council inquiry into protections within the Victorian planning framework, 28 October 2021.

AILA leads a dynamic and respected profession: creating great places to support healthy communities and a sustainable planet.

AILA is the peak national body for the Landscape Architecture, championing quality design for public open spaces, stronger communities, and greater environmental stewardship. We provide our members with training, recognition, and a community of practice to share knowledge, ideas and action.

AILA represents over 3,000 landscape architects and through our members we anticipate and develop a leading position on issues of concern in landscape architecture. Alongside government and allied professions, we work to improve the design, planning, and management of the natural and built environment.

Our membership covers a diverse range of professional and creative services including strategic planning, urban design, open space design, and natural resource management, working across all levels of government and within the private sector.

AILA's Charter stresses that urban and rural landscapes contribute to the Australian quality of life and that the condition of the landscape influences the economic, social, and environmental health of the nation. It strongly endorses the implementation of green infrastructure as a strategy to combat climate change and to build sustainable and resilient cities.

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AILA declared a climate and biodiversity emergency in 2019 as a recognition of the urgency to act on climate change. This was further emphasised by the IPCC 6th Assessment report. We are supporting our members with tools and policy to enable improved understanding of the issues and opportunities for our profession to respond to the emergency through our design and planning work and advocacy.

The existing state, and future development of Victorian cities, towns and public and private landscapes needs careful reconsideration in relation to climate impact, risk, and future liveability as the effects of climate change increase in coming decades.

AILA believes that significant change is required to the planning and design of our towns and cities as a matter of urgency. In their present form, they are among the most carbon intensive in the world because of their car dependence, low density, and inefficient, and often oversized, housing and other building design.

Loss of vegetation as a result of agriculture and urban growth adds to the carbon footprint of our society. We know that despite good policy on open space and the urban forest, tree canopy cover is decreasing in most local government areas, including many where urban heat is an increasing threat to the disadvantaged.

The last decade has seen many prototypes for better planning and design in terms of movement away from low-density car-based sprawl towards medium-density, mixed-use energy-efficient development and higher quality streets and public realm that incorporates water harvesting, urban greening and caters for safe active transport. Much of the developed world is more advanced in restructuring their cities, towns, and transport systems. AILA believes that the planning system needs to be made more directly responsive to the climate emergency.

One way would be to require all developments to be evaluated in terms of their time to a point of being climate positive. Planning policy could set standards and requirement for differing forms of development, and redevelopment, including transport and area-wide urban development and redevelopment of all types. That is, all carbon inputs in terms of construction energy and materials as well as operating energy should be estimated and include sequestration from vegetation enhancement. Once emissions have been substantially reduced, then the remaining should be offset through a certified programme. This aspect of city development needs to be properly understood so that adequate funds can be acquired to be directed to all important carbon-reduction and mitigation measures.

The planning system is intended to direct and constrain private sector investment in order to enable the economy to flourish, while also enabling a good quality of life for all Australians.

The climate emergency now requires the planning system to be far more proactive to ensure that we can quickly restructure our cities, towns, and regions to significantly reduce carbon inputs while preparing for the extremes of climate, including floods, sea level rise, heat and droughts that will increase though the century.

AILA encourages the Environment and Planning Committee to consider seriously the climate emergency as a factor of important influence in all areas of its terms of reference. We would welcome the chance to further advise on climate matters related to our area of professional knowledge.

The terms of reference for the Legislative Council Environment and Planning Committee to inquire into, consider and report, by June 2022, on the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework, in relation to planning and heritage protection, are quite broad.

Our submission addresses items:

(2) Environmental sustainability and vegetation protection, and item
(4) Protecting heritage in Victoria, focusing on natural heritage.

Underlying this submission are the values that AILA holds for healthy communities, urban green infrastructure and liveable cities. The COVID lockdown has shown that parks and open spaces play a critical role in people's physical and mental well-being. Providing connected open spaces, forming a green network and functioning as green infrastructure, can improve social, economic and environmental outcomes across

Australia. Open space contributes to social connection, cultural identity and liveability, especially in our increasingly dense and globalised cities (https://www.aila.org.au).

Environmental Sustainability

Climate change

The building sector contributes almost 40% of planetary greenhouse gas emissions, with approximately 28% from building operations and 11% from embodied carbon up front in construction.

The Current document does not mention climate change at all. We recommend that the document be brought into alignment with the Climate Change Act 2017 and the Victorian Government emissions reduction targets.

The Victorian Government has an emissions reduction target of 45–50% by 2030 below 2005 levels. While lower than the 74% reduction target calculated by the Climate Council in their document *"Aim High, Go Fast"* it is essential that the planning framework require development as a minimum to comply with the 45–50% by 2030 target.

Recommendation:
Align and cross reference the Act with the Climate Change Act 2017. Require mandatory 45-50% greenhouse gas reductions on 2005 baseline, including both embodied up front construction and operational greenhouse gases.

Vegetation Protection

Vegetation is a fundamental component of our urban landscape, including urban parks and open spaces. It is a critical component of effective green infrastructure. The Planning and Environment Act and the Victorian planning framework must protect key vegetative elements within the urban landscape. Tree canopy in particular, is also critical to reducing urban heat island impacts.
The Victorian planning framework is a dynamic document, responding to changing societal circumstances and values. AILA commends the Legislative Council Environment and Planning Committee for undertaking this inquiry.

Implementation of the state government's Plan Melbourne 2017-2050 necessitates amendments to the Victorian Planning Scheme. AILA supported the adoption of this plan, in which Outcome 6 aims for Melbourne to become a sustainable and resilient city. We recommend that this aim extends to all Victorian cities and towns.

We also commend the government for its intention to increase sustainability and resilience through the implementation of green infrastructure to cool and green Melbourne. This green infrastructure depends on protection of existing trees and other vegetation.

We note that the strategy Living Melbourne: our metropolitan urban forest includes Action (1), to protect and restore species habitat and improve connectivity; Action (3), to scale up greening in the private realm; and Action (6), to fund protection and enhancement of the forest.

Current issues include the following:

- Planning requirements for Environmentally Sustainable Development should be extended to require retention of all trees greater than 300mm diameter, not just those that are regarded as significant. Small trees will grow to become large; their potential for significance should not be dismissed when they are immature.

- Requirements relating to Urban Ecology should apply to all development, not just accommodation and mixed use with a residential component. Planning permits for a single dwelling should also require a Sustainable Design Assessment and/or Sustainability Management Plan. Although indigenous plants are always desirable, any planting will contribute to urban greening and biodiversity and possibly urban cooling.

- Penalties set for tree removal currently provide little deterrent and do not reflect the true value of trees. We understand that penalties for tree removal are set by Local Government agencies (Councils) in accordance with the Local Government Act, and that the maximum amount is limited by the Department of Treasury and Finance's guidelines on the Subordinate Legislation Act 1994. In 2018, this was $2,000. AILA recommends that penalties for illegally removing trees should be very much higher.

The City of Melbourne has produced a useful document to assess the amenity value (V) of a tree: https://www.melbourne.vic.gov.au/sitecollectiondocuments/tree-valuations.doc.

This is a function of its monetary value ($), species (S), aesthetic value (A), locality (L) and condition (C), where: Value (V) = Basic Value ($) x Species (S) x Aesthetics (A) x Locality (L) x Condition (C).

This amenity value does not include the value of the tree to human health and well-being, by contributing to cooling and greening the city, and thereby reducing other possible costs. It also does not include its ecological services value as an essential component of green infrastructure, which delivers services to a community such as flood mitigation through reducing stormwater runoff by such mechanisms as passive street tree irrigation. If a tree is to be replaced after illegal removal, there is an additional reinstatement cost. All these costs must be reflected in the penalty for illegal removal of a tree.

Some examples:
Using 2013 figures, the replacement cost for a tree with 30-cm diameter trunk at breast height with medium life span and fast growth, e.g., eucalypt, in fair condition in a residential street planting was $4,393; the same size tree in the same context but with a long life and slow growth rate, e.g., elm, had a replacement cost of $6,275. The same trees with 60-cm diameter trunk at breast height had replacement costs of $17,572 and $25,107, respectively. It can be seen that the current penalties for illegal removal are woefully inadequate.

An alternate way to assess tree removal penalty is to estimate the equivalent tree replacement cost. For a tree of approximately 100m diameter a $2,000/1,000 litre tree replacement might be sufficient. However, the larger the tree is the replacement costs rise exponentially.

Example Replacement for 1.0m diameter 25m tall plane tree. Sourcing a tree of the same size, paying out the owner for the loss of its amenity value, preparing it over the course of a year to transplant, water jet cutting it out of the ground and installing a steel frame to lift the root ball, a 500-tonne crane at $100,000 /day to lift it and putting it on a truck (if one large enough could be found), then police escorts for the entire transit, then another 500-tonne crane to lift it into its new location etc, etc. Likely cost several $100,000 if even practical.

Recommendation:
We recommend that the current planning framework be changed in the following ways:

- ✓ Tree protection: Protect all canopy trees.
- ✓ Extend urban ecology requirements to all development types, not just: accommodation and mixed use with residential components.
- ✓ Increase penalties for illegal tree removal.

Penalties for urban tree removals should move from a flat rate to a size and amenity based assessment consistent with current best practice for the City of Melbourne Amenity tree valuation system.

Protecting natural and indigenous cultural heritage in Victoria

While the Act provides protection for heritage "Buildings" it should also include protection of natural and cultural landscapes.

The destruction of the Jukkan Gorge Caves in Western Australia highlighted the needless ongoing loss of our cultural heritage. While smaller in scale, the felling of centuries old sacred trees for a Victorian road widening were still significant.

Recommendation:

✓ Extend the Act to include protection for natural values and Indigenous cultural values.

We would welcome the opportunity to further engage with you on this inquiry and our recommendations as listed above and look forward to connecting in the near future.

Regards,

[redacted]

Matt York
AILA President Victoria
Australian Institute of Landscape Architects

This submission has been prepared by a working group of AILA Victoria, co-ordinated by Dr Meredith Dobbie, Environment Committee Chair.