

Greg Alabaster  
11 Fiddes Street  
Moorabbin. Vic. 3189

28th September 2007

The Secretary,  
Legislative Council Select Committee on Public Land Development,  
Parliament of Victoria,  
Spring Street,  
Melbourne. Vic. 3002

Dear Sir,

**Inquiry into the Use and Development of Public Land and Open Space in  
Victoria**

This is a personal submission based on my experience as a municipal councillor in Melbourne's south east region.

In my opinion Governments at all levels have failed to recognize the value and importance of public land and open space. Indeed it is often regarded as a cheap and easy source of revenue.

This is both disappointing and alarming given that every study and projection indicates greater housing densities and increased populations for our suburbs. Perhaps this is best illustrated by *Melbourne 2030*, which provides the strategic framework for managing Melbourne's future growth.

However, based on the evidence I have seen *Melbourne 2030* has not achieved its objective of containing higher density development to activity centres. In the middle and inner ring municipalities development has occurred across the board. Rather than providing a diversity of housing opportunities, under *Melbourne 2030* larger residential blocks have simply disappeared along with substantial gardens and private open space. But there has been no corresponding increase in public open space.

If Melbourne is to grow and maintain its status as a liveable city, there must be a balance between development and public open space. The State Government needs to act now to not only recognize and protect our existing public land and open spaces, but to ensure additional land is provided to meet the needs of future generations.

To achieve this outcome State Government should:

1. Clearly recognize the community benefits of public land and open spaces in terms of health, social, recreational and environmental functions.
2. Conduct a full audit of all existing Federal, State and Local Government public land and open space.
3. Set minimum levels of public land to be provided for community needs, such as a minimum area of land per 1000 head of population.

4. Create a public land and open space plan to ensure that minimum levels are in fact provided and the needs of future generations addressed.
5. Prohibit the sale or alienation of existing public land and open space to raise revenue.
6. Reform the *Subdivision Act 1988*. This Act allows Councils to require a developer to pay a levy of up to 5% of the value of land being subdivided as an open space contribution. The Act states that, "Council may only make a public open space requirement if it considers there will be a need for more open space .....". But the Act also says that after making a decision based on the need for more open space, Council may use the funds to "improve land already set aside". This is a farce. In reality much of the money raised has been used as a de facto maintenance fund for existing infrastructure. This Act should be reformed to require that:
  - (a) All money raised is used to actually purchase additional land for public open space.
  - (b) To better reflect community needs, the levy be increased to say a minimum of 5% and maximum of say 20%.
  - (c) The levy required is proportional to the amount of open space in the area of the subdivision. In other words a sliding scale where if there is little or no open space available to service the development the levy would be the maximum 20%. Conversely, if there was plenty of open space the levy would be the minimum 5%.
  - (d) Ensure that any levy raised is spent in the area where it was collected.
7. Allow a legal right of appeal to a decision to sell State or Local Government land. At present the *Local Government Act* does not allow a right of appeal to a Council decision to sell land. The right of appeal is a fundamental part of our democratic system and could be achieved by appointing an independent body to oversee the sale of public land.
8. Support the concept of green wedges and the urban growth boundary. There are many arguments for changing green wedges and the urban growth boundary. However, I believe the concept is a sound one which will produce substantial benefits to the broader community. Tinkering with the edges will create more problems than it solves. But in saying this, I realise that some land in the existing green wedges may not be commercially viable, and I urge the government to initiate a fund which would see unviable land purchased for community use.

Thank you for the opportunity of making a submission. I will be pleased to appear at any hearing should this be required.

Yours sincerely,

Greg Alabaster