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Secretary, Legislative & Select Committees,
Department of the Legislative Council,
Parliament House,
East Melbourne, Vic. 3002

Ian Quick,
President,
Save Our Suburbs,
P.O. Box 739,
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Dear Sir,

RE: LEGISLATIVE COUNCIL INQUIRY INTO THE SALE AND ALIENATION
OF PUBLIC LANDS

I would first like to commend the Victorian Legislative Council for creating this Select Committee to inquire into the use and development of public land and open space in Victoria. It is an area that desperately needs Government inquiry, and I hope that the Committee will include many specific recommendations in its final tabled report.

Unfortunately, it is only one of the many areas associated with planning in Victoria that need urgent attention, though I do understand these other issues are outside **this** Committees terms of reference.

Why does the use and development of public land and open space need to be investigated? Quite simply, there is a justifiable lack of public confidence in current processes. There have been too many questionable land sales and rental agreements involving public land that lacked transparency, different government departments have often failed to cooperate with each other (let alone with the community), some public land is being sold off to developers when it shouldn't be, etc.

It's not hard to come to these opinions either, as I suspect that the few cases so far submitted to the Committee are just the tip of the iceberg – most residents either don't know the Committee exists, haven't got time to make a submission, or assume (as with most Government consultation processes) that anything they submit will be ignored (as occurred on a large scale with the public consultation process for the introduction of M2030).

In our comments and issues below, we have not explained each issue in detail – otherwise this submission would have been over 100 pages and would have taken longer than we had time to write! However I do wish to present evidence at a Public Hearing if possible and I would be available to answer any questions the Committee may have.

Ian Quick
President
Save Our Suburbs (Vic)

A0036067S

28/10/2007

What is public land / public open space and what role does it play?

The definition I will be using in this submission is that **public land** is any land owned by any level of Government (ie, local, state and federal) and their departments, any Government authority or institution, or any other type of public body or Agency². This would therefore include such entities as VicTrac, Parks Victoria etc.

For this submission I will refer to **any owner of public land as Public Land Holder (PLH)**.

Public Open Space is therefore public land primarily not covered with buildings, and if buildings are present they are most likely to be of a community nature (eg, a scout hall, health centre, or sports complex) and cover a relatively small percentage of the land.

Public land plays a key role in the management of many public enterprises, and public open space has a very positive impact on the liveability of our State, from large national parks down to small local 'pocket' parks, and the many tiny slices of public space that local communities use.

Yet even given the importance of public open space, and the fact that public land should be viewed as belonging to all citizens for both the short and long-term benefit of the community, it has been comprehensively ignored as a major issue by many Governments.

Public land is not just a financial asset - it has a combination of many other values from a community perspective. These may include heritage and cultural importance, aesthetic and recreational value, use as a local environmental buffer to mitigate the effects of noise, pollution or over-crowding, use as stormwater run-off site, and many others.

No strategic plans, laws or procedures, are in place to properly address its management. There is nothing to effectively stop or control individual Public Land Holders from selling of bits and pieces of public land for short-term financial gain, ignoring the long-term cost to the community and the difficulty of ever replacing it in the future.

What are the current issues associated with

(a) the sale or alienation of public land for development;

(b) the sale or alienation of public open space for the purposes of private development; and

(c) the sale and development of public land and the relationship to the Melbourne 2030 policy and Green Wedges.

The main issues that we have noticed with the sale or alienation of public land and public open space are –

1. PLH selling land to commercial developers, at either non-market prices or an unknown price.
2. PLH selling public land through a closed and non-public process.
3. The sale of public land without any consultation or notification
4. PLH renting land through a non-public process, resulting in non commercial rental rates or conditions.
5. PLH providing public land for the exclusive (usually commercial) use of a single party, which effectively removes this land from public availability.
6. Councils or the State Government allowing inappropriate development next to public land, and in particular next to public open space, which detrimentally impacts its use by the public.
7. A short term focus on revenue raising by the PLH through the sale of public land, in particular public open space, with little regard to long term planning, population forecasts, community requirements, and the difficulty of adding equivalent public land/ public open space to replace it.
This is exacerbated by the PLH selling public land (effectively its capital) to finance recurring expenditure.
8. The influence of corruption in the sale of public land, including the secrecy and lack of transparency of the selling process and the relationship between the seller and buyer.
9. The lack of a public agency such as a Corruption Commission for members of the public to turn to for assistance when they do suspect corruption.
10. The use of public land for unsuitable (& commercial) purposes.

11. The sale of public land for inappropriate development.
12. The (incorrect) assertion that some public land must be sold to develop other areas of public land.
13. The cost shifting and finger pointing over who pays to maintain public open spaces.
14. The incremental destruction of public space.
15. The selling of heritage buildings on public land, often with surrounding open space.
16. The optional/discretionary nature of creating new open space in large developments
17. The lack of transparency with regard to the transfer of public land between Public Land Owners, including the price and other conditions.
18. The transferring of public land between Public Land Owners and then the on selling of the land for development for commercial purposes.
19. The role and implementation of the current Government Land Monitor² is flawed, including (but not limited to) its exemption of Councils in many provisions, and its focus on “provide best results for government”.
20. While Melbourne 2030 contains rhetoric about public open spaces, in practice the implementation of Melbourne 2030 seems to have resulted in the destruction of public open space, the decrease in amenity of some public open spaces, and higher density developments that are not required to provide adequate private open space, let alone an appropriate degree of public open space.

What do we recommend?

1. That a clear strategic State Policy be developed - and implemented - that addresses all issues concerning public land and public open spaces, including the acquisition, sale, transfer, and management of such land. Such a policy should emphasize the community benefit, possible long term requirements, and open and transparent processes as a higher priority than maximising the profit out of the use or sale of public land.
2. That clear, mandatory laws (not just policies) be legislated to implement the above policy.
3. The establishment of a Victorian Independent Commission Against Corruption, similar to the one in NSW and other locations³.
4. Immediate inclusion of all PLH's in the Victorian Government's "Policy and Instructions for the purchase, compulsory acquisition and sale of land"².
5. That a policy similar to the "Western Australian Planning Commission: Development Control Policy 2.3 Public Open Space in Residential Areas"¹ be developed and implemented as a matter of urgency for Victoria.

And for that policy to at least include -

- a. that 10 per cent of the gross subdivisible area of a conditional subdivision shall be given up free of cost by the subdivider for public open space.
 - b. that a standard of at least 3.36 hectares of public open space per 1000 population (excluding schools) is adopted.
 - c. all the other issues raised in the WAPC policy.
6. A list of all PLH's be made publicly available.
 7. All PLH's to keep a publicly available register showing all land that they own, and to identify what public land is public open space.
 8. All PLH's to keep a publicly available register showing all land transaction, listing date, price and identity of buyers.

References

(1) Western Australian Planning Commission: Development Control Policy 2.3

– Public Open Space in Residential Areas.

<http://www.wapc.wa.gov.au/publications/226.aspx>

(2) Government of Victoria: Policy and Instructions for the purchase, compulsory acquisition and sale of land.

[http://www.dpi.vic.gov.au/CA256F310024B628/0/1EA6D73BD2431018CA25702D007F20CE/\\$File/Policy+and+instructions+for+the+purchase+compulsory+acquisition+and+sale+of+land+August+2000.pdf](http://www.dpi.vic.gov.au/CA256F310024B628/0/1EA6D73BD2431018CA25702D007F20CE/$File/Policy+and+instructions+for+the+purchase+compulsory+acquisition+and+sale+of+land+August+2000.pdf)

(3) NSW Independent Commission Against Corruption <http://www.icac.nsw.gov.au/>

Hong Kong ICAC <http://www.icac.org.hk/eng/main/>

Korean ICAC http://www.kicac.go.kr/english/E_Index.jsp

(4) SOS statement of purpose

http://www.sos.asn.au/files/SOS_Statement_of_purpose_revised_20061109_v1.pdf