



Frankston City Council

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20 September 2007

Mr Richard Willis
Secretary
Select Committee on Public Land Development
Parliament House
EAST MELBOURNE VIC 3002

Dear Mr Willis

Re: Inquiry into the Sale and Development of Public Land and Open Space

Thank you for your letter of 7 June 2007, inviting submissions in regard to the above inquiry.

Council appreciates that it has little involvement in regard to decisions at the Federal and State level to sell public land that is no longer required for public use by these levels of Government.

However, before such land is sold for private development, it would be preferable for State and Federal Governments to contact Local Government in regard to possible need for the land for community use at the "local" level. Should the local Council be able to clearly demonstrate a need for the land, the land should be transferred to the local Council at minimal cost. Market value should not apply to such transfers as at present, as the local Council would be responsible for all costs of developing and maintaining the community facility to be developed on the land.

In instances where there is no requirement for the land at the "local" level, Federal and State Governments should follow adequate public consultation on sale of land for private development and should respect local planning scheme provisions on future use of the land in their marketing strategies.

Development of State Government Crown Land, under the control of a local Council as Committee of Management, is a matter that requires consideration.

We are of the view that the State Government exercises too much control over such lands. The lands are reserved for a particular purpose and use and development must be consistent with the reservation. Councils are responsible for the costs of development and maintenance of such lands, yet the State Government exercises considerable control over development/occupancy arrangements etc.



An example at Frankston City – sporting reserve (Crown Land) for which Council is Committee of Management is to have a new sports pavilion, with the occupying club contributing to the cost of construction and obtaining a lease over the facility. Currently, Council is required to obtain Government approval for the pavilion, including design, and then approval of the grant and purpose of a lease with the lease documentation being executed by the Government as well as Council and the sporting club.

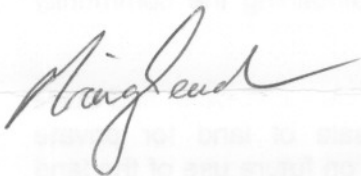
The Department of Sustainability and Environment is very busy. The need to obtain the Department's approvals as above can delay projects by as much as 12 to 18 months. Sufficient town planning controls and Local Government Act lease measures are in place in regard to public lands, to obviate the need for the level of control currently exercised by the Government.

We appreciate the Government would wish to continue involvement in regard to foreshore reserves (extend beyond individual local government areas) and regional Parks. However, current controls over "local" reserves should be relinquished.

Review of legislation regarding public land is desirable. At present, various Acts of Parliament control such use and development. These include the Land Act, Local Government Act and the Road Management Act. Discrepancies between the Acts can arise. An example of conflicting legislation is the road discontinuance provisions for Government roads contained in each of the Acts, with varying requirements. A review of all Acts applicable to Crown Land could assist all responsible for administration of Government land.

The opportunity to comment on issues relating to the review is most appreciated. I trust consideration will be given to the matters raised.

Yours faithfully



Michael Craighead
MANAGER GOVERNANCE & CUSTOMER RELATIONS