

The Secretary - Mr. Richard Willis

Legislative Council Select Committee on Public Land Development

Parliament of Victoria

Spring Street

MELBOURNE VIC 3002

email: richard.willis@parliament.vic.gov.au

Dear Mr. Willis

Select Committee inquiry into the sale and development of Public Land and open space

Moreland City Council is pleased to make a submission to the Select Committee of the Legislative Council investigating the issue of the sale and development of public lands and open space.

Council understands the seven-member Upper House Committee will inquire into and report on matters relating to:

- The sale or alienation of public land for development;
- The sale or alienation of public open space for the purposes of private development; and
- The sale or alienation of public open space for the purposes of private development and the relationship to the Victorian Government's Melbourne 2030 policy and Green Wedges.

Council has a number of current concerns regarding the proposed sale of land currently owned by VicRoads, in the vicinity of Edgars Creek North Coburg and Merri Creek in Fawkner.

VicRoads acquired numerous parcels of land in the 1970's for the proposed F2 Freeway and associated east west links, which, following strong opposition from this community, was abandoned. At around 10ha in size, they represent a significant proportion of the total open space in these areas. VicRoads have effectively held or 'banked' the land for

over a quarter of a century and over this time the land has been utilized as public open space.

Moreland City Council and its predecessors have developed and maintained the land as public open space over the past thirty years. Thousands of trees have been planted, pathways constructed, weeds managed and fire risks reduced.

The area is used daily for both passive and active recreation. Activities include: walking, dog walking, athletics, golf (there is a golf practice area), and fun runs.

All the parcels in questions are subject to an Environmental Significance Overlay (ESO1), and some to a Land Subject to Inundation Overlay (LSIO) in the Moreland Planning Scheme. There is remnant vegetation of local significant on one of the parcels and extensive re-vegetation has occurred across all parcels. Flooding is an ongoing issue on one of the parcels during peak rainfall events.

These parcels of land have been declared surplus to requirements by VicRoads and Moreland City Council has been offered first option on their purchase. Discussions between VicRoads and Council have been ongoing since 2004. In late July 2006 public advertisements appeared in the metropolitan newspapers advising of intention to sell.

As of 7 June 2007 the Valuer-General deemed the following values (exc. GST):

Parcel A (3.630ha) \$4,350,000

Parcel B - (2.936ha) \$3,450,000

Parcel C & D – (4.137ha) \$2,050,000

Vic Roads offered a bulk discount of \$300,000. Moreland City Council was being asked to purchase these parcels for a total of \$9,550,000, with the condition that the land would stay as 'public use' rather than be developed. Commonsense suggests that the poorest level of government should not be financially responsible for preventing the loss of public open space.

Moreland has a deficit of open space (Moreland Open Space Strategy 2004) in many areas, and is experiencing considerable population growth as a municipality. Much of this current and projected growth in population can be attributed to the State Government planning framework Melbourne 2030.

According to Melbourne 2030, the Parkland's Code necessitates that *'Environmental and recreational value of surplus government land will be fully evaluated before any decision is made on a proposal to sell land held by the Crown, a government department or a statutory authority'* (M2030:104). No such assessment has been made available to Council or the public to date.

Moreland City Council supports the aims and objectives of Melbourne 2030 and has actively facilitated higher density development in our three Major Activity Centers.

Immediately to the south of this parkland, several thousand new residents will call the former Pentridge prison site home. To the immediate east of the park, the redevelopment of the former Kodak complex will likewise result in several thousand new residents. Melbourne 2030 recognises the need to preserve and improve public open space to ensure the urban amenity as density of housing increases, yet it would appear that this aim is being ignored in the management and disposal of State owned surplus land.

Likewise, the proposal to sell the land for residential and commercial development would have some difficulty meeting the *out of centre* policy objectives of M2030. In regard to housing, the site is too far from public transport and services (especially if it were to be affordable housing, which has been mooted). Moreland is very supportive of affordable housing and is aiming for a high proportion in Central Coburg as part of that urban renewal project. Whatever housing may be built, it would in all likelihood be low density – which would mean a low community benefit use (low density housing) would replace a high community benefit use (open space).

While the site abuts the Newlands Industrial Core, expansion of that core to the south would merely bring industrial land use closer to the residential zone which will cause future conflict and threaten the future viability of such industrial development (the eastern part of the former Kodak site is to be re-zoned reflecting existing conflict). It is desirable to maintain a green buffer between surrounding residential areas and the Newlands Core Industrial Precinct to help manage noise pollution, impact of potential emissions, 24/7 illuminations, etc.

The proposal for commercial development faces poor road network infrastructure and, as noted previously, poor public transport.

Land use planning in this area requires approvals by Melbourne Water for development on flood prone land and by the Environmental Protection Authority for residential development within industrial buffer zones. Given that both these authorities have granted similar approvals elsewhere there is concern that the same could occur at Edgars Creek.

VicRoads is also disposing of parcels of land in Fawkner alongside the Merri Creek. These were set aside as future (now redundant) east-west road links across the creek.

Land at Queens Parade Fawkner has been offered to Council at a cost of \$190,000 exc. GST. The land has a major storm water drain outlet to the creek that cannot be built over. The remaining land has a problematic relationship to the existing street frontage,

and the eastern part would not gain permits for residential use. As a key access point to the regionally significant Merri Creek shared trail, the site has high community value. Given that the State government has contributed to the funding of the trail over many years and has policies aimed at encouraging active lifestyles, it makes no sense to contemplate development of this site and inequitable and unfair to shift the cost onto local government.

Additional parcels at Leonard Street Fawkner have been offered to Council at a cost of \$1,057,500 exc. GST and are subject to an agreement to rezone to Public Purpose zone (currently zoned residential). Part of this site contains a high quality remnant grassland, one of a handful left on the Merri Creek and indeed the basalt plains with significant biodiversity conservation values. Council manages this site with the assistance of the Merri Creek Management Committee and it should be protected and enhanced at all costs. This would also require that the surrounding blocks remain undeveloped.

With regard to acquisition of the land, at its January 2007 meeting Council resolved:

1. That having considered all options for securing the land, including purchasing, it takes the view that the land is public land which should remain in public ownership and be used for open space.
2. That as public land, all the parcels of Vicroads land described in this report should be gifted to Council.
3. That a letter be sent to VicRoads advising the Council wishes for the following parcels of land (as described in more detail in the report) to be gifted to it:
 - a) Queens Parade, Fawkner
 - b) Leonard Street, Fawkner
 - c) All parcels of land near Newlands Road, Coburg
4. That Moreland City Council declare in clear and unambiguous terms that its policy position is for the Edgars Creek Reserve to remain in public ownership as open space for the enjoyment of the people of Moreland.

In summary, Moreland City Council opposes the sale or alienation of public open space for the purposes of private development. Open space is a valuable asset in a built up urban area like Moreland. With increasing urban densities, and thus increased pressure on existing open space, it is essential that Councils, State Government and its agencies (VicRoads as well as Vic Track, etc) work together to formulate constructive policy for the retention of any public lands for intergenerational public good.

It is critical that the impacts on community health and wellbeing and the years of Council stewardship for public lands, including development and maintenance, be considered prior to disposal for private development. Council will continue to advocate for retention

of the aforementioned Vic Roads land as open space. It is essential the land remains in public ownership for the enjoyment and wellbeing of the Moreland community, and that the land should be gifted to Council.

If you wish to discuss any points raised in this submission, please contact Council's Acting Manager Open Space, Eamonn Fennessy on 9240 1271 or our Manager Property Services, Andrew Mackinnon on 9240 2440.

Yours sincerely

Cr Mark O'Brien

Mayor

Moreland City Council

28 / 09 /2007