

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Melbourne — 27 November 2007

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Witnesses

Mr J. Francis, director, corporate and economic development, and

Mr D. Jackson, coordinator, strategic planning, City of Whittlesea.

The CHAIR — I welcome you both to the hearing on public land development. Could I ask you just to state your positions and the organisations you represent before you give your evidence, and then we will ask some questions.

Mr FRANCIS — My name is John Francis. I am the director of corporate and economic development at the City of Whittlesea. I will do an introduction representing the interface councils, after which Darren Jackson will elaborate on the points that were raised in our written submissions.

Mr JACKSON — My name is Darren Jackson. I am the coordinator of strategic planning at the City of Whittlesea. I am here representing the interface councils.

Mr FRANCIS — The interface councils, being on the ring of municipalities around metropolitan Melbourne, have the responsibility for managing what we term ‘the interface’ between suburban settlement and rural living. There are eight councils that make up the interface: Cardinia, Hume, Melton, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and the Yarra Ranges. We see that the interface councils are in a unique position with Melbourne and continue to contend with distinctive sets of issues. I will elaborate on some of those.

The interface is home to almost a fifth of Melbourne’s population. It has an annual growth rate of more than 8 per cent in some of the parts. It is home to a large proportion of Melbourne’s building approvals. At the same time it has a rapidly growing urban centre in many of its parts and is home to Victoria’s green wedges — environmentally, socially and agriculturally significant parcels of land protected from further urban development by the urban growth boundary.

The interface councils endorse a program of legislative reform relating to the sale and development of public land and open space and, in particular, an emphasis on Melbourne 2030. Green wedges are welcome, as we all face the challenge of significant responsibilities in managing open space and public land for both existing and emerging communities.

Mr JACKSON — Further to my colleague John Francis, who has set out the broad terms and characteristics of the interface group area, I would like to further clarify the group’s interest in public land and its sale and development. As noted in our submission, interface councils are subject to considerable growth and change, whether they be within the state government’s designated urban growth areas or within adjacent green wedge areas. I am sure this committee is familiar with green wedges. They obviously comprise all the land in metropolitan Melbourne that lies outside the urban growth boundary, including townships. It incorporates both public and private land.

In addition to their established urban areas, interface councils must accommodate a significant proportion of Melbourne’s population — that growth within and around existing and proposed activity centres and transit city locations and within the designated growth areas themselves. They must also plan and manage extensive green wedge areas, notwithstanding significant external pressures for development and of declining productivity. Much of that evidence was just presented to you by Mr Hunt.

Public land in the context of new activity centres and growth areas and green wedges presents unique challenges and opportunities. I will just pose a few questions to you: what is the best way to restructure surplus railway land for a newly emerging town centre? How can a council efficiently close and utilise an unused government road which is inconsistent with an urban growth area plan? How can an underutilised and remnant council or state-owned public land area be rationalised to enable proceeds to contribute to current community and biodiversity priorities in green wedge areas? These are some of the questions that the interface councils have put to us.

In terms of the strengths and weaknesses of the current legislation and administrative frameworks in relation to this inquiry, the views of the interface councils are generally consistent with those of the MAV. I draw your attention to the 10 recommendations in its submission. The Interface Councils’ submission seeks to emphasise a strategic approach to public land disposal and development under a framework which considers not only the economic and financial returns but current and future environmental, social and community benefits.

The councils submit that legislative reform is necessary to remove the complex and onerous requirements relating to public land. Central to this task is the need to define responsibilities and allow local government to own and manage Crown land which is not of state significance if the recipient council considers it to be an important asset for its own local community. Interface councils need flexibility to dispose of redundant, underutilised and unused

public land in order to realise net community benefits within established, newly-emerging and future development areas.

That is just a summary of our submission.

The CHAIR — The contributions from both of you are very helpful. I notice that on page 4 of the submission you say:

Public land should be classified into land of state significance, local significance and operational public land — state schools, water catchments ...

For example, you referred to biodiversity plans. It seems to me that a number of those classifications might have more than one purpose.

Mr JACKSON — That is correct.

The CHAIR — Recreation space, but achieving biodiversity. Do you want to elaborate on those definitions that you have given us in your submission and how you see that that sort of classification may be helpful?

Mr JACKSON — The Interface Councils say that the current system is in need of reform. That is really to address the 19th-century classifications and categories, which are now fairly obsolete in terms of how you define Crown land.

Perhaps I could bring your attention to the concepts put forward by the Public Land Consultancy. They have a website and have published various papers on it, and that is where we got that idea of a new classification that divides public land into state, local and operational public land categories. We certainly have not considered in detail how that might be broken up, but we would ask this committee to consider a more simplified version of the public land categories and to do away with the obsolete and redundant 19th-century categories.

The CHAIR — The other point you alluded to concerned railway land. I am personally particularly interested in some of the issues surrounding surplus railway land. Are you familiar with any examples that the committee could look at where surplus railway land is being converted into usable, effective public space, and are you aware of any councils or government bodies that have done a stocktake as it were or an audit of such land that is available in their areas?

Mr JACKSON — I am not aware of any railway issues in relation to the interface areas that we represent, but I can certainly speak on behalf of the City of Whittlesea. We have a number of redundant railway areas. Many of those are within activity centres. Unfortunately at this stage we cannot say that we have good examples of how that land should be utilised.

There are areas in the South Morang township area that are surplus to train station needs, and we are trying to incorporate those in to the newly-forming activity centre. There are other areas in the Whittlesea township that are quite extensive in size, and we are interested in seeing how they could be consolidated and put to a higher community benefit, given that they may not be required in the long term for railway station purposes.

The CHAIR — I would certainly welcome — not necessarily now — the specific details of those parcels of land and how the council might envisage them being productively used for the community benefit.

Mr JACKSON — It is very opportune that the committee is meeting at this time, because we are certainly trying to address a number of those issues. We are trying to establish rail trails on surplus VicTrack land, and these issues are very relevant to a growing municipality that typifies much of the interface councils. They need to utilise much of this surplus Crown land and old railway reserves for a range of higher order public benefits.

The CHAIR — Where an activity district has been declared, are you aware of any public open space or public land policy that the state government has associated with that declaration of an activity district?

Mr JACKSON — I am not aware personally, but we certainly would welcome a more holistic approach to dealing with public land in and around activity centres, including railway reserve land.

The CHAIR — I appreciate that.

Mr TEE — Thank you, and thank you for your submission. At page 3 you say that appropriate planning mechanisms already exist and that the interface councils see little room to change the processes. You say that there are appropriate mechanisms in place in relation to public consultation and transparency towards the disposal of redundant open space and that you see little need to change these processes.

As you can imagine we have received at the website a number of submissions. It appears that a community has gone through a process, there is an outcome and then people are dissatisfied with that outcome and have put in submissions. I am wondering if you have a view about how this committee ought to view that outcome, as it were, where people are dissatisfied with the process no matter how long it has been, and whether or not that is part of an experience you have had and your views about it when it does occur.

Mr JACKSON — Thank you for the opportunity to make comment on that. I want to clarify that our comments here were made in the context of the sale and disposal of council assets and open space, which is quite different to the sale and disposal of Crown land. Certainly the interface group would generally support the concerns raised by other submitters, including those raised by the MAV in its submissions. So I apologise if that was not clear in our submission, but it was only meant to have applied to the sale and disposal of public land under the Local Government Act, and the interface group believes there are accountable processes under that system whereby we have to advertise and notify affected parties. Does that clarify — —

Mr TEE — It certainly does. Is it your view then that there ought to be a different standard for the councils, or are you looking at the same standard for council and government in terms of how we deal with redundant open space?

The CHAIR — Redundant public land.

Mr TEE — Yes, sorry.

Mr JACKSON — I think if there was consistency across the board, that would be efficient and would be a good outcome.

Ms PENNICUIK — When you talk of redundant, underutilised and unused public land, can you explain what you actually mean by that?

Mr JACKSON — In many interface areas, particularly in some of the growth areas, there are redundant reserves. They may be remnants of Crown land reserves that might be isolated from any activity such as a township. Certainly in the city of Whittlesea we have a number of reserves that were created as 5 per cent of a rural subdivision back in the 1980s, and there really was no thought given to the community benefit of those reserves. They were simply the remnants, the leftover areas, once the developer had created their subdivision. Often they were on steep land. But there are other areas such as old government roads that are fairly obsolete in terms of their community values. They are some examples. Does that sort of clarify the extent — —

Ms PENNICUIK — I suppose I am just trying to get to that they may be underutilised or unused parcels of public land, but they could be utilised and used as parcels of public land, and how do you make that distinction?

Mr JACKSON — That is right, they can be utilised.

Ms PENNICUIK — Rather than turning them into non-public land.

Mr JACKSON — I guess that interface councils must sort of weigh up the net community benefits of retaining small remnant parcels that are very isolated and have little value to the community against the need to perhaps sell some of those and reinvest that money towards a range of contemporary and, I guess, current needs of the community, which might be establishing rail trails, it might be to establish links along some of the major waterways, it might be protecting biodiversity areas that have significant flora and fauna value. We are dealing with a very old reserve system. Some of these areas were designated a long time ago and do not reflect current priorities, I guess. So interface councils do need to have flexibility to manage those areas at a local level and, if appropriate, dispose of those subject, of course, to appropriate community consultation, and reinvest those proceeds towards higher and better community needs and biodiversity outcomes.

Ms PENNICUIK — I think it is a difficult issue because those words ‘underutilised’ and ‘underused’ do not mean they do not have potential uses as public land. I am hearing that there is some sort of pressure in terms of

your needing funds, so you could flog those off and use the funds elsewhere, but you may be forgoing a public benefit use of that land that has not been fully explored perhaps. It might appear to one council that it does not have a value, but in a broader view it might have a value. How are those issues overcome, and are there any criteria or guidance for you on that?

Mr JACKSON — Certainly it does need to be subject to proper community consultation and consultation with a range of other stakeholders that may have an interest in that bit of land, but the fact is that there are remnant parcels out there that have no residual value. But that is again — —

Ms PENNICUIK — That is a value judgement, whether they have no residual value is what I am saying. Mr Tee was talking about people who are not happy with the outcome, certainly a lot of the submissions talk about not being happy with the process either, and once you are making a value judgement that something is underutilised, redundant or unused, that has already given it a label. Then if there are stakeholders who have an interest — I am just trying to get to that — the public who are being consulted do not feel like they are being consulted a lot of the time, that they are just being told and that it is hard for them to get their interests heard above the already labelled land and the already interested stakeholder. So how do you feel about that issue?

Mr JACKSON — It obviously needs to be subject to a broad strategic assessment, and obviously a responsible council would not make ad hoc decisions about isolated bits of land but would consider the value of Crown land or other open space that it owns in its broader municipal context, I guess. Certainly we would agree that an ad hoc process would not be desirable and may be perceived as opportunistic, but where it is subject to a proper strategic assessment, there will be, in our view, circumstances where the sale and disposal of small areas of public land may be necessary.

Ms PENNICUIK — I am just trying to flesh out that it is complex. It is not so easy just to say this is redundant or underutilised, because that is one view, I suppose.

Mr JACKSON — Yes.

Ms PENNICUIK — You are advocating that we should be classifying public land. What do you understand public land is? I would like to know your view of what public land is. You say it should be classified into state significance, local significance and operational public land. You also say that the unreserved, temporarily reserved and permanent reserved classifications are obsolete. I wonder if you could speak to those two points.

Mr JACKSON — I will approach your last question first about temporarily and permanently reserved Crown land. At a broad level the interface councils wish to, I guess, do away with the complexities of the current process. We cannot see a lot of merit in continuing with the obsolete definitions that were quite relevant, of course, 100 years ago, but have less relevance now because of the blurring between public and private land classifications. Councils manage public land that they do not own. They own public land and manage that land. There is freehold land that is used for public purposes, so there is a whole review that is needed in our view to address those issues.

The CHAIR — Can I just interrupt there and get clarification; your definition of public land, as to what you understand, would be a very broad definition?

Mr JACKSON — It would be broad.

The CHAIR — Meaning Crown land of all types?

Mr JACKSON — That is correct.

The CHAIR — Council land.

Mr JACKSON — Council reserves.

The CHAIR — Federal government land, potentially.

Mr JACKSON — Yes.

The CHAIR — Public spaces in private developments potentially in some cases.

Mr JACKSON — Possibly. It is a broad view that we have taken. We have thought that was consistent with the views of the objectives of the committee.

Mr FRANCIS — Based on its use rather than necessarily the governing authority.

Ms PENNICUIK — Yes, and the generally understood term.

Mr FRANCIS — Yes.

Ms PENNICUIK — Just exploring that a bit, I raised this at another hearing in terms of the permanent and reserved Crown land — I am not sure if it was with the Department of Sustainability and Environment — because from the point of view of the citizen, the citizen is always nervous that if something is not permanently reserved for their benefit, then it is pretty well open slather, so I would be a bit cautious about wanting to throw that all out and leave no land permanently reserved because how permanent is permanent? What is your comment on that?

Mr JACKSON — If we go back to the comments that we made previously about defining land, if it is of state significance, or metropolitan significance for that matter, certainly there should be mechanisms whereby that land is permanently reserved, but that is through, obviously, a state provision. We are talking about local areas of significance that affect many of the interface areas. Those areas should be subject to a bit more flexibility, I think, but certainly if it is of state significance or metropolitan significance, we would agree that there should be stringent mechanisms to stop that process of sale and disposal.

Ms PENNICUIK — I suppose that is not exactly clear in your submission — to me, anyway. That is why I wanted to clarify it. Thank you.

The CHAIR — I would like to thank you very much for your submission. That has been very helpful to the committee on a number of levels identifying some issues for us to consider. Can I just flag that either us individually or the secretariat may want to talk further to you.

Mr JACKSON — Certainly. Mr Chairman, thank you for the opportunity, but I would like to emphasise that the interface councils are very diverse in their areas. Many are green wedge councils, many are growth area councils. We certainly do have a number of commonalities which have been set out in our submission, but you will just need to understand that there may be different perspectives from individual councils that might slightly differ from the responses that we have provided.

The CHAIR — Thank you very much.

Mr FRANCIS — I will also take back to the other interface councils your request for specific details on unused rail reserves as well.

The CHAIR — That would be very welcome.

Ms PENNICUIK — This is just a question out of interest: do the interface councils hold regular meetings to discuss these issues?

Mr FRANCIS — Yes, they do. It is a group that meets, I think if it is not monthly, it is bi-monthly, on a whole lot of issues that are relevant to the interface councils across the metropolitan area, and this is one of the most important issues.

Ms PENNICUIK — Thank you.

Witnesses withdrew.