

Metropolitan Melbourne Investigation

FINAL REPORT



August 2011

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL

The Victorian Environmental Assessment Council (VEAC) was established in 2001 under the *Victorian Environmental Assessment Council Act 2001*. It provides the State Government of Victoria with independent advice on protection and management of the environment and natural resources of public land.

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Victorian
Environmental
Assessment
Council

1 August 2011

The Hon Ryan Smith MP
Minister for Environment and Climate Change
8 Nicholson St
East Melbourne VIC 3002

Dear Minister

METROPOLITAN MELBOURNE INVESTIGATION

In accordance with the requirements of Section 23 of the *Victorian Environmental Assessment Council Act 2001*, the Victorian Environmental Assessment Council is pleased to submit to you the final report for the Metropolitan Melbourne Investigation and copies of each submission received in relation to the investigation.

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Chairperson

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Metropolitan Melbourne Investigation

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Acknowledgement of Country

The Victorian Environmental Assessment Council acknowledges and pays its respects to Victoria's Native Title Holders and Traditional Owners within the investigation area, their rich culture and their spiritual connection to Country. These include the *Wurundjeri*, *Wathaurung*, *Boon Wurrung* and *Bunurong* peoples. The Council also recognises and acknowledges the contribution and interest of Indigenous people and organisations in the management of land and natural resources.

Council members (left to right): ►
Ian Harris, Barry Clugston,
Duncan Malcolm (Chairperson),
Airlie Worrall, Ian Munro



FOREWORD

Public land in metropolitan Melbourne supports the lifestyles of its residents. The well known cultural and historic buildings, the natural environments of national and state parks on the urban fringes, and the bayside beaches make Melbourne a great city to live in. In addition the services and utilities on public land that support everyday life - the schools, roads, railways, local parks, hospitals, water catchments and sewage treatment plants - all contribute to Melbourne's liveability.

VEAC has comprehensively mapped all public land across the investigation area identifying its ownership (i.e. whether it is Crown land, or owned by a department or other government agency) and its primary use. This is the first time that this information has been compiled for urban Melbourne. This mapping and the database supporting it will be valuable information for government as it develops its new metropolitan strategy for Melbourne.

A consistent and ongoing theme in the community views expressed to VEAC during the investigation was that Melbourne's increasing urban density and expansion will negatively impact on the quantity and quality of Melbourne's public open space and its remaining biodiversity values.

Public open space, whether it is city squares, small neighbourhood parks, sportsfields or large national and state parks, is an important contributor to Melbourne's liveability. The Council decided early in the investigation that to consider the issues associated with public open space, it needed to understand its extent and distribution. The Council concluded that it could not consider open space on public land without also considering open space on land owned by local councils. In the absence of an open space inventory for Melbourne, VEAC developed its own and has mapped public open space across the investigation area, including areas owned by local councils. The Council expects that the inventory will be maintained by government and utilised for future open space planning across the metropolitan area.

Many of the recommendations contained in this report are concerned with changes to policies and strategies to protect Melbourne's remaining biodiversity, meet the open space needs of Melbourne's growing population and maximise the contribution of surplus public land to Melbourne's liveability. VEAC has also made a small number of recommendations for changes to land use that will, if accepted by government, further protect some of Melbourne's remaining natural values. Government-accepted recommendations from VEAC's predecessor, the Land Conservation Council, have provided a framework for public land use and management for the outer areas of metropolitan Melbourne. The report completes this work by providing recommendations to confirm existing uses of public land across most of the metropolitan area, including inner and middle municipalities.

The Council wishes to warmly acknowledge and thank the Community Reference Group for its valuable guidance, and those members of the wider community who took the time and effort to make their views known. We would also like to thank the government departments and agencies and the 29 local councils covering the investigation area for the information and assistance provided throughout the investigation. Completion of this final report and its submission to government concludes VEAC's role in the investigation.

Duncan Malcolm AM
Chairperson

THE STRUCTURE OF THIS FINAL REPORT

Part A (chapter 1) provides some background to the investigation and explains the role of the Victorian Environmental Assessment Council (VEAC). It also outlines the terms of reference and other matters to be taken into account in the investigation, describes the investigation timeline and process, and summarises community views and other stakeholder views presented to VEAC following the release of the discussion paper.

Part B (chapters 2 to 6) reports on the contribution of public land to Melbourne's liveability and in particular to enhancing biodiversity, adapting to and mitigating climate change, and providing public open space. It also discusses the processes for enhancing the contribution of surplus public land to Melbourne's liveability and natural values.

Part C (chapter 7) briefly describes the public land within the investigation area and provides recommendations confirming the management and use of land in each public land use category. It also includes recommendations for changes to the public land use of a small number of areas to enhance the protection of natural values.

References are provided as endnotes in the order of citation in the report.

Appendices 1 to 5 consist of:

- ▶ submissions made in the two formal submission periods for the investigation
- ▶ protected areas in the investigation area
- ▶ the extent of Ecological Vegetation Classes in the recommended additions to the protected area system
- ▶ public open space data used for the report
- ▶ regional and metropolitan parks in the investigation area.

Maps showing public land and public open space in the investigation area are inserted in the rear pocket of the report.

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EXECUTIVE SUMMARY

In July 2008, the Minister for Environment and Climate Change requested the Victorian Environmental Assessment Council (VEAC) to investigate public land in 29 municipalities in metropolitan Melbourne.

A discussion paper for the investigation was published in October 2010. The final report was submitted to the Minister for Environment and Climate Change on 1 August 2011.

This investigation provides for the first time a stocktake of public land across most of metropolitan Melbourne and an inventory of open space on both public land and land owned by local councils.

SCOPE OF THE INVESTIGATION

The purposes of the investigation were to:

- a. systematically identify and assess the uses, resources, condition, values and management of Crown land, and public authority land in metropolitan Melbourne;
- b. assess values of Crown land, and public authority land for areas not committed to a specific use, and report on appropriate future uses relevant to Melbourne's liveability and natural values; and
- c. report on the contribution of Crown land, and public authority land to Melbourne's liveability and opportunities for enhancement of this contribution.

The full terms of reference are provided in section 1.3 of this report.

Public land is defined in the *Victorian Environmental Assessment Council Act 2001*. In brief, public land is Crown land, including state forests and national parks, and land owned by public authorities (i.e. Victorian government agencies including government departments). Land owned by the Commonwealth government or local councils is not defined as public land. However, information on open space on local council land is included in relevant parts of the discussion paper and this final report, as this land is integral to open space in metropolitan Melbourne.

The investigation area is approximately 562,740 hectares in total, of which approximately 89,065 hectares is public land (excluding some roads). A large proportion of this public land is used for services and utilities—the roads, railways, hospitals, cemeteries, reservoirs and sewage treatment plants that service and support Melbourne's residents. Another large proportion of land is in parks and reserves managed for conservation and/or recreation and a smaller, but significant area is used for schools, libraries, community halls and cultural, sports and entertainment venues.

CONSULTATION PROCESS

There were five major elements to the public consultation process for the Metropolitan Melbourne Investigation.

- ▶ A Community Reference Group met five times during 2009 and 2010 to provide advice on various aspects of the investigation.
- ▶ There were two formal written submission periods of more than 60 days each.
- ▶ Three roundtable discussions with public authority and local council staff were held during the preparation of the discussion paper. Public authority and local council staff also provided information on relevant issues throughout the investigation.
- ▶ A separate consultation program was undertaken with Indigenous communities to provide additional opportunity for their input.
- ▶ Nine formal and several informal meetings were held with members of the community, other key stakeholders and public authority and local council staff following the release of the discussion paper.

CONTRIBUTION OF PUBLIC LAND TO MELBOURNE'S LIVEABILITY AND NATURAL VALUES

Public land makes a significant contribution to Melbourne's liveability through public infrastructure, community facilities and services, open space and the protection of natural values. While private land can also contribute to liveability (for example, through privately owned hospitals and golf courses), public land is generally more accessible and secure in the long term.

Melbourne's increasing population is likely to create pressures on the public land estate, with more people requiring access to, for example, transport infrastructure, schools, hospitals and recreation areas. Given the contribution of public land to liveability, it is critical that the estate is maintained and enhanced. It is also critical that it expands to meet the needs of new communities in Melbourne's growth areas and to maintain the liveability of established suburbs as they become more densely populated.

ENHANCING BIODIVERSITY

While Melbourne's natural environment has been irreversibly changed through habitat loss, significant areas remain, particularly on the outer fringes. One way to enhance the protection of remaining natural habitats on Melbourne's public land is through additions

to Victoria's protected area system. Approximately 29,790 hectares of public land in the investigation area are currently in the protected area system. The report contains recommendations for the addition of a further 3,640 hectares.

Maintaining natural values on public land outside the protected area system can be difficult in Melbourne because of the pressures to accommodate a number of often incompatible uses. Given the extensive clearance of native vegetation in the investigation area, all Crown land with remnant native vegetation is important, and additional protection can be provided by reserving it, where appropriate, for a purpose that includes the protection of that vegetation.

Maintaining and extending ecological connectivity across the investigation area and surrounds (on both public and private land) is important for the long-term viability of Melbourne's native flora and fauna and may aid the adaptation of some species to climate change. Local biodiversity action programs would improve the link between statewide strategies and priorities and local-scale opportunities for protection, management and restoration of biodiversity.

CLIMATE CHANGE AND PUBLIC LAND

Climate change is likely to impact on Melbourne's public land through increasing mean temperatures, greater rainfall variability, greater bushfire risk, pressures on biodiversity, and coastal inundation from storm surges combined with sea level rise. These environmental changes will in turn impact on Melbourne's liveability and natural values.

As urban densification increases in Melbourne and the climate warms, vegetated public land is likely to become increasingly important. Parks and other treed areas, such as nature strips and roadsides, will help counter increased temperatures resulting from heat absorbed by roads, footpaths and roofs.

Melbourne's coastal Crown land has important social, environmental, scenic and economic values. Much of the coast around Port Phillip Bay and Western Port is low-lying, and will be vulnerable to rising sea levels and storm surges during this century. Some foreshore areas may be lost. The implications of sea level rise and inundation for Crown land foreshores should be considered in the next Victorian Coastal Strategy.

PUBLIC OPEN SPACE

Public open space is a key contributor to Melbourne's liveability and is highly valued by the community. For example, open space contributes to physical and mental health by providing opportunities for physical and social activities.

There are more than 67,000 hectares of public open space in the investigation area, which VEAC has documented in a comprehensive inventory including maps. As well as public land, the inventory includes local council owned land as VEAC found it could not properly consider open space issues in metropolitan Melbourne without taking this land into account. This is the first time that information about open space on public and local council land across metropolitan Melbourne has been brought together in one inventory. The inventory shows that open space is not distributed evenly across municipalities and established municipalities generally have less open space per capita than outer and growth municipalities.

Public open space per capita is likely to decrease over time for almost all municipalities. Existing open space will need to be protected and new open space provided so that Melbourne's open space network can meet the needs of its growing population. The appropriate reservation of open space on Crown land and the application of the principle of no net loss of area when non-park related services and facilities are delivered on public open space are two means of protecting existing open space.

Significant open space planning is occurring in growth municipalities and should continue in order to meet the needs of new communities. There is, however, less scope in established municipalities to create additional open space to meet the demands of an increasing population. The open space contribution policy and provisions in the Victoria Planning Provisions and *Subdivision Act 1988* should be reviewed with the aim of maximising the contribution of open space through subdivision of land. Secondary use of public authority land is also a way of providing additional open space.

A new metropolitan open space policy and strategy is also necessary to respond to the challenges facing Melbourne's open space network. The policy and strategy should consider the entire public open space network and provide an overarching framework for existing open space programs and strategies.

SURPLUS PUBLIC LAND

VEAC defined 'Crown land and public authority land not committed to a specific use' as public land which has no current or planned use or which has a current use that will cease in the foreseeable future. In the main, this can be described as surplus public land. The terms of reference require VEAC to report on appropriate uses of this land relevant to Melbourne's liveability and natural values. VEAC decided to meet this requirement by focusing on the processes for identifying and disposing of surplus public land.

Not all surplus land will be suitable for alternative public uses as it may not be in right location, be the right size or have certain values to meet community needs. While the opportunities for using surplus public land for alternative public purposes may be limited, they need to be taken when they arise.

Existing processes for assessing the values and potential future uses of surplus public land differ for Crown land and public authority land. Crown land is assessed against broad criteria to determine its public land values. Public authority land is assessed for its suitability for another use by its current owner. The report recommends that a formal and transparent whole of government process be developed which involves consultation with local councils (where appropriate) and takes into account, among other things, priority open space needs.

Despite the pressures to sell Crown land, Crown land assessed as suitable for another public use should be retained and assigned to a public land manager for that use. The listing of surplus public land on a central sales register and, in some situations, selling surplus public authority land to local councils at a market value that reflects its intended use will further increase the opportunities for surplus public authority land to contribute to Melbourne's liveability.

PUBLIC LAND USE RECOMMENDATIONS

VEAC and its predecessors have developed an evolving set of public land use categories to describe the primary purposes for the use of public land and the range of permitted activities. These categories provide a useful framework for consistent and transparent allocation of public land to specific broad uses. Applying the established public land use categories to public land in the highly urbanised metropolitan setting has required some reconsideration of the categories, and an additional 'metropolitan park' category has been established for this investigation area.

This report provides public land use recommendations for some categories to confirm existing public land uses across the investigation area. In addition, recommendations are provided for changes to the land use categories of a small number of areas to enhance protection of natural values and for the continued management by Melbourne Water of freehold land with high biodiversity values.

FINDINGS AND RECOMMENDATIONS

This final report contains 10 findings, 24 policy and strategy recommendations, and 21 public land use recommendations. These findings and recommendations can be found in the relevant sections of chapters 3 to 7 and in full or summarised in the following pages.

Many of the policy and strategy recommendations relating to public open space apply to both public land and land owned by local councils. VEAC would not usually make recommendations relating to local council land because it is not public land, but has done so in this investigation because it found it could not properly consider open space in metropolitan Melbourne without taking this land into account.

FINDINGS

The following findings highlight significant observations from the investigation.

Climate change and public land

- F1** All vegetated public land contributes to Melbourne's liveability, including small areas such as nature strips, pocket parks, strips beside roads and railway lines.
- F2** The importance of treed areas of public land and water bodies for ameliorating the urban heat island effect is likely to increase in Melbourne as urban densification increases and the climate warms.

Public open space

- F3** Public open space is a key contributor to Melbourne's liveability.
- F4** The community perceives that Melbourne's increasing population will result in a loss of quantity and quality of public open space.
- F5** Melbourne's public open space is highly valued by the community.
- F6** Different sectors of the community use and value public open space in different ways.
- F7** There is an uneven distribution of public open space across the investigation area, with no clear patterns apparent. However, established municipalities generally have less open space per capita than outer and growth municipalities.
- F8** Without the retention and creation of open space on both public land and local council land, public open space per capita will decrease over time for almost all municipalities in the investigation area.
- F9** Current planning to ensure that adequate open space is provided in growth municipalities needs to continue. Without this planning, there is a risk that areas of these municipalities will have similar or lower levels of open space than some established municipalities because of their rapidly growing populations.
- F10** The projected decrease in public open space per capita is likely to be exacerbated in established municipalities where there is limited scope to create additional open space to meet population increases.

POLICY AND STRATEGY RECOMMENDATIONS

Chapter 3 to 7 of this report contain the following recommendations for enhancing the contribution of public land to Melbourne's liveability and natural and cultural values.

Protecting biodiversity on public land

- R1** Additional protection for Crown land with remnant native vegetation be provided by:
 - (a) reserving unreserved Crown land for a purpose that includes the protection of its remnant native vegetation; and
 - (b) amending the reservation purpose of reserved Crown land, where appropriate, to include the protection of its remnant native vegetation.
- R2** Local biodiversity action programs, as outlined in the final report for VEAC's Remnant Native Vegetation investigation, be established in metropolitan Melbourne.

Planning for sea level rise and coastal inundation

- R3** The next Victorian Coastal Strategy consider the implications of sea level rise and inundation for Crown land foreshores, and provide guidance on how the adaptation options of protect, accommodate and retreat should be implemented in relation to this land.

Maintaining and using the public open space inventory

- R4** Government maintain the public open space inventory developed by VEAC and:
 - (a) update the public open space data for public land and land owned by local councils at least every five years
 - (b) make the spatial dataset available to local councils; and
 - (c) make the information in the inventory available to the community.
- R5** The public open space inventory data be used to inform the Government's proposed metropolitan strategy for Melbourne.

Meeting the open space needs of Melbourne's growing population

- R6** Prior to considering proposals that would result in the reduction of open space, government and local councils undertake a public process to assist them to determine the costs and benefits to the community of proposed reductions in public open space on public land and land owned by local councils.
- R7** The principle of no net loss of area be applied when public open space on public land and land owned by local councils is used to deliver non-park related services and facilities.
- R8** Public open space on public land and land owned by local councils be managed to maximise public access and to provide the widest range of user opportunities.
- R9** Government review the open space contribution policy and provisions in the Victoria Planning Provisions and *Subdivision Act 1988* with the aim of assisting metropolitan local councils meet the challenges of population increase by maximising the contribution of open space through subdivision of land. This would include:
- (a) reviewing the contribution level in the Subdivision Act to determine whether the minimum contribution should be set at five per cent
 - (b) streamlining the process for creating a contribution schedule to clause 52.01 of the Victoria Planning Provisions
 - (c) removing the uncertainties in the interpretation and use of the Subdivision Act and clause 52.01 of the Victoria Planning Provisions
 - (d) reviewing the provisions in the Subdivision Act and clause 52.01 of the Victoria Planning Provisions that exempt some subdivisions from the requirement to make an open space contribution
 - (e) considering whether the open space objectives in clause 56.05-2 of the Victoria Planning Provisions, which detail standards for neighbourhood open space, can be made to operate with the provisions in clause 52.01, which require people proposing to subdivide to make specified contributions to the local council.
- R10** Government encourage multiple uses of public authority land where appropriate as one means of providing additional public open space in metropolitan Melbourne.
- R11** Government develop a standard framework for the shared management and use of public open space on public authority land that provides certainty of management and use for public authorities and open space managers.
- R12** Government prepare a metropolitan open space policy and strategy that provides a long-term plan for public open space in metropolitan Melbourne. Such a document:
- (a) encompass public open space on both Crown and public authority land (public land) and local council land in metropolitan Melbourne
 - (b) provide strategic actions to address key issues relating to the provision and protection of public open space in metropolitan Melbourne, in particular to respond to Melbourne's expected population increase. These issues could include, but should not be limited to:
 - (i) addressing the uneven distribution of open space across metropolitan Melbourne
 - (ii) developing appropriate standards for the distribution and accessibility of public open space in established municipalities
 - (iii) considering approaches and mechanisms for creating new open space, including the use of public authority land, and for meeting an anticipated increase in intensity of use of existing open space, particularly in established municipalities
 - (iv) developing guidelines for providing opportunities for different open space uses across metropolitan Melbourne.
- R13** Government require metropolitan local councils to prepare municipal open space strategies or update their existing open space strategies in accordance with the framework established by the metropolitan open space strategy. Municipal open space strategies should continue to reflect the local on-ground knowledge and expertise of local council open space planners.

R14 The metropolitan open space strategy and municipal open space strategies be regularly updated; at least every ten years.

R15 Government assign responsibility and allocate resources for:

- (a) maintaining the open space inventory and making available the information it contains; and
- (b) developing and implementing a metropolitan open space policy and strategy.

Assessing surplus public land for alternative public uses

R16 A formal and transparent whole of government process and criteria be developed for assessing the potential for surplus public land to meet alternative public uses, and involve consultation with relevant local councils where appropriate.

R17 Crown land and public authority freehold land that is not required by its land manager for a current or future use be:

- (a) assessed through the process recommended in R16 against a range of criteria including whether the land:
 - (i) would contribute to the implementation of government priorities identified in its future metropolitan strategy for Melbourne
 - (ii) meets priority open space needs identified in the metropolitan open space strategy recommended by VEAC (see R12)
 - (iii) contributes to ecological connectivity or recreational corridors
 - (iv) forms part of a water frontage; and
- (b) retained as public land where these and other specified public land values are identified.

R18 Government allocate resources for the assessment of surplus public land for alternative public uses.

R19 Crown land assessed as suitable for another public use be retained by the Crown and assigned to a new public land manager for this public purpose.

Selling public land that is suitable for another public use

R20 Impending sales of Crown land and public authority freehold land be listed on a central register, such as the Government Land Monitor's sales bulletin board. Listings:

- (a) be for a minimum of 60 days
- (b) continue until the land is sold; and
- (c) be accessible to all public authorities, local councils and the public.

R21 The *Policy and instructions for the purchase, compulsory acquisition and sale of land* be amended so that public authority freehold land can be sold at a market value that reflects its intended public use where it is assessed that significant community benefits will be achieved.

R22 Criteria and conditions be developed for the sale of public authority land at a reduced market value.

Awareness of Aboriginal cultural heritage values

R23 That public land managers undergo, or continue to undergo, cultural heritage training to increase or maintain their awareness of the existence of Aboriginal cultural heritage values on public land.

Resourcing implementation of public land use recommendations

R24 Government allocate resources:

- (a) to implement previously accepted LCC recommendations on Crown land through appropriate reservation
- (b) for areas not subject to accepted LCC recommendations, to formalise current public land use shown on map A of this report (except those areas recommended for a change in use) through reservation of Crown land as provided for in each public land use general recommendation
- (c) to implement government accepted recommendations for changes to public land use (A1 to E5).

RECOMMENDATIONS FOR PUBLIC LAND USE

The final report contains the following land use recommendations:

- ▶ ten general recommendations to confirm existing public land use across the investigation area;
- ▶ eight recommendations for changes to land use categories; and
- ▶ three recommendations for the continued management by Melbourne Water of freehold land with high biodiversity values.

These recommendations are listed below and provided in full in chapter 7.

General recommendations

- B** Nature conservation reserves and Trust for Nature protected areas
- C** Regional parks
- D** Metropolitan parks
- E** Natural features reserves
- F** Coastal reserves
- G** Water production areas
- H** Historic and cultural features reserves
- I** Community use areas
- J** Service and utility areas
- K** Uncategorised public land

Recommendations for changes to public land use

- A1** Additions to Kinglake National Park
- A2** Additions to Bunyip State Park
- A3** Point Cook Coastal Park
- E1** Bandicoot Corner Bushland Area
- E2** Edithvale Wetland Bushland Area
- E3** Addition to Seaford Wetland Bushland Area
- E4** Beaumaris Cliffs Geological and Geomorphological Features Area
- E5** Yallock Creek Streamside Area

Recommendations for the management of melbourne water freehold land

- N1** Ryans Swamp and surrounds
- N2** Truganina Swamp
- N3** Edithvale–Seaford Wetlands