



PART **B**

THE CONTRIBUTION OF
PUBLIC LAND TO LIVEABILITY
AND NATURAL VALUES

2 PUBLIC LAND AND MELBOURNE'S LIVEABILITY

Terms of reference (b) and (c) for this investigation specify that the Victorian Environmental Assessment Council (VEAC) is to:

- ▶ 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
- ▶ report on the contribution of Crown land, and public authority land to Melbourne's liveability and opportunities for enhancement of this contribution.

Chapter 5 of the discussion paper defined liveability and outlined the ways in which public land contributes to Melbourne's liveability and natural values. This chapter of the final report summarises the material in the discussion paper and addresses the responses of the community and other stakeholders.

2.1 Importance of public land

*Liveability reflects the wellbeing of a community and comprises the many characteristics that make a location a place where people want to live now and in the future.*¹⁰

Public land makes a significant contribution to Melbourne's liveability through, for example, roads and public transport infrastructure, public housing, public hospitals, schools, police and emergency services, art galleries, museums, national parks, water catchments, sportsgrounds and other recreation areas, and walking and cycling trails. This contribution facilitates a broad range of community outcomes including mental and physical health, social cohesiveness, attachment to place, lifelong learning, sustainable local economies and conservation of Melbourne's natural environment and heritage.

Table 5.1 in the discussion paper documents these contributions within a framework of five liveability domains, namely:

- ▶ healthy, safe and inclusive communities
- ▶ dynamic, resilient local economies
- ▶ sustainable built and natural environments
- ▶ culturally rich and vibrant communities
- ▶ democratic and engaged communities.⁴

These domains can be considered as goals towards which governments can work to maintain or enhance liveability.

VEAC's legislation restricts its investigations to public land; that is, land owned by the Crown and public authorities. VEAC recognises, however, that land owned by local councils makes significant contributions to Melbourne's liveability through community facilities and services and public open space. It also recognises that local communities often consider land owned by local councils to be part of the public land estate.

The discussion paper noted that some of the contributions to Melbourne's liveability documented in table 5.1 could be made on private land. For example, privately owned hospitals, art galleries, golf courses and heritage buildings add to Melbourne's liveability. However, it also noted that public land, unlike private land, provides governments with opportunities to use land for the purposes it sees fit. These are generally 'public good' or utilitarian purposes such as conservation of the natural environment, provision of opportunities for recreation and relaxation, delivery of public services and utilities, and securing land for the use of future generations.

Public land provides these community benefits, often without people being required to pay for access to private services or land holdings, and generally without being excluded on the basis of ownership or club membership. In addition, its contributions are often more secure and enduring than those provided on private land.

While public land may be more accessible and secure, it does not provide a guarantee that the 'public good' will be realised. An inadequate supply of public land may result in pressures on Melbourne's current and future liveability. The location of public land and how it is used and managed makes a difference to liveability outcomes.

2.2 Pressures on liveability and public land

Nearly half of the submissions responding to the discussion paper commented on the value of public land to Melbourne's liveability. Most of these were comments about the importance of public land for providing open space, protecting and enhancing biodiversity values and for countering the urban heat island effect. A small number of submissions considered that there should have been more emphasis in the discussion paper on the use of public land for other liveability outcomes including social housing, community gardens and food production.

VEAC recognises that a broad range of important community benefits are provided on public land and documented these in chapter 5 of the discussion paper. While preparing the discussion paper VEAC concluded that further consideration of many of these community benefits is best done by the relevant government agencies. For example, the Departments of Human Services, Health, Transport, and Education and Early Childhood Development have the expertise and the authority to provide advice on the use of public land for social housing, health care, transport and education respectively. Consequently, in responding to the terms of reference in the discussion paper, VEAC decided to focus on the contributions of public land to public open space, adapting to and mitigating climate change and enhancing biodiversity. Most submissions commenting on liveability considered that these are key contributors to Melbourne's liveability.

VEAC also recognises that urban agriculture and community gardens contribute to Melbourne's liveability. Whether public land should be used for these purposes would depend on the values of the land as well as the current and proposed future uses of that land. This investigation found that the majority of public land already has existing or proposed future community uses. As both urban agriculture and community gardens preclude other uses and access by other users, VEAC considers that these particular contributions to Melbourne's liveability would generally be best achieved on private or local council land.

Recently released Australian Bureau of Statistics population estimates indicate that the population of metropolitan Melbourne (including the Shires of Mornington Peninsula and Yarra Ranges) increased by 79,000 people or two per cent in the twelve month period to June 2010. The largest population growth occurred in the outer suburban fringes of Melbourne in the growth municipalities of Wyndham, Whittlesea and Casey. The highest population densities were in central Melbourne, St Kilda and Prahran.²

A number of submissions commented on the pressures on liveability and public land from Melbourne's increasing population, urban consolidation and expansion, and climate change. Some of these submissions considered that there should be more public open space and that Melbourne's remaining biodiversity should be conserved to counter these pressures.

Pressure on public land is likely to increase as Melbourne's population increases and more people require access to, for example, schools, roads, railways, hospitals and parks. Open spaces, both natural and landscaped, may come under pressure in response to the need for more community facilities and services. Given the significant contributions made by public land to liveability, it is critical that Melbourne's public land estate is maintained and enhanced. It is apparent that this involves not only valuing and protecting existing public land, but also expanding the estate.

A challenge for government is meeting the needs of new communities in Melbourne's growth areas and maintaining the liveability of established municipalities as they become more densely populated. New schools, hospitals, community facilities and parks are needed and are being provided on public land in growth areas. Additional public land to provide these services is likely to be needed in established municipalities as their populations grow. Another challenge for government is protecting remaining natural environments as the metropolitan area becomes both larger and more densely built.

Chapters 3 to 6 discuss the contribution public land makes to enhancing biodiversity, adapting to and mitigating climate change and public open space, as well as the values and future uses of surplus public land. These chapters include VEAC's key findings relevant to, and recommendations for, enhancing these contributions.

3 ENHANCING BIODIVERSITY

The area around Port Phillip Bay historically supported a diverse natural environment, with widespread forests, woodland, heathland, wetlands and grassland, as well as a diverse range of native fauna. However, much of Melbourne's natural environment has been irreversibly changed through habitat loss. Many land uses between remaining habitats are inhospitable to native flora and fauna, and there are many species of introduced flora and fauna present. The following section summarises the biodiversity values of metropolitan Melbourne today. Section 2.3 of the discussion paper provides further detail.

Much of the native vegetation within inner Melbourne has been cleared. Despite this, significant areas remain, particularly on Melbourne's fringes. Approximately 145,600 hectares of land in the investigation area contains native vegetation, of which two thirds is private land and one third is public land (i.e. Crown and public authority land). Approximately half of the public land with remnant native vegetation is managed for conservation within the protected area system.⁶

Melbourne is located at the junction of three major geomorphological landscapes, which has resulted in high plant diversity. Vegetation condition is highly variable across the investigation area, and there are large areas of threatened native vegetation, particularly in Melbourne's west. Melbourne's native fauna species have responded to Melbourne's urbanisation in different ways, with some adapting to the changed environment more successfully than others. Perhaps surprisingly, metropolitan Melbourne still retains a diverse vertebrate fauna. Section 2.3 of the discussion paper provides detail on the native vegetation diversity and condition and native fauna in the investigation area.

Metropolitan Melbourne contains internationally recognised wetlands such as Edithvale-Seaford Wetlands and the Western Treatment Plant at Werribee. These and other smaller wetlands provide important habitat for a range of flora and fauna (including migratory birds) and provide refuge in times of drought. Within the investigation area 6,400 kilometres of natural rivers and streams provide important habitat for riparian, semi-aquatic and aquatic flora and fauna, and also act as habitat corridors for wildlife.

A number of submissions responding to the discussion paper highlighted the importance of metropolitan Melbourne's remaining habitat for native flora and fauna, often within the context of climate change. For example, one submission noted that metropolitan Melbourne provides habitat for species, such as the scarlet honeyeater *Myzomela sanguinolenta*, that have recently extended or shifted their range, probably as result of climate change. Another submission noted the importance of the metropolitan area as a drought refuge.

Several submissions focused on the importance of retaining native vegetation in an urban area such as Melbourne to provide habitat for native flora and fauna and movement corridors for species that have shifted range due to climate change.

3.1 Pressures on Melbourne's biodiversity

The discussion paper identified a range of processes impacting on natural values. These include habitat loss, fragmentation and degradation, altered fire regimes, climate change and the impacts of recreation and tourism.

Several submissions discussed these pressures on biodiversity, and were concerned about the perceived lack of resources to appropriately manage these pressures on public land. A number of submissions stressed the importance of protecting natural values on public land from urban development and degrading processes, particularly remnant vegetation along Melbourne's waterways, coasts and roadsides. The proposed grassland and grassy woodland reserves in Melbourne's west were cited as good examples of protection of remnant native vegetation.

3.2 Protecting biodiversity on public land

Biodiversity is intrinsically valuable in its own right. It is also essential for human existence, contributing to the healthy environments, clean air and water that support human life. This contribution is reflected in community attitudes towards nature, with natural habitats within urban areas generally highly valued by the local community.¹¹ A key opportunity to enhance biodiversity, and also liveability, in the investigation area is to protect natural habitats on public land.

3.2.1 ADDITIONS TO THE PROTECTED AREA SYSTEM

There are many approaches to protecting biodiversity. Globally, protected areas are the cornerstone of these efforts. Victoria's protected area system contributes to the National Reserve System (see chapter 8 of the discussion paper for more detail). To be considered part of the National Reserve System, areas must be clearly defined geographical spaces, recognised, dedicated and managed through legal or other effective means to achieve the long-term conservation of nature with associated ecosystem services and cultural values. About 29,790 hectares or 33 per cent of public land, and about half of all Crown land (29,680 hectares) in the investigation area is in the protected area system. Appendix 2 lists protected areas in the investigation area.

Chapter 7 of this report contains recommendations for the addition of approximately 3,640 hectares of public land to the protected area system. The additions range from large areas such as the 2,590 hectare Yan Yean Reservoir and surrounds in Melbourne's north, to the small 8 hectare area known locally as 'Bandicoot Corner' at Bayles in Melbourne's south-east. The majority of these additions were presented as draft recommendations in the discussion paper.

These recommended additions aim to enhance the protection of natural values in the investigation area through the conservation of threatened species and communities, and by consolidating management and strengthening links along vegetated corridors. While there is limited scope in Melbourne's highly urbanised environment to make significant contributions to meeting the nationally agreed criteria for a comprehensive, adequate and representative reserve system on public land, even small improvements are important, given the very high pressures on biodiversity.

Appendix 3 lists, by bioregion, Ecological Vegetation Classes (EVCs) found in the areas recommended for addition to the protected area system. The extent of EVCs in the recommended additions is approximately 2,600 hectares. The remaining areas in the recommended additions include cleared land and water bodies. Threatened EVCs present in the recommended additions include valley grassy forest, plains grassy woodland, plains grassland, coastal saltmarsh and coastal alkaline scrub. Improved protection of plains grassy woodland and plains grassland through the addition of approximately 640 hectares into the protected area system is significant. Additional protection for these endangered EVCs will be provided on Melbourne Water freehold land at Ryans Swamp and surrounds (see recommendation N1).

The representation of vulnerable coastal saltmarsh in the Victorian Volcanic Plain bioregion will be substantially increased through the addition of approximately 525 hectares of this EVC into the protected area system. The endangered mangrove shrubland/coastal saltmarsh/berm grassy shrubland/estuarine flats grassland mosaic is also present in the recommended additions. While the 28 hectares of this EVC that is proposed to be added is small in area, it is a considerable proportion of the remaining EVC in the Victorian Volcanic Plain bioregion, none of which is currently in the protected area system. Similarly, the 22 hectares of coastal alkaline scrub EVC recommended to be added to the protected area system is a substantial proportion of its remaining extent in the Victorian Volcanic Plain bioregion, none of which is currently in the protected area system. Other notable additions include approximately 270 hectares of the vulnerable valley grassy forest EVC and almost 1000 hectares of grassy dry forest in the Highlands - Southern Fall bioregion.

Several submissions suggested that additional areas of public land with natural values be made protected areas. The areas ranged from small isolated blocks of remnant vegetation to substantial areas that provide habitat linkages across the landscape. Chapter 7 contains recommendations for two of the smaller areas to be added to the protected area system. Some submissions considered the retention and protection of surplus public land with natural values to be another option for enhancing biodiversity in metropolitan Melbourne.

3.2.2 RESERVING CROWN LAND WITH BIODIVERSITY VALUES

Maintaining natural values in areas outside conservation reserves or the protected area system can be more difficult in Melbourne than elsewhere because of the pressures on public land to accommodate a number of often incompatible uses. Indeed not all conservation can be undertaken on public land and private land will play an increasing role. Some apparently narrow public land connections between sites can also be greatly enhanced by complementary protection of natural values on adjoining private land. Examples of narrow biolinks include stream frontages, the coastline and government roads (both used and unused).

Other approaches to protecting biodiversity on public land include appropriate reservation and management of Crown land. Some reservation purposes mean that the land is dedicated to, and managed for, biodiversity conservation, thus making it part of the protected area system. Other reservation purposes are more general or have a primary purpose unrelated to biodiversity protection.

Using Geographical Information System (GIS) mapping of DSE modelled data,* VEAC estimates that more than 41,000 hectares of reserved Crown land and more than 5,400 hectares of unreserved Crown land within the investigation area has native vegetation. In the investigation area, about 485 hectares of unreserved Crown land with remnant native vegetation are outside of previous Land Conservation Council (LCC) investigation areas and consequently are not managed in accordance with any government accepted LCC recommendations.

The figures for unreserved Crown land derived from the GIS mapping may be over-estimates given that some reserved Crown land areas such as stream frontages, some areas of coastline and some roads are often not shown as reserved in DSE's Crown land database. Note also that some of the recommendations in chapter 7 of this report propose reserving currently unreserved Crown land with remnant native vegetation.

Preventing habitat loss and improving the condition of native vegetation are more cost effective and have significantly better conservation outcomes than revegetation.¹² Given the high level of clearing in metropolitan Melbourne, VEAC considers that all Crown land with remnant native vegetation is important.

Unreserved Crown land with remnant native vegetation should be reserved, particularly land that is not subject to government accepted LCC recommendations. The reservation purposes should, as far as possible, include the retention and protection of vegetation. The reservation purpose should also be amended for reserved Crown land with native vegetation, where the conservation of biodiversity is not the primary reservation purpose, so that retention and protection of native vegetation is a secondary purpose.

RECOMMENDATION

- 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.



Above: Grassland and saltmarsh of the Victorian Volcanic Plain bioregion, including those at Point Cook Coastal Park and Cheetham Wetlands, are some of the most threatened vegetation communities in Victoria.

* The modelled dataset of native vegetation and major water-based habitats (NV2005_EXTENT) was created from a time-series of images captured between 1989 and 2005. The modelling was completed in 2007 by DSE's Arthur Rylah Institute.

3.3 Improving connectivity across the landscape

Given the fragmented nature of metropolitan Melbourne's remaining native vegetation, maintaining and extending ecological connectivity is important for the long-term viability of native flora and fauna in this patchy urban environment.

The final report for VEAC's Remnant Native Vegetation Investigation¹² highlighted the need to improve the link between statewide strategies and priorities with local-scale opportunities for protection, management and restoration of biodiversity. The report's recommendations aimed to consolidate management to improve biodiversity protection and increase ecological connectivity in fragmented landscapes.

A number of past and current programs promote connectivity across metropolitan Melbourne. These include:

- ▶ the Port Phillip and Westernport CMA's *Living Links* program which aims to create biolinks within the Dandenong creek catchment in the south-east of the investigation area
- ▶ the Merri Creek Management Committee's mapping of a proposed habitat corridor network for the upper Merri Creek catchment in Melbourne's north, with a focus on waterways in the catchment¹³
- ▶ the Australian Conservation Foundation's and DSE's regional sustainability framework for the Werribee Plains region (comprising the municipalities of Wyndham, Melton, Brimbank, Maribyrnong and Hobsons Bay in Melbourne's west), which provides a plan for habitat linkages across the catchment, focusing on waterways, the coastal zone and roads reserves
- ▶ various local government biodiversity strategies that promote ecological connectivity within individual municipalities.

Many submissions discussed landscape connectivity, with a focus on the need for an interconnected, multi-tenure conservation network across the investigation area and surrounds.

VEAC considers that such a network is important to provide habitat links for wildlife, facilitate adaptation to climate change and enhance ecosystem resilience (the ability of a system to absorb and recover from disturbance, such as vegetation loss and fragmentation, while retaining the same basic function).

About two-thirds of remnant vegetation in the investigation area is on private land, and many patches of native vegetation cross public land–private land boundaries. The protection of natural values on private land (for example, through mechanisms such as conservation covenants and

agreements) can complement the existing conservation network, and private land will play an important role in consolidating linkages across the landscape. The final report for the Remnant Native Vegetation Investigation recommended support for existing and new incentives for conservation of native vegetation on private land, and provides detail on how this can be achieved.

The Remnant Native Vegetation Investigation final report also recommended that government progressively establish an ongoing biodiversity action program across fragmented landscapes in Victoria which links local programs with regional administrative support and state-wide program co-ordination. It recommends that the program's priority be those landscapes:

- ▶ where there is a clear need for improved ecological connectivity and biodiversity conservation;
- ▶ where there is some community interest or activity towards improving ecological connectivity, but where there is not already a high level of activity;
- ▶ that have achievable initial outcomes.

Many landscapes in metropolitan Melbourne meet these criteria, although further work is needed to determine priority areas for local action programs. Metropolitan Melbourne also has diverse ecological and social settings, and there is support for current programs that address connectivity.

RECOMMENDATION

- R2** Local biodiversity action programs, as outlined in the final report for VEAC's Remnant Native Vegetation Investigation, be established in metropolitan Melbourne.

4 IMPLICATIONS OF CLIMATE CHANGE FOR PUBLIC LAND

The evidence is increasingly clear that the earth is experiencing a period of rapid warming associated with increased levels of greenhouse gases. Discussion and research continue around the details of future climate change scenarios based on modelling. These discussions relate to the magnitude of change for specific levels of greenhouse gases and not the basic premise that climate change is occurring.

Some uncertainties will continue given the complexity of the climate system and the range of possible future greenhouse gas emissions scenarios. Accordingly, many uncertainties surround projections of the risks that climate change poses, especially at finer spatial scales, and how communities and natural systems will be affected by, and respond to, these changes.¹⁴

Climate change is likely to impact on Melbourne's public land through increasing mean temperatures, greater rainfall variability (ranging from drought to heavy rainfall events), 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.

Section 2.4 of the discussion paper described Melbourne's climate and the projected climate changes. Chapter 7 of the discussion paper considered the predicted impacts of this changing climate on public land, with an emphasis on how these will affect Melbourne's liveability and natural values, and discussed the role that public land can play in mitigating and adapting to the impacts of climate change. The pressures on biodiversity from climate change were also discussed in chapter 8 of the discussion paper.

This chapter of the final report summarises and updates the information provided in the discussion paper on climate change and public land with a further discussion of some issues. Readers are encouraged to also refer to the discussion paper.

4.1 Increasing temperatures and rainfall variability

Globally, 2010 was one of the warmest years on record occurring at the end of the warmest decade recorded since 1880. The global mean annual temperature has now been above average each year for the last 25 years.¹⁵ In Australia, mean temperatures were not as high as global mean temperatures, but were none-the-less significantly above the long-term average for both mean minimums and maximums, with the last decade also the warmest ten year period on record.¹⁶

Although Melbourne has experienced a relatively wet 2011 so far, it is uncertain if this reflects a long-term shift back to more historical rainfall patterns. The severe rainfall shortages over the preceding decade may reflect a step-down reduction to a lower long-term average; however further research is needed to improve our understanding between climate change and the climatic processes that influence rainfall.

4.1.1 COUNTERING URBAN HEAT ISLANDS

Chapter 7 of the discussion paper described how urban heat islands are caused by hard impermeable surfaces (such as roads, footpaths and roofs) absorbing heat during the day and slowly releasing it during the night.¹⁷ It also discussed how parks and other treed areas and water bodies can help counter this effect. The importance of vegetated public land for ameliorating the urban heat island effect is likely to increase as urban densification increases in Melbourne and the climate warms.

Numerous submissions responding to the discussion paper commented on the importance of retaining vegetation on public land to reduce the urban heat island effect (see box 4.1), provide biodiversity corridors and contribute more generally to Melbourne's liveability. Several submissions stressed the importance of trees on public land, such as nature strips, parks and wildlife corridors along rail and road reserves. The "boundary to boundary" development of housing blocks, and the subsequent reduction in private trees and gardens, was one of the reasons cited as making urban forests on public land even more important. Some submissions called for the protection of existing urban vegetation, particularly native vegetation, and for the planting of more trees in urban

areas. There were some comments on the need to replant native vegetation or to select urban vegetation that can adapt to the predicted higher temperatures and increasing rainfall variability.

There were also some comments on the need to protect water catchments and practice water sensitive urban design given Melbourne's increasingly erratic rainfall and projected population increases.

Box 4.1

The importance of vegetated land for countering the urban heat island effect

Trees and other vegetation in public and private spaces can be thought of as an urban forest that provides shelter, shade, beauty, cleans the air, regulates the temperature, reduces energy needs of nearby spaces, treats and cleans stormwater, reduces loads on stormwater drains, protects and increases the life of infrastructure and provides habitat.¹⁸

Urban forests are the sum of all vegetation in an urban area. They include vegetation on private land such as backyard gardens, rooftop gardens and green roofs, and trees on industrial and commercial properties. They also include the vegetation on public land in significant parks and smaller nature strips, roadsides and land beside railway lines. As urban density increases, so does the importance of this vegetated public land.

There are measured differences in mean temperature of up to four degrees Celsius between the built up areas of Melbourne and outer areas such as Narre Warren. The higher city temperatures are attributed largely to the urban heat island effect.¹⁹⁻²¹

Trees provide shade which can keep surface temperatures close to air temperatures. Additional cooling by evapo-transpiration can reduce summer peak temperatures by one to five degrees Celsius.²²

The ability of urban trees to reduce the urban heat island effect is dependent on soil moisture and water supply. Periods of low rainfall can result in trees dropping leaves, with the reduced canopy providing less shading and evaporative cooling.

FINDINGS

- F1** All vegetated public land contributes to Melbourne's liveability, including small areas such as nature strips, pocket parks, and 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.

4.1.2 BUSHFIRE RISK

Climate change is predicted to increase bushfire risk, but the link is complex and geographically variable, making it difficult to quantify the risk.²³ Climate change may result in changes to fuel loads (in terms of composition and biomass), the condition of fuel loads (i.e. make them drier) and also increase the probability of extreme weather days (a combination of conditions with extreme temperatures, low humidity and high winds). The intensity and seasonality of large bushfires in south eastern Australia appears to be changing, with climate change a possible contributing factor.²⁴

Many Melburnians live on the urban fringes in areas susceptible to bushfire. In 2009, bushfires affected more than 24,400 hectares of land within the investigation area, including about 17,250 hectares of public land within the municipalities of Nillumbik, Whittlesea, Casey and Cardinia.

Following the 2009 bushfires and subsequent 2009 Victorian Bushfires Royal Commission, the Victorian government decided to substantially increase fuel reduction by prescribed burning and other measures, and to eliminate the source of some fires.

The Department of Sustainability and Environment's planned burning program has a target of 200,000 hectares on public land per year, increasing to 275,000 hectares net of wildfire (which is five per cent of treatable public land*) per year by 2013–14. The focus of this program is on reducing risk to life and property. The program will be based on scientific understanding of the impacts of fire on the landscape, industry and biodiversity and be increasingly informed by adaptive management through enhanced research and monitoring. The effectiveness of this approach will be reviewed to determine how best to proceed towards the target of 385,000 hectares by 2015–16.²⁵

4.2 Impacts on biodiversity

Major land use change in metropolitan Melbourne over the last 200 years has greatly altered many ecosystems and species compositions. Habitat loss and habitat fragmentation and degradation continue to impact on Melbourne's biodiversity. More erratic rainfall, increased temperatures, more frequent extreme weather events and sea level rise associated with climate change will exacerbate these existing stressors for many plants and animals.

It is difficult to predict the exact impacts of climate change on flora and fauna due to our incomplete understanding of how ecological processes will interact with one another. Impacts may include changes in the distribution, abundance and life cycle of flora and fauna species. For example, a global analysis of biodiversity distributions shows a profound shift in species ranges over a wide range of taxa with movement of about six kilometres per decade toward the poles.²⁷ Similarly, the early emergence of a butterfly species in Melbourne has been attributed to climate change.²⁸ Some species that are not currently threatened may become so.

Maintaining and extending ecological connectivity in metropolitan Melbourne will improve the resilience of flora and fauna species and is likely to aid adaptation to climate change. Some species may be able to expand their range by extending into areas with decreased competition or disease.²⁹ It is unlikely, however, that enhancing connectivity will be sufficient to protect all species. For example, the climate in which some species currently exist will over time either cease to exist or will shift to regions with unsuitable conditions for the establishment of identical or appropriate habitats.

Several submissions commented on the impact of climate change on biodiversity, including changes in ecosystem distribution, composition and function, and changes in species distribution. Submissions discussed the importance of remnant native vegetation on public land for providing new habitat and movement corridors for species that may shift in range due to climate change. Others discussed the importance of cross-tenure management across private and public land to help mitigate the impacts of climate change on flora and fauna.

One submission likened the metropolitan area to a drought refuge for some native plants and animals. Many urban parks and golf courses are well-watered, and can provide food resources (such as nectar-bearing plants) for fauna during periods of drought. Wetlands such as the Edithvale–Seaford Wetlands and other areas such as the Western Treatment Plant at Werribee are also recognised as important drought refuges for a number of bird species when inland lakes and wetlands dry out. The role of these areas as drought refuges may become increasingly important in the context of climate change.

The final report for VEAC's Remnant Native Vegetation Investigation¹² focused on opportunities to improve ecological connectivity. Its recommendations were aimed at improving biodiversity protection and ecological connectivity in fragmented landscapes. It recommended that government progressively establish a program for improving the link between statewide biodiversity strategies and priorities and local scale opportunities.

Chapter 3 of this report provides further discussion on enhancing Melbourne's biodiversity, including recommendations for enhancing the protection of remnant native vegetation on public land and across the landscape.



Above: Lake Borrie at the Western Treatment Plant is recognised as an important drought refuge for many bird species and is part of a Ramsar wetland of international importance.

* Treatable public land is the available area of public land in which planned burning can be safely and effectively undertaken to reduce fuel loads.²⁶

4.3 Planning for sea level rise and coastal inundation

4.3.1 IMPLICATIONS OF SEA LEVEL RISE

Victorians love the coast. Between 1996 and 2006 approximately nine out of ten Victorians visited the coast every year.³⁰ The open spaces and the opportunities for a broad range of recreational activities draw both those who live in coastal areas and visitors who come to the beach.

During this century the Victorian coastline is likely to be impacted by sea level rise and increased frequency and severity of storm events leading to inundation and erosion.³⁰ In 2007, the International Panel on Climate Change (IPCC) forecasted that, relative to 1990 levels, sea levels will rise between 0.18–0.59 metres by 2090–2099 plus an additional ice sheet melt contribution of up to 0.2 metres. The panel also noted that larger rises could not be excluded.³¹ The 2008 *Victorian Coastal Strategy* established a policy for planning for sea level rise of not less than 0.8 metres by 2100 and allowing for the combined effects of tides, storm surges, coastal processes and local conditions.³⁰ The Australian government used a risk based approach in 2009 to identify a sea level rise of 1.1 metres as a plausible scenario for this century.³² The rate of sea level rise is now tracking near the upper bounds of the IPCC projections.^{33,28}

The potential impacts of sea level rise include loss of beaches and coastal land, threats or damage to infrastructure, loss of habitat and biodiversity, and adverse effects on lifestyle and amenity values.³⁰ The most significant impacts of increased frequency and severity of storm events are erosion of beaches and loss of coastal landscapes, damage and loss of infrastructure or property, and flooding or permanent inundation.^{34,35} Local factors such as topography, elevation and geomorphology will determine which areas suffer the most damage from the combined effects of sea level rise, the impact of tides, storm surges and wave processes.

Access to beaches and foreshores will be impacted by sea level rise and storm surges. Many natural systems, including estuaries, coastal vegetation such as salt marsh and mangroves, wetlands and reefs are likely to become increasingly vulnerable. Areas currently subject to erosion—typically where development has occurred in places subject to active coastal geomorphological processes—are likely to be the sites most affected.³³

The *Victorian Coastal Strategy* 2008 highlights three broad strategies for adapting to climate change: protect, accommodate and retreat.³⁰ Protection strategies include 'hard' engineering measures, such as sea walls, and 'soft' measures, such as beach renourishment or breakwaters. Strategies to accommodate climate change impacts involve planning and design approaches that increase resilience to coastal climate change, such as higher floor levels or strengthened building materials. A strategy of retreat (or phased retreat) refers to land uses that will need to change or relocate in the future as a result of climate change impacts. These are not stand alone options; rather they provide broad adaptation strategies for consideration across varying timeframes.

4.3.2 VULNERABILITY OF COASTAL CROWN LAND IN METROPOLITAN MELBOURNE

The coastline of the investigation area stretches approximately 186 kilometres from Werribee to Frankston on Port Phillip Bay and from Warneet to Lang Lang on Western Port. Ninety-four per cent of the coastal foreshore is Crown land and about two-thirds of this is in parks and reserves such as Point Cook Coastal Park–Cheetham Wetlands, Altona Coastal Park, Truganina Coastal Park and Western Port Nature Conservation Reserve.

Melbourne's beaches and foreshore areas have important social, environmental, scenic and economic values. Being largely public land, the coast provides accessible recreational spaces for both residents and visitors. Most beaches and foreshores provide opportunities for walking, relaxing and socialising. Port Phillip Bay's many piers and jetties provide opportunities for other recreational activities such as fishing. The coast contains a range of vegetation communities, including coastal alkaline scrub, coastal dune scrub, coastal saltmarsh and coast banksia woodland. Melbourne's richly diverse intertidal and coastal environment is home to a number of species endemic to southern Australia, and also provides important habitat for migratory birds from places such as Japan and China.

Much of the coast around Port Phillip Bay and Western Port is low-lying, and vulnerable to rising sea levels and storm surges. Significant areas of this foreshore are likely to be at risk from inundation from sea level rise and storm events leading up to and beyond 2100. Storm surge inundation simulations for the Western Port region suggest that a current one-in-100 year storm surge could become a one-in-one to one-in-four year storm surge by 2070.³⁶

Sea level rise and storm events may cause significant loss of coastal open space in some municipalities. For example, approximately 115 hectares of public open space in one bayside municipality in metropolitan Melbourne (or one quarter of its total public open space) is on the coast. Depending on the elevation of the land and local conditions, this open space could be inundated or eroded.

Alterations to boundaries between land and water that change at a rate not readily noticeable, are governed broadly by a doctrine known to Common Law as the 'Doctrine of Accretion'. The doctrine broadly holds that, unless there is a clear contrary intention, gradual accretions of land from the water belong to the owner of the land gradually added to and conversely, land encroached upon by water ceases to belong to the former owner.³⁷

Climate change will lead to sea level rise and the principles that govern the application of the doctrine will apply. In general terms this may result in loss of land in relation to the water boundary resulting in altered land ownership. The coastal Crown land reserve boundary between land and marine waters is often indicated by reference to 'high-water mark' or 'the ocean' or 'the sea'. Where the sea invades reserved Crown land along the coast, the area of the reserve is reduced or even lost completely although it would remain vested in the Crown. Changes to the sea boundary does not of itself cause any change to a boundary between the coastal reserve and any abutting freehold land.

Although individual cases need to be considered separately, application of the doctrine will become increasingly relevant as sea level continues to rise.

Several submissions commented on the importance of coastal foreshores for open space, coastal ecosystems and community and commercial infrastructure and on their vulnerability to inundation and erosion from sea level rise and storm events. Some submissions considered that greater protection from climate change impacts is necessary (e.g. sand bags and storm surge barriers). Others thought that risks should be avoided by not developing flood-prone and coastal areas that will be affected by climate change.

Figure 4.1 shows the elevation above sea level of a section of the coast in the investigation area using the statewide Digital Elevation Model (DEM) developed for the Future Coasts program.³⁸ Mapping elevation gives a broad indication of the future vulnerability of coastal land to rising sea levels and storm surge inundation. It is illustrative only, as it does not account for this coastline changing over time, infrastructure or other barriers or the effects of local environmental conditions, such as risk of erosion. It does, however, give an indication of the significant vulnerability of coastal Crown land from sea level rise and storm surges. The Victorian government is currently assessing the vulnerability of coastal areas.

Elevation level intervals of 0–0.8 metres, 0.8–2 metres, 2–3 metres and greater than 3 metres above sea level were chosen to encompass the following scenarios for sea level rise by 2100:

- ▶ *Victorian Coastal Strategy 2008* recommendation for planning for sea level rise of not less than 0.8 metres³⁰
- ▶ Department of *Climate Change, Climate Change Risks to Australia's Coast*, scenario of 1.1 metre sea level rise for this century³²
- ▶ CSIRO projection of 1-in-100 year storm tide levels around the northern part of Port Phillip Bay of 1.91 to 2.55 metres.³⁹

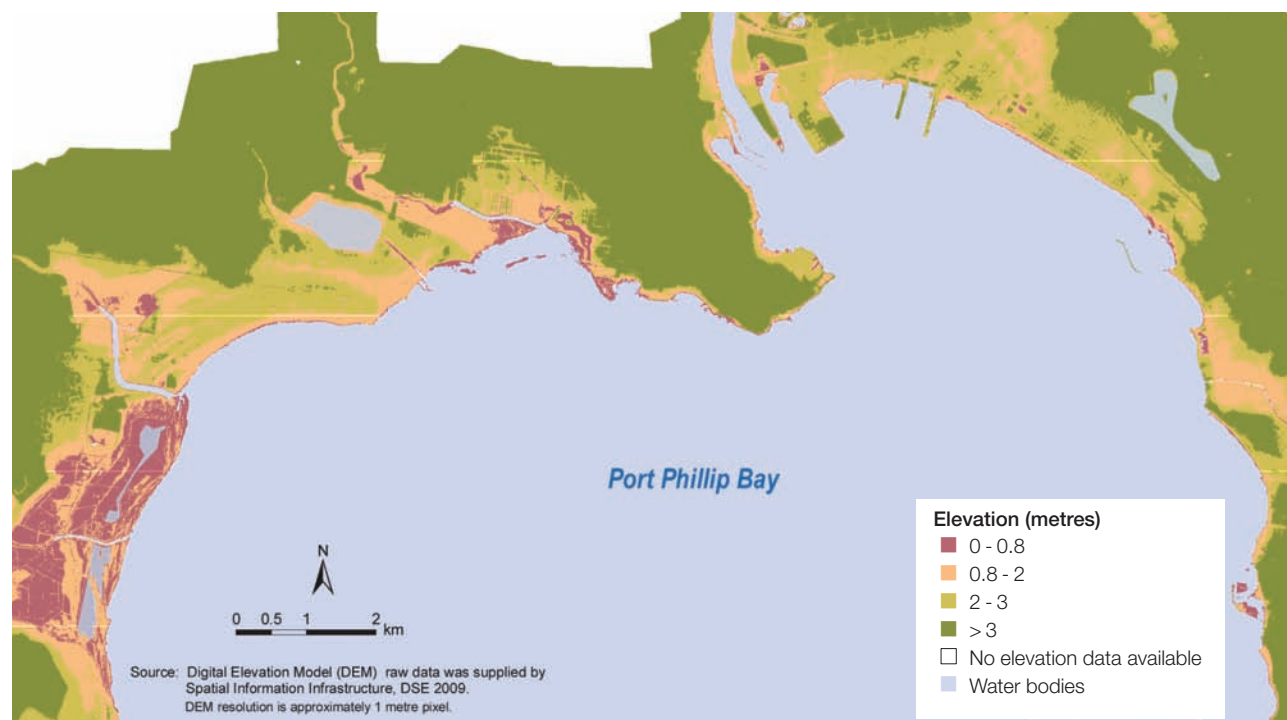
While simplified at this scale, figure 4.1 gives an indication of the significant vulnerability of coastal Crown land from sea level rise and storm surges.

RECOMMENDATION

- 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.

Figure 4.1

Elevation above sea level of a section of coastline in metropolitan Melbourne



5 PROVIDING PUBLIC OPEN SPACE

Chapter 6 of the discussion paper examined the contribution of public open space to Melbourne's liveability and provided some background on open space planning in the metropolitan area. It described the extent and ownership of public open space across the investigation area, and discussed some of the major issues associated with, and future options for, providing open space. This chapter further considers the issues associated with Melbourne's open space network. It includes findings and final recommendations relating to the protection and distribution of public open space across the investigation area and the need to maintain data on, and develop a strategy for, Melbourne's open space network.

VEAC defines public open space as "those areas of public land and local council land that have an accepted and ongoing community use for outdoor recreation and informal activities, and that are freely accessible to the public". Further detail on the definition of public open space is provided in section 6.1 of the discussion paper.

Local council land is an integral part of metropolitan Melbourne's public open space network. Although VEAC's legislation specifies that VEAC is to conduct investigations and make recommendations relating to public land (which does not include local council-owned land), VEAC found it could not properly consider open space issues in metropolitan Melbourne without taking local council land into account. This is due to the integrated nature of local council and public land in Melbourne's public open space network and because local council-owned open space provides essential context for any discussion of open space on public land. For these reasons, the analyses of public open space discussed later in this chapter cover data on local council land and public land and many of VEAC's findings and recommendations contained in this chapter relate to open space on both public and local council land.

Public land within metropolitan Melbourne has a range of purposes and uses, including public open space. Other uses include water and transport infrastructure and community services such as hospitals, police stations and schools. In chapter 7 all public land is categorised according to its primary use.

Open space is an important contributor to Melbourne's liveability. Section 6.7 of the discussion paper examined this contribution in detail. Some examples of the contribution of public open space to liveability are provided below. These are drawn from the literature review undertaken in *The contribution of public land to Melbourne's liveability*⁴ and from information collected by local councils through municipal household and on-site surveys.⁴⁰⁻⁴⁵

Public open space contributes to:

- ▶ **physical health** (including addressing obesity) by providing opportunities for physical activity and children's play in parks, beaches, sportsgrounds, playgrounds and along walking and cycling paths
- ▶ **mental health** by providing opportunities to undertake informal activities such as relaxing and being in natural environments
- ▶ **social capital** by providing opportunities for group gatherings (such as picnics and barbecues), socialising and meeting new people and integrating new members of the community in parks, beaches and playgrounds and sports venues
- ▶ **stimulated and sustainable economies** by providing a venue for a variety of community, tourism and commercial activities in city squares and promenades, beaches and parks, which in turn generate employment
- ▶ **environmentally sustainable urban areas** through the protection of nature values in parks, provision of ecosystem services and reduction in the urban heat island effect
- ▶ **artistic expression and cultural diversity** through the provision of venues for community, sporting and cultural events and festivals in city squares and promenades, parks, beaches and sportsgrounds, which contribute to the diversity and liveliness of urban areas.

Public open space was the most common theme raised in submissions, indicating its importance and relevance to the wider community. Many people commented on the mental and physical health benefits of open space. There was, however, concern that open space quantity and quality would decline as a result of development and the intensified demand for open space resulting from increased population and reductions in private open space. Submissions also expressed concern that predicted climate change impacts such as drought, flooding and erosion might decrease the quality of open space, affecting Melbourne's liveability.

Open space has a range of users with different preferences and capabilities. Open space use varies between different age groups. For example, several local council surveys indicate that young children largely use playgrounds and open play areas.^{46,40} For older children, a national study found that two-thirds of children aged between five and fourteen participate in organised recreational activities such as Australian Rules football, netball and soccer, as well as a range of non-organised and informal activities.⁴⁷ Older residents generally participate less in contact sports and more in activities such as golf, non-organised activities such as walking and cycling and informal activities.^{48,49}

Some research has been undertaken in relation to use of parks by different cultural groups, although conclusions from this research are not always consistent. Regular community surveys of public open space use in the Sydney metropolitan area suggest little difference in park usage between overseas born and Australian born, although those speaking a language other than English at home were less likely to have visited a park in the week preceding the survey.⁵ Another survey conducted by the Monash Tourism Research Unit in 2008 suggests lower rates of park use by first generation migrants.⁵ It has also been reported that some cultural groups (particularly those of southern European background) seek open space areas where large extended family groups can gather for informal activities.⁵⁰ Other research suggests that residents born in non-English speaking countries value parkland and garden areas more highly than natural landscapes.⁵¹

There is limited information available on the use of open spaces such as civic squares and promenades in metropolitan Melbourne. Federation Square in Melbourne's centre is one of the city's most well-known civic squares, and is a popular area for cultural activities and dining. One study indicates that almost one quarter of Melburnians who visited the central business district (CBD) on weekends visited Federation Square, and that this was the most popular area visited in the CBD.⁵²

FINDINGS

- 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.



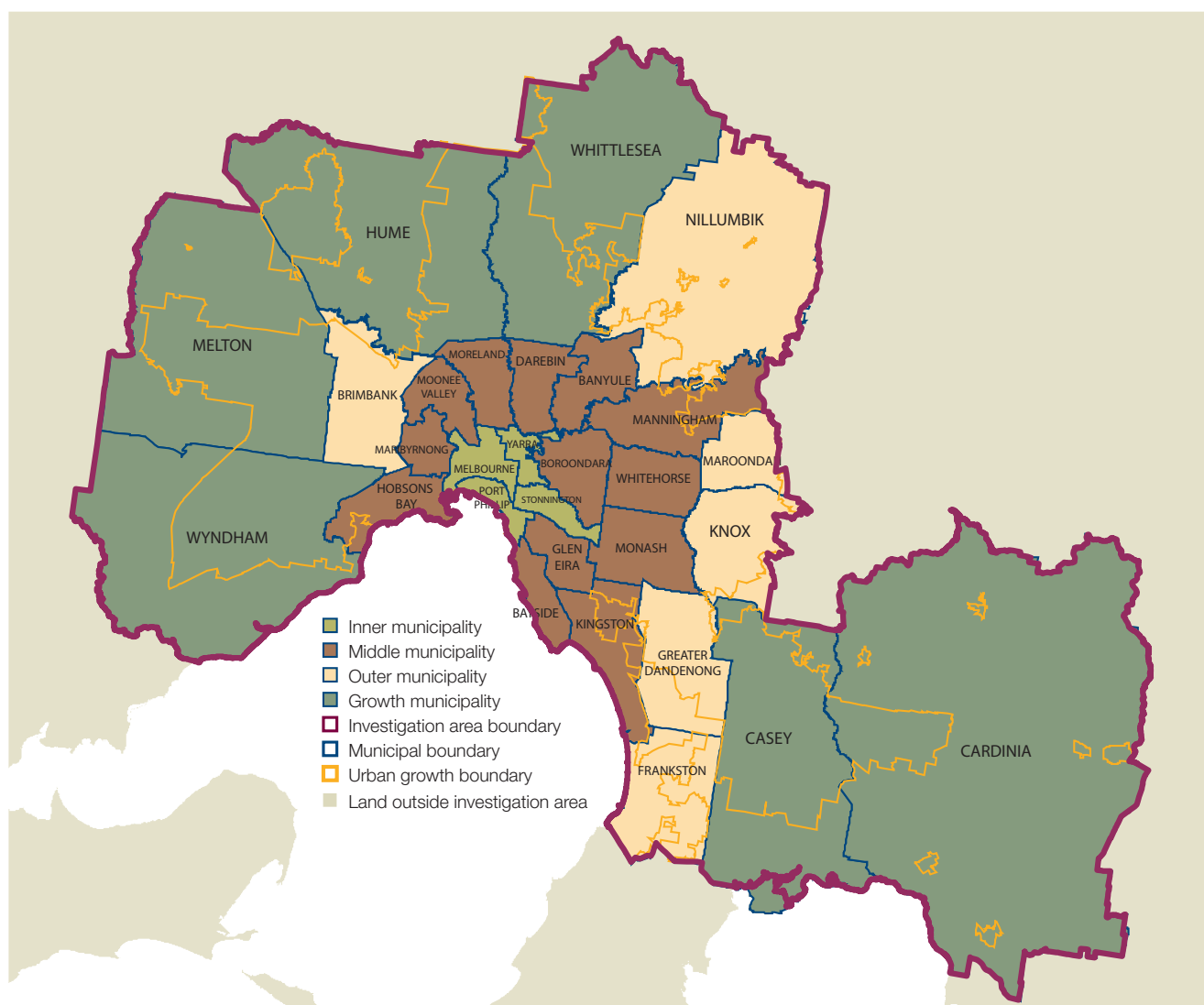
Above: The Yarra River at Studley Park provides opportunities for recreation and relaxation.

5.1 Melbourne's public open space network

The open space network includes local parks, gardens and sportsgrounds, the national and state parks that border the metropolitan area, metropolitan/regional parks including those along Melbourne's major waterways, Port Phillip Bay and Western Port foreshores, streamside corridors, and the pathways and bicycle trails that link these spaces along road, rail and streamside corridors. Open space is managed by a range of organisations—generally public authorities, local councils and committees of management. Maps C and D in the rear pocket of this report show open space within the investigation area.

Section 6.6 of the discussion paper included a description of Melbourne's open space network in terms of ownership, categories of open space and distribution across municipalities in the investigation area. This information was derived from the analysis of data in VEAC's open space inventory (see section 5.2 for more detail). The data and analysis have been updated since the release of the discussion paper based on further information received from public authorities, local councils and the community on the categorisation of a range of specific open space sites and other corrections (see appendix 4). Updated data on Melbourne's population have also become available since the release of the discussion paper.

Figure 5.1
Inner, middle, outer and growth
municipalities in the investigation area



The following sections provide a revised description of Melbourne's open space based on the updated data. Readers should note that most differences between the descriptions and data provided in the discussion paper and those provided in this report relate to changes to open space categories and are largely due to VEAC's decision to combine two of the open space categories used in the discussion paper ('multiple-purpose area' and 'nature-based recreation area') into one category ('natural and semi-natural area').

Two descriptions of open space are generally provided—one for the entire investigation area and another for those parts of the investigation area that are within the Urban Growth Boundary. The second description is provided to give a better indication of open space that is easily accessible to most residents in outer and growth areas. For example, the residential areas of municipalities such as Nillumbik and Cardinia are primarily inside the Urban Growth Boundary and large rural areas and parks (such as Kinglake National Park and Bunyip State Park) are outside the Urban Growth Boundary. These large parks are not in close proximity to most residents within these municipalities.

There are, however, some limitations to the second approach as some open space immediately outside the Urban Growth Boundary is readily accessible to urban residents (see maps C and D). Key examples are the following metropolitan and regional parks: Braeside Park in Kingston; Point Cook Coastal Park and Cheatham Wetlands in Wyndham and Hobsons Bay; Police Paddocks Reserve in Casey; Woodlands Historic Park in Hume; and Plenty Gorge Parklands in Whittlesea and Nillumbik. The second approach also assumes that almost all of a municipality's population resides within the Urban Growth Boundary.

Comparisons have also been made between the inner, middle, outer and growth municipalities (shown in figure 5.1). Inner and middle municipalities are collectively referred to as 'established' municipalities throughout this chapter.

5.1.1 EXTENT, CATEGORY AND OWNERSHIP OF PUBLIC OPEN SPACE

The Metropolitan Melbourne Investigation area contains more than 67,080 hectares of public open space, while the investigation area within the Urban Growth Boundary contains more than 22,360 hectares of open space.

Public open space comes in many forms ranging from large national parks to local sportsgrounds and pocket parks. It can be categorised according to form, use and the size of the visitor catchment it services. The different categories developed and used by VEAC to describe public open space in metropolitan Melbourne are outlined in table 5.1. Map C shows open space in the investigation area according to these categories.

Recreation corridors (off-road trails used for walking and cycling) are an important component of the public open space network. However, it is difficult to map all trails in such an extensive network. The metropolitan trail network is shown as an overlay on maps C and D, but is not included in the analysis of open space discussed in the following parts of this chapter. Only major civic squares and promenades are included in the inventory due to the difficulty in mapping the full range of these areas.

Figure 5.2 shows the proportion of public open space in each category across the entire investigation area and for those parts of the investigation area within the Urban Growth Boundary. Almost half of all public open space in the investigation area is protected areas (largely Kinglake National Park and Bunyip State Park). About one third is natural and semi-natural areas, and about twenty per cent is parkland and gardens and organised recreation areas combined. These proportions change substantially when only land within the Urban Growth Boundary is considered. About seven per cent of public open space within this boundary is protected areas (Kinglake National Park and Bunyip State Park are outside the Urban Growth Boundary). Parkland and gardens and organised recreation combined make up more than half of all open space.

Map D shows the ownership of open space in the investigation area. Most public open space in the investigation area is Crown land (72 per cent or 48,371 hectares). Approximately 24 per cent (15,845 hectares) is local council land and four per cent (2,865 hectares) is public authority land. In those parts of the investigation area within the Urban Growth Boundary, a higher percentage of open space is local council land (58 per cent or 12,922 hectares), with approximately 34 per cent (7,457 hectares) being Crown land and nine per cent (1,988 hectares) being public authority land.

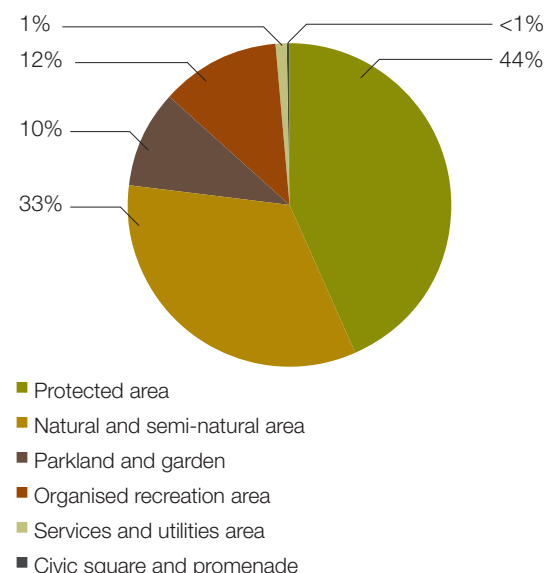
Section 6.7 of the discussion paper examined historic patterns of public open space provision and acquisition in inner and middle municipalities and provided further detail on the ownership patterns of open space across the investigation area.

Table 5.1**Public open space categories**

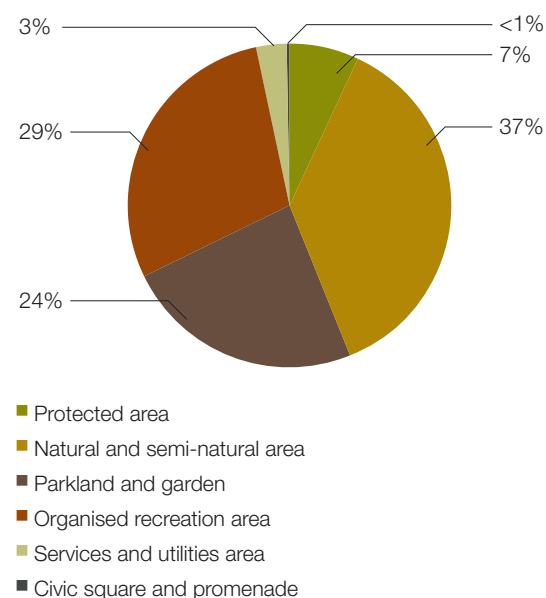
CATEGORY/DESCRIPTION	EXAMPLE	VISITOR CATCHMENT
Protected area These areas are set aside for the conservation and protection of natural ecosystems, landscape character and/or historical and scenic features. All are Crown land and part of Victoria's protected area system. They can be used for some non-organised recreation and informal activities, in accordance with management plans.	National and state parks, nature conservation reserves, natural features reserves that are part of the protected area system (bushland areas, streamside areas and scenic reserves)	State
Natural and semi-natural area These areas are vegetated and can range from remnants of native vegetation through to revegetated and semi-landscaped areas. This category includes areas managed for the conservation of their natural and heritage values that are not included in the protected area system. It also includes long, relatively narrow, interconnected open space areas which can provide visual buffers, movement corridors for pedestrians, cyclists (where appropriate) and/or flora and fauna. Some Crown and public authority land may have a resource use (e.g. state forests) or drainage function (e.g. stream frontages). Recreational uses vary, depending on how compatible they are with the conservation values and other uses of the area. In some areas (e.g. regional parks), recreation may be the primary use.	Wetlands, stream frontages, state forests, corridors located along waterways, regional or metropolitan parks, coastal parks, coastal reserves, larger local council parks	State/regional/ district/ local
Parkland and garden These are generally landscaped areas that provide for a range of non-organised recreation and informal activities. Some parkland can have some natural values.	Open parkland, reservoir parks, formal public gardens, pocket parks and playgrounds	Generally local, but also regional/district
Organised recreation area Areas primarily used for playing organised, often club-based, sport in an outdoor setting. Many areas also have space for informal activities.	Sportsgrounds, bowling greens, public golf courses and driving ranges, tennis courts, netball and basketball courts	Regional/district/local
Services and utilities area Areas used primarily for service delivery purposes that have a secondary recreational use.	Pipe tracks, retarding basins, aqueducts and some power line easements	District/local
Civic square and promenade Major hard-surfaced open areas and long, open areas (often adjacent to rivers) used for non-organised recreation and informal activities, such as community gatherings.	Areas such as Federation Square and Southbank promenade	Regional/district/local
Recreation corridor Off-road trails used for walking and cycling that link areas of public open space.	Trails such as the metropolitan trail network and rail trails	Regional/district/local

Figure 5.2

Public open space by category in the investigation area



Public open space by category within the Urban Growth Boundary



5.1.2 DISTRIBUTION OF PUBLIC OPEN SPACE

There are a number of ways to describe the distribution of public open space across the investigation area. The proportion of municipal area and area per capita ratios are discussed below. More detail on these measures is provided in section 6.7 of the discussion paper.

These are just two methods of measuring open space provision. Accessibility in terms of walking distance, the range of open space opportunities available and the quality of the open spaces are other important measures.

Proportion of municipal area

Approximately 12 per cent of all land in the investigation area is currently public open space. This figure increases to almost 18 per cent if areas zoned in the planning scheme as industrial, green wedge, farming and rural conservation zones are excluded. Similarly, while about four per cent of all land within the Urban Growth Boundary is currently public open space, this increases to about 11 per cent if these zones are excluded. It is expected that these proportions will change over time with the creation of new open space such as new regional and local council parks and changes to planning scheme zones.

Areas zoned in the planning scheme as industrial, green wedge, farming and rural conservation zones were excluded from the analysis as it is assumed that a low proportion of the population currently resides in these areas. It is interesting to note that areas zoned in the planning scheme as green wedge, farming and rural conservation zones have decreased in some municipalities since the release of the discussion paper, particularly in the growth municipalities. This is largely due to the rezoning of areas of green wedge zone to urban growth zone (i.e. for urban development) in these municipalities.

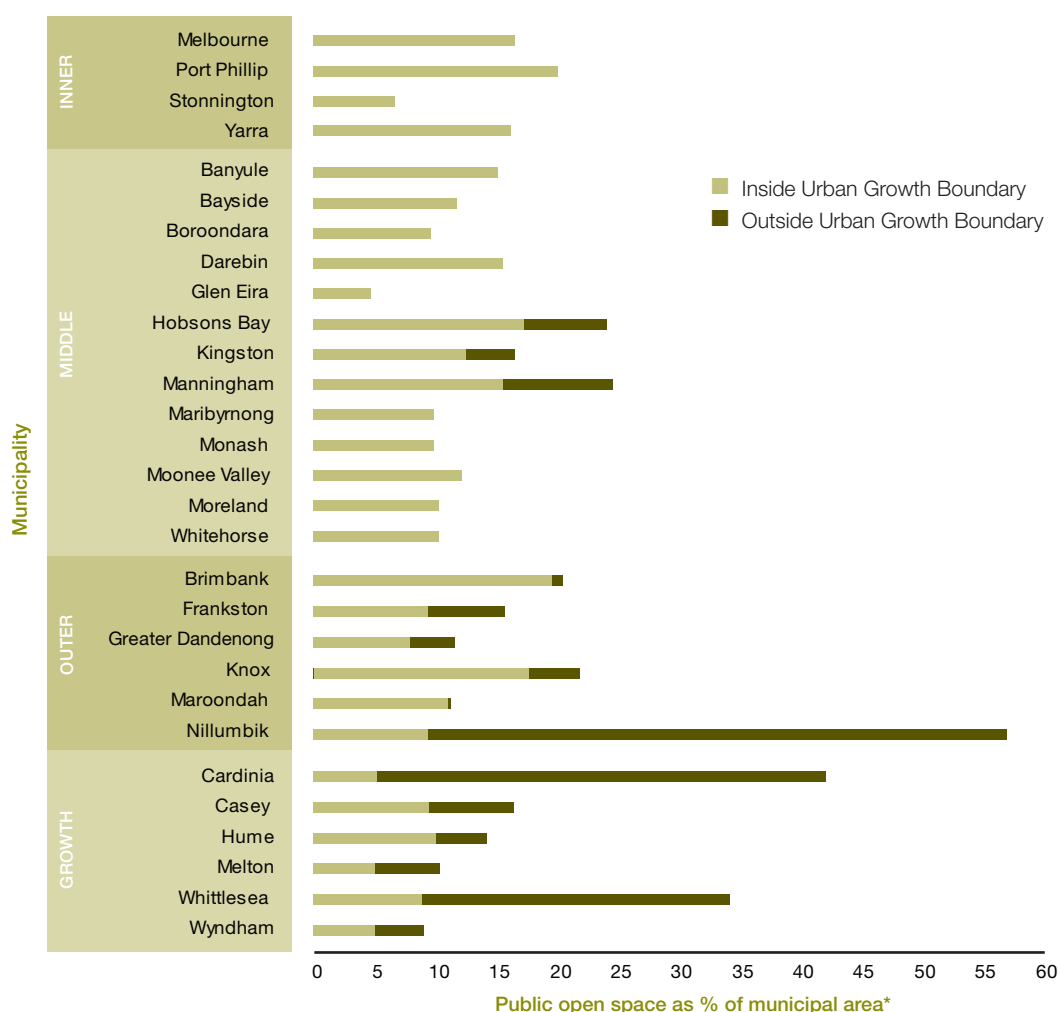
Figure 5.3 shows public open space as a proportion of the total area of each municipality (excluding areas zoned in the planning scheme as industrial, green wedge, farming and rural conservation zones) for the entire investigation area and for these parts of the investigation area within the Urban Growth Boundary. No clear pattern is apparent when comparing established and outer and growth municipalities.

Public open space as a proportion of the entire municipality is lowest in Glen Eira (4.7 per cent), Stonnington (6.7 per cent), Wyndham (9.1 per cent), Boroondara (9.6 per cent) and Maribyrnong and Monash (both 9.9 per cent). The highest proportion is found in Nillumbik (56.9 per cent), Cardinia (42.1 per cent), Whittlesea (34.2 per cent), Manningham (24.6 per cent) and Hobsons Bay (24.1 per cent).

The proportion of open space in most growth municipalities and the outer municipality of Nillumbik changes substantially when considering areas within the Urban Growth Boundary, as only part of these municipalities lie within this boundary. For example, the proportion of open space in Cardinia is about five per cent when considering areas within the Urban Growth Boundary—this figure is about 42 per cent when considering the entire municipality, largely due to Bunyip State Park and Kurth Kiln Regional Park. Public open space as a proportion of this area in some growth municipalities, for example, Melton, Wyndham and Cardinia, is lower than that of many established municipalities. However, it is anticipated that the Growth Areas Authority's precinct structure planning process will provide for higher proportions of open space in these municipalities than these figures indicate.

The Growth Areas Authority's precinct structure plan guidelines set out a consistent approach for the preparation of precinct structure plans. The guidelines are based on delivering passive and active open space within 400 metres of 95 per cent all residents. They state that the equivalent of approximately 10 per cent of 'net developable' land in residential areas should be unencumbered public open space. The Growth Areas Authority has indicated that, on average, significantly more open space is delivered through precinct structure plans than the 10 per cent provided on unencumbered land. This is because encumbered land, such as land used for drainage and easements, can in many circumstances also provide some types of open space.

Figure 5.3
Proportion of public open space in each municipality



**'Municipal area' excludes areas zoned in the planning scheme as industrial, green wedge, farming and rural conservation zones.*

Some local councils in growth municipalities commented during consultation that the 10 per cent standard in the guidelines does not take into account housing densities of 15 dwellings per hectare and hence the relatively high future population densities. One local council suggested that an open space standard based on population density (with open space provision increasing with population growth) would be more appropriate.

Public open space per capita

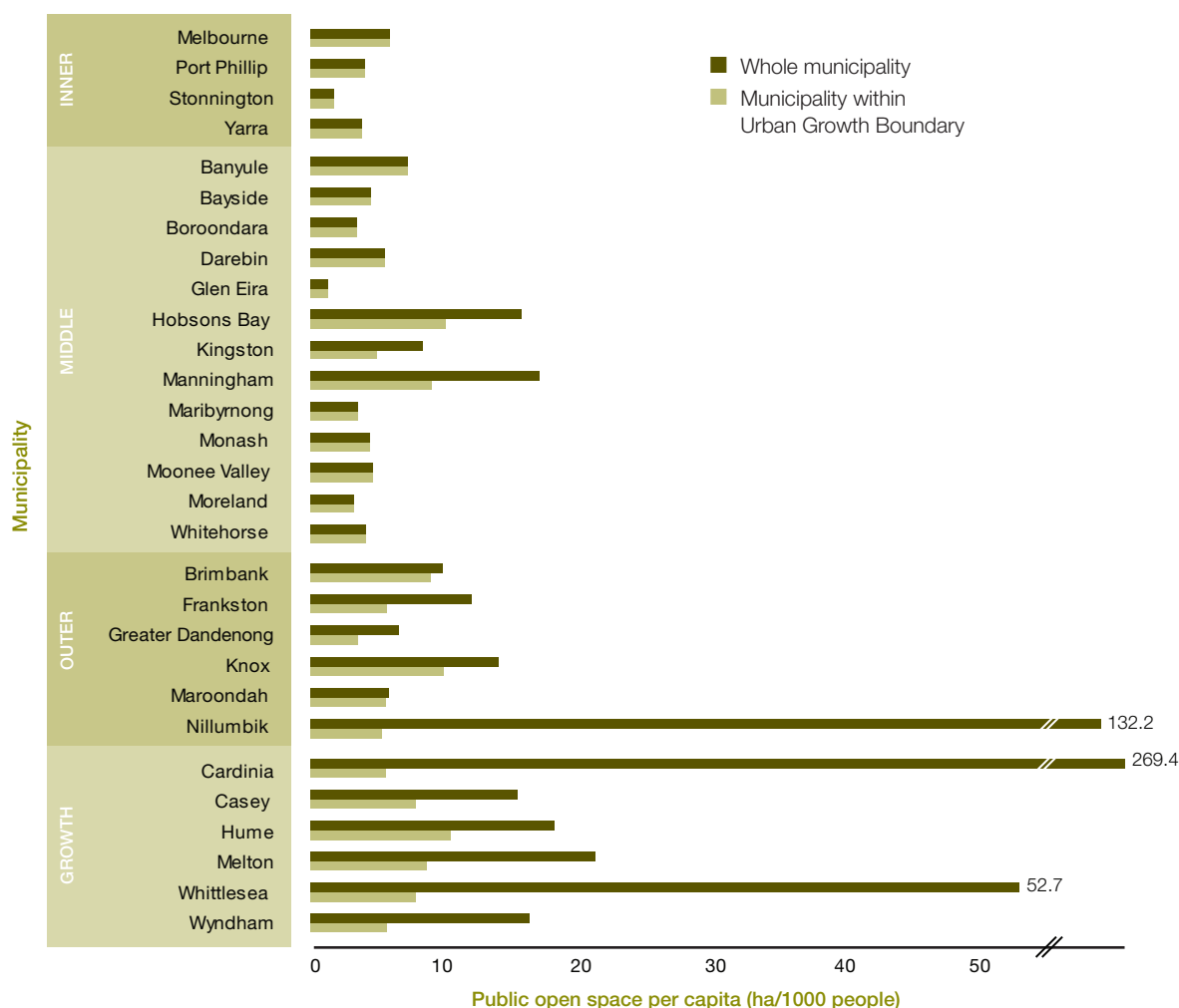
Section 6.7 of the discussion paper provided an indication of current and future open space per capita for each municipality using *Victoria in Future*⁵³ population data and projections for 2006, 2016 and 2026. Due to the difficulties in projecting future open space, only land subject to Public Acquisition Overlays for addition to

regional parks was included as future open space. While limited in this respect, the analysis provided some insights and identified potential pressures from existing and increasing population densities on public open space across metropolitan Melbourne.

Across the investigation area, the analysis indicated that growth municipalities have, and are projected to retain, higher per capita levels of open space than most other municipalities. It is anticipated that new open space will be provided in these areas through the planning process and, in some cases, new regional parks.

Public open space per capita in the City of Melbourne was projected to decrease significantly given its anticipated strong population growth. Municipalities like Glen Eira and Stonnington, with low per capita provision, will in all likelihood have decreased per capita levels of open space.

Figure 5.4
Public open space per capita (hectares/1000 people) in the investigation area and within the Urban Growth Boundary, 2010



Several submissions were concerned about this predicted decline in public open space per capita, particularly in established municipalities. While there are potential opportunities for increasing the amount of public open space in growth municipalities, there are fewer opportunities in established municipalities.

For areas within the Urban Growth Boundary, public open space per capita was projected to decrease over time for all municipalities except Knox and Nillumbik. Growth municipalities, such as Cardinia and Wyndham, will be relying on new open space to offset population growth. Otherwise, levels of open space per capita in some growth municipalities and the outer municipality of Greater Dandenong may decrease to lower levels than some established municipalities.

Recently released Australia Bureau of Statistics¹² population estimates for metropolitan Melbourne indicate that the current population in some municipalities (Bayside, Brimbank, Glen Eira and Moonee Valley) has already exceeded the projections for 2016 (that is, population growth has been more rapid than anticipated). As the revised *Victoria in Future* population projections have not yet been released, this report is providing open space per capita for 2010 only. Readers are referred to the discussion paper for VEAC's previous projections of open space per capita over time.

Figure 5.4 shows public open space in hectares per thousand people for each municipality in the investigation area. As can be seen, public open space per capita differs widely across the investigation area, from one hectare/1000 people in Glen Eira to 269 hectares/1000 people in Cardinia (a function of this municipality's large area and relatively small population).^{*} Public open space per capita is generally higher in the growth municipalities and lower in the inner municipalities.

Figure 5.4 also shows public open space in hectares per thousand people for the areas of municipalities within the Urban Growth Boundary. As shown in this figure, public open space per capita changes considerably for growth and outer municipalities. For example, open space per capita in Greater Dandenong (3.6 hectares/1000 people) is less than that of many established municipalities. Most other growth and outer municipalities have between five and ten hectares of open space per thousand people.

FINDINGS

- 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 public open space per capita than outer and growth municipalities.
- F8** Without the retention and creation of public 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 public 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 public open space over time 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 public open space to meet population increases.

^{*} The analysis uses population figures from the Australia Bureau of Statistics (ABS).² The ABS does not provide separate population figures for areas inside and outside the Urban Growth Boundary. For the purposes of these analyses it has been assumed that a low proportion of the population currently resides outside the Urban Growth Boundary in the investigation area and the population figures for entire municipalities have been used to approximate population figures within the Urban Growth Boundary.

5.2 Maintaining and using the public open space inventory

The data discussed in the previous sections were derived from an inventory of public open space on Crown land, public authority land and local council land for the investigation area. The inventory was compiled by VEAC with the assistance of public authorities and local councils. VEAC also drew upon DSE's Crown land database. Section 6.6 of the discussion paper provides further detail on the inventory.

There have been minor changes in the amount and ownership of public open space since the discussion paper was published in 2010. VEAC also received comments from public authorities, local councils and the community on the categorisation of a range of specific open space sites. Appendix 4 provides updated data for the amount and type of public open space in metropolitan Melbourne, the proportion of public open space in each municipality, public open space ownership and open space per capita for each municipality in the investigation area. Maps C and D show public open space across the investigation area by type and land ownership.

VEAC's consultation with the community and local councils found that the inventory was widely regarded as an important and valuable resource for strategic open space planning and for monitoring trends in open space provision over time. Many submissions, largely from public authorities and local councils, supported its regular maintenance and update and requested that the inventory be made available to local councils and the community. Some submissions stressed the importance of quality and accessibility when assessing open space. Possible future additions to the inventory, such as categorising areas of open space according to the visitor catchment they service (local, district, regional, state and national) and mapping open space accessibility, would allow for further analysis of inventory data.

The open space inventory is an important resource that will provide a baseline for future investigations of Melbourne's open space network and support strategic open space planning and policy development by state government and local councils. The open space network will change over time (for example, through the creation of regional parks in growth areas and local parks by local councils), and the inventory will need to be updated accordingly.

RECOMMENDATIONS

- 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.

5.3 Meeting the public open space needs of Melbourne's growing population

Metropolitan Melbourne's* population is projected to grow from 4.08 million people in 2010 to between 5.1 million and 5.7 million people by 2031.⁵⁴ Metropolitan Melbourne had the largest growth of any Australian capital city in 2009–10 (and has had for the past nine years), with most of this population growth occurring in Melbourne's growth municipalities.² In order to maintain the current contribution of open space to Melbourne's liveability, existing open space will need to be protected and new open space will need to be provided so that Melbourne's open space network can meet the needs of its growing population.

* These population figures include the Shires of Mornington Peninsula and Yarra Ranges.

5.3.1 PROTECTING MELBOURNE'S PUBLIC OPEN SPACE NETWORK

Crown land can be reserved for a variety of purposes. Some specific reservation purposes such as 'public parks, gardens and public recreation' secure open space for that purpose. Other reservation purposes are more general or have a primary purpose unrelated to recreation and leisure.

Section 6.8 of the discussion paper sought comment on the protection of open space through the reservation of Crown land. About one-third of submissions commented that public open space should be secured by ensuring that appropriate legal status is given to the land.

VEAC estimates that about ten per cent of 'organised recreation areas' and 'parkland and gardens' within this investigation area, but outside previous Land Conservation Council investigations areas, are unreserved Crown land. The reservation of these areas for public parks, public recreation or other more specific purposes would help secure this open space. Reservation also enables regulations to be made and the appointment of committees of management.

Some public land managers consider that general 'public purposes' reservations provide for flexible and changing land use. However, this approach can be counterproductive where the principal aim is to protect open space, biodiversity or other specific values for the long term.

In most of the public land use recommendations in chapter 7, VEAC is recommending that any unreserved Crown land be permanently reserved under the *Crown Land (Reserves) Act 1978* for the purposes specified. Of particular relevance to this discussion are the recommendations for regional parks (recommendation C), metropolitan parks (recommendation D) and community use areas (recommendation I).

Another mechanism for protecting open space is in the State Planning Policy Framework. Clause 11.03 of this policy states that where there is a change in land use or in the nature of occupation resulting in a reduction of open space, the overall network of open space must be protected by the addition of replacement parkland of equal or greater size and quality. This is based on the principle of no net loss of open space.

While the State Planning Policy Framework requires the replacement of open space, there is currently no requirement to consult with the community when reductions in open space are proposed. Furthermore, some specific legislation, such as that relating to freeway construction entities, can override the general planning principles in the State Planning Policy Framework.

Section 6.8 of the discussion paper sought comment on the replacement of public open space and the importance of a public process to review the losses and gains in open space. Submissions strongly supported the replacement of public open space permanently lost through development. Submissions also generally supported the comment that proposed losses be subject to a public process to review any losses or gains in open space extent, quality and/or accessibility.

Melbourne's public open space is highly valued by the community, and it is important that public processes are utilised so that the costs and benefits of these changes to the community can be considered.

Public open space can also be reduced in area by new building works or expansion of existing buildings that are compatible with the use of the open space e.g. sports facilities, shelters and other community buildings. In these cases, the buildings would often be compatible with the reservation purpose and they would not be considered losses of open space under the State Planning Policy Framework. While their impact may be relatively small on an individual basis, there may be a cumulative impact, particularly in municipalities with a low level of public open space.

Submissions highlighted the increasing demand for the construction of community facilities and public infrastructure in existing open space areas, particularly as land values increase. A further issue raised in submissions was the perceived trend from freely accessible open space, such as parkland, to areas with exclusive use such as indoor sports venues in an existing park. Box 5.1 provides an example of different community perspectives on the construction of buildings in open space areas.

The construction of facilities such as sportsgrounds, change rooms and clubrooms can enhance the enjoyment and use of open space for some members of the community. For others, the construction of such buildings in parkland areas reduces their enjoyment as it decreases the amount of freely accessible open space. As Melbourne's population increases, it is expected that there will be a greater demand for sporting and related facilities. Public open space will need to be managed to maximise public access and to provide the widest range of user opportunities.

Box 5.1

Development of facilities on public open space in Caulfield Park

Caulfield Park is in the south-eastern Melbourne suburb of North Caulfield. The Park is about 25 hectares in area and is on Crown land. It was permanently reserved for public park, gardens and public recreation in 1866. It is managed by Glen Eira City Council as a committee of management. Much of the park contains sportsgrounds and hard courts, while the western end contains a parkland area. The park also contains a playground and conservatory.

The construction of a new Caulfield Park Pavilion in the central part of the park was completed in 2009. The 0.4 hectare pavilion and car park replaced a small sports building and storage shed (0.04 hectares in size). The footprint of the new pavilion is significantly larger than that of the old building and shed, and involved the construction of an additional access road in the park. The expansion of the pavilion transformed freely accessible public open space into an enclosed area where access generally requires membership of a particular sports club or payment of hire fees.

Sporting groups using the park generally favoured the construction of the new building as it enhanced their sporting activities. There was, however, opposition to the redevelopment from other users who were concerned about the loss of amenity and reduced area available for non-organised recreation and informal activities at the park.



RECOMMENDATIONS

- 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.

5.3.2 PROVIDING ADDITIONAL PUBLIC OPEN SPACE

Planning for the provision of new open space differs greatly across the investigation area. In the growth areas in Cardinia, Casey, Hume, Melton, Whittlesea and Wyndham, open space planning occurs as part of overall precinct structure planning for new residential communities and new employment areas. The plans must be approved and incorporated into local planning schemes before urban development can proceed.

The Growth Areas Authority's Precinct Structure Planning Guidelines set out a consistent approach for the preparation of precinct structure plans. Among other things, they provide guidance on the design of, and standards for, delivering well distributed, multi-functional and appropriately sized open space. For example, the standards for residential areas include providing local parks within 400 metres of at least 95 per cent of all dwellings, active open space within one kilometre of 95 per cent of all dwellings and linear parks and trails within one kilometre of 95 per cent of all dwellings.

Planning for the delivery of new open space in established suburbs can be more challenging. Land for open space may not be readily available where it is most needed or local councils may not have budget funds set aside for land purchases when suitable land comes on the market. High land prices can add to the difficulties.

Delivery of new open space in established suburbs is by necessity more opportunistic. For example, in addition to land purchases, some municipalities have delivered new open space through residential street closures and urban renewal projects. Despite the limited opportunities, at least one established municipality – the City of Boroondara – has recently established a ‘Strategic Acquisition Fund’ so it can purchase land for community services or additional open space when opportunities arise.

The remainder of this section discusses in detail two ways of delivering additional public open space– from the purchase or improvement of land with the open space contributions required when land is subdivided, and from the secondary use of public authority land.

Open space contributions

Section 6.9 of the discussion paper examined mechanisms used to provide new public open space, focusing on open space contributions under the *Subdivision Act 1988* and the Victoria Planning Provisions.

The Subdivision Act is the most common mechanism used by local councils to require open space contributions. The Act provides for an open space contribution not exceeding five per cent of the area of the land or site value from a subdivision applicant, where the contribution amount is not specified in the planning scheme. Open space contributions received as cash must be used to purchase new, or improve existing, open space.

Local councils can only require an open space contribution under the Subdivision Act if there is a requirement for more open space as a result of the subdivision. The contribution may be subject to challenge by the subdivision applicant if they consider that there is adequate open space nearby or that it is provided as part of the development.

Many submissions, including most from local councils, supported a review of the approaches used to determine open space contributions. Some local council submissions expressed the view that there is no strategic basis for setting contributions at a maximum of five per cent, and that the provisions should be reviewed to take account of the number of new residents in a subdivision, not only the area of the subdivision. One local council also commented that while cash contributions are based on the unimproved value of land, local councils are often required to purchase land for open space at a higher value based on the ‘best use’ value of the land (normally the residential or commercial value).

One submission suggested that if an open space contribution was not required as adjacent open space was declared to be adequate, then the developer should be required to make a cash contribution so that local councils could upgrade existing areas of public open space.

As outlined in section 6.9 of the discussion paper, the provisions of the Subdivision Act relating to open space contributions do not appear to be responsive to the changing needs of municipalities. These changing needs include a greater demand for open space due to increases in population and urban density. For example, open space contributions made under the Subdivision Act relate to the area under subdivision, not the increase in population resulting from the subdivision. As such, open space contributions may not be sufficient to meet the needs of additional residents in higher density developments.

VEAC considers that exemptions to paying a contribution and the contribution level specified in the Subdivision Act should be reviewed. This review should, among other things, consider whether there should be a minimum open space contribution under the Subdivision Act of five per cent. The introduction of a minimum contribution would enable local councils to be more responsive to local open space needs by providing additional open space or improving existing open space to cater for additional users.

The Victoria Planning Provisions are statewide provisions that form a template for municipalities’ planning schemes. Particular provisions of the Victoria Planning Provisions provide mechanisms for requiring public open space contributions and for the provision and design of open space. These provisions are discussed here briefly, and in more detail in section 6.9 of the discussion paper.

Clause 52.01 of the Victoria Planning Provisions enables local councils to require an open space contribution from subdivision applicants. Local councils can specify their own contribution rate (either area or percentage of site value) in the schedule to the clause, in place of the maximum five per cent specified in the Subdivision Act, provided this can be justified via a planning scheme amendment. This gives local councils greater flexibility as they can set an open space contribution rate that is tailored to local open space needs. This rate cannot be challenged at the Victorian Civil and Administrative Tribunal (VCAT).

Several local council submissions outlined the difficulties they experienced in preparing the strategic case required to justify the creation of a contribution schedule to clause 52.01. For example, submissions highlighted the high cost of researching the requirements, noting that the research

and amendment process must be repeated for each municipality. Other councils suggested that there should be a minimum open space contribution as part of the schedule to clause 52.01 in local planning schemes.

The Subdivision Act and clause 52.01 of Victoria Planning Provisions exempt some types of subdivisions from the open space contribution requirement. Examples of exemptions are two lot subdivisions that are unlikely to be further subdivided; subdivisions of residential, industrial and commercial buildings where each lot contains part of the building; and subdivisions of land where a contribution has been made for a previous subdivision. Many submissions argued that the provisions in the Act and clause 52.01 that exempt certain developments from the requirement to make an open space contribution should be removed or reviewed.

Some local council submissions highlighted concerns following a VCAT decision involving public open space requirements in clause 52.01 of the Maroondah Planning Scheme (*Fletcher v Maroondah City Council* [2006] VCAT 2205). In this case, the permit applicant proposed a two-stage subdivision of two existing residential lots into three lots. Maroondah City Council granted a permit for the subdivision subject to a condition that the owner of the land pay to the Council a sum equal to five per cent of the value of the land as a public open space contribution. In support of the condition, the Council relied on clause 52.01 of the planning scheme. The developer applied to VCAT for a review of the condition. The key issue was whether the subdivision was exempt from this requirement under clause 52.01 of the scheme, because it was unlikely that each lot would be further subdivided. VCAT decided that the subdivision was an exempt subdivision and it varied the permit to remove the condition requiring a public open space contribution. A subsequent decision by the Court of Appeal concluded that the specific tests for need, as set out in section 18 of the Subdivision Act, apply to a public open space requirement in a planning scheme. In effect, this decision means that a requirement for a public open space contribution fixed in clause 52.01 of the planning scheme may only be required where the council considers that there will be a need for more open space as a result of the proposed subdivision.

The Court of Appeal decision has created uncertainty for some local councils about whether they can require a mandatory public open space contribution based on clause 52.01 of the planning scheme. The decision affects local councils that have created schedules to clause 52.01 to specify the level of open space contribution (approximately half of local councils in the investigation area), as well as those intending to prepare schedules.

Clause 56.05-2 of the Victoria Planning Provisions contains comprehensive objectives for the provision of open space. This includes the only statutory set of standards for open space codified in the Victoria Planning Provisions. Box 5.2 provides more detail on the open space provision objectives listed in Clause 56.05-2. This clause also provides guidelines on the appropriate design of open space (dimension, quality, orientation etc) to meet its intended use, as well as guidelines on the integration of open space with other landscape elements such as waterways and foreshores.

Box 5.2

Open space standards in the Victoria Planning Provisions

Clause 56.05-2 states that there should be a network of neighbourhood open space that includes:

- ▶ local parks within 400 metres of 95 per cent of all dwellings; these should be generally one hectare in size where not designed to include active open space
- ▶ additional small local parks or public squares in activity centres and higher density residential areas
- ▶ active open space of at least eight hectares in area within one kilometre of 95 per cent of all dwellings
- ▶ linear parks and trails within one kilometre of 95 per cent of all dwellings.

The above standards cover a range of open space attributes including size, accessibility and distribution. Their comprehensive nature means that they are more able to be applied in greenfield locations, particularly in growth areas and some outer municipalities. However, they can be difficult to achieve in many established municipalities which have a relatively mature open space network established prior to the development of the Victoria Planning Provisions in 1996, and an existing low provision of open space and limited capacity to increase the area of open space. Under these circumstances, many municipalities tend to focus on maximising open space accessibility and quality. The absence of open space standards relevant to established municipalities was an important theme arising from submissions from middle and inner local councils.

The contribution schedule attached to clause 52.01 and the objectives and standards for neighbourhood open space in clause 56.05-2 are not compatible and do not operate together under the planning provisions. Because of this, local councils find it difficult to use the standards to develop a schedule to clause 52.01 and to deliver a neighbourhood open space network that is consistent with these standards.

RECOMMENDATION

- 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.

Use of public authority land

Section 6.9 of the discussion paper includes an outline of the use of public authority land as public open space. Public authorities are required to work within a mandated charter, with use of their land for recreation a secondary consideration. For example, Melbourne Water's operating charter sets out its responsibilities, long-term aims and goals for the management of waterways, floodplains and regional drainage. Some Melbourne Water land, however, may also fulfil a significant community recreational function, such as boating and fishing. Local councils and other public authorities often enter into agreements with public authorities such as Melbourne Water, VicRoads and VicTrack for community use of their land. Shared use of public authority land is not always appropriate, but in many cases it provides additional open space for communities.

There are approximately 2,865 hectares of public authority land in the investigation area which have a secondary function as public open space. This includes larger areas such as retarding basins, as well as smaller areas such as pipe tracks, recreation trails and other linear corridors. These corridors can be particularly useful in providing linkages between existing larger areas of public open space.

A number of local council submissions commented that there are limited opportunities to increase the amount of public open space and that any opportunities will largely come from the shared use of public authority land. Several submissions provided successful examples of shared use of public authority land for recreation. Box 5.3 provides an example of land owned by a public authority, Southern Rural Water, which is used as public open space.

Box 5.3

Use of Melton Reservoir as public open space

The Melton Reservoir (also known as Exford Weir) is the main regulation storage for the Werribee Irrigation District and is located on the Werribee River approximately six kilometres south of Melton. The land is Southern Rural Water freehold land.

A visitor area at the southern end of the reservoir encourages a range of recreation uses with picnic facilities provided. While camping and horse riding are not permitted, on-leash dog walking is allowed. Swimming is permitted in some areas and boating is allowed in some areas of the reservoir (depending on the water storage levels).

These secondary uses are compatible with the primary water supply purpose, but may be changed by Southern Rural Water if the quality of water supply and the environment is adversely affected.



Other local councils, however, expressed frustration with the process of negotiating shared use agreements, describing it as complex and onerous. Several local council submissions also commented that ongoing management agreements between state government and local councils need to be streamlined to correctly allocate maintenance costs to relevant authorities.

These comments are supported by the Victorian Competition and Efficiency Commission's (VCEC) report *Getting it together: An inquiry into the sharing of government and community facilities*.⁵⁵ VCEC indicated that the lack of funding from stakeholders for ongoing maintenance and operation of a shared facility was often a barrier to success, and there often appeared to be a lack of understanding among partners about who was responsible for the maintenance and replacement of assets, and the ongoing costs.

The use of public authority land as public open space contributes to Melbourne's liveability as it provides additional opportunities for organised, non-organised and informal recreation, which in turn contribute to improved mental and physical health. Larger areas such as retarding basins can provide opportunities for group gatherings and socialising, and encouraging social cohesion. More natural areas can also aid in the conservation of native plants and animals and help mitigate the urban heat island effect in residential and commercial areas (see section 4.1).

It is important that the shared use of public land be considered as a complementary means of providing additional open space, rather than as an alternative to the acquisition of new open space. Some types of public authority land are also better suited to certain recreation activities than others. For example, retarding basins are generally considered suitable for non-organised recreation and informal activities, but not for sportsgrounds due to the likelihood of inundation and unevenness of the ground.

RECOMMENDATIONS

- 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.

5.3.3 FUTURE PLANNING FOR MELBOURNE'S PUBLIC OPEN SPACE NETWORK

Melbourne has a long history of open space planning that has continued to the present day. Notable open space plans include the Metropolitan Town Planning Commission's 1929 plan for existing and proposed open space, and the Melbourne and Metropolitan Board of Works' 1971 corridor wedge plan and 1988 Metropolitan Open Space Plan. In 2002, Parks Victoria developed *Linking People and Spaces*, a strategic plan for nature-based regional open space and trails.⁵⁶

Almost all local councils in the investigation area have prepared municipal open space strategies which provide planning for all types of open space (regional, district and local) on both Crown and local council land. However, there is no requirement for local councils to develop open space strategies, or to regularly update an existing strategy. As a result, some open space strategies are current while others were prepared as long ago as 1996 and may no longer be relevant.

Section 6.4 of the discussion paper sought community views on whether a new metropolitan-wide open space strategy should be developed for Melbourne. About one-third of submissions supported the development of a strategy, with a wide range of suggestions on its proposed structure and focus. Some submissions suggested that the strategy should provide a consistent approach to elements such as provision and use of public open space at a metropolitan-wide level. Others indicated that prescriptive provision requirements would not consider local needs, and could set unrealistic standards for local councils to acquire public open space (particularly in established areas).

A number of submissions indicated a preference for overarching guidelines rather than a prescriptive planning and design template for local council open space strategies. Others suggested that a metropolitan-wide strategy could provide a framework for the preparation of local open space strategies, but that it should allow considerable local input into these strategies.

Several submissions saw a metropolitan-wide strategy as an opportunity to develop a 'master plan' for public open space in metropolitan Melbourne. These submissions indicated that the strategy should focus on open space corridors and linkages across metropolitan Melbourne, with both recreation and nature conservation given equal importance. Submissions generally supported the regular maintenance and update of metropolitan-wide and local council strategies.

Metropolitan Melbourne's population is predicted to increase to between 5.1 million and 5.7 million people by 2031⁵⁴, which will increase competition for land for residential and industrial development, infrastructure and other community uses. It is also likely to lead to an increased intensity of use of existing public open space. Increased population is likely to have a greater impact in established municipalities where there is limited scope to create additional open space. To maintain Melbourne's current liveability, new public open space will need to be provided to maintain current standards as Melbourne's population increases. Public open space needs to be an important consideration when planning for Melbourne's future growth.

There is currently an uneven distribution of open space in metropolitan Melbourne, with established municipalities generally having less open space per capita than outer and growth municipalities. Although significant planning has been undertaken by the Growth Areas Authority and councils for new open space networks in the outer growth areas, there is no overall vision or strategic planning framework for open space across the whole of metropolitan Melbourne. There are no metropolitan-wide policies to address the challenges arising from Melbourne's increasing population, which is especially apparent in the existing urban area.

The development of a new metropolitan open space policy and strategy is considered necessary to respond to the challenges facing Melbourne's open space network. There are multiple policies dealing with open space, as well as multiple landowners and user requirements. A new metropolitan open space policy and strategy should consider the entire network, which is not covered in the individual agency and local council strategies. It is envisaged that this policy would be developed in consultation with the community and local councils, dovetailing with and providing an overarching framework for other metropolitan open space programs and strategies (such as regional strategies developed by Parks Victoria, local council open space strategies, and policy and directions specified in the planning scheme). The metropolitan-wide open space strategy could provide input into a broader metropolitan strategy for Melbourne.

While DPCD, DSE and Parks Victoria have responsibility for particular aspects of open space policy and strategy, no single agency currently has responsibility, or resources, for an overarching metropolitan open space policy and planning function.

Further, in order to plan for Melbourne's public open space, it is necessary to have information on what currently exists. VEAC found that this information did not exist in one location and had to create its own inventory for this investigation. VEAC does not have a role to maintain this inventory following the completion of this investigation.

RECOMMENDATIONS

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 not 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 public open space inventory and making available the information it contains; and
- (b) developing and implementing a metropolitan open space policy and strategy.

6 VALUES AND FUTURE USES OF 'PUBLIC LAND NOT COMMITTED TO A SPECIFIC USE'

Term of reference (b) for this investigation requires VEAC to assess the 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.

Chapter 9 of the discussion paper defined 'public land not committed to a specific use' and provided a detailed discussion of the values and scope of this land. It also outlined the policies and processes for determining its appropriate future uses, including those uses relevant to Melbourne's liveability and natural values. This chapter of the final report summarises some of this material and provides some further discussion of the issues.

6.1 Surplus public land

In this report VEAC defines 'Crown land and public authority land not committed to a specific use' as Crown land and freehold land owned by Victorian government departments and other public authorities (i.e. public land):

- a) for which there is no current or planned use;
- b) that has a current use that will cease in the foreseeable future; or
- c) that has no current use, but may be required in the long-term future.

In the discussion paper, the land described above was equated to surplus public land. It was noted that public land in categories a) and b) is frequently considered by public authorities to be surplus land that can then be reallocated to another use, leased or sold. It was also noted that land in category c) may also be considered to be surplus by public authorities because of the difficulties involved in projecting long-term demographic changes and the subsequent future demand for land for public purposes. School sites were given as an example of land that may become surplus as local communities age or change, but could conceivably be needed in the future if young families were to return to the locality.

Since the publication of the discussion paper, VEAC has come to the conclusion that while land in category c) is not committed to a specific current or future use, it should not

be described as surplus public land. Some of this public land may be retained as part of contingency plans for meeting longer term community needs.

An understanding of the values of surplus public land in general (rather than of particular sites) was provided in the discussion paper by considering its value to its owners and/or managers and its current and future users—public authorities and the Melbourne community respectively.

For public authorities, the value of land that is surplus to their current and future requirements tends to be its financial value to be realised on sale. A further financial benefit realised on sale is reduced management costs.

In contrast, the Melbourne community appears to value surplus public land in terms of its alternative community uses. Consultation during the course of this investigation revealed a commonly held perception that all or most surplus land is suitable for alternative public uses. Some people held this view to the extent that they objected to the use of the term 'surplus public land'. Many people considered that all land should be retained to meet current and future needs, particularly given Melbourne's projected population growth and increasing urban density. An example of how one community group values surplus public land is provided below.

Often some land is considered surplus to requirements – a narrow lane here, a small path by a train line there, a path through a small park etc. Cyclists rely heavily on small areas or strips of land to provide off road permeability. Land is rarely surplus to requirements.⁵⁷

It is difficult to determine the extent of land that is surplus to public authorities' requirements. There is no comprehensive register or list of surplus public land. Some surplus public land sites can be identified from the Government Land Monitor's* sales bulletin board. However, listing land on the bulletin board is not mandatory and sites are generally only listed for 30 days.

VEAC has categorised public land within the investigation area according to its primary purpose and range of uses (see chapter 7). At the time of finalising the public land database for this investigation, approximately 1,313 hectares (or 13.13 square kilometres) of public land was uncategorised—indicating that it has no clear current or future use as public land. While some of

* The Government Land Monitor operates within the Department of Planning and Community Development and is responsible for providing government with an assurance of accountability and integrity in public land transactions.

this uncategorised public land may be surplus to the requirements of the relevant public land owner, some land may have future uses or values identified through more detailed assessment processes or may be held as contingencies for meeting future needs.

Given that there is no list of surplus public land, VEAC gained some further understanding of the scope and significance of this land from examining the land transactions of four of the largest public authority land owners and managers in the investigation area—Melbourne Water, VicRoads, the Department of Education and Early Childhood Development and VicTrack.

In total, approximately 301 hectares of public land were sold and a further 183 hectares were transferred in the three year period from 2006–09. This indicates that in total about 484 hectares (or 4.84 square kilometres) of

public land were considered surplus by these four public land managers during this period. In comparison, a total of more than 700 hectares (or seven square kilometres) of land were acquired by these public authorities during the same period.

There was, however, great variation in the land transactions of the four public authorities, as is shown in table 6.1. For example, during this three year period, Melbourne Water sold and transferred more than 270 hectares of public land and acquired about 156 hectares, while VicTrack sold and transferred about 11 hectares and acquired about 18 hectares. The size of the blocks sold or transferred also varied greatly from approximately 0.01 hectares to more than 90 hectares. The majority of land disposals by VicTrack, VicRoads and Melbourne Water were less than one hectare. For further information on these transactions see section 9.3 of the discussion paper.

Table 6.1
Land disposals and acquisitions in the investigation area by four public authorities

FINANCIAL YEAR	PUBLIC AUTHORITY	AREA SOLD (HA)	AREA TRANSFERRED AT NO COST (HA)	AREA ACQUIRED (HA)
2006-07	Melbourne Water	50.88	21.91	52.27
	DEECD	11.65	nil	58.28
	VicRoads	16.73	nil	127.80
	VicTrack	1.20	5.82	2.26
Total		80.47	27.73	240.61
2007-08	Melbourne Water	40.39	93.96	42.09
	DEECD	1.02	nil	52.54
	VicRoads	36.74	nil	255.42
	VicTrack	2.27	nil	15.82
Total		80.42	93.96	365.87
2008-09	Melbourne Water	25.17	39.85	61.70
	DEECD	2.12	nil	34.95
	VicRoads	111.61	20.58	29.73
	VicTrack	1.72	0.46	nil
Total		140.62	60.89	126.38
Grand total		301.50	182.58	732.86

Note: The data provided by the public authorities varied. Some may have combined land transfers and relinquished Crown land with land sales. Some may have combined land acquired through transfer with land purchases in land acquisitions.

6.2 Using surplus public land to maintain and enhance Melbourne's liveability and natural values

It is not essential for surplus public land to be retained in government ownership for it to contribute to Melbourne's liveability and natural values. Affordable housing and aged care, for example, could be provided on surplus public land that is sold to local councils or private landholders such as registered housing agencies. Land with natural and heritage values could be protected by covenants or other legal instruments prior to being sold.

Further, some land may be unsuitable for alternative public uses or may not be in the right location or be of sufficient size to meet community needs. In these instances, it is more appropriate for public authorities to sell the land and contribute the funds derived from land sales to the delivery of the community services outlined in their charters (e.g. health, education, transport).

There are, however, advantages to retaining land that is suitable for alternative public uses in government ownership. As discussed in chapter 5 of the discussion paper, public land is often more accessible than private land and its contributions to the community are often more secure than those provided on private land. As a consequence, the public may have more confidence in equitable and ongoing liveability outcomes resulting from services provided on public land than on private land. Similar advantages may also be gained from land owned by local councils.

The use of surplus public land for open space and biodiversity conservation were two of the most common themes raised in community consultations throughout this investigation. These themes continued in the submissions responding to the discussion paper. A number of submissions considered that all surplus land with biodiversity values should be retained. For example, one submission stated that the protection and enhancement of biodiversity should be a priority use of surplus public land "given the extreme loss of natural habitat in settled areas of metropolitan Melbourne".⁵⁸ The use of surplus public land for biolinks was also raised during VEAC's consultation with the public and local councils.

Numerous other submissions considered that public land with current or potential open space values should be retained to provide for Melbourne's growing population. A number of local council submissions commented on the importance of public open space to liveability and the limited opportunities to increase the amount of open space. These local councils considered that any opportunities will largely come from surplus public authority land or from the shared use of public authority land.

Other submissions stated that surplus public land should be used for a range of alternative public uses, such as social and affordable housing, community gardens, urban agriculture and respite facilities.

Section 9.7 of the discussion paper explored the opportunities for surplus public land in the investigation area to contribute to public open space and biodiversity conservation. It outlined a broad assessment undertaken by VEAC of surplus public land sites to identify potential open space in municipalities with less than the median level of open space per capita. As reported, VEAC found only six potential sites totalling 13.6 hectares (or 0.14 square kilometres), with one site at Edgars Creek accounting for 10.5 hectares. This site was in the process of becoming permanent parkland.

The discussion paper, however, identified and made draft recommendations in relation to two small areas of surplus public land with high biodiversity values. Chapter 7 of this final report includes final recommendations for these areas to be added to the Kinglake National Park.

VEAC reached two conclusions as a result of these exercises. The first was that, while there may be limited opportunities for surplus public land to contribute to open space and biodiversity conservation, these opportunities need to be taken when they arise. Box 6.1 below provides a further example of taking such an opportunity.

The second conclusion was that VEAC should focus primarily on the processes for identifying and disposing of surplus public land, rather than on the potential future uses of individual surplus public land sites.

Box 6.1

Creating open space from surplus public land

The Caulfield Reservoir in Booran Road, Caulfield was the first mass concrete reservoir constructed as part of Melbourne's water supply. It was owned by South East Water until 2010, but had not been used for water storage purposes since the late 1970s.

Glen Eira City Council first approached the Victorian Government about using the 1.64 hectare site for recreation purposes in 2007. The land was transferred to the Crown, with the reservoir intact, and reserved for 'public recreation' purposes in 2010. The City Council was appointed as the committee of management in late 2010 on the understanding that it would not impose any financial obligations on the Department of Sustainability and Environment for decontamination, risk or infrastructure related issues. Glen Eira City Council is now investigating whether to remove the reservoir's mass concrete structures and associated soil abutments or integrate these into its design for a new recreation area.



Chapter 9 of the discussion paper explored and sought comment from the community and other stakeholders on several ways to enhance the contribution of surplus public land to Melbourne's liveability. In particular, comments were sought on listing all surplus public land on a central register, retaining Crown land that is suitable for another public use and making it available at no cost to a new manager, selling public authority freehold land at a price that reflects its intended public use, and clarifying responsibilities for, and resourcing of, the management of Crown land. These comments were taken into consideration by VEAC when developing its recommendations in the following sections of this final report.

6.3 Assessing surplus public land for alternative public uses

The nature of the assessment process is one of the key factors in determining if and how surplus public land can contribute to Melbourne's liveability. The processes differ for Crown land and public authority land.

6.3.1 ASSESSING CROWN LAND

Crown land that is no longer required by its current manager is assessed by the Department of Sustainability and Environment (DSE) to determine its 'public land values'. This assessment is undertaken against criteria grouped into six main categories:

- ▶ Environment/Conservation;
- ▶ Cultural/Historical;
- ▶ Social/Community/Aboriginal;
- ▶ Recreation/Tourism;
- ▶ Resource Production/Utilisation; and
- ▶ Strategic/Other, including government policies.⁵⁹

Land assessed as having important public land values and potential alternative uses is retained in Crown ownership for reallocation to another public use. The assessment of alternative uses often involves consultation with potential land managers. In these cases the land is generally not sold, but is assigned at no cost to another public authority manager (such as Parks Victoria or Melbourne Water) or a committee of management (often a local council or community body) or representatives of the local community. The assignment of Crown land often relies upon DSE staff knowing the requirements of public authorities, local councils and the community. There is no whole of government process for assessing whether available Crown land can contribute to the strategic priorities of government or of the public authorities, or how this land might meet the needs of local communities.

Where Crown land is assessed as having public land values that are not significant, it may be sold subject to covenants or other planning instruments being in place to protect these public land values.

6.3.2 ASSESSING PUBLIC AUTHORITY LAND

Public authority land that is not subject to a specific use is assessed by the public authority for its suitability for another use by that public authority. If it is no longer required, the public authority is not required to assess whether the land is suitable for an alternative public purpose, nor is it required to retain in public ownership land with public land values (such as remnant bushland or a recreation area) unless the land is subject to a government-accepted Land Conservation Council recommendation. Land having significant values, such as biodiversity or heritage values, may be sold subject to covenants or other planning instruments being in place to protect these public land values.

The government's *Policy and instructions for the purchase, compulsory acquisition and sale of land*⁶⁰ requires public authorities to offer land that is to be sold on a first right of refusal basis to other public authorities for purchase at market value. There is no standard process for offering land to other public authorities—some public authorities may list the land on the Government Land Monitor's sales bulletin and others may consult more extensively. Land may subsequently be offered to the relevant local council at market value as determined by the Valuer-General.

At times, surplus public authority land is assessed for alternative private uses prior to the sales process. For example, VicUrban, the Government's land development agency, is responsible for developing and facilitating sustainable, affordable housing in Melbourne and regional Victoria. VicUrban and Melbourne Water are collaborating on the development of Melbourne Water land that is surplus to its requirements. The 150 hectare former Dandenong South Treatment Plant site is to be developed for residential and industrial uses and the Riverwalk residential development is to be created on former Western Treatment Plant land in Werribee. As the land is developed, it will be sold into private ownership.⁶¹

6.3.3 WHOLE OF GOVERNMENT ASSESSMENT PROCESS

The government's election commitments outline its intention to identify and/or assess public land for a range of purposes. For example, the *Planning policy* commits to a number of measures including auditing government-owned land within the Urban Growth Boundary to identify sites for future development, assessing public parkland and open space requirements across Melbourne and increasing the transparency of public land sales.³

The implementation of these commitments should include consideration of surplus public land. Through this process, surplus public land could be identified for future development and ultimately sale to meet the housing and other needs of a growing population. On the other hand, it could also be identified as land that should be retained to meet increasing open space and other community needs or because of its significance.

The assessment of surplus public land was frequently raised in community and local council submissions. Many submissions considered that all surplus public land, i.e. both Crown and public authority land, should be assessed for alternative public uses prior to being listed for sale. Many considered that assessment should take into account current and future community needs.

Some submissions suggested that there should be a co-ordinated whole of government assessment process. Others thought that assessments should be undertaken in partnership with relevant local councils or that this process should be transparent with the potential for public input.

DSE assesses the values of potentially surplus Crown land against a broad range of criteria including environmental, community and recreational values. VEAC considers that a similar assessment should also apply to public authority land and that a whole of government approach would facilitate a broader assessment of the values and potential future uses of all public land. It would also enable government to identify and set aside land in line with its strategic plans and priorities for Melbourne.

6.3.4 RETAINING PUBLIC LAND

Providing advice on an appropriate assessment process and the full range of assessment criteria is beyond the scope of VEAC's investigation. However, it is apparent to VEAC that Melbourne's increasing urban expansion is continuing to deplete and fragment its remaining biodiversity and its growing population is increasing demand for, and the pressures on, its open spaces.

Chapters 3 and 5 discuss how reserving Crown land with remnant native vegetation or with open space values assists in the protection of these values. Consistent with this approach, VEAC considers that surplus Crown and public authority land should be retained where it can contribute to enhancing the protection of biodiversity or meeting priority open space needs.

Water frontages contribute to ecological connectivity (for example, by providing habitat links for wildlife) and provide recreation corridors (for example, walking and cycling trials along river frontages and coastal reserves). The frontages to rivers and streams are also important for drainage and maintaining water quality.

The importance of water frontages is reflected in DSE's guidelines for the assessment of Crown land. These guidelines state that some categories of Crown land, including river and lake frontages, foreshore reserves and land abutting them, are almost automatically assessed as being of national or state significance.⁵⁹ Land in these categories is generally retained as Crown land.

Across Victoria, most coastal frontages and many river and lake frontages are reserved and protected from sale. Water frontages reserves—the 20 to 60 metre strips of Crown land parallel to the coast and many inland waters—were mostly created by the 1870s and 1880s as the result of deliberate government policy decisions to retain them in public ownership. In 1873, most Crown land along the shores of Port Phillip Bay was permanently reserved. In 1881, an Order in Council reserved Crown land for one hundred and fifty links (30 metres) from either bank along 280 major streams and one chain (20 metres) from the bank for some tributaries. Water frontages were considered critical for ensuring community access to fresh water for domestic and stock watering purposes and for shipping, fishing, and recreation.⁶²

Ninety-four per cent (or approximately 670 hectares) of the coastal foreshore in the investigation area is reserved Crown land. Of the 3,200 hectares of public land in the investigation area categorised by VEAC as stream frontage, approximately 1,900 hectares is Crown land and approximately 1,300 hectares is freehold land owned by Melbourne Water. In the unlikely event that any areas of existing public land water frontages are considered surplus to requirements by public authorities, VEAC considers that they should be retained in public ownership.

RECOMMENDATIONS

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.

R 18 Government allocate resources for the assessment of surplus public land for alternative public uses.

6.4 Retaining Crown land that is suitable for other public uses

There is a long history of Crown land being retained for public purposes and assigned to another manager, usually a public authority, local council or local committee of management, at no cost. While DSE assesses the values of surplus Crown land to determine whether it should be retained, there are also pressures to sell Crown land with public land values.

As outlined in the discussion paper, the Department of Treasury and Finance (DTF) has annual revenue targets for selling surplus Crown land and some public authority land. These sales realised \$600 million between 1998-99 and 2008-09. The targets for 2009-10 and for 2010-11 were \$40 million and \$50 million respectively.^{63,64}

These targets are one of the main drivers of Crown land sales. They should only apply to Crown land with no public land values or values that can be adequately protected through covenants or other instruments. There is, however, the potential for these targets to encourage the sale of land with public land values, rather than its allocation to another public land manager at no cost. There is also the potential for government policy of selling land at market value⁵⁹ to be interpreted as a requirement to sell Crown land, making it extremely difficult to reassign land to another public land manager use at no cost.

VEAC's consultations with local councils and the community found strong support for the retention of Crown land that is no longer required for its current use. Many considered that such land should be allocated to public land managers at no cost, by either assigning the land (for example to a committee of management) or by transferring ownership. The high cost of land was mentioned by a number of local councils as a key deterrent to purchasing both Crown land and public authority land. The main concern appeared to be lost opportunities to gain land for community purposes, as is outlined in the example below.

*Because of high land values, the cost of purchasing land is often prohibitive for local councils and...land is regularly sold and transferred out of public ownership. As a result the opportunity to establish a legitimate alternative public use on public land, that directly addresses the needs of the surrounding community, is lost.*⁶⁵

VEAC supports the retention of surplus Crown land with public land values and its assignment to a new public land manager at no cost. This land can provide opportunities for public open space, community facilities and other community purposes that would not otherwise arise.

RECOMMENDATION

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.

Another pressure on the assessment and allocation of Crown land is resourcing for rehabilitation of, or initial improvements to, Crown land and its ongoing management. Public land managers may be unwilling to take on management of additional land due to the costs of making it safe or suitable for certain uses, and ultimately the land could be sold. Although DSE is the default manager of Crown land, it is often not in the position to take on the direct management of surplus Crown land assessed as having significant public land values.

Many submissions commented on funding for Crown land management. Many focused on particular concerns, such as weed control, reliance of volunteers, and the costs of decontamination or removal of infrastructure from land in order to make it fit for purpose. A number of submissions stated that surplus Crown land that could be used by local communities should be assigned or transferred to local councils with management funds.

Two different perspectives on local council management of Crown land became apparent to VEAC during the course of this investigation. The first perspective is that land assigned to local councils as committees of management is a cost saving for these councils because they have not been required to purchase land. The second perspective is that such land is a liability to local councils because of the associated management and other costs. These divergent views possibly result from the different management requirements of individual sites, the condition of the land and any associated infrastructure, and the visitor catchment the site services (e.g. regional or local).

As a result, local councils are sometimes willing to take on the land and the associated costs because of the benefits for their local communities (as outlined in relation to the Caulfield Reservoir in box 6.1). At other times, local councils appear unwilling to take on the land because of the costs of making the land safe or fit for purpose. An example of this situation is provided in box 6.2.

This is a complex issue and, as indicated above, depends on the particular situation. In general though, VEAC considers that Crown land assigned to local councils under committee of management arrangements for use by their communities, generally results in a financial saving equivalent to the purchase price of the land.

Box 6.2

Unresolved management of Crown land with local values

The outer circle rail trail between Whitehorse Road and Canterbury Road, Camberwell is reserved Crown land. This section of the trail is about 1.3 kilometres in length and is highly valued by the local community for recreation and public open space. It is currently managed by DSE, which considers that it should be assigned to the City of Boroondara because of its local open space and recreational values. The former railway cuttings are steep and the vegetation along the corridor is in poor condition. There has been a number of complaints from adjoining landowners regarding the lack of maintenance. Some safety issues need to be dealt with and revegetation, regular slashing and improved access to the walking trail is required. Future management of the trail is unresolved between DSE and the City of Boroondara.

6.5 Selling public land that is suitable for another public use

In section 6.3, VEAC recommended that public land that is no longer identified for a current or future use be assessed for its potential to meet alternative public uses (see R16). If adopted by government, it is likely that this recommendation would preclude the listing for sale of some public land that is suitable for alternative community uses. However, some public land will continue to be sold outside of this process.

The following sections discuss two ways to increase the opportunities for public land that is to be sold to contribute to Melbourne's liveability and natural values.

6.5.1 LISTING SURPLUS PUBLIC LAND ON A CENTRAL SALES REGISTER

As stated previously, there is currently no comprehensive listing of public land that is for sale. Public authorities may list freehold land they wish to sell on the Government Land Monitor's sales bulletin board and they may also advise relevant local councils of impending sales. DTF lists Crown land that is to be sold on the bulletin board.

The discussion paper sought comment on the listing of all impending public land sales on the sales bulletin board for 60 days and until the land is sold. There was strong community and local council support for listing on an accessible register such as the sales bulletin board. Local councils in particular supported listing, along with prior notification to the relevant council, in order to identify land for community uses, such as public open space. As one stated:

Surplus public land on the Government Land Monitor's sales bulletin board should not be considered as a saleable land inventory, but as an opportunity for enhancing liveability in metropolitan Melbourne. This will require a change in the current concept of how surplus public land is viewed by public authorities and the Victorian Government, that is, rather than being considered as a means of revenue raising it should be considered as essentially protected land with a value that is more than financial.⁶⁶

It was suggested by some that the register should be accessible to the public to increase the transparency of the public land sales process.

Some submissions did not agree with listing land on a sales bulletin board because they did not agree that public land should be sold. They considered that public land should be retained in the long term to respond to new and emerging issues or transferred at no cost to another public land manager, such as local councils.

On the other hand, one public authority questioned the practicality of listing land that would be of value only to the adjoining landholder due to its location and/or size.

The mandatory listing on the sales bulletin board or similar register of surplus public land would provide a single listing of public land that is for sale. Making the listing available at some point to the public would also increase the transparency of public land sales.

While a listing period of 60 days was not considered to be sufficient by many local councils, one public authority commented that extending the listing period increases land management costs. VEAC considers that the current voluntary 30 day listing period may be inadequate; however, it acknowledges the potential costs for public authorities of a mandatory listing period in excess of 60 days.

RECOMMENDATION

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.

6.5.2 PRICING PUBLIC AUTHORITY LAND

Public authorities generally acquire public land by purchasing it at highest market value or, occasionally, by being assigned Crown land. The Mornington Peninsula Freeway project is an example of where land has been acquired through purchase of freehold land and assignment of Crown land.

Public authorities generally sell freehold land that is no longer required for the delivery of their services. They do this to deliver their services in a cost effective manner and, if required, return a dividend to the State. Occasionally, they surrender freehold land to the Crown for other community uses. For example, Melbourne Water surrendered land at Mount Lofty for addition to the Warrandyte State Park to implement a government approved recommendation from the Land Conservation Council's 1994 Melbourne Area District 2 Review.⁶⁷

In addition to the requirement to operate efficient and effective organisations, public authorities must also comply with the government's policy for selling land. The *Policy and instructions for the purchase, compulsory acquisition and sale of land*⁶⁹ requires the most appropriate zoning for the land to be established and put in place to ensure the highest possible return. Land sold to other public authorities is to be priced at the market value assessed by the Valuer-General. Land sold to local councils is to be priced at not less than the market value assessed by the Valuer-General. The Valuer-General makes the assessment of market value based on planning advice about the appropriate zoning that takes into account how the land can be used and developed.

The discussion paper sought community views on the pricing of public authority land that is to be used for other public purposes. There was widespread support from community and local council stakeholders for zoning, and therefore valuing, this land according to its intended community use. Some submissions, however, considered that public authority land should be made available to local councils at no cost because it is already in public ownership and consequently 'the community should not be required to pay for a second time' through their local council rates. Some local council submissions argued that the purchase price should take into consideration any past maintenance or other expenditure made by the local council on the land.

In contrast, one public authority commented that selling public land at less than the highest market value would increase costs for public authority projects and cross-subsidise the services or projects delivered by the agency receiving the land. A small number of public authorities

also commented that they would be disadvantaged by selling land at a lesser price as they pay highest market value for any land they purchase from local councils.

VEAC is aware that many members of the community do not differentiate between the ownership of public land and local council land and consider them both to be community property. VEAC also recognises that public authorities, and for that matter local councils, have services and capital projects to deliver within defined budgets. While the transfer of land at nil or a reduced cost provides benefit to the receiving agency, it has costs for the public authority vendor. These costs, if significant, could have implications for their delivery of services and projects.

However, there may be some situations where the assessment of surplus public authority freehold land indicates that it cannot contribute to government programs, but that significant community benefits can be achieved if it is owned and managed by a local council. In these cases there may be benefits in supporting the local council to purchase the land by pricing it according to its intended use. It is envisaged that government would develop criteria for determining which community uses of land would be supported in this way. In such situations, the conditions of any sale at a reduced market value could be that the land must be used for that particular purpose and that the government must agree to the use of the land for a different purpose and be compensated if the land is later sold at a higher market value.

The practice of valuing and selling land for a particular use already exists in relation to Crown land. Occasionally DTF negotiates the sale of Crown land with a restriction on its title which runs with the land. In these circumstances, the valuation reflects the current market value of the land taking into account the restriction on its uses. Usually, this valuation is less than the unrestricted current market value. In the event that the new land owner wishes to subsequently on-sell the property without the restriction, it must first come back to the state and negotiate its removal. A condition of DTF's agreement to the removal of the restriction would be that the land owner must pay to the State the difference between the restricted current market value and unrestricted current market value of the land, to reflect the increased value of the property due to the removal of the restriction.

Sales of Crown land on a restricted basis are limited, with the vast majority being conducted on the basis of an unrestricted Crown Grant to the purchaser.

RECOMMENDATION

- 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.