

An aerial photograph of a city skyline, likely Chicago, with a prominent river (the Chicago River) winding through the foreground. The skyline features several tall skyscrapers, including the Willis Tower. The foreground shows green parkland, a road, and a bridge crossing the river. The text is overlaid on the image in white boxes.

Public Land & The Law

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Public Land & The Law

- Whitten Oval, Footscray
- Residential conversion, 31 Spring Street
- Canal-over-road, Martha Cove
- Austin Park, Lara
- Car park, University Square, Carlton
- So what... Retain? Reform? **Despair??**



Whitten Oval, Footscray

- Crown land permanently reserved for recreation purposes
- Maribyrnong City Council is CoM
- *Footscray (Recreation Grounds) Lands Act 1968...*
- allowed leases '*for the purposes of sport or recreation or social activities or purposes connected therewith*' – 21 years max
- *Footscray (Western Oval Reserve) Act 1981* extended maximum term of lease to 40 years

Whitten Oval, continued...

- *Crown Land (Reserves) Act 1978...*
- Applies to all Crown reserves, even those with their own site-specific Acts
- Allows leases for 21 years, for purposes “not detrimental” to the purpose of the reserve
- Current options for leases:-
 - 1981 Act – 40 years – *sport or recreation or social activities or purposes connected therewith*
 - *CL(R) Act – 21 years – purposes ‘not detrimental’ to recreation*

Whitten Oval, continued...

- Possible new uses...
 - *Gymnasium & Sports Medicine*
 - *Retail & Restaurant*
 - *Child Care*
 - *University campus*
 - *Commercial office space*
- Will these pass the tests??
- If not, what is to be done??

Residential Conversion 31 Spring Street



Flinders Lane:
Balconies over Govt
Road (site-specific
Governor-in-Council
exemption)

Throssell Lane:
Balconies over
Subdivisional
Road (s.173
Agreement)



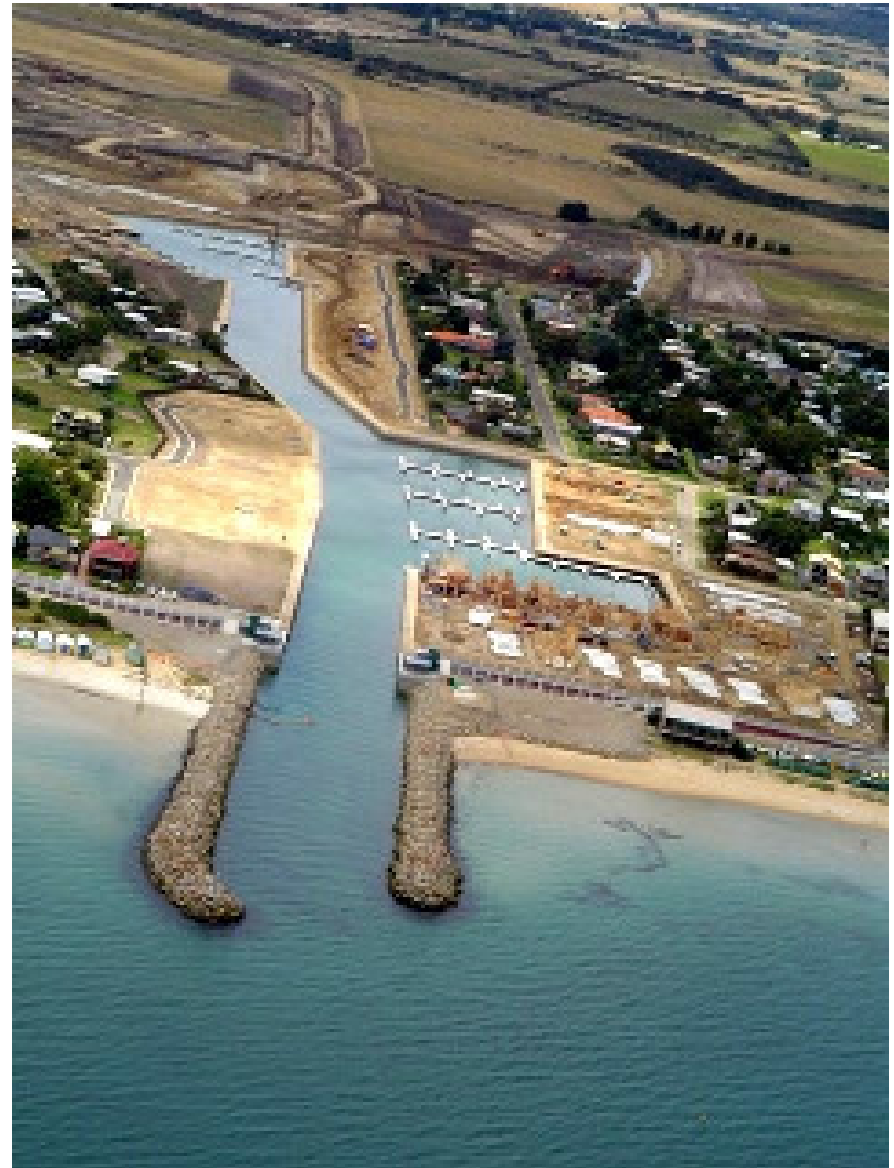
No 1, Fitzroy Street

Fitzroy Street, St Kilda

- Government Road & Arterial Road
- Split VicRoads/Council responsibility
- Footpath cafes authorised by Council under Local Laws
- First-floor cafes authorised by Land Act licence from DSE
- Council is Planning / Responsible Authority at all strata

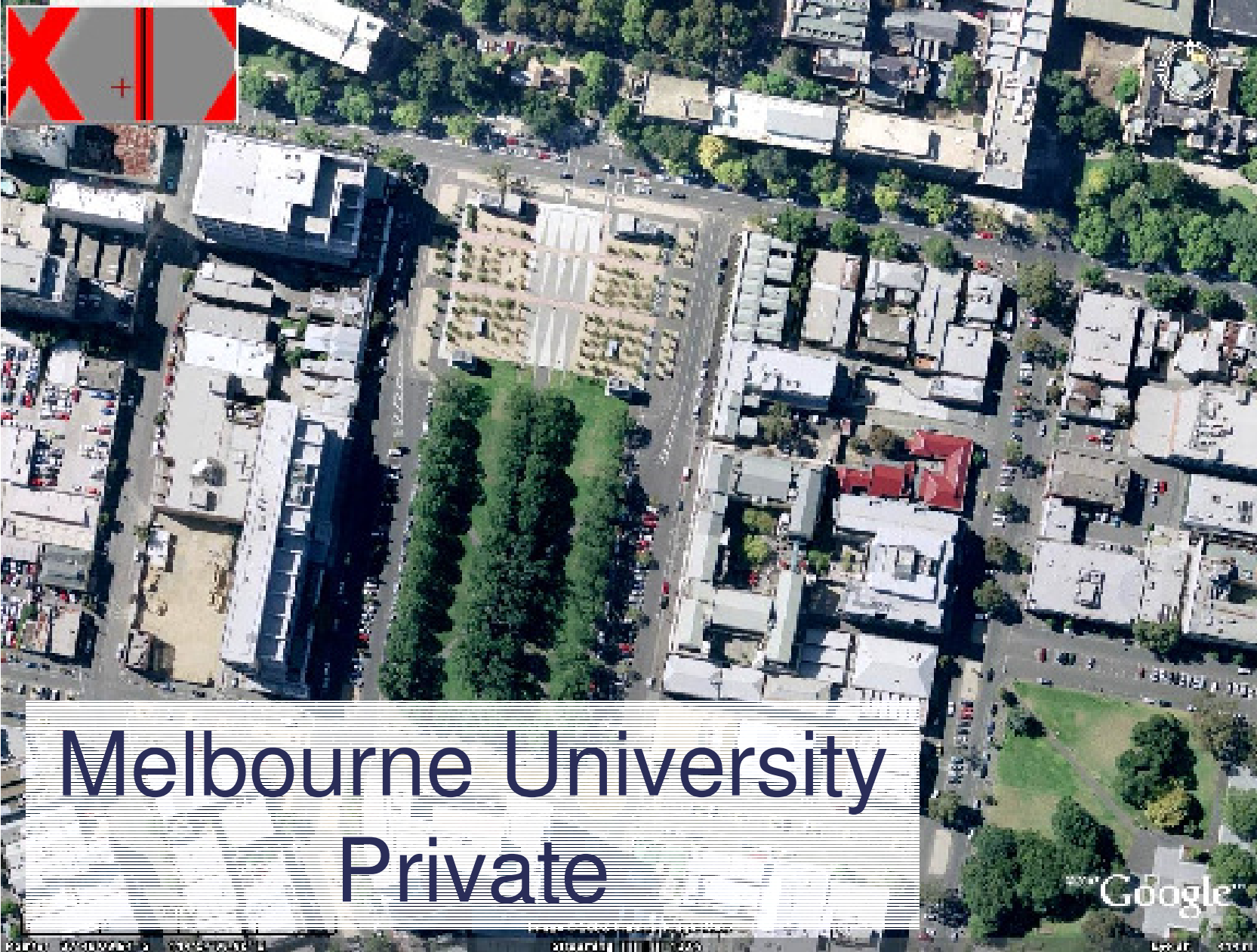


Martha Cove Development



Martha Cove, Safety Beach

- Canal-over-road structure
- Lease at stratum from VicRoads to Owners' Corporation under the *Road Management Act 2004*
- Lease from Shire for freehold beach under *Local Government Act 1989*
- Seaward end of canal – lease from DSE under the *Land Act 1958*



Melbourne University Private

Google



1/12/2000

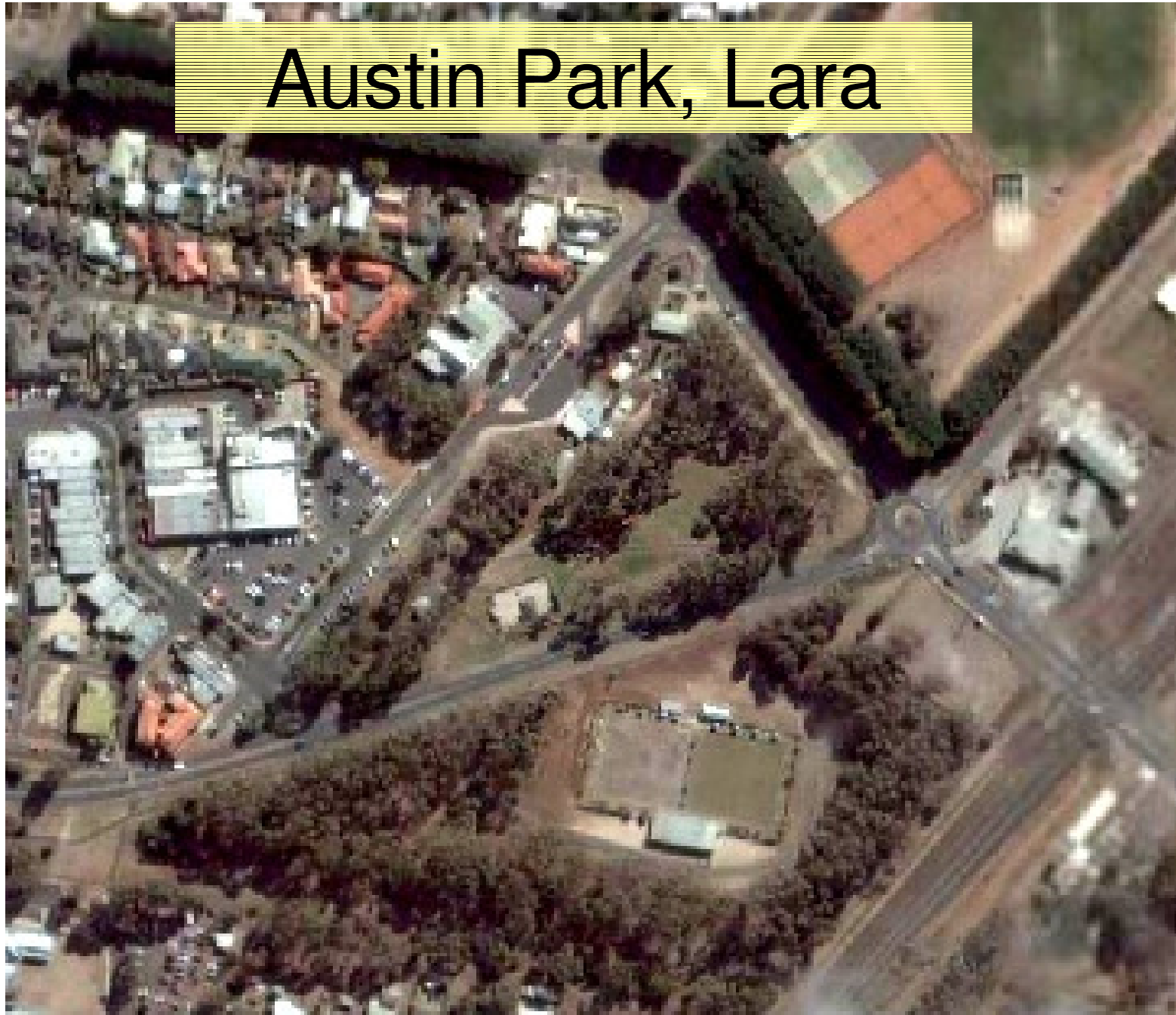
University Square

- \$25 million underground carpark
- 150-y.o. Bowling Club evicted/relocated
- 50-year lease to amortise investment
- CL(R) Act allows 21-year max
- *'Permanent'* Crown reserve, therefore...
- Act of Parliament required, which...
 - revoked reserve at stratum;
 - authorised 50-year lease
 - closed roads at stratum

“Crown land temporarily reserved as a site for Plantation, Gardens, Recreational purposes for Elderly People and for Underground Drainage purposes”
Gaz. 1954 page 5290

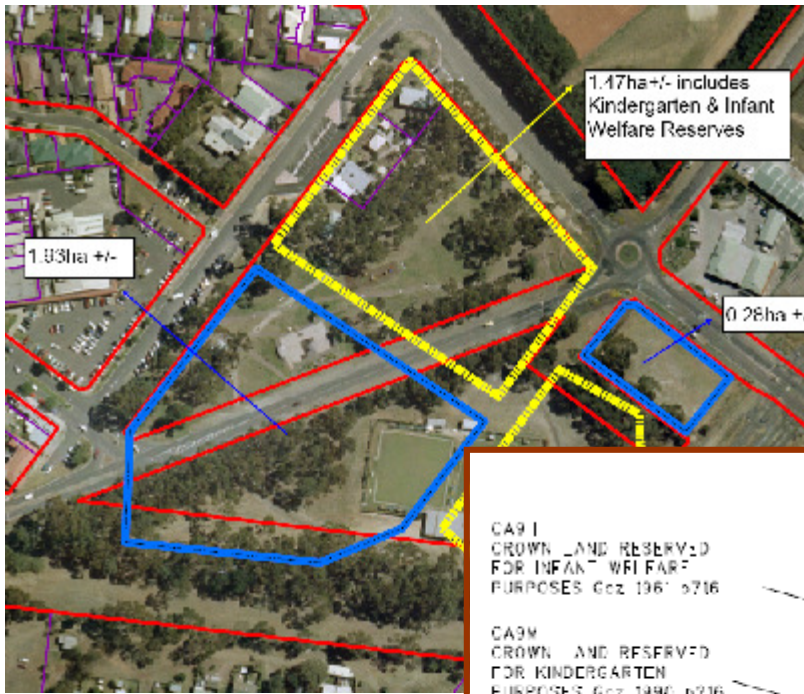


Austin Park, Lara

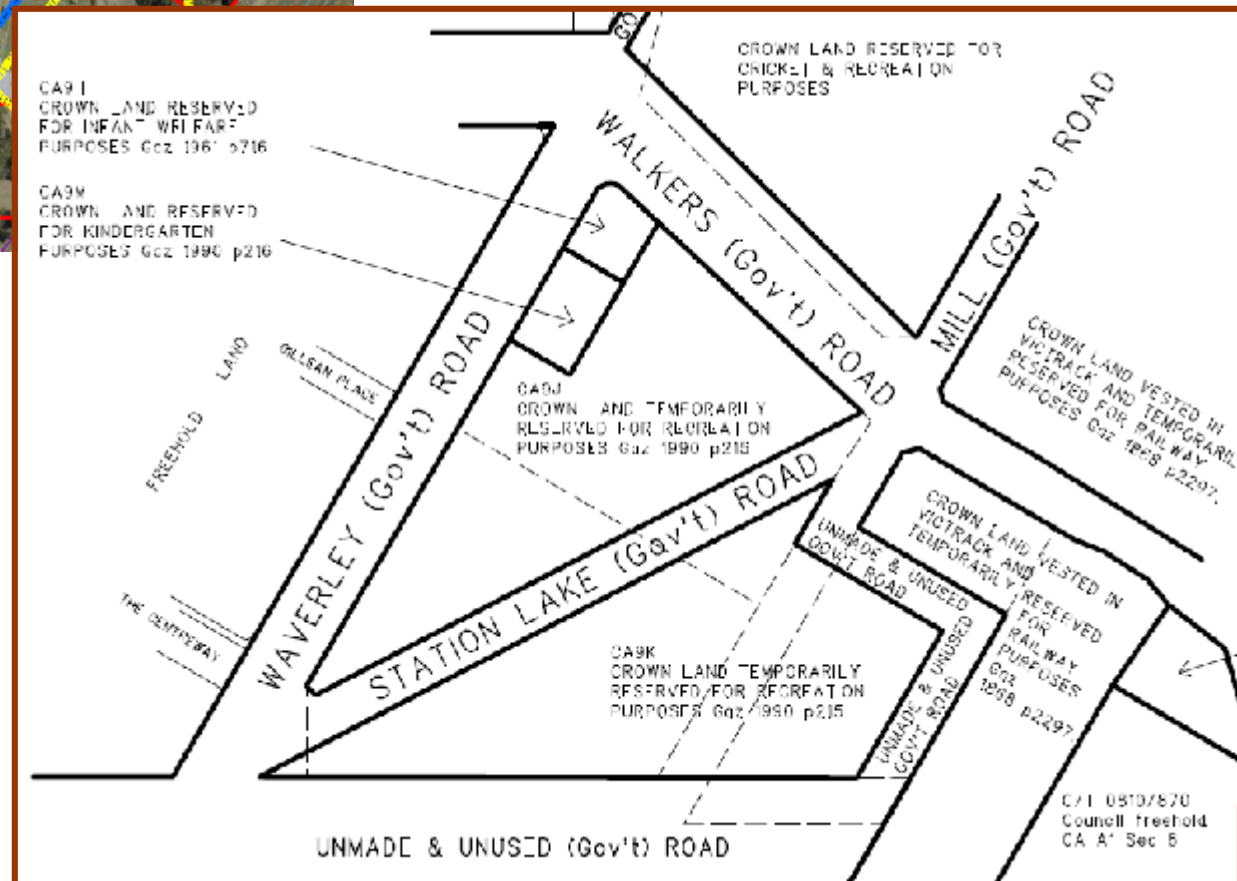


A Strategic Planner's Vision





Converting the Vision to Reality...



Reforms needed...

- Abandon most of the law relating to Crown land status
- Repeal the *Land Act 1978*; rewrite the *Crown Land (Reserves) Act 1978*
- Rethink the relationship between the state and local government
- Reform the ways government agencies hold land
- Review the entire portfolio of urban public land

Retain? Reform? Despair?

- Wholesale reform is most unlikely
- Meanwhile...
- *Graduate Diploma of Public Land Governance*
- *Institute of Public Land Governance*

THE END

*This is the place
for an
Activity Centre*

