

## Public Land @ 5 Million MELBOURNE, THE FUTURE, AND PUBLIC LAND

Even in uncertain times, some things remain certain. Within two decades, Melbourne will grow to 5 million people; and public land, in one form or another, will still be at the very heart of Melbourne's urban character.

Let's hope that by 2030, the administrators of Melbourne's public land have found adequate responses to the challenges of the time: water shortages, population growth, economic reform and, of course, bushfires. It would be grim indeed if public land were to fall victim to the nimbys, ideologues and troglodytes who so often intrude into the public policy realm.

So far, community debate around Melbourne 2030 has focussed on certain issues – public transport, the urban growth boundary, and neighbourhood residential character – but not on the role of public land. The Parliamentary inquiry which should have provided this perspective turned out to be a sham (see *Terra Publica*, Aug-Sept 2008).

Melbourne 2030 is now being re-badged as **Melbourne @ 5 Million**. In this context, we think it's time to address Melbourne's public land – its shape, its role, its culture, its economics and its governance – so we have gathered some of Melbourne's most eminent commentators at the Queens Road Sebel on Tuesday 21 April, under the banner **Public Land @ 5 Million**.

This team of experts has a three-fold task:

- to respond to the 'propositions and provocations' listed in the panel on this page;
- to explain what governments will need to do, what systems need rebuilding, and what legislation needs reform;
- to predict what all this will all mean for public land users, planners and managers.

*In one day, we will achieve more than the Parliamentary Committee did in 16 months.*

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### Propositions and Provocations

Here are some of the initial propositions we have put to our panel of speakers....

- *Melbourne abounds in surplus and underutilised public land. Instead of being a blight on urban form, this land could be a catalyst for urban re-birth.*
- *In 1950, the quarter-acre residential block was complemented by the 10-acre parkland/playing field at the end of the street. In 2050, what new forms of public space will complement our new residential forms?*
- *The foreshore is a finite resource (perhaps even a contracting resource?). How will 5 million Melburnians use Port Phillip?*
- *Where land has environmental or landscape values (creeks, hilltops) those values will be simultaneously intensified and threatened by population pressures. How should we protect them?*
- *Planning schemes are ineffective instruments for making decisions about public land. How should decisions be made, exhibited and reviewed?*
- *We can no longer afford to have a huge proportion of our urban areas devoted to road reserves. It's time to start reclaiming roads from cars.*
- *The area of land occupied by Melbourne's roads is larger than most Victorian National Parks. How can this land contribute to attaining our conservation objectives (vegetation, stormwater, street lighting)?*
- *We can no longer afford part-time public land (racecourses, markets, schoolyards...). It's time to get multiple usage from these areas.*
- *Public open space is too important to be in private or institutional ownership (shopping complexes, university campuses...). It's time to acquire public equity in such land.*
- *The Parks Charge levied on Melbourne ratepayers will double to \$200 million per year. How should it be spent?*

WHEN THE FIRE TRUCK GOES TO NO-NAME ROAD – PAGE 3

## Speakers...

"Public Land @ 5 Million" - Tuesday 21 April 2009



**Dr Ian MacPhail**

is Victoria's Commissioner for Environmental Sustainability.

Our question to Dr McPhail: the area of land tied up in Melbourne's road reserves is as large as an average National Park. Given the key themes of the *State of the Environment* report, how should that land be contributing to our sustainability goals?

**Julian Hill** is the Executive Director, Urban Development, in DPCD.

We have asked Julian to discuss the role of public land in a future Melbourne, and the legal, institutional and financial instruments available for its better contribution to the government's policy objectives.



**Cr Libby Mears**

is Chair of the Victorian Coastal Council, and a councillor of Surf Coast Shire.

The foreshores and the Bay are a finite resource, under ever-increasing pressures from population on one side, and rising sea levels on the other. We have asked Libby to discuss how the Victorian Coastal Strategy will frame our response.



*Net proceeds of this conference will be donated to the Red Cross bushfire fund*

To Register, see Page 4

Conference Manager:  
Margaret Mills – ph 9534 5128  
[5million@publicland.com.au](mailto:5million@publicland.com.au)

**Prof Geoffrey London**

is the Victorian Government Architect.

We have asked him – in relation to the public realm, what is the meaning of good design? What is the benefit of good design?

Can we expect Melbourne's public places to become more like those in Europe or Asia?



**Prof Michael Buxton**

is Associate Professor of Environment and Planning at RMIT University.

His recent research has focussed on socio-economic and environmental change in Melbourne's bushfire-prone peri-urban areas.

Our question to Prof Buxton: is the planning system as we know it an adequate tool for working at the public land-private land interface?



**Duncan Malcolm\***

is the Chairman of Victorian Environment Assessment Council (VEAC), currently investigating public land in the Melbourne metropolitan area.

He is no stranger to controversy, having steered VEAC through its recent studies of the Otways and the River Redgum country.

We can expect Duncan to provide an overview of themes (and controversies) emerging in the Melbourne investigation.

\* or alternate member of VEAC



**Marcus Spiller**

is a Director of SGS Economics & Planning, a Director of VicUrban and a former National President of the Planning Institute of Australia.

Marcus will explore the economics of public land, the opportunities for shaping its usage through pricing policies, and the corresponding policy implications.

As a way into this issue, we have asked Marcus - *should rights to new bathing boxes be auctioned off to the highest bidder?*

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email - [5million@publicland.com.au](mailto:5million@publicland.com.au)

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## COUNCILS AND ROAD NAMES

Spare a thought for the fire crew called to attend a fire at a place with no address.

Likewise the paramedics, or the police, not to mention the unfortunate people living at No-name Road. It's a situation which could well come under examination at an inquest.

It's a pretty elementary proposition: if a road needs a name, then the municipality concerned should be prepared to give it a name – as it is empowered to do under Schedule 10 of the *Local Government Act 1989*. Unfortunately not all councils see it that way.

"Our council is wary of naming roads which aren't on our road register," a Gippsland property officer tells us, "because people out there might then think that we are responsible for maintaining them." Somehow we can't see that argument going over too well with the coroner.

Both the Municipal Association of Victoria (MAV) and the Office of Geographic Place Names tell us that this point of view is disturbingly widespread, and needs to be dispelled. In fact, the MAV has engaged us to map out the conceptual framework which council officers need if they are going to avoid the misunderstandings held by 'people out there.'

As required by the *Geographic Place Names Act 1998*, the Registrar of Geographic Names is at present conducting a review of the *Guidelines for Geographic Names Victoria*.

There will be plenty of submissions on how place names should be chosen and recorded and signposted – but let's hope the review is not compounded by unnecessary and dangerous misinterpretations of this area of law.

## NAMING ROADS A CONCEPTUAL FRAMEWORK

In considering councils' road-related powers, responsibilities and functions it is necessary to distinguish between:-

- Ownership of a road
- Control of the road
- Management responsibility for the road, and
- The exercise of non-managerial functions such as the assignment of the road name

### **ROADS WHICH COUNCILS OWN**

- By 'ownership' we mean ownership of the land on which the road is constructed
- Councils own many freehold roads in fee simple
- For some council-owned roads, the title documents misleadingly show some other party as the owner
- Other roads may be owned by the Crown or by some private land-owner

### **ROADS WHICH COUNCILS CONTROL**

- Councils control all the roads they own
- Councils also control some roads which they don't own – including most 'government roads' and roadways in Crown reserves where the council is committee of management
- The *Road Management Act 2004* describes roads which councils control as 'municipal roads'
- Other roads within a municipality may be controlled by VicRoads, DSE, committees of management of Crown reserves, or private landowners

### **ROADS WHICH COUNCILS MANAGE**

- Councils need not construct or manage all the roads they control
- Of the roads they control, councils have considerable discretion to decide which to construct and the standards to which they will be managed
- The roads which councils choose to manage are usually (but not necessarily) designated as 'public roads' and placed on council road registers

### **ROADS WHICH COUNCILS MAY NAME**

- Under the *Local Government Act 1989*, a council may name any road; the definition of 'road' in that Act is open-ended.
- The power to name a road
  - is independent of whether or not the council owns, controls or manages that road
  - must be exercised only in accordance with guidelines made under the *Geographic Place Names Act 1998*.
- The guidelines recognise 'naming authorities' – although this is not a legally defined term. The Office of Geographic Names recognises councils as naming authorities for:-
  - (a) all roads which they control, and
  - (b) all roads in private ownership
- Other 'naming authorities' recognized by the guidelines include VicRoads and DSE – which each controls its own set of roads
- As a consequence of naming a road, a council does not thereby accept control of the road, and cannot thereby be held liable for its management.

**SPEAKERS**

**Julian Hill**

*Executive Director, Urban Development, Department of Planning & Community Development*

**Dr Ian McPhail**

*Commissioner for Environmental Sustainability*

**Duncan Malcolm\***

*Chair, Victorian Environment Assessment Council  
(\* or alternate member of VEAC)*

**Cr Libby Mears**

*Chair, Victorian Coastal Council*

**Prof Geoffrey London**

*The Victorian Government Architect*

**Marcus Spiller**

*Director, SGS Economics & Planning*

**Prof Michael Buxton**

*Associate Professor of Environment & Planning, RMIT University*

**A Municipal CEO**

*(Still being finalised)*

**David Gabriel-Jones**

*Principal, The Public Land Consultancy*

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**Public Land @ 5 Million**

MELBOURNE, THE FUTURE, AND PUBLIC LAND  
5million@publicland.com.au

21 April 2009

9:00 a.m. to 4:30 p.m.

*The Sebel, 63 Queens Road, Melbourne (opposite Albert Park)*

**REGISTRATION FORM**

one form per attendee, please

Name .....

Position .....

Organisation .....

Phone (business hours) .....

Email .....

Cost \$330 inclusive of GST

*Payment method (please choose one)...*

*Payment on Invoice*  
Please provide us with a Tax Invoice to be forwarded to the email address above  
• Our Purchase Order Number is .....  
*Note - payment is required by 14 April 2009*

*Cheque in advance*  
Please find our cheque enclosed made payable to:-  
**The Public Land Consultancy**  
PO Box 2251  
St Kilda West, VIC 3182  
*On receipt of your cheque we will send you a Tax Invoice and Receipt*

*Electronic Funds Transfer in advance*  
We will pay by EFT to:-  
• Bank: MECU BSB 803-140  
• Account No: 19236483  
• Account Name: The Public Land Consultancy  
• Reference: 5 million  
If paying by EFT, kindly advise us by email to - [5million@publicland.com.au](mailto:5million@publicland.com.au) - including the name(s) of the person(s) for whom the payment is being made.  
*On receipt of your EFT deposit we will send you a Tax Invoice and Receipt*

**Signed** ..... **Date** .....

**Return this form to Margaret Mills at -**

- *Post* PO Box 2251, St Kilda West, VIC 3182
- *Fax* (03) 9593 9085
- *Email* [5million@publicland.com.au](mailto:5million@publicland.com.au)