

The Lonesome and the Convivial

How Moribund Land can be Enlivened

The Lonesome Land

It's a sad sight. The Racecourse which sees only one race meeting per year. The Agricultural Showground which hosts fun and games for one week out of 52. The Public Hall where the lights go on for half a dozen nights out of 365.

Can we continue to support the underutilised asset? No private sector landlord would allow a block of flats or a high street shop to lie vacant, delivering no returns but incurring maintenance costs and insurance premiums. We are not saying that market-forces economics can be transposed onto public land, but there should be some parallel system of analysing an asset's effectiveness and encouraging its optimisation.

The showgrounds may have been granted to the Trustees of the Agricultural Society; the racecourse may have been leased to the Jockey Club; the Public Hall may have been traditionally occupied by some church group or the Scouts— but such arrangements do not cry 'welcome'. As populations grow, communities diversify, leisure patterns evolve, and public sector budgets tighten, we should be looking at multiple-use places. And that may require a rethink of governance regimes.

The Willing Community

It seems that the further one goes from Melbourne, the more likely we are to find communities volunteering to manage their own affairs.

One governance arrangement is the Incorporated Association. In Natimuk (population 400) there are 17 Incorporated Associations; in Quambatook (population 229) there are 20. They are not public land managers – at least not directly. Most have been set up to serve the interests of their own members, not the community at large.

Another formula is the Crown Land Committee of Management (CoM). In any country town you're likely to find half a dozen CoMs managing public land – from the recreation reserve to the camping ground and the war memorial – and what's more, managing them perfectly well.

But there are problems here: the CoM can manage only Crown land, not the Council freehold land next door. The CoM is answerable through DEECA to

a remote Minister, even though its entire focus may be municipal. And that brings us to the Community Asset Committee, or CAC.

Asset Enlivenment through Community Empowerment

The CAC is an entity established under the *Local Government Act 2020*, through provisions which grow out of the 'section 86' Committees of the old (1989) Act. They seem to us a very powerful and flexible tool which a Council may use to harness the skills and enthusiasm of its citizens. Again, they seem to be a non-Melbourne phenomenon: Pyrenees Shire has 5 CACs, Surf Coast has 8 CACs, South Gippsland 12, and Moira 21.



Winchelsea Globe Theatre, Surf Coast Shire.

In our opinion, the CAC provides a framework for managing the multiple user scenario. Who better to consider the allocation of the sports grounds, or bookings of the public hall. In fact, let's go one step further: how about the CAC which manages three or four tennis courts, five-or-six public halls? We open up the possibilities of economies of scale, more options for users, and rationalisation of duplicated systems. And we might even employ a part-time manager.

This needs careful thought. What is the CAC's charter? What's its relationship with Council? How will members be selected? Are they to be remunerated?

Can Victorian municipalities work through all this? Yes, surely they can! Well, we are quietly confident. ■

Thanks to City of Greater Geelong for engaging us to advise on policy relating to Community Tenures

Page 2

Escape from the Silo. How our training courses foster cross-departmental understandings.

Page 3

New specialist presenters for our course on Native Title and Aboriginal Heritage

Page 4

Our Calendar of Professional Development courses for May 2023



Bureaucracies operating as silos – we’re all too familiar with that particular metaphor. But how does it affect public land?

Multi-focussed bodies such as municipal councils need to structure themselves somehow – and traditionally their organisation charts align with professional disciplines: planning, engineering finance, and property law.

It’s a system often reinforced by land status: this parcel of land is a park, to be managed by people qualified in horticulture, environmental science and recreation; this parcel is a road, to be managed by engineers; and this is privately owned, so our inputs will be made via planners, building inspectors and rate collectors.

Project for Public Spaces (PPS) is a New York based non-profit organisation which, in its own words, is dedicated to helping people create and sustain public spaces that build stronger communities.

In a recent bulletin, PPS proposed that governance should be restructured around places. Instead of inhabiting silos labelled transportation, housing, recreation and economic development, we should all inhabit somewhere called *Placemaking*.

Here, according to PPS, we’ll find a Place-led governance culture facilitating networked community resources formed up into Place-based institutions which create Place-Capital. Sounds too good to be true?

In Victoria, place-based administration has both succeeded and failed. The Royal Botanic Gardens and the MCG each has its own governance regime, and they’ve surely worked well.

On the other hand, the old Housing Commission may have excelled at delivering basic shelter, but failed miserably at creating places. As for the Docklands Authority, some commentators see architectural and economic vibrancy where we see an uninhabitable wind-swept wasteland.

Our own proposition is a little different from the PPS model.

As we see it, the success or failure of any public place depends on three characteristics: firstly, its physical features, secondly its activity-commerce, and thirdly its governance regime. These three are closely interlinked, with the first two shaping and being shaped by the third.

Most of the time public places just roll along, the task of their specialist managers being, essentially, to keep them functioning. But there are specific times in the life-cycle of a public place when it needs to be reincarnated. That’s when we require some cross-disciplinary silo-busting.

One key challenge for municipalities is to recognise when the time has come to re-jig a place’s basic governance regime in order to advance (or preserve, or restore, or for that matter erase) its physical and activity-commercial character.

Just take a look at the St Kilda Triangle. A disaster by any criterion. What it so desperately needs is not architects or accountants or event managers – but a new governance regime capable of rebalancing local and state government interests.

So it’s time to knock some holes in the silo walls, to start mixing up their contents.

Our recent series of ‘encroachments’ workshops has highlighted the benefits of municipal silo-busting. Around the table we see road engineers, compliance officers, statutory planners, building surveyors, property managers and in-house corporate lawyers.

It’s fascinating to watch the interactions: “Is that really what you’ve got in your silo? Here’s what we’ve got in ours...” Yes, it makes teaching worthwhile. ■

Thanks to all the Councils and Authorities which have engaged us to run ‘In-House’ courses...

Hume, Warrnambool, Wyndham, Greater Geelong, Horsham, Mornington Peninsula, Alpine, Shepparton, Corangamite...

Sports Victoria, Working Heritage, Level Crossing Removal Authority, West Gate Tunnel Authority, Goulburn-Broken CMA, Vic Health Building Authority ...

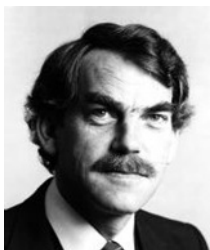
Readers of *Terra Publica* should not act on the basis of its contents which are not legal advice, are of a general nature, capable of misinterpretation and not applicable in inappropriate cases. If required, we can obtain formal legal advice from one of its legal associates.

Q
&
A

We keep hearing about \$104 per annum, as an appropriate rental for community tenants. Where did this figure come from?

Question from a Council Property Manager in Gippsland

The Minister for Conservation and Environment in the Cain Government was Steve Crabb. He could be identified by his moustache, his impenetrable Scottish brogue and his inevitable cigarette.



A debate arose about nominal rentals for worthy-cause tenants. Crabb decreed that “any community group can afford the price of a pack of fags per week.” Yes, in the early 1990s a pack of twenty Marlboros, or Craven A’s, or Rothmans could be had for the sum of \$2.00.

About the same time, Premier John Cain set about making all public service offices no-smoking zones – whereupon Crabb declared his own Ministerial Office to be exempt.

So how much should worthy-cause tenants be paying in 2023? Using the Price-Of-Fags Index, we calculate that it should be \$1800.00 per annum.

Anyway, Crabb seems to have survived, despite the cancer-sticks. Indeed, he has just turned 80. Happy birthday, Steve!

Such is the demand for our one-day training course on
Native Title and Aboriginal Heritage
that we now engage two specialist presenters...

Bridgid Cowling

BSc (Hons), LLB (Hons)

Bridgid is Special Counsel at the law-firm Arnold Bloch Lieber.

She has many years of experience working with remote an urban Indigenous communities across Australia.



Mary Scalzo

BA (Aboriginal Linguistics)
LLB (Hons)

Mary has been Managing Principal Solicitor in the Victorian Govt Solicitor's Office.

She has over 20 years of experience advising on native title claims resolution and agreement making.



Thanks to the Councils and Authorities which engage us to present this course...

Warrnambool, Mitchell, Northern Grampians, Macedon Ranges, GHD Engineering, Corangamite Catchment Management Authority...

The Public Land Consultancy acknowledges that our core work relates to the lands of Victoria's Traditional Owners. We promote recognition of Indigenous rights through study, policy and the law.

Have you heard about our **Lunchtime Webinars**? On the second Tuesday of every month, we spend an hour chatting about... Back Lanes, The Permeability of Boundaries, Bourke Street in Melbourne CBD, Adverse Possession, Land being 3-Dimensional, the Yarra River... Join us please!

Professional Development, May 2023

NOTE: some presentations are 3 sessions, each of 2 hours duration; others are 2 sessions, each of 3 hours duration.

	<p>Risk Management and the Law <i>Presenter: Michael Beasley</i></p>	<p>Tues 27 April, 1pm – 4pm Wed 28 April, 1pm – 4pm</p>
	<p>Land Law for Managers of Rivers and Riparian Land <i>Presenter: Jo Slijkerman</i></p>	<p>Mon 1 May, 10.30am – 12.30pm Tues 2 May, 10.30am - 12.30pm Fri 5 May, 10.30am -12.30pm</p>
	<p>Working with Owners Corporations <i>Presenter: Tim Graham</i></p>	<p>Tues 2 May, 10am – 12pm Wed 3 May, 10am – 12pm Thurs 4 May 10am – 12pm</p>
	<p>Roads Governance <i>Presenter: David Gabriel-Jones</i></p>	<p>Tues 9 May, 10am – 12pm Wed 10 May, 10am – 12pm Thurs 11 May, 10am – 12pm</p>
	<p>Native Title and Aboriginal Heritage <i>Presenters: Bridgid Cowling, Mary Scalzo</i></p>	<p>Wed 10 May, 9.30am - 12.30 Thurs 11 May, 9.30am - 12.30</p>
	<p>Crown Land Governance <i>Presenter: David Gabriel-Jones</i></p>	<p>Tues 17 May, 10am – 12pm Wed 18 May, 10am – 12pm Thurs 19 May, 10am – 12pm</p>
	<p>Leases and Licences Of Public Land <i>Presenter: Richard O'Byrne</i></p>	<p>Mon 22 May, 10am – 12pm Tues 23 May, 10am – 12pm Wed 24 May, 10am – 12pm</p>
	<p>Land Law and Subdivisions <i>Presenter: Mark Bartley</i></p>	<p>Tues 23 May, 10am – 1pm Wed 24 May, 10am – 1pm</p>
	<p>Land Information and its Interpretation <i>Presenter: Rob Steel</i></p>	<p>Tues 30 May, 10am – 1pm Wed 31 May, 10am – 1pm</p>

Cost:
\$495 including GST, course notes and certificate of attendance

Accreditation: These courses are eligible for CPD points for lawyers, planners, valuers, and FPET for surveyors.

Enquiries and Registrations:
Fiona Sellars
(03) 9534 5128
fiona@publicland.com.au

Councils which have joined up to our Retainer scheme



Mildura Rural City Council

