



Dear Mr Premier

Victoria's urban landscape faces unprecedented challenges, and you have an unprecedented mandate to address them. Let's be realistic: you can't stop population growth, but you can shape the urban response to that growth. And, as we see it, public land will be crucial part of that response.

In Melbourne and country cities alike, we need new systems for urban consolidation. We don't want endless suburbia destroying the countryside, nor soulless high-rise destroying the inner city. The time has come for practical schemes to address the 100-year legacy of [middle ring suburbs](#) full of empty-nest housing.

These middle suburbs, long blighted by the monochrome residential zones of twentieth-century planning schemes, desperately need an injection of non-residential destinations, an injection of people, an injection of *life*.

Mr Premier: this is not a new idea! Your predecessor Steve Bracks called it [Melbourne 2030](#). His successor John Brumby rejigged it as Melbourne@Five-Million. More recently, your Planning Minister Richard Wynne gave us [Plan Melbourne](#) and '20-minute neighbourhoods' – a fine idea, but supported by a mere five wishy-washy actions (75 to 79 in his [Implementation Plan](#)).

Mr Premier: the necessary strategy is within your grasp. It will involve active change facilitation and opportunistic interventions, driven by municipal-backed beneficial enterprises. At its centre will be public land.

Let's be clear: planning schemes alone will not do the job. They can allow things to happen, or prevent things from happening. But they cannot make anything happen.

Active change facilitation will often be centred on public land: the reconfiguring of railway infrastructure, the disposal of surplus land through sale or leasing; the discontinuation of roads and disposal of the land in them... It may extend to abutting private land – its short-term acquisition, consolidation, subdivision, rezoning and resale; or its long-term purchase for public purposes. It could involve the acquisition of lesser interests in freehold land (leaseholds, covenants or easements) with a view to re-shaping or re-directing its future use and development; and pre-emptive acquisition of private freehold which might otherwise be unsympathetically redeveloped.

Opportunistic interventions will also be focussed on public land. Urban reconfiguration could be triggered by agencies' decisions about schools, health facilities, and police stations; grants for affordable housing, sporting facilities and heritage conservation; the realignment of roads; decisions to relocate or construct municipal and civic infrastructure; decisions by utilities to install, renew or remove infrastructure; the expiry or renegotiation of leases of public property to private sector tenants, or of private property to public sector tenants.

Public land will be central to this reshaping of suburbia. We are not just talking about selling off old gasworks sites to developers. We are certainly not talking about lopping bits off parks and gardens.

As we see it, the urban public land with greatest potential is covered in bitumen: we have in mind the legacy of excess roadways, bleak at-surface carparks and grubby back lanes that permeate inner and middle suburbia. Some councils are already well into de-bituminisation; converting unnecessary roadways into pocket parks.

Such a program would best be driven at the local level – but we can't see it being undertaken directly by municipal councils. Again, Mr Premier, the strategic instruments are already to hand: the **beneficial enterprises** envisaged in your stalled [Local Government Bill](#). According to the Bill, these enterprises could be partnerships, joint ventures, or corporations totally or partially owned by the council.

The 'beneficial enterprises' we imagine will be tasked with actively facilitating change and pursuing opportunistic interventions. Each will manage a substantial revolving fund, but not return a profit.

Their end product will be development-ready parcels, suitably configured and zoned, for on-sale to the private sector. With, of course, interspersed tracts of accessible, user-friendly, dog-walkable, bird-filled public land. ♦

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A Common Property roadway in Horsham

- how its ownership has been transferred to the Council.

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Keeping it In-House.

How we assist major client agencies to maintain their 'corporate knowledge.'

Page 4 Professional Development courses for January-April 2019

NEW: Public Land Reconfiguration
NEW: Statutory Approvals for Public Land Development

Let's take a look at...
Hopkins Drive, Horsham



It looks and functions like a normal residential street, running through from one road to another, with a couple of bends along the way. But it's claimed our attention, here at The Public Land Consultancy, for more than twelve months.

When this subdivision was laid out in 1992, Hopkins Drive was not created as a road, but as common property. Its owner was not the Horsham Rural City Council, but a couple of owners' corporations (OCs). Later, the OCs and the Council agreed to transfer ownership, management and risk responsibility to the Council. Council's costs were to be recouped through a special charge scheme, which ran for ten years. At the end of this period, the common property was to become a road, and added to Council's road register.

In due course, Council and the two OCs engaged us to implement the agreement. The appropriate resolutions were drafted, twenty-something individual lot owners voted; one of our colleagues was appointed as the OCs' Secretary, and near-unanimous agreement was reached on surrender of the common property roadway to the Council. But near-unanimous is not good enough: such resolutions must have unanimous support not only from the lot owners, but from any mortgagees.

So off we went to various less-than-cooperative banks and to VCAT. Then to the surveyors for a new Plan of Subdivision, then into Land Victoria for lodgement. The final step: Council, as the new owner of the land, actually declares it to be a road, and adds it to the Road Register.

So, 26 years after Hopkins Drive was constructed and named, it has become a road for the purposes of the Road Management Act. Its manager is Horsham Council. Twenty abutting properties no longer have to factor maintenance costs into their OC levies – in fact they have no levies, because the OCs have been disbanded.

The take-home lesson? In subdivisions, take care deciding which roadways should be actual public roads, and which should be common property. ♦

Forthcoming one-day courses

Roads Governance

Tuesday 7 February 2019 – Melbourne

Wednesday 20 February 2019 – Hamilton

Development-Ready Parcels

Dear Mr Premier,

Here's a **P.S.** to our Page One letter. How about appointing a Minister for Urban Reconfiguration?

We would be happy to tell her or him about our experience in designing processes for the assembly of development-ready parcels...

Footscray Station precinct

Starting point: a derelict bowling club, roads which aren't roads; 1960s over-engineered intersections; weed-infested railway land; an abandoned but historic bandstand; the site of a long-superseded school...

Finishing point: market-ready freehold; rationalised road layout; better station access; heritage values protected...

Mildura – Murray River Frontage

Starting point: Century-old mosaic of fragmented and dysfunctional land parcels; abandoned railway land; dysfunctional road layout; access barriers between river parklands and city centre; ...

Intermediate target: a working tool-kit for assembly of development-ready parcels; reconfiguration of physical and legal access; appropriate recognition of Aboriginal heritage and Native title...

Ultimate target: a proper relationship between Mildura city and the River Murray.

Geelong Station precinct

Starting point: bleak car park; second-hand car yard; abandoned railway tunnel; police and court premises with access issues...

Finishing point: market-ready freehold; effective road layout; new bus interchange, rationalised police station reserve.

Sunshine Principal Activity Centre

Starting point: An urban precinct littered with carparks, drainage reserves, underutilised railway land, spaghetti-junction overpasses, Crown land reflecting nineteenth century values, scattered freehold owned or leased by public sector agencies.

Intermediate target: a strategy for active change facilitation and opportunistic interventions...

Ultimate target: In the words of the structure plan 'Sunshine Beyond 2020': a Centre for Activity; a Centre for People; a Centre for Living; a Centre for Business... ♦

Forthcoming one-day courses

Public Land Reconfiguration

Tuesday 19 March 2019 - Melbourne

Statutory Approvals on Public Land

Tuesday 7 May 2019 – Melbourne

Keeping it In-House

Here at The Public Land Consultancy, a typical one-day training course tends to fill up with a diverse group of students. Around the table we'll get people from different agencies and different professions, each bringing their own set of questions, insights and experiences.

Another model is the in-house course. An agency or organisation needs to rebuild its corporate knowledge of some subject. We are called in to deliver an in-house course, often tailored to meet the client's specific requirements.

Here are some 'in-house' courses we've had the pleasure of delivering in the past year...



North East Water

- Land Law for Water Authorities
- Planning and Environment Law for Water Authorities



Level Crossing Removal Authority

- Public Land Law – Roads and Railway land



Mornington Peninsula Shire Council

- Offences and Enforcement on Roads



DELWP, Gippsland Region

- Crown Land Governance
- Leases and Licences
- Aboriginal Heritage and Native Title



Breese Pitt Dixon, Surveyors

- Restrictions on Title



Sport and Recreation Victoria

- Land Law for Managers of Major Sporting Facilities



Working Heritage

- Crown land Governance
- Leases and Licences
- Legislative reform



Parks Victoria

- Roads Governance – both inside and outside parks...



Melbourne Water

- Crown Land Governance
- Waterways Governance



Office of the Surveyor General, Victoria

- Crown Land Governance



Wellington and East Gippsland Shire Councils

- Land Law for Managers of Parks and Gardens

Can we develop and present an 'in-house' course for you?

Contact [David Gabriel-Jones](#) to discuss your need for corporate knowledge.

Contact [Jacqui Talbot](#) to discuss arrangements and costs.

CERTIFICATES: Students at all our courses receive a certificate of attendance.

Those attending three one-day courses and submitting a 3000-word paper are eligible for a **Certificate in Public Land Governance**.

For more details contact Dr Dorothy Jenkins ... dorothy@publicland.com.au

One-day Training Courses – December 2018 to April 2019



Land Law for Managers of Parks and Gardens
Wed 28 February – Melbourne



Crown Land
Law, Policy and Practice
Thurs 6 December – Melbourne
Tues 5 March – Horsham

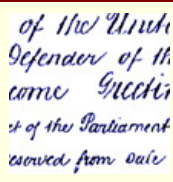


Includes an update on the new Marine and Coastal Act

Coastal Land Management
Thurs 29 Nov 2018 – Traralgon
Tues 26 March – Melbourne



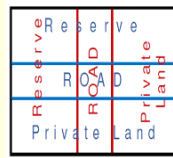
Roads Governance
Tues 7 February – Melbourne
Wed 20 February – Hamilton



Restrictions on Title
Mon 25 February – Melbourne

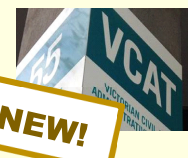


Leases and Licences of Public Land
Tues 26 February – Melbourne



Public Land Reconfiguration
Tues 19 March – Melbourne

NEW!

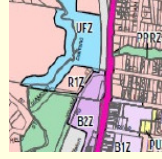


NEW!

Statutory Approvals for Public Land Development
Tues 7 May – Melbourne



Encroachments on Public Land (half-day course)
Fri 1 March – Geelong
Fri 22 March – Melbourne



Referral Authorities and the Victorian Planning System
Tues 5 March – Traralgon
Thurs 7 March – Melbourne



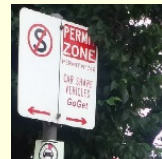
The Law relating to Works on Roads
Mon 18 March – Melbourne



Native Title and Aboriginal Heritage
Thurs 21 March – Melbourne



Land Law for Managers of Rivers and Lakes
Thurs 28 March – Melbourne



Offences and Enforcement on Roads
Mon 1 April – Melbourne

Cost \$550 per person including GST, Course notes and working lunch. Discounts for host organisations

Enrolments and Enquiries – Jacqui Talbot – jacqui@publicland.com.au

All courses are of one-day duration; starting time 9:00 am, finish 4:30 pm

For details of all these courses go to www.publicland.com.au/professional-development

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