

# **Kingston Residents Association**

**Submission to the  
investigation on  
Statewide  
Assessment of Public  
Land**

Thank you for the opportunity to make a submission to this Victorian Environmental Assessment Council (VEAC) investigation into public land.

#### CONTEXT

We welcome, by way of context, the new State Government's election policy pledge to establish a Metropolitan Open Space Strategy which will increase the supply of Metropolitan Open Space by 20% by 2020. The Metropolitan Planning Authority has begun work on this by talking to councils. As far as we know they have not yet held any community consultation, and we plan soon to request a meeting.

We also note that this assessment will build on the excellent VEAC investigation into Public Open Space in 2010 and hope that the minimum acceptable standard for public open space cited in that report - 3.03 ha/1000 - will be adopted by the current study.

#### SUBMISSION: KINGSTON EXAMPLES: COLLINS STREET

1. While the government's intention to increase POS by 20% may be more easily achieved in the new urban growth areas, we hope that particular attention will be paid to the more difficult task of providing adequate areas to Melbourne's older established areas, some of which were settled with very little regard to the open space needs of residents and which are now, through infill redevelopment of large old house blocks and medium to high density development around activity centres, accommodating a burgeoning population of new residents with very little open space. In the older areas of Kingston (for example south Cheltenham and north Mentone) there is a great deal of medium to high density development approved but almost no public open space.

The VEAC investigation of public open space (2010) found a high level of community concern that not enough public land was being retained for public open space, and that is certainly the case in Kingston. While Crown Land is only identified as surplus after it has been assessed to determine its public land values (P.134), there is no such constraint on Council-owned land and in our view there should be. Council's Open Space Strategy requires that Council-owned land be considered for public open space in areas that fall short of the 2.4 ha/1000 standard for open space provision.

This Council is ignoring this policy and is currently preparing to sell off a remediated Council owned former depot site in Collins Street Mentone that offers the best and only opportunity for the provision of open space for the local area between the Cheltenham and Mentone Activity Centres, (bounded by Warrigal, Charman and Park Roads and Nepean Highway).

This local area has only 0.39 ha of public open space per 1000 residents and with the burgeoning medium to high density development in this area is predicted to decline to 0.2 ha/1000 by 2031, well below the Council standard of 2.4 ha/1000 and the Victorian standard of 3.03 ha/1000 cited by VEAC.

Council is ticking the squares of the legal requirements, but flouting their spirit: they invited submissions to the S223 process for the sale, but ignored the 150 out of 159 submissions that opposed the sale, though many said Remo Street would be best for aged care.

Council has completed an RFP to hand over Kingston's existing four aged care facilities to an aged care developer who will relocate them to a new 3-storey aged care facility on the Collins Street site. An evaluation committee is now sifting through proposals.

We would like to ask the Minister urgently to require Council to comply with the VEAC recommendation and Council policy, to stop the sale and require the open space needs of these residents to be met by developing the Collins Street land for parkland.

## 2. OTHER EXAMPLES:

Kingston has had a chequered history when it comes to approving the sale and/or development of parkland to raise money for other Council purposes.

1. Chicquita Park: In 2002, Council resolved to support the sale and development of an Environmentally- significant Commonwealth-owned bush-land park which proceeded despite a community campaign that elicited 900 objections and an Independent Planning Panel recommendation that the parkland was in one of the areas where the shortage of open space was most acute and that it was needed for public open space.

2. Tradewinds Lane: In 2008, Council proposed to sell a residential-zoned park, which officers described as a drainage reserve, to help pay for a new library. With an election pending, the councillors backed off in the face of strong opposition by local residents.

3. Council has recently purchased three house blocks adjacent to existing small parks in neighbouring local areas, but outside the local area containing Collins Street. We doubt they would have bought these properties had they not needed a smokescreen for their sell-off of the /Collins Street land, where open space is acutely needed. (They have known about the shortage of open space in these areas since the Open Space Strategy was adopted in 2004-5, but it didn't stop them proceeding with the development of Chicquita Park and they haven't acquired any land until now.

## 3. THE CURRENT SYSTEM OF PUBLIC LAND USE CATEGORIES

We consider it is time to review and standardise the different categories of public land, particularly land that is fit for use as public open space. The management of land with multiple owners or managers leads to confusion and sometimes dysfunction, for instance in Mordialloc Creek, where within a few hundred metres of the mouth, there is land with three different managers (Council, Melbourne Water and Parks Victoria.)

While the multiple functions of some public land means it makes sense, for instance for an authority such as Melbourne Water to manage open space around wetlands and creeks or

drains that serve flood mitigation or drainage purposes, for such an authority to have the power to dispose of such land is often against the public interest. For instance, Melbourne Water tends to think largely or only in terms of such purposes and does not always properly consider the environmental or amenity values of the land.

The problems are particularly acute where authorities are expected to make up funding shortfalls by selling off land that is surplus to their needs but not necessarily community open space needs or the community's best interests. For instance, after several years of funding cuts under the last state government, Melbourne Water currently has "surplus" land on the market in the Green Wedge in Frankston which will likely lead to pressures from a purchaser to rezone the land for urban development.

Similarly, funding pressures on Parks Victoria has led to reluctance on that authority's part to exercise its public acquisition authority on land that has long been reserved for the Chain of Parks in Kingston's part of the South East green wedge. Such pressures also may contribute to a tendency in Parks Victoria to take money intended for one open space purpose and use it somewhere else, for a PV priority. For instance, \$700,000 approved by the Brumby Government's 2009-10 budget for work on the Chain of Parks was subsequently appropriated by PV for other undisclosed uses. And \$1.6 million provided in offset Peninsula Link funding for a feral-proof fence for the Pines Flora and Fauna Reserve has also been appropriated by PV for use elsewhere.

Hence the sale and/or disposal of public land whether owned by a statutory authority, Council or Government should be handled (or at least approved) by a single, separate authority and any funds achieved should not benefit any of these authorities. Such sales should be required to comply with the current Crown and requirement that they should only proceed if, after community consultation, no competing community needs such public open space, parkland or environmental conservation.

A central planning authority may be appropriate to ensure the implementation of such standards, but we doubt that the Metropolitan Planning Authority will be able to adequately protect the community's best interests in the light of its historical dedication to growth at all costs. Depending on how it is constituted, the Government's proposed Victorian Planning Authority may be able to serve this purpose, provided the achievement of the Government's pledge of a 20% increase in Public Open Space is a measure of its success, ie a KPI.

#### 4. ASSESSMENT OF THE CURRENT RESERVATION STATUS OF PUBLIC LAND.

We support a more comprehensive assessment than was undertaken for the VEAC 2010 study, which relied too heavily on input from community groups, as far as Kingston was concerned. For instance, more attention was given in that study to Bradshaw Park, apparently because its Friends Group participated enthusiastically, whereas other Friends groups may not have.

#### 5. INVENTORY OF THE VALUES ON PUBLIC LAND:

We would like to see a statewide register of all present, potential and former public lands, together with their history and values.

We commend the classification of uses tabulated on page 97 of the 2010 VEAC report, so long as they are not too rigorously applied. For instance, from all accounts the MPA is refusing to consider protecting any environmentally significant land in the urban growth corridors that has not been explicitly reserved and protected as conservation land in the EPBC-approved Biodiversity Conservation Strategy. Yet the requirement for other land to be set aside for public open space could provide pleasant opportunities to save more natural remnants for the multiple use of creek-banks and passive recreation reserves as nature reserves that can accommodate shared use trails and passive recreation.

#### RECOMMENDATIONS:

- 1.1. That the object of a 20% increase in public open space by 2020 include the provision of more open space in areas with less than the standard 3.03 ha/1000;
- 1.2. That all councils and authorities should be required to consider and provide for the open space needs of the community and, where relevant, for the environmental values of the land before designating land as surplus or for sale;
- 1.3. Where they don't, as in the case of the City of Kingston, the Minister should urgently require Council to comply with the VEAC recommendation, to stop the sale and require the open space needs of these residents to be met.
3. A new public land manager (or planning authority) is needed to oversee existing multiple managers, to provide more consistency and to ensure that public open space is protected and that the community's best interest and need for public open space is put first.
4. That a register is kept of all public land classified by uses, relying first on information provided by Councils, authorities and Crown land manager, augmented by scientific and community resources.