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Mark,

Council would like to thank the Victorian Environmental Assessment Council (VEAC) for the opportunity to provide feedback on the Statewide Assessment of Public Land. Responses to the questions put forward during the initial municipal consultation are outlined below:

- 1. The range of ownership models for public land of regional or local significance – e.g. Crown land reserves, freehold land owned by Council, freehold owned by a community group or trust, and used road reserves.**

Public Land, as defined by the VEAC Act, does not include freehold reserves of local significance owned by council. Should an analysis of public land in Victoria recognize this reality in order to develop a system of land categorization that is 'simple and clear' (item 1 in VEAC terms of reference)?

Council agrees that freehold Reserves of local significance should be defined as 'Public Land' by the State Government to achieve consistency with the definition of public land at a local level.

- 2. There is a range of management options available for public land – e.g. Council as Committee of Management (CoM) under Crown Land (Reserves) Act; local community CoM under Crown Land (Reserves) Act; section 86 Committees; unused roads and water frontages held under licence.**

What does council see as the pros and cons of different types of management arrangements; i.e. freehold managed directly by Council; Special committee under Section 86 of the Local Government Act on freehold land, Council as CoM with direct management on Crown land, Council as CoM appointing a S86 Special Committee on Crown land, and community-based CoM (i.e. where the CoM reports directly to DELWP)?

Does council have an Open Spaces Strategy or Plan? Does it include all Crown land and freehold reserves of local significance within the municipality?

The Warrnambool Open Space Strategy 2014 defines 'open space' as 'publically owned land set aside for leisure, recreation and nature conservation purposes. It includes pockets of natural landscape within the urban area, sports reserves, and areas of high scenic, cultural or conservation value. The definition can apply both to council freehold land as well as crown land reserved under the Crown Land Reserves Act 1978. 'Restricted open space' is a subset of open space that requires a fee or club membership to gain access. 'Active Open Space' refers to open space set aside primarily for organised sports.' The definition highlights that the focus of the strategy is on open space owned or managed by Council. Appendix 1: Open Spaces in Warrnambool and Their Classification identifies Council is land manager for 28 Crown Reserves (674 hectares). There are three recreation reserves, Harris Street, Allansford and Merrivale that have a combination of Crown and Freehold land. In addition to Crown Land Committee of Management responsibilities, Council also has a joint use agreement with DET for a sports ground and an MOU for a shared pathway with a Catholic Primary School. The

Strategy also acknowledges that school ground, University and TAFE grounds, streetscapes and private open space play a complementary role to Warrnambool's open space network. Council has one Local Committee of Management (Allansford Recreation Reserve) and one S. 86 Committee of Management (Allansford Hall) that it provides similar levels of assistance and support to. There are Committees of Management for the Warrnambool Showgrounds and Warrnambool Racecourse, that Council does not provide resources towards, but assists the CoMs with advice or discretionary community grants from time to time.

The concern with the different management arrangements is the fact that they are different in terms of their governance requirements. Council, whilst taking all responsibility for the management of its Crown Reserves, cannot make the ultimate decisions on their management, improvement or rationalisation (where required).

Some examples of current concern include:

1. Inconsistency of lease and license agreements for occupants (Council would advocate for the land manager to use its preferred model agreement).
2. Restrictiveness of the commercial hire fees and charges (Council does not have the resources to address the administration of a per person per session fees and charges policy). Council would again advocate for the land manager to use its preferred policy model.

Council also recommends, in addition to Community Use Reserves, that further consideration of the management arrangements for other categories of Crown Land is needed. Officers believe that Coastal Crown land should be considered of "State Significance" and be the responsibility of the State Government.

3. Public land of local or regional significance being managed by Council, rather than the DELWP, Parks Victoria or some other Government department or statutory authorities.

In your opinion, would recognition of certain Crown land as being of 'local significance' assist in the rationalization of public land portfolios and lead to better land management outcomes?

The recognition of Crown Land as being of 'local significance' should align with the Council feedback outlined under section 4.4 Community Use Reserves - A Portfolio Approach, provide the land manager with ultimate decision making powers and reduce the red tape (and its associated costs).

However any shift of power should not come with additional cost shifting. Limited financial resources and support have been offered by the State Government to assist management of Crown Reserve's in the past. Any new structure must also address this long standing concern. Council is concerned about what the changes may involve at a time when rate capping and resultant service cuts are being implemented. Council recommends that an annual subsidy be provided to the Land Manager, based on a percentage of the property's site value (5% as an example).

In addition to the costs of managing and maintain a Community Use Reserve (in 2014/15 the management and maintenance of fifteen sports Reserves cost Council \$600,000), Council highlights lease and license compliance costs as another area of concern. Renewal of a lease with a sporting club, which is currently in process, is estimated to cost the club in excess of \$5,000 in legal and surveying fees as a result of the State Government's requirements.

4. The utility or otherwise of the administrative apparatus of Crown Land (Reserves) Act – e.g. temporary v permanent reservations, limitations on leases and licences and the application and use of regulations.

Is Council aware of the specific reservation relating to CROWN LAND reserves under its control and does it make any difference in how the land is managed? Has the reserve type ever created a problem? Has it restricted action or activities?

Officers noted there are a range of local examples where use is not consistent with the current Reservation. In some examples, ie a sports reserve, this has not restricted activities.

Does the Council have responsibility for Crown land reserves used for 'operational' purposes; e.g. Depots, Rubbish tips, Town Halls? Is Council CoM for these reserves or does it manage the land by virtue of its reservation alone; i.e. management is 'implied'

The Council Depot, Civic Centre, Flagstaff Hill Maritime Village, Aquazone Aquatic Leisure Centre and Central Kinder Garden are all examples.

Do Councils use local laws to deal with behavioral issues on CROWN LAND reserves or rely on Regulations or a contribution of both? How do local C'tees deal with behavioral issues?

Local Laws address issues associated with dog access, smoking and alcohol consumption on public land Leases and licenses also stipulate usage and behavioural requirements. Local committees will rely on a level of goodwill or Police assistance to address serious issues.

5. Management and experience with selling community purpose freehold land (e.g. selling an underused football oval to have funds to invest in other sporting grounds)

Are there any locally significant reserves no longer used to their full potential?

Would the council make decisions on changing the use of such reserves if it was in a position to do so?

Has Council sought to sell freehold community reserves in the past (e.g. selling an underused football oval to have funds to invest in other sporting grounds). Did it present difficulties?

Council has not traditionally had the pressure or political interest to sell off freehold community reserves. Whilst the 2014 Open Space Strategy identified some local open spaces that were underutilised or less suited for their intended purpose, it did not make recommendations to rationalise, but rather encouraged no net loss of public open space. However, with the introduction of rate capping the costs of maintaining public open space are coming under scrutiny and this may result in future pressure to rationalise open space.

6. Any issues associated with the established categorization of public land as outlined in the interim report. E.g. community awareness

Does the community recognize the difference between Crown land and freehold reserves managed or administered by council?

The general community and user groups, to a large extent, do not recognise the difference between Crown Land and freehold Reserves managed by Council or the various categories of public land and its effect on access and use.

For further information please contact Kim White, Recreation and Youth Services Manager on 5559 4809 or email kwhite@warrnambool.vic.gov.au

Yours sincerely,

KEVIN LEDDIN
Director Corporate Strategies