Mr Mark Winfield
Victorian Environmental Assessment Council
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Dear Mark

TPLC Submission – Statewide Assessment of Public Land

The Public Land Consultancy (TPLC) was most pleased to view VEAC's Draft Proposals Paper on the subject of public land in Victoria and is supportive of the approach outlined in the nineteen draft recommendations. In particular TPLC was very pleased to see recommendations relating to the need for legislative change to both the *Crown Land (Reserves) Act* 1978 (*CLRA*) and *Land Act* 1958, the legislation that underpins Crown land management in Victoria.

VEAC's draft recommendations include two which are, on the surface, contradictory, but we like them both. Recommendation R3 is that the *CLRA* be amended in the short term to accommodate matters outlined in the Paper; while Recommendation R10 is that the Act be totally rewritten – together with its mother-Act, the *Land Act*. We applaud such an approach, having long maintained the need for a systematic review of both Acts.

For many years, TPLC has been highlighting the need for reform to the legislation that governs the management of Crown land in this State. Such calls have been based on our experience in dealing with the legislation and attempting to resolve the problems created for our many clients, which include all of the State's 78 municipal councils, many public authorities and the broader public.

Much of the apparatus of the *CLRA* is, as highlighted by VEAC, cumbersome, or even incompatible with sound management. The Act's perceived deficiencies include inappropriate or overly-restrictive gazetted reserve purposes, overly-bureaucratic approval processes for works and tenures, arbitrary distinction between permanent and temporary reserves and the survival of archaic and opaque regulations.

As for the *Land Act*! We are aware of at least three attempts over the last 30 years to review the Act to remove outdated and antiquated provisions and better reflect contemporary needs. Yet it remains a reflection of 19th century colonial systems and values.

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Yes, let's rewrite the Crown Land Acts, but first, let's commission a systematic, multi-faceted inquiry or study into everything that doesn't work within those Acts, and develop the foundation on which to ensure a contemporary and more efficient and effective approach to the management of public land in the State.

We note and support Draft Recommendation R19 which proposes that Community-based committees of management be supported with a system of regional coordinators located in DELWP. Further that VEAC has recommended a Community Use Reserve category, into which we assume the majority of reserves under the control of community-based committees will fall. We commend such an approach as it reflects what we would categorise as reserves of 'local' significance, which we consider to be a filter that is helpful in designating the management arrangements of such reserves.

And we believe that municipal councils are the key to the management of such reserves. Not only do councils across the state already manage significant numbers of such reserves as committees of management, feedback provided by councils suggest that they also play a significant role, in terms of funding and local support, to community-based committees.

In relation to the Crown land element of their reserve portfolios, municipal councils find themselves having to meet contemporary needs through what is essentially a 19th Century governance system under the *CLRA*. The portfolio of Crown land reserves and the management arrangements relating thereto often predates the local government entity now responsible for its management. The Crown reserve portfolio remains a vitally important legacy for most Victorian municipalities but suffers from deficiencies: it does not reflect 21st Century population distribution, and it is not responsive to changing community values and activity patterns. Councils find themselves needing to augment, rationalise or reconfigure their inherited portfolios of community use land.

The administrative systems of the *CLRA* do not lend themselves to this task. The Act predates modern approaches to (for instance), land use decision-making, balancing conservation and commercialisation, the making and enforcement of regulations, and accountability.

TPLC believes that the significant role of local government in the management of reserves of local significance (i.e. land that is managed for community benefit, being both Crown land and freehold reserves owned by councils) should be better reflected in legislation. We would argue that, with some modification, the *Local Government Act* 1989 would provide sufficient safeguards to enable reserved Crown land of local significance to be managed directly by councils, in accordance with the needs and wants of the local community (the community of interest), without the need for unnecessary oversight by the State Government.

We believe the role of municipal councils in the management of the Crown land estate is so important that it warrants specific commentary and recommendations in VEAC's final report.

In relation to other specific recommendations, we note and support VEAC's draft Recommendation R5 - *Standard regulations be developed for each public land category in the revised system, together with amendments to the Crown Land (Reserves) Act that provide a simplified means to revoke any existing regulations when new regulations are made.* TPLC supports the concept of contemporary, reserve category related regulations, but would further suggest that such regulations be reviewed at least every 10 years, which has been the norm for most Victorian regulations since 1994. We would also hold that regulations under the *CLRA* are unnecessary for reserves that are under the control of municipal councils as Trustee, committee of management or been vested under s16 of the Act. In such cases, the council involved has Local Laws with which to deal with behaviour and enforcement matters on all land within the municipality, and has council officers who are trained and experienced in enforcing those Laws. We would hold that regulations under the *CLRA* are not needed for such reserves – why add a layer of complexity where it is not needed.

Thank you for the opportunity to provide input into this important work. We look forward to the Final Report and, hopefully, a response from Government that takes the opportunity to deliver much needed reform.

Yours sincerely

Grant Arnold
Associate, TPLC