

17/12/2015

To Whom It May Concern,

RE: Review of the *Local Government Act 1989*

The Local Government Spatial Reference Group (LGSRG) Committee would like to provide comment on the review of the *Local Government Act 1989* (the Act). The LGSRG was established in 2003 to address the need for a sector-wide group representing the strategic interests of the Victorian local government sector with respect to spatial (location based) information. The LGSRG Committee is made up of 16 spatial professionals representing all classifications of councils from small rural shires and regional cities through to inner metro councils.

This submission primarily relates to spatial data and its relationship to the Act, and not to governance and other aspects of the Act that others are more suitable in addressing.

There have been many advances in technology and subsequently the data used and held by local, state and federal governments. This is particularly evident in spatial data such as address, property and transport. Many policy and budget decisions are now being influenced and guided by spatial data. Over the last 15 years, semi-formal relationships have been established between Victorian local and state governments to aggregate and disseminate spatial datasets on a statewide basis. The current legislation does not recognise the need for the maintenance of current, accurate and complete spatial datasets or outline the requirement of a formal relationship between the different levels of government necessary for this to occur.

The LGSRG Committee would urge that with the review of the Act, the following points be considered.

Point 1 - Address

Addresses are created by councils to help with the identification of properties and are used by a wide range of organisations such as utility providers, delivery services and emergency services as the principle unique location identifier of a property.

Currently the only requirement and power council has in relation to address (in the Act) is:

- Schedule 10 Clause 5(1)(c) - [A Council may] *approve, assign and change the number of a road and any premises next to a road*
- Schedule 10 Clause 5(1)(d) - [A Council may] *require people to number their premises and to renew those numbers*

When assigning addresses, Councils should operate in accordance with the Australian Standard for Urban and Rural Addressing (AS/NZS4819:2011). Most councils provide their address data to the Department of Environment, Land, Water and Planning (DELWP) who are the maintainer of the aggregated spatial address dataset known as VicMap Address. However, there is no specific requirement in the Act or elsewhere for councils to provide this data to a central authority and thus ensure an aggregated spatial dataset is maintained.

Current situation:

1. Address is one of the most critical and widely used spatial datasets maintained by councils
2. Addresses provided by councils are the most widely used identifier of a property
3. Councils are not required by current legislation to assign and maintain addresses as spatial data
4. Councils are not required by legislation to provide spatial address data to a central agency for the purpose of aggregating and disseminating

Current risk:

With continuing budgetary constraints many councils are reviewing their core business functions with respect to legislation. Current processes regarding the supply of address data to a central agency is at risk of ceasing.

Recommended additions for the Local Government Act:

1. Councils must assign and maintain addresses (including spatial location) for all properties (both rateable and non-rateable)
2. Councils must assign and maintain secondary addresses where required (including spatial location). For example, worksites that may need to be identified for the provision of emergency services, deliveries, secondary access points, etc.
3. Councils must provide their current address data in a machine readable format to a central agency for the purpose of aggregation and dissemination in a prescribed schema and timeframe

Other recommendations:

1. The *Building Act 1993* and *Planning and Environment Act 1987* be amended to require confirmation of the current, or assigning of a new address prior to the issue of a permit on land that is not subject to a subdivision

Point 2 - Roads

Roads represent council's largest assets and form a fundamental spatial dataset used by a range of organisations such as utility providers, delivery services and emergency services, as well as numerous technologies such as in-car navigation systems.

Currently the main requirements and powers council has in relation to roads (in the Act), that is of concern to the LGSRG, are:

- Schedule 10 Clause 5(1)(a) - [A Council may] *approve, assign or change the name of a road*
- Schedule 10 Clause 2 - *The Council, in exercising a power under paragraph (a) of subclause (1) must act in accordance with the guidelines in force for the time being under the Geographic Place Names Act 1998 and must advise the Registrar under that Act of the action it has taken under that paragraph*

Road data collection and maintenance is undertaken by councils to support their own asset management requirements. Most councils provide their road name data to DELWP who are the maintainer of the road centreline spatial dataset known as VicMap Transport. However, there is no requirement in the Act or elsewhere for councils to provide this data to a central authority and thus ensure a dataset is maintained.

Current situation:

1. The road centreline dataset is one of the most critical and widely used spatial datasets contributed to by councils
2. Road names provided by councils are the most widely used identifier of a road
3. Councils are not required by legislation to provide road name data to a central agency for the purpose of aggregating and disseminating the subsequent spatial data.

Current risk:

With continuing budgetary constraints many councils are reviewing their core business functions with respect to legislation. Current processes regarding the supply of road name data to a central agency is at risk of ceasing.

Recommended additions for the Local Government Act:

1. Councils must name all roads (both public and private) where an address may be created, or where public access is allowed, in accordance with the *Geographic Place Names Act 1998*, the *Guidelines for Geographic Names 2010 Version 2* and the Australian Standard AS4819:2011 Urban and Rural Addressing and physically sign the road
2. Where emergency services, or a member of the public would reasonably expect a private road to be named, then the Council should name the road in accordance with the *Geographic Place Names Act 1998*, the *Guidelines for Geographic Names 2010 Version 2* and the Australian Standard AS4819:2011 Urban and Rural Addressing and physically sign the road
3. Council should have the power and responsibility to remove road name signs on both public and private land that are not in accordance with the *Geographic Place Names Act 1998*, the *Guidelines for Geographic Names 2010 Version 2* and the Australian Standard AS4819:2011 Urban and Rural Addressing
4. Councils must provide their current road name data in a machine readable format to a central agency for the purpose of aggregation and dissemination in a prescribed schema and timeframe

Other recommendations:

1. Alternatively to the above, the *Road Management Act 2004* could be amended to state that:
 - a. Road Managers must name all roads (both public and private) where an address may be created, or where public access is allowed, in accordance with the *Geographic Place Names Act 1998*, the *Guidelines for Geographic Names 2010 Version 2* and the Australian Standard AS4819:2011 Urban and Rural Addressing and physically sign the road
 - b. Where emergency services, or a member of the public would reasonably expect a private road to be named, then the Road Manager should name the

- road in accordance with the *Geographic Place Names Act 1998*, the *Guidelines for Geographic Names 2010 Version 2* and the Australian Standard AS4819:2011 Urban and Rural Addressing and physically sign the road
- c. Road Managers should have the power and responsibility to remove road name signs on both public and private land that are not in accordance with the *Geographic Place Names Act 1998*, the *Guidelines for Geographic Names 2010 Version 2* and the Australian Standard AS4819:2011 Urban and Rural Addressing
- d. Road Managers must provide their current road name data to a central agency for the purpose of aggregation and dissemination in a prescribed format (schema) and timeframe
- 2. All Acts referring to a road (for example, *Road Management Act 2004*, *Subdivision Act 1988*, *Land Act 1958*, etc.) are amended to:
 - a. provide a common definition of a road (for example, the physical construction or the cadastral road corridor)
 - b. provide common terminology when referring to the status of a road (for example, closed, discontinued, etc.)

Point 3 - Property

Properties are the basis of rateable land valuations and also define what land is non-rateable within a local government area. Properties are formed from the aggregation of parcels (or titles generated by the titles office). The aggregation of parcels to create properties is currently undertaken by DELWP using a property number (or assessment number) provided by councils. The subsequent dataset is known as Vicmap Property. It should be noted that addresses are assigned to properties, not the underlying parcels.

Current situation:

1. The property dataset is another important and widely used spatial dataset contributed to by councils
2. Property numbers provided by councils are necessary for the aggregation of parcels into properties
3. Properties form the foundation on which addresses are created
4. Councils are not required by legislation to provide property number data to a central agency for the purpose of aggregating and disseminating the subsequent spatial data

Current risk:

With continuing budgetary constraints many councils are reviewing their core business functions with respect to legislation. Current processes regarding the supply of property number data to a central agency is at risk of ceasing.

Recommended additions for the Local Government Act:

1. Councils must assign a property number to all properties (both rateable and non-rateable) where an address may be created
2. Councils must provide their current property number data in a machine readable format to a central agency for the purpose of aggregation and dissemination in a prescribed schema and timeframe

Point 4 - Locality

Locality boundaries are rarely altered, however, they do change over time. Localities form a core portion of the address of a property and are therefore essential in the identification of a property by a range of organisations such as utility providers, delivery services and emergency services. The locality boundary spatial dataset, Vicmap Admin, is maintained by DELWP.

Current situation:

1. Property addresses rely on accurate locality boundary spatial information
2. Councils may, but are not required to, use the *Geographic Place Names Act 1998* when naming a locality
3. Councils are not required by legislation to provide locality boundary changes to a central agency for the purpose of aggregating and disseminating the subsequent spatial data

Recommended additions for the Local Government Act:

1. Councils must adhere to the guidelines set down in the *Geographic Place Names Act 1998*, the *Guidelines for Geographic Names 2010 Version 2* and the Australian Standard AS4819:2011 Urban and Rural Addressing when creating or altering locality boundaries or names
2. Councils must notify an agency of any changes of any locality names and/or boundaries for the purpose of aggregation and dissemination in a prescribed schema and timeframe

The close relationship between local and state government in the past 15 years has ensured that Victoria has excellent spatial resources that can be relied upon by numerous services, both public and private. However, there is no current legislative requirement for this to continue into the future. The LGSRG Committee would again urge that the above points be considered and addressed, whether in the Act, via Regulation or some other appropriate means.

Please feel free to contact me regarding any additional information that may be of assistance.

Yours sincerely,

Barrett Higman (Alpine Shire Council)
Chair
Local Government Spatial Reference Group
barreth@alpineshire.vic.gov.au
(03) 5755 0552