30 June 2010

Mr Richard Willis
Secretary
Legislative Council Standing Committee on
Finance and Public Administration
Parliament of Victoria
Spring Street
MELBOURNE VIC 3002

Dear Mr Wills

SUBMISSION TO LEGISLATIVE COUNCIL STANDING COMMITTEE -
INQUIRY INTO VICTORIAN GOVERNMENT DECISION MAKING APPROVAL
PROCESSES

I write in response to a submission submitted on behalf of the Moe and District
Residents Association (MADRA) Incorporated to the Legislative Council Standing
Committee on Finance and Public Administration (the Committee) on issues
relating to the Moe Activity Centre Plan (MACP).

I understand that the Committee has accepted this submission and subsequently
does not deem it as irrelevant, offensive or frivolous. I also understand that
publication of the submission means that the submission is now protected under
parliamentary privilege.

Although the date for submissions has closed, the purpose of this letter is to
request that the Committee reconsiders the acceptance of the MADRA
submission on the basis that it contains misleading and disingenuous
statements.

I do not write to the Committee lightly, nor respond to the misrepresentations
made by MADRA lightly. However, I am of the firm belief that the Committee
needs to be made aware that the submission that has been accepted is far from
reflective of the true activities and decisions of Latrobe City Council in respect to
this matter.

The statements contained in the submission show a complete lack of regard for
due diligence taken by MADRA in the development of their submission.

The table below provides a specific response to many of the statements within
the MADRA submission and aims to provide the Committee with information that
may inform a decision as to whether to review the decision to accept the MADRA submission.

The assertion on page 3 of the submission (paragraph 6) identifies that I, Mr Paul Buckley, Chief Executive Officer of Latrobe City Council is Chair of the MACP Project Control Group. This statement is untrue. I have never been Chair of the Project Control Group. In fact, I have not been a member of the Project Control Group. The Chair of the MACP Project Control Group is Mr Peter Quigley, Latrobe City Council’s General Manager Built and Natural Environment Sustainability. Likewise, I am not, nor have I ever been, the Chair of the RDV Regional Exchange Forum or Host, Regional Planning Forum of Latrobe City. In fact there is no such body nor has one ever existed.

In respect to the assertion on page 3 (paragraph 7), Ms Jane Burton has never to my knowledge, worked for DPCD. Ms Burton was employed by Latrobe City Council as Manager Transit Citie from 23 January 2006 until her resignation on 22 January 2010.

In respect to the assertion on page 3 (paragraph 8), I, Mr Paul Buckley has never been a member of the Moe Activity Centre Plan Project Control Group.

In respect to page 3 (paragraph 9) the spelling of Mr Hiren Bhatt’s name is incorrect.

In respect of page 3 (paragraph 10), the allegations that Mr Hiren Bhatt was the ‘head consultant for Tract’ a consultant engaged to prepare the Moe Activity Centre Plan is incorrect. Mr Bhatt has never been an employee of Tract Consultants.

On page 5 (paragraph 5), in respect to the assertion that ‘the original focus of the plan was to deliver significant improvements to the Moe’s transport infrastructure,’ the statement is misleading and mischievous.

The purpose of the plan (MACP) which has been available in numerous publications and has been subjected to an extensive consultation period since 2007, is a project aimed at reinvigorating the Moe town centre, establishing it as a vibrant, dynamic and welcoming centre through implementation of the projects contained within the plan.

Two overall key objectives were established for the plan and these are to enable Moe to achieve population growth rates comparable to other regional transit cities, and to provide the means to attract third party investment in Moe.

On page 7 (paragraph 5) the allegation that ‘Dr Susan Clarke and her husband, Mr Brendan Jenkins, were witnessed staffing one of the tables’ during the consultation process at a Speak-Out day held on Saturday, 11 August 2007 ‘encouraging participants to support relocation of the Moe Library/Council Service Centre’ is untrue and misleading. The consultative process was managed by Tract Consultants who engaged Red Road Consultants to train, assist and support Latrobe City Council employees to staff the tables and undertake the consultation process on the day in question. No other person other than Latrobe City Council staff or employees of Red Road Consultants staffed any of the tables. I can confirm that Dr Susan Clarke and her husband, Mr Brendan Jenkins attended the consultation as did a significant number of interested other residents of the Moe area.

On page 8 (paragraph 2 final sentence) indicates that Council instructed Tract Consultants to ‘relocate the Moe Library/Council Service Centre into the railway corridor’. This is a fallacious statement as no such instruction was ever provided. The concept of placing the Moe Library and Service Centre into this precinct was raised by
community members at one of the search conferences.

On page 10 (paragraph 2), the submission states that Latrobe City Council 'was found by the Victorian Auditor General's Office to have breached its statutory obligations in 1998-9 by mismanaging the sale of the ex-City of Moe building'. This again stretches the truth of the matter. Whilst the matter was investigated by the Victorian Auditor General's Office, it was found that the issue was as a result of the length of time taken to finalise the sale of the building, which took longer than anticipated and as a result the valuation (required to be undertaken in accordance with the provisions of the Local Government Act) was five months older than that required under the Local Government Act. Council was able to assure the Auditor General that Council's processes for land transactions are closely monitored and compliance with legislative requirements is strictly enforced.

On page 10 (paragraph 8) the paragraph indicates that the Council have 'consistently and publically denied any decision to sell the Moe Library/Council Service Centre' to Tanjil Medical Centre. I can confirm that Council has made no decision in relation to the sale of the Moe Library/Service Centre and is fully aware of its obligations to comply with the requirements of the Local Government Act and its own policies in relation to the sale of land. Whilst the Tanjil Medical Centre have expressed an interest in purchasing this building both at a meeting and in correspondence (a letter received from RGM Certified Practicing Accountants on 23 February 2007 acting for the Tanjil Medical Centre) this matter has not been brought before the Council for a decision. The proposed relocation of the Moe Library/Service Centre to a more convenient location for the community as identified in the Moe Activity Centre Plan has nothing to do with the aspirations of the Tanjil Medical Centre. I reiterate that Council is well aware of its obligation to comply with the procedures of the Local Government Act and its own policies in relation to the sale of land.

In reference to page 11 (paragraphs 1 and 2) in respect of the allegation that in the Council agenda of 7 December 2009 that 'Council resolved at its Ordinary Meeting of 21 September 2009 to include Library Services within the Moe Rail Precinct Masterplan' it is stated by the Moe and District Residents Association Incorporated that a 'scrutiny of the Council Minutes for 21 September, 2009 shows no such decision being taken'. However the report clearly states that:

'The usage planning phase of the project was completed in July this year with the findings report being adopted by Council at the Ordinary Council Meeting held on 20 July 2009 with the following resolution:


1. That the Moe Rail Precinct contain the following function themes, consistent with the recommendations of the Moe Rail Precinct Revitalisation Project Community Engagement and Consultation Activities, Consultation Findings Report, July 2009:
   a. Transportation Hub Services
   b. Car Parking
   c. Library services
   d. Lifestyle/entertainment facilities
   e. Youth and child friendly facilities
   f. Community services and facilities
2. That a copy of the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009 be provided to all people that participated in the 'Design In' workshop and made available to all community members via the Latrobe City Website and Council Service Centres.

3. That Council appoints consultants to prepare a master-plan for the precinct in accordance with the recommendations contained within the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009.

Indeed the outcome of the Council Meeting held in respect of this matter on 21 September 2009 was a resolution:

1. That Council releases the Moe Rail Precinct Revitalisation Project Draft Master Plan, including concept designs for the Community Hub to the community for a six week consultation period, commencing 22 September 2009.

2. That a further report detailing submissions received be presented to Council on 16 November 2009 for consideration of the final master plan.

The statement on page 11 (paragraph 4) is again mischievous and misleading. It is clear that the Council has never asked the Moe community whether it considers that the Moe Library and Council Service Centre properties to be surplus to community requirements as there has never been a decision by Council to consider this matter or to sell them. As stated, Council is well aware of its obligation to comply with the procedures of the Local Government Act and its own policies in relation to the potential sale of land.

On page 12 (at the conclusion of paragraph 6) it states that 'MADRA has formally requested beforehand that a plebiscite be conducted from the “Ideas Shop” about the Moe Library/Service Centre relocation issue including independent oversight of the Moe vote. This was refused by LCC CEO Paul Buckley’. This statement strays from the truth of the matter when in fact on 16 April 2009 MADRA 'requested that Council provide a facility at that shop for residents to register their opinion on the most contentious issue within the MACP i.e. the proposal to relocate the Service Centre and the Library to the station precinct. This could take the form of a petition with each page showing clearly and unequivocally either a request for or against the proposal and provide the opportunity for the person to sign on one page or the other. An opportunity should be provided for “scrutineers” to be on hand with the proviso that they do not interfere with signatories and maintain only an observer role’.

A response was sent to MADRA on 27 April 2009 stating that the ‘consultation session has been specifically designed to consider various elements for inclusion or exclusion within the study area and the library will be considered along with many other suggestions as part of the “Design In” process. This methodology has been designed by the consultants and to highlight just one of the suggested elements in isolation would not be consistent with their program. On this basis the petition relating to the library will not be a feature of the “Ideas Shop”. There will however, be the opportunity for the community to provide feedback on all of the proposed elements within this precinct through the “Ideas Shop” which will be open to the community for four weeks at various times during May.’

Page 14 of the submission (paragraph 6) states that ‘the Masterplan does not meet the stated requirements of the Department of Transport’s Guidelines for Land Use and
Development’. This statement is untrue. A senior member of this Department provided a
great deal of guidance and input as a member of the Moe Activity Centre Plan Project
Control Group. Likewise the comment about not seeking special advice from the
Department is untrue as participation in the project control group by a representative of
the Department of Transport provides direct access to all of the information required to
ensure compliance with all land use requirements.

On page 15 (paragraph 3) the allegation that Ms Jane Burton is a DPCD employee is
incorrect.

On page 16 in a letter to Premier Brumby the Moe and District Residents Association
Incorporated asked the Premier if he was ‘aware that Latrobe City Council had struck a
private arrangement with Tanjil Medical Centre back in 2007, concerning the sale of the
existing Moe Library and Council Service Centre to the Tanjil Medical Centre’. As
indicated earlier in this response, Council has not at any time considered the sale or
disposal of this property to the Tanjil Medical Centre or to any other person or
organisation.

Finally in relation to the comments made in regard to political matters including the final
paragraph on page 17 the Moe and District Residents Association Incorporated indicate
their concerns about the ‘confluence of local ALP representatives, their business
interests and business associates, their friends amongst LCC Councillors, LCC senior
management and senior regional management of State government departments’. This
is a serious allegation that cannot go unchallenged. As the Chief Executive Officer of
Latrobe City Council I state that at all times my activities and behaviour and those of the
senior management of Latrobe City Council are apolitical in respect of taking an
unbiased position when providing advice to Council.

Although not taken lightly, I confirm my commitment to resolving this matter and
would sincerely appreciate written advice following the Committee’s
consideration of the request to withdraw MADRA’s submission. Should the
Committee elect not to review its decision to accept the MADRA submission or
choose to confirm its acceptance, I request that this letter be accepted as a
submission to the Inquiry.

Yours sincerely

[Signature]

PAUL BUCKLEY
Chief Executive Officer
CC: Mr Gordon Rich-Phillips
Chair
Standing Committee on Finance and Public Administration
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Mr Matt Viney
Deputy Chair
Standing Committee on Finance and Public Administration
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Mr Greg Barber
Standing Committee on Finance and Public Administration
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Mr Brian Tee
Standing Committee on Finance and Public Administration
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Mr Matthew Guy
Standing Committee on Finance and Public Administration
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Mr Peter Hall
Standing Committee on Finance and Public Administration
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Mr Peter Kavanagh
Standing Committee on Finance and Public Administration
Parliament House
Spring Street
EAST MELBOURNE VIC 3002