

Marion Manifold  
'Wiridgil'  
590 Wiridgil Road  
Camperdown. 3260.  
Tel: (03) 55 931 932

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**URGENT**

The Secretary  
Legislative Council Select Committee on Public Land  
Parliament of Victoria  
Spring Street  
Melbourne. Vic 3002.

**Re: Government Sale/Alienation of Unstable Public Land, Port Campbell**

Dear Mr Willis,

Thank you for the information regarding the Parliamentary Select Committee on Public Land. I attach a brief submission outline and other documents on a case at Port Campbell where the government appears to have developed and sold or alienated unstable coastal Crown land for what appears to be an already overscale development.

The 2003 development of public land and 2006 alienation of coastal Crown land and sale of public land appears to furtheracerbate the advice of five (5) geological specialists who have said this development has the potential to accelerate collapse the Port Campbell headland. The sale and alienation of this public land could be the straw that collapses the headland, which is a "Nationally Significant" Landscape (Coastal Spaces Landscape Assessment 2006) and part coastal Crown Land and part National Park. The headland contains: Indigenous cultural heritage (Aboriginal Steps and Camp Site); European cultural heritage (including 1921 War Memorial and Memorial Reserve; 1880's Jetty Cutting, 1880's, Beacon Steps, 1880's Port which is the sole access to 2 Marine National Parks and Commonwealth and State listed shipwrecks, 1930's Rocket Shed and 1880's Rocket Apparatus), EPBC and FFG listed species, and 4 sea caverns of highly significant geological status.

Concerns re impact on the environment, infrastructure and/or culture of Port Campbell through the sale and development of this public land have been expressed by the Western Coastal Board, ACF, VNPA, Environment Victoria, National Trust, Friends of the Earth, Protectors of Public Lands Inc., stakeholders including the RSL and Peak Fishing Bodies, and community groups (see attached list); and a petition of approx 700 signatures (soon to be submitted by Mr Mulder to Parliament). Ms Colleen Hartland Greens; Mr Peter Kavanagh DLP and Member for Western Victoria; Mr Terry Mulder Member for Polwarth; Mr Peter Ryan Nationals; 5 of Australia's leading geological specialists, and a petition of approx 900, et al. have also expressed concerns regarding the overall impact of this development.

I attach below what appears to be anomalies in process in the development and sale of this significant public coastal Crown land in 2 stages: 2003 development of public land, and 2006 sale and alienation of public land to a commercial development.

We hope the Committee will instigate an immediate investigation and public hearing into this public land development and alienation to ensure the sustainability of this fragile environment and its cultural heritage.

We would like to give evidence at a Hearing, and I understand other groups and stakeholders may also wish to present evidence at the hearing to support this case.

We look forward to hearing from the Select Committee on Public Land as soon as possible as there is a high degree of urgency.

Yours sincerely,  
Dr Marion Manifold

Port Campbell Community Group  
Member of Protectors of Public Lands Inc. & Victorian Coastal Alliance Inc.

## **Background to 2003 Development of Coastal Crown Land.**

There appear to be disturbing anomalies in process in the use and development of coastal Crown land adjacent to the proposed Southern Ocean Beach House (SOBH):

1. Much of the changes and development of this land relies on information in the Urban Design Framework 2002 (UDF). The UDF Draft 2001 was exhibited to the public, but it appears there was no opportunity for the public to make submissions; it appears the community were told this would occur at a later date. The UDF Draft showed a turning circle for general traffic outside the Fishermen's Car Park to cater for the Great Ocean Road (GOR) closure on the headland. The GOR was to be closed for sea cavern undermining.
2. It appears the UDF 2002 was not exhibited to the community and therefore not open to public comment or submissions.
3. It appears the UDF consultancy Chris Dance Land Design may have been working for the proposed SOBH at the same time. There appears there may be a conflict of interests which appears to disadvantage the community. A large general purpose roundabout-car park was designed on the headland. It went through the small Fishermen's Car Park (which was formerly for 'Boat Trailers Only'), and it appears this large general purpose roundabout-car park was to also be used as the development's reception drop-off area.
4. The UDF also appears to have recommended the area in front of the proposed development become a 'shared zone' which again appears to advantage the development but appears to alienate public and stakeholder access to the port. It appears to create OHS issues for port users. The port is significant social capital for the community. It appears the footpath by the development was also designed to be approx 6 meters wide while the roadway was reduced to a point that it appears too narrow in parts for commercial fishing vehicles to access the port. These changes appear to be an alienation of port access for the extension of the development's cafes etc.
5. The proposed development has a restaurant balcony which appears to extend across the footpath. This again appears to alienate public space and view lines.
6. It appears the extension and excavation of the small Fishermen's Car Park to a large general purpose roundabout-parking area was conducted before community and stakeholder submissions were presented or considered.
7. The developed area is Public Memorial Park Reserve associated with the War Memorial (see attached PC. LLP p.29 and map), yet it appears the RSL were not invited to comment.
8. The process and development of this area appears to have failed to take into consideration serious geotechnical issues. No geotechnical consultation appears to have been undertaken in the extension and development of this documented unstable site.
9. In documents gained from DSE via FOI the Corangamite Shire (6/6/03): notes the immediate area has "serious geotechnical problems" and "public safety" issues. The documents also note that the nearby walking track will place "pedestrians in a high risk zone". If pedestrians are at 'high risk', it appears tourist buses will be at higher risk.
10. The FOI Corangamite Shire (6/6/03) document attachments also note that the area has FFG listed species, but it appears this was not considered in the assessment.
11. DSE's (13/6/03) response to Corangamite Shire (6/6/03) request to 'use and develop coastal Crown land' states community consultation was undertaken in the Port Campbell Master Plan Directions Paper July 2000 and the Port Campbell Urban Design Framework March 2002. However, the former paper does not appear to detail any recommendations for this area, and it appears the UDF never went to community consultation.

12. Corangamite Shire appear to be saying that the community's concerns were considered in Amendment C13 2005, but it appears the changes had already been implemented well before 2005.
13. Also more evidence to suggest this area is at risk has come to light since 2005.
14. It appears a superficial Aboriginal cultural heritage search was conducted. See Ms Colleen Hartland's questions to Minister Madden 19 April 2007. The area is recorded as having significant Indigenous cultural heritage (Smyth, 1878 & Massola, 1968, Duruz 1978) and this appears to have been overlooked in what appears to have been a hasty assessment.

### **2006 Alienation of Coastal Crown Land and Sale of Public Land to Commercial Development**

1. VCAT wrote regarding the need to acquire the 2006 land: "If the permission is not granted for the use/development of the car park by the crown land manager or relevant authority, then the current proposal will be required to be revised (as there is scope to do so but it is dictated by the current circumstances as put to us in these proceedings) or it will not proceed" (VCAT P/1102/2005. 14 March 2006. Reason 28).
2. Corangamite Council wrote in their VCAT objection: "The intensity of the use and development of the land is too great and will have a negative impact on the amenity of the surrounding area and the low scale, coastal character of the township of Port Campbell". But Council appears to have ignored their own evidence and given this unstable land to the development 'in house', seemingly without due process to the community and stakeholders, or consideration of geological hazards or impacts on: a "Nationally Significant" Landscape (Coastal Spaces Landscape Assessment 2006); National Park; Indigenous cultural heritage (Aboriginal Steps and Camp Site); European cultural heritage (including 1921's War Memorial and Memorial Reserve; 1880's Jetty Cutting, Beacon Steps and Port which is the sole access to 2 Marine National Parks and Commonwealth and State listed shipwrecks, and 1930's Rocket Shed and Rocket Apparatus) and EPBC and FFG listed species.
15. DSE have written there was "consultation with the Corangamite Shire Council" (media release 17/5/07). However, it appears this issue has not gone through an open and transparent Council or public and stakeholder consultation process.
16. In consideration as to whether to give further Crown land to the development in 2006, DSE appears to continue to state that the area of natural vegetated coastal Crown land (Memorial Reserve) was a 'road reserve' and 'consistent with the purpose for which the land was reserved' and that it would take only 4 of 37 car parks. This appears to be incorrect. The sale took 4 of 14 car parks, and the other 5/6ths of what was naturally vegetated land that has been changed to road reserve in 2003 was not a roadway or a parking lot, but its documented "existing use" was a Memorial Reserve (see attached documents LLP & LPP 2) and in small part a Port Facility for 'Boat Trailers Only'. It appears any change of use should have had a full environmental and infrastructure assessment and appropriate stakeholder consultation with the RSL. The sale of land to a commercial development appears to be inconsistent with a Memorial Reserve.
17. Corangamite Planning Scheme does not have a Developer Contribution to the Scheme, yet it appears \$25,000 was accepted as a contribution for the 4 car park spaces.
18. The sale/alienation of this public land may be the straw which collapses the headland, as there is new evidence since VCAT that this proposed development and its egress for clientele and buses via the headland is of high risk to the unstable coastline. The

evidence suggests that no geological tests or construction techniques will alleviate the impact of this large scale development on the headland.

19. Mr Russell Brown geotechnical specialist who tested the headland for VicRoads advised DSE at an onsite meeting 9/1/07 that this area already appears to be 'high risk' as a large roundabout-car park and any further extension, no matter how large or small, would exacerbate the geological risk. Mr Brown stated as the small fishermen's facility it was 'low risk'.
20. The 1992 Port Campbell Local Planning Policies Discussion Paper states that the Fishermen's Car Park site may require "environmental assessment" (p.28) for just a small fishermen's park (ie. low risk). Yet it appears no environmental assessment was undertaken in the 2003 or 2006 changes to this area, and the large general purpose roundabout-car park appears to be high risk.
21. Giving further public land to this development and encouraging tourist buses and hotel clientele to cross this high risk unstable area appears to incite litigation.
22. Minister Madden stated on Jon Faine (16/5/07) many Councils do not have the expertise or resources to deal with many issues. It appears our Council does not have the skills or resources to assess this development's geological impacts.
23. The sale/alienation of this unstable public land to extend a commercial development appears to not comply with State or Local Government coastal policies to "respect the coastal village character" (Coastal Spaces) and "protect the existing low scale character of Port Campbell" (Port Campbell Amendment C13). Nor does the sale/alienation appear to meet the 'precautionary principle' for the use and management of unstable coastal Crown land or the Building and Siting Guidelines. The seeming lack of investigation of impacts appears to not comply with the Victorian Coastal Strategy's "Proposals for new industry or large scale expansion to existing coastal industry or infrastructure should be subject to appropriate environmental assessment to determine whether the likely effects on the environment, including cumulative and long term effects, are acceptable and have appropriate mitigation and management measures (6.2.2) et al...
24. It appears there have been no independent infrastructure, geological/geotechnical, or social and cultural impact assessments of the sale/alienation of this public land.
25. It appears the development, port, and possibly Port Campbell township itself, will be unviable when this headland collapses.
26. No planning measures appear to have been put in place to cater for this collapse.
27. It appears tourist buses and vehicles will be at high risk driving out of the development over this alienated land.
28. There appears to be major liability issues involved.