

SUBMISSION TO THE UPPER HOUSE SELECT COMMITTEE ENQUIRY INTO THE SALE & DEVELOPMENT OF PUBLIC LANDS

Please find attached my submission to the above enquiry. It comprises text and copies of photos and newspaper clippings – every picture tells a story. Should you require further information, please do not hesitate to contact me as follows, and I am available to appear before the enquiry members.

Name Janis Rossiter
Address PO Box 20
 Seddon Vic 3011
Phone 0407 834 559
Email janis.rossiter@bigpond.com

I am presenting this submission as a member of the community who has been concerned for many years about the sale of public lands in the State of Victoria. Over time, my concern grew to the extent that, in order to try to prevent some of these really shortsighted decisions, I became a councillor for Maribyrnong City Council. I am still concerned.

To my mind public lands are precisely that – for the use and ownership of the public; not to be sold off or taken over for private purposes at the whim of the government or a municipal council of the day.

It is conveniently forgotten by government instrumentalities that public land has been gifted by our forefathers, who in their wisdom, had the vision to set aside large areas of parks and reserves as the green lungs of “Marvelous Melbourne.” It was not their intention that these areas be appropriated and sold off for short-term financial gains. They were intended as a legacy for future generations.

In this time of global warming, rapid environmental change and Melbourne 2030, our green spaces are even more valuable.

The planning tool, Melbourne 2030 has been established to allow for another million inhabitants of Melbourne by 2030. The 2006 Census data reveals that these figures will probably be reached long before 2030, but at what cost?

I sincerely hope that it will not be at the cost of every piece of green open space that has been left to us to care for in perpetuity.

Unfortunately, according to a 2002 report (**attachment 1**) by the Australian Research Centre for Urban Ecology (ARCUE), Maribyrnong has one of the lowest ratios of public open space with 166 residents for every hectare of open space. The municipality ranks eighth in the status’s lowest 10 municipalities for open space-resident ratio. With the changing demographics of the city, as evidenced by the 2006 ABS Census data, I would not expect that these ratios have improved; indeed I think they may be worse.

My concerns about the sale of public lands began when I heard that Maribyrnong Council was proposing to sell the Footscray Pool. This pool, like a great many other public facilities in this state was paid for out of the pockets of the people of Footscray. It was the time of the Great

Depression, yet they were prepared to spend their time, energy and savings to give hope and improve the day-to-day life of what was then, and in many respects remains today, a very impoverished part of Melbourne. **Footscray Pool is the subject of Section 1 of my submission.**

In Section 2, I will refer to the resumption of Robert Barrett Reserve for use as the Maribyrnong Aquatic Centre and to VCAT's decision to allow the use of a further section of the reserve for a 300-space carpark exclusively for the use of retail customers of the Highpoint Shopping Centre

Section 3 discusses the Yarraville Community Centre

The centre is an historic building that is all that remains of what was once Yarraville Primary School. The school grounds and some of the buildings were sold off by the Kennett Government as part of a mass sale of school properties in the 1980's.

Due to a lack of maintenance by the government, Maribyrnong Council is now in the position that, unless sufficient funds are made available by 1 November 2007, the Council will resign as Committee of Management.

Section 4 discusses what is known as the "Sinking Village"

The "Sinking Village" was once a quarry. It was filled in the late 1960's and a number of homes were built on the site in the 70's. They soon sank. The scandal was the subject of long litigation. The then Footscray Council eventually took over the site and demolished what was left of the badly damaged homes. Council declared that the area was to become a park and never to be built on. When Maribyrnong Council came into existence after the departure of the Commissioners, community members were outraged when a decision was made to sell off the site.

During the course of conducting research for this submission, I have spoken to a number of residents who have lived in the area for 50 years and more. They have long memories and have told me that there are many other sites that were gifted to the city fathers for future generations.

One of these sites was **Tannery Reserve (attachment 2)**. The Hallenstein family left an area of parkland to the city of Footscray in the 1920's. The park was located near the Maribyrnong River. All that remains is a lonely memorial standing on the side of busy Hopkins Street before it becomes Hopetoun Bridge and Dynon Road. The memorial is to the Michaelis Bayley workers who gave their lives in the Great War. The park was swallowed up in the Riverine /Quay West development fiasco of the 1970's when Footscray Council decided it would become land developers and the Footscray Land Act was enacted. Bruce Mildenhall, ex Member for Footscray and Lyn Kosky, present Minister for Transport, were City of Footscray Councillors at the time.

The issue of contaminated public land and old quarry sites that have been built on are a continual concern for Maribyrnong Council. In the past, it was these "difficult" sites that were ceded to Council by developers or landholders that did not want to be responsible for their ongoing management.

One case in point is the council owned **YMCA** building in West Footscray on the site of another old quarry (Hansens's Quarry). The land under the building is sinking, as it was not properly compacted before the building was built in the 80's. Council is now faced with major costs (still

in the assessment stage) of underpinning the building before further damage to the structure occurs.

Given time constraints, I have not been able to undertake sufficient research into this site, nor into others that I have been advised of. They need to be the subject of further study.

Summary:

It could be argued that previous Councils were very foolish in exchanging land for other pieces of real estate (Council seemed to come off second best) or accepting land that was unstable or contaminated. It could be argued that previous Councils should not have taken on Committee of Management roles for buildings they did not own. It could also be argued that many of these short sighted decisions occurred in years gone by when perhaps Councils were not as financially savvy as they should be today.

Today it is inexcusable when a municipal council deliberately sells or develops a section of open space in an inner urban city that is known to have one of the State's lowest ratios of public open space per resident. As stated earlier, City of Maribyrnong ranks eighth in the state's lowest ten municipalities for open space-resident ratio.

With the changing demographics in City of Maribyrnong, it is imperative that no more public open space is developed or sold. The 2006 Australian Bureau of Statistics Census reveals that City of Maribyrnong has an annual population increase of 1.2%, against growth for City of Hobson's Bay of 0.1%, City of Maroondah growth of 0.3% and Greater Dandenong growth of 0.2%.

More open space is required, not less and that is the conundrum. How does a city grow more open space?

It can't be manufactured. It is a finite resource.

I do hope that this enquiry has the means to prevent further sales of public land. It is vitally important that our heritage and the gifts of our forefathers are retained for the wellbeing of future generations and for the health of our wonderful planet.

Yours sincerely

Janis Rossiter

From: Save Sunshine Pool [contact@savesunshinepool.com]
Sent: Tuesday, 11 July 2006 12:13 PM
To: janis.rossiter@bigpond.com
Subject: Pools in Melbourne



POOLS IN MELBOURNE - 2006

Sunshine Pool is the yellow pin...

Brimbank has the least aquatic facilities per head in Victoria and one of the highest youth populations but the Brimbank council and State government have issued themselves a permit to demolish three outdoor pools.

The three outdoor pools are to be replaced by a small, shallow, 3 foot deep indoor pool.

The councillors approved a document that says no more pools will be considered for Sunshine for at least another five years...

Concerned locals are labeled as a political group! A Fairer Victoria - not in Brimbank...

The above map indicates the swimming pools of Melbourne and was prepared by the citizens of Sunshine as part of their campaign to save Sunshine pool (now demolished). They have had a small win with the allocation of one of the pools from the FINA championships.

Footscray Pool **WAS** the innermost red dot. There is now another red dot (Maribyrnong Aquatic Centre) next to the innermost black dot to the north (Ascot Vale Pool).

As the map indicates there is a preponderance of pools in the eastern suburbs of Melbourne. Hence the community's sustained efforts to save Footscray Pool.

Section 1: Footscray Pool, Buckley Street, Footscray

(attachments 3-5)

Like a great many other public facilities in this state, the original Footscray Baths were paid for out of the pockets of the people of Footscray. It was the time of the Great Depression and many residents were unemployed, yet they were prepared to spend their time, energy and savings to give hope and improve the day-to-day life of what was then, and in many respects remains today, a very impoverished part of Melbourne.

The citizens of Footscray used to swim in the Maribyrnong River. With shipbuilding works and the proliferation of noxious industries such as meatworks, tanneries and soapworks along the river it wasn't a pleasant experience. After much public discussion as to a suitable site, a site on Buckley Street was eventually chosen and the outdoor pools of Footscray Baths were opened on 23 November 1929. The Baths served the city well for many years, until a decision was made by Footscray Council that they needed to be upgraded and covered.

In August 1984, Mr Ralph Willis, Federal Treasurer and Member for Williamstown gained approval for the project at a total cost of \$2.8 million. It was to become the most expensive project ever undertaken by a Commonwealth Employment Project (CEP) in Australia. It was dogged by industrial dispute, claims of poor fiscal and project management and eventually cost \$5.3 million of CEP funds and a further \$1.2 million from Footscray Council before the Footscray Swim and Leisure Centre (always known as Footscray Pool) opened way over time in 1987.

Bruce Mildenhall, ex Member for Footscray was a City of Footscray Councillor at the time and instrumental in making sure the project went ahead. He extolled the virtues of three indoor pools childcare, gym, aerobics, food kiosk, meeting rooms, spa and sauna.

In 1997, residents were told that Maribyrnong Council was considering closing down the Footscray Pool because it needed \$2.4 million in maintenance. This was in spite of the pool complex receiving 450,000 visits per annum. The complex was regarded as one of the best utilised in the State. Unfortunately, minimum maintenance had been undertaken since the centre was opened. Council proposed a new site adjacent to Victoria University on Ballarat Road, Footscray. It was to be a joint venture with VU, estimated cost \$12 million.

Residents rallied, collected petitions and lobbied their local Councillors and state members. The site was not suitable. It would take over part of the National Heritage listed Footscray Park and was not accessible to the majority of the community. The plans were eventually scrapped when costs blew out to \$15 million and the site was found to be unsuitable because it was on a very unstable hill.

Not to be deterred, Maribyrnong Council proposed a joint venture with Brimbank Council who were seeking to close Sunshine Pool. This proposal fell over because neither city could agree on a site, but Maribyrnong Council continued to seek partnerships.

In August 2001, a community forum was called. Residents were objecting to the latest proposal by Council to pursue a sponsorship deal with Highpoint Shopping Centre.

Section 2: Robert Barrett Reserve, Rosamond Road

(attachments 6-13)

In October 2001, Council resolved to enter into a partnership with Highpoint Shopping Centre to build a regional aquatic facility. Highpoint was to contribute \$10 million, Council \$7 million and a site on Robert Barrett Reserve. The reserve is crown land and conveniently located next door to Highpoint Shopping Centre.

Residents were concerned that the site was not accessible to the majority of residents of the municipality because it was not in the heart of the city and was poorly served by public transport. In addition, Highpoint Shopping Centre was less than 2km from Ascot Vale Leisure Centre. Moonee Valley Council was considering an upgrade of the facility. Ascot Vale Leisure Centre was reopened in June this year at an upgrade cost of \$12 million.

Objections from residents were ignored and Council obtained a decision from VCAT to allow the use of Robert Barrett Reserve for a Western Region Aquatic Centre (Sunshine residents were also expected to use the new centre) with 150 carspaces for aquatic centre users. The decision also allowed use of a further section of crown land for a peppercorn rental for a 300-space carpark, exclusively for the use of retail customers of Highpoint Shopping Centre.

Apart from the injustice of crown land being used for commercial purposes, if a commercial price had been negotiated for the 33 year lease, Maribyrnong Council would not have needed to sell the Footscray Pool. At a reasonable rental return of \$3 per day per carpark, an amount of \$10,840,500 would have gone into the coffers of Council. The carpark was a very poor business decision.

Sunshine residents continued to lobby to retain their own pool and have been partially successful. The 50 metre outdoor Sunshine Pool has been destroyed, but the State Government agreed to give one of the 25 metre pools from the World Swimming Championships held this year to Brimbank Council as a partial replacement.

Maribyrnong Council then went it alone. State Government funding of \$6 million was obtained; Highpoint was to contribute \$5.25 million and Council to contribute the remainder. As residents had predicted, costs blew out to \$18 million. In order to fund their commitment, Maribyrnong Council resolved to sell Footscray Pool.

Residents again rallied and asked (as they had been asking for months), “Why can’t we have two pools. One to serve the residents in the northern section of the municipality and retain the ideally situated Footscray Pool for the rapidly changing demographics of the southern section of the city?”

Residents sought the assistance of their local Member of Parliament, Mr Bruce Mildenhall. Mr Mildenhall had been a major supporter of the earlier 1987 Footscray pool upgrade. However, Mr Mildenhall was now far from supportive and indeed, in Parliament denigrated efforts by the community to save the pool.

The Save Footscray Pool group commissioned and paid for a “Vision for Footscray Pool” in an effort to convince Council of the benefits of having two pools in the municipality. Their vision was for an upgrade that could be done in stages and would achieve a combined aquatic facility and community centre for \$7 million, but their appeals for sanity and good forward planning fell on deaf ears.

When it became apparent that reason would not prevail, a number of residents stood for election in the municipal elections of November 2005 and were successful. The balance of power on Council had swung and there was now a majority of four Councillors who were determined to save Footscray Pool.

Unfortunately, it was too late. A proposal by a local consortium to buy the pool and continue to run the existing facility had been refused. In May 2005, the previous Council had secretly signed a deed of sale with the Salvation Army. Settlement date was December 2006. The Maribyrnong Aquatic Centre opened in June 2006.

Community minded residents took the Salvation Army to VCAT citing that the site was unsuitable for a proposed 120 bed elderly men's home. The Buckley Street site is on a very busy heavy truck route with a 24hour diesel freight and passenger line running along the rear of the property. There is no parkland nearby. Residents were concerned for the safety of men who suffer from drug and alcohol related problems wandering the busy streets, and from the effects that pollution would have on their health. On 31 August 2007, VCAT ruled that the Buckley Street site was suitable for the proposed development.

Maribyrnong Council had sold a centrally situated site in Footscray worth in excess of \$12 million for \$2.5 million. The community had lost a very valuable asset and an important community facility, acknowledged as one of the busiest in the state. A ten-year community campaign was over.

Maribyrnong Council now agrees that a centrally located community facility is required for Footscray. \$1 million has been set aside from the proceeds of the Footscray Pool sale, but it is also acknowledged that at least \$5 million is required for a facility without a pool and there is difficulty in finding a site large enough.

There is just not enough open space in Footscray that is available for use and Maribyrnong Council is not in the financial position to enter into a partnership arrangement on either Council or privately owned land without adequate government funding.

In addition, Robert Barrett Reserve was originally a large tract of open space. Over time, it has seen progressive land grabs. Land has been alienated for the Maribyrnong Secondary College, the Maribyrnong Bowls Club, Maribyrnong Tennis Club, a soccer club and now 300 carspaces for Highpoint Shopping Centre, the MAC and 150 carspaces for MAC patrons. There is even a suggestion of re-routing the local tram tracks through the reserve.

Very little remains of public open space at Robert Barrett Reserve. Very little is left that is available to the community without incurring an entrance or usage cost. A swim, gym, aerobics, etc at the MAC, a game of tennis or bowls or membership of the soccer club, all incur a cost. Many people in the community cannot afford the cost, or perhaps the recreational pursuits are not to their liking. Unfortunately it is a case of "too bad". Public open space has been appropriated for other uses.

Section 3: The Yarraville Community Centre (YCC)

(attachments 14-17)

YCC is located in an architecturally significant building at 59 Francis Street, Yarraville. The main building was built in 1889 and is all that remains of what was once the first Yarraville Primary School. In 1975, the building was vacated by the Education Department following completion of a new school building at the rear and ownership transferred from Education Department to Department of Sustainability and Environment (DSE).

Yarraville Community Centre Inc. began to run programs and services from the building in 1976. The school grounds and the remainder of the buildings were sold by the Kennett Government as part of a mass sale of school properties in the 1980's.

Maribyrnong City Council was appointed as Committee of Management to the run-down facility located on Crown Land in 1993. The building remained in DSE ownership. Maribyrnong Council and YCC Inc have entered into an annual service agreement whereby Council provides \$10,450 annually to YCC Inc for service delivery and waives the commercially assessed \$33,500 per annum rent for the building.

In September 2001, Maribyrnong Council approved an application for a 46-unit development on what had been the school grounds. This was despite an objection from Mobil Oil Refinery that the development was less than the required 300-metre buffer zone from their petroleum storage facility in Francis Street. Each tank holds 15 million litres of petrol. For the proposal to proceed, the Environment Protection Authority agreed to waive their regulations and reduce the buffer zone to 250 metres.

The beautiful old school building remains the property of the State Government (Department of Sustainability and Environment). Unfortunately it now retains very little open space around it and hence very little room for children's outdoor play area or for the necessary carparking requirements.

Unfortunately, the building has long-term structural issues and the entire building needs to be fixed. In 2006 an independent structural report commissioned by Maribyrnong Council showed the building was deteriorating rapidly. Following the recommendations of another structural engineering report received in March 2007, Council was forced to immediately close two rooms in the building for safety reasons. The affected classes were temporarily relocated to the old library building in Buckley Street, Footscray. Estimated repair costs for the building are \$4 - 5 million.

Maribyrnong Council has spent \$615,000 of ratepayer funds on reactive maintenance works over the past five years to allow the centre to continue operating. In addition, Council has allocated a further \$1 million from future budgets, provided sufficient funds are obtained from other sources.

In December 2006, Council staff and Yarraville Community Centre management submitted joint funding bids to the State Government and in January 2007 an application was submitted to the Federal Government.

The community is justifiably concerned that the building will be forced to close, but Maribyrnong Council is committed to ensuring that the multitude of programs that Yarraville Community Centre provides to the Yarraville community and beyond continue to operate.

A Yarraville Community Working Group has been established by Council that is working in partnership, with all levels of government and the Yarraville Community Centre to find the funds necessary to restore the historic building.

On 18 September 2007, the Federal Department of Transport and Regional Services (DOTARS) announced a contribution of \$1 million for the YCC building restoration. Funding is conditional on receipt of adequate funding from other sources. The State Government has not announced a funding outcome at this stage, however Council is maintaining an optimistic outlook.

The time has come when Yarraville Community Centre programs need to be temporarily relocated. Maribyrnong Council is currently supporting the Yarraville Community Centre to relocate its programs and services to a temporary extension adjacent to the existing Blackwood Street Neighbourhood House. It is expected that the relocation will be for a period of approximately two years until funding for the Francis Street building is finalised and the building fully restored.

The condition of the Francis Street building continues to deteriorate and Maribyrnong Council – as Committee of Management – is liable for any injuries that may occur. Council is now in the position that, unless sufficient funds are made available by 1 November 2007, Council will resign as Committee of Management. If Council resigns as Committee of Management, the State Government would once again become Committee of Management and be directly responsible for its building.

Maribyrnong Council is an impoverished Council with a debt of \$19 million and is not in the position to afford the \$5 million necessary to save a building that it does not own. Maribyrnong Council is therefore calling on the State Government – **as the owner** – to commit major funds to fix the building properly.

The saga of the Yarraville Community Centre is one of neglect by the building owner - the State Government. The community has demonstrated that the centre is economically and efficiently run, offers programs of value to the community, has been awarded one of the major AMES programs in the state and is a recognised education provider, yet the Government has not ensured that the building is adequately maintained.

A lack of space precludes the Committee of Management from raising additional funds for maintenance and extension of services to cater for the increased usage of the Centre. Suggestions have been made that if additional space was available, it could be used for paid carparking or to run community markets.

By disposing of crown land around all but the main building, the Government has made it well nigh impossible for YCC Inc to operate its combined programs at a profit. In addition to the annual allocation of \$10,450 from Maribyrnong Council, YCC Inc relies on government grants and receipts from programs. As with all community/neighbourhood house educational programs, costs must be affordable to the community, yet a sizable profit is required to maintain the building.

Section 4: The “Sinking Village,” Williamstown Road, Yarraville (attachments 18-21)

The Melbourne suburbs of Footscray and Yarraville and their surrounds were once the quarrying centre of Melbourne. Not only is Footscray bluestone found in Melbourne’s great public buildings, it was also used for many smaller, now historic cottages and laneways, and as ballast in ships returning to their home ports. As a result, Melbourne bluestone is to be found in every part of the world.

The “Sinking Village” was once a quarry. It was filled with sugar cane refuse from the CSR refinery in Yarraville in the 50’s and 60’s and forty homes were built on the site in the 70’s. They soon sank. The scandal was the subject of litigation for many years. The then Footscray Council eventually took over the site and demolished what was left of the badly damaged homes.

Council declared that the area was to become a park and never to be built on. It was subsequently found that the site was contaminated with arsenic that is leaching from the adjoining “Arsenic Site”.

The “Arsenic Site” is a disused quarry adjacent to the “Sinking Village” that was privately owned by a company that manufactured pesticides and organo-chlorides for industry and Agent Orange for the Vietnam War. It is now a shopping centre.

The “Arsenic Site” was also the subject of a prolonged community campaign. The community insisted that the site should be cleaned up before it was built on as arsenic is leaching into the groundwater and into nearby Stony Creek. The development was allowed by a Special Panel hearing and signed off by Minister Thwaites three months after the Bracks Labor Government came to power. Mr Bracks had been one of the main opponents of the development when in Opposition. The site, though remediated, has not been cleaned up.

When Maribyrnong Council came into existence after the departure of the Commissioners, it quickly set about selling off areas of vacant land throughout the municipality. Community members were outraged when the decision was made to sell the “Sinking Village” site. Council said that it needed to be able to sell parts of the site so that Council could clean up the contamination.

Parts of the site were earmarked for public housing, residential development, social housing and open space (the section directly over the quarry hole). One section along Williamstown Road was sold in December 2002 and there are now ten double story brick homes built close to the street frontage.

Another section at the rear of the site was to be sold for an elderly persons home, but that sale fell through. A later proposal to build a 100 place childcare centre was abandoned in January 2006, probably because of concerns about the contamination (Council advises that details are confidential).

The majority of the “Sinking Village” site remains vacant, and is used (as it has been used since the late 70’s) for overflow carparking on matchdays for the nearby Western League Football Club. However, residents who are against the sale of the land because of its contamination are always wary that yet another proposal may be successful.