

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Apollo Bay — 8 November 2007

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Witness

Mr G. McPike, general manager, Apollo Bay Kennett River Public Reserves Committee of Management.

The CHAIR — I declare open the public hearing of the Legislative Council Select Committee on Public Land Development. Today's hearings are in relation to our reference on public land development and alienation. I welcome Gary McPike from the Apollo Bay Kennett River Public Reserves Committee of Management. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and is further subject to the provisions of the Legislative Council standing orders. Any comment you make outside the hearing may not be afforded such privilege. You will be provided with a copy of the Hansard transcript in a few days time, and you will have the opportunity to make any relevant typographical changes. Would you like to begin by making some opening comments — I note you have provided a submission here — and we will then ask some questions.

Mr McPIKE — Certainly. Thanks, Mr Chair. My name is Gary McPike, and I am the general manager of the Apollo Bay Kennett River Public Reserves Committee of Management. The committee is a skills-based committee appointed by the minister for environment and has responsibilities under the Crown Land Reserves Act 1978 and the Coastal Management Act 1995. The committee is responsible for the majority of the coastal Crown land reserves from Kennett River, to the north-east of Apollo Bay, to the boundary with the Great Otway National Park, south-west of Marengo — some 30-plus kilometres of coastline.

These reserves include the Crown land that surrounds the Apollo Bay harbour, which is managed by the Colac Otway shire — when I say 'surrounds', I am talking about the golf course. We are the appointed land managers for the golf course. As the committee's executive officer, I represent the committee on the Central West Victoria Regional Coastal Action Plan Implementation Committee and the Central West Victoria Estuaries Coastal Action Plan Implementation Committee, both committees being multi-agency committees chaired by the Western Coastal Board.

I have also been instrumental in the development of an annual coastal manager's forum, and, on behalf of the committee, a founding member of the newly created Coastal Camping Victoria. CCV, to be launched in December 2007, will be a statewide entity representing all coastal Crown land managers including not only committees of management but also local government authorities and Parks Victoria. It will act as both a knowledge resource base and liaison entity with other levels of government, public agencies and the wider community. The committee of management has as its primary strategic document an action plan called the Skenes Creek to Marengo coastal action plan, which forms part of the Colac Otway shire's strategic master plan. The plan was developed in line with the intentions of the Coastal Management Act and the Victorian Coastal Strategy.

I participated, on behalf of the committee, in the Apollo Bay harbour precinct master plan community reference group as part of the process that developed the harbour master plan. Attached are the written comments from the committee to the Apollo Bay harbour precinct master plan steering committee. Also attached is a copy of an article published in the *Apollo Bay News* detailing the results of an exit survey conducted by committee chair, Andrew Buchanan, at the shire's public display of the proposed master plan on the Apollo Bay foreshore on 10 March 2007.

With respect to the alienation of public land and what is proposed with the Apollo Bay harbour, it can be seen from the attached documents that the committee's concerns fall into three main areas: one, the process used in developing the plan; two, certain aspects of strategic planning and justification; and three, issues relating to on-ground works and maintenance. The committee manages the only open public space in Apollo Bay, with the exception of the actual harbour area, and knows very well the high value that is placed on it by all users. The beaches and their foreshores are why people come to Apollo Bay. What the harbour plan proposes is not only a private development in the harbour but a significant loss of open public space to provide infrastructure to support the development in the form of the access road and 400 car parking spaces. The main street of Apollo Bay currently has 140 spaces.

The committee is concerned we are paying too high a price for the creation of what potentially could become an elite enclave and this price is not matched by the return to the community. The committee is not convinced that the 5-star accommodation precinct is filling a void and is necessary for the future prosperity of Apollo Bay. We note that similar accommodation does exist, is being constructed and is proposed in the future on private land. We do, however, acknowledge that for the development as proposed a private partner is the only probable way for it to proceed. But we must query the value of public consultation, input from the community representative group and past strategic plans that show very little support for high-end accommodation at the harbour. We seriously question the assertion that the harbour plan will enhance the natural environment, given our concerns about impacts on local coastal processes and the imposition of significant built form on what is now, from many vantage points,

unaffected by built structures. The question that must be asked is: is public land the appropriate place for private enterprises that will be in competition with existing businesses, alienate significant areas of public land and open space and create questionable environmental outcomes?

The question must also be asked: will the entry cost for a private partner give it an unfair advantage over its competitors or do the returns to the community match what would be expected as the norm for entry into the private sector market? Also, at what stage are those returns defined? The committee sees benefits in the proposed plan but struggles to balance these against the inconsistencies with strategic documents, public concern and real community benefits. As I said, attached to this is comment that we have sent back to the shire post the draft plan being publicly exhibited. I could go over these briefly if you want to, our major strategic concerns. They are probably a little bit left of field of the topic of alienation of public land.

The CHAIR — Sure.

Mr McPIKE — We have a problem with the consultative process in that the community reference group was made up of quite a few people who had been involved in a similar community group many years ago. It really had not come to fruition, any plan out of that process, but some work had been done and issues had been recognised. At our first meeting with this newly formed group, the initial draft plan put forward by the consultants was roundly laughed at by the people on the committee. These are stakeholders to the harbour. It is the commercial fishermen, the sailing club, yachtsmen, recreational fishers and the like. We saw many issues that were of concern to us in what they were proposing — shifting of the co-op and putting it on the outside wall is fraught with problems. The outside wall of the harbour is an unstable structure. There were many issues like that, but what annoyed me and what concerned my committee the most was that at these meetings we were thrown a plan and given half an hour to an hour — they were 2 hour meetings generally — to comment on those and from there the consultants went away and revised the plan. They came back with a draft plan, and we still had similar problems with that in that they had ignored most of what was put to them about concerns with shifting various facets of the harbour around and putting the development in place, and what they proposed to do with the access road. We again were given a plan unseen to comment on within an hour, which was a real problem given that most of us represented larger groups. What should have really happened in our opinion was, 'Here's the plan, take it back to your group, we want your input, come back to another meeting'. That opportunity was not afforded to us. That is, I guess, in a nutshell our major problem with the process.

On strategic issues, the general policy out of the Victorian Coastal Strategy and the siting and design guidelines that attach to the strategy is that coastal land use should be coastal-dependent land use. This is one of the main reasons that the coastal action plan that I mentioned earlier suggests that the golf club be removed from Point Bunbury, because it is not a coastal-dependent land use. However, the plan was proposing to put back shire buildings, community buildings and other things that were not coastal-dependent land uses. We found that very hard to rationalise, given that we have got a large community group that has been asked to leave that land and we are going to replace it with other non-coastal-dependent land uses. It just did not stack up as far as we were concerned.

Back to the siting and design guidelines that attach to the Victorian Coastal Strategy, 3.1.2 deals with the appropriateness of development. It notes:

The coastline is a precious and finite environment and its limited land resources need to be used sparingly and wisely.

This section details the policy and what is and is not appropriate. This policy underlines the requirement for the golf club to shift. I have already dealt with that but basically it outlines our concerns.

It also deals with view lines. The committee is concerned about the impact of three and four-storey buildings on view lines — view lines not only from the harbour but to the harbour from various vantage points along the way. One of the things we have had back from the community is that people like walking down there because once you get out on the point you could be anywhere — you cannot see built form, you are essentially in a natural environment.

We also have problems with what is proposed for the access road to the development. Essentially that will cut a swathe through what is existing open public space, some of it very close to the children's playground up there and a fair bit of it the fairways from the second and third tees at the golf course. In conjunction with that it is proposed that the dunes be razed there and basically levelled down to sea level to provide vistas across the bay. Our proposal is to enhance the existing road, which is at the top, do not cut a swathe through open public space, providing public

space and making it difficult for people to access. At the moment you have got the road, the foreshore, the beach. Here we are proposing to put a big road through it and have spaces either side, which is not ideal for little kids. You cannot utilise that area safely, whereas what we have got at the moment is if you are on the foreshore, you are on the foreshore and the road is way over there sort of thing. You can see that.

Also we have got this issue of razing the dunes. The dunes came about because of the construction of the harbour. In the '50s, when the harbour was constructed, it significantly impacted on coastal processes. By coastal processes I mean what happens out in the ocean, what creates the dunes, and in our case how sand moves along the coast. If you are at the harbour, 80 to 100 000 cubic metres a year of net sand flows from south to north past the harbour mouth. As a result of creating the harbour, a lot of that sand slowed down and we had the creation of about 8 hectares of foreshore here.

Peter Riedel, who did the sand study, is a coastal engineer. He suggested that there is in the order of 500 000 cubic metres of sand in there. As a consequence of that, vegetation has taken over and we have got basically reclaimed land. In reaction to that, from the middle of the bay out towards Wild Dog Creek, we saw significant erosion and coastal vegetation recession. That has now equalised. There is some degree of equilibrium there now. There has been a loss there, there has been a gain here. What they are proposing now is to raze that and put lawns in, remove the native vegetation that is there that has been established over the last 20 years. For us, the committee, it shows a basic contempt for the natural environment and natural processes. The only rationale we can see in the plan is to provide this vista, this view, and for it to be in partnership with the road which is going into the harbour, this access road which is required because of the development which is proposed.

There is another section there, and we go on to argue about roads and car parking versus public open space. Essentially what we are trying to say here is that this is the only open public space in Apollo Bay. It is valuable. Thousands of people come down here — our population does go up to 10 to 15 000 from 1500 over the busy time. That bit of dirt across the road there is very popular. People play on it, they picnic on it, they walk on it and all sorts of things. What this proposal is proposing is alienating a significant patch of that to create road access and parking for this proposal. In effect I guess they are saying, 'We need this to accommodate what we are proposing for the harbour'. We do not think that is desirable, given that that asset is in such limited supply around here. In fact, the Skenes Creek to Marengo coastal action plan is quite specific. As I said, this is a document that forms part of the Colac Otway strategic development master plan. It says in action 6.6.2 that, 'No additional car parking to be developed on the foreshore between Nelson and Cawood streets'. Priority — high.

The submission goes on to mention the figures I have already said to you. I guess that underlies the problem we have with the approach and the way the plan has been developed. We try to attempt to see the worth and merit in working to strategic documents; this plan seems to ignore them.

Regarding town character, we see that this will create a significant change to the town character. It will create a different focus to the town. We think that the development is not in keeping with what the local community expects and certainly our visitors expect. On the very last page of what I have given you is, as I said earlier, an exit poll conducted by our committee chair that clearly shows out of the 114 people interviewed after looking at the shire's public display, only 1 person out of the 114 supported the plan in its form. Most people either supported no change or very minor improvements to the harbour. That aspect of it relates to the Great Ocean Road region strategy, which says, 'Respect the character of coastal towns'. The feedback we have had from the community is that full development will just make Apollo Bay look like everywhere else.

Moving on to on-ground works and maintenance — this is with respect to the levelling of the dune vegetation — we find it hard to stack this up against the net gain policy DSE has for native vegetation in that there is no net gain described in the plan. What is described is the razing of the dunes there and replacing them with lawns. I noticed in the shire's written submission to this committee that it says it will enhance the natural environment. We have real trouble seeing where and how. There are other issues too with the plan which do not really come into the alienation of public land but deal with what has been proposed. My feeling from the community reference group was that what was proposed was a *fait accompli* before we were involved and that largely little has changed as a result of the concerns expressed by the community reference group.

With regard to the proposed development, a previous study — a port capacity study, master plan study — did a cost analysis of providing high-end accommodation there and its deduction was that it was not worthwhile. It was questionable whether it should proceed. As I said, we can see why it is proposed. We cannot agree with a lot of the

rationale that the shire has put forward, that it is filling a void. There are 5-star accommodation places in this town; there are more proposed; there are more being constructed at the moment.

The CHAIR — Thank you for your very detailed submission. I have one question. I note that one of the arguments in favour of developing this public land that has been put to us relates to the community facilities that would be built. Do you, in a sense, concede that they are a useful addition? That is the first point. The second point is whether you think it is appropriate that such facilities are dependent on an arrangement with public land in this way or whether they are the responsibility of, perhaps, state governments in any event.

Mr McPIKE — You really need to define what those benefits are. One thing we do agree with is that if the golf course goes, Point Bunbury could be used for seasonal camping. We would be the managers of it, and the profits made from that would go back into managing, improving and maintaining the resource we are responsible for, so that would be a benefit so far as we can see. A swimming pool down there is questionable. A solar-heated swimming pool attached to the ocean? Environmental impacts are questionable. Does it have to be there? It is not a coastal-dependent land use. We already have a public pool in Apollo Bay. Would the money be better spent improving that? Most people in the community would agree that it needs improving.

What are the other community benefits? There is the possibility for a building for our local sailing club. They argue that there are improved boat ramps. Most boat users would say that is very questionable. Building a boat ramp up against a wall means it is very difficult for sailors to access it in certain wind conditions — similarly for small boat operators. They say they can adjust it and put a little hook on the end of it, but whether it is an improvement on what we have already got, which was just recently upgraded, is questionable. To me that is about the extent of the community benefits we have got there. As I said, you have to ask: do they need to be there? Could they go elsewhere? We have our doubts with some of them.

The CHAIR — Libraries?

Mr McPIKE — Libraries, certainly. That is the issue we raised, and this is what the shire was looking at in the original plans. Let us put some community buildings down there. Maybe a visitor information centre, or maybe a library. How does that sit with the golf club, which has a long history there and which has been asked to leave because it is a non-coastal-dependent land use, and yet we are replacing it with other non-coastal-dependent land uses? There is a very cynical public out there about what the intention is.

Mr TEE — Thank you. I am interested in the process, which has taken a long time and on paper is quite rigorous. When Mike Barrow gave evidence he said that one of the concerns or disappointments he had was a lack of attendance of members of the community reference group. Do you have any knowledge of that?

Mr McPIKE — I do not agree with that. From memory I attended all but one meeting. I would have to check my notes, but in my opinion all meetings were well attended and there was a lot of comment passed at those meetings, and a lot of concern expressed at what was being proposed to us.

The CHAIR — Are there minutes of those meetings?

Mr McPIKE — There are brief notes. I would not call them minutes as such. From memory I do not think they are very detailed. They encapsulate ideas, but I would have to go back over my notes to see how they relate to what I remember as being discussed at those meetings.

Ms PENNICUIK — Thank you, Gary. I did ask Mr Barrow what would be the minimum requirements for any upgrades that are needed at the harbour area, and I wonder if you have an opinion on what is actually needed to be done there?

Mr McPIKE — There is a general consensus, as our exit poll shows, that in the community there is a perception that there needs to be some improvement, but not on as large a scale as what is proposed. We have recently had the outside wall upgraded. These are probably issues that could be better dealt with by commercial fishermen. The east-end jetty was recently revamped. The pens marina area where the commercial boats tie up is under reconstruction at the moment. For me I would say that what really needs to be done is some clubrooms down there, and public toilet and shower facilities would be good both for the sailing club and for the recreational fishermen. But apart from that there is not an awful lot that needs to be done. The access road to it could be improved, but that does not mean cutting a swathe through the middle of the foreshore. I would much rather see the

end of Nelson Street realigned slightly and improved. There could be the possibility of boat-dependent retail outlets down there. It is questionable whether you need to have more food places, certainly not accommodation down there.

You have to be fair to the private sector in town. I was a shop trader myself for many years. The worst thing that ever happened was when another shop opened, because the pie on any given day for a retailer is set. The more operators you have got in there the less everybody gets of the pie. Those are some things that really need to be balanced up if we try to create another retail precinct down there, which is what could possibly happen, or we keep it just dependent on things which relate to the harbour.

Ms PENNICUIK — In a nutshell it is really just minor improvements that are needed there.

Mr McPIKE — That is my personal opinion, and I think to some degree the committee would agree with that.

Mr KAVANAGH — You were talking about the reclaimed land. Whereabouts is that exactly?

Mr McPIKE — Essentially if you look over here, it starts from about half a kilometre that way in the middle of the bay, but across there the foreshore grass dips down. That was the old beach line; in fact it was back a bit further closer to the road. These dunes have been created as a result of the impact of the construction of the harbour on the coastal process. Essentially the point went straight out here. You now have a harbour which means that as the sand came around it slowed down and stopped and built up. Basically from here in front of the surf club it is not that wide, but if you go back into this corner here it is quite large. The skate park and the edge of the kids playground, the fairways that are in the swale between the first and the second tees were all beach originally.

Mr KAVANAGH — Is that process still happening?

Mr McPIKE — To a degree, yes. It has reached a degree of equilibrium, the coastal engineers believe.

Mr KAVANAGH — It is unlikely to keep going very much?

Mr McPIKE — No, but there are management issues associated with it, as I note in my detailed stuff there. Sand continues to build up there. The spoil from dredging the harbour mouth is pumped off to the end of the wall here adding to it. In January and March the flow of sand generally goes back the other way, rain patterns change and prevailing winds blow sand back into the corner. We have a continual management issue down in that corner where they are proposing to raze the dunes. There is a lot of marin grass there, and for those of you who know coastal processes, marin grass is an introduced species which changes the structure of dunes. It is very hard to get rid of it these days because it is just about everywhere, but it makes dunes grow up. We regularly have to pull down the dunes, because after a storm event you end up with a steep scarp in the dune as it is undercut by wave action. That is why we see the razing of the dunes there to create vista as a major folly. We have said to the shire and to the steering committee post the public consultation process, ‘Your plan at that point is fundamentally flawed’.

Mr KAVANAGH — Could I just ask what the objections are to Norfolk Island pines?

Mr McPIKE — Everybody else has got them. Our coastal action plan is up for review next year. I have started asking for public comment on the future of the pine trees we have at the moment — or cypress trees, they are cupressus macrocarpa. Most of these trees are senescent — they are at the end of their life. Some of them have become quite dangerous. Just in the last couple of weeks we removed another nine of them. We have gone from about 120 or 130 of them down to about 60 now. They are coming to the end of their life. We need to look at a replacement. The Apollo Bay Structure Plan has suggested Norfolk Island pines. The consensus in the community is that everybody has got them. Do we need to have something like that as a hallmark of Apollo Bay? When our coastal action plan was first developed the consensus then was, ‘Let’s maintain the cypress trees’. We have since realised that the way we are maintaining them is detrimental to their life and they become a huge management issue as they get older. Most of these trees were planted in the late 1880s. As I said, we are in the process of asking the community, ‘What do you think should be done?’. Do we go back to indigenous? Do we look for another species? Queensland hoop pine has been suggested. The issue really is: what will grow next to the coast? There are very few large species that will. Cupressus will, the current trees that we have, as will Norfolk and hoop pine.

Mr THORNLEY — I am just interested in a couple of aspects. I get a sense and I hear that with restaurant and cafe stuff there is competition there. Are you sure about the golf course reverting to certain public space, leaving aside the issue of the hotel part?

Mr McPIKE — Yes.

Mr THORNLEY — I presume there are mixed views on that?

Mr McPIKE — Within the community there certainly are, yes.

Mr THORNLEY — I presume any golfers would prefer to stay there and that people who are not golfers would like to have more access to it? I do not know if you can unpack that for me a little.

Mr McPIKE — At the moment some of the golfers will say that it is open public space. In reality it is not; you take your life in your hands if you go walking. People do. It has a single- purpose land use. We think it should be more accessible to the greater community as a form of open public space. The parliamentary backbench committee that looked into the issues relating to caravanning and camping on coastal Crown land said that there is a real need to improve those facilities at the bottom end of the market. Because what is happening at the top, or the private end of the market, is that it is all going over to cabins or multistorey developments, and those sorts of facilities are being lost. We, as the managers of coastal Crown land, are the only ones really dealing with that end of the market and offering families cheap alternative accommodation in the form of powered and unpowered camp sites and caravan sites and the like.

What we see as happening out there — and in years to come, when the golf course does go — is seasonal camping. That means, from December through to Easter — similar to what Bellarine Bayside do along the coast. They have one large park and five or six smaller ones which, outside that time, revert to open public space. There will be toilet facilities, picnic facilities and playground facilities. Over the summer months it is a camping ground, so more people have an opportunity to access the Victorian coast. That is what we see as being the ideal out there. That would create a significant revenue stream for us and would allow us to improve and maintain the other public reserves that we manage. I guess the paradigm is that as managers — unlike the private sector, where they put their property in their back pockets and retirement funds and overseas holidays — we use that to improve the rest of the reserves and open public space that we have. It does not generate any income. The people who are using that for camping are paying a small premium to allow that to happen. We see that as a real plus for the reserves.

The CHAIR — Thank you, and we are very appreciative of your submission and contribution.

Mr McPIKE — Thank you.

Witness withdrew.