

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Melbourne — 21 April 2008

Members

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Secretary: Mr R. Willis

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Witnesses

Cr C Ross, mayor,

Cr J Wegman,

Mr P. Storer, director, city planning, and

Mr J. Rajaratnam, manager, strategic planning, City of Boroondara.

The CHAIR — I welcome representatives from the City of Boroondara, in particular Cr Coral Ross, the mayor; Cr Jack Wegman; Phillip Storer, director, city planning; and Johann Rajaratnam, manager, strategic planning. I declare open the public hearing of the Legislative Council Select Committee on Public Land. Today's hearings are in relation to the sale and development of public land — in particular, sites in the city of Boroondara.

All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Legislative Council standing orders. Any comments you make outside the hearing may not be afforded such privilege. There will be a copy of the transcript provided to you in the next few days when you get the chance to make typographical and other corrections. If I can perhaps ask for you to walk through your submission, and then we will follow with some questions.

Cr ROSS — Thank you, Mr Davis. I will begin as mayor. I am presenting here today on behalf of the City of Boroondara. We certainly welcome the establishment of the select committee inquiry into the sale and development of public land. We also welcome the opportunity to make a formal written submission and appreciate the additional opportunity to present in person today in relation to the Camberwell railway station. Council has previously presented to this committee on the Kew Residential Services site on 26 September last year.

Firstly, council wishes to restate that public land is a community asset and that the state government of the day is the custodian on behalf of the community. In many instances communities retain strong links to those assets and require them for ongoing community purposes. Examples of these could be for open space or community facilities.

We also believe that there is a need for this committee to investigate opportunities which would increase local government involvement in decisions about public land assets. In particular, we believe there is a need for more flexible arrangements concerning the transfer of land between state and local government, especially where the asset continues to be needed for a community purpose. It is particularly inappropriate that councils are required to pay market value as assessed by the valuer-general in relation to community assets for a community purpose. Why should the community, as ratepayers, pay full cost for something it already owns, as taxpayers? We also believe that there should be the opportunity for greater local government and community input prior to any decision made by the state government to sell land. Currently this is an internal process.

The state government should take a whole-of-government approach to the management of assets, and there should be a greater emphasis on ensuring policy outcomes which are consistent with Melbourne 2030. There are opportunities for the state government to ensure that development outcomes for other sites in Boroondara could demonstrate the benefits of Melbourne 2030 in a very positive way — for example, the former Hawthorn police station could have been used to ensure housing provision in the Glenferrie activity centre; and the Camberwell railway station site could be developed for open space and community facilities, such as the provision of a library, and that would demonstrate good urban design and livable outcomes as sought by Melbourne 2030.

There is also the need to ensure that local government retains planning controls for the development when public land is sold for a development. There is also the need to provide opportunities for public input into development proposals and to retain the usual opportunities. There is also the need where surplus land is developed that proper consideration is given to imposing development contributions and to the social planning implications of development, which include the required community services and the provision of public transport. There is also the need for a greater level of transparency concerning the state government's disposal of land and arrangements with developers of land.

Council has prepared a detailed written submission to the committee, with specific reference to four sites in Boroondara. They are the Kew Residential Services site which, as I said, you heard a submission about in September last year, and the former Hawthorn police station. That site was sold to the highest bidder and will be used for serviced apartments and shops. As has been said, council viewed this site as being appropriate for social housing, as it is in the activities centre of Hawthorn and the Glenferrie shops. Another site is the Camberwell railway station, which we are obviously talking about today, and the former Kew police station and courthouse. Council purchased that last site from the state government and those buildings require more than \$2 million to be spent on renovating them as the site was allowed to go into a state of disrepair when it was owned by the state government.

As I said, the focus of today's presentation is the Camberwell railway station. Camberwell railway station is in Camberwell Junction. Camberwell Junction is designated a principal activity centre under Melbourne 2030.

Currently council is preparing a revised structure plan to guide the future development of this activity centre. Camberwell railway station is adjacent to Burke Road and Cookson Street and is located at the northern end of the retail core. To us, this site represents an opportunity for the government to demonstrate an ability to work with council and the community to achieve an outcome which would be consistent with Melbourne 2030 and to provide for a community use. We have suggested a library here.

In relation to the Camberwell railway station, there are three key points which I would like to make. Firstly, the state government has failed to use the opportunity provided by the development of this land to assist in the implementation of Melbourne 2030. The government has narrowly interpreted its own policies to justify a particular development outcome, rather than giving consideration to the impacts of other initiatives within Melbourne 2030 in relation to good design, amenity and sense of place.

Secondly, the development of the site should not proceed exclusively as an opportunity to develop the land and the airspace around the Camberwell railway station for the greatest financial return without having regard to the surrounding built form, car parking, heritage values and the community's values and aspirations. Thirdly, the state government has failed to act in a coordinated, participatory and transparent manner in respect of the disposal of this public asset, nor has it recognised the custodial role that it plays in the management of this public asset.

Cr Jack Wegman, a former mayor of Boroondara, and who is known locally as 'Junction Jack', will give a more detailed history of the site to date. I would like to thank this committee for the opportunity to speak here today.

The CHAIR — Do you want to say something further?

Cr WEGMAN — Are you dealing with questions first or do you want to save questions to the end? It is up to you.

The CHAIR — We will save them to the end.

Cr WEGMAN — I am happy to go on. Firstly, thanks very much. I am Jack Wegman, the councillor for Junction ward, which is the central part of the city of Boroondara. Thank you for the opportunity to present today on what is an extremely important issue for the council and community of Boroondara.

I want to start where I am going to end, with three conclusions. There is significant scope for the state government to reform the way it deals with public land, the way it deals with local governments over public land and the way Melbourne 2030 is implemented with public land. I want to explain why I say this, and I will flesh it out a bit. As you have heard, Camberwell Junction is a principal activity centre designated under Melbourne 2030. Currently Boroondara council is revising the junction's structure plan to guide future development in the centre. That includes the Camberwell railway station site, which is in the northern part of the retail area and fronting Burke Road and Cookson Street.

The redevelopment of the site offers the state government a great opportunity to showcase the community-building aspects of Melbourne 2030. It is a chance for the state government to work with council to provide community facilities on the site and importantly to get an outcome which will — to quote the Melbourne 2030 document — 'protect what we like about Melbourne'. The current development proposal for the station does none of these things.

As Coral pointed out, public land is a public asset; it belongs to the people of Victoria, and state governments are only the custodians on behalf of the community. There needs to be increased local government involvement in decisions about public land, and local governments should not be forced to pay for public lands just so they can stay with the community.

I want to put three further propositions or make three further points, and then I will expand on each of them, if I might. Firstly, the state government has concentrated on Melbourne 2030's direction no. 1, 'A more compact city', to the exclusion of other directions and to the detriment of the Boroondara community. Secondly, the state government must balance financial return with community need and community aspiration. Thirdly, the state government has not acted in a coordinated, inclusive or transparent manner in disposal of public land, development of public land and custodianship of public land.

Before I expand on each of those I just want to put them into context, if I can, by giving you a bit of background to these issues. In 2002 the state government appointed Tenterfield as preferred tenderer to develop the airspace above the station. Almost immediately Boroondara requested a halt to the tender to make sure that, firstly, the Boroondara community would be consulted, and secondly, that Melbourne 2030 would be considered, neither of which was going to be the case. In 2003 council established a broadbased working group comprising members of the community, state government and council. Its task was to develop an urban design framework — a UDF — for the site. Council officers and consultants provided technical input and support.

In October 2004 council went to the community with a number of the UDF options which had been produced by the working group. These options detailed different approaches but focused on the station car park, the area to the south of the railway station, and that was consistent with the conclusion by the working group that development should be restricted to that area only. During the consultation the Boroondara Residents Action Group — BRAG — proposed a low-scale development focused mainly on community and civic uses. The BRAG model included a substantial public plaza. In May 2005 council formally considered the UDFs and resolved to have further discussion with the state government about what was appropriate for that site. Council took the view that the southern car park should incorporate a low-scale, small-footprint development with community uses, including the Camberwell Library and significant public open space.

In response to council's resolution the state government formed a working group comprising council, the Department of Sustainability and Environment, the Department of Infrastructure, VicTrack and a communications consultant. Chaired by the head of VicTrack, the group's core function was to assess the financial viability of various development options. While the group was still meeting, the heritage significance of the railway station became the subject of a hearing by the Heritage Council. The Heritage Council concluded that the site was of local heritage significance, so Boroondara council applied to protect the area with a heritage overlay in the Boroondara planning scheme.

Immediately that process started, VicTrack stopped the costing analysis, and even though the Minister for Planning eventually approved the heritage overlay — and that was in May 2007 — the working group has not resumed meeting, and its work remains unfinished.

The CHAIR — In limbo, in effect?

Cr WEGMAN — In limbo, yes. As if to add insult to injury, the overlay the minister approved falls well short of what council resolved was appropriate. Further, council is now chasing a conservation management plan and a disability access plan, both of which are required to be provided to council, as the responsible authority, before development plans are finished. Yet on 29 November 2007 council received an application for development of the site which included: a commercial building on the Cookson Street corner, which both the UDF group and council rejected; a six-storey commercial building on the car park, which both the UDF group and council rejected; a seven-storey residential tower, which both the UDF group and council rejected; and no worthwhile public open space, which both the UDF group and council thought was really important.

I would like to go back to the three points I first raised. Point no. 1 related to the state government concentrating on Melbourne 2030's direction no. 1. The Camberwell station site is an opportunity for the state government, in partnership with the council, to demonstrate its commitment to the community-building aspects of Melbourne 2030. Direction 5 of Melbourne 2030 is titled 'A great place to be'. It talks of livability, neighbourhood character, protecting heritage places and improving 'the quality and distribution of local open space'. Where are any of these things when it comes to the Camberwell station site?

On top of that the development proposal for the station ignores the surrounding heritage architecture and ignores traffic and car parking issues along the road. Direction no. 5 is missing in action. All we get is direction no. 1, which is titled 'A more compact city'. All we seem to have been getting since the introduction of Melbourne 2030 is the justification of inappropriate development under the guise of direction 1, 'A more compact city'. Direction 5 is simply ignored when it comes to Boroondara. Clearly we believe that Melbourne 2030 as a whole should be applied when decisions are being made about the future of public land.

Point no. 2 relates to the balance between financial return and community aspiration. It is disappointing to be left with no other option but to conclude that for the state government this is nothing more than just another real estate deal. It is much more to the local community. No-one should be approaching this just as another opportunity to get

the best financial deal, and even Melbourne 2030 says so. Direction 9 is titled, 'Better planning decisions, careful management'. It talks of developing a strong partnership with local government. It talks of implementing Melbourne 2030 in a way that involves the community. Why is it then that we have not been allowed to complete the junction structure plan before having this intensive development lobbed on us? We have not seen direction 9 applied to the redevelopment of the Camberwell station site. A former Minister for Planning, Mary Delahunty, wrote that Melbourne 2030 was about the sort of city in which we all want to live. The proposed redevelopment will not make people want to live in our city.

Point no. 3 is about not acting in a coordinated, inclusive and transparent manner in disposal, development and custodianship of public land. From initial plans which ignored the community and Melbourne 2030, to seeking maximum returns at the expense of the local community, to unilaterally withdrawing from a cooperative costing project, to ignoring the recommendations of a working group with government planners on it, regrettably the state government has not dealt with the City of Boroondara in a way which has encouraged confidence in the process of disposal and development of the station site.

While I have highlighted a number of issues that Boroondara has with the way the state government has dealt with the station site, council's written submission seeks substantial policy reform with respect to the following: the management of public land; the process for determining whether or not public land should be sold; arrangements governing the sale process, and the relationship between government policy implementation and public land development.

More specifically it is our submission that — and I have nine points I would like to share with you — one, public land is a community asset to be held in public ownership for the long term where there is potential community use. Two, local governments and communities should be given an opportunity for input prior to any decision to declare public land surplus and any decision to sell. Currently these decisions are internal to the state government. Three, local governments should be given adequate notice of any intention to dispose of public land and public assets. Four, local governments should not be financially disadvantaged by having to purchase community assets at market price where it can be demonstrated that such an asset will continue to be used in the community interest. Five, there should be more flexible arrangements in the transfer of land between the state government and local governments, especially where community-based use is proposed.

Six, the state government should take a whole-of-government approach to managing assets and putting a greater emphasis on outcomes consistent with Melbourne 2030 as a whole. For example, in Boroondara there have been, and continue to be, opportunities for the state government to demonstrate good urban design and livability outcomes from Melbourne 2030. The former Hawthorn police station could have been used to provide affordable housing in the Glenferrie centre, while the Camberwell station site can still be developed for open space and community facilities, including a library — and we are desperately looking for a site for a library. Seven, where public land is sold for development local governments must retain control over the development approvals process. The community must also be able to input into development proposals retaining appeal rights where public land is involved. Eight, where public land is developed developer contributions should be considered, as should the development's social planning implications, including those for community services and public transport. Finally, there needs to be greater transparency in how the state government disposes of land when it comes to arrangements with developers. Transparency is critical for the proper evaluation of community benefit.

I want to end where I started with the three points that hopefully you will take away, if you take nothing else away, from my presentation. There is significant scope for the state government to reform the way it deals with public land, the way it deals with local governments over public land, and the way Melbourne 2030 is implemented with public land. Thank you very much for the opportunity to present to you, and I will now pass back to you.

The CHAIR — Thank you, Jack. Does anyone else want to say anything? I thank both of you for your contribution. Obviously this is an issue that many people feel very deeply about. Like many other local people I have looked on in horror as this process has gone forward, and looking at the plans afresh today I can only indicate that these are monstrous developments that are quite inappropriate on that site. I take on board also your points about process. I want to clarify a couple of things. The first thing is the designation of Camberwell as a principal activity district. Was there agreement to that by the council?

Mr STORER — No, the council was not asked to agree prior to the designation being put forward in Melbourne 2030.

The CHAIR — It was just peremptorily announced by the state government?

Mr STORER — It was included in the draft document which was first released.

The CHAIR — Secondly, just to come up to date, as I understand it the council officers have in the last few days rejected the current application. So I understand, the process from here would be that the developer may or may not appeal to VCAT?

Cr WEGMAN — I will defer to Phil on the technical elements.

The CHAIR — Or alternatively the minister may or may call the matter in in some way?

Mr STORER — The normal course of events would be that the applicant would have the right of appeal against council's refusal. The minister of course does have the opportunity to either make himself the planning authority and take the matter over, or alternatively to — —

The CHAIR — To submit to VCAT?

Mr STORER — To be represented before VCAT.

The CHAIR — As he did at Henley Honda?

Mr STORER — As he did at Henley Honda; that is correct.

The CHAIR — The other thing is the non-completion of the structure plan. These are very expensive, complex processes. The council has been working on that — and the UDF process is a sort of subset of that — on this site, but, as I understand it, that is still not completed. How far away from completion is that structure plan?

Cr ROSS — We have currently just completed the public consultation.

Mr STORER — That is correct. We are currently analysing the responses to the public consultation process. We will be taking a report to council within the next two months.

The CHAIR — The government or the proponent, in a sense, has jumped ahead of the structure plan, and it seems to me — correct me if I am wrong — that given the ability of a structure plan to guide development, that would have provided a powerful instrument to lay down the appropriateness or otherwise of a development like this one on the railway station site.

Mr STORER — I think the important thing about the structure plan is that it looks at a site like this in a strategic context. It sets a strategic framework for it, so you are looking at the site from a perspective of asking, 'How do we best make this activity centre work for both business interests and the community members who are going to use it, whether that be for shopping or whether that be for socialising?'. That is one of the dimensions of an activity centre which is often overlooked. Certainly Camberwell has a very strong social presence now. That is why we saw this site as providing some opportunity for there to be more open space, to provide a public plaza where people could in fact socialise, recreate, enjoy something to eat or drink, and to create a bit of a focus, more importantly, in a way that relates to the role of public transport, being right beside the railway station and the tram stop. It was seen very much as a terrific opportunity to deliver on many of the goals that we have in Melbourne 2030 and generally as to how we improve our environment.

Cr WEGMAN — Can I just add something? From my perspective, and I have been on council since 2002, on one view you could argue that this process has dragged out — we are now six years down the road without an outcome. However, I think it is almost an irony that we sit here at a critical point with the structure plan, almost ready to finalise it, and we have the submission and we were not given an opportunity to complete the work of the working group in relation to costing various financial options, which had a lot of potential and seemed to be entered into with very good spirit and a willingness to move forward. We are at this point where we are a little bit discomforted by the turn of events.

The CHAIR — I will hand over to my colleagues after this, but so that I understand, the structure plan would have dealt with a whole series of issues — the growth of population and activity in Camberwell over a period, including issues like open space? It seems to me that there is not a heck of a lot of open space in and around

there. You can actually feel the increase in density through the area now. This is my impression as a local, in a sense. There has been an opportunity lost there to ensure that this fitted in with a long-term plan for proper open space and public spaces providing opportunities for socialising. If this proceeds — and at the moment it has stopped, I guess, as council has opposed it, but if VCAT were to overrule it — that opportunity would be lost.

Cr ROSS — What the structure plan has obviously done is deal with the whole of Camberwell Junction as a whole activity centre. We are dealing with one particular part of the Camberwell Junction. As part of the structure plan we can deal with it as a whole rather than dealing with it as a planning — —

The CHAIR — Piecemeal.

Cr ROSS — Piecemeal, on an individual basis. It has the opportunity to bring everything together. It has the opportunity to deal with transport and to deal with open spaces in the Camberwell Junction as a whole as against looking at each particular individual part of Camberwell Junction individually.

The CHAIR — In isolation?

Cr ROSS — Yes.

Cr WEGMAN — I would only reinforce the observation you have made that open space is at a premium in the junction. There just is not enough open space.

Mr THORNLEY — What has been the increase in population density, in both the micro region around the junction and more broadly in the City of Boroondara over the last, say, 5 or 10 years?

Mr STORER — We have data which has just recently been released suggesting that over the last census period our population has increased by more than 2000 people.

Mr THORNLEY — In percentage terms that would be — —

Mr STORER — We are a population of about 160 000 people, so that gives you a general indication. We have not yet got the specific details around the junction. What I can say to you is that for the junction area we have approved and now have on the ground a very large number of residential apartment complexes within 400 metres of the Camberwell Junction. There is of course the 14-storey building which has been approved at the Camberwell Henley Honda site, part of which has residential development in it. Similarly we have the Well, which is going on at the present time at the back of the Burke Road shops — a seven-storey building, again with residential accommodation included within it. We have residential accommodation being proposed as part of new projects on Burke Road itself and in Cookson Street. There are a number of projects either on the ground or under way which are going to increase the resident population in and around Camberwell Junction.

Mr THORNLEY — Over a five-year census period we have seen an increase in population of about 2000.

Mr STORER — That is correct, yes.

Mr THORNLEY — On a base of about 160 000.

Mr STORER — Yes.

Mr THORNLEY — A fraction over 1 per cent in five years.

Mr STORER — That is correct.

Mr THORNLEY — An average of about 0.2 per cent per annum.

Mr STORER — Something of that order for the whole city, which for a city which is primarily made up of a population 60 years and over is actually quite significant. What that means is there are a number of people who are reaching that stage of life where they are moving into other accommodation or unfortunately passing on. There is that counterbalancing effect going on across the city as well.

Mr THORNLEY — Do you know how that growth rate compares with other similar sort of inner-ring LGOs?

Mr STORER — No, I do not know how that compares at this stage.

Cr WEGMAN — I would argue there is no other municipality that is similar to Boroondara; we are unique.

Mr THORNLEY — I am sure that is true.

Mr STORER — It might be worth making the point about Boroondara that it is one of the few municipalities which stretches from being what you might describe as an inner municipality to a middle-ring municipality. It is the largest municipality in that inner-to-middle ring and one of a few that stretches across those boundaries, if you like. It is not easy to characterise it as being an inner or to characterise it as being a middle-ring suburb or city.

Mr THORNLEY — That is probably a conversation for another day. I am not sure it is that different in that respect to Stonnington or Bayside, or Glen Eira for that matter. I am trying to understand this, and I am also a local, a ratepayer of yours. You make reference to the need to consider all of the aspects of Melbourne 2030, not just the first one about a compact city. Are you supportive of Melbourne 2030, then, and you just think it is being misapplied, or you do not actually support the policy?

Mr STORER — Council has resolved to support the policy. It has a formal resolution expressing that view. The consistent concern council has expressed is with regard to its implementation. The most critical issue, and we face this time and time again, is that it tends to unfortunately be very much focused on, from a development perspective, the increase in density as opposed to the livability perspective, which is really very much what you have heard today. What council is looking for is a balance between those things, that we do not forget urban character and local amenity simply for the sake of accommodating increased density.

Mr THORNLEY — Sure, and that is the whole basis of the policy. That is why you have major activity centres and similar concentrations so that you do not have blocks of flats landing in tree-lined suburban streets, so that you have them in concentrated areas close to transport and so on. What I am trying to understand is, is the first objective an objective that you have a problem with?

Mr STORER — The point, I think, is this. I go back to something you just said. There is nothing in this document — in fact, nothing in planning — which would suggest that an activity centre in itself ought not to offer a high level of amenity. It should, and indeed this document commits to doing that. It is not just a question of saying, ‘Because we are going to have higher density in the activity centres that means we have protected the residential environment’, because what has been going on is both; we are getting higher density in both our residential environments and in activity centres. The consequence of what we are experiencing in the activity centres is that, once again, the balance is being struck without having regard to the livability of these centres.

There are issues around what looks like a human scale of an activity centre, which is basically a strip centre, as Burke Road is, and it is predominantly, if you walk along that strip, two to three-storey structures. That offers a particular environment for people who live in that community and frequent that centre on a regular basis. We could take the view that Burke Road should be lined with 14-storey buildings, like the Henley Honda proposal, but that would lead to an entirely different livability option for those people who live and work and shop in the Burke Road strip. Our concern relates to the need to maintain this balance — to keep it both increasing in vibrancy and density but also have a very, very serious regard for the livability considerations.

Mr THORNLEY — Where do you think the increase in density should happen there, if it does not happen around the junction? I am sure we do not want it happening in our leafy green streets, so where will it happen?

Mr STORER — Council is saying that it should happen in these locations; it is not resiling from that. What it is saying, though, is that when it occurs it has got to occur in a way that reflects this balance of issues. If we take the railway station as one example of this, there is an opportunity with the railway station to do something quite exciting in a way that adds value to the role of this activity centre. Our view of that is that that really means we should have a public plaza where people can recreate. It will make the whole centre more attractive. We can in

fact have a library, which is what we have suggested as a way of bringing more people into the centre. What we have really suggested is that this is, I guess, a way of ensuring that we could have a high-tech library which also relates to the activities going on down on the railway station platform.

Mr THORNLEY — Nobody here is opposed to public plazas or high-tech libraries, least of all in our own neighbourhoods. What I am trying to understand is where do you think the density should go? I understand your argument about this site, and I would like to have more public plazas and more public libraries — I am sure everyone would. But I am trying to understand where you think the density should go.

Mr STORER — Let me give you an indication of what the structure plan currently says.

Mr THORNLEY — Please.

Mr STORER — Which is that Camberwell Road, as an example, should accommodate buildings which are in the area of five to six storeys in building height. Many of the buildings along Camberwell Road at the moment are in that two to three-storey category; we are saying there is much more scope to build density into Camberwell Road. We have identified other sites in and around the junction as potential redevelopment sites. One of those sites is the site currently occupied by the Dan Murphy's liquor shop, for example.

We have also identified the tram depot site as a site which should be available for redevelopment if the government ceases to use it for storing trams overnight. We have identified a number of sites in and around the junction where we believe that increased density can occur without taking away from those things which are of value. To give you the other side of that, we have said the Burke Road strip, which still contains a number of heritage buildings, should have some protection from increased height of the streetfront so that essentially it should be two storeys stepping back to three storeys towards the rear. This is trying to maintain that balance between increased density and livability. They are the best examples I think I can provide.

Mr THORNLEY — There are different parts of Burke Road, though; right?

Mr STORER — Absolutely, and the plan recognises that.

Mr THORNLEY — And some of them are more heritage-ish than others, I understand — up the top end, further up past the station where I take my kids to Paint'n'Bake every day. I understand all that, and I also understand the demarcation of a strip area particularly, which means it has physically got residential immediately in the street behind it, therefore high-rise raises risks of overshadowing and overlooking, in addition to human-scale arguments, but not all of Burke Road is in that category, particularly as you go down to the junction. I mean, you have got blocks of commercial activity; right?

Mr STORER — Well, no. We are not having a debate today about the structure plan, but essentially I am answering your question by saying the draft structure plan makes provision for increased density in Burke Road, and it would be a mistake to misinterpret anything that is being said to you today as the council being opposed to any increase in density in that area at all. That is not what is being said. What is being said is that we are supportive of it, but in a way which does not take away from those things this community values highly.

Mr THORNLEY — So why is it, do you think, that in the areas that you are of supportive of that density occurring in, it is not occurring?

Mr STORER — Most of these things are driven by market, and of course there is a lot of market response already occurring in Camberwell Junction right now. You will see a number of buildings which are going up or for which permits have actually been issued, so they are yet to come online. It is important to recognise that Boroondara has the highest amount of floor space in office development outside the CBD, and that is because the council has been prepared to see the benefits of having office space located close to where most of the executives who work for these offices are actually living. It has got real environmental benefits, it also generates business for our local activity centres and it makes for a much more balanced community outcome. I think that is mostly a market response, but, as I say, there are a lot of proposals that are either just approved or on foot.

Mr THORNLEY — Do you have a target population? Is there a population policy? Do you have a view about the increase in density overall, across the whole city, which you think would be a good or a bad thing? What is the view on that?

Mr STORER — What council has said to the state government on this question is that we oppose the notion of arbitrary population targets — we think that leads to very poor planning outcomes — and that the notion of population should be assessed in terms of the capacity of the city to accommodate that population. Capacity is assessed on two levels. One is the physical infrastructure’s capacity to actually accommodate that additional population, and there are certainly some limits with regard to that in Boroondara right now.

The second one is the livability aspects of the city — how it is that you could accommodate that increased residential density at the same time as protecting those things which are of value. That is a submission we have made in relation to the regional housing statements which have been prepared. It is one which resulted in the government changing its approach from developing population targets to what are now called population estimates.

Mr KAVANAGH — You suggested that state government should not charge local councils for surplus land, but in addition to that you have also said that there should be more flexible arrangements for transferring government land. Could you give any idea of what that would mean in practice, having more flexible arrangements? Are there policy changes?

Cr WEGMAN — I can only draw on my experience with the Kew courthouse, which involved protracted — forgive the expression — argy-bargy. It was a very difficult process toing and froing. It seemed to me and others on council that there should have been something in place which resulted in a smoother process. You asked me what that would be; I am not entirely sure. I can only report to you that the process we did go through with the Kew courthouse was protracted, and it was not until the last minute we even knew we had a deal. What I am saying is that I have some recollection that the federal government handed over the Portsea land to the state government without attaching essential money to that, so there is a kind of existing model for transfer from one level of government to another. As Coral pointed out earlier, there is something that rankles about a situation in which land that already belongs to the community and the taxpayers is charged for again to maintain it in community hands.

Mr KAVANAGH — In terms of the courthouse there, what caused the delay as far as you could see? What was the government taking so long about?

Cr WEGMAN — I think it was just a process of the argy-bargy. I cannot sit here and really — —

Mr KAVANAGH — Was it approval by different departments?

Cr WEGMAN — We were dealing with the arm of the — —

The CHAIR — The finance minister was tardy, I thought.

Cr WEGMAN — I will defer to Phil. He has probably got a better memory of how it unfurled.

The CHAIR — The then finance minister?

Cr WEGMAN — I guess what I am left with is the recollection of how difficult it was, and it was just part of the process that dragged it out. I do not know if you recall any specific things?

Cr ROSS — There is also, as well, with the Kew courthouse the condition of the police station and the courthouse, because the police had moved quite a number of years beforehand. It is in a very dilapidated state, and it needs more than \$2 million spent on it, so council has bought this as a community asset. Not only have we had to purchase it but we now have to renovate it to make it useable for the community.

Mr KAVANAGH — The cost of renovations would have affected the purchase price, would it not? It would have been factored in there.

Mr THORNLEY — Below market rate.

Mr KAVANAGH — Was it only the finance minister who needed to approve it and took a long time, or were there lots of government departments involved?

Mr STORER — Could I just perhaps go back to the policy question? There was a clause in that contract which was a particular issue in the sense that it required that council actually undertake works to improve the site

within a particular time frame, which council really could not accept because, first of all, the government allowed the site to deteriorate in its ownership over many years, and it seemed somewhat odd that suddenly council would need to fix it up within a very short time frame. But to go back to your question about policy, I guess it would be fair to say that our experience is that someone like the housing ministry, for example, does not really have adequate opportunity to influence the decisions that are being made about some of these government-owned assets.

In this case we have VicTrack, which is a corporatised entity and which essentially exists as a property manager, and it has acted in accordance with its brief. The connection that is going on between VicTrack and something like the housing ministry, for example, which is looking for opportunities for social housing, is probably nowhere near as good as it should be; similarly the Department of Treasury and Finance, which tends to manage most of the government's assets, probably does not have the links into areas like housing. It would be most desirable to get a good jointed-up government response.

Certainly we have raised this issue with Minister Wynne in meetings we have had with him, and to his credit he has acknowledged there is a need to actually improve those relationships. I think at a policy level there needs to be more balance going on within the government about the way these assets are considered and ultimately how it is resolved.

Cr ROSS — The former police station at Hawthorn is a great example of that. By the time we had seen the Minister for Housing, to say that was an ideal site for social or affordable housing, the site had actually been sold.

Mr KAVANAGH — You think there are probably problems between government departments, but in the case of your purchase you still had those problems without there being a government department. I am not quite sure where the problems are here?

Mr STORER — Sorry, I have misunderstood.

Mr KAVANAGH — What really was the problem with the delay in your purchase?

Mr STORER — With Kew?

Mr KAVANAGH — Yes.

Mr STORER — I think the delay was because there was more than one government department involved; and secondly there was what — I guess it would be fair to say — we thought of as an unconscionable clause proposed for the contract, which sought to impose an obligation on the council to improve the maintenance of that asset in a very short time frame.

Mr KAVANAGH — That kind of thing could be in any contract for land?

Mr STORER — It could be, but it was a particular contract between two levels of government, one of which had owned the site for a very long period of time and had allowed it to deteriorate.

Mr THORNLEY — That was in exchange for a below-market-price transaction cost. Am I correct?

Mr STORER — No, we do not accept that proposition at all.

Mr THORNLEY — So you think you would have bought it at auction for the price you paid for it?

Mr STORER — Certainly in its condition, that is the advice we had from our valuers: that what it was being sold for was all it was worth having regard to its condition. We had our own valuation.

Mr THORNLEY — So you would have been happy for it to go to a public auction process then, since you bought it at market value?

Mr STORER — That is our view, yes, but it was never put to us as an alternative. Certainly our valuation advice would enable me to say to you that if it was correct advice, we could have bought it at auction on the same terms.

Mr KAVANAGH — But if the property had been in good condition you would have paid more than you did?

Mr STORER — Absolutely.

Cr WEGMAN — I guess there is also a parallel here with Camberwell railway station. In my time of dealing with the matter, we dealt with VicTrack, the Minister for Planning and the transport minister. It seemed to be very hard to get a straight answer, because there were differing areas of responsibility, and we were not getting a direct, forthright answer from anyone.

Mr KAVANAGH — I can certainly understand that.

Ms PENNICUIK — I do have some questions, but can I just clarify something from those last conversations? Perhaps what you are saying is that in terms of the transfer of land particularly from state government to local government, that state government is the more powerful entity in terms of more resources, more cash, requiring a local government with less resources, less cash to actually pay market value for land that, as I think you put very succinctly, is already owned by the taxpayers? Is that what you are saying?

Cr ROSS — I would say in a nutshell, you put that very succinctly, yes.

Ms PENNICUIK — Because certainly we have heard that from other councils, so it is not just Boroondara's experience on this issue.

You were talking about VicTrack and the Office of Housing, so there is a bit of a power imbalance there between corporatised entities and perhaps government departments that are not corporatised and the interactions there. Then there was another issue between the planning minister, the transport minister and other ministers. Basically you are saying there is a lack of coordination? Is that what you are saying?

Cr WEGMAN — Certainly from my point of view, and — this is just up in my head — the Department for Victorian Communities, or whatever it has become or whatever it was, almost ought to be the coordinating body. There really ought to be somebody you go to as an one-stop-shop who will navigate all those difficulties that we bump into along the way, for whatever reason. Those difficulties might be addressed by a more direct relationship with a common area that will look and do the footwork with all the disparate departments and instruments.

Ms PENNICUIK — Certainly that issue of a coordinated body has been put to the committee before.

Cr ROSS — If we can give the example of the Camberwell railway station, when this issue first came to council it was when the preferred tenderer had been appointed, and it came to us with a proposal. It was council which highlighted the need to look at the rest of government policies, being Melbourne 2030.

Ms PENNICUIK — And with the Hawthorn site, you were saying that by the time you were able to make a submission or a proposal, the site had already been sold?

Mr STORER — No. Can I just correct that? We had been dealing with the Department of Treasury and Finance for nearly three years regarding that site. There is quite a bit of correspondence from council to the department stating that we believed that whatever happened with that site it should incorporate provision for social or affordable housing. It is an absolutely perfect location with regard to access to public transport and community facilities, and here was a great chance for the government to demonstrate its commitment to its own policies. Unfortunately, after three years the Department of Treasury and Finance was no longer prepared to continue with that approach. It just put the site out for expressions of interest.

Cr ROSS — But we did see the Minister for Housing

Mr STORER — We did.

Cr ROSS — And we did make submissions to him, and it was at that stage. It was then too late.

Mr STORER — That is correct.

Ms PENNICUIK — Can you provide the committee with copies of that correspondence?

Mr STORER — Yes, certainly.

Ms PENNICUIK — I was going to just go back in history a little bit. I cannot remember whether it was the mayor or you, Jack, who said the Camberwell Junction was designated as a principal activity centre but that you were not involved in that designation?

Cr WEGMAN — That is correct.

Ms PENNICUIK — Can I just ask for the record how many other principal activity centres there are in Boroondara?

Mr STORER — We have one principal activity centre and two major activity centres.

Ms PENNICUIK — This question is because of my interest or curiosity: had it been up to the council, would it have been Camberwell Junction? Would council have designated that area as a principal activity centre or preferred it as a major activity centre?

Mr STORER — We probably cannot speak for council as such because it never considered it, but it would be fair to say that under a prior plan for Melbourne by a previous government, Camberwell Junction was certainly specified as a higher order centre. If we are using the same terminology, it would be this terminology that you would use to describe it.

Cr WEGMAN — I do not think anybody denies it was the logical candidate with the transport hub and the size of the precinct and all it has to offer. I do not think we have really ever said it did not belong as a principal activity centre, but where it relates to your question directly, when the policy was launched that is what resulted.

Ms PENNICUIK — In a nutshell the position you are saying is that the Camberwell Junction area as a whole — you are agreeing it can be an area where there is more development, and you have identified areas for residential development and commercial development? In the case of the railway station, which is part of that wider activity centre, you have identified the social activity, open space, library as being an appropriate use of that site?

Mr STORER — That is correct.

Cr WEGMAN — If I can just add — our argument all along has not been that there ought not be more intense development; it is about the human scale and how much you actually try to fit into that area. Phillip and Coral have certainly been making that point all along. It is not an antidevelopment stance; it is a case of, 'Let's make it sensible and let's make it such that it can be incorporated and absorbed without degrading the ability of what is already there'.

Ms PENNICUIK — Certainly I think in terms of a library, with citizens who do not have access to cars et cetera, somewhere like the railway station which has also got a tram stop nearby is a good place to have a library. Do you know why Heritage Victoria did not agree to state heritage significance for Camberwell station? I noticed in your original submission you mention the Malvern group of stations did have that. Why did Camberwell not have it?

Mr STORER — They analysed the station from a heritage perspective. There was expert advice in relation to it, and they came to the conclusion it did not satisfy the criteria for a state listing or indeed even for a regional listing. They felt that it was more of local significance and then referred it across to council for council to deal with and to identify as a heritage site, which we subsequently did.

Ms PENNICUIK — You did not make any submission about that?

Mr STORER — We made submissions to suggest that it did warrant state protection. They were unsuccessful, so ultimately we dealt with the hand that we were given, which was 'local significance'.

Ms PENNICUIK — In your submission today you say that amendment C55 was adopted but not in the same way as it was adopted by council. Can you explain what the difference was?

Mr STORER — Yes. Perhaps the best way of talking about that is to refer you to the first aerial shot inside this document. If you just lift up the overlay and look at the image there: essentially the heritage overlay boundary drawn by the government would — looking to the north; and north is up the page — crudely follow the line of those cars you can see parked up against the edge of the railway tracks there. I am being general here in saying this, but that is essentially it.

Council in fact wanted that boundary to be drawn much closer to the railway platform itself, to extend the heritage overlay area, and it was concerned about that for two reasons: firstly, if you look to the other side of Burke Road diagonally opposite, you will see the Tower Hotel, which is a heritage landmark building. What council was keen to do was to maintain views of that building for people who are walking across the rail bridge that you can actually see on that image or walking down a walkway which runs along the top of the embankment.

Secondly, council was concerned to ensure that new development does not encroach too much on the heritage values of the rail sidings, buildings and platforms, which you see in the centre of the photograph. They were the key points of difference between where we were drawing the boundary and where the minister was ultimately prepared to accept the boundary.

Ms PENNICUIK — It seems quite puzzling to me how that could happen. Are there any thoughts council has about that?

Mr STORER — No, the minister was only prepared to approve an amendment as we have discussed.

Ms PENNICUIK — Can you tell me how far along you are to nearing completion of your structure plan? I was not quite sure whether you had completed it or you had nearly completed it.

Mr STORER — We have just concluded consultation. That is now being analysed. The report should be before council in about two months, at which point I would expect council to be making a decision on the structure plan and deciding what it is going to be. We then need to gain ministerial support to exhibit a planning scheme amendment to incorporate that structure plan into our planning scheme. That is the next step in the process.

Ms PENNICUIK — So it is unfortunate that this other process is coming in on the back of that? The ideal situation would have been to have that whole process complete before any major development?

Mr STORER — That is correct.

Ms PENNICUIK — Just in terms of the working group process that you mentioned, do you feel that was working well? Is that positive, productive?

Cr WEGMAN — That is the financial audit.

Mr STORER — Are you referring to the one with regard to the chair of VicTrack?

Ms PENNICUIK — Yes.

Mr STORER — That was a difficult process for everybody involved, I think it would be fair to say. It has been a difficult site. Part of the financial analysis that was done through that project working group essentially did not support the viability of a project of the scale which is now being discussed.

However, with the passage of time, VicTrack has advised that it no longer stands by that work and that we should therefore disregard it in looking at the planning application which was lodged, and that is what we have done. Council is not in the position of trying to determine the viability of a project when it is exercising its planning responsibilities, in any event, so it was not a particularly critical issue for us in that situation.

Cr WEGMAN — Except that we entered into the process because there were meaningful discussions about what was the viability, at varying cost levels, of putting in a library and who might bear costs if there was a shortfall in the development. Phil is right about the planning merits of it. There was a kind of philosophy about getting together and working quite cooperatively in order to try to achieve the library as an outcome on that site.

Ms PENNICUIK — Just going back to the heritage status of the station, do you know — because I do not, and it is perhaps good for the public record — which stations in the vicinity do have heritage status? You mention the Malvern group; what is the Malvern group — obviously Malvern?

Mr STORER — There are some in Stonnington that do. I do not know. I cannot answer that question, I am sorry.

Ms PENNICUIK — We will find out. Thank you.

Mr O'DONOHUE — I do not have any questions. They have all been answered by previous answers.

The CHAIR — I have some very brief questions, and I am conscious of the time line that we have. I just want to know about the actual status of this land. Is it your understanding that there is a binding contract between the developer and VicTrack, or is it still in a preferred developer status, as it were? Do we know the exact arrangement?

Mr STORER — The way that VicTrack executives have described this to us is that there is a binding contract. That is their comment to us. We have not sighted the contract, so we are not sure. In the early days we had claims to the effect that it was just preferred tenderer status that we were dealing with. However, from more recent conversations, VicTrack feels that it has a binding arrangement and that there would be consequences if it were to void the contract for any reason.

The CHAIR — You are saying you have not seen that contract, that that contract is not publicly available?

Mr STORER — That is correct.

The CHAIR — I must say that it concerns me that a contract of that nature is not publicly available. It seems to me that if you want open and transparent development, this is not the way to go about it.

Mr THORNLEY — Has the City of Boroondara sold any land in the last four or five years?

Mr STORER — Yes.

Mr THORNLEY — Where?

Mr STORER — We have sold ex-bowling club sites which ceased to be used by bowls clubs. As we know, many of the bowls clubs have unfortunately come to the point where there is no membership left.

Mr THORNLEY — That was the one on Wellington Street, was it?

Mr STORER — Part of Wellington Street, yes, and there is another site in Windella Avenue, East Kew.

Mr THORNLEY — That is all the land you have sold in the last — —

Mr STORER — I think in that time frame, possibly so, yes.

Mr THORNLEY — I am just wondering if you could furnish the committee with a definitive list of any land sales in, say, the last decade? It would be very helpful.

Mr STORER — There would probably be more sites in a 10-year period than I have just referred you to.

Mr THORNLEY — If we could have them, that would be very helpful. Thanks.

Mr STORER — Did you want just the addresses?

Mr THORNLEY — The size data would be helpful, if you have it, but we all have Google maps, so do not work too hard on that if it is difficult.

The CHAIR — Thank you for your submission. I indicate again my concern at this process and what we will be left with in Boroondara: a monstrous development that in my view will not be sympathetic to the area and

will not be appreciated by anyone. Thank you for your time. I also flag that it may be helpful to get an update at some time on the Kew Cottages site and the processes that are under way there — not necessarily now.

Mr STORER — One site that does come to mind is the Hartwell shopping centre car park; that would be a third.

Mr THORNLEY — Thank you.

The CHAIR — Thank you.

Witnesses withdrew.