

# CORRECTED VERSION

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

### Subcommittee

Melbourne — 3 April 2008

### Members

Mr D. Davis

Mr B. Tee

Ms S. Pennicuik

Chair: Mr D. Davis

### Staff

Secretary: Mr R. Willis

Research Officer: Mr A. Walsh

### Witnesses

Mr M. Naughton, lawyer, Planning and Property Partners; and

Mr G. Dennehy, chief operating officer,

Mr P. Farley, interim director, facilities management, and

Ms Y. Yip, acting manager, asset development, Deakin University.

**The CHAIR** — I welcome the Deakin University people. If I can perhaps ask you to make a brief submission, and then we will just ask some questions.

**Mr NAUGHTON** — Chair, I am going to take the lead, for reasons of a decade of continuity of involvement with Deakin University in terms of its development on a range of campuses. I would hope you have been handed a running sheet, which is on my letterhead, of things we want to cover. There is additionally an aerial photograph, which I believe has been provided to you, and then there are some extracts of planning scheme maps in the form of DDO controls, which Ms Meredith and Dr Randle spoke about earlier, and also some maps which I think will be of benefit.

Let me take a lead. What we would say is ultimately this is not about keeping Deakin University at bay; this is about facilitating the right outcome in terms of all of the stakeholder interests which are before you. The aerial map is interesting — I think you have got it in A3 size — because it shows you, firstly, in the photograph to the left, what I call the aerial, the rather unusual status of the land ownership situation in terms of Deakin University to the west of the creek and also the east. There are a couple, probably four, unusual aspects of that. Firstly, if I turn this to show you, you will see the position of that half of the northern oval which is in the hands of Deakin University, which is affected by DDO 3. There is a small triangle of land — let me call that the DSE land — which is outside university control, between that half of the northern oval and the student activity buildings on Deakin University land. There is land within the creek environs up here which is, unusually, in the hands of Deakin University in a titled sense. There is also land to the west of that section of the northern oval which is also within the creek environs and which is, again unusually, in Deakin University's hands.

You are also assisted by the other two maps on this sheet. Firstly, at the top of the page is a current campus map. They are an approximation of the title boundaries on that aerial I have taken you through. The bottom is, I think, helpful because it responds at least to the initial submission of WERA, if I can affectionately call that body WERA, in terms of what the campus master plan looked like back in 2005. The benefit of the top map — I draw to your attention the existence of some — —

**The CHAIR** — That is the bridge going across on that master plan, is it — that little line?

**Mr NAUGHTON** — That is, as contemplated, correct.

**The CHAIR** — And that is the approved master plan?

**Mr NAUGHTON** — That is an approved master plan, that is correct; it has been through a detailed consultation and approval process.

**Mr TEE** — Approved by?

**Mr NAUGHTON** — Within the university, in consultation with the broader community and in consultation with Whitehorse, but it does not have a Whitehorse council stamp on it if that is what you are asking me.

**Mr TEE** — Okay, I suppose that is what I was asking.

**The CHAIR** — State government endorsement?

**Mr NAUGHTON** — No, because there is none, and none is called for. This is an entirely internally driven process — we would say good management — and not compelled under any form of legislative control or otherwise. A good management exercise on the part of the university to have at least a master planning exercise.

**The CHAIR** — State government and federal government awareness of the master planning detail?

**Mr NAUGHTON** — Pardon?

**The CHAIR** — State government and federal government awareness of the master plan?

**Mr NAUGHTON** — Federal, I would imagine a limited knowledge. The federal member is aware — I appeared against her in the recent VCAT matter that was referred to, the car park on the Elgar Road campus. Federally I would say there has been some conscious attempt to entertain issues of the EPBC act and otherwise in terms of whether there would be any interest or concern in that regard. Federally is the government aware of it? I perhaps would have to defer to others, after I have taken you through this.

**Mr DENNEHY** — The federal government allows the university council to deal with those particular matters of development with its own boundaries. As long as we are adhering —

**The CHAIR** — As a stakeholder I think, and good management terms, you might have made them aware?

**Mr DENNEHY** — Each year when the federal government visits to go through our portfolio, it asks questions about good management of site, which includes whether we have a master plan. We acknowledge that we do, but they do not look at any detail.

**The CHAIR** — Just to clear up the state involvement, that means the state education minister or the state planning minister are the ones who are specifically aware of this?

**Mr NAUGHTON** — Both.

**Mr TEE** — Do they have a formal role, the state?

**Mr NAUGHTON** — Through consultation, yes. Otherwise, no.

**Mr TEE** — You have consulted with them and that is the extent of their formal involvement, or you will?

**Mr NAUGHTON** — Consulting in depth, detailed discussions about direction of master plans within both departments, yes, and within the local government, yes.

**The CHAIR** — And do they support this master plan?

**Mr NAUGHTON** — On my understanding it is supported. Is it supported at the Whitehorse council level, who would know? It has certainly been supported at an officer level and at a management level. At a councillor level — we would be lucky to get even a deferral decision on an issue like that. We have attempted over the years to, yes, get endorsement at that level. I would say that there has been, over the last decade, a Whitehorse council level of support to those versions of master planning resulting in the current 2005 version, yes.

**The CHAIR** — Perhaps if — —

**Mr NAUGHTON** — Would you mind if I sort of took you through it?

**The CHAIR** — I just wanted to understand the status of this document — that is what we went through.

**Mr NAUGHTON** — This document is a compilation of a range of extracts of things to give you a bit of a handle of the issues that are at hand.

**The CHAIR** — It is specifically this document I was interested in.

**Mr NAUGHTON** — That is right. Chair, the other thing I thought was most worthwhile to point out in this top plan, in the top right-hand corner, is the existence of three crossings of the creek. You can see them if you follow the creek, marked in blue, and there are three points at which there are existing crossings from east to west, and vice versa, across the creek.

**The CHAIR** — Four actually if you count — down the bottom as well.

**Mr NAUGHTON** — That is true. I had not appreciated that. I did not even realise there was one just north of the Burwood Highway. I did not appreciate that. The idea of course is to achieve a bridging stratum. The idea is not to have a bridge which in any way touches the public terrain of the Gardiners Creek environs. Stratum meaning an area that is elevated. The idea is not to deliver a private bridge but a public bridge. It is a bridge which has the strong support of management and officers at the Whitehorse council level, has been independently assessed by parties appointed by it, and we are struggling to get to the point of achieving — I am jumping ahead — the requisite consent from the public land manager to lodge a planning permit application to then have it assessed on its merit. That is the impasse that we are at with Whitehorse council and the local community. We would like to have this proposed bridge crossing in stratum assessed on its merit through a permit application process which is dealt with at the local level and through a process which, if necessary, can be dealt with through the forum that is VCAT or any other means by which the Minister for Planning might seek to have that assessed. That is jumping ahead. Let me go back to my running sheet — —

**The CHAIR** — Has he indicated some other means that he — —

**Mr NAUGHTON** — Has who indicated, sorry?

**The CHAIR** — The Minister for Planning. Has he indicated he is interested in some other means — —

**Mr NAUGHTON** — I am going to be so bold as to say in this forum that the minister has entertained, amongst other things, change to the control which requires the consent of the public land manager to even lodge a planning permit application. Whether that be in isolation or whether that be a broader outcome, this is being closely monitored by DPCD, the minister's department, and they as a body have been actively involved in recent resolution — not discussion but resolution — of recreational outcomes for the northern oval, and I will come to that in a moment. I would hope from that that you have an understanding of both the environs — that is, the creek and its relationship with the land that is Deakin University. I think it is probably then worthwhile — I have touched upon the bridge crossing in stratum. It is about a public bridge, it is not about a private bridge. It is about linking east with west. It is not just about business students on the west side of the campus and day students on the east side of the campus. Residential outcomes are on the west of the campus, for a start, so all campus residents' living is on the west, and there are also day students on the west.

Is disability a relevant factor? Of course it is. Have we lost students as a result of a need to transport them in taxis and buses around Elgar Road to Burwood Highway? Yes. Are we exposed to potential action under disability discrimination? Yes, and we are conscious of that. We want to achieve an in-stratum link between the eastern and western sides of the university campus. We do not seek to hinder public accessibility to the Gardiners Creek environs, nor do we seek to limit public access to this proposed bridge. Frankly, does the university have any interest in holding remnant parcels of land in the creek environs? No. Should there be some resolution of the DSE triangle? Probably yes. Do we want to have cars on the bridge? No. It is about an elevated — —

**The CHAIR** — Motorised transport, though?

**Mr NAUGHTON** — For emergency vehicle access solely, not — —

**The CHAIR** — Park-type people, gardeners?

**Mr NAUGHTON** — From one side of the campus to the other? Yes, perhaps on golf buggies.

**Mr FARLEY** — Motorised buggies — electric.

**Mr NAUGHTON** — Rather than any sense of there being delivery vehicles or — —

**The CHAIR** — Tractors.

**Mr NAUGHTON** — Or trucks or student vehicles or otherwise traversing from one side of the bridge to the other. That is broadly what the bridge is about. You are, I think, benefited if you have a look at the extract of the Whitehorse planning scheme maps which set out what is DDO 3, which is all about the northern oval, and also what is DDO 2, being the design and development overlay, which seeks to protect the Gardiners Creek environs.

If I could, in that breath, also take you to schedule 2 and schedule 3 to that design and development overlay, which are two sheets which are stapled and I have handed to you. Perhaps dealing with the easy one first, the northern oval, which is DDO 3, as has been pointed out I think by Ms Meredith, there can be no building on the northern oval site. A permit is not required to do things for active and passive recreational use, but no building may be constructed on the land. Do we want to change that? No. Are we essentially resolved with Whitehorse council as to the mix of recreational outcomes on the whole of the northern oval? Yes, and that is the process which has been driven in recent times by DPCD and was considered very much to be a prerequisite to the Whitehorse council's third consideration of the university's request to lodge an application — not to grant one, to lodge one.

**Mr TEE** — Is there public access to that oval?

**Mr NAUGHTON** — There is now, yes, and the sticking point — —

**Mr TEE** — So it is Deakin land, but you allow public access to it?

**Mr NAUGHTON** — Correct, and we do not park cars on it; we do not fence it.

**The CHAIR** — Part Deakin land?

**Mr NAUGHTON** — It is an oval, but how you would draw a distinction between the university's bit and the public's bit — frankly, you cannot.

**Mr TEE** — I suspect the public does not care, as long as it can access it.

**Mr NAUGHTON** — They can, and the idea is they will continue to access it, and the idea is that we achieve a series of recreational outcomes which is to the benefit of the public and the university students and staff. That is a process which, when I have finished, you might want to ask questions about or others might want to talk about in terms of what is the mix of that outcome. I would hope your interest is not in that outcome, but I can tell you that it is broadly a resolved position in terms of a recreation outcome. Your interest may, however, as I have already alluded to, extend to that part of the DDO 3 land, which is in fact in the creek environments, which is the western edge of that. But more importantly there is significant protection under the planning scheme controls of the Gardiners Creek environs. That is in the form of DDO 2, and you have got that before you. I cannot help but seek to take you to both the design objectives and the decision guidelines that are set out in that schedule.

It does talk about the protection of the integrity and amenity of the reserve and the adjoining residential area and to direct and provide suitable and safe movement for pedestrians across that reserve. When that control was introduced there was clear acknowledgement in terms of an

objective of there being a sense of an outcome whereby pedestrian movement is achieved across that reserve. The decision guidelines are then set out, and you will see that it does talk of the primary use of the land as a university and the need to develop land for that purpose; interface with the creek; the type and location of access to the site; 60 metres, which has been talked about, from the banks of the creek, which has been referred to in the WERA submission; landscaping and beautification; and the movement of pedestrians and cyclists and vehicles providing for supplies, waste removal, emergency services and public transport to the building and works; the effect of those buildings and works on the amenity of the reserve; and the environmental impacts of pedestrian links across. So if at some point the university achieves the requisite consent of the public land manager to lodge a planning permit application, these are the decision guidelines that it then, as the responsible authority making the decision about that planning permit application, and thereafter any appeal body, would need to mandatorily have regard to in assessing a form of bridge outcome for this reserve as is proposed.

**The CHAIR** — Just so we understand when this DDO 2 came into effect, what year was that?

**Mr NAUGHTON** — I think I heard Dr Randle say 2002.

**The CHAIR** — That was the planning minister who put that in place?

**Mr NAUGHTON** — Correct.

**The CHAIR** — That would have been Rob Hulls?

**Mr TEE** — No.

**Mr NAUGHTON** — No.

**Ms PENNICUIK** — Mary Delahunty, I think.

**The CHAIR** — Mary Delahunty.

**Mr NAUGHTON** — Ms Delahunty, correct. That is right.

**Mr TEE** — I think it was 2003.

**Mr NAUGHTON** — I stand corrected. I suppose in my work in this jurisdiction and in the forward timing often you are given some benefit with the small print in the column telling you when a particular amendment came in. In this case this is a rewrite.

**Mr DENNEHY** — 2006.

**Mr NAUGHTON** — No. That is VC37, which is not the amendment that Dr Randle referred to earlier. Yes, certainly 2002–03 was the broad timing of that. I have already covered the northern oval, I would hope. We have sought three times to achieve the prerequisite consent of council to make that planning permit application. It has been deferred in recent times. I say in point 6 that there is genuine council officer support for at least the lodging of a permit application — not on merit, but for lodging. Whilst I do not have copies before me, Chair, there are minutes of a council meeting dated 17 March 2008 — and I am taking up bundles of time here — but at page 71 of the minutes of that 17 March meeting there are comments of council planners, which read:

... consideration needs to be given to the impact of the proposed link on the management of the reserve as a public park and for public recreation. It is suggested that the proposed development will not interfere with the public use of the trails, planted areas and lawns for recreation. It may also assist in improving accessibility for the broader community by providing an alternative access route through the university from west of Elgar Road and from Wattle Park.

That is what the planners said. The council's management also had the bridge proposal, in terms of its design, assessed externally by eminent architect and urban designer Mr Rob McGauran of McGauran Giannini Soon. He responded to council by saying there were substantial benefits, and he would recommend lighting, cycling and pedestrian outcomes for the bridge. He in fact also went so far as to suggest that there would be benefit in some consideration being given to lifts and additional staircases, all of which the university is open to, although — —

**The CHAIR** — So it would be floodlit?

**Mr NAUGHTON** — Certainly there would be some — —

**The CHAIR** — It will have 24-hour access and be floodlit.

**Mr NAUGHTON** — Twenty-four hour access: yes. Floodlit: I would hope that you would not be thinking of the MCG in terms of floodlighting but rather perhaps tennis court lighting which would be baffled and a suitable outcome, all of which needs to be assessed when and if we get our planning permit application considered at an appropriate level. There is support for at least a pushing forward of that process, and frankly that is what we seek to achieve. At the same time we say — and this is really in summary — we have broadly achieved an outcome with Whitehorse in terms of the northern oval. We have an open mind to outcomes in respect of those parcels of Deakin University land which fall within the creek environs. We think there is an opportunity for there to be resolution with DSE about the triangle to the north of the northern oval, and we also think there is an opportunity to — —

**The CHAIR** — What do you mean by resolution?

**Mr NAUGHTON** — It is a piece of land which sits there in the hands of DSE. It probably should form part of the committee of management land, at a minimum, under the control of Whitehorse, and it probably should be looked at in the context that if the northern oval is going to be developed for hockey pitches, long jumps, sprinting facilities for runners, basketball hoops and so forth, then really I think there is an opportunity for the triangle to be incorporated in that. I would have thought was good planning to do that. I am not saying it is within your terms of reference or ability to actually recommend an outcome in respect of that, but the triangle does sit there in an unusual state, and there is an opportunity, having regard to the Deakin University student activity buildings to its immediate north, to in fact integrate that triangle with works — —

**The CHAIR** — You are suggesting some sort of land swap?

**Mr NAUGHTON** — No. I am not suggesting — —

**Mr DENNEHY** — Rationalisation.

**Mr NAUGHTON** — Yes, rationalisation in terms of the two bits in the riverenvirons and the triangle. Am I saying a land swap with the university? Possibly. Should it then be covered by a similar control to the northern oval? Yes. Does it need to be in the university's hands? No. But should the recreation outcome for the northern oval incorporate that triangle? Yes. In summary that is probably what we would say should be an outcome for that triangle.

**Mr TEE** — In terms of that process, you are in discussions with DSE now, I take it, in trying to achieve that outcome?

**Mr NAUGHTON** — Yes. There have been ongoing discussions for a good number of years, and DSE has indicated to us an open mind about an outcome, but not in isolation to outstanding issues of bridges and the like.

**Mr TEE** — Yes.

**Mr NAUGHTON** — I do not have a ninth point on this running sheet, Chair, but it would be that we would urge this committee to recommend that there should be progress on all fronts here in terms of entertaining at least whether there be a new bridge created, existing crossings removed, a bridge which is suitable for all users of the bridge and, in that context, whether there should be some rationalisation of what is understood to be the public land and the ownership issues that go with that. They are broadly those three parcels which I have brought to your attention. In terms of questions from you, I suspect I will be retreating now and others more skilled or with more detail will be able to respond to a number of those things.

**The CHAIR** — If I could just start with some preliminary points. You have a small version of the master plan, and what would be helpful for us is a complete copy of the master plan. If you could provide that to the committee. I also note you have referred to some correspondence or some dialogue with DSE and DPCD. It would be helpful to us if you could provide us with the correspondence over the last four or five years with those state government departments.

**Mr NAUGHTON** — Excuse me, including issues concerning the recreational outcomes of the northern oval? Are you interested in that from a public land view?

**The CHAIR** — Sure. All correspondence would be good. That would be helpful. You also indicate that the Whitehorse planners, as opposed to the council, support this. I am aware of what you have just quoted. Is there other correspondence that you have with the council that you could make available?

**Mr NAUGHTON** — Yes.

**The CHAIR** — Thank you. That would be helpful as well. It seems to me that what may be going on here is that there is a decision by the university to build this bridge — and I will come back to a point about that in a minute — but that as a point of leverage over the community in this area, you are indicating a land swap of some type might be the deal, as it were, if you get the bridge. Is that a fair summary of what appears to be going on here now?

**Mr NAUGHTON** — I do not think that is a fair representation of where the university is at in terms of leveraging an outcome. I can tell you that a state member has indicated that the lever point here is that part of the northern oval owned by Deakin University, and that that should vest in public hands and, if that were to vest in public hands, things might happen. So rather it is not about the university seeking to say, ‘We’ll give two parcels of reserve back if we get a bridge across the creek’, it is far too simplistic.

**Mr DENNEHY** — They are separate issues as far as we are concerned. The only issue in terms of rationalisation of boundaries comes up with respect to getting a complete solution for the oval, if you like, because it is really only that triangle that is on the edge.

**The CHAIR** — So those discussions will go on completely separately from the bridge?

**Mr DENNEHY** — Absolutely.

**The CHAIR** — If the bridge is knocked back, those swaps will occur, although you are suggesting that a member of Parliament has a different view?

**Mr NAUGHTON** — Well, he would throw into the mix the northern oval.

**The CHAIR** — I think you are talking about Bob Stensholt.

**Mr NAUGHTON** — I am.

**The CHAIR** — The other point I would ask is what usage of the bridge will occur? Do you have any studies that indicate need or usage? Has there been survey work undertaken?

**Mr DENNEHY** — Can I perhaps make a comment on that? The development that you see on the plan on that site that has just been created — the new buildings that were constructed as a result of the closure of our Toorak campus, that closure that occurred through the ministerial approvals that we went through and, as a result of that, the activities that occurred at Toorak have now been relocated — so what we have now, for the first time this year, is not only our faculty of business operations that have been transferred from one part of the site to those buildings but also our Deakin international operation, so our international students centre and also our partner in MIBT and its operation. All up we are talking about an additional 2000 students that are now located on that side of the creek, and of course they need to move across campus on a regular basis to access libraries, amenities, food services et cetera, so there is a stream of movement.

**The CHAIR** — So you have assessed that in some way?

**Mr DENNEHY** — Absolutely.

**The CHAIR** — Is there a study?

**Ms YIP** — We did do an initial study in the estimates. We have not done a very recent study in confirming if the initial estimates are actually at that number, but we know there are several hundred student crossings per hour.

**The CHAIR** — Can we have a copy of that material?

**Ms YIP** — We can give you some information on that.

**The CHAIR** — Just to pick up your other point, you are saying several thousand more students. That would bring it to a total of — —

**Mr DENNEHY** — The 16 000 that was quoted earlier was around about the right figure.

**Mr TEE** — I do not have any questions, thank you.

**Ms PENNICUIK** — I do. What underpins the master plan in terms of whether the university envisages staying at 16 000 or increasing student numbers?

**Mr DENNEHY** — I am a relative newcomer to Deakin University. I have been there about 18 months now and, in my role of chief operating officer, I have been very much involved in the developments that are occurring here. In fact I am taking the whole university through what I call a strategic asset management exercise, so we are looking at the projections forward and we are developing 10-year projections right now on what the growth is going to be on all our campuses, including Burwood, and we are looking at about an average over the next 10 years of about 3 per cent growth in students, which is not a significant growth from where it is right now.

**The CHAIR** — Three per cent.

**Mr DENNEHY** — About 3 per cent. Could I just add, I should say the numbers now at Burwood, as was mentioned before, are about 16 000 hot bodies, if you like. We determined them as EFTSL, which takes into consideration the part-time and fractional students, but the hot bodies on site would be around about 16 000, so it is 3 per cent over the next 10 years, which is a reasonable sort of growth, and we will be going through that exercise of assessing the capacity of the site to manage that.

We are also looking at student residences. At the moment we have a very low number of student residences on campus — I think we have about 220 beds. There is significant demand. A study recently indicated that unmet demand for student residential beds was about 2100 beds. We are going to be looking at proposals to increase that. We have discussed that with Whitehorse council. I have spoken to the mayor and the local councillor, Cr Ellis. In fact, I got support from them during the conversation because they felt that by the university providing those beds, it would take

the pressure off the surrounding area for the developments that are currently going on to provide these sorts of developments within the community. We have also been in discussion with the Whitehorse council about that.

**Ms PENNICUIK** — We could spend hours on this, but what strikes me is that the campus here is growing, has grown a lot, and Mr Naughton's opening remarks did alarm me a little bit in terms of the way it appeared to me the university has said, 'This is what we need, so we have developed this plan internally'. It is internally driven. It about the needs of the university. In terms of the community you can see why the community is concerned about the impact of a growing quite intense development in their midst which is impacting on them and on their rare and scarce open-space area. It is a significant open-space area because it is on the banks of the creek, which makes it more significant certainly from my point of view. I have not got to my question yet, Mr Naughton. My question is about the two ovals; one of which looks to me to be more of a functional oval, put it that way.

**Mr NAUGHTON** — Correct.

**Ms PENNICUIK** — I just want to clarify for the public record, is it the intention of Deakin to develop those as playing areas? The glass building is gone; it is not going to reappear?

**Mr NAUGHTON** — We do not have any control of the southern one on the Burwood Highway.

**Ms YIP** — We have also formally written to the City of Whitehorse giving in-principle approval to a concept that has been developed in conjunction with the City of Whitehorse.

**Mr NAUGHTON** — On the northern oval.

**Ms YIP** — About a recreational outcome for the northern oval like soccer fields, and when you look at your plan you can see the divide, so pretty much from the divide all the way. At this stage it includes some elements of the DSE triangle as a — —

**Ms PENNICUIK** — We will get to that in a minute.

**Mr DENNEHY** — The bottom line is that yes, we have made a decision that they will remain as open playing fields. We have made a decision to work with Whitehorse council, and we have actually got an agreement in principle about how they can be developed for further playing ovals. My understanding was that it was going to Whitehorse council, but I cannot confirm the status of that, for their information and consultation.

**Ms PENNICUIK** — The idea is that they would be playing ovals for use by students, but also by the community?

**Ms YIP** — Correct.

**Mr DENNEHY** — We have actually had some discussions with Whitehorse council about the management, and we are talking about maybe a joint management committee that will look after and ensure the facilities are maintained appropriately. We have indicated that we are prepared to contribute to the development of the ovals.

**Mr NAUGHTON** — We are talking very much about hockey pitches, long-jump pits; not just another football oval with goalposts or nets.

**Ms PENNICUIK** — It seems to me that with 16 000 students you need that because we all need to be looking at providing activity opportunities.

**Mr DENNEHY** — Absolutely.

**Mr NAUGHTON** — And through you, Chair, that was the process that the Minister for Planning had officers of the DPCD get involved in to drive that discussion between the university and council, and to try to reach a point of consensus about what facilities the council needs for the community and what facilities the university needs for its staff and students. That is the point of consensus that has been arrived at, and that is a good outcome. That is moving forward.

**Ms PENNICUIK** — I am not going to go into the bridge; I think we have talked a bit about the bridge. I am looking at the buildings directly to the east of the oval. Can you tell me the height of those buildings?

**Ms YIP** — I think you might be referring to building P or J in the top campus map.

**Ms PENNICUIK** — These ones.

**Ms YIP** — I am not sure of the physical height in metres, but it is a five-storey building.

**Ms PENNICUIK** — A concern was raised by WERA, and I share that concern about there being no levelling out. There is a five-storey building right there next to the reserve. I wonder what permits were required to build those.

**Mr NAUGHTON** — I have been to VCAT many times to achieve approval for these award-winning architecturally designed buildings.

**Ms PENNICUIK** — They may be award winning architecturally, but in terms of the buffer required under Melbourne 2030 — —

**Mr NAUGHTON** — No, I am sorry to say that you are wrong about that.

**Ms PENNICUIK** — You can clarify it.

**Mr NAUGHTON** — The Whitehorse planning scheme makes it very, very clear that this site is to be densely developed for education purposes — densely. Let me leave you with no doubt that the Whitehorse planning scheme says that squarely.

**The CHAIR** — Imposed by 2030 — by the planning minister's action.

**Mr NAUGHTON** — We all work with the planning schemes that are before us.

**The CHAIR** — Yes, I understand that.

**Mr NAUGHTON** — They have been independently assessed. There have not been any free kicks or call-ins or anything like that.

**The CHAIR** — No, but a designation is a designation.

**Mr NAUGHTON** — We have been through the processes; they have been supported and supported at all the relevant levels.

**Ms PENNICUIK** — There are ways of achieving density and ways of achieving density so that things might appear less abrupt in terms of abutting a reserve.

**Mr NAUGHTON** — If you express that concern to me about buildings H and D, for example, which is to the north of the northern oval, there might be some validity in a suggestion about its relationship to the creek environs having regard to the DDO control I took you through before, but I would have real difficulty with any suggestion that a planning scheme which calls for a dense education outcome would seek to do anything other than what it has done, and I repeat, with award-winning architecture on the balance of the campus fronting Burwood Highway.

**Ms PENNICUIK** — Obviously there are a range of views on that issue, Mr Naughton. I want to talk about the triangle bit that is north of the oval. I notice that here — and I am presuming this is it here — —

**Mr DENNEHY** — Yes.

**Ms PENNICUIK** — It has got a lot of trees on it. This is a significant tree-lined stream reserve. I put it to you that any loss of those trees would be — —

**Ms YIP** — A large number of those trees are actually on the Deakin side of the land. There are some smaller ones towards the creek.

**Ms PENNICUIK** — Whatever side of the land they are on, they are there, and you can see that the loss of them would completely put a gap in what I would presume is a wildlife corridor because of the presence of the trees in a linear way.

**Mr DENNEHY** — Are you talking about the trees through the centre — through where the creek runs — or are we talking about the triangle which is just the bare area?

**Ms YIP** — We are mainly talking about the bare area.

**Mr DENNEHY** — We are only talking about the bare area. All we are suggesting is that in terms of the triangle, if we want to rationalise the boundaries and try to make it a little bit more sensible as we work through, that little bit of bare area would be helpful in planning the overall — —

**Ms PENNICUIK** — So as not to include trees?

**Mr DENNEHY** — We are not necessarily; wherever possible we will be preserving trees.

**Ms PENNICUIK** — Okay.

**Mr DENNEHY** — That is the intention.

**Ms YIP** — Or planting a few more.

**Mr DENNEHY** — Or planting more.

**Mr NAUGHTON** — The idea is that a bridge in stratum launches itself off from a fair way back and then works with the existing condition and with the existing landscape. That would be a most relevant issue to be considered when a planning permit application is ultimately entertained.

**The CHAIR** — On the bridge, the construction process of the bridge, you are confident that that would not impact on the creek and the vegetation?

**Mr NAUGHTON** — Elevated. Mr Farley may — —

**The CHAIR** — You have got to build it.

**Mr DENNEHY** — Yes, we have to build it. We have got to have space to put some materials and equipment et cetera. I think, Paul, you have been looking into that.

**Mr TEE** — Sorry, how high will the bridge be from the creek? What is the sort of height you are looking at?

**Mr NAUGHTON** — From the creek bed?

**Mr TEE** — From the creek bed.

**The CHAIR** — 40 or 50 feet or something?

**Ms YIP** — I do not think it is that high. It would probably equivalent to the second storey. At the moment, as we referred to, there is a picture of where the potential ending of the bridge is, and that is just over a first floor level, so that is about 3 metres. The creek does drop down, so I think it is probably up to about 30 feet. We will have to confirm; we can get you some — —

**Mr TEE** — No, that is all right.

**Mr NAUGHTON** — At its highest point it suggest about 7 metres, which is the equivalent of a two-storey building.

**Mr FARLEY** — Going back to your question on the construction of the bridge, we would look at environmental management plans so we would have minimum impact, the same as when we look at our buildings, our other buildings that come down or go near the creek. We take the same approach to anything that we build on the site, especially anywhere near the creek.

**The CHAIR** — The other set of questions I had is: what contribution has Deakin perhaps made to the Gardiners Creek Reserve? Is there anything that you have done to add to the public open space there? Is there anything that you can point to in terms of protection of that space that the university has undertaken?

**Mr DENNEHY** — I do not know. In the period of time that I have been here have you been aware of any discussions with Whitehorse about that?

**Mr FARLEY** — No, most of the discussions have been about the bridge and the oval.

**Mr DENNEHY** — In the short period I have been here — in fact I have just started the discussion. I have been to see the local state member a couple of times. I have been to see the mayor and the councillors and also worked very closely with the officers. In fact Whitehorse council recently came out with a document which is all about environmental protection. I have advised them that I have just started an environment policy advisory committee to the vice-chancellor and opened up the discussion to sort of work with them about the sorts of things that we would like to share — not just the creek but everything in terms of environmental. One of the things that I think we have had in terms of amenity is in regard to the student building, the HD that is located there. What we have put in there — and there are two layers of cafes and coffee shops et cetera and eateries — and what we find now with the pedestrian traffic that is going back and forth is that these people stop on the way on the stroll along the creek, and they walk into the cafe and sit down and have a coffee and a bit of a chat or whatever else and move on.

**The CHAIR** — Do you contribute financially to the management of the Gardiners Creek section through there?

**Mr DENNEHY** — I do not know, I do not believe so.

**Mr NAUGHTON** — We will take that on notice.

**Mr DENNEHY** — We can find out for you.

**Ms PENNICUIK** — I was going to make a comment, actually, that there may be some scope for involving students in the care of that area.

**Mr DENNEHY** — Absolutely. In fact that is part of the environmental policy advisory committee. We are currently doing an audit of all our units across all our courses that have an environmental component to them with the objective of looking at how we can start to leverage up

and put some strategies in place to increase our environmental activity right across the board. Certainly we have members of the undergraduate student association, postgraduate and the environmental club on that committee, and we are working closely with them. They have certainly got an interest in the Gardiners Creek area.

Can I just make one further point? Again, just in the short period that I have been here and with the discussions I do agree with the WERA group about the role of the council officers; they have been extremely helpful on the way through. The frustration has been that every time — and they gave us a copy of the submission that went to the last Whitehorse council meeting with the recommendation to grant us permission to submit the development application, but all we got back after that meeting was just a single letter, and can I read that letter out to you? It is very short. It says:

Council considered the matter regarding the interconnect bridge project on 17 March 2008.

Council resolved as follows:

Moved by Cr Ellis, seconded by Cr Albury

Council as committee of management under the Crown Land (Reserves) Act 1978 and as public land manager under clause 36.02–3 of the Whitehorse planning scheme defer the current application for consent for the proposed bridge.

Carried.

If you wish to discuss the matter, please contact me ...'.

That was signed by Paul Kearsley. I contacted him. I said to Paul, 'What were the reasons?'. He said there were no reasons. That is the answer that I got.

**Mr TEE** — So your frustration is you are unable to kind of get to the first stage, and that is to get everything going so that you can have it, look at this and have it looked at objectively?

**Mr DENNEHY** — I guess I am just surprised that they can block without a genuine reason and without an opportunity to appeal. We do not seem to have that; every time we put forward it just comes back in this way, and I just do not see how that is acceptable at all.

**Ms PENNICUIK** — WERA was talking about options that the university have put.

**Mr NAUGHTON** — There are five bridge options. That material, which you have asked for and you will get, sets those five bridge options out. It was all subject to extensive consultation in early 2005.

**Ms PENNICUIK** — Yes, but the WERA group put forward the notion that you have already decided on the option, because part of the preparations for the preferred option is already there. Is that the case?

**Mr NAUGHTON** — There is a photograph in that WERA initial submission which would suggest that, yes. But that did not stop a rethink in late 2004 and early 2005 of whether this was optimum outcome for a bridge location. An architectural competition was undertaken and five options were explored in terms of five different crossing points meeting campus. Is it generally in the position where that footbridge is presently situated? Yes, it is. Is it exactly where it was contemplated when that building work was done in 2004? No, but it is close.

**The CHAIR** — Thank you for your appearance and we look forward to that information.

Witnesses withdrew.