

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Apollo Bay — 8 November 2007

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Witness

Mr J. Spencer, Otway Forum.

The CHAIR — John, you are a representative of the Otway Forum?

Mr SPENCER — Yes, that is right. My name is John Spencer; I am a retired civil engineer and engineering academic, and I have resided in Apollo Bay for about the last 10 years. I am representing the Otway Forum. I will make a brief comment about the Otway Forum itself. We are an incorporated body, a fairly informal group of citizens and ratepayers of the Otway ward. Our meetings are open to everybody and we generally meet on the third Sunday of the month. We do not have a particularly strong formal structure, we like to keep ourselves pretty free and open, and our main focus is to provide exactly what we say in the title of ‘forum’ — a forum for ratepayers and other interested citizens to be able to express their views, particularly on the activities of the Colac-Otway shire. I am a little conscious of the fact that you may well have heard a lot of what I am about to say, and I do not really mind if somebody wishes to move me along. I would quite understand that. I was not able to be here earlier, and so on. As a matter of fact, I have just come back from five months of touring around Australia, so I am slightly disorientated, but I am happy to be back in Apollo Bay because it is such a great place.

I would like to open my remarks with something I am sure you are aware of. Before I do that, I am heading fairly quickly toward the public open space, which I am sure Gary has just been talking about, and the proposed harbour development. That would be my main focus, and I will come to that quite quickly. To put it into context, I am sure that you are all quite well aware of the Great Ocean Road Region strategy document of 2004 and the fact that Apollo Bay has been designated as an area suitable for residential growth on the Great Ocean Road.

The CHAIR — A node, we keep hearing.

Mr SPENCER — A growth node, yes indeed. I would also be happy for it to be on record that I and many of my colleagues, and indeed the Otway Forum, are not opposed to development per se. What we are opposed to is a scale of development which is out of keeping with what we perceive as the charm and attraction of Apollo Bay.

Just getting back to that 2004 document, and having designated this place as a growth node, it would seem to us that the green light came on for the Otway shire councillors for what we believe are some ambitious projects way beyond the scale of what is required in a place like Apollo Bay. You would be well aware of the Great Ocean Green, and to some extent its dependency on the golf club vacating the — and I will use the term ‘Crown land’, if you do not mind; I am old enough to want to use the term ‘Crown land’ — Crown land at Point Bunbury where the golf club is currently housed.

A little later my colleague Ted Stuckey will speak. Ted has made a private submission and I am privy to his submission. He will take a more perhaps legalistic approach to the one I am taking. I rather feel that I am expressing a very widely held view by the community here in Apollo Bay, and I am in fact basing all of this on a public meeting that we held on Sunday, 8 April 2007, to discuss the Apollo Bay harbour precinct master plan. Incidentally, I will certainly table these documents; I apologise for not submitting them earlier. This meeting was called because of public angst over the approach the Colac-Otway shire was taking and what we believe — in your context — was a very cavalier attitude to DSE land, Crown land, call it what you will, of Point Bunbury and so on.

The shire council likes to tell us that it had numerous community consultations. I was not among any of those user groups that were consulted, but many of my colleagues were. The information that came back to me was, ‘Yes, sure, we were consulted all right, but all of our advice was disregarded’. I did not promote the public meeting. I did not get up and say, ‘Let’s have a public meeting’; the forum did. We met on one particular afternoon without any prompting from me. People simply said, ‘Let’s have a public meeting; we are disgusted at the way we are being treated as a community by the Colac-Otway Shire Council’. In the event 167 people attended the meeting and there was standing room only at the back of the hall.

I would like to say something positive about what might have been said about the Colac-Otway shire, but I assure you that the meeting was basically an angry meeting. I happened to chair the meeting, and while I would not go so far as to say I had any difficulty controlling the meeting, there was certainly an atmosphere of anger and disgust at the way we were being treated. This is where I believe — and you will have to forgive me if I am a little bit off the mark — your select committee should be looking at these sorts of issues.

After all, we are talking about public land. Surely we should be talking about public opinion. I will not bore you by going through this entire document with each of the issues. I will perhaps move fairly quickly to the most pertinent ones as they relate to public land use. I am aware of the fact that you may in fact not even agree with me, because I

am aware of the fact that state governments seek public-private partnership — which I have never fully understood, I must admit, but I guess someone has to pay for development at the end of the day. I reiterate: Apollo Bay does not want this sort of development, does not need this sort of development. The development we are referring to are things such as a lap pool, a 5-star hotel, council facilities, office accommodation and the like, commercial buildings and so on. You have probably heard from others, so I will not dwell on that particularly.

All the things I have just rattled off are private applications on public land. I do not know whether some government minister has had a word to the councillors from Colac Otway shire and said, 'Look, go for it, Charlie. We'll make sure that you get the land. You come up with this grandiose plan. Once we kick the golf course off its current land, we'll make sure that you get a fair slice of this action, and the public can have what's left over'. I think I am making my point fairly strongly.

I would like to get back to what I believe is the central issue in the problems associated with our council — and perhaps with state government in power; I am not too sure about that — and Apollo Bay, and that is that some bureaucrat has perceived that this a growth node of unlimited potential. That to me is the central issue. I do not know who this bureaucrat was, but to me it is the central issue. There is not unlimited potential for growth here in Apollo Bay.

I remember that during the panel hearings — I am reminiscent; being back here is like being here a couple of years ago — I clearly said that Apollo Bay should be looked at as an island and that there are limits to growth. In our case, the sea is the ring of mountains bounding Apollo Bay. Like on an island, there is a very limited amount of water. In fact, if nobody has alerted you to the water fiasco, something which had I not been aware of as being reality — if I had read that in some novel — I would have laughed my head off, over the way in which Barwon Water are conducting themselves over this nonsense of the water situation in Apollo Bay. I could go on. Look at the transport issues. Look at the road access, have we got a screaming three-lane highway coming down here from Melbourne?

Our councillors went up to the north coast of New South Wales — in fact I believe they visited Port Stephens and the town is Nelson Bay, if my memory serves me correct. I visited Nelson Bay and thought it was a wonderful place. We do not have the climate anywhere near like what they have on the north coast of New South Wales. What is even worse, think about the bay. Port Stephens is a wonderful bay for touring around, putt, putting in your little tinnie. If you come down here, the most treacherous waters in Australia are just out behind me there, within sight. Apollo Bay, you can slip across that in a tinnie in about 2 minutes. Where is the demonstrated demand for a harbour development? This marina and all these boats, where are the queued-up yachties waiting to sail down here?

I mentioned that I have just come back from the east coast of Australia. One of the things that fascinates me is that there is harbour after harbour after harbour, and on a beautiful Sunday afternoon all the boats are tied up in the harbour. I do not know where on earth the money comes from, I really do not — that is something that really worries me. Development has gone to the absolute extreme.

I really feel as if a button was switched on and I started to speak rather passionately about my views. I shall perhaps try to get back to matters which I believe you are charged with. I simply conclude by saying: if you are looking, as I believe you are, into the use of the public land, such as the foreshore here at Apollo Bay, then I would suggest that it needs to be looked at in a light which allows for the public use of that amenity in its entirety — perhaps some small scope for minor improvement around the harbour et cetera, no 5-star hotels, no shopping strips, no great marinas for boats which will never come. We have enough problems down here without putting yet another furphy around our necks.

Thank you, ladies and gentlemen, for your attention. I am more than happy to just table these two documents, if you would permit me to do so.

The CHAIR — John, thank you for your presentation. I have only one question. A number of public facilities have been talked about as part of this whole process, that on the surface would appear to be of benefit to the community. Do you think that is a positive aspect of the process or perhaps is that something that ought to be provided by state government, in any event?

Mr SPENCER — Perhaps I was a little bit overdramatic. Yes, I do think there is scope and I think it is reflected in the report, in the written word. Maybe I gave a little bit of undue emphasis to what perhaps could be called a little bit of emotionalism. But, for example, the sailing club desperately needs far better facilities. At the

end of the day, I can recognise that the sailing club could be construed as being, if you like, a closed amenity — you have to be a member, or something like that, of the sailing club before you can use it.

Certainly I would support some development at the harbour. Sorry, it is not just John Spencer saying this. I should remember that I am representing the forum and these thoughts are reflected in that document over there. We have said that yes, there is scope for improvement with the harbour. There are some pretty, what shall I say, disused and — I cannot think of the right word, not broken down, but there is certainly scope for some improvement down there. There could be improvements to the boat ramp, organised parking, I have already mentioned the sailing club, and there may be some other issues.

The CHAIR — Council buildings, library — there is a long list of those, that I assume have some value?

Mr SPENCER — Yes, they would have some value, and I am certainly not being dismissive of those, although the view was quite strongly expressed by people at the meeting that those sorts of facilities should come back into this town area. People did not want a library or council offices located down there in the harbour precinct area.

The CHAIR — Should they be funded by government, in any event?

Mr SPENCER — Look, I am sorry, that is not really an area that I am particularly familiar with. I really do not follow government issues that closely in terms of funding.

Mr TEE — Just a couple of things: I see that the Otway Forum was represented among the community reference group members. Was that you? Were you the representative?

Mr SPENCER — No, it was not me. It might have been Tony Webber. Is a name given there?

Mr TEE — No. That is why I was asking.

Mr SPENCER — I have been in touch with Tony this week. I am sure he would ask me to apologise. He said he was going to be rather busy. I said, 'Okay, Tony, I'll do it'.

Mr TEE — It is okay. The other question is that I am just wondering what is the forum's view about the golf club and whether you supported the golf course being turned into a camping facility.

Mr SPENCER — I think I can confidently say that the forum does not object to the golf club seeking some other site for its future development, although I do know that several members have expressed a view that it should remain where it is as a very attractive feature of the town. I do not know that the forum per se has got a particular view on that, but I would err in favour of saying that it has got no objection to its moving.

Mr O'DONOHUE — Thank you for your comments today, Mr Spencer. How many members of the Otway Forum do you have?

Mr SPENCER — I might have to call on Ted to help me out here, but off the top of my head probably maybe 100 or so.

Mr Stuckey (from gallery) — About 100.

Mr O'DONOHUE — So a significant number for a town of this size.

Mr SPENCER — Yes.

Mr O'DONOHUE — You have spoken about your dealings with council. Have you had any direct dealings with DSE or other limbs of the state government?

Mr SPENCER — No.

Mr O'DONOHUE — No involvement at all?

Mr SPENCER — No, not through the forum. I might just make a little comment. I personally believe DSE is some amorphous body that does not really put its hand up so that we can see who it is.

The CHAIR — It chose not to attend today. We will let that go.

Mr SPENCER — Yes. I have contacted them a few times in the past, and you usually get, 'Please contact Mr So-and-So for further information'. And then you ring up and Mr So-and-So has changed his name to somebody else, and you get fobbed off, so I am not particularly enamoured of the DSE.

Mr O'DONOHUE — I suppose the thing I am trying to clarify is who is actually behind this actual development. Is it the council, is it the DSE, or is it the proponent?

Mr SPENCER — I would love to know. That was the point of my remark earlier. As far as I am concerned — and I have been active and vocal in every opportunity that I have had probably since the year 2000 on this issue — we keep saying that maybe it is some bureaucrat who got this brainstorm up in Parliament. I do not mind saying publicly that lots of conspiracy theories abound around the coffee shops of Apollo Bay; I have said that publicly before. Since this is a fairly public forum, I do not mind relating this, because it happens to me so often. Most people know about my outspoken position on matters that are going on down here, and just the other day a complete stranger spoke to me. I was standing looking at the coastal recession occurring out of here, and I had never met this guy before in my life. We started up a conversation. I said, 'Yes, I'm against the Great Ocean Green development'. He said, 'You're going to lose. We're going to lose', because he was absolutely convinced that there is the dead hand of — and I do not care, I will say it — a government minister who has given this whole darned thing the blessing and it is going ahead whether we like it or not. That really alarms me, and if you want to get me spirited and standing up for what I believe in, then that is one way to do it. That is not democracy in my book, and if the closet informant would come out of the cupboard, then I would be absolutely delighted.

Ms PENNICUIK — Mr Spencer, the council has mentioned several times that the development of a harbour was identified as a community priority. I wonder if you have a comment on that.

Mr SPENCER — Yes, I certainly do have a comment on that. The council consulted. It set up user groups, and I have already said that according to my information — I was not on any of those committees — it cheerfully ignored what the community groups did. It had a stand over here on the foreshore and it had council officers down there. A straw poll was taken by the foreshore committee. If you would look at my document over there, I am not sure of the figures in it, but it occurs to me that something like 70 per cent of the respondents said, 'We do not want a 5-star hotel' — 70 per cent!

We got nice little 'Thank you very much for your submission' letters — it was like getting an elephant stamp when you were in grade 3; it was absolutely insulting — from the council officers. I found it insulting to my intelligence. I got one both as a private citizen and for looking after the Otway Forum. 'Thank you very much' — I am ad-libbing, of course — 'but we're not going to take the slightest bit of notice of what you think. We're going ahead with our plans'. The only thing that they did, I suppose, to give them credit — I should give credit where credit is due — they scaled down the height of the building and said, 'We'll make the hotel less intrusive in appearance', and they made some other cosmetic changes around the edges. I do not believe that this is a community-inspired effort at all. Some 167 people rocked up, and there are supposed to be about 1000 permanent residents in Apollo Bay. Not bad, is it!

Ms PENNICUIK — Mr Spencer, has the forum given any feedback to the council, either written or verbal, as to what it sees as appropriate for the harbour?

Mr SPENCER — Well, yes. The document that I have just tabled is roughly headed up — I have not got it in front of me now — 'Report to council on the public meeting re the harbour development' et cetera. That went off to council, and in my opinion that then represented the community view via the Otway Forum to the council. It is that issue which I believe it has chosen to basically ignore or to pay very minor attention to.

Ms PENNICUIK — You also mentioned, Mr Spencer, about Barwon Water. I was wondering, just for the public record of this hearing, what is the issue with the water?

Mr SPENCER — Okay. I can briefly make the comment — and I am very familiar with it, and my figures will be quite accurate — that Barwon Water has publicly stated that there is a need for a 250-megalitre storage basin to provide for the future growth of Apollo Bay. In fact, it is not only for the future growth, it is for the current population plus future growth. The current storage facility — I think I am right on this, and someone might

correct me — is 125 megalitres. I am very sure about my 250 megalitres — although it might be 260. Anyway, it is a very significant storage facility.

The reason it needs the storage facility is that during the winter there is a need to harvest the water from the Barham River and store that water up for use over the summer season, of course. Barwon Water has had immense difficulty and has spent enormous amounts of public money finding a suitable site for that water storage facility. In fact, at the last count it had investigated nine sites seeking to find a suitable site. When I say 'a suitable site', I am talking about the geotechnical conditions, the area, the feasibility of building such a facility and so on. I think I am also right in saying that it has been doing this for at least the last three years, if not longer.

During the June 2006 part of the panel hearing into the Great Ocean Green development, this room was absolutely rocked to its socks and jaws dropped open when Barwon Water stood here where I am right now and said, 'The only site that we can find is slap in the middle' — it didn't use those words — 'of the Great Ocean Green development site'. So that has put the whole project in complete disarray. The panel went into private recess and discussed the issue. The chairman eventually came back and said, 'That's not our worry. We'll ignore Barwon Water. We're going to proceed with the panel as if Barwon Water's issue doesn't exist'.

The panel report which came out in July of this year categorically states that no subdivision permit will be issued for the development of housing sites until and unless Barwon Water provides potable water to the development. At last count Barwon Water is still investigating the sites. They have gone back to some of the previously discounted eight sites. Like I said, they have spent goodness only knows how much money trying to solve this, and as far as I can ascertain — I mean I was away for five months. I think I might as well have gone away for five years. They would still be trying to scratch around and find out where they are going to build it. Incidentally, one very important thing that I would love to be on record, because this is what Barwon Water said — I heard it, and I am sure it is recorded in the panel report — it would cost twice as much to build a storage facility in the land around Apollo Bay as it would on any other comparable site, such as one up around Colac, because of the geotechnical instabilities of the land associated with works around here in Apollo Bay.

Ms PENNICUIK — I read a letter from you in the paper, Mr Spencer, about the geotechnical issues in terms of earthworks. I wonder if you could expand on that as well.

Mr SPENCER — Yes, I am quite happy to expand on that. You did read a letter of mine, and if you want to watch *Stateline* on Friday night, you will hear John Spencer talking about it again. As an engineer, I am not saying that you cannot build earth mounds above a design flood level and create housing pods for 537 homes. My favourite quote this week has been, 'If you throw enough money at it, you can put a man on the moon'. I have always questioned, right from the outset, the financial viability of this project. At the panel hearing in 2006 I raised this issue. Jeff Morgan on behalf of the council, in his summing up to the panel, repeated my question, and it is a quote that I have not got in front of me now, but it was certainly words to the effect that he also questioned the financial viability of the project.

Ms PENNICUIK — Sorry, who is Jeff Morgan?

Mr SPENCER — Jeff Morgan was for the Colac Otway Shire Council. He was their representative. That question has never been addressed except by me, and the question has not been taken up by the panel. I will expand on it in two ways. The first is to tell you that the amount of earthworks per lot yield is five times the amount of earthworks that they used to build Sanctuary Lakes on the shores of Port Phillip Bay — five times. Although I am a civil engineer, my actual specialty is structural engineering, but unfortunately I do not have too many colleagues who actually deal with subdivision developments and the like. But you could only imagine the sort of effect from five times the amount of earthworks per lot yield compared with Sanctuary Lakes. That must be reflected in the cost of the land for final sale.

The next issue is that if you start building these pods out there, then it is not just going to be a matter of, 'Let's get a few loads of dirt and tip them on the ground out there'. There is a very good likelihood that settlement will mean that most of the material that you put there initially will just simply soak into the silt. That gets back to my point. Sure, I am not going to deny that you cannot do it, but you will have to have a very, very highly graded fill, starting off with presumably some fairly large material at the base, a very wide base, and you are going to spend an enormous amount of money building this to do it in that way.

The other issue which has not been addressed brings in the matter of haul distance. The proponent has clearly stated that they need 275 000 cubic metres of imported fill. They are going to do extensive cuts. You get a cut, the cut material goes in to create some of the fill. You have got to import some more fill — 273 000 cubic metres. That is an awful lot of fill.

The haul distance for the Sanctuary Lakes project was 1 to 2 kilometres. The haul distance for this project is unspecified, and they might say — anyone would say — ‘Where on earth are they going to get that amount of fill around here? Are they going to blow the top off Mariners Lookout up here?’. Presumably it is going to come from Colac or somewhere in that area, a haul distance of something like 90 kilometres, at a really horrendous cost. The proponent has not answered these charges. The thing that I feel so passionate about is that we as a community will get stuck with a project that starts, falls over and we are left to pick up the pieces.

Ms PENNICUIK — If you build up all that land that you have described in that way, where will the water go that is already coming down the Barham River?

Mr SPENCER — I have no particular problem with that as an engineer. I am aware of mathematical modelling procedures which I have used all my life in engineering circles. I have not particularly studied the flood modelling, but the basic argument of the flood modelling is that sure, you have built up this material and therefore the water has got to go somewhere else. But they are assuring us — and I have to say that I have concentrated on the area that I have just spoken rather passionately about and left the flood modelling to other people, but I am prepared to accept that the flood modelling, provided you accept the flood modelling figures, sure the water will be displaced because it will have to go somewhere else, because these pods are in the way. But I am afraid that I am reluctantly prepared to admit that it can be engineered.

The CHAIR — Thank you for your contribution, Mr Spencer. We appreciate the effort that you and your group put into it.

Mr SPENCER — Not at all. Thank you very much. I may have strayed off the topic a little bit, but I certainly appreciated the opportunity to air some other views.

Witness withdrew.