

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Tuerong — 27 September 2007

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Witnesses

Ms J. Oliver, president,

Mr R. Richards, vice-president,

Dr B. Cuming, member, and

Mr J. Edgerton, member, Devilbend Foundation.

The CHAIR — I welcome to the hearing members of the Devilbend Foundation: Jan Oliver, Roger Richards, Brian Cuming and Jamie Edgerton. I also note the presence in the audience of David Morris, the member for Mornington in the Legislative Assembly. All evidence taken at the 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. You will be sent proof copies of the transcript in the next couple of weeks.

Brian, perhaps you would like to lead off with some comments and then we will ask some questions.

Dr CUMING — Thank you, Chair. First of all, thank you for this opportunity to revisit an issue that we have felt very keenly about for a long time. Perhaps if I could introduce ourselves as the Devilbend Foundation. We were formed last year in August as a continuation and formalisation of the 40 groups roughly who have been supporting us for several years in what we have called the community vision. I think you have had a copy given you of our document, which is an up-to-date attempt to put that on paper.

Just as background, I would like to say that we are dealing here with an ecological imperative which, alongside climate change, is one that is just as vital to the future existence of mankind. I think I pick up from the discussion so far that it needs no emphasis from me that it is vital to the future of mankind that biodiversity is maintained and that it is in a perilous situation in a lot of places, including here.

One of the problems we have found in dealing with this matter with the public and with people, even experts in fields, has been that ecology itself as a science has moved ahead very quickly in the last 40 years from a sort of specialist viewpoint that people took to a holistic view. The name that is given to this new version of it is 'landscape ecology' — in other words, looking at a landscape size of the country at a time and all the problems associated with it as if you were a kangaroo or a wedge-tailed eagle that needs large areas and connected areas of bush to exist.

Even for people who have been in the game for a long time and were educated at a time when they became a botanist or a zoologist or something, these views have taken a long time to come through. So it is not surprising that we feel that when government made its decisions to do what it has done we had asked especially that this block of land — the 40 hectares — be included for very special reasons, which were part of this new philosophy. Very briefly, the new philosophy started with a book which I will not go into at the moment which was published exactly 40 years ago by Macarthur and Wilson called *The Theory of Island Biogeography*. They reminded people of something that had been known for a couple of centuries — that is, that on big islands in the sea you get more species preserved than on small islands. Over the years it had been realised that that applied on lands as well. Where man has cleared land and there are bits of bush left, the big bits of bush are much more useful as habitat than the small bits. Maybe they are not big bits as a whole, but they are connected. That has flowed through to recent work by Deakin University people, and the bits of land that they are looking at are 10 times the size of Devilbend — they have chosen to study exactly 10 000 hectares. We have felt all along that there is a great imperative to keep all of the land. There is no excuse to get rid of any of it, because we have said, 'Grab that and add to it by various means', either by acquisition or by encouraging land-holders nearby to connect up with other bits of bush that are around, and so on.

We started off with this imperative, if you like, and there were three bits of this. One was to maximise the area. It belongs to us and we do not have to pay to go out and buy it, so there is no justification for selling it. I know we are talking millions of dollars and that always sounds a lot, but it is trivial when you do the sums over a period of decades in the scheme of things. Its value to the park would far outweigh the immediate cash value.

The second reason, in this sort of ecological bundle, if you like, is the reason that the block belonged to Melbourne Water is quite simple, when you look at a map of the terrain and realise that that is the catchment for the northern end of the reservoir. It was there to protect the catchment of the water flowing into the reservoir, and continues to do so. Therefore it is very important that that bit of land is owned by people with a close connection with the reservoir, with the reserve, and preferably it is owned by the government.

The third one in that bundle is to protect adverse uses. Although it is very pleasing to know that the shire in fact has taken the steps that Alex has just told you about of supporting the green wedge concept of 40 hectares being the minimum and consolidating those titles, this is really not enough because we know that the green wedge provisions still allow a whole range of activities which might have adverse effects. We have listed some of them in our

submission — particularly I have in mind the water control thing. We had the recent scare, if you like, of the proposal at Greens Bush about two years ago, which has now been withdrawn. There was a proposal for a quite inappropriate large tourism and residential development, which was quite contrary to the spirit of Greens Bush as a conservation reserve. We believe anything like that or approaching that — I do not know whether it is permitted or not, but it is quite likely to happen with what we see around us — we would like to completely avoid.

All of that was in our minds three, four or five years ago, but as we developed this community vision the importance of people getting something out of this reserve — the educational value, the research value and a lot of the spiritual value of it — depended on having people involved but not mucking it up. The trouble is that people tend to muck things up without even trying. Therefore our vision was that we would find some spot which had something which was part of the reserve but was sufficiently separate. It has always been in our minds that that block was the ideal spot to have a slightly busier activity. It became a little bit more like a regional park or a metropolitan park, if you like, where you could have a fair amount of parking and you could provide people with toilets and meeting places and so on, all of them low key, and where you could build up a low-key interpretation centre.

Tomorrow I am going up to the Grampians and I look forward to seeing that marvellous Brambuk thing again, which is done in association with the indigenous people. That is another aspect of it, where it might well emerge that this might become a centre for the indigenous people of the peninsula and the area to be involved.

In our submission we have listed some of the educational and research things that have already come our way. We are not theorising, because whilst we have been pushing our case in the last few years a number of research projects have already happened. They happened not because we went out and sought them but because people rang us up and said, 'I'm a lecturer at Monash and I've got some students here doing a grad dip in' — I have forgotten exactly what the faculty was there, but they ended up doing a marvellous study on the health effects of parks like this. And they all passed, I think.

Then we had another group which was doing social science sort of stuff at TAFE. They ran a picnic for us — another aspect of the association of something beautiful, like a reserve. Finally, a mature-age student doing ecology at Deakin came along and said, 'I need a project', and he did a marvellous exploration of the principles of the island biogeography I am talking about. In fact he is still a member of local groups and is very active.

We have got another proposal from Monash now to study the aquatic fauna. As well as this, Roger Richards has been running an incredible project for Birds Australia for three and a half years now, where they have been studying and once a month monitoring the bird life. They have come up with, quite remarkably, 145 species of birds, which is something like more than two-thirds of the birds on the peninsula. That sort of says, 'Well, this is a fairly special place already; it is not bad habitat'.

Likewise, in the education field, Warrigine Park, with which I have been associated and which is not far away, has been kept very busy over the years with groups from schools and of old people and so on wanting to have trips. In fact there was a quite recent inquiry from Western Port Secondary College about the possibility of their students going and doing reveg work somewhere other than on the school property. Most recently there has been the Hands on Learning Program, which is where a group of teachers has grown together in the last five or six years and works in a number of schools, including peninsula schools, for the teenagers who respond better to outdoor practical activities than classrooms, which leads them back into the classroom, very often, by years 10 or 11. They recently approached us and said, 'We would love to have a sort of spot, a headquarters', and we would contribute enormously through our activities to that sort of thing.

I will go back and comment on a discussion you had a moment ago, Chair, about the ecological value of different bits of land. This is something we have been faced with, that this — the whole park — is a mosaic of good bush and cleared land. We believe all the land is of equal value if you look 50 years ahead. I live on a property, which I have been on 25 years, which was bare paddock. We started to revegetate it, but it revegetated itself largely by our just keeping the weeds at bay and so on. We regard all of the Devilbend Reservoir land as of equal value, and therefore the 40 hectares is something which one of these days will be just as good as the rest. But the great thing is that it is slightly separate and yet it is very close to the park. We can visualise even having an entrance to the main park right opposite it. You could keep all these busy activities on it. It would become quite a nice place to come all by itself as a local park. Those who would want to go for a walk in the more tranquil area could do so. I have probably said enough to start with, Chair.

The CHAIR — Do others want to add something, Jan or Roger?

Ms OLIVER — I think we would just like to concentrate on our recommendations, which are at pages 5 and 6 of our submission in section 19, which sum up what Brian has been talking about. We are thrilled that over 1000 hectares is now in a natural features reserve. Although, as we have said in part of our submission, we are not happy with that classification because it does not give sufficient protection that we would like.

But certainly if the 40 hectares can either be added to the reserve, which is one preference, or in fact not sold but declared as a separate area that we as a community association — we got two more members yesterday, so we have got nearly 40 groups on the peninsula and in Victoria and Australia, because we have got the Australian Conservation Foundation supporting us as well — we feel that we represent so many groups and so many people and so many community interests that we would be prepared to look after that block and see that its uses matched the shire's use and matched the park's use and could then be seen as the community-operated and place looked after by the community, with a lot of these interests in it that would leave the whole big reserve on the road opposite, which you toured around this morning, as the area where some of the remnant vegetation is really very valuable.

Although Alex Atkins did not go into the details when you asked him, one of our ecologists has said that block 1 on Graydens Road does have quite good pockets of remnant vegetation as well. Roger has found birds there that he has not seen in the main park as well, so it has values that they have we do you need to be aware of and to not ruin.

The whole idea of having that is it would still mean that the catchment was protected and the whole park is seen as a park. To sell off that block of land and do something else with it will be against the preservation of the biodiversity and the corridor development that Alex is talking about and which the shire is very keen to promote, and so are we. So we see it as part of the corridors, the biodiversity, the sustainability on the peninsula itself. It is so silly just to have a 40 hectare block sitting there and not included in the park when all that is separating it is a gravel road, especially as the water flows down — and we included the catchment map in our submission to you — and through and under that road.

There has already been a lot of interruption to the catchment of that park anyway, with roads, private developments and so on, and it really is important that we see it as a whole, and that is what Brian was trying to say. The idea of just having an isolated block sold off and maybe used as a recreational village or a retirement village or something or other else — which is allowed under green belt provisions, by the way, Chair, would be very contrary — —

The CHAIR — A caravan park?

Ms OLIVER — Yes, a caravan park. It would be very contrary to what we want to see as the foundation there.

Mr RICHARDS — Just one thing, if I may — that is on the original riparian zone for Devilbend Creek. If you have a look at the aerial photographs, there are a number of dams on that large one, going down to the smallest size ones. They are along the line of the creek. This is potentially excellent land because of that, and, if it were restored along the creek line, that would be the high habitat. The birds that I have seen over there include the dusky woodswallow, which is declining very much in this area, and a number of water birds use those dams too.

Mr EDGERTON — If I could just add one more comment — you are probably aware that Parks Victoria has embarked on a management planning process for the main body of the reserve that will probably last 12 to 18 months, and it has set up an advisory group to assist in that process. Under the current situation where the land in question, the 40-hectare block designated for sale is therefore removed from consideration by Parks Victoria as part of its whole management-planning process, and we think this is a really unfortunate catch-22 situation. So long as you do not allow Parks Victoria to take that land into consideration and the possible use of that for the busy activities that Brian spoke of in addition to the bulk of it being restored, Parks Victoria will be forced to try to find other places on the reserve to accommodate these very same activities to the great detriment of the overall purpose of conservation. It would be, in our opinion, very helpful, if not essential, that Parks Victoria one way or another be asked and enabled to consider that block as part of its overall planning process.

The CHAIR — Thank you. I appreciate the submission you have given. I will ask one simple question — that is, the scale does matter, it seems to me from what you are saying; it does matter that every incremental bit that you add to the overall volume of the cluster, if you want to call it that, does add strength and weight, am I correct?

Dr CUMING — Yes, indeed. Part of the aspiration in the overall view we have of it is that this is an ideal nucleus to start putting back the habitat. Rather than doing it in a random way, you start with a really good core. Your next submitter is evidence. We are delighted that a group of local people who formed the Landcare group have suddenly come out of the woodwork. So already we can see the beginning of assistance to spread the whole thing. All of this adds up. It is a matter of having the right attitude to it, to some extent. We could find chapter and verse; we could put together the case on paper — if you want; it has been done many times — about how important it all is.

Mr TEE — Thank you very much for that. Your passion is evident, and that is appreciated. There are a couple of things that you raised. In fact there are three things that you raised, and I just want, I suppose, to put back some of the responses that have occurred to me just to get your feedback in relation to those.

The first one is the low-key interpretation centre. In the same way that on this side we have already got 470 hectares of cleared land, and we have got six houses, I suppose my question is: could that vision not be incorporated as part of that in the same way that you have down at Wilsons Promontory where you have the national park but you also have human activity, as it were? Perhaps if I could just identify all three and then ask you for a response.

The other issue was the report that I read was the working group summary report of December 2004. That identified that 40-hectare block of land as having a very low priority as a potential addition to the park. I just wanted to see whether you share the conclusion of that report. I know your submission is that we can return the block of land, but my question is: is that report an accurate reflection of the block of land?

The third issue that occurred to me goes to the catchment area. One of the things that we had a look at today as we went through is that a number of gullies I suspect have been created to stop the flow of catchment from grazing land onto the water catchment areas because of pollution. It appeared to me that the pollution on that 40 hectares would also require, if it does not have it already, some sort of gully catchment to ensure that it does not flow into the main water body. My comment is: if that is the case, I am not sure what value having the catchment area is. Leaving aside of course the issue that if you want to change the nature of use of the land, you need to obtain a council permit, but just assuming that it is permitted, I suppose I just want to have that issue of the catchment area addressed.

Mr RICHARDS — Can I just say something on the third point first? There is a big difference between the potable water quality that Melbourne Water was originally requiring in the original dam and what is required for ecological reasons. What is very important now is that water quality monitoring takes place so that the water in the whole of the creek area is monitored consistently to ensure that it meets the requirement for habitat-for-aquatic species and bird species, so there will be a different requirement.

There probably would not be any requirement for the sorts of bungs and diversion channels that are required to stop the phosphorus, nitrogen and things like that. You have got to take these sorts of levels, but you have got to look at them in relation to the requirement for habitat now, and not for drinking water. That is my answer to your third question. I would like to hand over the other ones.

Mr TEE — Thank you.

Dr CUMING — Could I comment on the first one? I was on this working party that Jack Krohn ran, and one of the things that Jack was at pains to bring to us was summarised to a large extent on this chart, which is an appendix to Parks Victoria's guidelines for park management. I have got the whole document here if you would like to see it later. The question was where to place this reserve that Melbourne Water had certain ideas about and we had certain ideas about, and the definitions he gave us made it quite clear that we belong over here on the chart in the metropolitan area for the Melbourne Water plan, which was going to be a multipurpose park, and the conservation values would have been degraded very quickly because it was so broken up.

But the Melbourne Water plan saw it as a place where many, many people would tread and place great pressure on it, and that came under the heading of a metropolitan park. We saw that the need here is for wildlife primarily, and therefore it belongs somewhere over towards the national parks end of the chart. One proposal we put, in fact, because there seemed to be difficulties in finding the right name for it, was to call it a conservation reserve or even to graft it onto the existing national park, which is in several bits really — there is the coastal bit and then there is

Greens Bush — and it would be a logical thing to call it part of the national park. The answer was that this reserve is too small.

The point I want to make in response to your question is that places like the Prom are big enough to accommodate a little bit of human activity, providing it is kept along certain tracks and in certain areas, which is what happens there. Very few people probably ever go off the main paths, and the number that do, do not do very much harm. Probably most of you have experienced national parks, and you tend to find yourself that you get great joy from just sticking to the trails and you do not see great evidence of people going off the trails.

I cannot think what the Prom would be, it is probably about 400 square kilometres, and this is 10 square kilometres, so we are really in the sort of size range which is just above a metropolitan park, but we are really aspiring to make it a high-grade park — a very high-grade park. Every little bit is important. You could sort of build on those houses that exist. The aspiration of Parks Victoria at the moment — would you agree, Jamie? — would appear to be to get rid of most of those houses. We have not really got as far as establishing where the sorts of activities we are talking about might go, but wherever they go we can imagine that activity — human beings what they are — would expand and start to erode this precious 10 square kilometres we have got, so the separateness is important. Even making it, as Jan has suggested, a different park, if you like, but with a very close relationship to the main reserve might be the answer. But our aspiration has been to both retain the conservation values and somehow or other just to get people in contact with it without actually tramping through it too much. Does that cover your question?

Mr TEE — Yes.

Mr EDGERTON — Could I just add two quick points? There is a spatial consideration and a time dimension to be taken into account. From a spatial point of view and taking into account the landscape ecology approach, the shape of a given asset for biodiversity and for habitat is almost as important as the total area. A consolidated block with very few incursions of other types of land tenure is very important to protect, and that is one reason — for spatial reasons — why it is much better to locate these busy activities across the road on this 40-hectare block than within the somewhat consolidated shape that we have at the moment. The other consideration is a time dimension. To address your second question referring to the Krohn working group's low valuation of that particular area in the 40 hectares, it depends on one's time frame. The time frame that we would like to adopt, and that we believe Parks Victoria is adopting, is one of 50-plus years, and in that time frame it does not matter whether the land in question is currently degraded orchard land or remnant vegetation, because if you are thinking in the long term towards a long-term world-class conservation reserve, which is our vision, we should not call any block of land degraded and therefore not worth preserving. We would like to request the select committee to take into account these special considerations, but also the long-term time frame.

Dr CUMING — If I could just add to that, two of us here today were on the subcommittee looking at flora and fauna, and this chart that you are referring to, I think, was much argued. Basically we said, 'We just do not go along with what you are trying to do'. As Jamie said, we cannot put those sorts of priorities on it. We believe it all should be there. I ended up with almost midnight conversations with Jack arguing about what should have finally happened, but that is another idea.

Ms OLIVER — You will have got a copy of our concept document?

The CHAIR — We have, thank you.

Ms OLIVER — That does give our view a bit more in response than this one, which was the community view. This is older, and since then a lot more work has been done, and we are much more aware of what the community wants and the values of the whole debate.

Ms PENNICUIK — I fully appreciate what you are saying. I am wondering if you could just answer me some practical questions. Where does the Devilbend Creek begin?

Dr CUMING — Actually I wanted to argue with that. It is not Devilbend Creek. Devilbend Creek is actually, if you take this map — you have got an even better one.

The CHAIR — It is an appendix.

Ms PENNICUIK — I have got that one.

Dr CUMING — That will do. If we hold it up this way, this is north and Devilbend in fact comes in at the south. That funny little thing that looks like a little walking man — the creek actually comes up from Balnarring Road and into that sort of yellowy area there.

You can probably see the beginnings of the creek line on this.

Mr RICHARDS — But you have got — —

Dr CUMING — No, down here. We are talking Devilbend Creek.

Ms OLIVER — We are down here, and we are coming in through this funny man.

Dr CUMING — This is another creek. That is what I was going to say, Roger Richards.

Mr RICHARDS — What its name is — we do not know.

Dr CUMING — We do not know the name of it.

The CHAIR — An unnamed tributary?

Dr CUMING — Yes. It does not go very far back.

Ms PENNICUIK — It says it is called Devilbend Creek, though.

The CHAIR — That is the outflow.

Ms OLIVER — The actual dam and the dam wall.

Dr CUMING — In fact we talked about that at an early stage with Melbourne Water at one stage. It is quite an exciting bit of country, because it is alongside some very good bush, and there is just a little bit of land being cleared into it and it would take very little revegetation to put all of that creek line back into good shape.

Ms PENNICUIK — How much further does the actual catchment extend in terms of the other land?

Dr CUMING — It was always designed as a non-catchment dam — apparently a holding dam for the summer — so you can just see the grey outline of the catch drain, which applies all along the south and west, and there is a little bit up in the north. In fact that is one of the few little creeks on the north-east side which were not very well protected, so I do not really have a complete answer to your question about that.

Mr RICHARDS — You need a contour map. There are older contour maps, which show the extent of the catchment.

The CHAIR — There is one in the submission.

Ms OLIVER — But it only shows part of the area.

Mr RICHARDS — Yes; you need a much bigger map.

Dr CUMING — This green line on this map shows it is the northern catchment boundary, and for the rest virtually nothing goes into it — unless you meant the original catchment?

Mr RICHARDS — Yes, that is what she means.

Ms PENNICUIK — That is what I meant.

Dr CUMING — Because one of the things under consideration by Parks Victoria will be whether to get rid of that catchment drain in the long run.

Ms PENNICUIK — Yes, I know.

Ms OLIVER — One interesting thing is that I found out at a completely different meeting last night on Waterwatch that there are 16 groups around the whole of the Devilbend area who are actually monitoring the

quality of the water in the creeks. This is being supervised by Melbourne Water, and they are rechecking Devilbend to see the quality of the water. We are also very concerned about some of the creeks, because they actually were the habitat of the nationally threatened tiny fish called dwarf galaxias. That was there two or three years ago.

We had another search last year, and one of our consultants went in and could not find any. We do not know whether that is because of the drought or because the catch drains were mown — which is where they were in the bottoms of — or whatever. They still may be there. Groups that are monitoring around there are really important, because they are not only picking up on water quality; they are picking up on what is in the creek water itself which is flowing into the Devilbend area.

Mr KAVANAGH — You have expressed a lot of concern about the potential uses of the 40-hectare site, but not all potential uses of that site — if it is sold — would be environmentally detrimental, would they? It is possible that someone could buy it and do something that would not harm the environment.

Dr CUMING — The problem is time. Very often you get a good owner for a while, but you cannot guarantee that their sons or grandsons will be or that it is not going to be sold on. If we are trying to protect something in perpetuity, there is only one way of doing that in my view, which is by public ownership.

Mr KAVANAGH — Could I ask you to explain again why the public facilities you talked about — the picnic area or meeting spots or whatever — should be in the 40-hectare site rather than inside the reserve?

Dr CUMING — Simply because we are already in the advisory group discussing the question of whether the present public space — the picnic ground — is appropriate. It is sort of cut off from everywhere to start with, so we have started to explore other places. But wherever you put it, it is likely to expand and become busier and busier over the years. I know it looks big when you drive around it the first time, but it is really quite small. We feel that people would pollute the tranquil space. If you can get it off — over the road somewhere — there are other possibilities, but you would have to buy them, probably, and this already belongs to us.

Mr KAVANAGH — Thank you.

Mr RICHARDS — The final position of this other building information has not been set, but this 40-hectare block — I know this is going to divert the things — was very close to the last place where they say the grey-crowned babbler was seen in this area. One was seen out here. The 40-hectare block is just over there, really, and on this golf course was one of the most recent sightings of the grey-crowned babbler. I know it is a red herring, but it is something to look at — that is, it is still valuable habitat, and whether we put buildings on it for low-key use has to be considered as well.

Dr CUMING — It is quite interesting. This aerial photo is quite a good one. It shows that there is very good bush just over there. This is the ideal corridor. You can imagine quite a lot of linking up going on in this direction.

The CHAIR — Just to pick up your point, the block lies between the golf course and the park?

Mr RICHARDS — You can see on this map here that all the fairways of the golf course are here, and the 40-hectare block sits there.

The CHAIR — We have a map here.

Mr RICHARDS — So it is very close to where we are.

Mr O'DONOHUE — Thank you all for your comments. Brian, you made reference to the Greens Bush proposed development. For the information of the committee members who are not familiar with it, would you like to let us know what was proposed in that development — and just noting it was on green wedge land, as I understand it?

Ms OLIVER — Yes.

Dr CUMING — Yes; it was on green wedge land, and it was on land right over a fence from Greens Bush, at the northern end. It was 150 acres — or hectares; I have forgotten which. It was privately owned and bought by a very large overseas developer, and the name that was given to the group or to the venture — or

something — was Chateau Elan. I was not involved in any detail with this, but in the meetings we went to those who were or had become expert discovered that this developer — American based, I think — had built very large developments which were the usual mix.

We have lived with them for years and years: the golf course, accommodation for tourism and conferences — there was always a conference centre there — and then tagged on was the housing development. It was not thought of as a housing development, but that is what it became.

Ms OLIVER — A tiny vineyard, which allowed them to say it was agricultural land.

Dr CUMING — It would be first of all a completely different spirit to the spirit of the people who bought properties around there who love the bit of bush alongside them and help to support it. Chateau Elan had been successful in a number of countries. They had the dollar power to have their way. I do not know any other details to give you, I am afraid.

Mr O'DONOHUE — Thank you. I thought it was worth clarifying for committee members who are not familiar with it just what has been proposed for green wedge land not far from here and if this was zoned green wedge and sold — —

Ms OLIVER — It is.

Mr O'DONOHUE — What possibly could happen as well.

Mr EDGERTON — There is a comparable development, which is being considered by the council for a planning permit application, just very close by. What is the name of that estate? It is not the Dromana estate.

Ms OLIVER — It is not Moorooduc? No.

Mr EDGERTON — No. It is at the Tuerong Road and Balnarring Road corner — anyway, the comparable one much closer to here. It seems that the wording of the green wedge legislation remains very full of weasel words and ways, as long as you can prove some association with agricultural activities, where just about anything goes. We have had direct experience with some rather unfortunate developments based on the developers' power to exploit those loopholes in the legislation and get considerable support from it.

Ms OLIVER — And then they go to VCAT.

Mr EDGERTON — Then even if the council objects, we have a history of VCAT overriding.

The CHAIR — Thank you. I thank the four of you for your submission; we greatly appreciate that.

Witnesses withdrew.