

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Tuerong — 27 September 2007

Members

Mr D. Davis

Mr P. Hall

Mr P. Kavanagh

Mr E. O'Donohue

Ms S. Pennicuik

Mr B. Tee

Mr M. Viney

Chair: Mr D. Davis

Deputy Chair: Mr B. Tee

Staff

Secretary: Mr R. Willis

Research Officer: Ms C. Williams

Witness

Mr A. Atkins, director, sustainable environment, Mornington Peninsula Shire Council.

The CHAIR — I declare open the public hearing of the Legislative Council Select Committee on Public Land Development. Today's hearings are in relation to our terms of reference to inquire into the sale or alienation of public land for development, the sale or alienation of public open space for the purpose of private development and the sale and development of public land and the relationship to the Melbourne 2030 policy and green wedges. I welcome first of all Alex Atkins, director, sustainable environment, Mornington Peninsula Shire Council.

All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Legislative Council standing orders. Any comments you make outside the hearing may not be afforded such privilege. Witnesses will be provided with proof versions of the transcript in the next couple of days. Alex, would you care to make any opening comments before going to questions?

Mr ATKINS — Thank you very much, Mr Chairman. I have not prepared a formal submission to this inquiry, but I have circulated to you a copy of a report that was prepared in relation to the Devilbend Reservoir and the processes undertaken by Melbourne Water, which I think help to illustrate some of the points that I would like to make to the inquiry today, and in particular, the support that the council gave to Melbourne Water in the processes that they undertook in regard to quite a significant decision in relation to the disposal of that land surplus to their needs at the time. That process commenced somewhere around the year 2000 — mid-2000 to early 2001 — when the shire was actually approached by Melbourne Water in relation to the future of that land. We had some discussions with representatives of Melbourne Water, in particular some detailed discussions around what sort of processes ought to apply to the request that they may come forward with to amend the Mornington Peninsula planning scheme. At that time the council advised Melbourne Water through officers that we supported a process of public engagement and encouraged them, because of the known environmental values present on the site, to undertake quite significant studies in relation to identifying and quantifying what those values were and how they might be better managed in the event that the land should transfer from public ownership.

Set out in this report are some comments around that, and, again, as I said, confirmation that the council supported the process that Melbourne Water undertook in this case, particularly the engagement through the community consultative committee, which Melbourne Water established quite early on in the process to act as a sounding board for its ideas and also to gain some input into its decision making, and also the processes it undertook in regard to the community consultation, involving workshops and a broad invitation to the community at large to come along and make comments at various stages, and very early on establishing the principles which they believe should be applied to the decision making around the land disposal issue.

We believe as the council that that was a very successful process. Although not everybody agreed with the findings or the recommendations that came forward at the initial stages of the master planning, at the end of the day we have ended up with a park of quite significant proportion, and certainly the bulk of the land that was owned by Melbourne Water is now in a nature reserve. We see that as a very significant benefit to the Mornington Peninsula. It adds to the suite of recreational opportunities available, particularly for passive recreation, but also, importantly, it provides a very significant biodiversity resource to not only the Mornington Peninsula but the state of Victoria as a whole.

From my point of view I would like to answer any questions the committee has in relation to that. In particular, I again reinforce the fact that we have supported the process and we recommend it as a suitable and appropriate process for major decisions about the disposal of public land.

The CHAIR — Thank you for your presentation. It is very helpful. Perhaps I might ask you a slightly broader question, but a question that dovetails on the importance of the Devilbend land. I ask you, Alex, how you see the Devilbend land fitting in with the biodiversity policy on the peninsula?

Mr ATKINS — Again, the Mornington Peninsula promotes itself as a sustainable peninsula. We believe very strongly in the principles of ecologically sustainable development. Encapsulated within that, of course, is the protection and enhancement of biodiversity. We are in a situation, of course, of recovery in that many, many of the natural values of the peninsula have been impacted on by European settlement over a long period of time, and the remnant vegetation as we have it is quite limited. The council is actually in the process now of mapping all of the vegetation on the peninsula. We have estimated that while we have — —

The CHAIR — That is public and private land?

Mr ATKINS — Public and private land. That mapping has revealed to us that, while the area of land that has remnant vegetation on it of importance, or native remnant vegetation, it is not quite as dire as it was once predicted — in and around the range of 3 to 7 per cent — we believe it may in fact be up as high as 10 to 15 per cent. That goes to some methodology issues in terms of the earlier studies. It also goes to the fact that we have taken account of grasses and the like, and the earlier studies were perhaps more focused on the larger vegetation types. We have also rated the ecological significance of all of the native vegetation on the peninsula, and out of that I think we have developed an approach that will add some sophistication to our management of it. When you have a resource such as the Devilbend area where you have a large area in a situation where you can actually manage it as a larger body, you will have a greater success rate, I think, in promoting its rehabilitation and hopefully its long-term survival.

Mr TEE — Just a couple of things. Thank you very much for your presentation. As I understand it, the issue that we are looking at today is the issue of the 40-odd hectares which is on the other side of the tarmac.

The CHAIR — North of Graydens Road.

Mr TEE — North of Graydens Road.

Mr ATKINS — Yes.

Mr TEE — I am just interested: you have indicated that you have surveyed the area and have had a look at the ecological significance of the area. Has the council done a survey of the significance of that block of land? Does it have a view on what the conservation value is of that land?

Mr ATKINS — The council took the view, when it was determined that that portion of land would not be incorporated into the area to be retained for park, that if it were to be disposed of — it currently existed at that time in three titles — it should be consolidated into a single title and that that should be the basis on which it could be proposed for sale, because at 40 hectares it would be consistent with the green wedge zone subdivision minimum size.

In relation to its conservation value, I cannot recall that we did specific studies of that land on site and with any sort of scientific approach beyond some observations by our own staff as to its condition, but we agreed with the proposition that it was disjoint from the other land, being on the other side of the road; that, given that it has got significant plantings of pine trees and a substantial dam, those sorts of values were more useful for the agricultural potential of that land, perhaps, than for incorporating it into the park; and that, given the commitment that whatever revenue gained from the sale was being returned to the park, that was a sensible and appropriate way to deal with that land.

The CHAIR — But the council actually had no particular view as to whether the land should have remained with the park itself?

Mr ATKINS — No, the council agreed that it could be separated from the park.

The CHAIR — But you would have had no opposition if it had remained with the park?

Mr ATKINS — Again, no opposition, except that that would have been a management consideration. We would have thought that its separation from the bulk of the land by a road reserve might have been a significant compromise in relation to how it could be integrated.

The CHAIR — But you actually would not have had any objection if it had remained?

Mr ATKINS — No, the council would not have objected if it had remained as public land.

Mr TEE — And as I understand it, that block has got green wedge protection? I probably should know, but I do not.

Mr ATKINS — Yes, there has been a recent amendment that now zones it as green wedge.

Mr TEE — And what does that mean — this is the bit that I should know but do not know — in terms of the usage that that land can be put to?

Mr ATKINS — There is, under the planning scheme, quite a range of uses to which green wedge-zoned land can be put, subject to permit, but primarily I guess the purposes of the green wedge that we would emphasise are that its agricultural potential be available and protected and for those sites which have significant conservation value, that the remnant vegetation management should be taken account of in any decision around land management, and also that the landscape impacts of development decisions on that land should be taken account of.

Mr TEE — You mentioned permits. Those permits would have to go through to the council?

Mr ATKINS — Yes. As I say, like any of the planning scheme zones, there are some as-of-right uses, there are some permit-required uses and there are some prohibited uses.

The CHAIR — Just to clarify that, would it need to actually go to the council if there were a continuation of usage, if there were no change?

Mr ATKINS — If there were no change to the use, then there would be no decision for the council to take. However, in the event that there would be land clearing for which there had not been any sort of permit approved, then obviously the council would be enforcing its vegetation controls. So we have the power to intervene in the event that someone is doing things that do require approval when approval has not yet been obtained.

Ms PENNICUIK — I will ask a broad question, thank you, Alex, which is: are there any aspects of the outcome that you, as a council, are not supportive of or entirely ecstatically happy with?

Mr ATKINS — No, I think you can safely assume that council is very happy with the fact that the majority of this land is now in a park, that it will be managed by Parks Victoria for those purposes, and that the biodiversity values that are on site will be managed and protected long term. The council, I think, is very happy with that outcome.

Ms PENNICUIK — Has the council heard any differently from its constituents?

Mr ATKINS — No, I do not believe we have. I think importantly there has been some argument or discussion in the community about the appropriate management regime, whether it should be a Parks Victoria property or some other alternative management group, committee or whatever that might be established, but in general terms I think most people agree that a park outcome is the best outcome that is possible.

Mr O'DONOHUE — Alex, thank you for your comments. Just in relation to that 40-hectare block, has council put a vegetation overlay on that block?

Mr ATKINS — Not specifically that I am aware, but it is picked up in the general controls related to vegetation removal and vegetation protection.

Mr O'DONOHUE — But there is some important remnant vegetation on site?

Mr ATKINS — I believe there is some remnant vegetation on site, yes.

Mr O'DONOHUE — On the 40-hectare block?

Mr ATKINS — Yes, but not significant, in the sense of area or quality.

The CHAIR — But you have not actually assessed that formally?

Mr ATKINS — I cannot confirm for you today that we have actually walked on the site with a particular intention of reviewing its significance, but in the general context of the studies we have undertaken more broadly on the peninsula, I believe there has been an assessment of it.

Mr O'DONOHUE — Would it be fair to say that that 40-hectare site is in a similar condition to some of the other land that is now part of the park?

Mr ATKINS — Yes, I would think that that is a reasonable assumption to make.

Mr O'DONOHUE — And that 40-hectare site would have the capacity to be revegetated and rehabilitated back to a more original condition?

Mr ATKINS — In the extreme I think any piece of land which has been degraded over time has the potential to be rehabilitated.

Mr O'DONOHUE — Sure. Can you just explain how Devilbend sits in the broader context of wildlife corridors on the peninsula? Does it perhaps have a role to play in linking up with The Briars, Woods Reserve and other pieces of land?

Mr ATKINS — Yes. Again the vegetation mapping that we have undertaken has been at the whole-of-shire scale. We are at the point now of reporting on the findings of that, both in terms of the aerial extent of vegetation cover but also on the quality of vegetation cover. Out of that we believe we can identify strategically the wildlife corridors that potentially could be re-established, and certainly when you have a large land-holding such as the Devilbend Reservoir, that gives you an immense potential from which to extend out from and also to connect to. Our expectation is that over the next few years that concept of developing and encouraging through a number of mechanisms, not least of which is the sustainability rebate that the shire offers to rural land-holders, which is encouragement to plant up and protect riparian vegetation and to protect existing vegetation on their own lands, and through other incentive schemes from the government, that one way or another we can encourage people and target strategically those corridors where we believe we can get the linkages to act and to operate both more quickly and also more effectively.

Mr O'DONOHUE — In that context, then, is it not premature to be selling off this 40 hectares, given that the wildlife corridors have not yet been established by the council and that this could be a part of a potential wildlife corridor?

Mr ATKINS — Again, I think the mechanisms for delivering on the wildlife corridors will be very much reliant on private landowners responding to those initiatives, and it does not necessarily follow that the success of those corridors relies on public ownership. In fact most likely it will not. Most likely those things will succeed only when there is cooperation in the community about realising those objectives.

Mr O'DONOHUE — Although it would be fair to say that you have got a better chance, I would have thought, of establishing a wildlife corridor when the owner is Parks Victoria rather than a private landowner?

Mr ATKINS — I think, again, it depends on where the ownerships are and how they relate to those corridors. I accept that there may be an argument to say that it is public land now and, provided the investment is made to enhance that potential for its biodiversity values over and above its agricultural values or landscape values, then you may be a step ahead.

Mr O'DONOHUE — Sure.

Mr ATKINS — But, again, we are talking about a program that is most likely going to take us somewhere between 20 and 50 years to realise. It is going to take a number of mechanisms and a number of incentives and a number of actions if you are going to deliver on that.

Mr O'DONOHUE — Do you think the development of parks should be dependent on the sale of land, or should it be a function of government to fund parks adequately?

Mr ATKINS — I cannot answer that question on behalf of the council, but, if you are happy to take my personal opinion, I think there is no doubt that the wellbeing of our society relies very strongly on having a viable and successful biodiversity, and the community responsibility for that is best delivered through government. However, I do not think it is a government responsibility alone. As I said before, it is going to rely on the community as a whole supporting that outcome. The participation of private landowners is going to be essential to success.

The CHAIR — Thank you, Alex. There are perhaps two things that I would ask you, if you could possibly assist us.

Mr ATKINS — Yes.

The CHAIR — Firstly, I know you have a reasonable study of biodiversity on the peninsula, and I think it would be helpful for us to see that; and secondly, any assessments that you do have of that land — any formal assessments — —

Mr ATKINS — Absolutely.

The CHAIR — It would be appreciated if you could make them available to the committee.

Mr ATKINS — Yes. I will undertake to get that to you as quickly as possible.

The CHAIR — Thank you.

Witness withdrew.