

# CORRECTED VERSION

## SUB-COMMITTEE OF SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Caulfield — 13 February 2008

### Members

Mr D. Davis  
Ms S. Pennicuik  
Mr E. Thornley

### Other Committee Members Present

Mr E. O'Donohue

Chair: Mr D. Davis

### Staff

Secretary: Mr R. Willis  
Research Officer: Ms C. Williams

### Witness

Mr P. Brohier.

**The CHAIR** — I declare reopened the public hearing of the Legislative Council's Select Committee on Public Land Development. Today's hearings are in relation to Victorian government policies related to the sale and development of public land. I welcome a rescheduling of the order with Peter Brohier to speak. I indicate that 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 comment you make outside the hearing may not be afforded such privilege.

Peter, you and other witnesses will be provided with a transcript from Hansard in the next few days and have the capacity to make typographical corrections. Would you care to make a brief opening statement, and then the committee will ask some questions?

**Overheads shown.**

**Mr BROHIER** — Thank you, Chair. The issue I raise is one of alienation of public land, namely the Caulfield Racecourse Reserve. As we are aware, Caulfield Racecourse Reserve is Crown land. This land should, in my view, be used equitably for three substantial purposes consistent with its Crown grant. If there is some doubt about these two or three purposes, in my view the council on behalf of the community, or the trustees, should go to the appropriate tribunal and seek a declaration as to the interpretation of the grant. This is too big an issue to not take that step, if matters cannot be resolved between the parties.

Both racing and the wider community, in my view, should benefit equally from the use of the land and the revenue from the land. This should include a visible and substantial park and, I would say, at least \$200 million in sporting facilities, being perhaps just a mere 10 per cent return on the valuable site that we have here in Caulfield. The site is at the primary transport hub in south-east Melbourne. The trustees obtain, we understand, about \$250 000 from the MRC for trustee purposes.

**The CHAIR** — Annually?

**Mr BROHIER** — Annually. No significant part of the substantial commercial revenue from the site is going to the trustees and then to support multi-users of the reserve under the grant. It should, in my view. At Caulfield railway station a transport hub allows for major development over the railway line linking some proposed MRC commercial projects and the Equiset-Monash commercial and residential development. Monash University and the racecourse reserve are connected over this development. It is a major activity centre, probably the most major one of the five that have been referred to. It also has the potential to be on an inter-capital and interstate transport corridor under AusLink if the Victorian government's wish for an AusLink link between Victoria and Tasmania were given effect to.

The area within the reserve and around the railway station is prime, underutilised land ideal for substantial recreation facilities. The reserve's assets in land, say about \$2 billion, should be used effectively in accordance with the deed. Racing attendances generally are below, say, about 3500 on average a meeting over possibly, we understand, 26 race meetings a year or thereabouts. This is not enough use of this valuable reserve and concentrates primarily on one use, not three. The trustees should effectively plan to balance the uses and obtain a balance of revenue from all of them through multi-use of all existing and future facilities. It really is a matter up to the trustees and not an issue for the MRC. They are just but one stakeholder. There seem to be two key stakeholders here: the MRC and the council on behalf of ratepayers or the public in general. I would understand the trustee to be holding the land as in fact the owner.

In my submission they — and I say this about the trustees — should firstly remove the corrugated iron fence on the perimeter of the reserve and replace it with open railing fencing. The cost is about \$300 000, as we have heard from the MRC. This is a very small cost to return a park of \$2 billion to the community, and they can do it within weeks. If parks are not visible, they are not used. There are private training stables on Crown land near the level crossing. If those stables are removed, the vista over the reserve will be remarkable from Neerim Road. Queens Avenue will be ideal as a floral arrangement. The whole embankment could reflect — instead of roses at Flemington, it could be some other type of flower. But the reality is that the racecourse will then act as the centrepiece of this municipality and make a magnificent park. With the existing fence it could be a rubbish tip.

The second step will be to plan the whole undivided site to reflect the three uses. Delegation by the trustees to the MRC of the function of planning and development of the reserve or requiring the MRC — that is, one stakeholder — to balance the two other uses and then to prioritise and fund them is not a good idea. A widely

representative group of trustees, save for the evidence that we have heard today, is better at least possibly to perform this task.

The plan should incorporate sporting facilities of all kinds, firstly, near the railway station. The MRC proposal for just car parking at that end and in the centre of the course for one or two days in the year will grossly limit the reserve's potential. The proposed Glen Eira council's \$33 million aquatic centre to be built at East Bentleigh should be moved to the racecourse location. Ratepayers should not pay for facilities, with a permanent rate rise of over 4 per cent, that can be paid for by trustees and at a location where revenue can be maximised. This will possibly save ongoing trading losses on a site serviced by just one bus route. The council should, in my view, prepare plans for as big an ask as the MRC asks for in using that reserve. They both have equal rights to use and equal status. I favour a low-rise park in the centre of the course, with possibly one sporting field but not major development. This major development can be developed outside of the track on Crown land and a new oval can replace stables at the level crossing end of the reserve.

The Parliament had incredible foresight in granting land in such a way that three users could benefit from each other and jointly use facilities, including existing ones on the land. Multi-use should be encouraged. It, in my view, will be a win for racing and a win for the community. Where appropriate, and subject to appropriate review, Crown land should also be equitably swapped for private sector land where a significant public benefit can be established before a public tribunal. This can allow for the MRC land to be swapped for some freehold land on a fair basis — and I am not referring only to the triangle. It may allow sporting facilities to develop around all sides of the reserve, leaving racing with parts of the northern end as freehold to reflect their move to a multifaceted business, leaving the course and its centre to be shared between all users. Otherwise no part of the Crown land should be alienated. At the discretion of the trustees, commercial activities competing with private sector activities should pay market rents and the rent apply fairly to support all Crown purposes. For core activities, such as park use, there would be no need to charge for the land component.

I want to move to a separate issue which deals with alienation and non-development of public land and VicRoads policies and commercial use of the space that limit its use. Chair, the tree canopy over major roads, as in Stonnington, should be regarded as public land and treated as a longitudinal public park. The space above the street space is grossly underutilised. It is also the front window of any municipality and is judged by visitors and residents alike. VicRoads roads are used by residents and visitors. Developing a canopy over these roads is the cheapest and most effective way to change the overall look of any municipality. Planting plane trees to canopy seems to be restricted by VicRoads policies, as these trees planted on nature strips may be too close to the roadside and have a road safety impact on errant drivers.

There is a need to balance VicRoads policy against the advantages a tree canopy can bring, which can transform the look of inner city Melbourne and increase house values substantially, possibly between 10 per cent and 30 per cent. This in some cases can be about \$100 000 per property, per tree. The VicRoads policy may need to be changed or reviewed. Deciduous trees are appropriate, given Melbourne's seasons and even dry weather and are used in the city of Melbourne and across the world. Minor roads can be planted with natives to reflect residents' wishes, if appropriate.

Finally, in my closing paragraph I would like to ask this committee to consider the proposition that both council and trustees of public land be required to publicly report on the effective use of public land and proposals for use to an appropriate authority and that perhaps a review process be established. That is my suggestion resulting from what I think we have learnt out of the campaign for Caulfield Racecourse Reserve.

**The CHAIR** — Peter, thank you for your submission and for your efforts this morning in showing us some aspects of the site. I am actually most interested in the broader point you have made — I think we have a fair drift of the specifics of this site — —

**Mr BROHIER** — Yes, that was my understanding.

**The CHAIR** — But I am interested in your last broader point about reporting. Do you think that could occur, for example, in annual reports by councils, annual reports by departments, and perhaps in an annual report by Crown land reserve committees of management as to how they have managed public land and what access to it is available?

**Mr BROHIER** — I have not purported to put any particular method by which that approach should be followed. You have suggested a number of methods. I see no difficulty with any of those, but I would suggest in order to save funds that there be only one report and not duplication. If there is no duplication, provided it is publicly available, I only see a need for it to be on an internet site, and that would be enough to interest those who may be following a similar course to us.

**Ms PENNICUIK** — Thank you, Mr Brohier. I think putting it on an internet site might be useful, but perhaps there could be more formal reporting to Parliament. It appears to me that if we had had that requirement, perhaps we would not have got into the situation we are in now, where the activities or lack of activities by the trustees in progressing the three uses of the site were sort of be hidden from public view for 130 years. I am not sure to what extent you will be able to answer this question, but you spoke a bit about the revenue and the cost of fencing and the cost of new works inside the park. The whole financial arrangement is mysterious to me. We have conversations about freehold land — you may not know the answer — which I understood has been purchased by the Melbourne Racing Club with revenue it has generated from its commercial activities on the Crown land. Would your view be that first of all those revenues should revert to the trust to be used for the three purposes and that the land should actually not be freehold land of the Melbourne Racing Club, but because it has been generated by activities on Crown land the land should be part of the trustees' land?

**Mr BROHIER** — It is a very interesting argument. There may be a case for that, but I certainly cannot mount that case with the knowledge that I have. It would seem that the racecourse has enabled the MRC to provide the services of racing. They would use that course for perhaps revenue to the TAB and to other international racing arrangements. But without detailed information about how the money flows, I think you would have to ask those sorts of questions in detail yourselves. We do not, I think, have any direct access — I certainly do not have any — to anything enabling me to come to that conclusion.

**Ms PENNICUIK** — Basically it seems to be unclear to you; it is certainly unclear to me.

**Mr BROHIER** — Yes. But my focus has been on Crown land in all that I have said to you. I heard some evidence today that sort of indicated that the TAB might be on MRC land. My understanding from that map is that everything within the red lines — apparently it is provided by the government — is Crown land.

**The CHAIR** — No, I think the witness later indicated that it was on Crown land.

**Mr BROHIER** — It was?

**The CHAIR** — Yes.

**Mr BROHIER** — We could not hear back there. And also about the grandstand, we could not hear that either, but maybe I am getting deaf.

**Mr THORNLEY** — It is all in the public transcript, I am happy to report.

**The CHAIR** — Which should be on the website, transparently, in a few days.

**Mr THORNLEY** — Obviously part of your recommendation is that there be more consistent and transparent reporting by the trustees and others who are in charge of public land. I certainly understand that. Do you think that is the best solution here, or would a better solution be for the governance of the central part here to be transferred to another entity such as the council?

**Mr BROHIER** — That is one way, or alternatively the trustees could be asked to govern the whole reserve that they own. I do not take a focus on the centre of the course because in fact I wonder whether there is not more land outside of that course that is Crown land. I would like to see co-use of those facilities that are on Crown land, including the grandstand, facilities where car parks are located, and particularly in the southern end there where the racing stables are now. Those stables are quite different from the others because they are really on Crown land. The others are not; they are on MRC land, subject to what you have just said. But the rest of those stables, if they were removed, another oval could be placed there.

**Mr THORNLEY** — Yes.

**Mr BROHIER** — And the visibility from Neerim Road across that whole reserve would be absolutely magnificent. I should raise this issue too. With the aspect of risk it seems quite clear to us that there are racecourses, including Randwick, where horses run within metres of a mesh fence which is very similar to tennis mesh, and just outside there, there is a road that might take the traffic of Nepean Highway. Quite frankly, the same horses may in fact come down to Caulfield and one might ask. ‘Do they get weak at the knees when they cross the Murray River? What is wrong with them when they come down here that makes them so frightened?’.

**The CHAIR** — I do not think the horses down here have the same flu that they have up there.

**Mr BROHIER** — Hopefully. In relation to risk there are barriers that can go up for particular purposes, rather than shielding \$2 billion worth of land and not making it visible to us all just because of certain isolated perceived or real problems.

**Ms PENNICUIK** — I have no further questions.

**Mr THORNLEY** — I think I have covered the territory.

**The CHAIR** — I have too, thank you.

**Mr BROHIER** — You are welcome, gentlemen.

**The CHAIR** — Thank you for your submission and suggestion about transparency. I might take on board Evan’s point about management structures. The two are not in competition; they may actually go nicely together.

**Mr BROHIER** — There is one thing too: I attended a number of sessions run by the MRC in relation to public consultation. We put up some verbal suggestions, but it was never my understanding that the MRC was actually acting as a delegate of the trustees. We understood those consultative sessions to relate to the MRC consulting to develop a better plan for the MRC. We did not realise that it was actually acting as delegate, until we received a letter from Peter Lawrence that indicated that. Then we went to a subsequent meeting and I asked the question again as to whether the session was run on behalf of the MRC or as a delegate, and I was told they were acting as the MRC. So I am quite confused as to what that consultative approach was about, but I would like to see an opportunity to be able to have council or the wider community present before the trustees an equal argument to that met by the MRC; and then the trustees themselves, who are reflective of the wider community, hopefully, would make a decision as to the most appropriate step or plan for that whole reserve.

**Ms PENNICUIK** — I think you make a good point, and I think that point that they are a delegate only became very clear today and whether that is appropriate or not.

**Mr BROHIER** — I think there will be some evidence that might relate to that from a subsequent person.

**The CHAIR** — Thank you, Peter.

**Witness withdrew.**