

# CORRECTED VERSION

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Melbourne — 30 January 2008

### Members

Mr D. Davis

Mr P. Hall

Mr P. Kavanagh

Mr E. O'Donohue

Ms S. Pennicuik

Mr B. Tee

Mr E. Thornley

Chair: Mr D. Davis

Deputy Chair: Mr B. Tee

### Staff

Secretary: Mr R. Willis

Research Officer: Ms C. Williams

### Witness

Mr M. Stone, chief executive, Parks Victoria.

**The CHAIR** — I would like to welcome Mark Stone, the chief executive of Parks Victoria. As I have said earlier, all evidence taken at the hearing is protected by parliamentary privilege as provided by the Constitution Act and further subject to the provisions of the Legislative Council's standing orders. Any comments you make outside the hearing may not be afforded such privilege. You have appeared before parliamentary committees so you will know that you will get a transcript.

**Mr STONE** — Thank you.

**The CHAIR** — I ask you to briefly make a statement, and then we will ask some questions. I thank you for your forbearance relating to a slight change of timing.

**Mr STONE** — Not a problem at all. Apologies for not bringing more copies of this, but I will organise those shortly. I am Mark Stone, chief executive of Parks Victoria. I attend this hearing to give evidence about the role of Parks Victoria in relation to the following processes and functions: the management of Crown land including certain land reserved under the Crown Land (Reserves) Act, as committee of management and otherwise; certain land under the Land Act; certain land under the National Parks Act; and certain land under the Water Industry Act; and also the leasing and licensing of Crown land.

This statement is intended for the general advice of the select committee in relation to government policy on the management of public land and to set the context in which the activities of Parks Victoria may be of relevance to certain aspects of the terms of reference. Where I can assist the committee on specific issues, I will. However, the committee will understand that I may have to take some matters on notice. I will refer them back to the Secretary of the Department of Sustainability and Environment or the Minister for Environment and Climate Change.

In terms of the management of Crown land, Parks Victoria is a statutory authority, established pursuant to the Parks Victoria Act 1998. It does not have the power to represent the Crown, it cannot own land or purchase or sell land, but its primary function is to provide services to the state and its agencies to manage parks, reserves and other land under the control of the state.

The minister administers the Land Act 1958, the Crown Land Act 1978 and the National Parks Act. The secretary is also responsible for administering certain land pursuant to the Crown Land (Reserves) Act, the National Parks Act, the Forests Act 1958 and the Water Industry Act 1994. Parks Victoria manages certain land as required by the minister, pursuant to a letter dated 17 December 2007. It manages other Crown land pursuant to a letter dated 20 December 2007 from the secretary. The secretary is required to maintain a register, which sets out the particulars of each parcel of land managed by Parks Victoria. Parks Victoria also derives its powers to manage the managed land by delegated powers from the minister and the secretary under the various acts.

On management activities, Parks Victoria manages a total of 4 488 653 hectares of park, including 53 776 hectares of marine national parks sanctuaries. In relation to national parks, Parks Victoria manages all of Victoria's 118 parks reserved under the National Parks Act, a total of 3 859 697 hectares. These consist primarily of national parks, marine parks, state parks and wilderness reserves. Management of this land involves the management of natural values including protection of flora and fauna, control of pest plants and animals, and management of the impact of fire, drought and flood, all in the broader context of the surrounding landscape. Management of these parks includes balancing the needs of visitors in the context of natural values protection. Levels of visitor services are provided at each park by Parks Victoria, depending on the status of the park and the visitor profile. Parks with higher visitor profiles usually have more infrastructure such as toilets, camp grounds and visitor centres. These assets are owned by the Crown and maintained by Parks Victoria.

In relation to the Crown Land (Reserves) Act, Parks Victoria manages 628 956 hectares of parks, which are primarily metropolitan and regional parks and reserves. Management of this land involves natural values management as well as a wide range of visitor services such as sporting and other recreational club facilities. Virtually all assets located in these parks are owned and maintained by Parks Victoria.

Crown land can also be leased or licensed. There are various statutory provisions which enable Crown land to be leased or licensed depending on the land's status. If the land is reserved for a certain purpose, such as recreation or conservation, it will need to be leased or licensed pursuant to the appropriate provision of the Crown Land (Reserves) Act. If it is not reserved it will need to be leased or licensed pursuant to the Land Act. Land within a

national park must comply with the relevant provisions of the National Parks Act. If it is land which is adjacent to a waterway it may fall within the provisions of the Water Industry Act.

The relevant act stipulates the length of the lease or licence and who is responsible for approving the relevant terms and conditions. Parks Victoria, other than when it acts as committee of management under the Crown Land (Reserves) Act, manages the leases and licences on behalf of the minister and the secretary. For Crown land which is managed by Parks Victoria as committee of management under the Crown Land (Reserves) Act, Parks Victoria implements the processes of leasing or licensing, with the approval of the minister.

I note the Attorney-General has written to the chair of the select committee on two occasions, informing it of government advice to government officials who may attend hearings to give evidence on the scope of the terms of reference. More generally, the select committee will be aware that in appearing I do so as a representative of Parks Victoria and within the terms established by the select committee and the Department of Premier and Cabinet guidelines for appearing before state parliamentary committees for witnesses.

**The CHAIR** — If I can just begin by asking you whether you could perhaps outline to the committee any current proposals that Parks Victoria may have to develop structures on Crown land, and I am not meaning particularly taller blocks or so forth, but larger commercial developments, if any.

**Mr STONE** — In terms of new structures I am just not able to recall any in particular. There is one current structure that is being considered for some sort of change, and that is the Mount Buffalo Chalet. That is one that comes to mind, and depending on how big — I mean, a toilet block can be fairly large.

**The CHAIR** — No. I am meaning perhaps new commercial or other developments.

**Mr STONE** — I might take that one on notice if I could. I cannot think of any new commercial developments that we have on the table at the moment, but I will take that question on notice.

**The CHAIR** — Are there any that you have considered in, say, the last two years?

**Mr STONE** — We have a very large land portfolio, so I am just running my mind around the state at the moment.

**The CHAIR** — I am happy for you to provide a list.

**Mr STONE** — Yes. Commercial structures on Crown land — none come to mind. Having said that, we have a couple of planning processes in place at the moment. They may or may not be commercial. We are reviewing the future use of Portarlington — there is a problem there with the pier and jetty collapsing. It is the main access for the aquaculture industry. That is going through a public consultation and planning process at the moment.

**The CHAIR** — You may want to take it on notice. For example, has the board considered any proposals for development on Crown land?

**Mr STONE** — I will take the question on notice, and I will give you a complete answer.

**Ms PENNICUIK** — I was wondering — following from on from the Chair's question — whether Parks Victoria is under any pressure or obligation to expand the commercial activities on land under the jurisdiction of Parks Victoria?

**Mr STONE** — Under no pressure at all.

**Ms PENNICUIK** — I just want to go to the issue of — a couple of the submissions we have been looking at have been in relation to development that is not necessarily on public land but adjacent to public land and may have considerable impacts on the public land adjacent. I wonder what interest Parks Victoria takes in developments adjacent to public land and what strategies, protocols and procedures are in place to intervene or make a submission if parks has identified a certain development.

**Mr STONE** — We do not have a role to play there. If there were a role to play there, it may be the responsibility of the Department of Sustainability and Environment, so that would be a question for it.

**Ms PENNICUIK** — If one regional office of Parks Victoria was concerned about a development adjacent to public land, it would have no formal role in bringing that to anybody's attention?

**Mr STONE** — Not as an employee of Parks Victoria.

**Ms PENNICUIK** — So they would not bring it to your attention?

**Mr STONE** — Not in a legal way, no. I would refer the matter to DSE if there were something of that nature.

**Mr TEE** — If something came your way and you became aware of it, you would refer it to DSE?

**Ms PENNICUIK** — So there is a procedure, albeit informal — —

**Mr STONE** — It is not our role; it is very informal.

**Ms PENNICUIK** — Is that a concern to you?

**Mr STONE** — No. We have a particular role to play; DSE has a particular role, as does local government and a number of other agencies. We rely on them to be doing their part of the job.

**Mr KAVANAGH** — Mr Stone — following Ms Pennicuik's questions — this committee has received submissions expressing concern about Port Campbell and the impact that developments adjacent to the Port Campbell headland could have on the headland. I wonder whether you have any knowledge of that or any experience in that.

**Mr STONE** — We have had no role or involvement in that particular process. My only knowledge is what I may have read privately in the newspaper.

**Mr KAVANAGH** — If there were to be possible damage done to the Port Campbell headland as the result of adjacent commercial development, would that be of interest to Parks Victoria?

**Mr STONE** — I do not believe we have any responsibility in that part of the headland, so it is not something that we would buy into.

**Mr O'DONOHUE** — Thank you, Mr Stone. How much of your revenue comes from commercial operations?

**Mr STONE** — I think it is probably outside the terms of reference of this particular inquiry, but it is a fairly public fact, and it is in our annual report. It is something in the order of \$15 million to \$18 million. Our annual report has all our revenue sources.

**Mr O'DONOHUE** — Has that been increasing over recent years?

**Mr STONE** — Marginally.

**Mr O'DONOHUE** — You say in paragraph 3 of your statement that Parks Victoria does not have the power to represent the Crown and cannot own land or purchase or sell land. Given that fact, do you have any involvement in the decision by the government to sell land when it comes to that decision to sell surplus land or deem land to be surplus?

**Mr STONE** — No.

**Mr O'DONOHUE** — So even though you are the manager of land and therefore presumably have the best understanding of the values of that land, you are not involved in that process?

**Mr STONE** — I am not sure that we would have the best knowledge of the values of that land, because we may not have any relationship or any role to play in the assessment of the values prior to or during sale. As an organisation we do not have a role to play there.

**The CHAIR** — This is a slightly broader question about your responsibilities in terms of management of the various parcels of Crown land and so forth that you manage. Do you see that Parks Victoria could or should have a broader role — Professor Bull a minute ago spoke about the wider view? Do you think there is a role for Parks Victoria in actually indicating some of the values that relate to a park area and, as it were, the penumbra around the park or the adjacent land? Is there a role in protecting those broader values on the parkland? Is there some role for Parks Victoria to have input into matters around — —

**Mr STONE** — In a broader Victorian context, we have been very well served by the Land Conservation Council, the Environment Conservation Council and now VEAC in determining those values and benefits and what changes should be made. We are unique in Australia in having an organisation that is now four decades old and that has provided that advice to state.

**The CHAIR** — But Parks has input to that body from time to time?

**Mr STONE** — From a technical point of view we have an input. But that is the body that determines that in Victoria and, as I say, we are unique and fortunate to have that. In 2002 Parks Victoria on behalf of the Victorian government produced a document called Linking People and Spaces, which looked at the 10-year horizon for open space in the metropolitan area. So that exercise has been conducted and that is the plan or basis on which we are developing metropolitan parks and linking things like bike trails and pathways. That responsibility, in a cyclic sense, has been there in the past and is, as I say, based on about a 10-year cycle.

**The CHAIR** — Would you be consulted when, for example, there is a proposed development, a subdivision or something like that, near to a park?

**Mr STONE** — Not normally, no — not necessarily.

**The CHAIR** — Is there any need for some mechanism there?

**Mr STONE** — I guess there is a mechanism and that is through the local planning provisions. On some occasions, depending on the proximity of that land, DSE may have a role as a referral authority, so it would be DSE that would perform that on behalf of government.

**The CHAIR** — Would DSE consult you as a matter of course in that process?

**Mr STONE** — It may or may not. DSE directly has that authority in certain proximities to Crown land — not all.

**Ms PENNICUIK** — How much do you know about the Devilbend foundation and the issue with the park there?

**Mr STONE** — Not a lot. I am familiar with Devilbend, of course, because we are now managing it. We are going through a process of determining what the future management regime may be, but that is not concluded yet.

**Ms PENNICUIK** — I do not know if you have an opinion about or are involved in the assessment of the park and the splitting off of 40 hectares of the park and the particular road there. Do you have any knowledge of or view about that?

**Mr STONE** — I am familiar with it; I do not have a view. We have been given the charter to manage a parcel of land which does not include that 40 hectares, so we are focusing our energy on what the best future management practices will be for the parcel we have been charged with taking care of.

**Ms PENNICUIK** — Was Parks Victoria involved in the assessment of that land, in consultation with DSE?

**Mr STONE** — I do not think so. I could not be absolutely certain. I have 1000 staff, so one or some of the staff may have been involved, but not in an authoritative or legal way.

**Ms PENNICUIK** — Could you explain or give some advice as to how the advisory group at Devilbend is functioning?

**Mr STONE** — I understand it is operating very effectively. The group had about a 12-month horizon to develop a management plan, which is consistent with any new parks that we may take charge of. At the end of that 12 months they will produce a draft plan which, subject to some approvals, will go out for public consultation. I understand that at the moment that process of assessing the parcel of land that we are managing is going well.

**Ms PENNICUIK** — When are you expecting the draft?

**Mr STONE** — I think they are about halfway through. I think it was set up about six months ago, so in about six months time they will put out a draft, which will go out for public consultation within the normal period of 60 days. That is a process we use for most, if not all, of our parks. There is an assessment of the values, some consultation with key interest groups and locals, and then a draft plan is put out. If something significant comes up in the exhibition period, we will adjust the plan accordingly.

**Ms PENNICUIK** — I want to go back to the broader question I was exploring before regarding developments on land adjacent to land that is managed by Parks Victoria. Obviously that was driven by the important issue at Port Campbell where we have a large development occurring right next to Crown land, which is an unstable headland and is raising concerns in the community and for this committee in regard to the safety of that public land because of the impacts of the development. It seems from your responses that Parks Victoria has little involvement at all in a formal way in looking at or being concerned with developments adjacent to land managed by Parks Victoria. I am thinking in broader terms of developments next to either a metropolitan or national park that may involve run-off onto public land, et cetera. There seems to be no formal mechanism between Parks and DSE in regard to what appears to me to be an important issue. Who has the responsibility there? There seems to me to be a gap. If Parks is not concerning itself with land adjacent to its land and DSE is not really the on-the-ground party managing the public land, then we have a gap there.

**Mr STONE** — Or it could be local government.

**Ms PENNICUIK** — Local government is not managing the land. Parks Victoria is managing the land.

**Mr STONE** — No, but they may be managing Crown land adjacent to that development. It may not necessarily be us. It is a part of life. The organisation that is responsible for making that assessment and that judgement — in a referral sense in some cases but not in all cases — is DSE. That is part of the division of duties.

**Ms PENNICUIK** — Basically what I am seeing is a gap, and you are confirming the gap is there.

**Mr STONE** — No. There is not a gap, in that DSE would make that judgement.

**Ms PENNICUIK** — If they knew about the issue, they would make the judgement. That is my issue — who is identifying the actual issue?

**Mr STONE** — DSE has offices established all the over Victoria. I would be surprised if there was an issue out there in the community that was not brought to DSE's attention by a community member or someone, if it was an issue.

**Ms PENNICUIK** — I think you are trying your best, but I am not totally convinced that we do not have a gap there.

**The CHAIR** — In the Parks Victoria Act I notice the functions of Parks Victoria includes, at section 7(1)(b):

with the approval of the Minister, to provide services to the owner of any other land used for public purposes for, or with respect to, the management of that land.

That seems to me to suggest land other than land owned by the state. It seems quite a broad category. Is there any land that you can point to that is under management under that paragraph? You may perhaps provide some examples. You may not know the full list now, but I would certainly appreciate the full list, if you had that.

**Mr STONE** — I will take that on notice as well. I am not aware of where we would be managing any land other than land owned by the state.

**The CHAIR** — It is at 7(1)(b).

**Mr STONE** — It may be in there, but we may not be actually exercising that.

**The CHAIR** — No, I am asking the question on the point.

**Mr TEE** — I just want to clarify the gap issue; if I am wrong, please let me know. Your view is that there is no gap, because where your responsibility ends, DSE's responsibility starts in terms of issues outside your purview.

**Mr STONE** — Or local government or some other party, yes.

**Mr O'DONOHUE** — If I could just take up that point as well, though. DSE is not necessarily a mandatory referral authority, is it, for planning applications?

**Mr STONE** — No.

**Mr O'DONOHUE** — So even if you accept what Mr Tee has said, there may be no formal referral, so therefore the matter may never be brought to DSE's attention.

**Mr STONE** — In theory.

**The CHAIR** — I just wanted to ask you this directly. When the committee sought the assistance of Parks Victoria we were provided with a tour of the Devilbend site, and I place on record our gratitude for that, but we did seek some officers from Parks Victoria on a number of occasions to speak to the committee about specific local matters on parks and so forth under your management. We did that specifically because we do not necessarily expect the chief executive to have that detailed local knowledge, and perhaps I am flagging with you that at some point we may wish to talk to some of the officers who do have that more detailed local knowledge and seeking your support in that matter. For example, Devilbend: we were provided with a tour of the site, as I say, which we were thankful for, but we sought formal evidence from officers, and that was not provided. There may well be other cases in the next period where we seek such information, which I do not genuinely expect you to be on top of.

**Mr STONE** — I would not expect my staff to be in a position to take questions in relation to the terms of reference, because they do not operate at that level. They are out there managing the park, not dealing with the matters that are being covered under your terms of reference.

**The CHAIR** — Even where the park or situation we may be looking at might touch some of those specific local management issues?

**Mr STONE** — Their role as the local manager is to manage the park, not to get involved in the matters that are being raised in the terms of reference. That is not their role, so they would not be able to deal with your terms of reference.

**The CHAIR** — I beg to differ on that. I think that some of their information may be quite valuable to us from time to time.

**Mr O'DONOHUE** — Could I just add to that? Mr Stone, even if we accept what you say, why were more senior people not briefed who could give us that material?

**Mr STONE** — In the locations that you were in — Devilbend and Port Campbell in particular — the staff are operational staff. They are not staff who get involved — —

**The CHAIR** — Precisely. The staff we wanted to talk to.

**Mr STONE** — But that is outside of the terms of reference, as I understand it.

**Mr O'DONOHUE** — Even if we accept that they are operational staff and you make the decision they are not to appear, why could they not brief more senior people who are more familiar with these committees and the work of these committees and provide the evidence requested?

**Mr STONE** — That is, I guess, part of the reason I am here today; to try to assist where I can in terms of Parks Victoria's roles and responsibilities.

**The CHAIR** — We would certainly appreciate a detailed briefing on both Devilbend and the south-west area that we made some requests about. We are happy if those local officers brief you in detail and you are able to answer those detailed local questions — I am not counting that out — but it is that local information that we actually sought.

**Mr STONE** — And I am happy to answer any questions on the management of the parks we have under our control and any questions in terms of our area of responsibility.

**The CHAIR** — But you told us earlier today that you were not able to answer those local questions about areas like Devilbend because they were specific operational matters and such like.

**Mr STONE** — Or that they are not consistent with the terms of reference.

**The CHAIR** — We think they were consistent with the terms of reference, and we may well wish to speak to you at a future point.

**Mr STONE** — I am happy to have that request made.

**The CHAIR** — Thank you.

**Witness withdrew.**