

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Apollo Bay — 8 November 2007

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Witness

Mr E. Stuckey.

The CHAIR — We will hear now from Mr Edward Stuckey — or Ted!

Mr STUCKEY — Ted is what I am usually called.

The CHAIR — Would you like to speak briefly to your submission and this supplementary note?

Mr STUCKEY — It is effectively a supplementary submission. Having read a bit more of what your tasks are and some of things you have been looking into I came to the conclusion that I had something to add. My name is Edward George Stuckey, I am a retired forester. I was employed by the Victorian forest service, under its various names, from 1959 till 1996. I have been a visitor to Apollo Bay since 1950, and in 1970 my wife and I purchased a property at Marengo, and we have resided there since 1997. During my career I was required to investigate and make recommendations to the department on proposals to alienate and lease parcels of Crown land.

As I can find no definition in your terms of reference as to what ‘public land’ is, I have assumed it was unoccupied Crown lands and reserves. However, since then I have had a couple of looks at some of your transcripts, and I think that I am right in saying that I hope the committee will also consider the impact of the disposal of public property held by government departments and statutory corporations is included in your charter, and I am very glad to see that. I think in fact a lot of those lands have been moved out as a result of the incorporation of public bodies. One example, for instance, which I am glad to see was retained by the Crown was the plantations corporation of the forests commission — sorry, DSE — which was sold to Hancock’s. In fact the forestry land and the plantation areas were in fact named ‘leased land’ rather than being sold off.

I was concerned — or I had been concerned — about the government sale of urban and rural school sites. It does not seem to have been made with any great reference to the demographic changes that were occurring in the community, and the communities have lost lands as a result of that. It is my strongly held opinion that the public land is a primary asset of the community and that it should only be sold or leased if there is a real, measurable long-term benefit to the local community and to the state.

This is a new part of my submission. My concern is that the current systems used to alienate and lease public lands do not provide adequate opportunities to a community to comment on the proposals until the process is nearing completion and the recommendations are about to be forwarded to the Governor in Council for approval. I am basing that statement on my experience in the past; it may have changed a bit, but I do not think it has changed significantly. In my opinion the local community should be given the opportunity to comment on all proposals to alienate or lease Crown lands as soon as the application is made. These decisions seem to be made by the government departments rather than by the community. In fact the community does not seem to have much impact or input at all.

I notice that public access to the *Government Gazette* has been vastly improved since my day by placing the gazette on the internet. However, the information on land sales and leases is still hard to find unless you know the parish name and the allotment number that is involved and you are familiar with the legal terms used to define these types of transactions. The system should be designed to keep the public informed and allow the public to find information using commonly understood terms, such as ‘land’ and ‘sale’ and the locality rather than the parish. Advertisements should also be placed in local papers.

In general I support the alienation of small and odd-shaped parcels of Crown land to rationalise public land boundaries. I want to see far greater scrutiny by the community of any proposals to use public land for private purposes before the land is sold or subject to lease. I have listed there the things that I mentioned in my previous submission in regard to proposals: if the proposed use cannot be undertaken on any existing private property in the area; the sale or lease of the public land will provide a substantial benefit to the local community and to the public in general; the sale or lease of the public land will not prevent or impede access to adjoining public lands, which I have seen happen; and the proposed use will not adversely effect or impact adjoining public lands and private lands. I believe the use to which the public land is to be put should be nominated in the notice of alienation and if they want to change that they have to make the case again. I think the Crown should also retain the first option to reacquire the alienated land and any assets thereon should the land be offered for sale.

I wanted to address the Apollo Bay foreshore and harbour business, but I think you have covered that to a great extent. The only point I would really like to make is that in fact under the current system of applications if an application were made today for the sale of public land on Point Bunbury for use as a hotel, the only local organisations that would be asked to comment on it would be the Colac Otway shire and the foreshore committee

of management. The same would apply to an application for a lease. The community would not be consulted and no member of the public in Apollo Bay would have the right or the opportunity to comment on the application. I think the system used for the sale and lease of public land in Victoria should be revised to provide the community with input and make the process more open and transparent. Apart from my other comments, which you have already got, that is about it.

The CHAIR — I thank you for your submission. I must say there are some very interesting matters of process and the steps that government perhaps ought to go through as land is alienated. I have to say that many of the suggestions you have made I think have some significant merit. I guess my question is how should some of those processes be incorporated? Should this be a statutory requirement? Should it be just a matter of government policy? You have laid out a number of different steps. How would you see it?

Mr STUCKEY — My understanding of the current process by which alienation takes place is that basically it is set out to achieve the legal requirements that government has to fulfil. It does not really look at what the land is to be used for. It does not look in a public sense at what the land is to be used for, and it does not really give the community any notice of that.

The CHAIR — So when there was a change of title, as it were, or a change of designation, there would be some riders attached to it, perhaps like a caveat system. Is that what you are — —

Mr STUCKEY — Yes. I think the lease and the sale of public land should be to meet a specific purpose, and that specific purpose should be written into the conditions of the sale or lease. If somebody comes along and decides they do not want a 5-star hotel out there, they want to build a Cumberland resort, for want of a better suggestion — in other words, multiple apartments — rather than a hotel, then they could not do so without coming back to the government for approval to change the use from being a hotel, as defined in the act, to a set of apartments. That is the process that I am thinking of.

Mr TEE — Following on from that discussion and the process that you outlined, I want to know how it would fit with the process that is being gone through at the moment in terms of the draft plan, consultation survey, further submissions and final plan. Would you see it as coming in afterwards or would you see it as coming in before? I suppose what triggers it in my mind is that in the Apollo Bay example we are probably still some 12 to 18 months away, at the very least, from any proposal to lease out the land for the hotel. I suppose I am just trying to see how you would align the two.

Mr STUCKEY — I think in the case of the Apollo Bay harbour precinct master plan there is an assumption made by the council and by the designers, if you like, that the government would in fact make available to the council or to whoever puts an application in land for the development of a hotel. I suppose really what I am saying is that is the presumption that I refer to in my first submission. How can you get to that stage without having first asked the community and the government whether they want to build a hotel on the land? How can you go to a design factor where you have not even assured yourself that in fact this is possible? If you take the Apollo Bay harbour plan design, there are lots of things in it which, although they are good ideas in many ways, the whole process of that design for it to come to fruition means that every single item that is in the area now — the harbour master's office, the slipway and the boat ramp — have to be removed before you can even build the road that they propose. That does not seem to me a particularly sensible approach to a plan for 20 years. You can upgrade things, but if in fact you are starting off by wrecking everything that is there in the first place just to get a road in, then in fact the plan does not look too good to me. I do not know if I have answered your question.

Mr TEE — No.

Mr O'DONOHUE — Thanks for your comments, Mr Stuckey. It is interesting. Your career background obviously is most helpful on a topic such as this. Who do you think is behind this proposal?

Mr STUCKEY — I have been a resident of Apollo Bay for 10 years and during that time I have been a member of the Apollo Bay chamber of commerce. I have to say that in fact the chamber of commerce has been a major proponent of development in the harbour area. It always has been. But like most chambers of commerce it has no intention of putting any money up for the process.

Mr KAVANAGH — Mr Stuckey, I guess we can presume that you do not feel that this proposed development meets the criteria you have established or you have suggested as a test?

Mr STUCKEY — I do not think it meets the test that I have suggested. I was interested to hear Mike Barrow state that in fact more than 50 per cent of the people who replied were in favour. What he did not say was which parts they were in favour of. Is the cup half full or is the cup half empty? That is the question. Generally speaking I know people are quite happy to see certain types of development there. I think there is almost 100 per cent objection to the idea of putting a hotel there. How do you rate that?

Mr KAVANAGH — Who do you think should decide whether it goes ahead or not, the state government, the local council or — —

Mr STUCKEY — I think in the long run the community has got to make its recommendations to government. I suppose one of my great fears is that there has been talk at some stage of moving the management of Crown lands out into local government, and to me this is a classic example of why it should not happen — that is, that local government would not consult with the community in regard to bringing about the change to that status of land if it had the power to do so. Why would it talk to us at all?

Ms PENNICUIK — I cannot find it now, but I am looking for it. You say the proposal should be published in papers for three months prior to plans being adopted. I suppose what I am getting at is that you were saying the community should decide in the end, but it seems that the community has sort of decided here but the decision is not being — —

Mr STUCKEY — Not being recognised?

Ms PENNICUIK — Yes, and it does not seem to have anywhere to go. That is what I am saying.

Mr STUCKEY — I suppose really that relates more to the fact that I think you can go through the whole process, and we have had examples in the town here, for instance, where pieces of Crown land have been acquired by somebody without any knowledge by the community at all, basically. A good example of that, for instance, is as you drive over the hill on the Great Ocean Road here at Noel Street, you look down and you are looking into the back of a house. The original land there was in fact a Crown land easement. What happened was that the bloke who owns the property next door built out over it, so that in fact it was a sort of default acquisition, and I think the council recommended to him that rather than knock the house down he buy that piece of land off VicRoads. But the community never got a say at all in the disposal of that land. It is the same thing with a property I know in Marengo where a small odd-shaped piece of Crown land was acquired by a neighbour, and I am sure that no-one in the town was aware that that piece of land was in fact Crown land or had been acquired or was up for acquisition, if you like, or up for alienation. I am just pointing out the fact that all of these processes are designed to meet government needs and departmental needs. They do not really involve the community.

The CHAIR — Thank you very much — —

Mr STUCKEY — Just one thing before I go. Sitting in the room here is a professional fisherman with 30 years experience, if you wish to talk to him about the harbour. Mr Harry Ferrier is behind me

Witness withdrew.