

# CORRECTED VERSION ONLY

## SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Melbourne — 21 April 2008

### Members

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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

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Secretary: Mr R. Willis

Research Officer: Mr A. Walsh

### Witness

Mr G. Liddle, chief executive, VicRoads.

**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 the development of public land, in particular a number of VicRoads matters. I welcome Gary Liddle to the hearing and 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 comments you make outside the hearing may not be afforded such privilege.

You will be provided with proof copies of the transcript in the next few days, and there is the opportunity to make typographic corrections. Gary, if you would like to begin with your presentation. I see that you have a prepared statement there.

**Mr LIDDLE** — Could I just read through?

**The CHAIR** — Sure, then we will ask some questions.

**Mr LIDDLE** — Thank you. This is my witness statement. I am the chief executive of the Roads Corporation, which trades as VicRoads; the address is 60 Denmark Street, Kew. I commenced in that position in a permanent sense in March 2007.

I attend before the select committee on behalf of VicRoads, which is the statutory corporation established under and governed by the Transport Act 1983 and is subject to the direction of the Minister for Roads and Ports.

I have received a letter from the Minister for Roads and Ports dated 18 April 2008, which attached a letter from the Attorney-General to the minister. The Attorney-General's letter enclosed correspondence with the select committee regarding the executive government's position on the scope of the terms of reference of the select committee.

Having informed me of the view taken by the government in relation to the scope of the terms of reference, the minister has asked me to have regard to that view in giving my evidence. In these circumstances I will give evidence to the committee in a manner consistent with the definitions used in the ministerial agreement which supports administrative arrangements order no. 58 of 1988.

I have been provided with and have reviewed:

the government *Guidelines for Appearing before State Parliamentary Committees*, as issued by the Department of Premier and Cabinet in October 2002;

the Victorian public service code of conduct; and

the *Legislative Council Select Committees and Parliamentary Committees Guidelines for the Protection of Witnesses*.

This statement sets out in general terms VicRoads approach to its property portfolio. To the best of my knowledge, VicRoads has no 'public land' within that portfolio.

I will just go quickly through VicRoads functions. VicRoads' overall purpose is to deliver social, economic and environmental benefits to communities throughout Victoria by managing the Victorian arterial road network and its use as an integral part of the overall transport system.

Section 15 of the Transport Act 1983 establishes VicRoads. Section 27 provides that VicRoads is a body corporate with a range of powers, including powers to deal with land and personal property for the purposes of the act, including the power to buy and sell land and personal property and the power to lease — or take on lease — property.

VicRoads key functions and objectives in the Transport Act 1983, the Road Safety Act 1986 and the Road Management Act 2004 can be summarised as follows:

achieving ongoing reductions in the number and severity of road crashes and the resultant cost of road trauma;

assisting economic and regional development by managing and improving the effectiveness and efficiency of the road transport system;

minimising adverse impacts of roads and traffic on the community and enhancing the environment through the responsible planning and management of the transport system; and

building effective, equitable and efficient relationships with all customers by providing them with convenient access to services that meet their needs and enable VicRoads to deliver cost-effective services to the community.

In particular, section 16(3) of the Transport Act 1983 requires VicRoads, in exercising its functions, to take into account a range of objectives, including the objective of managing its real estate assets in a way that protects future options and provides for the planning, design, construction and management of new infrastructure and facilities.

VicRoads manages the arterial road network, which in 2006–07 comprised just over 53 000 lane kilometres and almost 3000 bridges, as shown in the map at attachment A. Furthermore, VicRoads works in partnership with other government agencies, local government and the private sector to provide road, registration and licensing services. These services are delivered from a network of offices and agencies that operate throughout Victoria.

Dealings with land: the Planning and Environment Act 1987 and the Environment Effects Act 1978 provide the legislative framework for the orderly, economic and sustainable use and development of land and supporting infrastructure. The legislation ensures that decisions take into account any social, environmental and economic effect of development proposals.

VicRoads acquires and disposes of land as part of its role in developing and managing the arterial road network. VicRoads land holdings fall broadly into the following three broad categories:

land which currently constitutes a reservation for an existing road;

land which is required for the purpose of providing for a future new road or expansion to an existing road; and

residual land-holdings following road construction or removal of a public acquisition overlay.

Land is reserved for road purposes, generally through the imposition of a public acquisition overlay (PAO) control in the relevant planning scheme. The public acquisition overlay is imposed on land following a planning scheme amendment process under the Planning and Environment Act 1987. The underlying zoning of the land remains unchanged, allowing the existing use of the land to continue until such time as the land is required for road construction.

Land is generally acquired when it is required for roadworks, in accordance with the requirements of the Land Acquisition and Compensation Act 1986. In some circumstances VicRoads may purchase a property well in advance of roadworks — for example, if the owner is likely to suffer hardship as a result of the road proposal. On acquisition, the land vests in VicRoads in fee simple — that is, as freehold.

VicRoads consults with all sections of the community in relation to major proposed developments of the road network. Guidelines have been published to assist project managers in establishing effective arrangements for community participation from the earliest stages of planning through to the later stages of project construction and commissioning.

A broad range of criteria is used to evaluate and compare options for a particular project. Some are readily expressed in dollar terms and are used in economic evaluation. Others, such as social and environmental impacts, can only be expressed in relative terms for comparisons between options.

Land adjacent to a road is not regarded as surplus to VicRoads requirements as it may be required for future road works, such as widening or duplication, or to provide necessary buffers to maintain the amenity and safety of adjoining land uses. This land is also used by service authorities to provide electricity, gas, water and telecommunications services. VicRoads policy is to dispose of rather than retain surplus land. Properties may also become surplus to requirements when the project for which the land was acquired is completed, leaving some surplus land; modified, rendering land acquired for the project as surplus; or abandoned. VicRoads disposes of marketable quantities of land surplus to its requirements in accordance with the government land monitor's guidelines. The land monitor's guidelines require that:

the most appropriate zoning for land must be established and put in place before a sale to ensure the highest return is achieved for the state;

first right of refusal to purchase the land must be offered to another agency which requires the land for its purposes;

the land may then be offered to the local council where the council requires the land for public purposes;

the land may then be sold by public tender or public auction;

all sales are to be at market value as assessed by the valuer-general; and

the approval of the Minister for Planning is required for any other method of sale.

Following road construction or widening, particularly in urban environments, small parcels of land adjacent to the road become surplus to VicRoads requirements as they are not required for future transport purposes. These parcels of land are not generally commercially saleable due to their size — being either small or irregularly shaped — poor access or their physical location adjacent to a main road. These residual parcels are typically licensed or transferred to the relevant municipal council and subsequently zoned as public park or for recreation purposes.

VicRoads currently has a portfolio of over 2400 properties. About 40 of those properties are used by VicRoads for its business operations — for example, for call centres and regional offices. The overwhelming majority of the properties were acquired for future road projects, with approximately 1700 in the metropolitan area and the remainder in rural and regional Victoria. These properties are a mixture of residential, commercial, retail and vacant land.

All land transactions are undertaken in accordance with the state government's policy and instructions on the purchase, compulsory acquisition and sale of land. In addition, for all transactions with an estimated value in excess of half a million dollars, final approval is sought from the Minister for Roads and Ports. Thank you, and I would now be pleased to take any questions from the committee.

**The CHAIR** — Mr Liddle, thank you very much for your submission. If I can lead off with a very specific question, and then I will come to some more general ones. I refer specifically to a letter dated 19 March 2008 from VicRoads to the statutory planner at the City of Boroondara. It concerns the proposal for the Camberwell railway station redevelopment. Obviously VicRoads has made a number of comments in here. It says:

VicRoads is very concerned at the proposed increasing in traffic movements to Burke Road at this location from an uncontrolled access with full directional movements; particularly given the size of the development and the complexity of traffic and transport interactions within close proximity of the subject site along Burke Road.

It also talks about the behaviour of motorists, and that is obviously relevant as the committee's terms of reference relate to the sale or alienation of public land and this important piece of government or Crown land, whatever you like to designate it, is a site on which VicRoads, as I suspect it is on many developments, is asked to comment. It refers in this to some decisions by VicRoads in terms of its view about this. Was there any background research or study of traffic movements that VicRoads undertook to support this letter?

**Mr LIDDLE** — I am not aware of any specific studies personally that when into the background of that letter, so I would have to take that specific question on notice. What I can say is that VicRoads comments on, as you indicated, David, a lot of development proposals around the state, and our traffic engineers look at those proposals on their merits. But with that specific one I would have to take on notice the question of any specific studies.

**The CHAIR** — Okay. In terms of this, it will be helpful if you could provide us with any background work or research, perhaps access to the file that deals with this particular VicRoads letter and the site at Camberwell railway station.

**Mr LIDDLE** — I am happy to take that question on notice.

**The CHAIR** — Are you happy to provide that information?

**Mr LIDDLE** — I take the question on notice. I am happy to review the information, and then I will be in a position to know whether I can provide that information to the committee.

**The CHAIR** — In terms of more general matters, I am interested to know what differences there might be in the approach of VicRoads to Crown land that is being sold or developed — and there may be some input from VicRoads in the way that is described in this letter — and private land. Is there a difference in approach that VicRoads adopts with those different classes of land?

**Mr LIDDLE** — VicRoads role is only in the sense of the development occurring on the land. The role of VicRoads is to comment on the development and on the impact of that development on the road network.

**The CHAIR** — There is no distinction, so in a sense it would not matter who the proponent or the developer was; VicRoads would look at it in precisely the same manner?

**Mr LIDDLE** — Just in relation to the development; absolutely.

**The CHAIR** — In terms of your own parcels of land around the state, do you have a list of those parcels of land that you currently own or administer?

**Mr LIDDLE** — To be honest, David, I am not aware of a detailed list or whether or not one exists of every parcel of land in the state. As I said there are about 2400. I am not aware of whether there is a single list of all of those 2400 parcels.

**The CHAIR** — Would you take that on notice as well?

**Mr LIDDLE** — I am happy to take that on notice

**The CHAIR** — We would certainly appreciate that list to see the parcels of land that are held by VicRoads under the various phases of development.

**Mr LIDDLE** — I am happy to take that on notice as well.

**Mr THORNLEY** — I note from your submission that you currently have no public land under this definition, so we might have a short conversation here. I wonder if I can ask a broader question, since we have you here; there is a range of matters that get taken up by this committee, not all of which are directly relevant to its terms of reference, it seems. I am wondering about greenhouse gas emissions and traffic congestion, which is obviously a central issue. I note in recent discussions of the Eddington report and others that there are competing claims made about the impact of traffic congestion on greenhouse gas emissions. I wonder if VicRoads has a view on that or has research you can point us to or to other matters?

**Mr LIDDLE** — I think more research is being done all the time in that space, but as a general rule the less congestion there is on the road network the fewer greenhouse gas emissions. Anything we can do on the road network to reduce congestion would generally have the benefit of reducing greenhouse gases.

**Ms PENNICUIK** — I will just follow on from that question to ask you, in a strategic way, what VicRoads is doing to reduce congestion because at the moment congestion appears to be increasing. What strategic plans does VicRoads have in place in terms of that?

**Mr LIDDLE** — Okay. We are looking at some different ways of managing the total arterial network that would reduce congestion, and I think there are a number of major projects under way, such as the M1 corridor which will go a long way towards reducing congestion along that corridor. We are trying to manage the network in a much more active way than we have in the past around traffic signals and the like so we can actually reduce congestion on the network.

**Ms PENNICUIK** — I will accept what you are saying. Certainly there is an old saying, or a new saying, that there has never been a road built that has reduced congestion. If you look around the world there are no examples of building a freeway that has not attracted more cars and resulted in more congestion. Do you have any comment on that?

**Mr LIDDLE** — To be honest, Sue, I think that is outside the terms of reference of this committee.

**Ms PENNICUIK** — Whatever. In your paragraph 6 you say that:

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VicRoads overall purpose is to deliver social, economic and environmental benefits to communities throughout Victoria ...

Could you expand on what you mean by environmental benefits?

**Mr LIDDLE** — I guess in terms of environmental benefits VicRoads has taken lots of specific actions. There are some very specific things, and I will start with those. There are some recent examples of those on projects like, say, the Tullamarine-Calder interchange where we have incorporated solar panels into noise walls to generate a small amount of electricity to go into lighting the interchange. Effectively all of our road projects in rural areas are built pretty much using non-potable water. We are doing projects in a way that minimises the environmental demands, if you like, of the projects. I think in very specific ways on projects that is happening.

In terms of the projects in a more strategic sense perhaps, we are building projects to try — as I say — to minimise congestion to overcome those environmental impacts. There are things like water-sensitive road design on our new projects as well where water flowing back into creeks is treated before it leaves the side of the road. There are lots of examples where we are doing those specific things to address environmental issues.

**Ms PENNICUIK** — I am interested in the Tullamarine-Calder interchange lighting. Is that proposed to be rolled out to all new roads?

**Mr LIDDLE** — What we have done is we have made a commitment to monitor it over a 12-month period to see whether it meets the claims that the manufacturers and the installers have made of it, but it contributes about 10 per cent to the electricity demands of that street lighting. If it is effective, yes, we will look at putting it on other projects in the future, but there is about a 12-month trial.

**Ms PENNICUIK** — Do you have documents about those projects that you could provide to the committee?

**Mr LIDDLE** — In what sense?

**Ms PENNICUIK** — If you are doing something at the Tullamarine-Calder interchange there must be some plan or document. I think it would be useful for the committee for its reporting.

**The CHAIR** — How does that fit within the terms of reference?

**Mr THORNLEY** — I am interested in this, but I do not understand how it fits in with our terms of reference.

**The CHAIR** — Unless it is public land that has been changed or developed.

**Ms PENNICUIK** — Mr Thornley, let us just leave it up to Mr Liddle to see if he would like to provide it to the committee for its consideration in terms of its report to the public.

**Mr LIDDLE** — Exactly which document — I am sorry — —

**Ms PENNICUIK** — You have mentioned that the environmental benefits are the solar panel trial — —

**Mr LIDDLE** — As an example, yes.

**Ms PENNICUIK** — If you could provide that.

**Mr LIDDLE** — The documentation?

**Ms PENNICUIK** — Yes.

**Mr LIDDLE** — I am happy to take that on notice to see what documentation is available.

**Ms PENNICUIK** — You mention it in your statement. It is just for clarification.

**Mr LIDDLE** — Okay.

**Mr O'DONOHUE** — Thank you for your submission this morning. I just want to pick up on a comment you made before. With water that is treated before it flows back into creeks, is that through wetlands and the like? Is that the normal process?

**Mr LIDDLE** — That is correct, so through swales and wetlands. It is quite a natural process before it goes back into the creeks.

**Mr O'DONOHUE** — How much income has VicRoads derived from land realisation and rationalisation over, say, the last three years? Are you able to give a figure?

**Mr LIDDLE** — I really do not know a figure on that. I would have to take that on notice. I am happy to look up what sorts of numbers are available, but I do not know the number off the top of my head, I am sorry.

**Mr O'DONOHUE** — Thank you. You said in paragraph 10 that VicRoads manages over 53 000 lane kilometres and 3000 bridges. Do you have a rough idea how much actual land the VicRoads portfolio represents, in hectares?

**Mr LIDDLE** — On the actual road network, which is just what this paragraph is referring to, there are about 80 000 hectares of road reserve, of that order.

**Mr O'DONOHUE** — Do you have an idea of other land that you hold — —

**Mr LIDDLE** — No, I do not — not in terms of area, only in terms of the numbers of properties that are referred to in the statement, which is 2400 properties, but I honestly do not know what sort of area of land that involves.

**Mr O'DONOHUE** — Are you able to take that on notice as well?

**Mr LIDDLE** — Yes.

**Mr O'DONOHUE** — Thank you. With service authorities such as electricity, gas, water and telecommunications, as you identify in paragraph 17, what arrangements do you have with those authorities? Are they normal lease or licence arrangements?

**Mr LIDDLE** — Yes, under the Road Management Act. When it was established it moved to a much more formal arrangement, so it is one of either leasing or licensing depending on the period that is involved. We are at the stage where we have a very accurate record now of where those service authorities have their new services, as opposed to some in the past which were just put into the road reserve without formal arrangements. There is quite a formal arrangement around leasing and licences.

**Mr O'DONOHUE** — In paragraph 20, the first dot point, you make reference to developing the most appropriate zoning for land. Can you describe what that process entails?

**Mr LIDDLE** — That process is one of working with local government to determine what would be an appropriate zoning of the land and then obviously the normal process for rezoning of any land will take place to achieve that. It is actually working with the planning authority, which in most instances is the local government.

**Mr O'DONOHUE** — You mentioned in the following paragraph, I think, that all sales are done at market value. Does that include internal government sales to other departments or other statutory authorities?

**Mr LIDDLE** — Yes. Government policy is that that should be any transaction of land.

**Mr O'DONOHUE** — And that includes local government as well?

**Mr LIDDLE** — That is correct.

**The CHAIR** — Regarding the long reservations that are there around roads and the leasing or the sale of portions of them to commercial operators — I am thinking of roadhouses and such like — what is the process that is gone through there? How does that operate?

**Mr LIDDLE** — Around specific service centres?

**The CHAIR** — Yes. I am thinking of the roadhouses. If you drive out the road to Ballarat, there are a number on the main road out there. That is clearly VicRoads' land?

**Mr LIDDLE** — Not all is. Many of the service centres are actually on private land, and VicRoads' only role in those service centres is to provide an access arrangement to the road. Many of those service centres are actually on private land and VicRoads' role is about providing access to the road from that property.

**The CHAIR** — Some are on your land?

**Mr LIDDLE** — Yes, correct. Some are on VicRoads' land.

**The CHAIR** — It will be helpful to know where they are. Do you have a list of those? Is that available?

**Mr LIDDLE** — I am happy to take that on notice again.

**The CHAIR** — What is the process for setting up that arrangement where they are on public land, as it were, as opposed to the private case?

**Mr LIDDLE** — No, there would be no service centres on public land.

**The CHAIR** — Crown land? It is VicRoads' land, is it?

**Mr LIDDLE** — No. My understanding is on road reserve, so it is Crown land that is vested in.

**The CHAIR** — How many of those?

**Mr LIDDLE** — I do not know off the top of my head, Mr Davis.

**The CHAIR** — But you will take it on notice?

**Mr LIDDLE** — I am happy to take it on notice.

**The CHAIR** — What would be the process by which such a centre is created?

**Mr LIDDLE** — It is not public land, so I am not sure that I am in a position to answer that question. There are no service centres on public land.

**The CHAIR** — VicRoads' land, where a decision is made for whatever purpose that that land will be provided under terms I am interested to hear about to a private operator for a period to run some sort of service centre that is clearly of benefit to the public. How does that operate?

**Mr LIDDLE** — I guess what I am saying is that that really is not public land, and as such I am not in a position to — —

**The CHAIR** — Let us talk about Crown land and let us talk about the land that VicRoads manages under whatever arrangements it manages it. How do you thereby make the decision to provide access to that land?

**Mr LIDDLE** — I guess my response would be that my understanding is that that land would be outside the terms of reference of this committee — —

**The CHAIR** — I disagree with you.

**Mr LIDDLE** — I am not in a position that I can answer that question.

**The CHAIR** — You could, but you are choosing not to. You could answer it. There is nothing actually preventing you answering it.

**Mr LIDDLE** — It is outside the terms of reference of this committee.

**The CHAIR** — I do not think that is true. I think it relates to public land under the definition that the committee has adopted, which the Parliament has given the committee the power to adopt. You are going to flout that, it seems. Is that what you are intending to do?

**Mr THORNLEY** — He is going to do what every other witness has done.

**Mr LIDDLE** — As I outlined in my earlier statement — —

**The CHAIR** — You have been gagged.

**Mr LIDDLE** — I have been asked to take into account the letter from the Attorney-General, and in doing that my answer would be that this is outside the terms of reference.

**The CHAIR** — Did you think about consulting the committee on that matter at all?

**Mr LIDDLE** — No. I took advice from both internal and external — —

**The CHAIR** — Could I suggest to you that the committee has a different view of the terms of reference and has adopted a definition of ‘public land’ that is at variance with the Attorney-General. We believe that public land is a broad category that relates to land that is accessible or owned by the public. I am asking you in terms of the committee’s definition, which has been adopted by this committee pursuant to the constitution and the sessional orders of the upper house, whether you would answer that question?

**Mr LIDDLE** — I can only repeat what I said, that I have been asked to take into account the letter of the Attorney-General, and I will not be in a position to answer that question.

**The CHAIR** — You will just openly defy the committee on the orders of the attorney and the minister?

**Mr LIDDLE** — I am taking account of the request of both my minister and the attorney.

**The CHAIR** — Can I ask you, in preparation for this hearing, how that was provided? Did you have contact with lawyers?

**Mr LIDDLE** — I took both internal and external advice in preparing my statement, as I guess you would expect that I would.

**The CHAIR** — Lawyers?

**Mr LIDDLE** — There were legal people involved, yes.

**The CHAIR** — What were their names?

**Mr LIDDLE** — No, I am not prepared to give names of individuals, but I took both internal and legal advice.

**The CHAIR** — Why is that?

**Mr LIDDLE** — I do not think it is necessary to give individuals’ names.

**The CHAIR** — I am very keen to understand the veracity of your evidence and the inputs on you that may be leading you to, in a sense, openly defy the committee. I am very keen to know the names of those lawyers who briefed you, both internally and externally.

**Mr THORNLEY** — So we can harass them as well.

**Mr LIDDLE** — I am happy to take that on notice but I do not think it is appropriate here to — I am happy to take that question on notice.

**The CHAIR** — I have to say that it is not a matter of what you think is appropriate; it is actually an important point that goes to the quality of the evidence and whether that evidence has been tainted or whether that evidence has been doctored or controlled by the government.

**Mr LIDDLE** — I am happy to take that question on notice.

**The CHAIR** — I would like you to answer it now. You clearly know the names of those lawyers.

**Mr LIDDLE** — I repeat that I am happy to take that question on notice.

**The CHAIR** — I would like you to answer it now if you could, because you clearly know the names of the lawyers you met with to discuss this evidence.

**Mr LIDDLE** — I took both internal and external legal advice and I will take that question on notice.

**The CHAIR** — And I would like those answers now, if you could provide it. There is no reason why you cannot provide those answers now?

**Mr LIDDLE** — I do not think it is substantive to the question that is being — —

**The CHAIR** — In my view — —

**Mr LIDDLE** — And I am happy to take it on notice.

**The CHAIR** — In my view as a committee member it is substantive because it goes to the quality and veracity of your evidence and whether that evidence has been doctored or got to by the government legal team. It is a question of whether the evidence is given in good faith and has been massaged in any way.

**Mr LIDDLE** — I can assure you that the evidence I am giving is being given in good faith and truthful in every respect.

**The CHAIR** — In which case I ask you again if you would provide to the committee the names of the legal officers or practitioners, both internal and external, with whom you consulted.

**Mr LIDDLE** — I am happy to take that question on notice.

**The CHAIR** — I would prefer that you answer it right now.

**Mr THORNLEY** — We could go around this for quite a while.

**The CHAIR** — No, it is a very important point; the committee has every right to establish the veracity of the evidence that is coming before it.

**Mr LIDDLE** — And what I am assuring you is that my evidence is absolutely — has full veracity and it is truthful in every respect — —

**The CHAIR** — You are telling me that there has been legal input — —

**Mr LIDDLE** — Whether the name of the people that I took advice from I do not think is important in terms of — —

**The CHAIR** — I do think is important.

**Mr LIDDLE** — I am sorry, but I am not prepared to give that here today.

**The CHAIR** — I have to express my disappointment that you have refused to answer a very direct question to the committee that goes to the heart of the quality of the evidence you are giving. That is quite disappointing.

I will ask you another question, then, about the evidence that you have been providing today. Is the external legal team that advised you the same legal team that has advised other witnesses, do you know?

**Mr LIDDLE** — I would have no idea whether they have advised other people or not.

**The CHAIR** — Can we have a copy of the legal advice that you have been provided?

**Mr LIDDLE** — I have no written legal advice other than — the statement I have prepared is the only document that I own and have presented to you today. I have no written legal advice.

**The CHAIR** — So it was verbal legal advice that was provided to you, we have established that. I ask you, in that vein, if you could provide the committee with the list of appointments that you held with legal teams pursuant to this hearing.

**Mr LIDDLE** — I am happy to take that on notice as well.

**The CHAIR** — Your diary would suffice in that regard.

**Mr LIDDLE** — I am happy to take that on notice as well.

**The CHAIR** — Mr Thornley?

**Mr THORNLEY** — Thank you. I will try and be a little more productive. I am interested in the utilities, and you mentioned them in here — the gas, the water, the electricity guys — and I am presuming, in particular, [inaudible] Do we have a systematic set of arrangements with the other network utility players? How does that whole system work? It is obviously always easier, when you have got one ditch, to put everything in it. But there must be some cost benefit analysis. How does that play out?

**Mr LIDDLE** — We actually have an arrangement with the service authorities that if they are planning new works, they inform VicRoads of those works, and equally if VicRoads is planning new works, we make sure they are aware of it so that the actual installation of services can be coordinated.

We leave it up to the individual service authorities as to whether they choose to put their services in a single ditch or not. But there is close cooperation between the service authorities and VicRoads to ensure that when one party is doing works, the other one gets a chance to think about their needs. There are many examples where a new service may be put in, that while it might not be needed exactly when the works are happening, it makes sense to do it while the roadworks are happening. So there is good coordination and collaboration between the service authorities and the road authority.

**Mr THORNLEY** — I realise this is a very broad question, but can you give me any sense of what proportion of the time or how frequently they do tend to take up that option?

**Mr LIDDLE** — No, off the top of my head I would not know the answer to that question.

**Mr THORNLEY** — Thank you.

**Ms PENNICUIK** — Mr Liddle, in terms of your paragraph 3 and the recent conversation you have just had with the Chair, I would have to say, as I have said to many witnesses in your position, that it is regrettable that the government — in terms of the letters of the attorney and ministers to leading public servants such as yourself — has put you in a position where you feel constrained in terms of your answers. From my point of view, this committee has received 136 submissions from people all around Victoria, and it is looking to report on how the use and development of public land could be better handled and better managed where there are problems and where there are good things being done for the benefit of Victorians.

It is regrettable that senior public servants have felt that they cannot answer freely and frankly questions put to them by the committee, whereby this is the remit of the committee and people like yourself have got a contribution to make.

That is how I feel about it, that you have been put in a untenable position by the government. This is a committee whose job is to work on behalf of the people of Victoria, and so is yours. I hope that you can perhaps go on to answer some of the questions I will ask you, which are broad questions, and do refer to our terms of reference.

I wonder how formal or informal the relationship is, or what relationship VicRoads has, with the Melbourne 2030 policy?

**Mr LIDDLE** — With Melbourne 2030 we certainly interact in the transport sense as part of the transport portfolio. Yes, we work with — the public transport division of DOI and ourselves to have an input to that planning strategy.

**Ms PENNICUIK** — That was going to be my next question, the sort of relationship you have with DOI, because certainly I have had expressed to me over the years — and it seems fairly clear, or it seems that the public perception is that VicRoads talks about roads and DOI talks about public transport, and there is a level of competition or non-cooperation between the two. I wonder if you could comment on that?

**Mr LIDDLE** — That is absolutely not true. People think of road as a mode. Road is not a mode; road is something that many forms of transport travel on, including public transport, whether they be trams or taxis or buses as well as cyclists and pedestrians as well as motor vehicles and trucks. So roads are the means of many forms of transport to travel on.

It is definitely not a competition. One of the big ways of managing congestion in inner Melbourne is actually to make public transport more efficient, so we work very actively with the public transport division of DOI to ensure that public transport gets the best run it can on roads. Yes, that is a great way of managing congestion in inner Melbourne. It is not a competition; it is very much a collaborative effort, because without improved public transport it is harder for us to manage congestion in our own right.

**Ms PENNICUIK** — Are there any strategic planning documents available about that cooperation?

**Mr LIDDLE** — *Melbourne 2030* is partially that and *Meeting Our Transport Challenges* is partly that, so there are a number of publicly available documents that outline the strategy of ourselves and PTD through those government strategies of how we are trying to manage both transport and land use within Melbourne.

**Ms PENNICUIK** — They are publicly available, but I wondered if there were any strategic documentation plan, implementation plans, that you have in VicRoads?

**Mr LIDDLE** — Separate to that?

**Ms PENNICUIK** — Yes.

**Mr LIDDLE** — No, there is nothing. They are the strategies that we are working to implement our works.

**Ms PENNICUIK** — But you are saying that you work cooperatively, so there is no documented strategic implementation plan between yourselves and DOI, except, for example, about how you are implementing *Meeting Our Transport Challenges*.

**Mr LIDDLE** — The level below those strategic government documents is our like our annual program of works. So, yes, there is an annual program of works. It is there to implement those strategies of government and, again, that is broadly available once the works are announced.

**Ms PENNICUIK** — It would seem to me that you would need more than an annual program of works. Would you not have a plan — a further plan, an implementation plan — because a strategy document is one thing, but the implementation of that is another?

**Mr LIDDLE** — The *Meeting Our Transport Challenges* document is quite a specific document in terms of what is planned to be implemented, and the next level below that really is the projects that go into making up that *Meeting Our Transport Challenges* document, so — —

**Ms PENNICUIK** — And you are saying they are all publicly available?

**Mr LIDDLE** — When the projects are announced as part of the annual plan, absolutely, yes.

**Ms PENNICUIK** — Okay. Can you just go back to your statement here in paragraph 16? You say there that:

... social and environmental impacts, can only be expressed in relative terms for comparison between options.

Can you just explain what you mean there?

**Mr LIDDLE** — Some of the social and environmental impacts are not able to have a financial amount put to them. Some can, but some are not able to, so we do a matrix analysis of projects so that projects are actually compared against each other in terms of their relative impacts or benefits on social things. An example would be for social around accessibility and making some relative decision assessments about the relative accessibility the individual projects have or the individual options have. It is really done as a matrix analysis. It is quite a common thing in planning to use a matrix analysis for those things that cannot have a dollar impact put against them.

**Mr O'DONOHUE** — Mr Liddle, I am interested in the process of transferring road management from local government to VicRoads. I know, for example, the City of Casey has transferred some roads to VicRoads and some back over time. Is there a formal process or an evaluation that is done, or is it a case-by-case basis as requests are received from local government authorities?

**Mr LIDDLE** — It is both is the answer to the question, so under the Road Management Act we are required to do a formal review of the arterial network — I am stopping to remember whether it is every three or four years, but either three or four years. In fact that formal review is going on in this year — in 2008 — so there is a formal review of the arterial road network across the whole of the state on a regular cyclical basis. But in addition to that we do get individual requests occasionally from local government areas where they actually ask us to review the function of some roads. So there is a cyclical review, but occasionally there will be a one-off, special request to consider individual roads.

**Mr O'DONOHUE** — When you receive a one-off request, what considerations would you take into account? That is obviously an additional cost to VicRoads and additional risk because you are managing an additional road.

**Mr LIDDLE** — It is a whole range of things and, again, the criteria are publicly available as part of the review. My recollection is that it is things like the volume of traffic, the sorts of areas they connect — whether they are in strategic areas — so there are quite a range of criteria that they are assessed against. Yes, it is publicly available. We could make that document — —

**Mr O'DONOHUE** — And that applies to ad hoc requests?

**Mr LIDDLE** — Yes, both cyclical review and ad hoc requests.

**The CHAIR** — I have a question that relates to the expansion of the M1, the South-Eastern Freeway. What process is undergone to ensure that, as that is widened, the minimum public land is lost — the surrounding public land?

**Mr LIDDLE** — Any project planning that is gone through is designed to the standards of the day. The standards of the day around the road dictate the width and the requirements for width, and then enough land is set aside outside any road in Victoria to manage the functions in the roadside, whether it be landscaping, space for services or the like, so the land take on any project in Victoria is minimised to the degree to cater for all those functions.

**The CHAIR** — But let me be clear what I am talking about here. There has been an announced plan to widen that freeway, and that will encroach to a greater or lesser extent on the parkland that surrounds it, parkland that communities — and I will give you a specific example; the Gardiners Creek protection group has gone to a great deal of effort to rehabilitate land around that area to protect key canopy trees and trees that are of significance locally and potentially statewide. How will that process operate with the expansion of the freeway, can you explain to me?

**Mr LIDDLE** — As I said, the land that is taken on any project is minimised to account for, but still providing for, all the functions of that road. We also look at, where there are substantive individual trees, what can be done to minimise the impact on those substantive individual trees. But the general approach is to provide the standards for the road itself and whatever is required outside the road, but take the minimum amount of land necessary on any project to account for all those functions.

**The CHAIR** — So is there consultation with the local council on that matter, and with stakeholder groups like the one I have given the example of?

**Mr LIDDLE** — There would be consultation with all stakeholders as we develop those types of projects, that is correct.

**The CHAIR** — Right. Is it possible to have access to the documents involved in that consultation process on the expansion of the freeway through that area of Glen Iris?

**Mr LIDDLE** — I am not sure exactly what documents you would be referring to, Mr Davis.

**The CHAIR** — Presumably there would be letters and exchanges of information.

**Mr LIDDLE** — There would be meetings, certainly.

**The CHAIR** — Meetings — that would be helpful; and maybe notes of those meetings.

**Mr LIDDLE** — Again off the top of my head, I do not know what documentation would be available. I would be happy to take that on notice and look at the documentation that is available.

**The CHAIR** — Yes. This is obviously something I am interested in regarding that specific location, but it is obviously a broader issue as well.

**Mr LIDDLE** — Yes. I would be happy to take it on notice.

**Ms PENNICUIK** — Mr Liddle, we have received submissions from the community in Port Campbell about the Port Campbell headland where the Great Ocean Road did run, but now has been redirected through the town of Port Campbell due to concerns about the stability of the headland on which the road was built. I am just wondering if you have personal knowledge of that issue?

**Mr LIDDLE** — No. I am aware that the road was relocated to the other side of Port Campbell, but I do not have any personal knowledge about the stability of the cliffs or the cliffs themselves.

**Ms PENNICUIK** — I wonder if VicRoads could provide the committee with the documents that led to the redirection of that road? It has been an important issue in terms of hearings and submissions we have had on the instability of that road.

**Mr LIDDLE** — Again, I do not know what documentation is available, but I am happy to take that question on notice.

**Mr O'DONOHUE** — To take up the Chair's question in relation to service centres, the construction and opening of the Pakenham bypass has led to, I think, eight or nine applications for service centres along that new section of the road from Officer going through Nar Nar Goon and further east. There is a perception from some of those potential operators that the process by which VicRoads makes decisions is not fair and equitable and not transparent. I wonder if you would like to make a comment on that?

**Mr LIDDLE** — The guidelines that are out there are available to everyone and on that basis, I would say the basis on which decisions are made is very transparent. I know some of those hearings are probably at VCAT at the moment, but I think the decisions are based around guidelines that are available to everyone that is contemplating a service centre, so I would say it is a very transparent process.

**Mr O'DONOHUE** — Do you think there is at least a perception that VicRoads as the initial authority and also potentially the landowner on some of those service centres, whether it is in that area or elsewhere, is in effect deriving economic benefit potentially as well as being the initial authority for review?

**Mr LIDDLE** — No, I do not think that is true. On that corridor there are no VicRoads-owned service centres, or on VicRoads land.

**Mr O'DONOHUE** — Just in general, if a service centre is to be developed on freeway X and the landowner can derive half a million or a million dollars a year in income and that happens to be VicRoads, then a private owner 2 kilometres up the road makes an application, is there not a sense or a perception at least that there is commercial advantage for VicRoads to give preferential treatment to its own applications?

**Mr LIDDLE** — I do not believe that is the case. I cannot remember where all of the VicRoads-owned ones are, but I do not believe that is the case.

**The CHAIR** — Thank you, I am pleased you have given evidence today, but I am disappointed you have not seen fit to provide a full and complete response, and I put that on the record. Thank you for what you have provided.

**Mr LIDDLE** — Thank you.

**Witness withdrew.**