

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Subcommittee

Melbourne — 3 April 2008

Members

Mr D. Davis

Mr B. Tee

Ms S. Pennicuik

Chair: Mr D. Davis

Staff

Secretary: Mr R. Willis

Research Officer: Mr A. Walsh

Witnesses

Mrs H. Victoria, Member for Bayswater, and

Mr P. Cleaves.

The CHAIR — Heidi Victoria and Paul Cleaves, I ask you to make a brief contribution. We will then ask some questions. Before we start, Paul, we have a written submission from you that was circulated earlier on; is that right?

Mr CLEAVES — I submitted a two-pager yesterday.

The CHAIR — That is right; a handwritten one.

Mr CLEAVES — And an original three-pager with three backup copies attached.

The CHAIR — That is fine; thank you.

Mrs VICTORIA — I am here in support of a group of residents in an area known as the triangle — —

Ms PENNICUIK — Not another one!

Mrs VICTORIA — There is another triangle. It is certainly not in St Kilda; it is in a wonderful place called Wantirna.

Ms PENNICUIK — St Kilda is a wonderful place.

Mrs VICTORIA — It is called the triangle because it is bordered by three major roads, being Mountain Highway, Boronia Road and Stud Road. It contains well over 1000 residents — in fact closer to 2000 residents — who are in dire need of more open space. We come before you today because of a development happening at a site known as Lot 1, 54 Kingloch Parade. It is currently undergoing development for the Office of Housing. I will give you some photos that I took this morning so you are up to date with exactly what is happening at the site.

The crux of the matter is that open space is obviously at a premium. Melbourne 2030 suggests that medium to high density is a very good thing, especially in the — if you like — not so outer suburbs, especially where there is public transport available. In this particular case it is in an area of land where density is increasing. However, we have very, very little open space. The facts are that the state government metropolitan recommendation is that there is 9 hectares per 1000 of public space, and in this area we are actually only looking at 1.37 hectares of open space. So proportionately this is significantly under what the government recommends as appropriate open space for a residential area. Unfortunately, as you can see from the photos, building has begun for the Office of Housing. We do not come to gripe about the fact that it is Office of Housing because this is certainly not a nimby situation, if you like. The residents are not objecting to the Office of Housing; in fact in the Knox area alone we have over 1000 Office of Housing units. However, what they are objecting to is the loss of open space.

This land was formerly part of the Wantirna Heights School, which is now a specialist autism school. It abuts Shultz Reserve, so in fact it is the lot of land between Wantirna Heights School as it currently is and Shultz Reserve, where there is a pavilion that has things like fishing, cricket, soccer. You would probably say, 'Fishing in the middle of Knox!', but yes, we do have a boat fishing club. There is cricket, soccer, Probus — several Probus groups meet there, that sort of thing. The land at lot 1 was surplus land from the Wantirna Heights School. It was subdivided. Wantirna Heights School we could call lot 2. Lot 1 has been used for recreation purposes since the subdivision, and certainly for overflow parking for things like soccer and that sort of thing at Shultz Reserve.

It is interesting to note that in 1999 the then state government promised that it would be transferred from what was the then education department to the council and it would be offered as open land, as an open space recreational park. I think we know the history of what happened in the election, and unfortunately what you see before you in the photos is 25-odd Office of Housing units going up on the only bit of open space in this entire triangle.

Mr CLEAVES — Further to that, the council now in dealing with us seems to be implying certain things, and in terms of their planning — you have not got a copy of this, but at some stage in the past they were also counting in their open space what has virtually turned out to be a road, and also included in its open space was a car park behind the Wantirna Mall shopping centre. Also included in this space — would you believe? — was the median strip down the Mountain Highway from the Five Ways to the end of Stud Road. I turned up at a council meeting — —

The CHAIR — That was counting as open space?

Mr CLEAVES — That was counted as open space. I turned up at a council meeting hot under the collar and tried to be cool, and I had a word to Graham Emerson, who was the chief officer of the council at the time. He got Steve Dunn, his director of city strategy, to reply to me. It took me until this morning to find this letter. Due to my pressure they finally came clean and said they were only counting certain areas in the Knox triangle. That is all they are including. I could not find the document where he said they do not zone land according to the use, because, as you have seen in my statement yesterday, Gresford Road there — you used to be able to walk along it among the trees as a green space. They have had development there since — you know, in getting this increasing density population, Gresford Road just abutting Mountain Highway has now had two small dwellings built on the backs of places and on the other side another small dwelling, so it is now a driveway for six places, when it used to be only an access for two places. People used to be able to walk down there past the trees, almost like a pathway; it is now a driveway. Just to make sure I was not saying things that were not facts, I went to the council on Monday and Tuesday and got them to put up their aerial view, and I got them also to check their categorisations. They are now doing the right thing; they are calling the roads ‘roads’ and Mountain Highway ‘Mountain Highway’, so maybe pressure — —

The CHAIR — They have back-pedalled a little bit on it.

Mr CLEAVES — Maybe pressure has made them. What we really got our backs up about was — with the good work of John Purdey and another John and doing the calculation of percentages — our percentage went right down in terms of open space. I think they now call it PPRZ — I forget what PPRZ means — but it means people can have it for their permanent recreational use. I also got them to give me a copy of how they zone land these days. In a sense we have got to be very careful that we — —

Most things that are called PPRZ, for the people’s recreational use, we have lost a lot of that. The only area that is there now, on that thing I just gave you, boils down to being a double-length suburban block towards the southern side of the triangle and a double-width block towards the northern and north-eastern sides. The only real area called such with a playground there is the area behind Shultz Reserve, which is a footy field and pavilion. In a sense they got the local area’s people’s backs up by telling us one thing and doing another. They have now come clean. Not along those lines, but in two different submissions there I have made comment on genuine consultation. I got into strife went I sent along a definition of the word ‘consultation’ long ago to the Office of Housing. As far as I could see, no genuine consultation did actually take place. While the block is now gone — they have got a deep hole there now — for the future of any place I reckon the word ‘consultation’ should be well and truly obeyed faithfully and in truth by anybody, government or otherwise, in developing a site. ‘Consult’ should mean consult, and it does not appear to be that. While we are at it, maybe we should declare what we mean by open space for the use of the public.

I was talking to John Purdey, who I believe might be sending you a submission in writing because he is unwell at the moment. If they just call it public space — I think it said that on the pages I gave you yesterday — they can build on it, they can have a car park on it, so we need to clarify in the future whatever words they use, we need to have it specified that that is for people’s recreational use, for the future, and certain things must not happen. Whatever they categorise it as, we need to have people sticking to the categorisation and keeping it there for posterity. If no other lesson comes out of what happened to Wantirna Heights Primary School, it is a lesson for posterity in regard to what you have got.

The other thing I said, and it might have been in the first submission, that also got my back up, many years ago I had trouble with my vocal chords — you would not believe it today of course — and because I was senior teacher, the then principal, who was a very with-it man, got me to oversee the collection of goods from the closure of Burwood High School. It seemed to me it was a correct strategy then that when each school closed that all principals met and virtually divided up the spoils. There was a lot of good equipment at Burwood High School. There was a lot of good equipment at the Wantirna Heights school. The principals met, they divided up who needed what. I was the teacher in charge of organising the removalist vehicles, and I got a bunch of 15 kids in year 11 to be my troops. We had to do the right thing. The point is, whenever a school closes, and the parents have put in years of money and effort to build that place and supply equipment, wherever their children are going as pupils in the future, they should be able to take with them their proportion to those places. In a sense I got the impression that when the Wantirna Heights school closed down that idea seemed to have gone missing.

I have also said there that when a school council has got on its membership, either as its president or somebody higher up, someone who has close connections with somebody who teaches or is in charge of a school somewhere

else, they should declare their interest and they should not have a vote on the closing of a school. That is in the past, but let us use the word 'skulduggery'. Maybe they should have just declared their interest. In a sense, the parents there, they have brought up the kids who have now grown up, they should have had the feeling that all their work has gone with their children.

The CHAIR — Just to get to the point here, it seems from what you are saying, Paul, and what Heidi is saying and the submissions that we had earlier, essentially, this is a significant parcel of land in the middle of this triangle which seems to me on the view on the map here to be pretty much landlocked in every way.

Mrs VICTORIA — Totally landlocked.

The CHAIR — It has only that one small section of open space, and there was the option of gaining some local space in that area. Do you have any idea why the government has pushed forward with this plan to build more density in there? I accept what you have been saying, Paul, about subdivisions that are going on with higher density in the area. Do we have any idea why they have pushed forward with this plan to build more properties in this area even though there is not sufficient local space? It seems to me that is a very low ratio of 1.3 hectares per 1000 people.

Mr CLEAVES — My attitude would be that they are trying to do their job. The Office of Housing is trying to do its job on supplying cheap housing for people who need it. I can see that as an overlying idea.

The CHAIR — But they have to recreate somewhere.

Mr CLEAVES — But we have got to have recreation somewhere.

The CHAIR — So where do they propose they do it here?

Mr CLEAVES — I do not know where they propose they do it. The original plan was for only 15 units; they have now got 25 units there.

The CHAIR — They have expanded the number?

Mr CLEAVES — They have got even more than they were going to have. As to where they are going to recreate, I do not know, and I think they use a rough rule — is it 2020 or 2030 — that says they can do certain things within 400 metres or 500 metres of something like the Wantirna Mall as a shopping centre.

The CHAIR — An activity district.

Mr CLEAVES — I reckon the Office of Housing is using the fact that that place, where they have built the place, is within that distance.

Mrs VICTORIA — The Office of Housing development that is going on here is specifically for over 55s. That is what it is intended for, and there will be strict entry criteria. For that age group there are also strict criteria as to how far away from public transport they need to be. Bearing in mind that it is Office of Housing and perhaps lower socioeconomic means not necessarily everybody is going to have a car, so public transport is of the optimum here, and they are well outside that provision on Lot 1, 54 Kingloch Parade. When it went to VCAT, because this was fought all the way through to VCAT, basically the VCAT ruling came back and said, 'We know that you are outside but, you know, it looks like a good enough place to plonk it', in a nutshell, paraphrasing there.

The CHAIR — They are outside the distance to public transport.

Mrs VICTORIA — Absolutely. It was well outside.

The CHAIR — Did VCAT consider, do you know, the open space issues?

Mrs VICTORIA — We certainly brought it up.

Mr CLEAVES — Do you have a copy of VCAT's findings?

The CHAIR — No.

Mr CLEAVES — I am happy to leave this. I do not want to give you too much work, but I have given you work any way. What also got our backs up as a community was that the Office of Housing kept saying certain things. I quote, ‘Currently the Office of Housing has only six, two-bedroom units located in Wantirna and Wantirna South’. That made me see red, so I went walkabout, and I could identify the houses down on the Dandenong Creek. I got some titles information from the titles office. They are saying six. This will show you that there are 33 places owned along by the Dandenong Creek. What worries me is that they are saying certain things, and when we do our work as a community, we find out they are not telling us the truth.

The CHAIR — Did they lie to VCAT, did they, or have they provided false or incorrect information to VCAT?

Mr CLEAVES — No, because I presented that to VCAT.

The CHAIR — What did the Office of Housing present?

Mr CLEAVES — Margaret Baird, senior member of VCAT only gave me a half-line recognition in the VCAT findings. She went more with the Office of Housing and their experts than listening to me as much. I was just making the point that they are saying they only have six, but they have plenty over there, so why should we start believing other things they are telling us.

Mrs VICTORIA — But perhaps as a follow-on from that, I will quote from the *Knox Leader*. Bearing in mind that this went to VCAT last in February 2007, the residents have been fighting this for some seven or eight years. It goes right back to 1999 when the then government promised to retain it as open space. As I say, the *Knox Leader* of 29 October 2002 said:

The state government will not turn vacant land in Kingloch Parade, Wantirna, into public housing.

The decision comes after a persistent community campaign to retain the land as open space.

Human Services department spokesman Brendan Ryan last week confirmed plans for the 15 single-storey units, which would have housed 11 families and four elderly people, had been dropped.

The quote from Mr Ryan is:

The Office of Housing has listened to community concerns and has withdrawn the initial town planning application ...

The department will consider other options in consultation with the community and Knox council.

Their consideration has gone from 15 units to 25 — very odd!

Mr CLEAVES — To add to what I gave you before, this is a copy of the letter from Steve Dunn. They are finally relenting and saying they are only going to include land which is actually generally open space.

The CHAIR — I think that is the one we have.

Mr CLEAVES — Did I give you the original by mistake, did I?

The CHAIR — No. You gave us the original; we photocopied it. We have done that already.

Mr CLEAVES — You have your brain together better than I have!

Mr TEE — This is a very difficult issue. There is no doubt that that area around there and more generally wants for open space. There is equally no doubting, certainly in my mind, that it has — I think these are the figures — 1.8 per cent public housing compared to the state average of 4.1 per cent, so we have a position in that area where we have an ageing population, some of whom cannot afford the high rentals out there. We have an area that has very low private sector housing. So we have private sector housing which is at a minimum, not much public housing, and we have an ageing population, so we have that pressure on the one hand. Clearly — and as I said, there is no doubt — we have pressure in terms of open space in that area. As has been indicated, this issue has been going on for some five years now. I was always hopeful an appropriate outcome could be found. I know there were discussions with the Office of Housing and the council to try to find an alternative site so that really we could have our cake and eat it too, but that has not occurred, and that is regrettable. I do not doubt that people went into

that in good faith, but it is unfortunate that an alternative site was not found. I do not really have any questions. It is not the outcome we would have liked to have ended up with, but it was always going to be a difficult situation.

Mr CLEAVES — Can I ask you a question? With respect to the Ferntree Gully high school, apparently that is going to go ahead. My thing is for the future's sake — —

The CHAIR — What is going to go ahead?

Mr CLEAVES — The Ferntree Gully high school grounds have virtually been designated for development by the Office of Housing. This is not in your ken, but there is also Knox Private Hospital — that is private, I know — which has just announced recently that it will be extending, so we began to think that maybe with all this private enterprise and government property development, we almost need a checklist against which to check what has to be done, when anything is going to happen, whether they have consulted the community and so on, whether it is government land or not.

The CHAIR — And that there is enough public open space. In this case it seems like it is just woefully inadequate.

Mr TEE — Or enough public housing.

Mr CLEAVES — Yes.

Mr TEE — It is a balance.

Mrs VICTORIA — Can I absolutely agree with both of you on that one. Brian, you have said 1.8 per cent versus 4 per cent, which is the state average.

Mr TEE — Yes, 4.1.

Mrs VICTORIA — As I said, this is not a case of nimby. As Paul said, we have quite a few in that triangle, and just outside the boundaries there are some 30 or more homes that are Office of Housing. In Knox itself there are over a thousand; it is getting up to something like 1100 or 1200, I think. So it is not a case of 'not in my backyard'.

The CHAIR — But why could they not have found somewhere just outside the area that is not landlocked?

Mrs VICTORIA — It is not even that, David, from my point of view. I mean, I deal on a constant basis with people like Knox Community Volunteers, elderly citizens groups and things like that, and what they need is community support. What you are proposing, or what is being proposed or actually developed here — it has gone past the proposal stage — is that with 25, two-bedroom units, you are looking at perhaps 50-odd people who are over 55 in one little community. Now, should they not be integrated into the community, where you have, for example, a house or even two or three units, where they have the support of neighbours around them of varying ages, with kids playing around, and all that sort of thing that we know is good for their health? What we are proposing to do is build an isolated community here that is not necessarily for the benefit of the residents.

Ms PENNICUIK — I was not familiar with this issue except for what I have read — I did not know about it before — but it is difficult, because we do need more public housing.

Mrs VICTORIA — Yes, I agree.

Ms PENNICUIK — But I am concerned that you have major arterial roads — Boronia Road, Mountain Highway and Stud Road — around this area, so if that land is in fact alienated or built on for public housing, it looks to me from the map that there will be no public open space in that triangle. Is that the case?

Mrs VICTORIA — Correct. So what we are doing is building density but not giving people room to recreate. Then we have the government's catchcry of 'Go for your life', or something like that, which is trying to encourage people of all ages to get moving. We know it is good from the public purse point of view as well as for everybody's sanity and for their health to be active, to be out and about recreating in the fresh air, and yet we are taking away that possibility for so many people in that area.

Ms PENNICUIK — We certainly need pocket parks within walking distance, and it seems to me that without that there in this triangle there is none.

Mrs VICTORIA — Yes.

Ms PENNICUIK — Mr Tee is talking about a balance, but there is no balance there because there is no open space. We are not balancing at all.

Mr TEE — I am just talking about the balance of public housing versus public open space.

Ms PENNICUIK — You are talking about the overall municipality; I am talking about this little area, because we know that people are loathe to go over large arterial roads.

The CHAIR — They are pretty dangerous, too.

Mrs VICTORIA — You do not want to send your kids across to a local reserve with a footy, do you?

Ms PENNICUIK — You are not going to. I am looking at this map and I am not really seeing too much other public space, even surrounding it. But you might know the area more. Where would be the next play area?

Mr CLEAVES — As I have said, they only have the grounds near the oval, and the overflow we have lost now for the car park; they have had to build another 30 car parks beside the pavilion.

The CHAIR — Taking more land?

Mr CLEAVES — Taking away more land, and they only have a playground in the back and they have two little streets that come in. There is nothing along those streets except the green area of the nature strips, so that is all they have coming into it.

Mrs VICTORIA — I do not advocate anybody plays footy in the middle of Mountain Highway on the nature strip.

Mr CLEAVES — No. I began to wonder — when the council classified the median strip on Mountain Highway, that almost put a new meaning to, ‘Go play with the traffic, kids’.

Ms PENNICUIK — I have heard that one before.

Mrs VICTORIA — Sue, can I just point out, to answer your question, that the nearest play area — because I live literally across the road from there and slightly to the north.

Mr CLEAVES — That would be the oval, if it is available.

Mrs VICTORIA — There is Bayswater Oval much further down, a couple of kilometres to the east, but where you see the word ‘freeway’ on the map here just below the green arrow, that was the proposed Healesville bypass road. Now that has pretty well been taken off the map, but it is still in the *Melway*. Just north of that you have got the Dandenong Creek and the Dandenong Creek trail, which is great if you want to cycle or if you want to walk or run. But there is no actual open space to kick a footy or play cricket, or anything like that.

Mr CLEAVES — No, they actually have playing fields down there and clubs on them.

Mrs VICTORIA — That is across in the Maroondah municipality.

Ms PENNICUIK — Even so, you have got to go across the major arterial to get there.

Mr CLEAVES — Across the highway, yes.

The CHAIR — That is a long distance.

Ms PENNICUIK — And across the creek.

Mrs VICTORIA — And across the creek.

Mr CLEAVES — With the original siting of Wantirna Heights Primary School, the reason it was built there originally was that they wanted to build a primary school so the kids did not have to cross a major road to get to school. I could not help having an ironical twist to my mouth when I saw in an Office of Housing statement somewhere that it is an ideal place to build units because people do not have to cross any highways. I thought, ‘That is the bloody reason we put the school there’.

The CHAIR — But they do if they want to get to some recreation. They have to take their chance across a double-sided road.

Mr CLEAVES — They can go and play on the oval with the soccer team, that is all.

Ms PENNICUIK — There are a physical and safety barrier, but they are also a psychological barrier.

Mrs VICTORIA — Absolutely. As a mother of a 4-and-a-half-year-old I can tell you that in the next few years she is going to want to say — we are very lucky; we have a little park across the road; she already wants to get out and kick the soccer ball — like most kids do, ‘Mum, I want to go with my friends and kick the footy’ or the soccer ball or the whatever. That is fine, because it is across our little road. But these kids cannot do it.

Ms PENNICUIK — I have one more question. Does anyone know how it got from 15 to 25? Okay; I have opened a can of worms there.

Mr CLEAVES — I will have to go back and dig up more on — —

The CHAIR — You will have to ask Mr Tee that; he probably knows. He probably had some hand in it.

Mrs VICTORIA — We do not want to dump you in it, Brian, but do you know?

The CHAIR — He is blushing. I thank both of you and indicate that in my opinion this is a case book study of how not to do these sorts of developments.

Mr CLEAVES — I agree.

The CHAIR — We just need to make sure that whatever the planning schemes are called that they do not allow the building of high-density or medium-density stuff without proper open space.

Mr CLEAVES — I was reading in your good work so far — and I am glad you are doing it and not me — that in actual fact, and I will not say you have not got clout, but in a sense, is there a finance committee starting up?

The CHAIR — The finance and public administration committee.

Mr CLEAVES — Okay. Would they be made aware of what happened out there with us? Because I think I said in the first letter I gave you people — and I have not got into it much, but I did go into it with VCAT — it is rather interesting to find that in the last 18 months of Wantirna Heights Primary School, they were spending money like it was going out of fashion. This is a school that closed down. I have suggested in one of those first three pages I gave you — —

The CHAIR — It is probably getting a bit beyond our brief.

Mr CLEAVES — That maybe the government ought to look into what the spending was on the Wantirna Heights Primary School in the 18 months before it was closed down. It is also interesting that it seems like the amount of money they spent was the amount of money the education department was asking for from the department of housing in the transfer between departments. We are talking about a million dollars.

The CHAIR — Paul, can I copy that?

Mr CLEAVES — You can have that.

The CHAIR — I thank both of you.

Mrs VICTORIA — Sorry, David, I know we are trying to wrap up here. There is one thing I forgot to say before — that is, the photos I took this morning were to show you where this was at. Unfortunately I was not quite tall enough to show the holes in the ground. The footings are ready to go in and all that sort of thing, and there were diggers out on site and all that sort of thing.

The CHAIR — It is disappointing.

Mrs VICTORIA — I made the written submission to you late last year in the hope that when your committee process began we would be called fairly quickly. I note that it is now April. Building did not happen until some weeks ago. So the delay in coming before this committee — —

The CHAIR — Is incredibly disappointing because what it has meant is that in between — —

Mrs VICTORIA — It has disadvantaged us in that we hoped that perhaps this was the last, if you like, stay of execution for this beautiful piece of land, and unfortunately we have failed.

Ms PENNICUIK — Unfortunately we have had a few tales like that today.

The CHAIR — Yes.

Mrs VICTORIA — It is an absolute shame that the process has taken so long. I am not familiar with how the process usually works — this is the first one that I have appeared before — but I just feel that we could have perhaps saved this piece of land had we been heard a little earlier.

The CHAIR — We are very aware of the fact that there has been movement on a number of these sites on which there have been submissions, and sometimes that is very disappointing. I appreciate the submission from both of you.

Mr CLEAVES — Thank you for listening. Let us hope we can stop anybody being exasperated in the future when they see things happen and they cannot change it. Thank you very much.

Committee adjourned.