

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Subcommittee

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Members

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Witnesses

Ms E. Meredith, and

Dr T. Randle, West of Elgar Residents Association.

The CHAIR — I welcome Elizabeth Meredith and Terry Randle, Gardiners Creek Community Group spokesperson and also a member of WERA. I welcome you both and ask you perhaps to make an initial submission, and then we will ask some questions.

Ms MEREDITH — This submission is only a page and a half long, so I will be speaking to it with the attached map; I will be referring back to that map. Also just in front of that map there is a small A4 map which gives you the perspective of where the creek and the area is, and then it moves through to the more defined area which we are directly concerned about. However, I would say that, although this is about this particular area, we feel it is about any parkland area — the threats that can occur to alienation of land. I will move directly then into my submission.

WERA is a Whitehorse community group. Our organisation together with the Gardiners Creek Community Group are members of a group called CROWAG, which is a Whitehorse-wide resident action group. The members of CROWAG are unanimously supportive of the position we have taken regarding the Gardiners Creek open space reserve. Further, WERA is supported in this by the organisation called Protectors of Public Lands Inc. I hope this shows you that WERA has a wide support base for this submission.

Gardiners Creek Reserve is part of a more extensive regional, linear, valley parkland containing an historic tree-lined stream. The reserve in this particular instance runs from Station Street, Box Hill, to the Burwood Highway. This parkland is one of the most popular open space areas in Whitehorse and eastern Boroondara. We have visitors from all over. Whitehorse council is the land manager, whilst Deakin University has acquired land which cuts into and across the reserve. I would refer you to the black lines on the larger map, which show you Deakin's holdings — I think that is very relevant to our submission.

Coming then to the university itself, this university was created as a regional university designed to cater for country and distance education during the Hamer government. Geelong was chosen over Dandenong as the latter was too close to Monash. I point out where this campus is. Deakin's Burwood campus started out in the early 1990s as the modestly sized Victoria College. Later when you are looking at things you might like to have a look; there is a picture of the 1970s there at the back. At this college there were less than 2000 students. Since that time the campus has expanded rapidly, first being granted extra land and then acquiring further sites on the western side of the reserve, thus almost tripling its original holding. Further, as a PUZ there is no external master plan control on the site, and the accompanying building, car parks and student population, now upwards of 16 000, have grown exponentially. This means it has become Deakin's principal campus, and its transient student population is close to that of the actual resident population of the Whitehorse ward in which it is situated. That gives you a picture of the relative population sizes. All this has occurred on a non-greenfields site which is much smaller than La Trobe, Monash or Melbourne universities. The community at first welcomed the university to the site, but as expansion occurred, conflict developed. Student cars started to fill local streets and multi-storeyed, brightly lit car parks grew. Then the university attempted to build on land occupied by the North Bennettswood Oval, long considered to be parkland by the community. Again if you look at your map, you will see where the oval is and how the university land takes up part of that oval.

Now we come to Deakin University and the reserve. Since 2001 the university has made two separate attempts at constructions involving that valley area. The first attempt was to erect a five-storey, glass-covered, licensed student centre in the middle of that reserve. Extreme opposition from the community — over 1600 people actually participated in that directly; through WERA it would have been more — caused it to fail. The planning minister of the time has placed the DDO preventing construction on that site. In the intervening time there have been protracted talks between the administering parties, but excluding the community, about the future of the whole oval. WERA believes Whitehorse council has made positive efforts to recreate a useable playing field for all concerned. You might note that the university has no green sports surface for its number of students. To date the university has not played ball. Since 2005 the university has been trying to get permission to erect a treetop-level bridge across the reserve to connect deep into

its two campus sites on either side of the creek. Again, if you look at your map, there is an approximate position of the proposed bridge.

Our concerns, firstly, about the proposed bridge, are that as recently as the week before this Easter Deakin applied yet again to Whitehorse council which then unanimously decided to defer the current application for consent for the bridge. Should the bridge be built, the university would acquire control of land below the bridge — that is, the land beneath the bridge would be alienated from public control. Together with the land it already has close by — again, I would refer you to the map, and you will see that on that map there is the bridge and then close by there is land which Deakin has that goes down to the creek — this would give Deakin an extensive holding in the central part of that reserve. The proposed bridge would start and finish deep inside the university land. This would not make it readily accessible at all to the community — that is, you would have a private structure crossing on public land. Just in case you think you cannot get across, there are already three bridges in that area. WERA believes that a heavy, large bridge — because it is quite a definite concrete structure at the start; it is already there — with its presence and its activity including motorised maintenance vehicles, would intersect this passive recreation reserve.

Finally, on the North Bennettswood oval, as there has been no positive resolution from Deakin about this site, it remains an unresolved problem as it has not been properly utilised. You cannot use it for any sporting facilities at all, and Deakin actually used it as a car park for a short time. Further, the university administration has inferred that the current overlay could be challenged. This leaves the community with absolute apprehension about these sites. Therefore, WERA requests the Legislative Council select committee to do all within its power to preserve Gardiners Creek Reserve as a public open space. Although we have specifically mentioned this reserve, WERA believes strongly that the preservation of all such open spaces becomes even more important due to the burgeoning population of Melbourne and the accompanying increased residential density, loss of private open space and of course loss of canopy trees. Thank you very much. That is where I would like to finish. Dr Randle would just like to add one sentence.

Dr RANDLE — If I may, perhaps if I can amplify Elizabeth's sentiments about why we are so protective, if you like, of public open space, but more so particularly in this case in Whitehorse and more particularly in the case of the Gardiners Creek Reserve. The reason is quite simple. Elizabeth mentioned the impact of planning and Melbourne 2030; we all know the higher density and what that will mean, and I am not commenting on that. But if you look at Whitehorse specifically, the amount of open space is not all that much. There was an independent study done in 2002, and that indicated that there was roughly 54 m² per person in Whitehorse, which put it in the bottom 10 of all the Melbourne suburbs for accessibility and availability of public open space. Recently council has formulated an open space strategy — where again consultants were employed to come up with an open space strategy — and that came up with a figure in 2006 that there is now only 46.2 m² of open space in Whitehorse.

The CHAIR — Forty-six?

Dr RANDLE — Forty-six point two to be exact. This strategy was adopted by council in 2007, so it is a fairly recent document. If you allow for increased population to 2021 in Whitehorse, that will drop to 42.8 m², but if you focus down within Whitehorse itself onto the suburb of Box Hill South, which contains the Gardiners Creek Reserve, you find that there is only 24 m² per person of open space which means that people like myself and the community at large are going to be rather sensitive and very protective towards incursions into what is perceived to be public open space and what has historically been public open space. I am now referring to the Bennettswood North oval. The Gardiners Creek Reserve itself is classified in council's open space strategy as a significant regional reserve. 'Significant' means, in the context of that strategy, that it caters for a Melbourne-wide population, not just people of Whitehorse, and it has a lot of visitors. We are sensitive to open space, or loss of, with good reason, because we would like our suburb, and I guess Whitehorse along with every other suburb in Melbourne, to remain a livable suburb.

If we come back to where we started at Melbourne 2030, council's housing strategy, which it had to formulate in response to Melbourne 2030 — in other words, where is it going to allow high, medium and low density to develop — if you look at that strategy you will find that council has identified three high-density precincts within 200 to 800 metres of Gardiners Creek Reserve. I might add, if I can again in the context of what Elizabeth has said, at the moment there has been for the last 10 years at least great concern over the expansion of Deakin, for obvious reasons. I would add, however, for historic reasons, that there have been two previous attempts to develop in Gardiners Creek Reserve, one by a big developer — I think it was Becton — and another by the Catholic Church. Both of those met with very stiff community opposition, to the extent that they went away. I am not suggesting Deakin is going to go away, but I am just saying this is not just about Deakin; it is about the preservation of Gardiners Creek Reserve in its current form.

The CHAIR — Can I thank both of you for your submission. I am very familiar with this issue. I am familiar with the terrain, having been down there as recently as in the last couple of weeks, on Clean Up Australia Day, in that stretch between Elgar Road and Station Street, and it is a beautiful area of open space. I have to confess at the start that I think it is very much worthy of protection. I am also familiar, I have to say, with the long struggle to keep Deakin and some of the previous groups at bay. I should ask: have residents in the area been surveyed on this matter in the first instance?

Dr RANDLE — When you say surveyed — —

The CHAIR — On the Deakin proposals for the bridge.

Dr RANDLE — Yes and no. Yes, in the sense that Deakin did carry out — in about 2004–05 perhaps — what it classed as an extensive consultation period when people were given a series of options to make a comment on, and that was fed back to Deakin. I do not know what the outcome of that was. There have been, as well, two public meetings called by the Gardiners Creek Community Group, attended by over 100 people, to consider those options and formulate a response to council. What I am saying is that Deakin has made an attempt to consult with members of the immediate community surrounding the university — keep in mind, though, that this is a wider use reserve and not just locals are concerned — and also the Gardiners Creek Reserve group itself has held public meetings to inform people of what has been going on.

Ms MEREDITH — I would like to add to that. I actually wrote to the vice-chancellor in 2004 and offered to participate in discussion on any way that it would like to connect the university sites. I then went in early 2005 to a meeting that was supposed to look at options for that bridge — they call it an interconnect. I went to that meeting in good faith, and options were put on the table by Deakin. However, there are two things I would like to say. I walked out of the meeting eventually because I knew that already — I think in my original submission there is a picture showing this — the lead-up to the bridge was already there, despite the fact that Deakin gave us other options. Straight afterwards what happened was that they put out a little prize thing for a bridge or an interconnect to happen, and the prize was given within weeks. Everyone knows that it takes ages to create a bridge or possible interconnect, but if you walk in Gardiners Creek you can see that the lead-up to the proposed bridge was already there in 2004–05. So as a willing participant, I felt quite misled by the thing. Also, secondly, I was not able to find out any result about the so-called options put to the community.

The CHAIR — Would you say that Deakin has been a good neighbour or a good community citizen in this regard?

Ms MEREDITH — I do not know what we could say that could go into the Hansard transcript, but I will give it a try. I feel that if you were a resident and you had a neighbour like Deakin, it would be a bit of a problem. It has built these high-rise buildings very close to the edge of what are called activity centres. If you have an activity centre, you are supposed to build car parks that go under the ground; these are above ground. If you have an activity centre, you are

supposed to provide a buffer between the area you are in and the surrounding natural-change areas; that has not occurred. Deakin has built vertical buildings right to the edge of its property, up to seven and eight storeys high. I could probably think of lots of other things, but also Deakin is not a positive participant in the neighbourhood. I do not have any statistics for this, but I believe the Whitehorse council is the land manager and looks after all the land.

The CHAIR — The committee of management for the strip through there; I think you are right.

Ms MEREDITH — That is what I believe, but that could be negated; it is only my understanding.

Mr TEE — On the proposed bridge, I ask you to just confirm this. As I understand it, what you are saying is that the proposal is for essentially a pedestrian bridge, but that there will be some maintenance vehicle access. Is that the proposal?

Dr RANDLE — Yes, briefly.

Mr TEE — And as I understand it, the reason that Deakin is proposing this bridge is essentially to allow disabled access across the river. Is that your understanding?

Ms MEREDITH — No.

Dr RANDLE — I would not say it is the major one. I think it is one of the concerns it has expressed, yes.

Mr TEE — In relation to the northern oval, I am just not clear. What is it that has been proposed for that oval?

Dr RANDLE — Recently?

Mr TEE — Yes. I suppose I am asking: what is your concern about where it is going with that oval?

Dr RANDLE — If I can step back a little. There is a design and development overlay on that oval, put there by a previous planning minister.

Mr TEE — As I understand it, that basically says essentially that there cannot be any buildings within 60 metres of the creek without a permit.

Dr RANDLE — No. There are two overlays. The one you are referring to is called DDO 2. You can look at this; it is all in amendment C24 of the Whitehorse planning scheme which was put out by the minister in around December 2002. This was in response to the hullabaloo that blew up over Deakin's attempt to put a student activity centre on the northern oval. So without going into all the historic detail, what came out of all that were two overlays. One runs along the reserve for 60 metres on either side of the creek. It says, effectively, that you need permission to build closer than 60 metres if you want to put up a building over, I think, 6 metres in height. Essentially that 60 metres encompasses what is now the existing reserve and Deakin's holdings. So the 60 metres goes mostly to the boundary of Deakin's holdings.

Mr TEE — I have a release here where the Whitehorse chief executive is quoted as saying that this protected the area that the community considered would have been violated. Is that your view?

Dr RANDLE — That would be correct. To finish, though, you referred to the oval.

Mr TEE — I am sorry if I interrupted.

Dr RANDLE — The oval has an overlay on it, DDO 3, which prohibits any building from being constructed on that oval and reserves it for green open space and recreational activities.

Mr TEE — Yes.

Ms MEREDITH — Could I add an answer?

The CHAIR — Sure.

Ms MEREDITH — You were talking about people and disability. My late husband was disabled, and that is why I am very aware of this, and so I speak to you about it. When we asked about the number of disabled students at Deakin we were unable to get a direct answer, but at the time — this was in about 2005 — there were about 10 on the eastern side of the area there. You may be aware that the numbers of days that students actually attend, the total number — even if they attend every day — is only 44 per cent of the year. So you have got a limited time. The bridge would cost up to \$5 million — between \$3 million and \$5 million, I have been told. I believe that one of the options was to give disabled people other means of getting to and from the areas.

Geographically — again, if you refer to our map — you will see that the western side and the eastern side are actually closer together, if you go from the student centre, than all the rest of Deakin's facilities. So if you are disabled you could have at Deakin — as it is built on the eastern side — quite a bit of difficulty there, having wheeled my husband through various parts of it. That is part of an answer about the disability. I warmly believe there are much better ways for people to get around.

Mr TEE — Essentially what you are saying is that as the university, as a neighbour, has sought to expand, it has run into a collision course with the local community. Have there been any approaches to the commonwealth about the behaviour of the university, as I suppose the ultimate owner?

The CHAIR — Universities are registered under state acts, of course.

Mr TEE — But funded essentially by the commonwealth.

Dr RANDLE — Yes. On any approaches to the commonwealth, my only answer there would be that at the local level the local commonwealth member is very well aware of the problems in the community created and the heat generated by Deakin. In fact, she recently caused an application for parking by Deakin to go to VCAT in response to the community pressure that she is being put under by this issue. She actually took the issue to VCAT herself. In that sense the commonwealth local member is very much aware of the situation. As to the wider government, I could not answer that question.

Mr TEE — I was wondering whether you have taken the opportunity to approach them as well and get a better response. Thank you.

Ms PENNICUIK — Thank you both, Elizabeth and Terry. Just a few quick questions. Could you explain who actually owns the land? Is it all state land, or is it commonwealth land, or is it council land?

Dr RANDLE — When you say 'the land', you are referring to?

Ms PENNICUIK — Gardiners Creek, or all of the land.

Dr RANDLE — If we go back to the wider issue of Gardiners Creek Linear Reserve, several panels and I believe even one minister have said to Whitehorse council, 'For goodness sake, do a strategic management plan along Gardiners Creek before too much more development

takes place'. One of the problems with it is that it is a mishmash of zoning. I am not referring just to the Gardiners Creek Reserve — I will come to that in a moment — but the wider linear reserve, which is this very important regional reserve. It has industrial, it has residential, it has PPRZ, and it has, in the case of Deakin, PUZ zoning. We have just recently asked the council again, 'When are you going to do the strategic management study?', so we all know where the future of the reserve lies, including people like Deakin, and what they can and cannot do.

The owner of the land, if I now come to Gardiners Creek Reserve, that is essentially Crown land, I understand. Council is the land manager. That was why, in a sense, the kerfuffle blew up over the oval back in about 2000 when it was announced that Deakin wanted to build on it, because we then found that it had actually acquired that land back in 1993 as Crown land, as it had done with many other pieces of land. The size of the campus has gone from about — this is just a rough estimate — 8 to 10 hectares, which was the old Victoria College site, to about 25 to 30 hectares. So it has tripled, roughly.

Ms PENNICUIK — I might ask the university how they acquired that land. But I want to just go back. One of the issues for this committee is, not just the value of public land for residents but particularly the value of public land abutting creeks and rivers in terms of maintaining some sort of biodiversity of indigenous vegetation of an area. Elizabeth, I wonder if you could talk a little bit about this. You have called it an historic tree-lined stream in your submission.

Ms MEREDITH — Yes.

Ms PENNICUIK — Could you just expand a bit on the value of that reserve in that respect?

Ms MEREDITH — Essentially it was very important to the Aboriginals. There is a sacred site further upstream; we are not allowed to know where it is. Also the Box Hill artists camp was there. I have been told that if you want to find where they were actually sitting painting you can get a metal detector and look for sardine and beer cans. But going on from that, we were very worried — I will use one particular example. That building that the university was going to put out across the Bennettswood oval was entirely encased in glass. That is a wildlife corridor, a bird corridor, there from Blackburn Lake to the Yarra River. We put that forward most strongly with support from quite a variety of environment groups. The university and their architects acknowledged this to be the state, that when they built their student centre they told us themselves that they had covered it carefully, without glass, and it is way back from the river. So, yes, there are points like that. Melbourne Water is currently revisiting the creek and has got a \$3 million activity thing along the creek there, and it is establishing things for the little animals that live there.

Ms PENNICUIK — I know there is a group called the Friends of Gardiners Creek, but what other groups have been involved in perhaps revegetation and other activities?

Ms MEREDITH — There is Greenlink. You people will have a photograph at the back of how the actual place was in the 1970s. It shows you. It is just a little bit — my electricity went off last night, and I only tacked it on this morning at about a quarter to 8 when the electricity came back on — tucked on the back, I hope.

Mr TEE — My electricity is still off, I can tell you.

Ms MEREDITH — It shows you the site in the 1970s. The council at the time spent \$8 million fixing up or refurbishing the whole area, and in subsequent years a group called Greenlink has been very active in maintaining, replanting et cetera, yes.

Mr TEE — I just want to get clear your position — because Deakin are coming on next — in relation to the proposed bridge and any views about its necessity to enable disabled access. I was trying to be clear. Are you saying that that is not the case, that the demand is such

that, in essence, they are just using that as an excuse for the bridge? What is the allegation that you make in relation to that justification by the university?

Ms MEREDITH — It is going to cost them millions — it is obvious — and it will be a private bridge as such. I do not think there would be much discussion about that — because it is no use to the people who use the park. Would it be of great use to the people who are disabled — I have great concern about that — getting from one lecture to another on that side, on the eastern side? The numbers would be negligible. We have made suggestions — and I speak of this thinking of my own family experiences — that if you had a reasonable little bus and you knew about that, you could hop on that and go to your next place. But essentially I would like to say that on the west side — I am thinking of my map — you have a business management section only, and on the east side you have the other sorts of faculties. I do not see that there would be an immense amount of actual toing and froing by disabled people across the bridge per se, because the numbers were extraordinarily low to begin with and you only have about 40 per cent of the year for use. It seems an immense outlay to me when you could use much better facilities for a person who has difficulty getting around, particularly in adverse weather et cetera. I warmly feel that.

The CHAIR — Just one final question, Elizabeth. Has Deakin added to any area of open space, or has it just been a pure subtraction of space or areas?

Ms MEREDITH — I think Terry might be better than me at the details. Essentially over the years they have acquired what was PPRZ — is that right; you know, public open space? — and it has been rezoned for them, yes, but he might be able to give you more detail.

Dr RANDLE — A short answer is: nothing that is physically obvious. I remember at a public meeting making this comment to the vice-chancellor,— that they appear to have done nothing towards the reserve. She denied that, although she could not be specific in giving me examples when pushed and other people pushed her. The impact from the opinion, I think, of the community, and, again, this is the heat that gets generated at meetings, is that essentially it is negative, for simply the reason, and I could quote you — and I will not, but I could — a phrase from a council report way back in 1996, which effectively says we are losing open space, and it is being intruded upon because the planning scheme that Deakin are following pushes all their major buildings towards the perimeter; in other words, up against either the Bennettswood Reserve or the Gardiners Creek Reserve. This is referring mainly to the eastern side of the campus.

Again at a public meeting in 2004, the vice-chancellor distributed this little document, which was said to be a master plan. If I look on that in detail — and there is not a lot of detail, of course — I can see no sort of contribution that the university has made to the Gardiners Creek Reserve or to provide any sporting facilities open space for its own students. It does, I might add, feature the reserve quite often in its advertising material, which is quite understandable, I guess. As I said, the short answer was no.

The CHAIR — I thank you both for your very comprehensive submission, and we will certainly be looking at it very closely.

Ms MEREDITH — Thank you for hearing us.

Dr RANDLE — Thank you very much.

Witnesses withdrew.