

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Port Campbell — 7 November 2007

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Witnesses

Dr H. Arundel, Port Campbell Environment Group;

Ms J. Brazier;

Ms M. Gordon, secretary, Port Campbell Fishermen's Association; and

Ms J. Bell, secretary, Protectors of Public Lands (Victoria).

The CHAIR — We might work through with the next four witnesses in a sequential way at the table, if that is possible: Dr Helen Arundel from the Port Campbell Environment Group; Julie Brazier, a local resident; Marion Gordon, secretary of Port Campbell Fishermen's Association, and Julianne Bell, secretary, Protectors of Public Lands (Victoria). Julianne, if you would like to make a very short presentation and we might try to ask some questions.

Overheads shown.

Ms BELL — Thank you very much for hearing us. I apologise for the late application. We were waiting on the RSL, whose supporting letter we have. Our subject is the threatened alienation of the Port Campbell public park memorial reserve and war memorial for the Southern Ocean Beach House commercial development. As you will be aware, the Port Campbell war memorial is set in the public park memorial reserve on the headland overlooking the town, the port and what was the Great Ocean Road. It commemorates the fallen in the Great War of 1914–18. It is a memorial to Australia's involvement in national conflicts, so it is not only of local significance but national significance. I have a quote here from *Sacred Places — War Memorials in the Australian Landscape*. The Australian flag is flown there for commemorations — not the Corangamite shire flag, not the Victorian flag, but the national flag. So it is a national memorial.

I might just mention here that the council's definition of 'public land' left out 'heritage sites' and talked about its duties as a committee of management. I should point out that the DSE guidelines to historic places on public land say:

Committees of management with responsibilities for historic places are requested to prepare conservation plans for those places, or groups of places, to ensure that their management activities address and respect the relevant heritage values and to ensure that all statutory requirements are met ... Committees of management are encouraged to seek professional assistance regarding conservation plans and their management activities.

The CHAIR — Would you make a copy of that available?

Ms BELL — I can make that available. I believe, according to Dr Manifold, that under FOI documents obtained they show no formal management or strategy plan for the area. We are concerned that the Southern Ocean Beach House development will, by the sheer bulk and height of the building, with its elevated location, block the view lines of the war memorial from the town, the port and the shoreline and dominate the headland.

I have a quote here from the secretary of the Port Campbell Historical Association, and can also make available that letter, in which he writes about the overwhelming visual impact on the headland. It appears the development and the car park will intrude into the memorial park as there is less than 30 metres separation. If I could also just mention something about the car park here, I understand that the 2003 boat-trailer parking — and that is why it is called the fishermen's car parking — was changed to a general-use car park plus roundabout plus footpath widened. I think Dr Manifold has referred to this. I understand that the urban design consultant to the council, Chris Dance Land Design and Associates, designed the Port Campbell streetscape and it was done in conjunction with and at the same time as changes to the boat-trailer-only parking. So it appears to me — and this is a personal view — that there was advance alienation of public land for the Southern Ocean Beach House hotel purposes.

Going on, if allowed to proceed the development of the area may well accelerate — and you have seen that — sea cavern collapse, which could directly threaten the war memorial. There we have the slide you have seen before. I have got these on a disk that I will give you. You can see the sea caves. You can see the war memorial. Mr Russell said that he drilled down on the very edge of the roadway. He made a bore hole down 10 metres to 12 metres into the sea cavern below. He even got into the sea cavern below and took photographs and so on. So it is in direct line — as you saw from Dr Manifold's image — with the purple triangles, and it is over the sea cavern area.

The Great Ocean Road runs around the headland, and it was closed at Port Campbell on 9 September 2003, ostensibly due to the geographical risk of collapse. It should be pointed out that it is the world's biggest war memorial commemorating World War I. It was opened in December 1935 after construction by a World War I serviceman. I think we have that image somewhere here. I think Dr Manifold showed that. There was a great celebration about it.

Turning to the status of the land, we have a list here. It is clearly a public park memorial reserve or war memorial reserve, and I have got the chronology of the status, starting with being gazetted as a 'public park 1' in 1910. Then there are all the references to the 'Port Campbell Public Park Memorial Reserve', the 'Memorial Reserve' and the

'War Memorial Reserve', and it is quite clear that is what its status is. It ended up in May 2007 being referred to by Heritage Council Victoria.

I will make just a brief comment about the terms of reference. We believe the impact of the development should be included in the terms of reference relating to alienation.

I turn to the view of the Victorian branch of the RSL. I have a statement from Mr Michael Annett, the chief executive officer, and he has confirmed in an email message to me that the RSL state president, General David McLachlan, AO, concurs with the views expressed in the letter. That is also the case with Mr Michael Dixon, president of the Camperdown sub-branch of the RSL. The important point made there was — and I say it, too — it is imperative that the RSL's wishes to protect an area of approximately 60 metres around the war memorial are met, although this will be difficult, given the fact that the curtilage or the boundary goes through the existing car park. The RSL says it will:

... not support in any way the necessity for the memorial to be relocated —

which has been a suggestion, I might add —

and will be vigilant in ensuring that the 60-metre radius from the memorial is not obstructed or interfered with during the construction phase if the development does proceed.

As I have commented, the 60-metre protection radius has already been compromised by the Southern Ocean Beach House. Obviously it would be appropriate to redesign the car park and revegetate the 60-metre radius zone.

In relation to related studies, I just point to the fact that the Department of Planning and Community Development has put out tenders now for a survey of Victoria's veteran-related heritage to look at 'the threats and risks affecting war memorials in Victoria' and 'opportunities for protection and management of memorials within Victoria'. It would be very sad if this proceeded without any concern being shown about this important survey of heritage.

I would like to conclude by saying that we consider that the Port Campbell public park war memorial reserve and war memorial is an Australian sacred place and should be inviolate; should not be alienated in any manner or encroached upon; and should not have view lines blocked or be overshadowed or overlooked by a large development on the headland such as the proposed Southern Ocean Beach House project. I will just finish off with Inglis's comment:

Port Campbell's war memorial and public memorial reserve are part of a greater national and international cultural landscape which contains the collective memory of the tragedy of war and battle to retain democracy and freedom.

We urge the select committee to consider the significance of the site when looking at this case. It should be suitably protected in keeping with the wishes of the community. The war memorial was erected in memory of the fallen in World War I and those Port Campbell soldiers who fought in the war. That is my final point.

The CHAIR — Julianne, can I thank you for your very enlightening presentation. I am going to ask a very quick question, and others may want to be very swift, too.

Ms BELL — Yes, I realise the time.

The CHAIR — And then we will come to the other three people, because I understand you have got to leave.

Ms BELL — No, I do not have to leave. It is all right. The others wanted to summarise.

The CHAIR — Sorry, I misunderstood. In which case then, we might move to these other presentations and do the questions in one sweep, if that is all right.

Ms BELL — If you would like to, yes, that is fine.

The CHAIR — Helen is the next one on the list.

Dr ARUNDEL — Yes. I am from the Port Campbell Environment Group. I do not know if you want my submission now — one page you will be pleased to see.

The CHAIR — Yes. Richard will take that.

Dr ARUNDEL — I am speaking today on behalf of the Port Campbell Environment Group. Thank you very much for letting me speak at such late notice. Marion mentioned that I am also on the Western Coastal Board, which is true, but today I am just speaking with a Port Campbell Environment Group hat on. I know the Western Coastal Board executive officer, Steve Blackley, has put in a separate submission.

Also, the environment group is looking not just at an individual site in Port Campbell, because I think Marion has covered that very comprehensively. Really we wanted to have a look at how the decision is made and perhaps look at ways we could reduce the amount of angst and concern in the community about some of the decisions I am sure you have heard about over the last few weeks. I will not go into that initially. I think we are all very aware of how important public Crown land is, particularly coastal Crown land.

We are very lucky in Victoria that 96 per cent of our coast is in public land, and obviously we would like to maintain that. But the Port Campbell Environment Group does appreciate that the purpose for which the land was originally reserved may change over time and that the minister needs to be able to respond to those changed uses and needs. We need some way of establishing whether it is, as Sophie said, in the community's best interest or of net community benefit to sell or alienate coastal Crown land.

Community concern over some recent decisions suggests some problems in either the decision-making process or how that decision is communicated to the public and how the public has input into it. There is some community concern as well. When a decision is made regarding changed use or tenure of land, DSE is usually guided by the managers of that land, and that can be committees of management, Parks Victoria or local shires — a range of people. It also relies on information from the community and the expertise and interests of its individual staff members, so obviously there are lots of places where we can get varied levels of input into that decision. Community groups will vary, the level of community engagement is going to vary between shires and committees of management, and certainly the expertise of individual DSE staff members will vary. They might be a geomorphologist or they might be a flora or fauna expert, so they are going to have a different approach to the way they respond to any application.

To increase consistency in the type and level of advice provided and, importantly, to assist with the community understanding of both the value of the coastal Crown land and the process required to change its use or tenure, the Port Campbell Environment Group recommends that principles supporting the value of public land be established. I was surprised that I could not find any overarching principles for why we value it. It is probably just a given because we all value it so much, but it is not actually stated clearly anywhere and I thought that would be of benefit. Also, a clearer process to be developed that guides decisions regarding change in use or tenure of the land. Again, it is not very clear. It is complex, I know, because the land is reserved for a range of uses. It is hard to come up with some clear processes, but I think it is possible.

We think the process should include criteria to be used to inform the decision — that is, what criteria were arrived at to determine community benefit. How did we arrive at that decision? A minimum level of consultation is required prior to that decision and importantly access to documentation outlining assessment of those options against the different criteria and the result of the consultation. So it is really clear how the decision was made and what consultation went on.

There are some principles in place. The Victorian Coastal Strategy provides a hierarchy of principles for development and planning on private and public land, and that hierarchy is protection of environmental features, ensuring sustainable use and undertaking integrated planning, and only when these above conditions are met do we facilitate suitable development.

The strategy also supports the value of public land. It notes that 'There will be a net gain in the quality and quantity of the public land estate along the coast through land swaps, donations and purchase'. What was missing from that is how we are assessing the success of that. That is our aim, but how do we know we are doing that. The Port Campbell Environment Group would like to see some sort of regular audit so we can actually say, 'Yes, we are meeting that objective' or 'No, we are not and we need to lift our game'. Otherwise we are going to have these incremental losses and they are often small — four car parks. It just seems small, but it adds up. There should be some objective way of monitoring that.

While the strategy provides some broad principles, we feel some overarching principles should be established which are specific to coastal Crown land and articulate among other things — I am just giving an example of some; I am not a planner so these are just some of the things that we think should be in the principles — the value of public land; why those values should be protected; and why public land should be retained or increased. We need to acknowledge there are potential threats to public land, particularly cumulative and incremental, and the role of the community in management of that public land.

Development of such principles would inform management plans. Not all public land has a management plan and therefore in the absence of that these would be at least some principles we could look to. Otherwise we have a vacuum, and that is when we get these odd suggestions as to what should be happening on a foreshore because there is nothing to refer to. If we had at least an overarching principle, in the absence of a management plan, we could refer to that. It would also provide some guidance when considering changes in use and/or tenure.

To improve the consistency in the decision process, specific criteria should be developed which are consistent with the principles that are being developed and used by DSE to weigh up the benefits of changing the use or tenure of the land. Again, this is not a comprehensive list. There are obviously lots of things to consider when you are making that decision, but some key ones we think should be: how will the use or tenure protect or enhance the environmental and/or cultural values of the land; is the proposed use coastal dependent; does the proposed use take into account climate change; can the use be accommodated on private land; and what are the potential risks to users?

The Port Campbell Environment Group considers provision of revenue from the sale of land should never be a criterion. It is like, 'If we can sell this land we will give you this fantastic community asset somewhere else'. We do not think that is a valid criterion to use.

The level of community engagement undertaken currently varies with each decision and also the management authority responsible. While the Port Campbell Environment Group is not advocating a one-size-fits-all approach to consultation, there should be a minimum or appropriate level of consultation that is clear so the public knows what is expected. The management authority should then be required to demonstrate how consultation has been undertaken and the outcomes documented prior to any decision being made. I do not want that consultation to hold up decisions. I know there are some very quick and easy decisions to be made where you do not have a huge change of use. It may be just reconciling some historical use and increasing the boundary a little bit so the level of consultation would not be as great as for some other decision. But there should be a clear process in place that we can all be aware of and make sure it has happened.

Coastal public land is a valuable community asset and community involvement is integral to management of many reserves. Opportunities for community input into the decision-making process and access to the decision and its rationale must be part of an open and transparent process.

The CHAIR — Thank you. We will come back with questions in a minute, but that is a very helpful contribution.

Ms BRAZIER — I also thank you for my very late inclusion in this. I have just come back from a lovely holiday so I hope I can get my head around it for you.

I just wanted to say in response to some of the questions that have been asked — and I am listening to what you are asking others — is I think at the very obvious level we are talking about four car parking spaces, but I would suggest that there is a much greater potential alienation of public land on that whole headland including the roadway, the pier and the car parking that has been created by the VCAT decision. I hope that might be clear in the things that I have to say. The introduction I will let you read on your own later. It is a little bit about me and why I wanted to be involved in this.

I actually wanted to talk from a community perspective of planning and how this community has been involved in planning and then decision making in relation to that. The community with the shire have for 20 years been engaged in establishing planning guidelines for Port Campbell that encourage appropriate development while maintaining the important characteristics of the town that make it attractive to both residents and visitors. I am not simply referring to the local residents of Port Campbell. The community that has contributed to the development of this planning vision is much broader than that. This has been, and continues to be, a dynamic and generally

inclusive process, although there have been too many occasions where decisions have preceded the collection of relevant information.

I have listed all the various planning consultancies that we have seen over the last 20 years and it has certainly been comprehensive. One of the reasons why I wanted to point this out is that as a community we have not only paid for all of these studies but we have also invested considerable time in the consulting to ensure that the planning for the town is both strategic and integrated. One of the early identified strengths of the town was a strong sense of community and a commitment to the town's future and I think that continues.

The second reason is that I wanted to just show you that throughout these 20 years the reports show a remarkable consistency in describing the vision for Port Campbell, and I think of relevance today are aspects such as the unique village character that is highly valued by the community and visitors alike: strong visual and physical links with natural features; integration with the environment; the local fishing industry being valued; and the fishing port being an important community and tourism asset.

There has equally been a consistency in the identified threats and issues that affect the town, such as limited parking capacity, especially in strategic locations; pedestrian amenity and safety; appropriate location and design of tourism-related infrastructure; and the highly seasonal visitation with disproportionate pressure on the foreshore precinct compared with other parts of the town. Also, the threats that require us to protect existing open spaces.

I would also point out that during this time the Victorian government has released numerous plans and policies to guide planning for the state generally and this region specifically. Again, all of these state government strategies and plans reinforce the principles and values that are contained within our local planning policies. Of particular importance is the need to protect and preserve our coastal environment, the natural features that attract visitors and provide the economic base for this region. There is a strong recognition that these natural assets are increasingly threatened by inappropriate or ill-considered development.

As a community, all we have ever asked of the various authorities given the responsibility for making decisions for Port Campbell is that they do actually apply these various policies in making their decisions so that that vision can be achieved. Unfortunately, the principles articulated in these many documents are not always clearly demonstrated in the decisions being made.

One of the threats that I see to the achievement of our planning vision is the number of different authorities that have jurisdiction over various parts of Port Campbell, and I think Helen Arundel has alluded to that. This is especially evident around the foreshore, where management control rests variously with the shire, the Department of Sustainability and Environment, Parks Victoria, VicRoads and the Department of Primary Industries. Within each of these organisations are individuals with their various specific responsibilities, who may or may not consult with the appropriate members of other departments. So unless each authority is meticulous in establishing and following systematic procedures, like Helen has just suggested, for making each decision, then the vision for Port Campbell will be eroded and more land may be inadvertently alienated from public use or access.

Every time an agency or authority makes a decision for Port Campbell I recollect one of our early lessons in planning that came from the explanatory report attached to the draft Corangamite planning scheme back in 1997 that talked about integrated and strategic planning. Some of the quotes in that which I want to note are that the strategy plan should be:

a reference document when decisions are being made about the use and development of land and where discretion over approvals is being exercised —

and particularly —

that each decision builds on the previous one and leads to the overall vision for the town.

The strategy plan will also communicate to other government agencies and potential investors what is envisaged for Port Campbell —

and the strategy plan should —

promote the sustainable development of Port Campbell based on the integration of community aspirations, environmental protection and economic development.

In the case of decisions regarding the development at 2–10 Lord Street, the Southern Ocean Beach House, the closure of the Great Ocean Road at Beacon Point, the way traffic is turned around in the resulting cul-de-sac and also the redevelopment of the fishermen's or pier car park, it seems the separate decisions made by the various authorities have not been integrated and strategic. Rather, each decision may have been in part informed by previous ones, but together they have led to a gradual erosion of the vision that is articulated in our planning strategies. Unfortunately, if the physical erosion is literally accelerated by excessive excavation at the headland, it is not only the vision that will no longer be viable, but Port Campbell itself.

I just wanted to mention a couple of timing issues that have made the community, I think, suspicious of why certain decisions have been made, including the redesign of the roadway. The siting of the turnaround through the fishermen's car park, which is illustrated in the March 2002 urban design framework, is significantly different from the original roundabout and separate pier car park that was initially proposed, which is illustrated in the July 2001 draft urban design framework. While the turnaround and the Southern Ocean Beach House development should be treated as separate issues, they have become inextricably linked through the timing of the initial planning permit submission.

The first time the Port Campbell community was made aware of the March 2003 version of the urban design framework was at a public meeting in November 2002. At this same meeting the original plans for the Southern Ocean Beach House, having been lodged with council some five days previously, were also available for perusal. A major difference between that 2002 UDF and the 2001 version was the management and turning around of traffic in Lord Street once the Great Ocean Road was closed at Beacon Point.

So it is difficult for this community to separate the issues when, additionally, the traffic consultant and landscape consultant for the Southern Ocean Beach House development were the same consultants who were involved in developing the township traffic management proposals and the urban design framework. The alienation of that headland may go right back to that time and those decisions.

The most recent decisions that have culminated in Crown land in the fishermen's car park being made available for the benefit of a private business on the adjoining land is an example of an outcome that contravenes our strategies and I think defies common sense; it is an outcome that appears to have resulted from a series of poorly informed decisions that are not clearly derived from the strategic planning principles articulated for Port Campbell.

I shall outline some of those — you can clearly read them all for yourself at a later date. The reason for the Great Ocean Road's closure at Beacon Point was the instability of the headland and the risk of collapse. There has been a longstanding issue of parking pressure within the town. A major focus of the urban design framework is to increase available car parks.

The critical location for that car parking has been within the reconfigured fishermen's car park, and this has been the only increased available parking since 1988. So it is difficult to work out how a decision has been made to now give back some of that car parking. Even though it is only four places, it is at a critical location in Port Campbell where the congestion is the greatest. The community still has some concerns with the solution proposed in regard to safety and the efficient flow of traffic.

We have been unable to debate the issue of the way traffic is managed at that end of town separately from a consideration of the Southern Ocean Beach House proposals because their plans have continuously relied on the expanded car park and new turn-around for that reception and drop-off, and now more recently with the porte-cochere simply the traffic circulation that will be increased in that area. The proposals for the Southern Ocean Beach House may effectively alienate the fishermen's car park from use by the rest of the town, including the fishermen and the pier users.

I suppose the only other point I would like to draw out of this is that the shire determined from the planning scheme provisions that the Southern Ocean Beach House site could not accommodate the parking needs of the development that was being proposed because of its size, which was one of its grounds for its refusal to fight the permit the second time around in April 2005. VCAT overturned that decision because it accepted the opinion of the proponent's traffic consultant that the town and surrounding streets could absorb the overflow, even though no empirical evidence was provided to support that contention.

This overflow potentially will alienate that whole area of public car parking that is needed for the other adjoining uses within this shared zone. We now have the Beacon walk, apart from the pier and its associated uses for recreation as well as professional fishermen, and the main parking for beach users generally.

I think the concept of a developer contribution to a parking precinct plan in Port Campbell is nonsensical because the many planning studies conducted over the last 20 years have failed to identify a site for increasing car parking spaces. We can put lots of money into a plan or a developer contribution, but if there is nowhere to put those car parks there is not much point.

The town's boundaries are confined, with no land available where parking demand is the greatest — around the foreshore area — and the only opportunity for adequate parking is to ensure that each site that is developed can accommodate its own parking requirements, because if it does not, then one use encroaches on the parking for other uses. I think if as a community we allow even small pockets of public land to be usurped for private gain, we will slowly but surely erode away our public assets, and we need to be especially careful on coastal sites, where there is greater pressure to take advantage.

There are many people in Port Campbell who believe the future of Port Campbell is no longer within the influence of the Port Campbell community. They may have contributed to planning in the past, but they have become disillusioned by decisions made by distant bureaucracies that seem to conflict with their documented planning vision and so they tend to stop participating. I remind you that the reason we have developed all these policies is to achieve a better place for people to live in and visit. But if decisions do not make sense to the local community, then everyone feels disappointed. I think the community wants the decisions that impact on our lives and livelihoods to be transparent and clearly articulated, according to the agreed principles and values we have documented as a community. Accountability and communication are important aspects of effective strategic planning.

In conclusion I would like to say that I think all the Crown land in Port Campbell, particularly the coastal Crown land, should be rigorously protected from the encroachment of private development. I hope that it is within the power of this parliamentary inquiry to reverse the consent for the use of a portion of the fishermen's car park by the Southern Ocean Beach House and return that land to public use.

I also wonder, from listening to the discussions, whether if the inquiry agrees that other aspects of the Southern Ocean Beach House development may further alienate public spaces from general shared use, it may be able to influence relevant decision-makers — for example, the planning minister — to ensure that appropriate resources are made available to properly assess the geotechnical requirements that VCAT has laid down to ensure that the off-site impacts of the Southern Ocean Beach House are considered before that planning permit, which has not taken effect yet, actually does take effect. I also hope the inquiry and this committee can recommend clear procedures that should be followed by all land managers to ensure that the net community benefit is properly considered before decisions are made in the future.

The CHAIR — Thank you, Julie, for a very lucid contribution. I now ask, in the same mode, Marion Gordon, secretary of the Port Campbell Fishermen's Association, to present.

Ms GORDON — Thank you very much. One thing about being last is that everyone has said what you wanted to say, so you will be pleased to know I will be very brief.

The fishermen's car park is intended to provide commercial and recreational boat trailer parking infrastructure for the port facility, and it has done this for over 50 years. There are 11 designated spaces for recreational boats and trailers, an area for professional boats and trailers and 14 spaces for cars. There is no other area within the port precinct and surrounding lands that can be allocated for this purpose. I will bring it down to two issues that the fishermen have. Firstly, there is the public safety issue of extra cars and buses entering the fishermen's car park at the top corner. It is not always the quiet little place that you saw this morning and there does not need to be added confusion with more buses and more cars. It is going to create a huge public safety risk. Now it is classed as being low risk, but it would certainly become high risk with the added entry of many buses and cars.

The second issue is necessity. This is the ground plan of the development, and might I say that this is the second of the sample plans that the developer has submitted. This occupies 97 per cent of the actual land. The same developer has purchased these two blocks of land and expressed interest in buying three others. You will note that there is an easement at the back of this title. So is it necessary for the public to give up four car spaces when 97 per cent of the

land is being occupied? It could well be, as a result of the geotechnical surveys, that it does have to be downsized, and it could be that he does not need our four car spaces; so it may not even be necessary.

The CHAIR — Very succinctly put. I will ask two brief questions; I am trying to be brief at this point. I ask Helen first: in your capacity as being in the Port Campbell Environment Group do you think that the proposals for the beach house and the use of public land in the car park area there are consistent with the coastal strategy? Did the coastal strategy come in before or after that decision was made?

Dr ARUNDEL — Well before — 2002.

The CHAIR — But there was a further — —

Dr ARUNDEL — But there was an earlier one than that. Consistent with that, in terms of net gain I guess we have to go back to the hierarchy principles of the Victorian coastal strategy, where the first thing is the protection of significant environmental features and sustainable use and integrated planning. As Julie pointed out, it is only after all those conditions were met that you would even consider whether it was suitable to facilitate suitable development on that site. If you are just looking at the strategy itself, it will not be specific, obviously, as it is a strategic document; but if you look at those hierarchy principles I would have some concerns that perhaps it is inconsistent with the hierarchy at the moment.

The CHAIR — Julianne, I have a question for you. Do you think the proposal, as you have alluded to, compromises the memorial? You have put that in a number of ways — visually and otherwise. Do you believe that that is a satisfactory approach? Do you see that we should be protecting monuments of that type? And what signal do you think that would send to future generations?

Ms BELL — Thanks for that!

The CHAIR — Briefly.

Ms BELL — Yes, I think it is compromised. It is overlooking and overshadowing sight lines. The whole of the memorial will be badly compromised by that development, unless of course there is some scaling down, setbacks and so on. But it would require enormous changes to the development plan as it is now. I think in the younger generation — I mean, when you look at the extraordinary popularity of going to Anzac Cove, and so on — there is now a whole wave of respect for World War I veterans. I think this is almost a scandal that the local council can even look at a heritage place like this. And I think it is clear that the RSL thinks that way too, from what the RSL's letter is. Although it has modified and it has a middle path somewhat, I think it is clear. For the RSL to be so outspoken is quite unusual, in my experience.

Mr TEE — Thank you for that. I appreciate the broader contribution because I think there is potentially a role for the committee in looking at those. In particular what I am taking away is that, yes, in particular areas there will be a number of agencies — whether it is DSE or Parks or VicRoads — that will have a legitimate interest. I do not think we can take any of them out of the mix. I suppose it is always about making sure that if we have got those number of different interests, there is an alignment in terms of communicating. I think that is an important message.

I suppose the other point of interest, I think, was the view that, yes, while we have got our coastal strategy and those goals there, there is always going to be the tension about how you marry those high-level goals with the community's aspirations and how you get the balance right because you do not want to have the politicians from Melbourne coming down and telling the local community. Either way, I suppose it is just about getting that tension right where you allow the community to be responsible, but equally you ensure that there are these sorts of goals that sit above that. I think that is an important contribution too.

I suppose I am more concerned about the current developments, and particularly issues around the height issue which has been raised and there we have had evidence today — and a lot of the people who gave evidence today, gave evidence to both of those VCAT hearings, so we have had a detailed process there and I suspect there is not much — I suppose the question is I am not sure, what is our role in reiterating that? Should we be doing that and even if we should I do not know that we have got any power to — the suggestion in reverse — the consent on those. Those are harder issues for me to grapple with in terms of VCAT to try and second guess why VCAT made the decision it made, what role if any we have got. I suppose, I am more reticent about going there, but the

developers are the question in that. I suspect, that is really what I have taken away. Maybe people have got a comment on that, but that is where I would look.

The question I have is that, within our terms of reference, in terms of the four car parks, there was a suggestion by the council that there has been a site allocated near the information centre to replace those car park spots. I wonder if you have got a comment on that potential purchase of land out there?

Ms BRAZIER — It is further away from town than these places that have been allocated close to that really focused activity-node off the foreshore and that is where all the pressure it is for parking and traffic.

The other comment I would make in relation to that is that it is not just the car parks, it is as Marion suggested, providing land for a use that could be accommodated already on the land. I think Ms Pennicuik was talking before about a reception area, but the thing about this development is that it has actually now got three crossings of the road for one development because it sends everyone past its car-park entry to use and circulate through with this very important public turnaround and the potential for congestion is huge, before it then goes back and goes through that entry again. And there would be that opportunity to accommodate all of that on their land if, as Marion pointed out, they had not already used 97 per cent of their land for that.

I do not know what your terms of reference are and what is possible, but it seems to me that if you inquiring into the alienation of public land that perhaps you do need to think a bit more broadly than just future direction, and see if there is a possibility to reassess the decision making that has gone on, if that alienation has not already taken place. That land has not been used yet, the decision has not even been made, because the geotechnical research has not been done, to determine whether that planning permit will even take effect, so it seems to me that there is still a reasonable amount of time before that land will be needed and therefore it may be possible to reverse that.

Dr ARUNDEL — It is not just reversing the decision, it is, I think, getting clarification too if the conditions on that permit were unclear, exactly what the geotechnical assessment was, when I was listening to Mr Brown this morning. Further clarification of that and what is expected from a government DSE in regard to that assessment, would be useful too. It is not just looking at the safety of that one development, it is considering the broader off-site impacts.

Mr O'DONOHUE — I do not really have any questions on those four submissions, but thank you very much for your time. It has been a most instructive afternoon and I would just make the comment that from the analysis of what may be perceived to be a relatively small piece of land, or an issue particular to a town, come themes that apply more broadly across the whole state, so it has been a very instructive afternoon.

Ms PENNICUIK — I have a question for Julie, and I do not have any other questions for the other witnesses, I think I have got the picture, so thank you for all that. To everybody who has presented today, I think it has been an excellent presentation, very to the point and succinct. Julie made the comment that people stop participating and I have heard that before in regard to these types of issues that I have been involved in, and I was just wondering if that was what has happened here?

Ms BRAZIER — I think it has. I think then that the perception by some people — I think questions were asked before about relationships with DSE or relationships with council — I think because the last few remain to pursue the issues that the whole community has established, that it is very easy for those people to be labelled as troublemakers, for want of a better word, but I think people have withdrawn. Someone asked a question earlier about how supportive is the community of this development. I agree with Marion that there are some people who are supportive of it. I think you only have to look at the number of people who objected and attended on-site meetings for both of these development proposals to know that it was way in excess of any other planning permit applications. I think there are people who are concerned, but if they are not listened to — I know people say to me, 'Why do you waste your time? What impact do you think you can have?'

Sometimes I wonder too, and you have indicated that, but it is really nice to know that there are people beyond our immediate community that are listening and that may have the power to make some changes, at least for the future, if not to undo what has been done so far. I would also just like to say that part of that power I think is — and that is what I started to say — I think the VCAT decision has been really critical and it has implied that other people have to make the decisions still; they have to make the decision about whether they will allow that land to be made available in the fisherman's car park. It is still our community and our shire that ultimately has to make the assessment on the extent of the geotechnical works and the adequacy of the geotechnical assessment.

The CHAIR — And DSE.

Ms BRAZIER — Yes, and who is resourcing that, and who ultimately will ensure that the work is to a standard that does give the community confidence. I do not think our shire would claim to have that expertise as to — —

Ms ARUNDEL — Nor the resources.

Ms BRAZIER — And certainly not the resources.

Mr KAVANAGH — I would like to ask Ms Bell something. I would first like to say how much I appreciate and admire your loyalty to the First World War soldiers and to what should be a national sacred place, but the committee has heard today that the whole area is in danger of imminent collapse even if the development does not go ahead. Does your group have any contingency plans for that area?

Ms BELL — No. What Protectors of Public Lands do, of course, is we take up the interest of, for instance, one of our member groups, which is the Port Campbell Community Group, so it is only just lately that the Protectors of Public Lands — the coalition, the executive committee — has become interested in this, but I have very good connection with the RSL, and Brigadier Keith Rossi is the deputy. He is 88, I think, but he is still working full time. He is an historian, so whenever I hear of this, I always go to him about these things. He told me about the Department of Planning and Community Development, so I think this is a very appropriate time for this kind of review, so we will certainly be putting into the review of war memorials.

Mr KAVANAGH — They are aware of the danger of collapse of the whole headland?

Ms BELL — Yes, that is right, and when I talked to the RSL — yes, Marion said it will be on an apostle-like finger of land like one of the apostles — they are now aware of it, the CEO of the state branch, and now the president is aware of it as well by virtue of the fact it has been raised and they have supported this.

Mr KAVANAGH — Thank you. Ms Gordon, you were talking about the danger of the buses and the traffic down in the car park area there. What is the danger?

Ms GORDON — As I said before, the car park is not always the quiet little place that you saw today, and some of those pictures there indicate the absolute confusion caused. There is no sign to say that Lord Street is a no-through road. Tourists come in with caravans, big rigs. They turn up there, it is the natural way to go, and all of a sudden they are in a dead end. There is one vehicle there towing another vehicle; there are children walking around carrying surfboards. With more buses adding to this confusion, there has to be an increase in public safety risk.

Mr KAVANAGH — It is actually traffic dangers you were thinking of rather than any danger to the structure of the headland?

Ms GORDON — Yes.

Mr KAVANAGH — Thank you.

Mr THORNLEY — I have a question, but firstly I just wanted to say — and I am sure I speak for everyone — that I really appreciate the quality of the submissions this afternoon. There has been a lot of thought gone into them. That is obvious. Short, high-quality executive summary type submissions are really effective, and I know it is a lot more work to write a short submission than it is to write a long one, so thank you both.

I am concerned that expectations of this committee may have been oversold. We do not have any powers to rescind or do anything of that nature. This is just a committee of the upper house and that concerns me because people do put in a lot of work and may get frustrated and give up, and I hope you do not do that. I think the most useful thing this committee can do is not relitigate VCAT decisions because (a) we have no power to do that and (b) we are frankly probably not qualified. I hope that we can make recommendations about some of these process and policy issues.

Some of the submissions we have had this afternoon have been really helpful. You have helped certainly promote my thinking, as a new member of the committee, about some of the best practice that you would like to see

established that does not currently exist. I also take your point that alienation as a concept can be thought of in a number of different ways, and this is a virtual alienation, for example, by the creation of a need for parking and then a fulfilment of it. That is a very important point that you have made, so thank you for all — —

The CHAIR — Not one the attorney would agree with, though.

Mr THORNLEY — I will let that go.

The CHAIR — We will talk later.

Mr THORNLEY — If we want to start scoring political points, we will be here all day. I wanted to assure you that as one of the only two government members of this committee, we take those concerns very seriously and are listening and will try and have whatever influence we can over the policy issues and the way these things are thought about. But I did have one question, if I may, and I think for you, Julie, because I am still trying to get to the bottom of this particular one.

Ms BRAZIER — Even though you cannot do anything about it?

Mr THORNLEY — I at least want to understand how we got here because the point is you can distil back from that. Who made the decisions that led to the change in the car park? You have this one thing exhibited — you will forgive me, but I do not recall the exact date — but then suddenly this different car park operation showed up. Was that a council decision or who else would have made it? How did that happen?

Ms BRAZIER — Presumably the urban design framework was written and developed by Chris Dance Land Design in association with a number of other consultants, including a traffic consultant.

The CHAIR — Chris?

Ms BRAZIER — Chris Dance Urban Design; it is in the submission. And they did that in consultation with shire officers and council over an amount of time, and I presume that that is documented. Council would be able to provide that information to you. What is unclear is why some of these changes happened or when they happened, and that is why I presented it from the community's perspective of when we were aware of those changes and that consultation. I started trying to do a time line of the different things that happened, but it just got so complex, I thought you would go cross-eyed trying to read it. I could continue that because I started it, and part of the problem is that the timing of decisions was interesting. It was the same through the VCAT. I would have to say, because I think we are under parliamentary privilege here, at the time of those early decisions we had quite different planning officers in the shire. Now we have statutory planning and strategic planning, and both of those work very well, and I think the community would be generally very happy with the level of consultation.

Of course we do not all agree with the decisions that are always made, but generally, compared to how it has been previously, that follow-up and decision making according to strategic planning is improving. In the first instance, though, I would have to say that that was not the case and that the planning officer at the time seemed to take developers' proposals on face value without any critical analysis according to the strategic planning that we were developing and undergoing at the time. So I think that maybe what has happened is that the planning officer who was primarily doing the communication with the consultants who were writing the urban design framework and redesigning the traffic and redesigning the streetscape were perhaps working too closely together and at the same time those same consultants were developing plans for what perhaps this planning officer thought would be a fabulous asset to the town, even though that may not have been supported by the documentation, so who knows?

Mr THORNLEY — Thank you, that is helpful. I have been trying to get to the bottom of it because I keep hearing that the council has opposed this and they — —

Ms BRAZIER — With the first development, the planning officer recommended to council that it be approved. It was only the second proposal, when it was assessed properly against those strategic planning documents, that the planning department recommended to council that the permit not be issued.

Mr THORNLEY — It might be helpful if we could get the details of those people. If we are going to pursue this matter further — and I do not know if we are — I would be very keen to talk to that person and learn more about that background.

Ms BRAZIER — Which person?

Mr THORNLEY — The planning officer at the time.

Ms BRAZIER — He is employed by Best Hooper Solicitors at the moment. Sorry, not any more.

Mr THORNLEY — Then I would definitely like to talk to him. You might want to provide those details to Richard.

Ms BRAZIER — I just recalled that our local police sergeant had intended to put in a submission on traffic, but there was a tragic and fatal car accident on the weekend that took up his time. He asked me to just check whether it is still possible for him to make a written submission. Given all the discussions you have had, is it necessary?

The CHAIR — The committee has made a determination that at this point we are not immediately accepting any other submissions. We will take correspondence and examine what we do with it from there.

Ms BRAZIER — Yes. But it is possible for him to write something about it.

The CHAIR — Yes.

Ms BRAZIER — And the time frame for that would be?

The CHAIR — Sooner rather than later. If he can be succinct and make his points, we would certainly appreciate that.

Ms BELL — Chair, could I just ask a question? Would it be possible for the committee to ask Corangamite Shire Council to fulfil its responsibilities as the committee of management for the public park memorial reserve and war memorial to undertake a strategy plan or a management plan for that area, which is lacking at the moment.

The CHAIR — I am very interested in the points you have made. I would certainly be very happy with that document because I think it would be of assistance to us. But I do not think we are in a position to ask people to do things at this point. I think we have to sit down and look at our evidence as a committee and to make any decisions that we do from there. In concluding, I want to reiterate the point that we have had some very high-quality submissions. We are very appreciative of those. Thank you very much.

Ms BRAZIER — Thank you for listening to us.

Committee adjourned.