

CORRECTED VERSION

SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT

Port Campbell — 7 November 2007

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Ms S. Segafredo, manager, strategic planning and environment, Corangamite Shire Council.

The CHAIR — I now introduce Sophie Segafredo, manager, strategic planning and environment at Corangamite shire. Before you begin your evidence, I would just like to acknowledge the presence of John Vogels, MLC, in the room today. Sophie.

Ms SEGAFREDO — As you said, my name is Sophie Segafredo. I manage the strategic planning and environment program at the Corangamite Shire Council. We were invited to give some local insights, I suppose, into public land development and host a tour of Port Campbell today, which of course we were happy to do to assist the committee with its inquiries.

The CHAIR — And which we appreciate.

Ms SEGAFREDO — I would like to speak generally about our understanding of and experiences in relation to public land development and provide a range of local, real-life examples. I will be addressing the first and second terms of reference but I will not be addressing the third term in relation to Melbourne 2030.

Overheads shown.

Ms SEGAFREDO — To address the terms of reference I will first examine the elements within those terms and look really at what is public land. I think it was quite a good case in point that Warrnambool example we just had, where various agencies and community organisations have ownership and management over various pieces of land. I think there is a general perception in relation to public land versus technical definitions. If you have ever read the *Terra Publica* publication you will no doubt be amused by many stories of different levels of legislation and public land management that abound. In our experience we deal with a range of public land, including roads, whether they are constructed or unconstructed road reserves; land that is owned and actively used by a government department like a school or hospital or council depot, what have you; parks and open spaces, which range from the local playground right to national parks and also take the form of perhaps linear pieces of land — rail trails — which go through our area, and creek lines also. Coasts are also a relevant area for us, which can incorporate beaches and dune systems, foreshores and ports, no matter what the size, whether they are the jetty that we see down at Port Campbell or major ports such as Portland. Major recreation infrastructure is also part and parcel of public land, which ranges from the MCG right through to small rowing clubs. Other community assets are sometimes seen as public land and may or may not be on land which is in public ownership, such as churches, bowling clubs, guide halls, right through to surf clubs, which we have an example of here.

Moving into the development section of the terms of reference, one might ask why would you develop public land. There are many reasons, but I think the overarching reason would be to provide for beneficial use. It might be to enhance an existing use — for example, walking trails along existing creek lines or new buildings in existing developed areas. It could allow additional use — for example, a new scout hall in a recreation reserve. It could provide an income stream for management of that land and other improvements, which might be a kiosk in a park or camping on public reserves. There could also be a reason to provide for the sale of that public land if it is considered to be surplus. One of the main reasons to develop could also be for other objectives — for example, the revitalisation of a town centre where the actual public use is not unneeded any more but could be reconfigured to better meet broad objectives. There is an example in relation to the Lara town centre redevelopment. I suppose the question really is how do you test public benefit and whether that is on or offsite. I think that is the main issue in looking at development.

If you have decided that there is some reason to develop, consider what sort of development controls may well apply to development over public land. Initially there may well be a committee of management. They operate under particular guidelines, and there may be strategic plans or operational plans that they have developed for their own piece of land that would guide development.

As for landowner approval processes, there is planning legislation, Crown land management legislation, road management legislation. There is also special area legislation such as the Coastal Management Act which came up earlier and public risk and safety assessments — for example, fire access. And I am sure there are many other controls that may well apply too. Some of these things are the same processes whether the land is public land or private land but in many cases the public land is considered under different types of controls than would apply to other people developing their land.

Who controls the development? There are management structures in place and they are varied. In some instances there are local committees of management. They are an instrument of the Department of Sustainability and

Environment as the land manager, generally speaking. They could vary from local interest groups like a football club right through to a council which could be a committee of management.

Government departments also control development over their own land, whether that is freehold land that they may hold as a department, Crown land more generally owned and is often managed by Parks Victoria or directly by DSE, or road reserves which are a VicRoads management responsibility. Also local government often controls land which is in public ownership, again whether that is freehold, a road reserve-type configuration or Crown land. No doubt there are many other entities who also control land.

Having considered those things there are some issues that we would like to raise as relevant to managing the development of public land. I think the focus really needs to be on a primary objective, which should be that the development of public land must achieve a good public outcome regardless of the method of management and the eventual ownership outcome. I think that needs to be the primary test. It is a similar discussion to the one you have been looking at with the Warrnambool one. It is interesting that that should come up immediately before, because I think that really illustrates some of those issues.

Then the test would be how do you determine a good outcome. It needs to look at the short and the long term, in who's view is it a good outcome, and what test should be applied. In some instances there are different agencies or entities that might be involved over a contiguous area of land, and they may well have different aims and objectives for the particular section of public land in their control. When isolated, there may not be any issues; but where that land is contiguous and there are different objectives, they may well seem to be in conflict.

The next issue I would like to briefly talk about is if you have established a worthy objective for development, then consider the methods for providing for that development. That could be to allow private development but retain the ownership and ultimate control as a Crown land agency or council or whoever it is. That could be via licences or leases, which we often see. There could be an allowance to sell the land and allow private development that maintains some public access — for example, a restaurant or cafe or minigolf or golf course or whatever it might be — but there are no long-term controls there unless that is stipulated on the title or through some kind of agreement or, obviously, allow for the unrestricted sale of that land.

The next issue that I think we can look at in relation to an alternative way of viewing, I suppose, some development is to look at shared use of public land. There obviously need to be tests to determine whether or not that would meet that primary objective. Those tests could include that it must be an equitable outcome, and it must not diminish the level of public safety or the level of public enjoyment of the place. It could involve the fee, and control would be maintained through a licence or permit system — for example, for footpath dining. I think that is a good example of a shared outcome.

The next issue would be the sale of public land, which is essentially a finite decision, so the level of consideration must be of a very high order to avoid any later regrets. I should think that there would need to be some kind of process to ensure all public service agencies do not require the asset and not just the one that may have ownership at the given moment. A process needs to be put in place to ensure that community groups or committees offering a worthy and valued service do not require the land as well, as there may be some alternative uses.

The process must incorporate the potential long-term requirements and take a precautionary approach. I think one of the most important things is that broad ownership by the community must be recognised by Treasury and that no penalty to agency or profit to agency should result. That should not be the main test — whether or not, for instance, the Department of Education can afford to buy another piece of land or needs to sell that piece of land in order to fund its other business. There needs to be a way to ensure that land can be moved within community ownership without that as the primary test.

I will go on to some examples now, and I will just talk about some images. Some we have seen. That image is essentially the aerial photograph that I gave you before, but you can see that Port Campbell is surrounded by vegetated areas. This image shows you the zoning of the land, but the colour has gone a little bit funny on that, and it does not show it very well. The colours have not come up very well. Essentially the green land is public land primarily managed by Parks Victoria, but there are a variety of management entities involved. The yellow land is also public land, as is the light green land. So you can see that Port Campbell is pretty much surrounded by public land managed in one form or another.

On the back of that map that I gave you — I do not know if you noticed — was the strategic plan for Port Campbell. This is an excerpt from our planning scheme, and I have just put that in as an illustration to emphasise, I suppose, the importance of strategic planning in decision-making for public land as well as for private land. The planning scheme is not just the tool that needs to be looked to for those sorts of things. A comment was made earlier today about the need for a policy in land disposal or identification of land that might be suitable for reuse, and I think that needs to be based on some sort of strategy.

This plan shows — not very well — that down in the bottom where the car park is there are those three yellow blocks, and this plan in fact identifies all the on-street parking, particularly that used for tourist buses. It is not just in that area; there is a long strip along where the public land meets Lord Street, which is the edge of the caravan park there, and in some of the other streets. This is really to illustrate that there are many examples of where that shared public use, both for private as well as for public benefit, can be implemented.

This shows the recreation reserve where we are at the moment. It shows that there are different management agencies there, and that also depends on who is actually involved from the local community. If you have got a local committee of management, there are various interests in managing that land. It may vary over time as to what the particular interests are, and that may lead to different types of development outcomes. For instance, if the cricket club members were the primary people managing the recreation reserve, then that would be their focus. If there were another group — for instance, at the moment the play group is quite active in managing the facility — it would lead you down a different path. All of those things, I think, are important in understanding how developments evolve over that public land.

At the moment the local committee of management is looking at the development options for the larger area, the recreation reserve, because it is not just the oval that is managed by this group, it is also that land with the path that snakes through directly to the south on this picture. In identifying the need for a more consistent income stream, there is the potential that that land can be used for camping. It is currently used for camping in short periods of the year. The group is investigating the potential to pursue some level of development, trying to balance its responsibilities for maintaining and managing the facilities that are here as well as meeting environmental needs and the needs of the greater community. You can see on that strategic plan on the back of the aerial photography there that the potential to incorporate access points across that land needs to work in with the work that the local committee of management is doing.

This next area identifies the council transfer station, which is the patch with the two rows of trees in the middle of the block, and the water tank, which is obvious. The council is responsible for that transfer station. It is an active site. The tank is a Wannon Water site. There is a road that goes through. There is the Great Ocean Road at the bottom, there is that link road and there is the road running horizontally on this map. There is the private residential land, and then there is the national park land all around. So in this instance there are quite varied objectives in managing that precinct, if you like. There are different agencies with different needs, but all are considered, I suppose, community assets.

There was a review recently that looked at the Great Otway National Park and right down here through to Port Campbell Marine National Park as well. I do not know that that addressed different objectives like the roadways, because Parks Victoria's management of roads really involves access tracks for accessing the park for fire access and primarily for recreation, whereas the roads here serve other purposes as well, and that is all part of the national park. I do not know that that level of contemplation was gone through at that time.

You can see in terms of the zoning of that land that there are a variety of zones. We have just recently made some corrections there, because I think that the tank was actually in the Parks Victoria zone, and there was a public-use zone elsewhere. But it does show that there are differing uses in the same area. That image is showing you the cadastral information, but it is not that important at the moment. This area is the caravan park primarily, and you can see again there are different agencies involved, because there is the Wannon Water site that I showed you from the lookout, which is where that tank is, and there is the police station just to the right-hand side there with a police house.

On the corner is the Parks Victoria office; just above that is the visitor information centre. There are various cabins and camping sites and a caretaker's house, which is the larger building near the driveway. There is also the surf club down on the beach side at the other end. This is primarily in the national park as well. Work has been going on

by Parks Victoria and DSE to rearrange the camping ground and go through a further lease process. I think there have been some changes to — —

The CHAIR — That is Parks land?

Ms SEGAFREDO — Yes, it is Parks land. But I think there has been some need for excision to provide for the lease. I do not know about all the details in relation to that. I think it gets back to the point of making decisions based on what is the best outcome and what is the best public use for the land.

The work that we have done in relation to planning scheme amendments and other work has clearly identified the community values of the caravan park and the provision of lower- cost accommodation in Port Campbell. The work that Parks Victoria has been doing on a master plan for that area is looking to achieve that. We have been working very closely with it to try to achieve the objectives of opening up access to the riverbank area and opening up view lines and what have you. I think our collaboration at the moment is working quite well, regardless of the ownership, if you like, of the land.

I will just identify one little area there. You can see the sharp corner right in the middle of the slide. That area was mentioned in Dr Manifold's submission when referring to a road reserve. The sharp angle was a road reserve, but in the picture you can see that the lay of the land does not accord with that road reserve location. It has been developed over time. To resolve that issue, that road reserve has been incorporated into the Parks land from the council's, rather than their having been a sale or anything of that nature.

This is the headland, where we have been. Again there is a mix of agencies and objectives, but I think the primary focus in that location has really been on public open space and the improvement of public open space since the closure of the Great Ocean Road, or the relocation of the Great Ocean Road route. We have also been working with Parks Victoria in relation to the taking over of the management of that land, because when the road reverted from a VicRoads road to a local road, it became the responsibility of council as a roads manager. But the majority of that headland area either is in the national park or is DSE land which the council has a committee of management for, as far as I understand. There is a mixture of zonings there as well. The public conservation and resource zone is in the brighter green; the yellow shows the public use zones and the light green shows the public park and recreation zone.

Those slides have not come out dark enough for you to see where the information is. Out on site I mentioned that the ownership boundaries do not really accord with what is on the ground. In fact, I think the war memorial is on what was a road reserve. You can see there that it is a war memorial. If you keep your eye on that you will see that it is not within that public park and recreation zone which was part of the Crown land reserve.

This is a zoom-in section of the car park and road reserve, because it is actually part of the roadway, the Lord Street road. It serves a wide range of community members — those people who live in the town, as well as tourists who come to and fro and the fishing community and the recreational boating people. It also provides access, obviously, to adjacent properties, the same as any other road does. That is the zoning of the land. That is completely lost; I am sorry about that. It is a bit dark; the resolution must be different on this machine to the one I have.

I am nearly done. I quickly want to show you, as it might be helpful for you, the area that has been identified as suitable for a shared zone, which has been put in place. It is that location from the roundabout up to the fishermen's car park. There is quite a wide footpath and — you may have noticed — the paving is somewhat different there and is more of a sandstone colour than the remainder of the main street. There is parking on both sides and direct foreshore access.

This shows you the surf club location, which was partly within the caravan park. There was a smaller building there beforehand. It was a significant development of public land, obviously, but it has offered an extensive community benefit. It is used very often by a whole range of people in the community, not just in the surf club.

In conclusion, I think that the primary motivation for the development of public land must be a community benefit; a test should be put in place to measure community benefit; clear strategies should form the basis for decisions in relation to public land development; and ownership must be based on the broadest terms possible to ensure that benefits of ownership can be dispersed broadly across the community.

The CHAIR — Sophie, thank you very much again for your assistance earlier in the day and for your comprehensive submission now. I have one question which relates to your structure plan. Could you briefly outline the date of the process of development of that structure plan, the involvement of Parks and DSE in that process, and any assistance you got from the state government in developing that structure plan? And could we have a copy of it, if possible?

Ms SEGAFREDO — Yes, I can provide you with a range of documents. With the Port Campbell structure plan, this is an excerpt from the planning scheme amendment that resulted in this forming a park. There was a previous structure plan in the planning scheme, which was put in in September 1999, which is when our new format planning scheme was finalised. But this one came in in — when was that gazettal? That would have been last year — 2006 sometime. In November we had the submission. It might have been May 2006 last year when the planning scheme amendment was finalised. It went through the usual planning scheme amendment process, which incorporated correspondence to all of the state government agencies that we were preparing a planning scheme, and then when the planning scheme amendment was put on exhibition, they as well as the community were notified.

The CHAIR — Did they submit?

Ms SEGAFREDO — I would have to check.

The CHAIR — If there were submissions, I would be very interested to see those. They may have assisted informally, too, perhaps.

Ms SEGAFREDO — Yes. Parks Victoria did. They participated in a public information day that we had. We had quite a lot of discussions with them because one of the issues was about the caravan park and the access to the river there. We have, at officer level, a close working relationship with the DSE, so their input was gathered by that means. They do not normally make a submission in response to planning scheme amendments because they undertake the assessment prior to recommendations to the minister, so they usually take the opportunity — —

The CHAIR — So pre the tick-off, before you prepare one, you need to get the minister's tick-off before you can — —

Ms SEGAFREDO — You do now, yes, but that exhibition was before that change to the legislation, so that did not occur at that stage. So the planning scheme amendment went through that usual process. However, the basis for the planning scheme amendment was in a range of documents that had been prepared over time. I can give you a copy of master plans and what-have-you that were prepared prior. It is based quite significantly on the urban design framework that was prepared and finalised, I think, in 2001. There had been quite a lot of discussion in the community over a number of years that led to the urban design framework, then the urban design framework fed into both the streetscape works as well as the planning scheme amendment process, and both of those processes went through a consultation program of their own.

The CHAIR — Thank you.

Mr TEE — Thank you for that broader perspective. I suppose the impression I get from that is that you are a council that is grappling with limited space, as it were, because you have all that beautiful park and green space around, and it is about best use of public land within those boundaries. We were told earlier today that the population had sort of doubled from 250 to 500. Is there a projection for future population growth and how you manage that within the land, and equally in terms of tourism, is there a projection that the council has done or has had done for it which looks at that sort of growth and how you manage that in the context of land use?

Ms SEGAFREDO — When we were preparing the planning scheme amendment, which rezones some additional land for residential development, we were looking to try and cater for the expected growth. I cannot give you the exact projection figures, but there has been some work that was done by the state government. It does not go down to township level but we have recently commissioned some work at that scale. That work will be updated with the 2006 census information by early next year, so we will be getting some empirical data. We did look at the population projections and the development that had been occurring, and it certainly identified that growth was expected for Port Campbell and the manner in which we are looking to address that demand is we have identified some land for development, which is that paddock.

Mr TEE — Is that a housing development that you are looking at there?

Ms SEGAFREDO — Yes, for residential development, and also to encourage infill development in the existing town footprint, but it is a difficult balancing act, as it always is with infill development, as to the scale of development, so to address that we have increased the level of control over development through design development overlays through our planning scheme, increased the amount of information and guidelines in the planning scheme to seek to improve the quality of design or at least the information that is coming in and the matters that need to be addressed through that development, so we are expecting further growth and we are looking to control that through an improved planning scheme.

Mr TEE — Thanks for that. Are you in a position to comment on the development that we had a look at this morning? In terms of the council's position, can I ask you a couple of questions in terms of some of the stuff that came up this afternoon?

Ms SEGAFREDO — You can, but I will just preface it with: I do not manage the statutory planning process. I deal with the strategic work, but because there are only two of us, we do work closely together, and I am reasonably well briefed, but I may or may not be able to answer.

Mr TEE — To the extent that you can answer: as I understand where the development is going, a lot of it now flows from a number of VCAT decisions, and I suppose there are two sort of ongoing live matters — the first one being the geotechnical requirements that VCAT has put in place; and the second one, which is the car park, which is really the bit which is within our terms of reference. The VCAT decision, as I understand it, requires the proponent to have discussions with the council in relation to the four spots, and I suppose my question goes to how are those discussions progressing? There is also a suggestion in Dr Manifold's submission where she says that the Corangamite planning scheme does not have a developer contribution to the scheme, yet it appears \$25 000 was accepted as a contribution for the four car park spaces. Are you able to enlighten us as to where that part of the process is up to?

Ms SEGAFREDO — It is my understanding that that has been resolved, that the Crown land approval had been given for the access over that land and that there was an agreement that the developer would provide council with, I think, \$20 000 to provide car parking elsewhere in the town.

The CHAIR — Who gave that approval?

Ms SEGAFREDO — DSE, as far as I know, but it all goes back to the planning permit that was issued by VCAT. It has always been council's view that this is an overdevelopment of the site, but through various decisions that have been made over time, there was toing-and-froing. The plans are still not finalised. There is still information outstanding, but the decision by VCAT that the permit be issued is the result of that application process.

The CHAIR — Subject to the technical process?

Ms SEGAFREDO — That is right, yes. They need to meet the conditions, of course. There are a number of things still outstanding — construction management plan, environmental management plan and the geotech investigation at least I know are still outstanding, so there is still information that needs to be digested and resolved, but essentially the permit has been issued.

Mr TEE — The other part of it is that there was some issue about the position of council and some perhaps criticism of that, and I think there is a reference in Dr Manifold's submission which summarises how I see she puts the position, and I was hoping to get your comment on that. Essentially she says that the council objected on the ground that:

The intensity of the use and development of the land is too great —

this is the council's position —

and will have a negative impact on the amenity of the surrounding area and low scale, coastal character of the township of Port Campbell.

But she says:

Council appears to have ignored their own evidence and given this unstable land to the development 'in-house', seemingly without due process to the community and stakeholders, or consideration of geological hazards or impacts on —

and then she lists a number of issues, including the national park, indigenous culture, heritage and so on. I suppose most give the council, in a sense, an opportunity to respond to that criticism?

Ms SEGAFREDO — Yes. I suppose decisions are made as you are going along. In some instances you are asked a question and you provide your response to that question, and if the question is, ‘There are four car parking spaces where there is an access way, would those spaces be taken up providing the access way to this development?’, and if the question is, ‘Would that be satisfactory to council as the road management authority?’, looking on balance, obviously the council agreed that given all the circumstances that had gone on and the decisions that had been made leading up to that point, is it reasonable to not give consent to that part of the proposal when you consider that in almost all instances some on-street impact is made by a development access point, whether it is a single dwelling and a driveway or a more significant development and a wider access way? ‘How does that impact on the road management and the operation of that area that you are looking at, in particular?’, and I would suggest that that is how we arrived at that decision, but as I said, I have not been involved in the day-to-day management of that particular project. There are also those other outstanding issues in relation to the geotechnical advice that has to come in which may then provide some basis for seeking further information or holding a different view, but if the question is, ‘Would you give approval for access over this area, looking at those implications?’, the answer has been yes.

Mr TEE — In terms of the car park space, you said that DSE has signed off on the usage of it now. Can I get a sense of the process? Was the council involved in the negotiations and discussions with the developer that came up with the proposal that DSE sign off? Is that how it worked?

Ms SEGAFREDO — No, not as far as I know. I can go back and check on that correspondence, but I believe — I am guessing now, but I do not believe that it was a negotiation between the developer and the council that resulted in this outcome. I do not believe that it was a negotiation between the developer and the council that resulted in this outcome. I believe that the developer went through a process of application to the DSE for Crown land approval and received it, but I can check.

The CHAIR — And the correspondence would be helpful, too, on that, if possible, please.

Mr O’DONOHUE — Can I give you an opportunity, just following on, to make a comment on what Mr Brown had to say in his evidence earlier this afternoon and his comment that a geotechnical analysis will only consider the impact of the development on that subject site and not in the broader perspective?

Ms SEGAFREDO — I do not know what the details of the VCAT decision-making process that led to that condition were, so I really cannot guess on those comments.

Ms PENNICUIK — You mentioned before, Ms Segafredo, about conditions that the developer has to comply with. Could you repeat what they were?

Ms SEGAFREDO — I know of at least three outstanding issues at the moment, and one is the geotechnical report, there was an environmental management report and a construction management report.

Ms PENNICUIK — Are they to be submitted to the council?

Ms SEGAFREDO — Yes.

Ms PENNICUIK — Have you got any idea when they are expected?

Ms SEGAFREDO — No, I do not.

Ms PENNICUIK — Have you had conversations or is that not your department?

Ms SEGAFREDO — I have not, personally, so I do not know. I could not even hazard a guess as to how they are travelling on that.

Ms PENNICUIK — Can I just go back to the car parking? With the original design back quite a while, I just use the example of many motel/hotel developments you see around the place where the access to the hotel reception or whatever is with a sort of semi-circular thing in front of the hotel or motel on their own land.

Ms SEGAFREDO — Yes.

Ms PENNICUIK — Was that ever part of their submission?

Ms SEGAFREDO — I think that essentially is what it is, what it has resulted in, with one driveway access there at the place where they can alight, the drop-off area, and then the driveway out, so I think that is what their — —

Ms PENNICUIK — But what we are presented with here is some Crown land being given over to this private development for vehicular access, and what I am asking is: was there ever any plan that incorporated that whole vehicular access within the private land as is the case with many other similar developments that do not require adjoining land to be accessed or given over?

Ms SEGAFREDO — I do not know what the negotiations were, but I would think that there had been some discussion and negotiation about that balancing because the application that came in at first had virtually no drop-off area on site. It was all off site, so there has been a significant change from the first proposal to the proposal that we have now, so I gather there was probably discussion from one extreme to the other.

The CHAIR — Horse trading, as it were?

Ms SEGAFREDO — But I was not involved. Yes.

Ms PENNICUIK — You are saying that you think the developer applied to the Department of Sustainability and Environment for access to that land?

Ms SEGAFREDO — Yes.

Ms PENNICUIK — It would appear to me to be unusual that a developer would do that, and not the council, but I accept what you say.

Ms SEGAFREDO — I will check that process.

Ms PENNICUIK — I am wondering whether the council, given that there has been a lot of talk about the geotechnical problem and the instability of the headland, is concerned at all about that issue. How concerned is the council about that issue?

Ms SEGAFREDO — I do not know that the council has a resolved position, or level of concern, but clearly council has a responsibility for ensuring that land that is in its control is not putting the public at undue risk, and I am sure that in the consideration of the relocation of the Great Ocean Road that was obviously a matter that was considered at some length. It is difficult for me to say without having been immediately involved with the discussions that have gone on either with the Great Ocean Road or with the Southern Ocean Beach House. In terms of the strategic work that we had done for the planning scheme amendment we did not undertake any specific risk assessment, but we are having discussions with Parks Victoria about some planning work for that headland area with the hope that the whole of that area will be incorporated into the Parks Victoria area for their responsibility.

Mr TEE — I can understand why you would want to do that.

Ms SEGAFREDO — But to resolve the issues of landscaping and improvements, not specifically related to the geotechnical issues. But I understand that the DSE are currently undertaking a risk assessment for the headland, so certainly if the information comes to light from that we would be in a position to make some response, or take some action, if need be.

Ms PENNICUIK — As a follow-on question, you may have noticed I asked Mr Brown about the instability of the headland. It is probably not just confined to that headland because of the geography of the area and the geomorphology of the area — there is probably instability in built-up areas of Port Campbell coming from the water going downwards into the limestone — and I am just wondering from a strategic point of view whether you are concerned, or the council is concerned or has looked at the actual stability of where this development is going to go and other areas around there. For example, if that cavern was to collapse that would change the whole way the sea works there and would impact on the bay area and the lifesaving club and those buildings as well. I am just wondering whether the council is considering that in a strategic way?

Ms SEGAFREDO — Without any real time line involved, it is almost an impossibility for the council to respond to those sorts of risks. Perhaps with the information that DSE can provide us on the risk management, that might give us some further insight into how it is likely to impact on the headland, but if there was some concrete information that identified that this is the risk, this is what is going to happen, this is the likely time frame that it is going to happen in, then we can undertake some practical planning. But when the information is not of that nature and we need to prioritise our work, then suggesting that we remove the ability for people in holding their private land from any development because of the risk, when we do not really know the level of risk, I just do not think we are in a safe position to do that.

Ms PENNICUIK — I have got one more question. I know that the Colac Otway shire, for example, was having a look at that issue in terms of landslip in some of the townships further down the coast.

Ms SEGAFREDO — The erosion mapping project, yes.

Ms PENNICUIK — Some quite private land-holders will probably get a nasty surprise; that could be the case.

Ms SEGAFREDO — I should think they would probably be pretty aware of the land slippage on their own land though, because it is a similar situation in a lot of our rural areas as well.

Ms PENNICUIK — I wonder whether you would agree that if something was to happen there would the liability be with the council? That did seem to be unclear before.

Ms SEGAFREDO — Yes, and it is still unclear as far as I know. I do not know that we have sought any legal advice in relation to that, but in relation to the approval, the approval is a VCAT permit, so I do not know where the legalities lie with who takes the responsibility for that, and then leading on from that if a building permit is issued; whether that then brings the liability back to council or if they choose to use a private surveyor, and then that surveyor takes on the liability, I do not know.

Mr THORNLEY — Firstly, thank you for your presentation. It was good to have a strategic response to the terms of reference. There are a huge number of issues about the sale and alienation of public land in this state, and we seem to concentrate on a tiny number of them, so I have appreciated your strategic response. In light of that I apologise that I am going to concentrate on one of those small numbers for a moment. Help me to understand, quickly, why did they need to acquire the four car-parking spaces at all? I mean, if their ingress and egress comes off the roadway — —

Ms SEGAFREDO — It was not an acquisition. They provided a contribution for council to pursue car parking in another location within the town.

Mr THORNLEY — So it is an alienation; it is not an acquisition. So it is just that those four spaces ceased to be car parks; they became roadway because they are going through?

Ms SEGAFREDO — Driveway, yes.

Mr THORNLEY — Do you know how the value that they provided for that — I think it was the \$20 000 that you described — was arrived at?

Ms SEGAFREDO — Yes, it was estimated that the land value was about \$5000 per car parking space. I do not know how that was arrived at, but I know there was some contemplation as to what the value of perhaps constructing a car parking space would be.

Mr THORNLEY — Although the value to them would have been an awful lot higher, because they have saved having to have the reverse trip coming back through their land, so they have actually saved a large number of square metres of what they would have had to do otherwise, presumably.

Ms SEGAFREDO — Yes, and it all gets back to the configuration of that proposal and whether or not it is reasonable to construct a driveway into an area of public roadway.

Mr THORNLEY — If I could just follow up on another matter. As I wandered back up the street I saw what, unless I am very much mistaken, looked like a good old-fashioned government-issue school fence. I do not

know how long you have been in your role, but do you know if there was a school there and, if so, what date it was sold or decommissioned?

Ms SEGAFREDO — No, I do not know where you mean.

Mr THORNLEY — Just on the main drag.

Ms Brazier (from gallery) — It was not a school within the township of Port Campbell. It was actually out the road this way. There is still the old schoolhouse a couple of kilometres out of town, so it was not actually a school within the township of Port Campbell.

Mr THORNLEY — It must have been something else that had what looked like an old school fence on it.

Ms Brazier — It was probably Chris Jennings, which was one of the early settlers cottages, and that has recently been sold. Is it cleared land?

Mr THORNLEY — Yes.

Dr Manifold (from gallery) — It has possibly been sold to the developers who are going to turn it into about 10 or so lots.

The CHAIR — Do you want to answer quickly?

Dr Manifold — The land Mr Thornley is referring to actually belonged to one of the early settlers. There was a small cottage there that belonged to the Jennings who are recently deceased and the people have moved out. The land has now been sold to the same people who own the Southern Ocean Beach House, and they are developing it into, I think, 10 lots, some as small as 3000 square metres. I understand they may also have the subdivision that is shown here.

Mr THORNLEY — It sounds like it was not public land before; it was owned privately.

Dr Manifold — No, it was not public land.

Mr TEE — I know we are running out of time, but the new car park spaces that will compensate for the lost four, do you know where they are?

Ms SEGAFREDO — In fact the money has not changed hands. There are some areas identified for potential car parking. Council acquired a block of land near the visitor information centre, and it may well go towards development of that land for car parking. Council is looking to increase the number of car parking spaces and there is real potential to do that within the town.

The CHAIR — In 10 seconds let me be clear here. There are four car parks that were on DSE land and that were transferred to council to provide in effect in the long term egress from the property. The money has not yet changed hands in terms of council giving the money, although the planning permit, as it were — or building permit, more correctly — still hinges on the technical steps?

Ms SEGAFREDO — Yes.

The CHAIR — We would like to thank you very much, Sophie, for the amount of material that you have provided us, and we will certainly be in touch to follow up on a number of those points. You have been very generous with your time and energy.

Ms SEGAFREDO — It was a pleasure.

Witness withdrew.