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**SELECT COMMITTEE  
OF THE  
LEGISLATIVE COUNCIL  
ON  
PUBLIC LAND DEVELOPMENT**

**SECOND INTERIM REPORT**

JUNE 2008

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*Ordered to be Printed*

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## **SELECT COMMITTEE ON PUBLIC LAND DEVELOPMENT**

### **Committee Members**

**Mr David Davis – Chairman**

Member for Southern Metropolitan Region

**Mr Brian Tee – Deputy Chairman**

Member for Eastern Metropolitan Region

**Mr Peter Hall**

Member for Eastern Victoria Region

**Mr Peter Kavanagh**

Member for Western Victoria Region

**Mr Edward O’Donohue**

Member for Eastern Victoria Region

**Ms Sue Pennicuik**

Member for Southern Metropolitan Region

**Mr Evan Thornley** (from 9 October 2007)

Member for Southern Metropolitan Region

**Mr Matthew Viney** (until 9 October 2007)

Member for Eastern Victoria Region

### **Committee Staff**

**Mr Richard Willis – Secretary to the Committee**

**Dr Caroline Williams – Research Officer (Sept. 2007 to Feb. 2008)**

**Ms Sarah Kerwick – Research Officer (from May 2008)**

**Mr Anthony Walsh – Research Assistant**

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## CHAIR'S FOREWORD

As with the first interim report by the Select Committee on Public Land Development, I want to record my appreciation of the work of those committed groups and individuals who have submitted to this Inquiry. I also wish to record my thanks to the Committee staff for their tireless work and support.

The Committee has received over 300 separate pieces of evidence, including 136 written submissions, 135 individual verbal submissions, and numerous other documents. This unexpectedly large number of submissions has been gratefully accepted and forms an integral part of ensuring that the Inquiry is well informed on those issues within its terms of reference.

The Committee has recently been provided with an additional staff member to assist it but the additional support has come late in the process and this points to the clear need to ensure that more secure and predictable funding is available to Legislative Council Committees if they are not to be captive to the government of the day.

The Committee still has much work ahead of it; the completion of hearings, further research and drafting of a final report. The Committee is seeking an extension in its reporting date to the 11<sup>th</sup> of September 2008 to complete its work. I draw the reader's attention to my foreword to the first interim report in December 2007 that dealt with these matters in detail.

It is again my unfortunate duty to report the continuing obstruction of the Committee's work by the Attorney General through his attempt to impose a narrow and specious definition of 'public land' upon the Committee. This inappropriate definition has been used to prevent the release of evidence that should properly have been made available to the Committee. Unfortunately the State Government appears to be determined not to pay heed to the concerns of so many submitters about the sale or alienation of public land. It has also continued to hide behind the 'commercial-in-confidence' secrecy.

The new evidence received on key sites are highlighted in this second interim report, including the Kew Residential Development, a proposed development on the Port Campbell headlands, the continued alienation of public land within the Caulfield Racecourse Reserve, and the St Kilda Triangle development.

With respect to Kew Residential Services, serious concerns have arisen about the process and the outcome of this development. The Committee's second interim report again highlights the determination of the Deputy Premier to prevent scrutiny and deny the Committee full access to critical Government documents in relation to this development.

There is a long list of other sites that will be the subject of detailed reporting in the Committee's final report. The Committee also looks forward to making recommendations that will place the protection of public land on a firmer footing and ensure that there are better arrangements in place to protect the quality of life of Victorians.

**David Davis MLC**  
**Chairman**



## **REPORT**

The Select Committee on Public Land Development has the honour to report as follows:

### **1. Purpose of Interim Report**

1. The purpose of this interim report is to advise the Legislative Council of the Select Committee's progress in its investigations into the sale or alienation of public land and open space, and to outline a timetable for completion of the Inquiry beyond the initial reporting date of 30 June 2008.

### **2. Progress to Date**

2. On 2 May 2007, the Legislative Council established a select committee to inquire into and report on the sale or alienation of public land and the relationship to the Melbourne 2030 and Green Wedges policies (see Appendix 1).
3. The Committee welcomed the significant public response to the Inquiry and interest by individuals and groups to give evidence. Approximately 310 separate submissions, evidence and documents were received comprising:
  - 136 written submissions covering broad public land issues and highlighting concerns over approximately 70 different sites and developments (see Appendix 2);
  - 135 witnesses in 20 days of public hearings held at Parliament House, Kew, Devil Bend, Port Campbell, Apollo Bay, Caulfield, St Kilda, Coburg, and Geelong (see Appendix 3);
  - 25 additional late submissions accepted as correspondence received; and
  - 25 witnesses provided further documents at public hearings.

A number of individuals provided several submissions, gave evidence at public hearings and tabled multiple documents.

4. In December 2007, the Committee tabled a first interim report advising of progress, highlighting concerns raised in evidence with respect to specific public land sites, restrictions placed on the Committee's investigations by the Government, and the Committee's rejection of the Government's narrow interpretation of the Committee's terms of reference.
5. In particular, the first interim report highlighted a lack of co-operation from heads of departments with respect to the giving of evidence and production of documents. This obstruction has significantly restricted the Committee's ability to gather critical evidence from key Government departments.
6. Since its first interim report, various Government witnesses have continued to refuse to provide evidence on a range of public land matters and a number of requests for public land data and information from the Government have not been forthcoming. A list of matters still outstanding is attached Appendix 4. However, the Committee notes that when asked, witnesses asserted they would provide the information to the Committee if the Legislative Council clarified the Committee's terms of reference.
7. The Committee's investigations and ability to meet its reporting deadline have been further restricted by a lack of research resources available within a very limited budget. The Committee had a part-time research officer from September 2007 to February 2008 and recently acquired the services of another part-time research officer from May 2008. From May to August 2007 and from March to May 2008, the Committee had no dedicated research staff for this Inquiry.
8. The Committee understands the Legislative Council Department has been negotiating with the Department of Treasury and Finance for ongoing adequate funding of Council committees but to date limited funds have been allocated to select committees.
9. In May 2008, the Committee obtained the services of a part-time research officer to assist in analysing evidence and drafting a report.

10. In addition to gathering evidence on a wide range of issues concerning the disposal of public land, Melbourne 2030 and Green Wedges policy, the Committee has conducted hearings into a number of related specific issues, including:

- Kew Residential Services development;
- sale of a parcel of public land within the Devilbend Reserve;
- proposed developments at Port Campbell and Apollo Bay that impact upon public land;
- alienation of public land and open space within the Caulfield Racecourse Reserve;
- St Kilda triangle development;
- open space issues in the City of Moreland;
- open space issues around the City of Greater Geelong, including the Bellarine Peninsula;
- development occurring in Melbourne parks and gardens, including Carlton Gardens and Royal Park;
- Camberwell Railway Station development; and
- various other metropolitan open space issues across Melbourne and regional Victoria.

### **3. *Proposed Timeline to Complete Inquiry***

11. As highlighted above, the Committee has received a significant public response to this Inquiry, comprising over 300 separate submissions and evidence. Further, the Committee's investigations have been restricted to date by limited evidence from the Government and a lack of research resources as previously detailed.

12. As a result of the number of submissions, extensive public hearings, additional and supplementary evidence received and the lack of research support, the Committee is seeking an extension from the Legislative Council to its reporting deadline until Thursday 11 September 2008.

13. On 27 May 2008, the Committee resolved that if the Council agreed to extend its reporting deadline, no further evidence would be received after 30 June 2008.
14. The Committee currently has proposed that its final hearings will take place on 23 June 2008 with the Minister for Environment and Climate Change and on 27 June 2008 with members of the Melbourne 2030 audit expert group.
15. The purpose of the extension beyond 30 June 2008 is to adequately analyse evidence received, conduct relevant background research and to prepare a final draft report for the Committee's consideration.

#### **4. Specific Public Land Issues**

16. In its final report, the Committee will highlight various case studies dealing with specific public land issues. Some of these matters were reported to the Legislative Council in the Committee's first interim report in December 2007. Further specific public land sites have been investigated in 2008. While the Committee seeks to provide comprehensive information about all issues inquired into in its final report, it provides the following updates on matters of urgency for the information of the Legislative Council.

##### **4.1 Kew Residential Services Site**

17. The Committee previously reported that it had received a number of submissions in relation to the Kew Residential Services Site (KRS). There remains significant public concern about both the process and the outcome of the KRS development including:
  - accommodation of the KRS clients and possible conflict between the development, relocation of KRS clients and the State Disability Plan;
  - the loss of public open space on the site and the protection of the existing heritage and other significant vegetation and natural environment;

- the lack of public disclosure over the finances of the contractual agreement between the Government and developer and the State Government's anticipated financial return to disability services;
- the involvement of political lobbyist, former Senator Graham Richardson and the real or perceived possible influence of a large political donation to the A.L.P. from Walker Corporation prior to the development approval process (the Committee also notes that Walker Corporation has made large donations to the Federal Liberal Party in the past); and
- the perception that the Government is being less than transparent by claiming that consideration of the KRS development falls outside the Committee's terms of reference.

18. The Committee also notes the KRS development process was overseen by an independent probity auditor, however this probity audit has not been released publicly. The Committee draws the attention of the House to related transcripts of evidence.

19. Despite the recommendation in the Committee's first interim report, the Committee notes that the Victorian Government has not made any substantial documents in relation to the KRS development and financial model available to the general public. The Committee also concludes the probity audit report of the KRS tender should be publicly released.

20. Since its interim report last December, the Committee has attempted to take evidence from lobbyist, former Senator Graham Richardson, to discuss his role in the KRS development project. Despite Mr Richardson having signed receipt of two separate invitations sent by registered post, no response has been received. The Committee will consider whether to take any further action with regard to this matter.

21. The Committee also notes with concern recent changes to the KRS Development Plan Stage 2 boundaries which may threaten the protected Historic Avenue of trees and Main Drive Public Open Space.

22. The Committee further notes correspondence regarding the apparent lack of concern as to the welfare of past and continuing KRS residents and the

present and future service needs that were provided at Kew for these groups and others in the community.

## **4.2 Port Campbell**

23. The Committee previously reported that concerns had primarily been raised in relation to the proposed Southern Ocean Beach House development in Port Campbell, specifically the impact of this development on:

- public safety and the geological stability of the surrounding area;
- the visual and other impacts upon the surrounding public land area including the War Memorial; and
- possible impacts on future access for commercial fishing vehicles.

24. The developer of the Southern Ocean Beach House sought an extension to its permit as works did not commence in accordance with the original permit. The Corangamite Shire Council subsequently refused this request and the developer appealed this decision to the Victorian Civil and Administrative Tribunal (VCAT). The Committee understands this matter is to be heard by VCAT on 25 July 2008.

25. The Committee has received recent correspondence from the Port Campbell Community Group advising that an Environmental Effects Statement (EES) has not been required for this development despite:

- the fragile nature of the surrounding environment, supported by numerous geotechnical reports;
- the failure of the project to comply with the current planning guidelines for coastal developments in the area; and
- considerable community interest in the site/development.

26. Strong concerns have been presented to the Committee that the development will undermine the headland which protects Port Campbell from the Southern Ocean.



27. The Committee again seeks to highlight this issue to the Victorian Government and urges that the Victorian Government investigate the geological stability in this area of state, national and international significance. The Committee notes the Minister for Planning has agreed to meet with concerned groups over this issue.

### **4.3 Caulfield Racecourse Reserve**

28. In its first interim report, the Committee identified that several submissions had been received in relation to alienation of public land within the Caulfield Racecourse Reserve.

29. The Melbourne Racing Club (MRC) is developing a master plan for the Caulfield Racecourse Reserve which includes a proposal to redevelop both Crown land and adjacent freehold land owned by it to create a 'community hub' consisting of approximately 1,000 dwellings and 35,000 square meters of retail and commercial office space.

30. The Glen Eira Council has not sought the approval of the Minister for Planning for the MRC proposal in its current form, instead seeking a range of mixed uses and design outcomes for the site. The Council has also highlighted concerns that the master plan and current use of the Racecourse Reserve does not adequately provide for a public recreation reserve or public park which are the original, legally prescribed purposes of the reserve.

31. A number of Glen Eira residents also gave evidence highlighting concerns over the lack of open space in the municipality and neighbouring City of Stonnington, and the need to ensure the Caulfield Racecourse Reserve is able to be used by the public on non-race days as a recreational reserve and public park.

32. In light of evidence received, the Committee recommends the Government investigate the history and current arrangement of the Caulfield Racecourse Reserve Board of Trustees, particularly in relation to:

- its duty to uphold not just horse racing, but all the purposes of the reserve in the original grant;
- the purpose to which money raised by horse racing has been used; and
- ways in which the Government can ensure that the Board of Trustees operates in an open and transparent manner and in accordance with the terms of the grant.

#### **4.4 St Kilda Triangle**

33. Another issue identified in the first interim report and subsequently investigated by the Committee was the St Kilda Triangle development. This parcel of Crown land bounded by Jacka Boulevard, the Upper Esplanade and Cavell Street, St Kilda, comprises the Palais Theatre, the former Palace nightclub site and a neighbouring car park.

34. The City of Port Phillip is the responsible authority for the development while Ministerial approval is still required in some instances with respect to the leasing of this state public land.

35. In May 2007, Citta Property Group was chosen as the project developer. The subsequent development plan for the site included 181 retail outlets, a supermarket, six entertainment venues, a 73-room hotel, 1150 car spaces, numerous restaurants and cafes, a TAFE college and, according to the developer, 52 per cent of public open space.

36. On 7 February 2008, the City of Port Phillip Statutory Planning Committee approved a revised St Kilda Triangle development plan. The revised plan includes a cap on the area of shops to a maximum of 19,000 square metres, an increase in the area of open space to a minimum of 18,000 square metres and car parking for 980-1000 cars. This remains a large, commercially focussed development on a small site of public land close to the foreshore.

37. The Committee held hearings over two days in respect of this issue which attracted significant interest from concerned Port Phillip residents and local

business representatives. A public campaign continues to oppose the development.

38. Some of the concerns raised in the hearings include:

- the public land is being alienated for inappropriate commercial development;
- the sheer size and nature of the development and that it does not comply with the urban design framework prepared specifically for the site by the Council with community input over several years;
- the lack of third party appeal rights;
- impacts of the development on the architectural integrity of the heritage Palais Theatre;
- the increase in the number of licensed venues on the site in view of the large number of existing venues in the area; and
- concerns in relation to the planning and selection process for the development, including the conflicted role of the Council as proponent, planning authority and committee of management.

The Port Phillip Council and Citta Property Group disputed these claims during their evidence to the Committee.

39. The Committee heard from several witnesses, including the developer, Citta Property Group, that if the State Government had contributed funds for the restoration of the Palais Theatre, then the scale and commercial focus of the proposed development could have been considerably reduced.

40. The Committee believes the State Government should reassess its approach to this site and consider a solution involving a much reduced development footprint on this iconic piece of public land.

#### **4.5 Other Issues**

41. As previously noted, in addition to the above four public land sites, the Committee has received evidence on a range of public land sites which will be reported on in the Committee's final report. However, the Committee takes the opportunity of this interim report to bring to the House's attention the following further matters:

- Concerns from the community and the Moreland City Council over the proposed sale of VicRoads public land for private development within the Merri and Edgars Creek parkland and its potential effect upon loss of open space and environmental/ecological impacts.
- Proposed development of land in the City of Greater Geelong and its impact upon an environmentally sensitive corridor of wetlands from Lake Victoria to Ramsar listed Swan Bay.
- Alienation of public land and open space in Royal Park and in particular the development of former Royal Park Psychiatric Hospital site. The Committee notes with concern the possible loss of the historic scientific laboratories at this site which the Government had previously undertaken to retain as public access.
- Proposed development of historic Camberwell Railway Station and concerns raised at the scale of the development and its impact on Camberwell.
- Issues raised by a number of local councils regarding the processes for transfer of state public land to local government at 'market value' when it is going to be used for community purposes.
- The pier development at Portarlington.

The Committee will be making recommendations with respect to the above issues, and others, together with broader policy considerations, in its final report to be tabled by 11 September 2008.

Committee Room  
10 June 2008

## **APPENDIX 1** **ESTABLISHING RESOLUTION**

On 2 May 2007 the Legislative Council agreed to the following Resolution:

1. A Select Committee of 7 Members be appointed to inquire into —
  - the sale or alienation of public land for development;
  - the sale or alienation of public open space for the purposes of private development; and
  - the sale and development of public land and the relationship to the Melbourne 2030 policy and Green Wedges.
2. The Committee will consist of 2 Members from the Government Party nominated by the Leader of the Government, 2 Members from the Opposition nominated by the Leader of the Opposition, 1 Member from The Nationals nominated by the Leader of The Nationals, 1 Member from the Australian Greens nominated by the Australian Greens Whip and Mr Peter Kavanagh, MLC from the Democratic Labor Party.
3. The Members will be appointed by lodgement of the names with the President by the persons referred to in paragraph (2) no later than 4.00 p.m. on Friday, 4 May 2007.
4. The first meeting of the Committee must be held no later than 4.00 p.m. on Monday, 21 May 2007.
5. The Committee may proceed to the despatch of business notwithstanding that all Members have not been appointed and notwithstanding any vacancy.
6. 4 Members of the Committee will constitute a quorum of the Committee.
7. The Chair of the Committee will be a non-Government Member and the Deputy Chair will be a Government Member.
8. The Committee will advertise its terms of reference and call for submissions and all such submissions received by the Committee will be treated as public documents unless the Committee otherwise orders.
9. The Committee may commission persons to investigate and report to the Committee on any aspects of its inquiry.

10. The Committee will present its final report to the Council no later than 30 June 2008.
11. The presentation of a report or interim report of the Committee will not be deemed to terminate the Committee's appointment, powers or functions.
12. The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and Sessional Orders or practices of the Council will have effect notwithstanding anything contained in the Standing or Sessional Orders or practices of the Council.



## **APPENDIX 2**

# **LIST OF WRITTEN SUBMISSIONS RECEIVED**

1. Mr Hans Roleff, Ferntree Gully
2. Port Campbell Community Group
3. Kyneton Mechanics Institute
4. Mr John McLennan, Broadmeadows
5. The Hon. A. J. Hunt, Mornington
6. Boroondara Residents' Action Group
7. Maribyrnong Residents Association
8. Kew Cottages Parents' Association Inc.
9. The Rockley Gardens Precinct Group
10. Devilbend Landcare Group
11. Moreland City Council
12. Beaumaris Conservation Society Inc.
13. Moira Shire Council
14. Beechworth Old Gaol Action Group
15. Friends of Merri Creek
16. Friends of the Bellarine Hills
17. Manningham City Council
18. Dandenong Mechanics Institute Inc.
19. The Carlton Residents Association Inc.
20. Ms Marg Gaskell and Ms Joy Foster, Co-ordinators of PARKS, Bendigo
21. Ms Angela Munro, Parkville
22. Heatherton Landowners Executive
23. The Marchese brothers, Heatherton
24. Ms Raisa and Mr Peter Rowe, Five Ways
25. City of Whitehorse
26. Ms Anne Sgro, Coburg
27. Murrindindi Shire Council
28. Mr Trevor Watts & Ms Yvonne Waugh, Kinglake
29. Koonung Mullum Forestway Association
30. Ms Mary Drost, Convenor - Planning Backlash
31. Ms Pamela Lloyd, West Brunswick
32. Mr Pasquale & Ms Margherita Bernardo, East Oakleigh
33. Ms Marilyn Canet, Taylors Lakes

Select Committee on Public Land Development – Second Interim Report  
Appendix 2 – List of Written Submissions Received

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34. Ms Catherine Pearson, Friends of the Melbourne Wildlife Sanctuary and Wildlife Reserves
35. Mr Alan & Ms Jennifer Rowe, Five Ways
36. Devilbend Foundation Inc.
37. Friends of the Maribyrnong Valley Inc.
38. Mordialloc Beaumaris Conservation League Inc.
39. Mr Maurice Schinkel, Cowes
40. Frankston City Council
41. Mr Peter Brohier, Caulfield
42. Residents 3000 Inc.
43. Cardinia Ratepayers & Residents Association Inc.
44. Greater Shepparton Botanic Gardens Association Inc.
45. Notting Hill Community Association
46. Mr John Knell, Wantirna
47. Geelong Environment Council
48. Darebin Appropriate Development Association
49. West of Elgar Residents' Association Inc.
50. Mr John Purdy, Wantirna
51. City of Whittlesea
52. Glen Eira Residents Association Inc.
53. Mr Frank Penhalluriack, Caulfield
54. National Trust of Australia (Victoria)
55. Merri and Edgars Creeks Parkland Group
56. Colac Otway Shire
57. Mr M. J. Jackson, Kew Cottages Coalition
58. Mr Geoff Harris, Kew Cottages Coalition
59. Mr Don Anderson, Kew Cottages Coalition
60. Shire of Strathbogie
61. Land Owners Rights Association Inc, Safety Beach
62. Mullum Mullum Festival Committee
63. Ms Jennette Wade, Cardinia
64. Maroondah City Council
65. Ms Alison Walpole, Whorouly South
66. Bayside City Council
67. Ms Bobby Koroneos, Keilor Downs
68. Ms Janis Rossiter, Seddon
69. Mr Don & Ms Emma Butler, Euroke



Select Committee on Public Land Development – Second Interim Report  
Appendix 2 – List of Written Submissions Received

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70. Dr Melissa McCulloch, Greensborough
71. City of Stonnington
72. Mr Michael & Ms Kerry Shanahan, Greensborough
73. Ms Margaret Ryan, North Caulfield
74. Mr Brian Duvoisin, Nunawading
75. Interface Councils
76. Australian Labor Party, Geelong West Branch
77. Mr Dennis O'Connell, Thornbury
78. Mr Peter Edhouse, Hastings
79. Mr Peter Dickinson, Marysville
80. Mrs Elva Mattock, Euroke
81. Mrs Lucia Morham, Euroke
82. Mr E.G. Stuckey, Apollo Bay
83. HM Leisure Planning
84. Ms Ronti Basiri, Mordialloc
85. Mr Jim Lowden, Donvale
86. VicRoads
87. Mr Matt Sheppard, Greensborough
88. Friends of Yarra Valley Parks
89. Dr Svetlana Ryhikh, Greensborough
90. Venus Bay Wetlands Project
91. Gippsland Carers Association
92. City of Moonee Valley
93. Moreland City Council
94. Mr Neil Longmore, Gellibrand River
95. Mr Paul Rumpf, Parwan
96. Carlton Residents' Association and Carlton Gardens Group
97. Toorak Village Residents' Action Group Inc
98. Latrobe City Council
99. Nillumbik Ratepayers Association
100. Municipal Association of Victoria
101. City of Greater Dandenong
102. Mr Andrew Hay, Mentone
103. Construction Material Processors' Association Inc.
104. Mr Frederick Olsson & Mrs Beverly Olsson, Park Orchards
105. Warnambool Golf Club
106. Ms Diane Brooker, Greenborough

Select Committee on Public Land Development – Second Interim Report  
Appendix 2 – List of Written Submissions Received

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107. Ms Marina Lewis, Gellibrand River
108. Dr Marion Manifold, Camperdown
109. Minister for Finance, Victorian Government
110. Mr Greg Alabaster, Moorabbin
111. Malvern East Group
112. Unchain St Kilda
113. Queenscliffe Community Association Inc.
114. Mr Geoffrey Gordon, Mt Eliza
115. Mr Paul Cleaves, Wantirna
116. Protectors of Public Land
117. Friends of Chicquita Park
118. North & West Melbourne Association Inc
119. Save Albert Park Inc.
120. Vegetable Growers' Association of Victoria Inc.
121. Mr Kevin Chamberlin, President, Protectors of Public Land
122. Mrs Dianne Ashton, Hastings
123. Ms Heidi Victoria M.P., State Member for Bayswater
124. Glen Eira Community Association
125. City of Darebin
126. Royal Park Protection Group
127. City of Boroondara
128. Dendy Park Association
129. Save Barwon Heads Alliance Inc
130. Ms Gila Schnapp and others, Diamond Creek
131. Save Our Suburbs
132. Nillumbik Shire Council
133. Friends of Caulfield Park
134. Cr Rosemary West, Edithvale
135. Green Wedges Coalition
136. Mr James Hay, Glen Iris

## ❖ **APPENDIX 3**

# **LIST OF HEARINGS AND WITNESSES**

### **26 SEPTEMBER 2007 – KEW**

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- Mr Andrew McIntosh MP  
State Member for Kew
- **Boroondara Residents' Action Group and Planning Backlash**  
Mr Jack Roach, Acting President
- **Boroondara City Council**  
Cr Phillip Healey, Mayor  
Mr Phillip Storer, Acting Chief Executive Officer  
Mr Tom Harrington, Acting Manager, Strategic Planning
- **Kew Cottages Parents' Association**  
Ms Louise Godwin, Executive Officer  
Mr Leo Waterfall, President
- **Kew Cottages Coalition**  
Mr Brian Walsh, President  
Mr Don Anderson  
Mr Max Jackson  
Mr Geoff Harris

### **27 SEPTEMBER 2007 – DEVILBEND**

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- **Mornington Shire Council**  
Mr Alex Atkins, Director, Sustainable Environment
- **Devilbend Foundation**  
Ms Jan Oliver, President  
Mr Roger Richards, Vice President  
Dr Brian Cuming, Member  
Mr Jamie Edgerton, Member
- **Devilbend Landcare Group**  
Mr Roger Turner, Chairman  
Ms Maria Clarkson, Treasurer  
Mr Jamie Edgerton, Member  
Mrs Susan Todd, Member
- Mr Neale Burgess MP  
State Member for Hastings

### **8 OCTOBER 2007 – PARLIAMENT HOUSE**

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- **Walker Corporation**  
Mr John Hughes, Managing Director  
Mr Mike Randall, Development Manager

### **29 OCTOBER 2007 – PARLIAMENT HOUSE**

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- **Department of Treasury and Finance**  
Ms Trudy Hart, Director of Land and Property Group  
Mr Ian Gibson, Solicitor to Treasury and Finance

**7 NOVEMBER 2007 – PORT CAMPBELL**

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- **Sahara J Enterprises**  
Mr Russell Brown, Geotechnical Engineer
- **Port Campbell Community Group**  
Dr Marion Manifold
- **Warrnambool Golf Club**  
Mr Gary Parsons, Club Secretary  
Mr Brian Callaghan  
Mr Steven Lucas
- **Corangamite Shire**  
Ms Sophie Segafredo, Manager, Strategic Planning and Environment
- **Port Campbell Environment Group**  
Dr Helen Arundel
- Ms Julie Brazier, local resident
- **Port Campbell Fishermans' Association**  
Ms Marion Gordon, Secretary
- **Protectors of Public Land**  
Ms Julianne Bell, Secretary

**8 NOVEMBER 2007 – APOLLO BAY**

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- Mr Neil Longmore, Barrister and Solicitor
- **Colac Otway Shire**  
Mr Mike Barrow, Manager, Economic Development
- **Apollo Bay and Kennett River Public Reserves Committee**  
Mr Gary McPike, General Manager
- **Otway Forum**  
Mr John Spencer  
Mr Neil McGain
- Mr Edward Stuckey, local resident
- Mr Harry Ferrier, local resident

**19 NOVEMBER 2007 – PARLIAMENT HOUSE**

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- **Department of Sustainability and Environment**  
Mr Peter Harris, Secretary  
Ms Caroline Douglas, Director, Public Land Use & Development  
Mr Maurice Grealy, Senior Project Officer
- **Municipal Association of Victoria**  
Ms Liz Johnstone, Senior Planning Adviser  
Ms Lisel Thomas, Melbourne 2030 Liaison Officer

**27 NOVEMBER 2007 – PARLIAMENT HOUSE**

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- **Department of Planning and Community Development**  
Mr Yehudi Blacher, Secretary

Ms Genevieve Overell, General Manager - Planning, Heritage and Urban Design  
- Planning and Local Government Group

- Hon Alan Hunt, former President of the Legislative Council and former Minister for Planning
- **Interface Councils**  
Mr J. Francis, Director, Corporate and Economic Development, City of Whittlesea  
Mr D. Jackson, Coordinator, Strategic Planning, City of Whittlesea
- **Save our Suburbs**  
Mr Ian Quick

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#### **28 NOVEMBER 2007 – PARLIAMENT HOUSE**

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- **City of Moonee Valley**  
Cr Rose Iser  
Mr Jeremy Wood, Group Manager, City Development
- **Green Wedges Coalition**  
Ms Rosemary West, Joint Coordinator
- **Frankston City Council**  
Mr Michael Craighead, Manager, Governance and Customer Relations

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#### **13 DECEMBER 2007 – PARLIAMENT HOUSE**

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- **Tourism Victoria**  
Mr Greg Hywood, Chief Executive  
Mr Brad Ostermeyer, General Manager, Tourism Investment
- **Mirvac Group**  
Mr Richard Altson, Director, Property Acquisitions

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#### **30 JANUARY 2008 – PARLIAMENT HOUSE**

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- Professor Catherin Bull  
Professor of Landscape Architecture & Associate Dean (Research and Research Training), Melbourne University
- **Parks Victoria**  
Mr Mark Stone, Chief Executive
- **National Trust of Australia (Victoria)**  
Dr Juliet Bird, Chair, Landscape Committee  
Mr Rob Youl, Member, Landscape Committee
- **City of Stonnington**  
Councillor Claude Ullin, Mayor  
Mr Hadley Sides, Chief Executive Officer  
Mr Harry Polydorou, Project Planner

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#### **31 JANUARY 2008 – PARLIAMENT HOUSE**

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- **City of Greater Dandenong**  
Mr Mal Baker, Director, City Development;  
Ms Lynette While, Manager, Property Leisure & Accessibility
- Associate Professor Mardie Townsend  
School of Health and Social Development, Deakin University

- **Department of Infrastructure**  
Mr Howard Ronaldson, Secretary
- Mr Peter Carroll
- **VicTrack**  
Mr Greg Holt, Chief Executive Officer

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**13 FEBRUARY 2008 – CAULFIELD**

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- **Melbourne Racing Club**  
Mr Brian Discombe, Development Manager  
Mr Glen Canty, Administration Manager
- **Glen Eira Council**  
Cr Margaret Esakoff, Deputy Mayor  
Mr Andrew Newton, Chief Executive Officer  
Mr Jeff Akhurst, Director, City Development
- **Caulfield Racecourse Trustees**  
The Hon Tom Reynolds  
Mr Greg Sword  
Mr Peter LeGrand
- Mr Peter Brohier
- **Glen Eira Residents' Association**  
Mr Jack Campbell
- **Glen Eira Community Association**  
Mr Don Dunstan, President  
Ms Cheryl Forge
- Mr Frank Penhalluriack

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**5 MARCH 2008 – ST KILDA**

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- **City of Port Phillip**  
Mr David Spokes, Chief Executive Officer  
Mr Geoff Oulton, Director, City Development
- **Unchain St Kilda**  
Mr Peter Holland  
Mr John Bennetts  
Mr Don Gazzard
- **Esplanade Alliance**  
Ms Helen Halliday  
Ms Faith Fitzgerald
- Mr David Brand
- Mr David Carruthers

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**17 MARCH 2008 – COBURG**

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- Cr Andrea Sharam
- **Moreland City Council**  
Mr Peter Brown, Chief Executive  
Mr David Dunstan, Manager, Open Space

- Ms Anne Sgro
- **Merri and Edgars Creek Parkland Group**  
Mr Greg Carden, Chairperson
- **Moreland Bicycle Users Group**  
Mr Ross Millward

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### 18 MARCH 2008 – GEELONG

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- **Save Barwon Heads Alliance**  
Ms Elissa Ashton-Smith, Secretary  
Mr Steve Wickham, Vice President
- **Queenscliffe Community Association**  
Ms Chrinstine Johnson  
Ms Joan Kenwood
- **Victorian Coastal Council**  
Ms Libby Mears, Chair
- **Friends of Bellarine Hills**  
Ms Gillian Walker
- **Borough of Queenscliffe**  
Cr Pat Semmens, Mayor
- **City of Greater Geelong**  
Mr Aaron Garret, Project Development Planner  
Mr Dean Frost, General Manager - Community Infrastructure and Recreation  
Mr B Renouf, Sustainability Officer - Environment Unit

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### 3 APRIL 2008 – PARLIAMENT HOUSE

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- **Royal Park Protection Group**  
Ms Julianne Bell - Convenor  
Mr Tom Pikusa
- **West of Elgar Residents' Association**  
Ms Elizabeth Meredith - Community Contact  
Dr Terry Randle - Gardiners Creek community Group Spokesperson & Member of WERA
- **Deakin University**  
Mr Mark Naughton, Planning and Property Partners  
Mr Graeme Dennehy, Chief Operating Officer  
Mr Paul Farley, Interim Director Facilities Management  
Ms Yvonne Yip, Acting Manager Asset Development
- **Friends of Chicquita Park**  
Ms Cathy Jeddou  
Cr Rosemary West, City of Kingston
- **Carlton Residents Association & Carlton Gardens Group**  
Ms Margaret O'Brien, Convenor, Carlton Gardens Group  
Ms Anne Ritter, Gardens Representative, Carlton Residents Association
- **City of Melbourne**  
Mr Rob Adams, Director, City Design and Urban Environment

- **Residents 3000**  
Mr Peter Matthews, President
- **Protectors of Public Land**  
Ms Julianne Bell, Secretary  
Mr Tom Pikusa
- Ms Heidi Victoria MP - Member for Bayswater  
Mr Paul Cleaves

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**21 APRIL 2008 – PARLIAMENT HOUSE**

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- **VicRoads**  
Mr Gary Liddle, Chief Executive
- **Point Lonsdale Coastal Spaces Group**  
Mr David Mitchell
- **City of Boorondara**  
Cr Coral Ross, Mayor  
Cr Jack Wegman  
Mr Philip Storer, Director, City Planning  
Mr Johann Rajaratnam, Manager, Strategic Planning
- **Boorondara Residents' Action Group**  
Mr Jack Roach, Acting President
- **Planning Backlash**  
Ms Mary Drost, Convenor

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**20 MAY 2008 – PARLIAMENT HOUSE**

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- **Citta Property Group**  
Mr Stephen McMillan, Managing Director

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**22 MAY 2008 – PARLIAMENT HOUSE**

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- Hon. Justin Madden, Minister for Planning
- Hon. Theo Theophanous, Minister for Major Projects





## **APPENDIX 4 LIST OF DOCUMENTS/INFORMATION NOT PROVIDED TO THE COMMITTEE**

### **ALL STATE GOVERNMENT DEPARTMENTS**

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- Data for the last five years relating to
  - the sale and/or proposed sale of public land;
  - any transfer of public land between Government departments, entities or local government;
  - any significant change in land use; and or
  - any redevelopment of public land.

### **DEPARTMENT OF SUSTANABILITY AND ENVIRONMENT**

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- A list of public land that has been sold or alienated in the recent past.
- A list of government land that has been sold or disposed of in recent years.

### **DEPARTMENT OF TREASURY AND FINANCE**

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- A list of all sales and/or transfer of public land by all Government departments for the past five years, detailing:
  - the address,
  - approximate land size,
  - sale price,
  - method of sale (eg. public tender), and
  - any conditions placed upon the sale or proposed sale.
- A list of examples of the ‘exception circumstances’ referred to in paragraph 51.1 of the Department’s opening statement in evidence on 29 October 2007.

### **PARKS VICTORIA**

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- A list of proposals before Parks Victoria to develop structures on Crown land for the past two years.
- Whether section 7(7)(b) of the *Parks Victoria Act 1998* relates to land not owned by the State, and any related examples.

### **TOURISM VICTORIA**

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- A list of the projects that Tourism Victoria has been involved in on Crown land.
- A copy of the agenda and minutes from the Tourism Task Group.

### **VICTORIAN COASTAL COUNCIL**

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- Advice if any, provided to the Minister for Tourism over the last three years in relation to coastal policy or individual public land sites.
- Advice if any, provided to the Minister for Tourism over the last three years in relation to the Ramsar sites.



## EXTRACTS FROM THE PROCEEDINGS

The following extracts from the Minutes of the Proceedings of the Committee show Divisions which took place during the consideration of the draft Second Interim Report on 10 June 2008.

The Committee divided on the respective questions –

1. That paragraphs 5, 21 and 40, stand part of the Report.
2. Second Interim Report – That the Draft Second Interim Report, together with Appendices, be adopted as the Second Interim Report of the Committee.

The result of each division is detailed below:

### PARAGRAPH 5

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In particular, the first interim report highlighted a lack of co-operation from heads of departments with respect to the giving of evidence and production of documents. This has significantly restricted the Committee's ability to gather critical evidence from key Government departments.

Question – that paragraph 5 stand part of the report – put.

The Committee divided.

**Ayes 3**

Mr P R Hall  
Mr E J O'Donohue  
Ms S M Pennicuik

**Noes 3**

Mr P D Kavanagh  
Mr B L Tee  
Mr E W Thornley

There being an equality of votes, the Chairman gave his casting vote for the Ayes.

Question agreed to.

### PARAGRAPH 21

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The Committee also notes with concern recent changes to the KRS Development Plan Stage 2 boundaries which may threaten the protected Historic Avenue of trees and Main Drive Public Open Space.

Question – that paragraph 21 stand part of the report – put.

The Committee divided.

**Ayes 3**

Mr P D Kavanagh  
Mr E J O'Donohue

**Noes 2**

Mr B L Tee  
Mr E W Thornley

Ms S M Pennicuik

Question agreed to.

\* Mr P R Hall Absent

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**PARAGRAPH 40**

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The Committee believes the State Government should reassess its approach to this site and consider a solution involving a much reduced development footprint on this iconic piece of public land.

Question – that paragraph 40 stand part of the report – put.

The Committee divided.

**Ayes 3**

Mr P D Kavanagh  
Mr E J O'Donohue  
Ms S M Pennicuik

**Noes 2**

Mr B L Tee  
Mr E W Thornley

Question agreed to

\* Mr P R Hall Absent

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**ADOPTION OF THE REPORT**

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Mr P D Kavanagh moved – That the Draft Second Interim Report, together with Appendices, be adopted as the Second Interim Report of the Committee.

The Committee divided

**Ayes 3**

Mr P D Kavanagh  
Mr E J O'Donohue  
Ms S M Pennicuik

**Noes 2**

Mr B L Tee  
Mr E W Thornley

Question agreed to.

\* Mr P R Hall Absent

## **MINORITY REPORT**

This Committee has failed to grasp the opportunities presented to help the community.

The Liberal, National and Green members of the Committee have acted in political coalition. Together they have refused to accept that they are answerable to the terms of reference prescribed by the Legislative Council. Rather than being constrained by the terms of reference the Committee has used the terms of reference as a staging point from which to roam at large.

When Government witnesses acted in a way that is consistent with the Committee's terms of reference, the Committee suggested that the resulting impasse was caused by Government obstruction.

The Committee has refused to return to the Legislative Council to clarify its terms of reference. This, despite clear testimony that Government witnesses currently constrained by the terms of reference would be in a position to respond to all matters that fell within a widened terms of reference. This interim report is another lost opportunity for the Committee to clarify its terms of reference. The failure to clarify the committee's terms of reference means the impasse between the Government and the Committee will not be resolved. This will continue to waste time and resources.

In its interactions with the community, the Committee has failed to bring about any new evidence or information or solutions to a range of important issues that were already subject to community activism. Important pre-existing community issues like those surrounding the St Kilda Triangle project have had no new evidence or solutions brought about by the late arrival and grand-standing of this committee. The Committee has raised the hopes of many community activists on many local planning issues but has failed to deliver anything of value to these hard-working citizens or effectively addressed any of their concerns.

Despite the ineffective partisan explorations of the Committee, Government members have sought to find opportunities to make a difference on matters raised before it. Two examples, ironically of matters that were peripheral to the purpose of the Committee, serve as examples.

Important issues of public safety were raised in respect of the gradual erosion of the cliff faces at Port Campbell. These matters are of concern whether or not four car parking spaces are sold to a developer – the only connection to the terms of reference of the Committee. Government members have brought the safety matter to the attention of the relevant Minister who will meet with community activists and technical experts to review their concerns.

Similarly, the Committee's review of the Caulfield Racecourse Reserve and a development application for the northern corner of that site uncovered no new material matters of relevance to the Committee's terms of reference. Discussions with local councillors and community activists did, however, raise issues about public access to the land at the centre of the reserve and opportunities for far greater community access and sporting and recreational use of this vital land resource. Government members have again drawn the attention of the relevant Ministers to

these matters and had follow-up meetings with members of the Board of Trustees to seek ways to open up use of this land to the wider community.

These matters, important as they are, represent a very small dividend for the hundreds of thousands of taxpayers dollars and person days devoted to the work of the Committee. This is particularly so when the issues the Committee could have addressed are so important and pressing.

The Committee has failed the community. Victoria is booming. We are seeing the highest birth rates since the 1970's. Melbourne is growing by 1200 new residents every week. This growth is a huge challenge and opportunity for the Victorian community.

The community and Government are looking at how best to accommodate these new Victorians in an environmentally and economically sustainable way. Public land use, Melbourne 2030 and Green Wedges are all critical to this debate. And yet the Committee's second interim report, like the first, is stunningly silent on how to manage growth. In the context of a booming population growth the report offers no recommendations or insights on Melbourne 2030, public land and/or green wedges.

The Committee has not used the opportunity to bring together the views of Government, the community and experts on accommodating growth.

Instead, the second interim report traverses the same ground and often just plagiarises the first interim report. There will be no new evidence after 30 June 2008 so the final report will again repeat the same material set out in the first and second reports. The Committee seeks an extension of time to traverse the same issues in its final report.

The resources dedicated to this Committee should be reallocated to work that will help the people of Victoria manage growth.

**Mr Brian Tee, MLC,  
Deputy Chair**

**Mr Evan Thornley, MLC**