

TRANSCRIPT

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into the public housing renewal program

Melbourne — 10 November 2017

Members

Ms Margaret Fitzherbert — Chair

Ms Nina Springle — Deputy Chair

Mr Joshua Morris

Mr Daniel Mulino

Ms Fiona Patten

Mrs Inga Peulich

Mr Adem Somyurek

Ms Jaclyn Symes

Participating Members

Ms Georgie Crozier

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Ms Colleen Hartland

Mr Gordon Rich-Phillips

Witnesses

Dr Ian Porter, Committee Member, and

Mr Peter Fellows, Committee Member, Ashburton Residents Action Group.

The CHAIR — Thank you very much for coming this afternoon. We are of course hearing evidence in relation to the public housing renewal program, and the evidence is being recorded. All evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you may say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege. We have been asking people, if they wish to do so, to make comments of no more than 10 minutes or so and then we will have questions. However, I see that you have thoughtfully brought a presentation to take us through, so we might commence with that, if that is what you wish to do.

Mr FELLOWS — We will be doing a tag-team effort on this one. I was going to go through a couple of pages that summarise it, and Ian is going to just look at some of the key issues after that. We think it is not going to be that much more than 10 minutes.

The CHAIR — Sure, sounds good. We will let you start then.

Mr FELLOWS — I am going to basically read this presentation to keep on the straight and narrow, so as not to wander off onto other things. Thank you for your time. It is certainly appreciated a lot because we have been a fairly frustrated group in terms of getting our message across.

We of course represent the Ashburton Residents Action Group. While as a result we are focused on the Markham estate, most of what we say has applicability to the other public housing estates around the place. We are here to do no more than to argue for what we think the community would believe is eminently reasonable. We were formed a bit over two years ago when the minister for public housing announced that the site would be rebuilt from the 56 two-storey flats that were there previously, in poor condition, to 240 dwellings. The Markham estate is located in the back streets of Ashburton. It is a good three-quarters of a kilometre or so away from any major road, and a development of that size — 240 dwellings — will be hugely inconsistent with the surrounding neighbourhood. Later this proposal became 252 dwellings of up to seven storeys. And to get another idea of the scale, for the private development it is going to have an underground car park capable of holding 220 vehicles.

It involves the loss of 76 of 82 trees which border a sensitive biodiversity corridor on Gardiners Creek, almost inevitably some level of permanent parking on surrounding streets because the design incorporated what we think was a fairly mean-spirited assessment of parking needs, and some real level of road congestion on the very minor, very narrow Markham Avenue. In recent years it has had the Gardiners Creek bicycle track brought down the side of it, so the streets do not come any narrower than this, and there are real pinch points at some places, like the intersection of Ashburn Grove and Markham Avenue.

If this was not bad enough, the public housing site was required to be turned into a mainly private dwelling site. Three-quarters of all dwellings were going to be private. Fifty-six poor-quality public houses were to be rebuilt of course, with a minor six more added, but if you measured public housing capacity in terms of the number of bedrooms, the result of development would be a slight decrease in public housing capacity; and public housing was also to be strictly separated from private — anything but what we understand to be best practice.

The CHAIR — Can I just briefly ask, the reduction of bedrooms, do you know what the figure is?

Mr FELLOWS — I can find it.

Dr PORTER — It is 112 to 109.

Mr FELLOWS — Yes, it is about three less or something of that sort.

Ms PATTEN — They are only building six new ones.

Mr FELLOWS — Yes, six new ones, because there is a 10 per cent uplift, which means 5.6 actually, so they have rounded it up, which is good.

The CHAIR — Sorry, I interrupted. Please go on.

Mr FELLOWS — At the time of the first announcement the site was zoned GRZ4 — ‘9-metre maximum recommended’. Subsequently the government has introduced amendments to zoning and the GRZ4 becomes ‘11 metres mandatory’. Seven storeys is double that height limit.

In response the local community became heavily involved with, amongst other things, two standing-room-only public meetings, a well-publicised march in Ashburton which got certainly Victoria-wide media coverage and active Facebook and email lists. Therefore we have gained some traction as a result, and this has contributed to the coverage in the media. For some of the people taking part in that march through Ashburton's shops, it was probably the first and only time they had ever marched, so there is a significant groundswell of concern.

We can go into further detail about the impacts, but the key thing here really is: how did we get to this situation? We got to it because of what we understand to be the government's chosen funding model. The unarguably precious infrastructure is required to be what I call self-funding. The number of private dwellings needs to be sufficient that the profit from their sale can fund reconstruction of the public housing, plus that 10 per cent, and at least, as initially intended, return land sale value to the government. The starting point in planning for the site has not been what is appropriate in terms of scale for it but what is needed to comply with the funding model objectives. It would of course be a weird coincidence if the size of the development proposed were to be the same under both objectives. None of this is new to you as a committee, I am sure.

We recognise that all governments are struggling to finance infrastructure investment, where demands are very high particularly with record population growth, but why decide on the application of this funding model when it would be laughed out of court if it was suggested for other social infrastructure like schools? While it involves the permanent private sale forever, even the port of Melbourne returns to the community I think in 40 or 50 years. Melbourne's train and tram businesses have not been sold off forever. What makes public housing land in terms of infrastructure provision so different from anything else?

This is a significant issue, as I say, because there is no going back and also because Markham is only one, albeit a vanguard, of 10 public housing sites similarly being treated, as we understand it. It is something that the government should have discussed with community but has steadfastly refused to in any forum. If it is proud of its approach, why would it not? The community was not aware of this ridiculous arrangement beforehand, but we have not been able to debate this with the government because for two years the government has refused to respond in any meaningful way on this issue. It treated our reasonable, balanced, rational concerns and questions with complete and utter disdain, and the plans to assume planning authority from the council so that it would never have to debate the pros and cons with its critics and detractors, I think, are seriously, seriously undemocratic.

Further evidence of the stain of the process has been the minister's recent document, *Reasons for Decision to Exercise Power of Intervention*, which puts the case of course for the minister assuming planning authority from the council. It fails completely to demonstrate that this is a project of 'state significance', as we understand it is required to do. On the first page of the document it argues the reason for intervention is the importance of the increasing public housing waiting list, given its size — 35 000 or whatever — but it is only producing six more on this site where it could hold 10 times that number of additional public housing sites. So is this a concern to be believed? It argues urgency to get on with the project as a key reason when it is showing the most appalling tardiness in getting the project underway. It lists half a dozen 'key issues' raised by the community and the council about this project, but in these key issues it does not include reference to the small number of public dwellings coming out of this site development, which has always been an utter key focus of our concerns. In my opinion, this amounts to an untruth by omission. Why? Because it is too embarrassed to debate this.

This application must not be rubberstamped by Parliament if the process is to retain any credibility. Recently there has been a redesign of the development involving a small decrease in scale, but everybody should remember that this work has happened only solely and completely because of local resident and council pressure. The maximum height is five storeys. It is still well above the GRZ4 11-metre figure, with some greater setbacks next to the park and the sportsground, but still an awful lot of overshadowing will occur. Now there is some integration of public and private and an increase in the percentage of site which has deep soil in terms of maintaining trees and such like. But the number is still 93 per cent of the number first announced in 2015. The scale of the development is virtually unchanged. We should not let the government pretend otherwise.

Finally, just to repeat our recommendations contained in our submissions — we have got four of them here. The inquiry should, one, conclude that the funding model is fundamentally flawed for public housing infrastructure and that it produces unacceptable outcomes for the local community and for public housing; two, the inquiry should recommend that public housing sites remain principally public housing; three, the inquiry should recommend that councils are best placed to decide on planning developments in their jurisdictions, and any

assumption of planning authority by the Minister for Planning must be in demonstrable or extraordinary circumstances and must only be done if there are checks and balances to ensure that the minister is not abusing his or her significant powers in this area; and finally, any future consultation needs to be ongoing from the announcement of the project so that residents have a meaningful input into the plans and proposals.

Of course that is not to say that everyone will agree — highly unlikely — but the community must feel that it has had a reasonable opportunity for interaction and debate with the government on major works like this. Thank you for that, and I will pass it over to Ian to quickly go through some of the overhead slides.

Dr PORTER — Is that okay if I proceed?

The CHAIR — Absolutely.

Visual presentation

Dr PORTER — We have got a handout of what is on the slides too.

Ms PATTEN — Can I just clarify something? It is 62 public housing units —

Mr FELLOWS — Yes.

Ms PATTEN — plus 225 —

Mr FELLOWS — No, the grand total is 225, so you take the 62 off.

Ms PATTEN — The grand total is 225; okay.

Dr PORTER — If you are like me, you like things visually presented as well, so I put this together. I am Dr Ian Porter. I actually chair a committee for the UN at the Montreal Protocol, where we decide on decisions like this based on consensus, and so I am in a position now to say this is the most ludicrous thing I have ever heard of, the way this has been done and the rationale in the way it is been approached. What I am hoping to do here is show you the key points under the five points of the terms of reference just to highlight those ridiculous scenarios.

I have first put up a general comment about the ARAG view and the Ashburton community view on the whole submission, and then underneath, because we have been closely involved with Markham Avenue, I have put the points that are relevant to the review based on that.

So in relation to the adequacy of the 10 per cent increase, with over 35 000 people plus another 7000 seeking social housing and on social housing waiting lists, which is ever increasing, the number that we are putting here of 10 per cent, with actually three reduced bedrooms, which is really no increase at all, shows there is no increase and it is just deplorable.

The Markham comments are that it was supposed to be an increase; it is in fact a decrease with the number of bedrooms. The government claims a 10 per cent increase. You have got the number of units — 56 to 62, and you have got the number of bedrooms there. The plan is for site numbers of units to increase to 225, which is a 400 per cent increase in the site with units, but they are basically all private. The rest is profit-making for private residences and the sale of 71 per cent of the public asset, which is the land. So we have got a pretty negative scenario for public housing.

Second, the allocation between public and private. The general comment is that it does not even meet the government's guidelines on its landholder policy, which requires that public land should only be sold where it is declared surplus. In this case you are getting rid of 72 per cent of the public land to private. It is a huge area of land that is going, and it will not ever be got back again and you are not increasing anything for public housing.

There are significant increases in height, density and impacts. We have been debating this for two years, and there are massive documents here which we cannot go through in 10 minutes. But I will just summarise some of the key things here, which Peter has already covered.

The general comment is that the size of the development, and this is beyond Markham, is overinflated because of the need for cost neutrality, which did originally include the sale of the land. There are grossly overestimated

views of the number of private dwellings that are required to fund the public dwellings. It is just grossly overestimated, and they are conservative because they are government estimates, but we have had people from Buxton on our committee, and they have said that you could build 62 units for much fewer private units and still be cost neutral.

The Markham comment is that the planning zone at the site, as Peter said, had a 9-metre discretionary height limit put on it. Now it is potentially up to 20 metres; in the original plan it was over 23 metres. These are buildings abutting your back garden. They are 23 metres high directly on the boundary of domestic residential housing. It is ridiculous. It just does not make sense.

Ms CROZIER — Can I just interrupt you? How many storeys is 23 metres?

Dr PORTER — It was seven, but it had plant on the roof. We are not sure of the new requirements because we have only got an envelope. We do not have any dimensions, nothing.

Ms CROZIER — We have seen a similar situation arise through sky rail, where that development is abutting backyards as well.

Dr PORTER — Yes. It is not 23 metres, I do not think. I do not know how high it is — —

The CHAIR — It is about that, actually.

Dr PORTER — It is about that, is it?

Ms CROZIER — So that gives a comparison for people to understand. That is fairly significant, I suggest.

Dr PORTER — It is incredibly significant. Probably the worst thing we revealed under an FOI was an email from government gloating about the reaping of a super profit for the Markham estate based on a 250-unit model. This was an email to another delegate saying ‘a super profit’. This was clearly not a statement under cost neutrality.

These are the dimensions that you would be looking at if it was a seven-storey development. Within a kilometre of that development there is nothing higher than two storeys. So that is what you would be looking at in the back streets of a suburban area, abutting Gardiners Creek, which is a sensitive Aboriginal site.

Ms CROZIER — What consultation was given to you or anyone in relation to that issue?

Dr PORTER — Zero.

Ms CROZIER — No consultation from government?

Dr PORTER — Before plans came out, zero, absolutely —

Mr FELLOWS — The first we knew about it was in September 2015 with a press release from the minister for housing. That was the first we knew about it, just straight out of thin air.

Ms CROZIER — With that plan?

Dr PORTER — Yes.

Mr FELLOWS — Not detailed plans at that stage, but a 240-dwelling development on a 1.4-hectare block.

Dr PORTER — The residents abutting the development have not even been spoken to.

Ms CROZIER — Still?

Dr PORTER — Still.

Mr FELLOWS — Still, yes.

Ms CROZIER — Are you serious?

Dr PORTER — I am. I am one of them.

So they are some of the other issues with the units — massive size, the height, the visual bulk, the lack of integration, with no consideration for the neighbourhood character within a kilometre of two-storey zones. That is what the visual mass will look like from the back gardens of the residents of Ashburn Grove; that is with the original plan. We do not have the dimensions for the new plan because we only have an envelope that has been put out for the 225 units. So they will be five storeys. But that is the bulk of the development.

That is the footprint for the development beforehand. On the left you can see 70 per cent permeable land. This is on land that is going down to Gardiners Creek. Between the development and the creek is Ashburton forest, which contains two ecological vegetation zones, which are pristine zones for biodiversity. It will completely destroy those over time because of the altered watertable.

Ms PATTEN — I am guessing, looking at the after shot, that the slither on the left is the public units. So it is completely segregated — public and private?

Dr PORTER — This one is. The new one appears to be peppered, so there are going to be units dispersed amongst the private development. However, 39 units are located in building A, at the top, still segregated, which might be sensible; I do not know. The rest are going to be peppered throughout, but there is no saying that will happen.

Ms CROZIER — Can I just continue on that point, because you were saying that most of the private dwellings will have cars. I think in your opening statement you talked about the number of potential cars coming into those narrow streets. What further impact will that have, do you believe, on the Gardiners Creek amenity and the bike paths that you mentioned.

Dr PORTER — We will show you.

Ms CROZIER — Have you got a —

Mr FELLOWS — Yes, it is an incredibly busy bike track, both with commuters, and on weekends with families. I do not know if you know the area, but it is incredibly busy. I think in the previous analysis it was going to be in peak times a car crossing in or out of that area every 30 seconds.

Ms CROZIER — From the development?

Mr FELLOWS — Yes.

Dr PORTER — Yes.

Ms CROZIER — Every 30 seconds a car going in and out. So there is a safety issue?

Mr FELLOWS — We know that the council is worried about the interaction —

Ms CROZIER — I was actually going to ask about the council.

Mr FELLOWS — between bikes and pedestrian traffic, for that matter.

Ms CROZIER — I am sorry to be following up on this, but what have the council said about this?

Mr FELLOWS — I do not want to put words in their mouth, but I think they have been thinking laterally about what could be possibly done to reduce that interaction. It is impossible to see what could be done. Gardiners Creek bike track is going down there because at that part of Gardiners Creek it could not be run behind back fences. So it was a compromise to start off with. As I said before, when it was built it sort of narrowed Markham Avenue considerably of course. I mean, one car park there, one lane queue only.

Ms CROZIER — Congestion is going to be a massive issue then?

Mr FELLOWS — It will be.

Ms CROZIER — Plus the safety issue for the bike path if it is every 30 seconds.

Dr PORTER — That is the council's submission, which you have got, and it hits all the points we are talking about. It mirrors them all. We are virtually not at loggerheads with council on anything.

Mr FELLOWS — No. I think that congestion thing is — just to come back to the point — that it is three-quarters of a kilometre away from either High Street or Warrigal Road. It is not a development on a main road or adjoining a main road. It is minor, local — you might call them backstreets of Ashburton.

Dr PORTER — So this actually covered that just a little bit, but on the internal amenity we only put a few up here. There are many others. But the original proposal did not even comply with the Minister for Planning's Better Apartments draft design guide, and the council hounded them about this. They have gone away now and redesigned it. We have no idea now what they mean or even if they meet those guidelines at all.

Basement construction is huge. It is going to affect the watertable. Almost the whole site is a basement. It is on a sloping block. This is water flow into Gardiners Creek and also into the ecological vegetation zones, which I do not think anyone has even considered, which is full of biodiversity. It will affect the establishment of the native trees and the forest, which is something the council has invested a huge amount of time to get going for people's education. There is no space within the site to plant new large canopy screen trees either, so for the people in Ashburton Grove back gardens there is nothing you can do but stare at this forever.

Traffic and parking — as we said, it is a small suburban street with a bike path. You can see it there on the right. It is no bigger than a standard suburban street. The proposal does not comply with the planning scheme parking requirements. It has inadequate traffic analysis levels. They said there have been no accidents on Warrigal Road, yet my wife's car was written off there two years ago. So I do not know what sort of analysis they did. And there is concern about the on-site parking allowance.

Just on the issues that we are not covering because there was no time — the environmental trees, biodiversity and Aboriginal sensitive site — the council's arborist said 58 trees were considered worthy of retention, but they are taking them all out except for six. The site is an Aboriginal-sensitive site and involves restrictions. It is within 200 metres of Gardiners Creek. It has manna gums in it, which are really important for the Wurundjeri people and their smoking ceremonies et cetera. They could be used for education. At least one of them is planned for removal, which is just ridiculous. It should be used for education. On the biodiversity assessment, the offsets and impacts, the development is too big to provide offsets for the indigenous trees that are being removed. This will require a third party to plant trees somewhere else in the areas of Melbourne. The trees are on the boundaries anyway. They all could be retained.

On the removal of planning controls — a general comment — the government has done everything to avoid any scrutiny. In fact the only people we have been allowed to talk to is Places Victoria, which is the deliverer of the information, not the developer and the planner, which is the government. It has also been incorporated so the minister can assume total control. The project, as Peter said, is supposedly of state significance, but there is no increase in public housing. They are selling off a public asset. That is of state significance. There is no right of appeal or adequate consultation, as you know. It is an appalling approach which reflects just a completely dictatorial approach. I have never noticed it anywhere where I work, and it just does not seem to hold in a democratic society. We say give planning controls back to the councils. It will not be fantastic for the residents, but it will certainly be within the controls.

Just to finish, on the consultation, despite promises on October 2015, where it actually said in the advertisements, 'The local community, council and stakeholders will be consulted as part of the planning process' and then on the right, 'The Victorian government looks forward to working with all these groups', they did not consult with any of us until the plans were developed. And then at that time when they were developed and plans were finally produced, they were not negotiable on the size. Just stick it, and all you can talk about is the colour and the moving. To people like us who are really wanting to be involved and help, it is just a kick in the whatever.

Mr FELLOWS — That was in black and white. We realised in these last two years that the word consultation is a very misused word. It can mean all sorts of things.

Dr PORTER — Which is really sad, because we would like to help and get it right.

Mr FELLOWS — As Ian said, nobody talked to us at all. It finally put in Places Victoria and managed to conveniently put another layer in between the proponent, the government and us. So we then only dealt with the deliverer of the project. Again, as Ian said, in the consultation, which was really just an information session, it was in black and white: ‘We are not going to discuss the size of the development — the key issue’. It was black and white.

Dr PORTER — Just to finish, on Markham and others, this does apply to the others. We are aware of what is happening in the other areas. The proposals that have been put forward by government have been rejected by the Ashburton community. They have never had a rally down High Street. Five-hundred people got out and rallied. ARAG was formed, and it has now got 120 members because they just cannot stand what is happening. BRAG is there, the Boroondara Residents Action Group. The Ashburton Community Residents Association, representing public and social housing, said this is a nonsense. The Boroondara council has said that. The Liberals and the Greens have said it. I do not understand what is going on. It seems very, very weird what is happening. Peter has read out the recommendations, so I will not go through those. I think that is it, so hopefully that gives you a good view of how we feel.

The CHAIR — Thank you for that really comprehensive presentation. That is excellent. I guess I have a couple of questions to kick off. My understanding is that when this was announced in 2015, the announcement was that the estate would be demolished that year. I understand at that stage there were very few people living on the estate. So what has been the hold-up?

Mr FELLOWS — It is now demolished. It has been demolished since February — I am starting to lose the years — of this year, was it?

Dr PORTER — No, the previous year.

Mr FELLOWS — The previous year — February.

The CHAIR — There was that very quick announcement and going ahead with the demolition, and then there has been what seems like a really torturous sort of consultation process?

Mr FELLOWS — Yes, that is right. You are shaking your head there.

The CHAIR — Can you address that?

Mr FELLOWS — We can give you all sorts of anecdotes. For example, just another one I was thinking of, we have never been able to see anybody in the minister for housing’s office. We would of course have liked to talk to him at some time in the two years to really understand it better. We have not even been able to speak to an adviser. No adviser has ever responded to us, and I think we are basically pretty reasonable people. The communication side of this thing has just been abysmal.

Dr PORTER — So what happened is that in 12 months they got rid of the development. They laid it flat, left most of the trees and then it has been left like that ever since — for two years.

The CHAIR — That is the part that I do not understand.

Dr PORTER — Yes, it is just sitting there.

Ms PATTEN — They knocked down the trees as well.

Mr FELLOWS — They have not yet.

Ms PATTEN — No, they did maintain the trees.

Dr PORTER — No, they have not yet. The trees that were there are still there and you could build the units around every one of those. You could take a few out and it would still work.

The CHAIR — What should happen on that site?

Dr PORTER — Turn it into an arboretum and make it something that is valued by the community. It is a fantastic site next to the creek. It is adjoining recreational land; it is also adjoining further parkland. There is

going to be little in Melbourne over time and it should be made a showpiece for the Aboriginal culture that could use the manna gums, which are really important — build up on those. You could put some modest developments there if you want to, but certainly not what they are proposing. It does not fit.

Mr MULINO — I just had one question. Thanks for coming in to give evidence today. You have obviously thought about a lot of aspects of this in great detail, and yet you note in your submission that one of the reasons why governments have gone down this path and in a number of areas of public policy is budget constraints and the need to look at different funding models. You have obviously come to the conclusion that this particular funding model in this context is flawed. I am just wondering whether you have thought about what alternative funding approaches might make more sense?

Dr PORTER — We can give an example. The Preston community area got some input funding to help and assist with the development. This one has got none. Having that would itself reduce the number of private units, and even if you did not want to do an arboretum or turn it into land, you would have a modest development like the one they put in Petrie Boulevard, which is single storey, almost PPP, private-public. It is a very modest development. It would still have the same number of public housing units; it would just have a smaller number of private housing units, which would work for that whole community. It does not need to be this big.

Mr FELLOWS — But your question is a really, really big one. We know that governments struggle with how to get infrastructure funding, the ways and means to do it and the state versus the commonwealth and 1000 million other things. We would not pretend to know what is the way that we should receive funds. We know of course that they got how many billions was it from the sale of the port of Melbourne. I know there are a lot of demands on infrastructure, but just a tiny fraction of that would do something considerable. I keep on coming back to the point I made: why is it that really incredibly precious and vulnerable social infrastructure like public housing infrastructure has to have this terribly rigorous and demanding funding structure on it, whereas we have got toll roads where people pay directly for roads, but most of the roads are not toll roads. There is a huge variety of issues associated with the contribution of users to infrastructure, whether it be schools are anything else. On this one it has been decided to have a discipline that to us is all out of kilter with the nature of this infrastructure.

Ms PATTEN — And to build 62 units, do you really need to build 163 units to fund that?

Mr MULINO — I guess that is the question.

Ms PATTEN — That formula does not seem —

Mr MULINO — I guess the point I was trying to get at was I do not want to put the onus on you to come up with specific funding alternatives. That is not fair. What I was trying to say at the start was that you have obviously put a lot of thought into it so I imagine you have thought about that aspect. I imagine that you are probably open to models where there is a private sector component, but what you are really concerned about here is more the mix, which is skewed a certain way. But private sector participation per se is really what I was trying to get it.

Mr FELLOWS — It has driven an enormous development and, as we have said many, many times, at the sacrifice of public housing potential for the site.

Dr PORTER — If it was 25 private units and 75 public — or per cent — you have got something that really represents something that is doing something for Victoria. But at the moment it is not; in fact you are better off doing zero. If it is cost neutrality and you are not increasing public housing units, you have got 60 replacing that you have to find somewhere else but you are selling off the asset, you are better off doing nothing. It is at a cost.

Mr FELLOWS — This is where we have always been keen to debate this issue — discuss it, understand it. Maybe there is some fundamental point that we do not appreciate. But we think of course that if there was a cross-section of the community here, you explain this to them and ask them to vote on that, they would all vote that this is a crazy arrangement. They would all see that there is some distortion in what is happening.

Ms SPRINGLE — What do you think the impact will be of this development on the local community — the neighbourhood?

Mr FELLOWS — It is hard to know where to start.

Dr PORTER — Our emotions are probably expressing that view. We have been fighting this for two years and there are people who are destitute now. They were good people. They are really struggling mentally, and they are abutting this land. I went to see one lady the other day to get just a statement for one of these inquests and she could not talk to me. She was needing help. And it is only through communication. If they had got there early and said this is what we are doing and had a right to be able to talk and speak and be heard you would not have that.

Mr FELLOWS — We are not asking to be separate from every other place around Melbourne because we know that a lot of infill housing is just inevitable with the population growth. We have got to do our fair share. Of course we think this is way out of kilter. Even on a road like Ashburn Grove, which you probably do not know — it is a road that both Ian and I live on — I think the numbers are two-thirds, or 60 per cent, of the dwellings are on multi-dwelling blocks. There is a tremendous amount of infill going on and we accept that as the reality of things. It is of course the scale of what is going on that is concerning.

Dr PORTER — Just to follow that, with infill, the council land could take the infill for private. You do not need this land to take the private to have the infill of this region. We are accepting that the land we have got, they are large blocks, they have got two or three units — that is fine. This is now taking good land for public housing and turning it into what that land is used for. It just does not make sense.

The CHAIR — Ms Patten, do you have further questions?

Ms PATTEN — No, I just agree with you really.

The CHAIR — I guess I wanted to ask what is the next timing issue for this project, which seems to have gone on for so long, or the next milestone?

Mr FELLOWS — We understand that Development Victoria is attempting to get detailed plans to the council before Christmas. They made a commitment with the council, although the council has not got approval rights, to at least give it to them — I am sure they will say this, or have said it, to you — to give them a few weeks to look at it and provide feedback on it. That was a commitment. Of course the other aspect of it is, as I understand it, there still is not a vote to get to approve the minister taking planning authority, and that is a key one. I know I went on and on about it in this one, but having sat around for two years on this and then getting that document, I do not mean to offend anybody here, but when I saw that document, gee, I just could not believe it after two years of these arguments that they would come up with a document so paper thin as that to intervene in the process.

Dr PORTER — That is a 251?

Mr FELLOWS — Yes.

Dr PORTER — We would hope that the 251 is not proceeded on until after they do a review, because I think it is really important that Markham, all of them, are treated fairly and equally and that there is some rationale for your review to actually impact what the planning process is for all the developments — that just makes sense — and come up with something that really works for Melbourne, not for profit for government.

Mr FELLOWS — Just getting back to Daniel's question, if I could, for a sec, I personally think governments — the Victorian government in this case — should centre plan for infrastructure improvements so that in what I call the self-funding category, public housing and maybe a few others, we could actually see a big picture of how we are trying to get infrastructure funding through the multiple sources. I know it is a political football and they are sinking it around, but we just see something crazy going on that looks completely in isolation, and we have never seen any document from government which defends why that discipline has to be applied to public housing but not to a whole lot of other things.

Mr MULINO — I would be really interested to get involved in that discussion. Without wanting to get into government spin, I do think, for example, Infrastructure Victoria is over the medium term hopefully going to bring a more holistic vision of the full suite of infrastructure. But I am totally on board with that; I think we need to see the full toolbox and why we are applying different roles in different contexts. I totally agree with you.

Mr FELLOWS — 'Toolbox' is a good word. The key thing is — I am not telling you anything new — that if it has not been done in two or three years, it will be too late, because for the 10 — or whatever the number

is — sites around Melbourne we are looking at it will be the end of it. This is the one opportunity to keep precious public housing land; there will not be another one. I am not telling you anything new there of course.

Ms SPRINGLE — Ian, are you able to give us a bit more information about the impacts on the water table and the native wildlife?

Dr PORTER — I wish I could. On native vegetation I certainly can, but on the water table I cannot, because I do not think there has been a review of what the size of the underground car park will do. The trees that will be lowered are all river red gums, and they are bordering Gardiners Creek, so they are going to be affected in some way, but maybe they will put things in to prevent the water table changing. But there has been no, as far as I know, review; they have not looked at it at all.

Ms SPRINGLE — Wow, okay.

Dr PORTER — In fact I rang Melbourne University, the hydrology area, to see if we could get some review done. We could not afford to pay, of course, as residents. Maybe it is being alarmist, but I do not actually think it is. We have got two EVCs. We have got remnant bushlands between this development and the creek on a 40-metre strip that goes out to about 100 metres, so you are going to affect it, and the council has spent the last 30 years that I know of trying to invest in getting us back to remnant bushland. It is a sensitive Aboriginal area as well. Sure, they might not find anything — it is not actually categorised that they have found anything — but if they do, they have to stop work, they are meant to have a logbook and they are then not allowed to do any work till they have taken whatever they find and transferred it elsewhere. Why not do a proper review first and check? Now, they did do just one bit, and they did another six — whatever they call them — boreholes, but perhaps they should be a little bit more rational and say, ‘We’ve got manna gums. We’ve got a sensitive site. We’ve got an EVC area which we don’t have anywhere else in Boroondara, a wonderful spot. Let’s just be sensible and turn it into a small bushland’.

Mr FELLOWS — It has become more important in this latest iteration because in the latest iteration the public car parking spaces are also going to be underground, and when you look at a sketch diagram of it, that means the site will be, what, three-quarters —

Dr PORTER — I do not know.

Mr FELLOWS — I am just going to pick a number like three-quarters underneath will be car parks. This is why they cannot give any more away, because they would have to start thinking about a second floor to the underground car park. I think it is something like, therefore, now 260 or 265 vehicle spaces in an underground car park, and you can see that that is going to take up a huge slab of that space.

Dr PORTER — And look, as far as the EVCs go, the government have done reviews, they did great reviews — of course they would do those — so they have got those reviews there, but there is a lot of information in those for you to refer to about the remnant bushland and the ecological classes and the importance. The river red gums are obviously in the Gardiners Creek flood plain. It is changing all the time too. I can tell you with the increase of water into Gardiners Creek, that is going to erode away, and it might even be under this development in another 100 years if we do not do sensible things to it, because it is eroding into that area, which is only 40 metres from the development. I cannot tell you any more about the hydrology. I am not trying to be alarmist; it is just something that would be nice to know.

Ms SPRINGLE — No, it is useful information. Did you mention that there were endangered species there?

Dr PORTER — Not endangered. There are six indigenous, which are original, species on the site, which is not a massive number. To be fair, in the 1940s we stupidly cleared land as pastoralists in Melbourne and we destroyed a lot, but it does have six trees that are indigenous and they were being removed, or most of them were going to be removed. They cannot be offset elsewhere within the site, because there is no area to plant in.

The CHAIR — Is it the Markham estate that was gifted for public use for public housing, or am I thinking of another one?

Dr PORTER — Was Markham estate gifted for public housing? I do not know. I think it was.

The CHAIR — Yes, I believe so.

Dr PORTER — It states here in a council document that the land is — and I do not understand the term — fee simple. Does that ring a bell with anyone?

The CHAIR — No, that is not what I am thinking of.

Mr MULINO — I used to be a lawyer, but I have forgotten it all.

The CHAIR — We might leave it there. Thank you very much for your presentation. You will receive some draft copies of the transcript from today within a few weeks for checking. Thank you very much.

Mr FELLOWS — Thank you for your time.

Committee adjourned.