



Department of Environment and Primary Industries

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- 8 SEP 2014

Dear Ms Cheers and Ms de Jong; Mr Hindley and Mr Alexander; and Mr Watson

PROPOSED DEVELOPMENT OF THE QUARANTINE STATION, POINT NEPEAN NATIONAL PARK

Thank you for your email of 27 August 2014 to the Hon Ryan Smith MP, Minister for Environment and Climate Change, regarding the Point Nepean Quarantine Station. As this matter falls within my area of responsibility, the minister has asked me to respond on his behalf.

Please find attached responses to the questions that you posed regarding the Quarantine Station and National Park.

For further information, please visit www.depi.vic.gov.au/nepean or contact Project Manager, Garth Bradbury at garth.bradbury@depi.vic.gov.au.

The Victorian Government is determined to strike the right balance between preserving the historical, natural and cultural values of Point Nepean National Park, and ensuring financial viability so that these values can be enjoyed by future generations. We are committed to ensuring environmental and national park values are not compromised.

Thank you for raising this matter with the minister.

Yours sincerely

PETER BEAUMONT

Executive Director Land Management Policy

Encl.

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Point Nepean Quarantine Station

Response to Questions 1 – 20 prepared by The Nepean Conservation Group, Nepean Historical Society and Nepean Ratepayers Association.

Consultation

Q. Will the government rectify the apparent oversight of not including the Australian Heritage Council (HC) and the Victorian Aboriginal Heritage Council (VAHC) in the list of consulting agencies and referral agencies?

A. HC and VAHC have separate approvals processes to consider the proposal. These approvals will be sought as required. DEPI has consulted extensively with Heritage Victoria and the Office of the Victorian Government Architect, who were able to provide valuable guidance during the process to select a preferred proponent. The proponent has consulted with the Boonwurrung Foundation in the development of the proposal.

Q. If, during the term of the lease, an application for an amendment to the Development Plan is submitted, will the community and the Mornington Peninsula Shire Council be consulted before a final decision is made?

A. Yes, if there is any amendment to the Development Plan it is proposed to be sent to Mornington Peninsula Shire Council for comment. Community consultation would then be considered upon the proposal of any such amendments.

Q. Can the role of Parks Victoria, in the management of the eased area, be articulated for community comment?

A. As the park management agency Parks Victoria will be the landlord under the lease agreement. As manager of Point Nepean National Park Parks Victoria will have a liaison relationship with PLG.

Q. What is to be the managerial relationship between the leaseholder and Parks Victoria?

A. The relationship between Parks Victoria and Point Leisure Group will be as landlord and tenant.

Lease

Q. Will the lease be put on public exhibition before it is signed/finalised?

A. Details of the lease which are not commercial in confidence will be released when negotiations are concluded and the lease is registered. This will not preclude key information such as length of term from being known to the public.

Q. Is the boundary of the proposed lease area only negotiable before the lease is signed, or will it be possible for a renegotiation or extension of the leased area after the lease is signed?

A. The lease boundary is still subject to final survey. Once the lease boundary is fixed under the lease it can only be varied by a renegotiation of the lease, which would be subject to the same provisions and approval as the lease currently being negotiated.

Q. Could the minister confirm that the Special Uses Zone 5 (SUZ5) will only apply to the leased area?

A. Yes, the SUZ5 area will only apply to the leased area.

Q. Does the government intend requiring the leaseholder to provide security/a bond as a condition to the lease?

A. Yes, this is the government's intention.

Q. If financial failure should occur, what rights would the mortgagee or lender have over the lease of the Quarantine Station?

A. These terms are the subject of negotiations with the lessee with the clear intention of protecting the state's interests. A lender or mortgagee assuming responsibility for a lease must comply with the same obligations as a lessee.

Q. Will the leaseholder have the right to sell the lease to another developer, and if so, what safeguards will the government put in place to protect the Quarantine Station from inappropriate development?

A. The minister will have final approval of any assignment of the lease. The conditions and obligations are the same for the assignee as for the lessee/assignor, as the conditions of the lease do not change, as is all ongoing compliance with statutory requirements.

Q. If areas of the development are subleased by the Point Leisure Group, would the conditions protecting the natural, historical and cultural heritage contained in the major lease also apply to the sublease?

A. Yes.

Q. If the geothermal resource is not found and an alternative proposal is put forward, would a review, including public consultation, of the new concept be undertaken?

A. If there were a proposal to alter the lease government would be required to conduct public consultation as per section 30AAAB of the *National Parks Act 1975*.

Q. At the end of the lease, do all the assets on the Quarantine Station site revert back to the government?

A. Yes, the assets of the Point Nepean Quarantine Station revert back to the Lessor/Crown.

Subdivision

Q. Is it an oversight that a subdivision clause is contained in the SUZ5 document, and if so, will this clause be deleted?

A. This is a standard provision contained in the creation of Special Use Zones, which by default allows subdivisions to be considered. Subdivisions are only relevant to freehold land. Given the land in question is Crown land, gazetted as a national park, this provision has no material impact.

Natural, Indigenous and Cultural Heritage

- Q. When will the required Conservation Management and Cultural Heritage Management Plans for the site be developed?
- A. During the development plan phase.
- Q. Who will be responsible for monitoring and assessing the implementation of the above plans?
- A. The relevant authorities will continue to have responsibility for monitoring activities (i.e. Parks Victoria/DEPI for conservation management, Cultural Management – Aboriginal Affairs Victoria).
- Q. What steps will be taken to protect the flora and fauna of the Moonah woodland and potential archaeological sites-and artifacts-if the test drilling process occurs before the plans mentioned in 14 above [subdivision] are finalised?
- A. Any works will be required to obtain permission under existing legislation and approvals, providing protection for native flora and fauna.

Research/Education/Museum Precinct

- Q. When will information on the proposal for the research/education/museum precinct be made available for comment?
- A. Announcements about the Education Precinct will be made when negotiations between the parties have reached an appropriate stage. In the interim Melbourne University can be contacted by any member of the community to provide further detail on its concept proposal should it wish to do so.
- Q. If the proposed precinct does not go ahead, what is the government's alternative plan?
- A. Government has included the requirement for the tenant to facilitate an educational precinct in partnership. It will be PLG's responsibility to seek another alternate education based activity. Where possible the Government through DEPI/PV, will assist in facilitating this outcome.

Pedestrian and Cyclist Safety

- Q. Will a traffic management plan be developed in conjunction with VicRoads and the Mornington Peninsula Shire Council? And will the public access roads within Point Nepean National Park be policed, for example-speed limits.
- A. Traffic management plans will be developed in accordance with statutory requirements. The roads are currently policed by Parks Victoria and/or Victoria Police as required.