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SUBMISSION

RE: POINT NEPEAN QUARANTINE STATION – POINT LEISURE GROUP PROPOSAL

Introduction

The Victorian Government has recently appointed the Point Leisure Group P/L (PLG) (directors Richard and Trine Shelmerdine) as the preferred proponent to undertake a \$100 million+ development of the Point Nepean Quarantine Station (QS).

<http://www.depi.vic.gov.au/forestry-and-land-use/visiting-parks-and-forests/point-nepean-national-park>

<http://www.pointgroup.com.au/>

To facilitate the development the Victorian Government plans to rezone Point Nepean QS from PPRZ and PCRZ to a Special Use Zone 5 (SUZ5).

The Nepean Conservation Group Inc, (NCG) the Nepean Historical Society Inc (NHS) and the Nepean Ratepayers Association (NRA) welcome appropriate and sensitive commercial uses or commercial activities on the former QS site, located within the Point Nepean National Park (PNNP). One of the most critical issues for us concerns the checks and balances, which will form part of the lease and will ensure that public access will be protected. In addition, we recommend that rigorous conditions be mandated to ensure all proposed development will take into consideration total care and protection of the cultural values of this significant heritage site.

Uncertainties remain around the PLG proposal for the QS PNNP with regard to conservation, boundaries, the lease, zoning, education and the University of Melbourne proposal, the museum, and future management relationships.

The Government wants comments in particular on:

- Point Leisure Group's vision for Point Nepean Quarantine Station
 - Public access to Point Nepean Quarantine Station
 - The proposed re-zoning and the re-zoning process for the land to be included in the lease of the quarantine station
- without providing sufficient detail for anyone to make a truly informed submission.

The Premier in launching the whole development for the former Quarantine site stressed that the government was presenting it as a good balance between tourism and education.

The concept: The Government proposes that PLG will have the whole leasehold area of the QS site and be able to sub lease. Tourism depends on finding geothermal springs on site. The proponent has made it clear that geo-thermal access is the unique selling point and commercial driver for the proposal. Whilst the proponent is confident, there does not appear a fallback position to guarantee financial viability in the event that a geo-thermal resource is not economically sustainable. Much has been made (by the State Government and in the press) of a partnership with University of Melbourne and in particular for the creation of the research centre, the museum and the marine activity centre. No detail is publicly available. All is predicated on funding from unnamed and unsecured sources.

With regard to PLG P/L, there is need for adequate due diligence. No detail on any assessment of the viability of the project has been made publicly available. Given this lack of detail and the potential seriousness if the project fails, it is incredible to find that so little evidence has been proffered publicly by the Government to allay these concerns, or to demonstrate convincingly that these risks have been satisfactorily assessed.

Background

The former QS in PNNP has proven a complex heritage issue for State and Federal governments on both sides of politics over many years. This significant National and State listed heritage public asset is once again the subject of development plans and complex rezoning to assist those proposals to come to fruition. After a long concerted community campaign, the current Point Nepean National Park was finally declared in December 2009. Now, less than five years later, the State Government is again attempting something that was strongly opposed by the public in 2003. The proposed new zoning (SUZ5) effectively excises a sizeable piece of land from Point Nepean National Park. It once again splits this National Park into separate jurisdictions, when the community fought long and hard to have it integrated, in order to recognise holistically the natural, indigenous and cultural values which are part of this unique place.

Submission

The Nepean Conservation Group Inc, the Nepean Historical Society Inc and the Nepean Ratepayers Association welcome the opportunity to comment on both the PLG proposal and the draft Planning Scheme provisions, which propose to create a new Special Use Zone for the site.

Process

From the outset the NCG, NHS and NRA have asked for an open rigorous and transparent community consultation process. Information has been drip fed to the DEPI website. The "open days" at the QS at PNNP were either not advertised or poorly advertised.

Given the size and complexity of the proposed planning changes, the lease arrangements, and new development concept and vision for the QS at PNNP, the community consultation period has been too short. In some instances the lack of detail provided with regard to critical factors, such as the lease and the education component, hasn't enabled us to make any substantive comments. With the University of Melbourne's education proposal we were forced to make our own enquiries. This is not a satisfactory process. Deliberations from these meetings are detailed later in our document. Serious concerns re the lease, the actual site boundaries for the proposed development, the zoning process, the partnership with the University of Melbourne, and the commercial robustness and experience of PLG remain. Overall the time for proper consideration has been far too short considering the major

implications of the changes proposed for Point Nepean National Park.

The Name: Quarantine Station vs The Point

For private commercial reasons it seems that the area is being marketed as The Point. This is inconsistent with the geography of the area - the natural "Point" is and remains as one of Port Phillip Bay's two Heads, the one which overlooks Corsair Rock, the Rip and Point Lonsdale. The danger is that the name, Quarantine Station, which is part of everyone's language and serves to represent a nationally significant historic entity and narrative will be displaced. Adding a new layer to the many layers of stories at this site is welcome, but not at the expense of obliterating previous significant histories, stories and layers, including the name Quarantine station.

Some elements of PLG's proposal are welcome

- The proposed adaptive reuse of existing heritage buildings (with no new structures to exceed existing building heights);
- The few new buildings, with a strong contemporary design are proposed to add a new layer of fabric to the site;
- The inclusion of education and community facilities in the proposal; an
- The employment and training of local staff

Existing Heritage Buildings

Heritage sites can be at risk through a lack of recognition and legal protection, commercial development, from neglect, or through unsuitable or lack of use. Adaptive reuse of heritage buildings is a recognised form of preservation provided that best practice conservation methods are employed. The conservation and, where appropriate, adaptive re-use of heritage assets has major benefits to the community in terms of maintaining the heritage values of the site, promoting the wise use of resources, retaining embodied energy, and minimising waste (*Victorian Government Cultural Heritage Asset Management Principles*, adopted Dec 2009). Some QS buildings are highly significant and PNNP contains the oldest surviving stone buildings erected for quarantine purposes in Australia. By finding an adaptive re-use for the site the buildings will be recycled, the important history and architectural elements will be retained, informing future generations of Australia's quarantine history, as well as a means for story telling and intergenerational communication. It is important that the heritage significance is not lost, and that the quarantine story is not obliterated during the PLG proposed thorough adaptive re-use of all existing buildings.

At PNNP historic cultural heritage is legislated for by (among others) the *Planning and Environment Act 1987* (Victoria); the *Heritage Act 1995* (Victoria); the *Commonwealth Historic Shipwrecks Act 1976*; and the *Environment Protection Biodiversity and Conservation Act 1999* (Commonwealth). The *Burra Charter* provides guidance for the conservation and management of all historic cultural heritage. The management of most places managed by Parks Victoria, DEPI and local councils refer to conservation management plans, which retain cultural heritage significance while achieving agency objectives, and monitor and review outcomes to inform future management processes. Moreover, the management of cultural heritage assets, owned or managed by the Victorian government is directed by the policy note 'Victorian Government Cultural Heritage Asset Management Principles'. The policy note details how heritage assets are identified, protected and conserved through five key actions: having a strategy; developing an inventory; getting the appropriate expertise; applying management principles; and monitoring performance (*Victorian Government Cultural Heritage Asset Management Principles*, adopted Dec 2009). Once QSPNNP is given over to PLG on a long-

term lease and zoned SUZ5, what level of monitoring, care and protection will be in place? What responsibility will remain with the Government, as opposed to the lessee?

The Heritage Council of Victoria has found that the value of historic places on public land is well recognised by the wider Victorian community. However this brings with it an expectation that governments will ensure an appropriate level of conservation for the benefit of current and future generations. The location of places on public land carries with it a community perception of government responsibility and ownership of future problems.

In relation to the proposed changes to take place at the QS PNNP, it is of relevance to note Jane Lennon's finding that public heritage places across Australia have a significantly higher level of integrity than those in private ownership (J Lennon, "Natural and Cultural Heritage theme report" CSIRO, 2001, <http://www.environment.gov.au/node/21701>). How will the Government ensure that the high level integrity of the values at the QS PNNP will be maintained and enhanced during PLG's intended long occupation of the site?

Cohesion with the wider Point Nepean National Park

One of the objectives of the *Point Nepean National Park Master Plan* (2013, p.20) was to: *"Through physical planning, way finding, interpretation, promotion and management, establish a cohesive park identity which melds the disparate parts of the park into one integrated destination."*

The PLG proposal makes little if any reference to PNNP as a whole, apart from reference to activating the Forts. It appears the Government has given no direction on this matter to PLG nor is there any indication from PLG to suggest how the lease of the QS complex will link to PNNP or improve the cohesiveness of PNNP. Together with the proposed new SUZ5, which effectively excises the QS from PNNP, and a lack of clear direction, this concept will create further separation between the state-managed National Park and the privately leased QS area.

The Hot Springs

The PLG's proposal for a resort using leased land in a National Park at the Point Nepean QS is dependent on the successful tapping of a geothermal hot water resource. This resource, said to lie deep in the ground (over 1000 metres), would feed a facility at the site of a significant protected moonah woodland, currently zoned conservation area. Both the PLG's vision statement, and the lease area mapped in the government's online documentation, indicate that the moonah woodlands surrounding the already cleared and built areas of the old QS are generally to remain under Parks Victoria as part of the National Park. But the woodland area south of the cleared and built area of the QS would be included in the proposed long-term lease, and be the site of the hot springs facility. The Coastal Moonah Woodland is a listed community under Victoria's Flora and Fauna Guarantee Act 1998. The *Point Nepean Master Plan* 2013 (p.53) and the PLG published concept plans fail to mention the threatened status of this community despite the fact that it is mapped by DEPI as being the dominant vegetation type on the Point and surrounding the QS.

PLG have stated that no moonah trees will be lost. Their sketch plans show a number of hot water pools to be constructed, scattered across a wide area. The claim by PLG that these could be developed without detriment to any moonah tree is very hard to accept, given the damage invariably sustained during a construction project. There has been no mention to date of environmental offsets to compensate for any damage to the natural landscape, the flora or

fauna.

What is the alternative plan if these geothermal springs are not found or are insufficient for the purpose currently designated? It is essential that if the geothermal resource is not found, that any alternative proposal is exhibited for public review.

The Museum, Heritage and Other Interpretative Facilities

We are pleased to note the emphasis on education and museum issues in the plan, however, the lack of detail on how they would be implemented is of major concern.

The concept plan refers to interpretation through the establishment of a museum or heritage centre and through education and tours. Facilities of this type are essential to the future development of the QS site but are likely to require government funding and support both for their establishment and a commitment of funding on an ongoing basis. Much work has already been undertaken into creative innovative frameworks to implement such a program, and it is envisaged that a wide range of professionals across a number of agencies would be involved in this process.

The NCG and NHS have had a long standing relationship with the Point Nepean National Park. The NCG supported a very active friends Group in PNNP. Until recently NHS has operated group tours for QS visitors and cared for the collection in the QS museum. Since the handover to the State Government the NHS has worked with Parks Victoria officers on a significance assessment and subsequent digitisation project for archival materials relating to the QS. Some of the objects from the former Museum are on display, though most are now in storage. The NHS's Friends Group was disbanded and Parks Victoria established its own Friends Group. Parks Victoria rangers have provided services for schools and group tours. Self-guided tours and interpretation facilities have subsequently been commissioned and installed by Parks Victoria.

It is important that the general public have access to all of Point Nepean's heritage, including that at the QS. A heritage centre with audio-visual displays and self-guided tour facilities for all of the historic buildings are required as a minimum.

Advice from the University of Melbourne states that building 116 is to be the new build. The rest of the designated UM buildings are adaptive reuse. Buildings 63, 64 and 59 would be student accommodation (~50 students), 60 would be a dining/common room/catering facility to support students. These spaces would also be available for other users such as primary and secondary school groups. 61 and 84 would be community engagement spaces and Museum, 62 would be a teaching/lecture space that would also be a community engagement space, 116 is a new build with teaching laboratory, dry laboratory, and aquarium spaces and 16 office and short-term accommodation for staff and visiting researchers. The expectation is that while UM will be managing buildings 84 and 61, how those spaces are developed would be a project involving all relevant and interested community groups and historians.

That said, the human story of the QS is not encompassed by the UM concept and certainly not by the PLG proposal. The proposed education centre abuts and possibly encroaches on the burial site of some Ticonderoga victims and the memorial which names about 150 of these victims and the victims of other vessels. This area should honour our ancestors. The brick fumigation and bathing facilities and their equipment should be the core of a Quarantine Museum and Interpretation Centre. There appears to be a lack of understanding of the history of this site.

The NHS is a wholly volunteer based organisation and already runs a Museum at Sorrento. It is not in a position to provide museum or other interpretative services at Point Nepean, however the NHS is concerned that such services are provided and appropriately funded. It is imperative that the existing collection of Quarantine Station artefacts and archives is dealt with appropriately, housed respectfully and curated and interpreted professionally.

In the proposals for the development of the QS PNNP the UM has been named as the possible provider of educational services and of a museum. Whilst University personnel state that the University is committed to implementing these proposals, contractual and funding arrangements are unclear at this stage. It is also unclear how such services will relate to those provided for other parts of Point Nepean, including the Fort. An integrated approach to the provision of such services for the whole of Point Nepean National Park is called for.

Communities identify strongly with historic places on public land – here the QS PNNP. As the Productivity Commission states, historic heritage buildings “may continue to embody important cultural values which uniquely define that community. These buildings may also contribute to improved quality of life through the continued provision of community services, as an educational resource and in the ongoing celebration of community heritage” (*Conservation of Australia’s Historic Heritage Places* Report No. 37, Canberra, Productivity Commission, 2006, p. 186).

The University of Melbourne proposal

In announcing the PLG proposal for the development of the QS in July 2014, the Premier emphasised that it was meant to provide the right balance between tourism and education, as the Government required.

According to information received from the University of Melbourne, MU's interest in the PLG proposal lies in the opportunity for getting approval and resources for undergraduate students to undertake enrichment and immersion studies in coastal and marine environmental science and engineering, within BSc, BEnv and BEng courses and architectural, cultural, and historical studies within the BA course. These subjects would be taught (wholly or in part) on site at Point Nepean. MU is also seeking to develop a new professional masters degree in marine environmental science, engineering, and management. Up to 50 students could be there at any one time, for 1-2 week intensive subjects.

In time, research that will inform coastal and marine management will be developed at the site. The university plans to develop, in collaboration with relevant community groups, a variety of engagement spaces including a Coastal Discovery Centre and the QS Museum to provide educational opportunities for school groups and the general public.

MU representatives appreciated that issues of public policy are involved. However MU will not be participating in the current working out of arrangements between DEPI and PLG. MU is not a formal partner in that sense. They expect to consider a sub-lease later.

The details of MU activities at the QS are not yet set, but will evolve over time. MU proposes that for their part they will engage in full and open public consultation in developing the details in due course (this approach sits at odds with the Government’s new zoning of the leased area of the site - SUZ5). This extends to their support for appropriate provision for the

telling of the story of the QS generally, presumably through museum and others facilities. Assurances about funding could not be given, but MU appears to be investing a good deal of time and energy in negotiating for success this time around.

Site allocations for a museum or heritage centre, for marine and coastal research, and for low-cost stays for primary and secondary school students, are all worthy and necessary aspirations for the QS. But they need to be more than labels on a map, especially when they lie more or less outside the main ambitions of the commercial resort company to whom long leasehold over the whole site may be given. Whilst the University of Melbourne National Centre for Coast and Climate proposal is laudable, this is to be a sub-lease from PLG at some future time. What are the assurances against failure with this leasing arrangement?

It is worth noting that UM already operates an analogous research and education centre as a member of the Victorian Marine Science Consortium, which along with Melbourne University includes Deakin, La Trobe, Monash, RMIT, CSIRO, EPA and DEPI (Fisheries Victoria), which is based at a single dedicated centre at Queenscliff/Swan Bay which fosters synergies between the VMSC partners. The Swan Bay facility is available (by negotiation) to anyone with an interest in marine science, and is used by researchers in a range of scientific fields including climate change. A small footprint at QS PNNP may be a far better and more feasible and less risky solution.

Aboriginal Heritage/ interpretative Centre and Parks Victoria

It is noted that Building 33 (the old stables and currently with minimal interpretation and orientation signage) is designated at the Welcome Centre. The building may well suffice as a welcome centre, but is totally inadequate to house the Aboriginal Wominjeka and Interpretative Centre and Indigenous Museum, Parks Victoria Information and Interpretation Centre (and their management hub); and the LEAP hub (the Leisure, Equipment, Activities and Program hub).

We cannot overstate the importance of the Natural and Aboriginal heritage of this site. It needs to be given serious consideration by the State Government and the PLG proposal.

Point Nepean National Park (PNNP) which is valued for its natural values, including biodiversity and evolutionary history, is also rich in cultural landscapes that contain archaeological evidence of Aboriginal and non-Aboriginal occupation. PNNP provides a unique opportunity to understand Aboriginal heritage, as well as the interrelationship between Aboriginal and non-Aboriginal values and the natural (land and marine) and cultural values of this place. There exists significant potential to develop innovative options for the future management of this place. Interrelationships and synergies must be at the forefront of any development on this site. Disappointingly, none of this addressed in the PLG concept or vision for "The Point". We would expect such options to be included in the next and more-detailed development plan.

Jetty and water activities

Historically there was a jetty, and access to the site was from the water. The concept plan appears to include a jetty and linear foreshore boardwalk. The original QS had a small jetty as supplies were delivered by boat from Queenscliff. While we support the concept of re-establishing the small pedestrian historic jetty, further research and detailed plans must be provided for useful well informed public comment.

The waters off Point Nepean are treacherous. To date all water-based activities have been prohibited or actively discouraged or advised against. Given the strong currents along that coast and the constant swell, for such a facility and water access to be successful at the QS would require a protected area for any boat mooring and storage. Greater boat traffic, increase in litter and marine noise pollution, together with increasing run-off from hardened surfaces all in an area designated as a dolphin sanctuary - the ONLY dolphin sanctuary in the 2000 sq kilometres of Port Phillip. The Ticonderoga Bay Sanctuary Zone is described by DEPI (<http://www.depi.vic.gov.au/environment-and-wildlife/wildlife/whales-dolphins-and-seals/protected-areas>) as refuge for a population of 80 bottlenose dolphins which generally confine themselves to Port Phillip and are vulnerable to extinction. Dolphins are known to congregate within a few metres of the shoreline to fish, and nursery pods are kept in the sheltered waters here during their early months and during periods of SW squally winds and rough seas elsewhere. There is also concern re the Burrunan Dolphin (*Tursiops australis*) whose home is Port Philip. Population estimates are around 150 individuals, with two thirds living in the Bay. They are site specific, therefore their health is linked directly to the health of the Bay's ecosystem that sustains them. Legislative protection for our local marine environments is imperative. An assessment of how the proposed PLG concept will work within the *Coastal Management Act 1995* need to be undertaken.

Recreational off-the-beach activities such as water skiing, towing children around in inflatable doughnuts, jet ski use etc. will see inshore speed limitations breached. There is no adequate supervision available (or budgeted for by DEPI) of Bay activities to govern improper/illegal behaviours now, what will happen with the intended increased visitor usage of this very sensitive marine environment?

In summary our concerns re Ticonderoga Bay are with

- the proposed 'jetty' – no detailed plans, environmental effects studies etc
- short-term moorings (which are in fact permanent fixtures but available to recreational boaters 'short-term')
- pumping systems and the associated infrastructure and exchange of waters (for the geothermal springs/ and or salt water exchange)
- that primary access will be encouraged from seaward (to 'relieve pressure on Point Nepean Road' according PLG)
- does the SUZ5 and the lease area include the coastal strip?

THE LEASE, PLANNING PROCESS AND SPECIAL USE ZONE

The Lease

There is great uncertainty regarding the length and conditions of the lease, as well as the boundary of the lease area (see below). This should be made available for public viewing as soon as possible, and prior to a final decision being taken and implemented.

Boundary

It is noted in the online DEPI boundary map the proposed leased area (ie August 2014 version) covers part but not all of the land known as the QS. The legend accompanying the map indicates the proposed leased boundary (the undefined yellow line denoting ~37 hectares and the red line denoting the 90 hectares on NHL) is *subject to further negotiation and survey*.

There is great community concern that there will be ongoing 'creep' outside of the leased area, including into other parts of PNNP. The State Government has reportedly rejected any development at Cheviot Beach, but in the absence of any firm details, the Government's response if PLG requested to make commercial use of the Forts and surrounding areas is unclear. It is also not clear if the coastal strip abutting the QS is to be included in the lease.

We have asked the question of the Minister ([refer B6, appendix A](#)) if it is intended that the boundary of the lease could be changed by negotiation after the signing. If the answer is in the affirmative, then we would see any extension of the leased area as requiring a new process, one that is open and transparent and includes public consultation.

The lease boundary and the area circumscribed by it, should be made available for public viewing as soon as possible, and prior to a final decision being taken and implemented.

Revenue from Lease(s)

Recent staffing restructures has meant PNNP will be understaffed at a time when DEPI aims to increase the number of visitors to the area. The employment of contractors who are not trained in conservation management is not always ideal. The clearing of polygala and its regrowth (and of other intrusive weeds) has slowed considerably which is no doubt due to the lack of staff on the ground. Further, it appears PNNP will no longer have a senior manager overseeing the work of PNNP or the QS, but one person will be responsible for both PNNP and Mornington Peninsula National Park, as part of a wider brief.

In meetings with the Minister there was assurance given that revenue from the lease would be incorporated into the Parks Victoria budget. What is perhaps still unclear is if those funds will be specifically used for maintenance, improvements and staffing at PNNP without any loss to the allocated Parks Vic/PNNP budget.

We strongly agree with PLG that revenue raised as a result of commercial development on the QS PNNP site, be put back into PNNP. The use of additional funding for PNNP would ensure outstanding projects such as the fragile cliff areas (including those from the QS around Police Point Shire Park) can be undertaken not only for environmental and heritage reasons, but in the interests of public safety. Additional staff will be needed to continue the conservation work and to patrol the dangerous beaches and waterways, another public safety issue.

We urge the Government to mandate that any income generated from the lease(s) and the commercial development of the QS site is put back into PNNP.

Risk to a public asset

It is in the public interest for particulars of the terms and conditions of the leasing arrangements to be made known. We understand that this is a legislative requirement and that the lease will at some point be put on public display for comment.

There is however community apprehension with what the Government may (or may not) include in the conditions of the lease to protect this significant heritage public asset. A number of these concerns were raised as questions to the Minister, but to date there has been no response ([refer appendix A](#)). We ask the State Government to take account of the following issues when drawing up the conditions of the lease.

To minimise the financial risk to the general public it is not unreasonable to expect the Government to make certain initial requirements of PLG including agreement to a bond/security.

Given the size of financial investment in the proposed development, it is imperative to ensure that, should there be a financial failure the QS is totally protected from being taken over by a mortgagee or other financial lender. Similarly, there will be a need to guarantee the QS remains under public control should the leaseholder wish to withdraw from the leasing arrangement.

Further protective clauses are required that take account of situations where the leaseholder may not wish to continue with the lease, to prevent indiscriminate on selling of the lease. Further, there should be a necessary requirement that at the end of the lease, or a failure of the lease, all assets on the QS site revert back to the State Government and therefore the people of Victoria.

Planning Amendments

It is understood that the documents entitled Mornington Peninsula Planning Scheme Amendment CXXX: explanatory report, Incorporated Document: site-specific control, QS and Schedule 5 to the Special Use Zone are in draft form. We therefore assume the State Government is open to feedback on what should be added to these documents to ensure the QS is protected in perpetuity for the public good.

It is important to make it clear that the three community groups are not against development of the QS per se but want to ensure any development is sensitive to the cultural, heritage and natural environment of the site. The only way this can be guaranteed is by putting in place stringent planning controls.

Removal of Environmental Significance Overlay, Schedule 24

The explanatory report for amendment CXXX omits to mention the fact the QS is crown land and that its significance is recognised on both Australian and State heritage lists. In short, this land and its buildings requires a very detailed rationale as to why current protective overlays should be removed.

It is stated that the schedule 24 provisions to the Environmental Significance Overlay (ESO 24) will be removed from the whole of PNNP, to enable Parks Victoria to carry out its functions and management without the need for a MPSC permit. Parks Victoria has worked under an ESO24 for a number of years and there are no stated reasons suggesting there have been any

difficulties with the process to date. Both the overlay and the schedule are sufficiently flexible to allow for situations (eg weed control) where a permit is not required.

The value of the schedule lies in its preciseness about environmental significance, including decision guidelines that protect sites such as PNNP. As the Mornington Peninsula Shire Council (MPSC) is to be appointed as the Responsible Authority for administering and enforcing the planning controls, the removal of a compliance tool such as ESO 24 does not make sense.

We request that the ESO24 is not removed as an overlay on PNNP. It is also important for all amendments to focus solely on the designated defined QS site (yet to be determined) and not on the remainder of the National Park.

Clause 61.01 - The Minister as the Responsible Authority for Planning Decisions

Schedule 1 and 2, Clause 61.01 proposes that the MPSC is to be the administrator and enforcer of the scheme, while the Minister is the sole decision maker for the proposed QS Development Plan and any amendments.

The community is very much against decision-making control of the QS being held 'in Town', excluding the local planning authority from any input. We suggest under Clause 61.01 the role of the MPSC be expanded to: the Mornington Peninsula Shire Council is the responsible authority for administering, enforcing the scheme *and making recommendations* to the Minister on planning matters related to the Development Plan.

Site Specific Control: Point Nepean Quarantine Station

The proposed changes to Clauses 52.03 and 81.01 of the Mornington Peninsula Shire Planning Scheme is an administrative requirement under the Mornington Peninsula Planning Scheme. The proposed wording to be inserted under Clause 81.01 is missing from the available DEPI documentation.

It is unfortunate that maps were not attached to the incorporated statement documentation. However, the section related to the proposed use of the QS appears to indicate the total QS area will be included in the proposed special use zone (SUZ 5) (the yellow line or the red NHL line is not clarified). We question the necessity of incorporating all of a culturally, historic and environmentally sensitive public space under SUZ5, given there is a strong indication from the lease boundary map (yellow line) that the lease holder will not require the use of the total QS area.

Special Use Zone 5

The overall purpose of SUZ5 is to give the Minister sole authority for planning decisions and planning amendments relating to building and works on the QS site (see doc. Amendment XXX). While we understand at times the need for expediency in processing development applications, this should not be to the detriment of maintaining a rigorous process for assessing development projects involving a public area and in this instance a declared cultural and heritage site.

In general, there is little acknowledgement in SUZ5 that the QS is an extra special place and therefore different from the usual special use zone schedules. To ensure the protection and conservation of this site requires an open and transparent development criteria and decision making process so that it is clear how the site will be protected and conserved.

Given the revisions that will no doubt need to be made before the SUZ5 is ready for implementation (see suggestions below) it is not unreasonable to request the final SUZ5 be put on public exhibition.

Community Consultation

SUZ5 removes any involvement of the public and to a large extent the MPSC in the current and future development of the QS, including public notice of when a development is being proposed. We wish to reiterate again that the community welcomes sensitive and appropriate development of the QS site, but we cannot stress loudly enough how strongly the community feels about being excluded from making comment or having information available about what (and how) development work is being carried out at the QS site.

We urge the Minister to ensure transparency of process by formally embedding in the final SUZ5 document, mechanisms for ongoing consultation with the community. This mechanism for consultation should refer not only to the Development Plan but future applications for amendments to the Development Plan.

Consultation with Commonwealth and other State Bodies

The list of referral authorities (8.0 p. 6) omits key custodians of the QS site including, amongst others, the Commonwealth Department of Environment, Department of Indigenous Affairs, the Australian Heritage Council, Victorian Aboriginal Heritage Council and Parks Victoria. We suggest they are included in the final SUZ5. Further, we request the inclusion of the MPSC.

Legislation and the decision making process

It is difficult with SUZ5 in its current form to gain a sense of how the decision making /approval process fits with other State and Commonwealth legislative requirements, including amongst others, the (Commonwealth) *Environment Protection Biodiversity and Conservation Act, 1999*, (State) *Planning and Environment Act, 1987*, *Victorian Heritage Act, 1995*, and the *Aboriginal Heritage Act, 2006* etc. A flow chart as to how the approval process will work would be helpful.

Specific provisions - Development Plan

Mention is made throughout the SUZ5 document of the *Point Nepean National Park Master Plan (2013)* (PNNPMP) and the *Point Nepean Quarantine Station Sustainable Use and Tourism Framework (PNQSSTF) (2013)*. Both are large documents and more importantly are not subject to any authority should DEPI (or a similar department) decide to make changes at some stage in the future. Unless the requirements are specifically spelt out in the SUZ5 document (eg as design requirements) it will leave the QS vulnerable to changing development requirements that may not be in the public interest.

We suggest the State Government explicitly states in the SUZ5 (but not just as appendices) all specific provision requirements for the Development Plan, and in particular key items contained in the plans mentioned above.

The specific provisions also permit the Development Plan to be prepared and varied in stages to the satisfaction of the responsible authority (see 2.0, p2). We understand that the development may need to occur in stages, but there is no statement or criteria to indicate how variations are to be assessed. That is, in the interests of transparency, the types of variation(s), which would not be acceptable, will need to be made explicit.

Exemption from review and notice process

Under the current version of SUZ5 a Development Plan is excluded from the application for the review process contained under section 149(1)(a) of the *Planning and Environment Act 1987*. If the State Government wants to exempt the leaseholder from any public submissions to VCAT about a proposed development then the rationale for that exclusion should be made available to the public, including what criteria contained in the PNNPMP the Development plan would be assessed against. This detail should also be included in SUZ5. Simply stating, that if the Development Plan is *generally in accordance* with the PNNPMP (see 2.1 p. 3) then it is exempt from the review process, is not good enough.

Subdivision

We question why a subdivision clause is included in the SUZ5, followed by clauses that claim exclusion from notice and review requirements that would usually be required under the *Planning and Environment Act 1987* and the Mornington Peninsula Planning Scheme (see 3.2 & 3.1, p. 4). Such exclusion means that the general public and the MPSC are excluded from knowing that an application for subdivision has been submitted. This is an untenable situation for the community and the whole section on subdivision should be removed. Further, the word subdivision should also be removed from the first paragraph of 4.0 (p. 5). Subdivision of a national heritage site located within a National Park should never be permitted.

Building and works

As mentioned previously, it needs to be explicitly stated in SUZ5 what components of the PNNPMP and the PNQSSTF the leaseholder will need to comply with for both use of the site and building and works (see 3.1 p. 3 & 3.3 p. 4). This is critical if as stated in SUZ5 that no permit is required if the buildings and works are *generally in accordance with* the PNNPMP and the PNQSSF.

It is vital that a Cultural Heritage and Conservation Management Plan and where relevant an Environmental Impact Statement (eg for the construction of the jetty) is commissioned before any building or works commence. We are aware that such plans have been done in the past (eg for installation of electricity, gas and sewerage utilities), but we request new plans to be developed that are specific to the proposed PLG development.

It is surprising that with work to be carried out on the heritage listed buildings and with the construction of one new building and a new addition that there is no requirement for a Heritage Master Architect to comment on the proposed designs. We suggest this oversight be rectified.

Table of uses

The relevance of mentioning Clause 62.01 of the Mornington Peninsula Planning Scheme (1.0 p. 1) is unclear, since the clause makes no mention of a tourist or wellness facility (or heritage listed site). Greater clarification is needed before comment can be made as to why this clause is included.

Clause 62.01 does list a number of situations where a permit is not required, including the use of land for a circus. It is highly inappropriate at any time in the future to allow domestic and exotic animals to be brought into a National Park. To safeguard against such an event happening in the future, we suggest *use of the land for a circus*, is instead listed under Prohibited Uses (p. 3 SUZ5).

Further, Clause 62.01 allows under certain conditions (clause 52.15-1) the use of land for a helicopter-landing site without the need for a permit. We recognise that a helicopter service may be installed. Any construction of a landing-site or use of a helicopter (except for emergency services) should not be undertaken until a cultural, heritage and environmental impact statement is carried out on the proposed site. Such a statement should be included under clause 62.01.

PUBLIC ACCESS and SAFETY

Public access

The PLG proposal significantly reduces public access to the QS PNNP. Whilst the general public will be welcome at the site, large areas will be inaccessible to the general public. Some areas will be accessible for a fee (yet to be determined), for example the museum. Other fitness and spa facilities will be available to all – provided they can pay. The fees at the Peninsula Hot Springs on the Mornington Peninsula give an idea of prices. The accommodation (from hotel, to fitness centre, to glamping) is geared to the high end of the market. There is no indication of diversity of offerings of accommodation.

Vehicular Access

These comments are part of a bigger discussion about public access to the site – that is to PNNP as a whole and QS PNNP specifically. Significantly increasing vehicular traffic on the QS site is problematic from a number of perspectives:

- Flora and fauna impacts
- Environmental impacts
- Sustainability issues (quadruple bottom line – environmental, social, economic and futurity)
- Place impact – this is an isolated place
- Experiential impact

Of great concern is the proposal to build more car parks hidden in moonah woodland – an extra 592 places (if correctly counted). If public transport, and shuttle buses a la Q Station, North Head Sydney were considered, or electric transport as at Zermatt in Switzerland, a much more sensitive and sustainable approach could be implemented on the site.

Public Transport

The current timetable for the Point Nepean 'Transporter' bus means it only connects with the public 788 Frankston /Portsea bus 3 times a day. As the Quarantine Station development proceeds, increasing numbers of people will want to visit – not everyone will choose to come by car. Indeed people should be encouraged to come by alternative transport.

The lack of frequency of the public bus makes access very difficult for those tourists without vehicles, seniors wanting to travel on senior's daily tickets, young people and other environmentally conscious people who prefer to use public transport. Visitors can be stranded for long periods of time at the old entrance to the National Park or face a two-kilometre walk to the QS. Consideration needs to be given to accommodating this particular cohort of tourist.

Traffic Management

Currently there is no monitoring of the speed limit of cars travelling within the National Park and particularly along the main park roads. The expected increase in motorised vehicles as per the PLG proposal, may also have the impact of putting the safety of pedestrians, cyclists and wild life at risk.

Point Nepean is fast becoming a popular destination for cyclists and its popularity has increased dramatically over the past 12 months. As development proliferates this area will become a major cycling destination. Currently at peak times the roads barely cope with cyclists and cars vying for the narrow space provided. It is therefore critical that a policy be put in place that curbs the number of cars in PNNP.

Issues to be considered as development occurs at the Quarantine Station PNNP:

- About 800 metres from the entrance into Point Nepean the road becomes a single lane one-way road and at this point there is insufficient room for cars and cyclists to safely travel together as there is absolutely no shoulder beside the road for the cyclists. Cyclists either stop or cycle above 30KPH to keep ahead of the cars. This situation is unsustainable and accidents are inevitable.
- The gate at Gunner's Cottage only has a small section of asphalt beside it for cyclists to ride through. This narrow and potentially unsafe space should be modified.
- At the west end of Coles Track where it joins back up with the main road there is a potentially dangerous intersection where cyclists speeding at the end of the hill travelling east meet cyclists coming out of Coles Track. A Stop sign at the end of Coles Track would be helpful.

It is noted that the Government has nominated Vic Roads as a referral agency. Discussions between the two parties may involve the need to gazette the main road that runs through the National Park, a public road for the purposes of visitor and wildlife safety.

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APPENDIX A: Proposed Development of the Quarantine Station, Point Nepean National Park: questions for the Minister for Environment and Climate Change

The Nepean Conservation Group (NCG), the Nepean Historical Society (NHS), and the Nepean Ratepayers Association (NRA) are seeking answers from the Minister to questions where there are gaps in the available information. Answers to the questions below are necessary for finalising formal submissions to the State Government about the Point Leisure Group (PLG) proposal and the government's proposed Special Use Zone5 (SUZ5)/planning arrangements for the Quarantine Station, Point Nepean National Park.

A. Consultation

- 1.** Will the Government rectify the apparent oversight of not including the Australian Heritage Council and the Victorian Aboriginal Heritage Council in the list of consulting agencies and referral agencies?
- 2.** 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?
- 3.** Can the role of Parks Victoria in the management of the leased area be articulated for community comment?
- 4.** What is to be the managerial relationship between the leaseholder and Parks Victoria?

B. Lease

- 5.** Will the lease be put on public exhibition before it is signed/finalised?
- 6.** 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?
- 7.** Could the Minister confirm that the Special Uses Zone 5 (SUZ5) will only apply to the leased area?
- 8.** Does the Government intend requiring the leaseholder to provide security/a bond as a condition of the lease?
- 9.** If financial failure should occur what rights would the mortgagee or lender have over the lease of the Quarantine Station?
- 10.** 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?
- 11.** If areas of the development are subleased by the PLG, would the conditions protecting the natural, historical and cultural heritage contained in the major lease also apply to the sublease?

12. 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?

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

C. Subdivision

14. Is it an oversight that a subdivision clause is contained in the SUZ 5 document and if so, will this clause be deleted?

D. Natural, Indigenous and Cultural Heritage

15. When will the required Conservation Management and Cultural Heritage Management Plans for the site be developed?

16. Who will be responsible for monitoring and assessing the implementation of the above plans?

17. 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 are finalised?

E. Research/Education/Museum Precinct

18. When will information on the proposal for the research/education/museum precinct be made available for comment?

19. If the proposed precinct does not go ahead, what is the Government's alternative plan?

F. Pedestrian and Cyclist Safety

20. Will a traffic management plan be developed in conjunction with Vic. Roads and the Mornington Peninsula Shire Council? And will the public access roads within Point Nepean National Park be policed (eg speed limit)?

Nepean Conservation Group -- Mechelle Cheers & Ursula de Jong

Nepean Historical Society – Frank Hindley & John Alexander

Nepean Ratepayers Association – Colin Watson

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