

# HCAG Position Statement: Healesville Freeway Reservation (Released July 2021)

## HCAG PS-05 - July 2021

### Acknowledgements:

HCAG acknowledges:

- And appreciates the State Government's commitment and action taken to preserve the Healesville Freeway Reservation (HFR) for open space passive and active recreation.
- The work the Department of Environment, Land, Water and Planning (DELWP) has undertaken to get this initiative to the stage it is at.
- Whitehorse City Council for its initial and ongoing advocacy and efforts to secure the Healesville Freeway Reservation as open space for all in the community.

### Forward:

HCAG has undertaken extensive research in order to put together this Position Statement. The Statement is based on a summary of the main points of this research. It is by no means exhaustive. If we consider there is a need to provide more detail we may issue a supplementary Position Statement or commentary in our website linked to this Position Statement HCAG PS-05.

### Background:

In 2014 as part of its election campaign the Labor Party promised to retain the Healesville Freeway Reservation as passive and active open space. The Liberal Government position at that time was to sell the land for residential development.

Since winning the 2014 election the Labor Government has proceeded with its election promise although:

1. It has sold off several parcels of land which were held by VicRoads as part of the reservation and which were not referenced as for sale in the election promise. (If such land sales were part of the election promise we invite the State Government or DELWP to show the **written evidence** at the time of the promise of such an intent.)
2. The State Government appointed the Department of Environment, Land, Water and Planning (DELWP) to manage a process of converting most of the reservation to crown land, conduct community consultation (Which occurred in the first two and a half years after 2014 but does not appear to have any documentary evidence of having any substantial occurrence since then and up to the present time. In 2018 DELWP issued a HFR Concept plan.
3. DELWP recently advised that it may dispose of more land being 73 Morack Road and possibly an area comprising all or part of 403319 (2163) 403318 (2163) (is one of these No 33 142 Boronia Rd?) which we are led to believe are currently leased on a month to month basis. Although the HFRT Concept Plan Section 10 Recommendations item c. infers it is VicRoads owned land. (See our Note under Healesville Freeway Reservation Concept Plan points below.)
4. The process to date has taken 6 going on 7 years and is still un-finalised. HCAG finds this extraordinary and unacceptable.

As an observation, it does not appear that communications (in either direction) between DELWP and Council have been very effective. Both parties seem to be on different "wavelengths" and approach the subject from largely opposite perspectives.

It appears to us that the City of Whitehorse position arises from a serious concern about its role, authority and limitations if it accepts the role of Committee of Management. This has never been fully enunciated and is a legitimate concern and in our view must be addressed if a solution is to be agreed.

On the other hand it appears that DELWP's position arises from a concern as to whether Whitehorse has the ability to undertake such a master plan and implement it, and whether it will fully take into account all previous inputs from DELWP itself and those of the community and community organisations.

HCAG has absolute confidence in Whitehorse's capabilities with respect to master planning and its implementation and believe it is the only logical choice to be given the responsibility and authority to do so. Its intention as to whether it will complete a master plan conforming to community expectations and inputs is uncertain.

As part of the preparation and research for this Position Statement HCAG has contacted DELWP on several occasions seeking to clear up some questions and gain a better understanding of the process being undertaken and status of the deliberations.

Some of the information obtained as a part of this communication is:

- That DELWP is just the interim manager of the land while it negotiates for an ongoing land manager. It is not involved at a detailed level of planning that would cover many of the questions HCAG has raised. (This does not seem to be the understanding arising from Council's officer assessment of DELWP's offer.)
- There is no design for the proposed shared path, including minimum width. This would be done by the future land manager as part of master planning.
- DELWP is aware that part of the golf course is encroaching onto 2155\P398316. Whether the encroachment will be permitted to continue or not will be a matter for the future land manager to consider as part of master planning for the reserve. (This implies that Whitehorse Council as the future land manager proposed in DELWP's offer will be responsible for the master planning for the reserve and the "encroachment" of the golf course onto the reservation.)
- DELWP will not be doing any of that detailed planning, so ~~we're~~ it is not in a position to collate and consider submissions on the best design of the reserve. Once a land manager is appointed, DELWP's representative expects they will take the results of the 2018 concept plan consultation to help inform a master plan. (The question is – is the 2018 concept plan advisory or mandatory?)

These are not all of the matters discussed but are the most relevant.

The DELWP HFR COM Proposal may contradict some of these statements and clarification is needed to be sought and obtained by the Council.

We have also **reviewed in detail ALL** of the attachments referenced in Council's recommendation put at the ordinary council meeting of 28<sup>th</sup> June 2021 – This recommendation was adopted with a 10 to 1 vote by the elected council.

The referenced documents are:

- DELWP HFR Concept Plan (*Released 2018*)
- DELWP HFR COM Proposal
- DELWP Renaming Submission
- Council 2014 HFR Vision (*Released 2014*)

And in addition several related documents including the DELWP letter of offer to the City of Whitehorse.

HCAG comments on these referenced documents are as follows:

### **Healesville Freeway Reservation Concept Plan (2018)**

Section 10 Recommendations. HCAG:

- Agrees with a, b, d, (d is essential).
- Does NOT agree with c. Parcel 33 being sold. (142 Boronia Road must in our view be retained.
- Has serious concerns about e. which compromises and delays the development of the reservation as linear open space.

**Note:** The change in nomenclature used in the concept plan compared to all references and documents before it is confusing.

### **DELWP HFR COM Proposal**

See the detailed HCAG position statement section on the following pages of this document.

### **DELWP Renaming Submission**

HCAG supports an aboriginal name given that there is a link to pre-European fauna and flora, and the fact that aboriginal naming was a popular choice of the community engagement process. Our support is conditional. (See the detailed HCAG position statement section on the following pages of this document.

### **Council 2014 HFR Vision (2014)**

This document is historical and is a response to VicRoads proposals and intentions at the time. VicRoads at that time were intent on selling off all of the reservation they could to property developers. There was no intention by VicRoads for any community engagement. The Labor Party election promise of 2014 overturned that intent. The Council Vision 2014 put forward alternative proposals, one of which included high density residential development along (mostly the north side) of the reservation.

**As we see it, this document is irrelevant to the present situation and has served only to introduce ambiguity and confusion.**

EARLY MAP OF HEALESVILLE FREEWAY RESERVE (As supplied by DELWP)



## HCAG Position Statement

- HCAG has in principle support for Council's adopted recommendation for the Healesville Freeway Reservation, (Item 9.2.2 Ordinary Council Meeting 28 June 2021). Our support is **CONDITIONAL** and the conditions are embedded in various positions stated below.
- We consider Council's recommendation to be a counter proposal aimed at leading to further negotiation and not in any way terminating the process.
- A dot point of Council's recommendation - recommendation 3 "That the Crown Land be converted to freehold land and transferred to Council for a nominal consideration" is supported subject to conditions in the contract of sale regarding the use of the land and scope. We believe that the last land sale by a state department to Council was that of the Nunawading Primary School site by the Education Department (abbreviated title). We suggest that DELWP review this transaction to determine whether there were any conditions related to the sale which would set a precedent and justification for DELWP to do so with respect to the HFR. We would expect that any such conditions by DELWP would be reasonable and the minimum essential.
- We are extremely concerned that the process so far has taken 6 going on 7 years and are of the belief that with good will it could be finalised in 6 months. Good will means that DELWP and Council should stop positioning, start talking (final negotiations), and get to a contract signing.

### Other HCAG positions:

- That the HFR use be solely for passive and active recreation whilst accepting existing users and occupiers.

- That active recreation be in the Davey Lane area of the reserve and be constructed in such a way that it does NOT restrict or substantially narrow the passive recreation east – west linear path. We have some thoughts about how this could be done and are available to discuss them.

We:

- Accept the NADRASCA existing use but oppose any expansion north that would block or restrict the linear path. We are likely to support a westward expansion to where there is an old dam subject to any such expansion being kept to the south boundary such as not to constrict the linear path.
- Oppose the Vermont Secondary College’s desire to encroach onto the HFR if it involves any type of building but are amenable to some activity such as sports so long as it does not restrict or otherwise compromise the linear park and pathway. We note that the Education Department does NOT appear to support VSC’s position, stating that it is unnecessary.
- See the Council 2014 HFR Vision (2014) as being no more than a superseded reference document some content of which we support and much of which we oppose. In particular, but not limited to, its vision that the east - west shared trail and bio-link would be only 12 metres wide and configured as a:
  - 3 metre wide shared path
  - 2 metre wide buffer on either side of the path
  - 2.5 vegetated strip on either side of the buffer

Where there are no other activities on the reserve our view is that the path and bio-link should be the full width of the reserve save possibly for any minimum necessary fire breaks at the boundaries. Anywhere else 12 metres is not enough, including the active precinct at Davey Lane.

- See a need for a schedule to be attached to any master plan and implementation that must be strictly adhered to. We are concerned that thus far the finalisation for the reservation scope has to date taken over six years and we regard it as unacceptable if does not proceed rapidly to develop a master plan and implement it. (We are not suggesting here that corners should be cut.)
- Oppose any further land sales related to the HFR.
- Do NOT support a vehicular road connection between Moore Road and Livermore Close. We are open to a pedestrian/bicycle path which would intersect the main east - west trail.
- Do NOT support a vehicular road extension of Stanley Road across the reservation to Jolimont Road. We are open to a pedestrian/bicycle path which would intersect the main east - west trail.
- Do not support any other new road crossings.
- See a **key failure** of all proposals as being the treatment of the reservation as being for the local community and accessible only to walking and cycling users. This reservation is about 40 hectares total, (DELWP supplied assessment). It is not a local park it is a major if not regional park serving the whole of Whitehorse and beyond. Focus in reports is also on walking and cycling and this implies a bias towards fitter people and not the more frail or those with limited mobility. Less able people in the community also need and are entitled to have access. To achieve all of these matters car parking and toilet facilities are needed at more than one location, and perhaps food facilities are needed, as well as playground facilities for younger users.
- See proposals from both DELWP and Council as being **deficient** in that there are no clear “gateway” entrances to the reservation. The logical places for gateway entrances are at each end of the reservation. Secondary entrances could be at Davey Lane, Morack Road, and possibly Terrara Road and Livermore Close. Minor entrances at other locations.



- See proposals from both DELWP and Council as being deficient in that there are no car parking provisions anywhere along the reservation. The logical places for car parks are at each end of the reservation, Davey Lane, Morack Road, and possibly Terrara Road. All work undertaken by both DELWP and Council fail to address car parking needs.
- See the Dandenong creek end of the reservation having ample opportunity for a gateway entrance and car parking especially if no more land is sold off. The Springvale Road end of the reservation is seriously deficient in car parking and has been compromised by the works Council is presently undertaking at Strathdon House and the orchard. We believe this is a consequence of undertaking developments in a piecemeal “in isolation” manner rather than looking at a big picture co-ordinated approach. (We appreciate that a big picture approach is difficult since the final scope and function of the reservation is still a moving target.)
- Support an aboriginal name **but** if it has not **been** finalised before any agreed hand over it should **NOT** delay that handover – it can be finalised at a later date.
- Believe that there has been an in principle agreement between Council and the North-East link authority to provide for significant tree planting and believe that some of it be used for reafforestation of the HFR **provided** Council becomes the land owner.
- Believe that some of the Council’s Open Space Reserve (funds) could be used to help develop the HFR **provided** Council becomes the land owner.
- Note that the letter of offer from DELWP to Council of 22September 2020, Item 10 advises of DELWP’s intention that all areas will be cleared prior to the land manager being appointed. HCAG supports DELWP undertaking the work but believes it should be referred to the master planning process and undertaken AFTER the completion of that process. This is to ensure that opportunities are not lost by premature clearing of sites. There may be more solutions than one. For example fire safety referred to in the document could compromise the master plan.
- Consider that passive and active recreation must be a higher priority of the state planning department for Melbourne and in particular Whitehorse where there are still some opportunities like the HFR. The perception is that the state planning department is singularly focused on higher and higher density residential development which without matching recreational opportunities can only result in a less and less liveable city.
- Believe that a bipartisan approach is needed at a State level, especially since in 2014 both major political parties had very different and opposite intent with respect to the reservation. We are aware of the Member for Forest Hill’s recent support for the reservation’s use for passive and active recreation but urge the opposition to now support it at the highest parliamentary level.
- Finally see the HFR as a key link in a network of linear parks that provide a walking and bicycle paths throughout the northeast, eastern, south eastern region of Melbourne. This should be part of any consideration and master plan. There has been a lot of talk of it over the years but further commitment and action is needed. The actions to bring the HFR into being must not compromise this ambitious larger programme.