

TRUSTEES OF THE CAULFIELD RACECOURSE RESERVE

**MINUTES OF MEETING OF TRUSTEES
HELD AT CAULFIELD RACECOURSE
ON 25 SEPTEMBER 2008 AT 1.00PM**

1. PRESENT

P Le Grand (Chairman)
P Lawrence
S Marshall
Hon T C Reynolds
Hon E M P Tanner
Hon F J Granter
P C Young
G Sword
Cr S Tang
Cr N Staikos
Cr H Whiteside

2. IN ATTENDANCE

M J Cleaver (Secretary)
G Canty (MRC Business Affairs Manager)

B Discombe (MRC Development Manager – *for General Business - Land Exchange*)

3. APOLOGIES

M Symons
I J MacDonald
M S Bell

4. CONFIRMATION OF MINUTES

The following correspondence which had been circulated was presented and tabled.

- a) Letter to Minister for the Environment dated 21 May 2008 from Chairman of Trustees – “Caulfield Racecourse Reserve”;
- b) Letter to Chairman dated 5 August 2008 from Cr Whiteside – “Draft Minutes of the Trustees’ meeting 19 March 2008”, and response from Chairman dated 13 August 2008;
- c) Letter to Secretary dated 22 August 2008 from Cr Whiteside – “Minutes of the Trustees’ meeting of 19 March 2008 – **Probity**”;
- d) Note from G. Sword tabled at the meeting proposing an amendment to paragraph 11(c).

Prior to consideration to confirm the minutes of the Trustees meeting of 19 March 2008, two amendments were received.

Firstly from Cr Whiteside, in relation to the matter on the Agenda on 19 March relating to the trustees responsibilities over the sale and use of Crown land, that it be discharged from the agenda.

Cr Whiteside noted that when the motion moved by her and seconded by Cr Tang at the March meeting "that the Trustees cannot consent either to the disposal of the triangle of Crown Land or its use for a multi- stories building", the motion was debated and defeated and this should be recorded.

This amendment was put and lost 3 For and 8 Against.

Mr G Sword then proposed an amendment to delete the current words of the second paragraph of item 11 (c), and in their place insert the following:

"It was Moved G Sword, Seconded P Young that items (a) and (b) regarding Trustees responsibilities over the use and sale of Crown Land be discharged from the Agenda on the basis that the resolutions were simply a restatement of the current objects of the Trust.

The Chairman allowed item (a) to be proposed and seconded.

The Chairman then called for a vote by show of hands. The chairman advised that resolution (a) was lost.

G. Sword intervened on a point of order as follows:

The resolution seeking to discharge items (a) and (b) from the agenda was a procedural motion and was required to be dealt with first before the substantive resolution. G. Sword advised there may have been some confusion amongst Trustee's as to which resolution they were being asked to vote on, accordingly, the chairman was asked to declare the previous vote void and to submit the resolution of discharge to the meeting.

The Chairman accepted the point of order.

The resolution to discharge items (a) and (b) was put and carried

Cr N Staikos requested divisions be recorded. Motion passed (8 for, 4 against)."

This amendment was seconded by S. Marshall and the motion carried (8 for, 3 against)

Moved by S Marshall, Seconded by J Granter and RESOLVED that the Minutes of the Meeting held on 19 March 2008 as amended be confirmed as a correct record of the proceedings of that meeting. Motion carried (8 for, 3 against).

5. MATTERS ARISING

a) Insurance

Letter from the Secretary to all Trustees dated 15 September 2008 which had been circulated was presented and tabled. It was noted that the Directors and Officers Liability Insurance had been increased from \$2 million to \$5 million for the 2008/2009 financial year. Racing Victoria Limited has facilitated a \$100 Million state-wide policy covering all racing clubs and the Caulfield Racecourse Reserve Trustees are specifically covered under that agreement. Insurance Brokers have advised that should the Trustees wish to take out their own stand-alone insurance, the indicative premium cost for \$20 million cover would be approximately \$5,000. It was agreed that as the existing cover was satisfactory no further increase should be sought.

b) Use of the Centre - Joint recommendation

Joint Communiqué between the CEO's of the Melbourne Racing Club and City of Glen Eira on the use of public open space in the centre of the Caulfield Racecourse Reserve dated 30 June 2008, which had been circulated, was presented and tabled. It was noted that MRC and Council support any industry initiative to relocate training from the Caulfield Racecourse and desire this to happen as expediently as can be facilitated by the industry. After training has been relocated, the MRC and Council agree that the land now occupied by the stables in the south-east corner of the Caulfield Racecourse Reserve will, subject to approval by the Trustees, be hatched from the Caulfield Racecourse Reserve and be incorporated into Glen Huntly Park under the responsibility of the Council. Subject to approval, the Centre of the Caulfield Racecourse Reserve should be maintained and improved as passive public open space. Ball sports should be located outside of the Caulfield Racecourse Reserve in Glen Huntly Park.

Discussion centred on the word "hatched" and what responsibilities and approvals the Trustees have in regard to this transfer. Further advice was required particularly concerning the role of the State Government in this matter.

It was moved G. Sword, Seconded S. Marshall that the Trustees endorse the recommendation in the Joint Communiqué with the exception of paragraph (c) relating to the "hatched" land in question. This matter is to be referred back to the CEO's for them to investigate the meaning and intent of the word hatched and clarification of State Government involvement, with CEOs to report back to the Trustees at the March 2009 meeting. Motion carried (For 11, Against 0).

It was further proposed by Cr Tang, Seconded Cr Whiteside, that Trustees ask the CEOs to meet quarterly so that the MRC may provide an update on the implementation of the improvements agreed in the Joint Communiqué, and to report progress at each meeting of Trustees. Motion carried (For 11, Against 0).

It was generally agreed that any proposed work for the Centre will be included as part of a detailed annual maintenance and development plan submitted to Trustees in accordance with the existing Deed of Maintenance and Development.

c) Stable Lease – Neerim Rd

It was noted that the 21 year lease between the MRC and Trustees for the Neerim Rd Stables had been executed by the Governor in Council on 23 April 2008 in the format required by the Department of Sustainability and Environment. Cr Whiteside requested details of the remaining term of the trainers lease on the Neerim Rd Stables be provided to Trustees.

d) Access and Signage

G. Canty reported that at the March 2008 meeting of Trustees it was advised that whilst a risk assessment suggested closure of the Glenhuntly Park pedestrian gate due to the lack of public and horse separation, the Trustees agreed with the Club's view that public access to the Reserve would remain whilst the Club investigates engineering, process or signage solutions as an alternative to permanent closure of this gate. Since March, the following actions have been taken to mitigate the risks:

- Erection of warning sign for pedestrians;
- An electronic sliding gate has been installed at the top of the hill next to the pedestrian gate. This gate is operated by vehicle sensors. There is no pedestrian access through this gate and as such the speed of horse and vehicle traffic near the pedestrian gate is reduced;
- The Chief Executive has written to all trainers requesting that they advise staff and owners of the new arrangements and the reasoning behind them;
- Club executives have briefed trainers about these risks.

There have been no reported incidents in the vicinity since these measures have been implemented.

At the March 2008 meeting of Trustees, Cr Tang requested that the Club endeavour to identify up to four additional entrances to the Reserve. G. Canty reported that whilst no additional entrances have been identified, part of the joint recommendation from the Club and Council relating to the Centre of the Reserve includes improvements to include enhanced pedestrian access through the vehicle tunnel located at the Glen Eira roundabout and extended disabled access to the Centre through the Guineas tunnel. In addition, the practice of entering the track from the north eastern corner of the course (corner of Station St and Queens Ave) has been made easier with the removal of dense vegetation alongside the fence.

The changes to gate signage and access have been reported to the local community via:

- Family Fun Day in the centre of the Reserve on 13 April 2008;
- Community Information forum at Caulfield Racecourse Tabaret on 4 June 2008;
- Inclusion in MRC and City of Glen Eira website;
- Letterbox drop to more than 2,000 neighbouring residents;
- Inclusion in the Glen Eira News, the official newsletter of the City of Glen Eira, distributed to 55,000 households in Glen Eira.

Trustees generally requested that signage be increased in size to make access to the Reserve more identifiable.

e) Queens Ave Fence Risk Assessment

Correspondence from the MRC Chief Executive to the Chairman of Trustees dated 3 June 2008 and the Worley Parson's Risk Management report relating to the issues surrounding the potential fence replacement on the Queens Avenue boundary of the Reserve, as previously circulated, was presented and tabled.

In summary, the report concluded that :

- the safety controls at the Queens Ave boundary are provided by the combination of the fence and the vegetation and neither can presently provide the function alone. These controls are essential for safe management of racing and training activities along the Queens Ave boundary.
- Removal of the fence and vegetation would present an unacceptable increase in risk to horse racing activities at Caulfield. Removal of the current fence would either demand a replacement with a similar fence or require that the Club build an additional barrier between the fence and the outside rail to meet horse racing safety requirements;
- The close proximity of a busy road, the likelihood of unwanted intrusion, the evident litter problem and the presence of an embankment all mitigate against the perceived benefits of a more transparent (e.g. palisade type) fence;
- Replacement of the current fence with a more open type of fence such as the palisade type tested would seriously compromise the Club's current controls and any replacement should maintain or improve on those controls.

G. Canty reported that the review findings had been circulated to more than 2,000 neighbouring residents, and a copy of the detailed report had been made available for public viewing at the offices of the Club.

Trustees requested that the Club consider public release of the detailed report.

f) Secretary's Honorarium

***** The Secretary left the meeting *****

Moved P. Lawrence, seconded J. Granter that in view of the increased workload now being undertaken by the Secretary of the Trustees, the Secretary's Honorarium is to be increased from \$7,500 per annum to \$10,000 per annum, backdated to 31 March 2008. Motion carried (For 11, Against 0).

***** The Secretary rejoined the meeting *****

6. GENERAL BUSINESS

a) Public access to Trustees Meetings

The Chairman advised that earlier that day he had received a request via telephone from Mr F. Penhaliuriack to attend the Trustees meeting as an observer. The Chairman denied the request, highlighting that that the Trustees meeting is not a public meeting and that any request for observers to be present would need to be considered by Trustees. Subsequently a further request (in writing) from Mr F. Penhaliuriack, Mr D. Dunstan and Ms C. Forge to attend the meeting as observers was received just prior to commencement of the meeting.

It was moved by P. Young, Seconded by T. Reynolds that the Trustees ratify the decision of the Chairman to exclude the public from Trustee meetings. Motion carried (For 11, Against 0).

b) Parliamentary Select Committee on Public Land Development

Letter from the Parliamentary Select Committee on Public Land Development Secretary R. Willis dated 17 September 2008 regarding the tabling of its final report in the Legislative Council on 11 September 2008, was tabled. It was noted that a copy of the report was available on the Committee Website at <http://www.parliament.vic.gov.au/council/publicland>. Upon tabling its final report to the Legislative Council on 11 September 2008, the function and operation of the Select Committee on Public Land Development ceased.

It was agreed that, as a matter of urgency, it would be beneficial to all Trustees if a small delegation make representation to the Minister for Environment and Climate Change to discuss the issues raised in the report. The delegation would consist of the Chairman, Secretary, P. Young (representing MRC appointed Trustees), S. Tang (Council appointees) and G. Sword (Government appointees).

c) Tabaret Car Park Land Exchange

***** B. Discombe joined the meeting *****

B. Discombe provided a detailed update on the proposed land exchange. He advised that at the Trustees meeting of 31 October 2006, Trustees provided "the in principle approval to proceed with an application to Department of Sustainability and Environment (DSE) for the acquisition of the Tabaret Car Park by Melbourne Racing Club subject to future offsetting arrangement".

The Club has made this application to DSE in accordance with the Trustee approval.

The Land Exchange is a process established by State Government through the DSE. It will require an Act of Parliament to remove the Crown Land from permanent reserve and the new land area will be annexed to the Reserve.

DSE stand ready to make a recommendation to the Minister of Environment following today's meeting.

DSE considered a number of parcels and settled on the land area adjacent to the Glen Eira roundabout ("Booran Rd Flats area") as a suitable site.

Some of the salient features of this land area are in the nature of the site itself:

- It provides a land area which abuts the Reserve and that which will become part of the Reserve through the land exchange.
- The site has significant environment, cultural and botanical value with several species being of interest. These species include: - English Oak, Jacaranda, Morton Bay Fig, Canary Island Date Palm and many other native trees.
- This land area presented an option to become public open space upon the execution of the land exchange
- The area of land offers the potential to be of significant value to the Crown and local community

The land exchange area is to be equal in size to that of the Tabaret Carpark. Once surveyed the title over the land area will reflect this criteria and this may include some land area across the site of the stables.

The landscape areas as outlined on the plan must be completed by the date of the actual land exchange and become immediately available for public use. The care protection and maintenance of this new area will be under the conditions of the Reserve.

The landscape works will include the following features:

- Removal of all buildings on the site;
- Protection of the existing trees;

- Mounding, pathways, and natural play areas;
- Car parking area;
- Additional landscaping and planting.

DSE has requested MRC seek written consent from the Trustees to proceed with the land exchange and the MRC now make this request.

Proposed S. Marshall, Seconded P. Lawrence, that The Trustees give written consent to the MRC to proceed with the land exchange proposed by the Department of Sustainability and Environment concerning the Tabaret Car Park and the Booran Rd Flats area. Motion carried (For 9, Against 2).

d) Racecourse Centre – Usage Requests

Memorandum from the MRC Facilities & Property Manager dated 19 September 2008 was presented and tabled.

It was noted that the Club had received various requests last autumn regarding the potential use of the Centre of the Racecourse by community groups for social gatherings. The nature of the requests were from community groups who traditionally would have utilised other parks & gardens in the municipality. The state of the local parks & gardens have deteriorated over the last year due to the drought and the local council has been unable to meet the requests.

In dealing with this matter, the Club has recognised that there needs to a formalised and consistent process in approving such requests.

It was resolved that the Trustees approve the process and form proposed by the MRC with regard to establishing a management fee for social gatherings of 40 or more persons, or where erection of temporary structures are involved or is open to public invitation and/or an admission charge applies.

e) Other

B Discombe advised that the Terrace Whittier Grandstand, which is nearing the end of its useful life, would soon be demolished and a new facility built on the site. Work will be programmed to be carried out to minimise disruption to the Caulfield Spring Racing Carnival and Monash University Exams.

Cr Tang requested that the MRC prepare a report for the March 2009 meeting identifying the organisations and community groups that hire the MRC grandstands and facilities on non-racedays.

Date of Next Meeting: Thursday 19 March 2009 at 1.00pm (to be confirmed)

Confirmed

**Chairman
Trustees**