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## Draft Transcript

### **Draft Transcript**

# Surf Coast Shire Special Council Meeting for Hearing Submissions (Via Zoom video conference)

Tuesday, 7 March 2023 at 6pm

### **About This Document**

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CR PATTISON: Good evening, everybody. I'd like to welcome everyone watching this Special Council Meeting. My name is Councillor Liz Pattison and I am the Mayor of the Surf Coast Shire.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung people and the Gulidjan and Gadubanud people of the Eastern Maar Nation. The Council's main offices are in Torquay on Wadawurrung country. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of generations and I'm so grateful that we can be here today living and working in such a beautiful part of the world. Surf Coast Shire Council is committing to walking with the traditional owners of these lands on a journey of genuine reconciliation.

Tonight we'll be hearing from those who wish to speak to their written submissions regarding PG20/0013 - Application for Approval of an Amended Development Plan for the Briody Estate West, Torquay.

To facilitate public access, this meeting is being live streamed and the recording will be available on Council's website. If a submitter does not wish to be video recorded, it is their responsibility to turn off their video function and use audio only. Live captioning will accompany the live stream.

Councillors are bound by the behaviours and obligations under our Code of Conduct. Please direct any questions or comments you have through me as the Chair and I will endeavour to ensure everyone has an opportunity to speak, whilst also making sure we stick to time.

The following procedures will apply during this meeting. Each submitter who has requested to speak will be admitted into the meeting and given 5 minutes to present their submission. When the timer on the screen reaches 5 minutes, you must stop your presentation. The timer will turn orange when you have 1 minute left as a bit of a warning and then red when there is 10 seconds remaining. It would be really helpful if you could keep an eye on the timer and stick to those times. Councillors will then be invited to ask questions directly related to your submission if needed. In the interests of time, we like to try to keep the questions brief so we can move through all of the submitters in a fair way.

I ask that all participants remain on mute when they are not speaking, just to allow the meeting to run smoothly. If a speaker has any technical problems which are not resolved quickly, then they will be removed from the meeting and contacted by a member of Council staff. If the issues are resolved, the speaker will be invited to deliver their presentation at the end of the meeting.

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The Special Council Meeting is not a workshop and it should not be necessary for officers to be asked to make comment on the submissions. However, if there are any questions of officers, they should be directed through me as the Chair. Councillors will not be making any decisions in relation to the matters heard tonight. Decision making will occur at a future Council meeting once all relevant information has been received and reviewed.

So I will now recite the pledge, and this is for our Councillors. As Councillors, we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

Now we move on to apologies. Are there any apologies for this meeting that anyone is aware of?

CR HODGE: Yes, Mayor, Councillor Adrian Schonfelder is away overseas.

CR PATTISON: Thank you, Councillor Hodge. Can I have a mover of a motion to accept this apology? Councillor Hodge. And a seconder? Councillor Allen. All those in favour? And the motion is carried.

Conflicts of interest - if a Councillor or officer has a conflict of interest, they must declare it now and do so again just prior to the item being discussed. The Councillor will be removed from the meeting by the host and will be placed in a virtual waiting room whilst the matter is being considered. Once the matter is resolved, the Councillor will be returned to the meeting. Are there any declarations of conflicts of interest? No? Okay, we'll move along.

Well, I think that brings us straight into our submissions. There were 25 submissions received for this item and 7 submitters, including the applicant, have registered to speak tonight. So our first speaker is - I'll just clarify with Jake. Jake, our first speaker is Nick Morris, is that right?

JAKE BROWN: That's correct, Mayor. I'll be allowing Nick to come into the meeting now.

CR PATTISON: Great. And I also just wanted to remind those that are on the webinar, can you please ensure that your name is clearly displayed so that Governance and others can see who's in the webinar, so if you can make sure your name is clear, that would be really helpful. Thank you very much. So welcome, Nick.

NICK MORRIS: Have you got me? Can you hear me?

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CR PATTISON: Yes, we can hear you.

NICK MORRIS: Right. I'll start video as well.

CR PATTISON: Yes, if you're comfortable, it would be great if you can put your video on. Thank you very much. And now it's over to you to please present your submission when you're ready.

NICK MORRIS: Thank you very much. Thank you for taking the time to hear me and I'm very grateful for that.

I guess there's many reasons why I'm opposed to the change of plans from a catchment reserve to a filtration system with proposed housing on the corner of Illawong Drive and Briody Drive. I've recently been working out the front of our property at 27 Illawong Drive and observed for days the traffic going by. I'm deeply concerned about the traffic and the speed at which it comes around the bend from Briody and enters into Illawong Drive. It's a blind corner that can be hit at speed and putting driveways in close proximity to this intersection is a disaster waiting to happen. I believe one of my neighbours will cover this off in more details.

I also lived at 32 Spring Valley Drive for 15 years next to the stormwater in the laneway and in the last few years an overflow drain which runs the excess water down the laneway was put in as the stormwater system was failing under heavy rains. I've seen paint, oil, Styrofoam and all sorts of rubbish and chemicals flow into the catchment below. My sister-in-law also lives at the bottom of Frog Hollow and we've seen too many times the drainage system fail there as well, recently leaving the street 60 centimetres underwater.

More works have been done in the area to try to amend this. There is a history of failed draining systems in the shire and when this happens, the residents pick up the bill, not the developer.

My concerns with the proposed system is that it's the first of its kind to my knowledge, which means we as residents and Deep Creek become the guinea pigs and will be the casualties if this system fails. There's no catchment under the new proposal to hold any rubbish or chemicals. How can you guarantee this system will not fail with a system that bypasses on the filter on the corner of Illawong and Briody under heavy rain? What is the result for Deep Creek and God only knows the chemicals and rubbish that flow into it. If there is any other failure, does our property end up flooding? These are real concerns that the Council needs to take into consideration.

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Surely a reserve is also good for Torquay and the wildlife that will make it their home. Do we want to just end up as another place where suburban sprawl is endless like the outer suburbs of Melbourne - Frankston with waves, as I say to my wife.

On a side note, we bought our block of land and designed our house as the reserve was to be next door. We went over the approved Council plans for reserve and could not have been happier with the outlook we were going to get from our house. All of this has been turned upside-down and we feel we've been ripped off with the new planning submission. It's pretty ordinary that this can be done to residents where there is approved plans already in place.

Thank you for your time. I hope I didn't sound too harsh, and I sincerely hope that Council really looks at this in depth as your decisions determine the future of Torquay. And that is my submission.

CR PATTISON: Thank you very much, Nick. They're important issues for you, so you didn't sound too negative at all. I appreciate you making the submission and presenting to us.

Do any Councillors have any questions they'd like to put to Nick? Councillor Hodge.

CR HODGE: Thank you, Mayor. Thanks, Nick, for your presentation. I just wanted to - when you bought where you are, you said you were abutting or next to a reserve and that was your outlook and the new plans are that that actually gets moved, doesn't it, so you would be right next door to buildings or --

NICK MORRIS: Yes, to another house, so we'd lose the reserve, which we designed our whole house around, and, yeah, yeah, that's why we bought the block really. We went over, we had a look at - we got on the Council website and looked at the plans and everything and it was all there, so yeah. So yes. So we were pretty disappointed to hear that it was going to be changed as well.

CR HODGE: Mmm, thank you.

NICK MORRIS: Thank you.

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CR PATTISON: Well, thank you, Nick, for your submission. We really appreciate that and we'll definitely take it into consideration as we progress with this development application further.

NICK MORRIS: Thank you for your time. I really appreciate it.

CR PATTISON: Thanks, Nick. So Nick - yes, thanks, Nick, if you turn off your video.

Could Kathryn Williamson please be admitted into the meeting? Can you hear us, Kathryn? I can see your name on the screen. If you could unmute and turn on your video, if you're comfortable with that. Can you hear us, Kathryn?

KATHRYN WILLIAMSON: Thank you, can you hear me now?

CR PATTISON: Yes, we can. Thank you.

KATHRYN WILLIAMSON: That's wonderful, thank you. I just would like to make a quick comment. I actually will be Nick's neighbour at number 25 Illawong Drive in a couple of weeks, so I'm speaking tonight on behalf of my husband, John.

Firstly, we'd like to say that we're not opposed to this development, but we do have concerns regarding the proposed stormwater management system. We own the property that is in the planning envelope and we currently have a temporary stormwater system which will be connected to the eastern catchment permanent system when it's implemented. This change to the stormwater system requires, I think, expert scrutiny to confirm that it will deliver better water quality and flow management into Deep Creek.

The developer's application plans to replace the eastern encumbered open space retarding basin with this spill treatment system which has been explained to me as a big pipe with some filters. They also want to reduce the amount of open space from 8,847 square metres to 400 square metres and convert the now freed up 8,447 square metres to 19 residential housing lots adjacent to the intersection of Illawong Drive and Briody Drive.

The question for me is whether this change will deliver better stormwater management outcomes and better community amenity. It will not only impact on water flow and quality into Deep Creek, but has repercussions on the stormwater outflow specifically from our property. We will be directly impacted should the intended system fail to cope during weather events.

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The technical issues of stormwater management are not my area, but I refer you to the submission from the Greater Torquay Alliance that I think expertly addresses some of these issues. I also had a comment from Professor Tim Fletcher, who is an urban ecohydrologist at University of Melbourne, and when asked to comment on this application, his comments were, "What I see in this decision, to be frank, is a decision motivated entirely by minimising maintenance, effort and cost. I don't think long-term performance or other benefits to the community were taken into account - ie, a wetland or similar system offers a range of benefits." We are a very long way here from the best practice approaches that he believes are now recommended by the EPA.

The developer has commented that this proposal has already received in-principle support by Council in discussions between the Spire Group and the Surf Coast Shire in September 2019. It's my understanding that there have been new regulatory and guidance documents since then that this proposal now needs to be measured against.

As residents, we rely on you as our Councillors and our elected representatives to be our voice, so we hope that you ask the right questions, get the right answers and not immediately accept the position that has been presented to you. If the spill system is determined to be the best system possible, it is my view, though, that that land that is freed up should remain open space for the benefit of the community and not be converted to additional housing for the benefit of the developer.

The impact of some recent stormwater system failures in North Torquay is regrettable, long-lasting and we know expensive to rectify. We hope that lessons have been learnt as to how was this gotten so wrong. What has changed now to ensure that this isn't repeated and that the community has confidence in the decisions that are made? It's my hope that the past errors and miscalculations are not repeated with respect to this development because I actually don't want to get wet feet. So thank you for the time and the opportunity to be heard.

CR PATTISON: Thank you, Kathryn. I really appreciate that submission and you've raised some really important points.  
Do we have any questions from Councillors for Kathryn?

Well, thank you, Kathryn. Once again, I really - there's lots of food for thought that's come from that and some really important topics around how we use open space and manage our stormwater. So we'll now move on to our next presenter. Once again, thanks, Kathryn. And could Julie Stewart please be admitted to the meeting?

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Hello, Julie. If you could unmute yourself and turn on your camera, if you're comfortable with it. Can you hear me, Julie? You're now in the webinar. If you could unmute yourself, that would be great. Can you hear me, Julie? Are you able to unmute yourself, please?

JULIE STEWART: Thank you.

CR PATTISON: Oh, great.

JULIE STEWART: Can you hear me now?

CR PATTISON: Yes, loud and clear. Thank you very much. If you'd like to start your submission, that would be wonderful.

JULIE STEWART: Great. So our home is at the intersection of Illawong and Briody Drives. We share similar concerns to other residents and speakers and to avoid repetition, I'm going to focus purely on the issue of the traffic safety risk at this intersection if housing is to replace the corner open space.

It's important to understand that this Y intersection that has a combination of road surfaces leading into it has limited visibility from two directions. The intersection is controlled also only by a give way sign and two speed signs. As the area has grown, it's led to more cars and children using the roads. It is a main thoroughfare for children going to the two schools. Children riding eScooters, trail bikes, eBikes has increased.

The upgrade to Messmate Road has resulted in a noticeable increase in traffic using this intersection to access Torquay. During and after completion of this development, traffic will further increase.

At this corner, we currently observe trucks stopping in the intersection to complete three-point turns, cars and trucks backing into the intersection, a school bus stopping close to and sometimes partly overlapping the intersection, drivers doing U-turns in the intersection, particularly at school drop-off and pick-up time, excessive speeding through the intersection, with near misses and hard braking by drivers to avoid collisions, vehicles entering the intersection on the wrong side of the road, drivers failing to understand right of way at the intersection, drivers ignoring the Briody Drive give way sign, and school children running the gauntlet and using a spotter so they don't have to stop when crossing the intersection. We've previously raised these concerns with both Council and the Torquay Police.



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We agreed to the original development plan because it clearly and effectively addressed our concerns over water catchment, traffic safety and open space. The corner was left unencumbered of housing, allowing for improved drainage, increased visibility at the intersection, and some open space for residents at the eastern end. This plan completely deprives residents in the eastern section of an open space, whilst central and western section residents will enjoy in abundance.

It beggars belief that the Summerset planner has seen fit to ignore previous planning recommendations and plan housing at this intersection. He's deprived easterners of open space. He's further impaired user visibility with the proposed homes. He's created a potential disaster for new homeowners exiting their driveways. They'll have little response time to stop when cars round the Briody Drive corner. He's increased the number of parked cars, reducing safety. He's increased the number of associated trade and delivery vehicles, which will further congest the intersection during the development stage.

Has he considered the placement of the proposed bus stop? He has completely ignored the issue of traffic safety with additional housing at this intersection. He's effectively removed Council's ability to best future proof traffic safety at this intersection. The proposed homes will effectively lock Council out of considering and implementing the best traffic safety solution for the intersection. Instead, Council will be restricted to implementing only a plan that will fit. We strongly raise our concerns, including notation of this by Council, that there is an existing safety risk at this intersection. This risk will further increase during and at completion of the development.

We ask Council to seriously consider our reasons for the removal of the housing lots at the corner of Illawong Drive to alleviate an increased traffic safety risk and to allow it to remain open parkland with the understanding that part may be used in the future to implement the best traffic safety option for all users. Surely best Council planning is preventative rather than responsive to accidents and I guess one could ask does housing on this corner pass the pub test? And the answer is no. Thank you.

CR PATTISON: Thank you, Julie. You've raised some really important safety points then for us to think more about in the context of this.

Do we have any questions from Councillors for Julie? Oh, sorry, Councillor Allen, I couldn't see your hand, it's hidden amongst the photos. Sorry, Councillor Allen, go ahead.

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CR ALLEN: Thanks, Mayor. Thanks, Julie, for coming and joining us and expressing your concerns and you raised some genuine safety concerns that currently exist, which is terrific - not that the concerns are terrific.

JULIE STEWART: No.

CR ALLEN: Do you think that if the plans are approved and the development goes ahead, would in fact there be improvements to the road, to the intersection, that would in fact make it safer for the community?

JULIE STEWART: What do I think would make it safer?

CR ALLEN: Well, sorry, do you think the fact that if the development proceeds and the road is upgraded and the intersection is improved, those improvements would in fact lead to greater safety rather than decreased safety?

JULIE STEWART: Well, I think if the - you know, when you look at in the arborist report and you've got the houses that are planned for the Illawong/Briody Drive corner next to Nick's house, that if you build something there, you're going to block vision anyway from coming around the corner from both Illawong Drive travelling west into Briody Drive or if you're travelling east back along Briody Drive.

I'm hopeful that - I know there's bike lanes, I know there's improved guttering, there's sealed roads, and that should improve the road surface, but my concern is unless there's traffic islands, a roundabout, something - pedestrian crossing, something that's really considered, drivers will just drive faster on a made road, it will become even busier. Like we're not against development. We're really happy with the retirement village idea. Our biggest concern is that once you put houses on that corner, I think you'll exacerbate the dangers, traffic safety dangers there.

CR ALLEN: Just a follow-up, Mayor, if I may. You would be comfortable if there were a roundabout there?

JULIE STEWART: I don't have a problem with a roundabout, no, but if you've got a roundabout and three homes built right on that corner, you're going to be pretty squashed for space. Like the fact that you can leave it open my husband and I both believe will give the Council an opportunity to really have a look at what the traffic safety issue is once the development has finished because, you know, when you sealed that service road up near Anco and past the service offices for the Council, the amount of traffic that now uses that

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road and then comes past our intersection and I'm aware of this because I use that road every morning to go to school - as soon as you've got a development built on that, whether it's housing or your retirement village, you are massively - and residents and visitors, you're massively increasing the amount of traffic going through there.

So there were no traffic plans for this corner, you know, counters were done at the corner of Grossmans Road and Illawong Drive and at Messmate and Briody Drive, but there was no data for what was happening here and really I think Council, by leaving that space unencumbered, has a wonderful opportunity to look at okay, what's the issue once your development is finished and I know we're talking like maybe --

CR PATTISON: Thanks, Julie. We really appreciate your responses and the like. I'm just conscious we've had a good amount of listening to your submission and I really appreciate it and we take on board and we'll definitely consider further the traffic concerns around that corner. I think they're significant and worth us considering. So once again, thank you so much for coming on and submitting to us tonight.

JULIE STEWART: Thank you.

CR PATTISON: No worries. Now, could Matt Benson please be admitted into the meeting? Hi, Matt. We can see you now. You're unmuted and your video, all good. So I'll pass it over to you for your presentation, thank you.

MATT BENSON: Awesome, and thank you for the opportunity to present tonight. It was really interesting to hear those other guys as well.

Look, I want to start by just saying it's really sad and really --

CR PATTISON: Did you want to share your screen, sorry, Matt? I do note that you have some photos and things.

MATT BENSON: Have you got those photos already tabled?

CR PATTISON: Jake, should Matt share his screen or do you have them to put up?

JAKE BROWN: Matt, I can put them up on the screen if you like.

MATT BENSON: I can share them. Sorry, that was a bit of confusion. Alright, can you see a big sink hole?

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CR PATTISON: Yes, now we can.

MATT BENSON: Alright, cool. I'll start again, if that's okay with you.

CR PATTISON: Sorry about that, Matt. Yes, go ahead.

MATT BENSON: No, that's okay, that's fine. Look, I just want to start by saying that it is - oh, hang on - it's very disheartening, I guess, to see that yet again, through the decades of planning that we have at Surf Coast Shire, again it's another development that goes against that, despite the planning and community consultation, and I'm particularly surprised to see that the drainage basin is proposed to be removed because I know that the Surf Coast, that was a really important point for the Surf Coast Shire in the initial development of this area. Anyway, again, my objection - our objection is not to the planning itself, it's to the environmental assessment and the removal of the drainage basin.

You can read my submission for the details, but I just wanted to show you examples, real examples now, of where run-off is already having an impact on Deep Creek and the first thing you're looking at is a big sink hole. So it's about 2 metres deep and it's sitting in the reserve just off the track above the creek as you run down Yellow Gum Place. It appeared in the last big lot of rain quite a few weeks ago, but it's not the first sink hole to appear after rain over the years in the area. Further down the creek, we've got a lot of cracking of the land where the water just runs straight over the land and next time it rains the water will run into these holes and create sink holes.

And another one there which you can see is water that's still sitting there from the last rainfall event, which I can't even remember when it was, maybe six weeks ago, and basically already the creek and the surrounding area can't handle the volume of overland flow and that's just after one fairly significant rainfall event. So I don't know how it's going to handle more water flows following a development that's taking out the basin. So that's the presentation.

So look, what I'm really hoping is that the Council have learnt their lesson from Karaaf Wetlands and I don't know about you guys, but this feels like ominously similar. We've got an environmental assessment that clearly underestimates volume and nature of the runoff by relying on outdated models and assumptions and has completely inadequate environmental controls.

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The environmental assessment is clearly relying on out-of-date information and, most importantly, it's not considering the wider development of other proposed developments around the north Deep Creek area. It's even not even acknowledging that the area has been identified as an area of biodiversity significance in the Surf Coast's own statement of planning policy.

It's also really concerning that in the strategy and documentations there's references to discussions between developer agents and Council, which isn't really a good look when there's potential environmental damage and flood risk. I'm sure people will want to know more if that definitely happens.

So my requests are pretty simple: a more comprehensive flood impact assessment should occur before this assessment can be assessed for approval that considers the wider overland flow and more realistic assumptions about the volume and type of flow; it complies with the correct policies and guidelines as referenced in this submission; and that it also incorporates the wetlands, the learnings from the Karaaf Wetlands that we all know and love over the last few years; consult with the community, talk about the increase of flood risk, and provide an assurance to the community that that's not going to be the case; and more importantly, insist that the catchment goes back in so water is managed within the development area and then the problem down the road. That's it. Thanks, guys.

CR PATTISON: Thanks, Matt. I really appreciate your submission. Once again, really bringing forward some really important ideas around how we look at the environmental assessments and site assessments and the like, so appreciate the points that you've raised and those photos as well.

Do other Councillors - do Councillors have any questions they'd like to raise? No? Oh, Councillor Wellington.

CR WELLINGTON: It's not really a question. It's just a request that we can do something about that sink hole. It was quite dangerous - or both of them really, but particularly that one next to that pathway. Thanks for drawing that to our attention, Matt.

MATT BENSON: No worries. There has been some remediation work along that path, but there's still obviously more to do and that wasn't my point.

CR WELLINGTON: No, I understand that, yes.

MATT BENSON: But thank you, that would be good.

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CR WELLINGTON: It's worrying to see that sort of thing. Thanks for showing us that.

MATT BENSON: Young kids do actually play right next to it, yes. Alright, thanks, guys, appreciate it.

CR PATTISON: Thanks, Matt, appreciate your submission. Thank you. Bye.

Could Fleur Batties please be admitted into the meeting? Fleur, if you could unmute yourself and if you want, turn your camera on, that would be great. Thanks, Fleur. And I'll now pass it over to you to do your submission.

FLEUR BATTIES: Okay, thank you. Thanks, everyone, for your time and allowing me to come and speak, first time for me speaking at anything like this.

I'm Fleur Batties. I'm the owner of number 235 Messmate Road and I represent the Owners Corporation of number 247 Messmate Road, which the Owners Corporation comprises of myself, number 243 Messmate Road and 127 Coombs Road, so the three properties are Owners Corporation of number 247 Messmate which actually abuts the development at I think it's number 150 and 170 Briody Drive.

So we're actually quite concerned with the impact of the development on number 247 Messmate Road. The proposed development will substantially change the quiet and private nature of number 247 Messmate Road. It will also substantially increase the risk that's currently borne by the Owners Corporation, who we are currently responsible for all public liability insurances and for any incidents that may actually happen on that block of land and we are also responsible for all upkeep of that block of land as an Owners Corp, so the fact that the northern boundary of 170 and 150 Briody Drive abuts that means that we believe that there will be a lot more people in the area with the ability to access 247 Messmate Road and there will be a lot more people actually looking at 247 Messmate Road.

There's two key parts of the plan that we're concerned with. So the first one is there is a proposed internal road and footpath that's adjacent to the boundary of 247 Messmate Road and we believe that that road and footpath will increase the foot traffic of people and obviously vehicle traffic going along that path and being able to visually look at number 247 Messmate. And we're also concerned about the low-density residential blocks that will effectively overlook 247 Messmate Road and the possibility of that people overlooking will then create the ideation that they might want to go and enjoy Deep Creek, which

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actually runs through 247 Messmate Road, which is privately owned. So we're quite concerned about those two things.

247 Messmate is currently very quiet and very private. It's got minimal access to the public. It only has two blocks adjoining it, one of which is in the Body Corp, the other block is not, which I think is number 150 Briody Drive. They can overlook the creek, but they're the only ones that can see it. Looking at 247 Messmate Road from Messmate Road you really can't see anything in, so you're not tempted to access that block of land and it's extremely private.

Also, in terms of the upkeep, we do keep up and make sure that it's mowed and that it's tidy, but if people are overlooking that block, and especially those in the high-density - sorry, the higher density residential blocks that will - I assume the housing will overlook that block, they're going to expect it to be maintained to a very different standard than what it currently is, they will expect it to be visually pleasing.

So that's really our concerns is the increased risk of people being able to access the block, especially given that the footpath is walking directly along the boundary, and we're concerned about the expectation of upkeep of the block as well. It's currently very private and very quiet and we'd like appropriate boundary treatments to make sure that that private and quiet nature is maintained and they should be both physical and visual treatments that limit both physical and visual access to 247 Messmate Road. That's it. Thank you.

CR PATTISON: Thank you, Fleur, for raising those concerns on behalf of the Body Corporate. We appreciate you coming in and speaking with us. Do we have any Councillors with questions for Fleur? Councillor Bodsworth?

CR BODSWORTH: Thanks, Mayor. Thanks for your submission, Fleur, you did a great job. What's the zoning at 247 Messmate, do you know?

FLEUR BATTIES: I believe is it low density residential that has to be the one and a half - at least an acre? Sorry, I should know, but no.

CR BODSWORTH: It's okay. I'll be able to find out internally, but no, I was just wondering if you knew off the top of your head.

FLEUR BATTIES: No, I don't.

CR BODSWORTH: Thanks, Fleur.

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CR PATTISON: Councillor Wellington, did you have a question?

CR WELLINGTON: I'm just trying to get my head around the kind of geography of the area. Thanks for your submission, Fleur. Is 247 on the north-east corner of Briody and Messmate?

FLEUR BATTIES: No, it's not. So the development goes from Briody - if we go Briody and Messmate, you've got from Briody to Coombs. There's a development from Briody down to just before the creek runs through.

CR WELLINGTON: Right.

FLEUR BATTIES: Right? Deep Creek actually runs through 247 Messmate Road. It's pretty much across from the entry of Frog Hollow - if you look through Frog Hollow, it's across from there.

CR WELLINGTON: Okay. Yeah, no, I see where you are. I've got that. And when you say you want treatment on the boundary, what do you mean by that?

FLEUR BATTIES: Some sort of fencing.

CR WELLINGTON: Right.

FLEUR BATTIES: To limit both physical access and visual access to that block.

CR WELLINGTON: Right. Okay. Yes. I understand. Alright, thank you for that very much. You're expecting the developer would do that, Fleur, is that right?

FLEUR BATTIES: Yes.

CR WELLINGTON: Yes, thanks, okay. And sorry, how large is that block?

FLEUR BATTIES: It's an acre, I think it's a bit over an acre.

CR WELLINGTON: Okay, thank you.

CR PATTISON: Councillor Hodge, have you got a question for Fleur?

CR HODGE: It's sort of following on from what Councillor Wellington was saying. So this is a vacant block of land, but it's managed by the cooperative?



FLEUR BATTIES: Correct.

CR HODGE: Right, okay. So is that up for sale or is it for sale?

FLEUR BATTIES: We would be happy to talk about selling it.

CR HODGE: Okay.

FLEUR BATTIES: It's not up for sale at the moment. My understanding is that it's there to be maintained for drainage. I haven't been the owner of 235 Messmate for that long, I don't know the history of it, but I know that I'm part of the owners corporation and that that block is there for drainage.

CR HODGE: Thanks, Fleur.

CR WELLINGTON: There's a creek running through.

FLEUR BATTIES: The creek runs through it, yes.

CR WELLINGTON: Yes, okay.

CR PATTISON: Alright. Thank you, Fleur. We appreciate your submission and we'll now get Simon Loader to join us for his presentation. Welcome. As the applicant, you have 10 minutes to make your submission. I understand that you have a PowerPoint submission to share.

SIMON LOADER: That's correct.

CR PATTISON: So please share your screen and present the submission when you're ready.

SIMON LOADER: Thank you, Mayor. I'll just share this on the screen.

Thank you very much for the opportunity to present to the hearing of submissions. My name is Simon Loader. I'm a Senior Principal with Tract Consultants. We're a town planning, urban design and landscape architecture firm and we act on behalf of Summerset, who are the applicant for the amendment to the development plan.

Just a little bit of background on Summerset, they've got 50 locations across New Zealand and Australia. They started in the late 1990s and they've grown to be one of the Asia Pacific's largest aged care and retirement village owner and operators and they provide a range of different living options, from care

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homes on site through to just retirement living. They have more than 7,000 residents and 2,300 staff across New Zealand. They have recently entered the Australian market and are constructing their first of seven villages in Victoria. One is down at Cranbourne North and of course this one here in Torquay.

What differentiates Summerset is their continuum of care model, which is new in the Australian context, and it provides a wide range of services to meet I guess the modern needs of residents of these communities. It provides a holistic service provision that extends from retirement living through to aged care. And as you can see from this slide, a significant portion of Summerset's model is dedicated to providing care to senior Australians and this is a distinguishing factor compared to retirement villages in Torquay or indeed, for that matter, Australia.

A little bit about the villages. They're really built around five core things: creating vibrant communities with care on site; warm and inviting environments; diverse range of facilities and recreational opportunities within the site or within the village; quality range of accommodation to suit people's needs as they age in place; and of course tailored care service packages to suit residents' needs, and being such a large provider of services, they do have a diverse suite of needs from their residents.

I just wanted to touch on, I guess, something that we saw as relevant to Councillors in considering the amendment to the development plan. Obviously it's well established that this has been in place as an approved development plan since 2017 and we've been conducting this amendment process with Council's planning department since early 2020 and this has obviously been a recognised area for growth for many years.

Summerset's land holdings are shown here in this image in orange and we just thought that was an important point to make. There's circa eight or nine other landowners within this precinct and in recent years land has changed hands to more known development entities, so there's certainly an increase in interest in this area.

I just wanted to take Councillors to the core changes to the development plan and they're listed here in no particular order, but one of the major things is a construction of a roundabout at the junction of Briody Drive and Messmate Road and that really sits alongside wider infrastructure upgrades along Briody Drive and indeed at the intersection of Illawong and Briody. We know that I believe it was Miss Stewart who made the decisions about the state of that intersection and the need for additional safety treatments. That's certainly

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something we've been working with Council around ensuring there's some sort of treatment that occurs to that intersection.

Additionally, we've relocated the 0.87 hectare park to the Briody Drive edge - of course that was previously more centrally located - and as a result of including the retirement village, that's been relocated to the north.

And of course there's many submissions we understand that have been made about the eastern drainage basin which has been replaced with an underground water treatment device commonly known as a SPEL Unit, and I'll come to that in a little more detail as we run through some of these key submission themes. I didn't want to get down into the nitty-gritty of every single comment, but we definitely wanted to touch on the key themes from submitters that we reviewed and we saw through the process.

So just in terms of the retirement village and aged care offering, there was some submissions that made the point around is there a need for another retirement village in Torquay and I guess the point we would make is that Summerset is addressing a long-term community need to house senior Australians. There's indisputable data that suggests we have an ageing population and these facilities are really critical to making sure that we can help residents age in place.

As I mentioned before, the continuum of care model is unique in the Australian context and sets it apart from other operations, particularly in Torquay, and this village will provide internal recreation and open space facilities for the needs of its residents and this often takes a different form to typical council-run parks. Summerset is recognised as a leading operator in the retirement and aged care sector and is renowned for high-quality, well-managed and well-maintained facilities.

In terms of residential densities, we just make a couple of quick points. Aged care and retirement villages naturally have a different form to them than traditional residential communities and the density of buildings compared to those really are actually what create the community and the connectedness for residents who live there. We note that the density of residential development outside the aged care village area remains unchanged. However, the overall number of residential lots has dropped on account of the retirement village being included.

Coming now to stormwater, which we appreciate has been I guess one of the major items raised by submitters, and we understand the sensitivity to this. Obviously there's been much discussion locally around the Karaaf Wetlands,

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and it's undoubtedly a very critical item that both Council and the proponent really need to give consideration to. We'll take you through how we believe we've done that.

I think the really key point we wanted to make to Councillors tonight was we believe there's a bit of misunderstanding about what was approved originally and the key piece being that that eastern drainage facility or reserve never had provision for detention in it. It's simply a treatment facility before it discharges to Deep Creek.

The change that we're seeking through this development plan is to change it from a drainage basin to an underground proprietary treatment facility, which is an accepted and well established treatment system used widely in Victoria and was supported by Council's infrastructure team. The stormwater management strategy prepared by Spire was prepared in tandem with the flood impact assessment by Water Technology and that assessment found that only minor increases of flood levels would occur in Deep Creek as a result of the proposed development plan.

Now, notwithstanding the submissions that have been put to Council, all we can say is that the collective view of our engaged experts in Spire Water Technology and Council's own infrastructure team is that the proposed development would result in a negligible impact on Deep Creek.

Coming to traffic matters, noting that I've only got three minutes left, so I'll try to move through these quite quickly, current traffic assessments were prepared by Ratio which assessed the resultant traffic volumes from the proposed changes, predominantly inclusion of the village. Consequently, additional upgraded infrastructure has been included, including an embellished finish to Briody Drive as well as safe crossing points on Grossman and Briody Drive. Upgraded intersections have also been included in the DP. Again, I mentioned earlier in response to Ms Stewart's point, the intersection at Briody and Illawong Drive has been flagged to be upgraded as well to make sure that that intersection is safe in the long term.

The development plan also benefits from a shared path trail that circulates the southern and western edges of the development which will connect a shared path on Briody and Illawong Drive connecting to the wider path network for Torquay. Any increased traffic from the amended development plan has certainly been factored into the embellished road and path infrastructure.

There's been some commentary through submissions, both written and verbal tonight, around the amount of open space. We make the point the amount of

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open space or parkland, shall we say, in the DP, or the development plan, remains consistent with the approved development plan. Summerset takes the provision of open space and environment really seriously and they're committing to the delivery and almost one hectare park adjacent to Briody Drive, which will be accessible to the entire community. This is in addition to the open space that will be provided internally to the village.

Whilst the change to the eastern drainage basin to an underground facility is viewed as loss of open space by those in the community, this area is provided as encumbered land for the purpose of drainage, not for recreational or passive open space. We wish to reiterate that this basin was not usable open space, but a facility dedicated for drainage purposes.

And finally, just in relation to the impacts upon vegetation, we just make the point that this amendment to the development plan results in no increase to the demand for the removal of vegetation. We have an indicative design for the parkland which seeks to retain established trees that are safe for retention, and additionally - and really importantly - the highly significant native trees along the interface of Grossmans Road and Messmate Road are being retained and this is providing a biodiversity link to Deep Creek as suggested by one of the submissions.

I'm going to leave it there and that's rather well timed. I'm in the yellow zone there. So we thank Councillors for the opportunity and of course I'd be happy to answer any questions that you may have.

CR PATTISON: Thank you, Simon. Thanks for working through a lot of the key concerns raised by the community from your perspective and now we have some questions from Councillors for you. Councillor Stapleton?

CR STAPLETON: Thank you, Mayor, and thanks, Simon, for your presentation. As you will have read, I guess, and heard in the submissions, a lot of community concerns are around that removal of the eastern drainage basin. Are you able to kind of elaborate on some of the thinking or the decision I guess by the applicant to remove that and convert it to an underground system?

SIMON LOADER: Yes, certainly. Thank you, Councillor Stapleton. Look, I think it really was something that evolved through the advice from Spire and in conjunction with Council's infrastructure team to determine what the most appropriate treatment method was for that location. As many of you probably will be aware, that's very much the low point in this development, certainly for the eastern catchment as it leads to Deep Creek, so that location specifically

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there as a drainage facility because of the topographical settings and we've set about devising the best response to provide for water quality treatment outcomes, again emphasising the point that the original basin wasn't a detention facility, it wasn't detaining flows, it was simply capturing them and treating them before they get discharged to Deep Creek.

Now, the underground proprietary system achieves the exact same outcome. It captures those flows, it treats them to ensure water quality outcomes are achieved. Look, the perspective of our client is that sometimes these drainage facilities adjoining residences can cause negative outcomes in terms of mosquito breeding grounds and of course these underground facilities can also be much safer in terms of no risk for fall and these sorts of things. So really we've been guided by the engineering experts in Spire to determine what the most appropriate response was.

CR STAPLETON: Thanks, Simon.

CR PATTISON: Thanks, Simon. We'll now move on to Councillor Hodge.

CR HODGE: Thank you. And thanks again, Simon, for your presentation. My question sort of evolves around I think our first speaker, I think it was Mr Morris, about them coming into the area and next to an open space and all of a sudden there's a building and things there, and I haven't seen the detailed plans of where the apartments or residential will go. Is there any consideration for like a big setback, an intense landscaping around those areas and to have a buffer zone perhaps around any homes that are already there?

SIMON LOADER: It's not something we've given immediate consideration to, Councillor Hodge, but off the cuff, they are absolutely things that Council's planning team could look to enshrine as the development plan moves into planning application phase for sure. There's a myriad of reasons why Council might impose increased building setbacks or landscaping zones on properties, so certainly that's an opportunity that could be explored.

CR HODGE: Okay. And also, I don't know if this is a bit of a tricky question, but we wouldn't be putting a roundabout down near Frog Hollow if it wasn't for this development and it will probably cost Council quite a lot of money. Would the developers look at helping out with anything like that?

SIMON LOADER: I'd have to take that question on notice, Councillor Hodge, sorry. Certainly happy to come back to you on that. What I would say is there's obviously a shared infrastructure funding plan in place for this precinct which is going to deliver wider infrastructure improvements and Summerset

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have already committed to delivering the embellished Briody Drive upgrade as well. But happy to take that question on notice, Councillor.

CR HODGE: Appreciate that. Thank you, Simon.

CR PATTISON: Councillor Bodsworth, have you got a question?

CR BODSWORTH: Yes, thanks, Mayor. Thanks, Simon, for your presentation. I enjoyed the slide that you showed of the people on their eBikes and it prompts me to ask what opportunities you see at this site for residents to get around without using cars on bikes or mobility scooters or other mobility devices, so with pathway linkages to other nearby facilities and services. Have you got any observations to make or any sort of contributions that you think could be made in that direction?

SIMON LOADER: Yeah, look, all I can say in that regard, Councillor Bodsworth, is that the shared path trail that sort of goes around the edge of the development and along Briody Drive and Illawong and along the southern and western edges adjacent to Grossmans and Messmate is really an important circuit for residents to enjoy at a more recreational level and certainly, you know, whatever chosen mode you choose to take. But certainly there's excellent connections into the wider path network, you know, particularly to the local schools. You know, there's path networks that can get people to some of the other commercial offerings nearby, albeit those trips can be coming a little further from the site, so it's hard to say how many people are going to be making that trip, but e-scooters could certainly bridge that gap.

CR BODSWORTH: Thanks.

CR PATTISON: Thanks, Councillor Bodsworth. Councillor Gazzard.

CR GAZZARD: Thank you. Thanks, Simon. I was just wondering, you said the stormwater runoff would be negligible. What modelling is that based on and does that include kind of higher storm events and large amounts of water and possible flooding that we're tending to see in more recent years?

SIMON LOADER: Yes, certainly. I won't profess to be an engineering expert here, Councillor Gazzard, but certainly the modelling undertaken by Water Technology is based on best practice modelling techniques and the assessment was also set to the Corangamite Catchment Management Authority, who are also sort of floodplain experts, and what we've assessed this proposal against is the major what's known as the Q100 or the 1 in 100-year rainfall event

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which is considered best practice. So all I can say is that yes, it's considered that upper end for higher rainfall events and potential for flood events.

CR PATTISON: Thanks, Councillor Gazzard. Now we've got Councillor Wellington.

CR WELLINGTON: Thanks very much. Can I just clarify, are you saying that there will be minimal runoff from the site generally, that it will retain its own water across the site - is that what you're saying?

SIMON LOADER: No, so what we're saying, Councillor Wellington, is that the - I guess the thing to remember is there are two different catchments here, there's the western catchment and eastern catchment and they have slightly different methods. I'll focus on the eastern catchment because that's been the cause for concern for residents.

What we're saying is that in the same way that the approved drainage basin does, this underground facility will take flows through it, treat it to ensure water quality is appropriate and then discharge that to Deep Creek, and I think that's where the community concern has come from, is worry about discharge undetained into Deep Creek. But really the point of the modelling from Water Technology is to underpin or understand the volumes that are going to be moving through there and what is the net effect on that floodplain and what they've said is that the increases in the flood levels throughout Deep Creek will be negligible.

CR WELLINGTON: Thank you.

SIMON LOADER: Or, sorry, "minimal" was I think the word, apologies.

CR WELLINGTON: Thank you. Can I just ask, I think you also said that the amount of open space would be consistent with the development plan. Does that mean - are you saying that the amount of open space is equivalent to what was proposed under the prior development plan without the developments of this aged care or residential sort of village, or what do you mean by consistent with the development plan? I'm just interested to know whether the amount of permeable land and the amount of actual viewable open space will be the same as what was originally approved.

SIMON LOADER: Yes, thank you for the question, Councillor Wellington. I think this all comes down to how you define open space and, look, understandably, the community define a drainage reserve or consider it as open space, but from a planning perspective and a drainage perspective, open



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spaces are not equal. The parkland or the local park that we're delivering is exactly the same size as what was provided for in the approved development plan. The drainage basin, of course, is less than what was proposed under the approved development plan, I guess the key difference here being that we're not saying that that is open space. It can be viewed as green space or area that might entail planting, but it's not recreational space. This is not somewhere the residents could have gone and run around and kicked the footy. This is a facility that was dedicated to capturing and treating stormwater. It's not a space that Council would ever want residents going into.

CR WELLINGTON: Yes, understand that, but in effect, the amount of permeable open space or permeable space that's not built on would be reduced by the amount of the previous drainage reserve - that's correct, isn't it?

SIMON LOADER: Look, I don't have the numbers, but what I would say is that there's going to be additional open space within the aged care and retirement village. I can't say here and now that that would be exactly commensurate or exceeded or not, but there will be additional permeable area within the village.

CR WELLINGTON: Thank you.

CR PATTISON: Councillor Allen, your turn for a question.

CR ALLEN: Thank you, Mayor. Thank you again, Simon, for the presentation. My concern centres around it being a development for an ageing population and, as such, there would be fewer cars, we would expect, as a result, but my concern is around the shared pathways and the width of those pathways. Now, it may be too early for you to tell me about that, but I would certainly want to have wider pathways than we normally install to cater for an ageing population. Would you like to comment on that?

SIMON LOADER: Certainly can, Councillor Allen. I might start with just confirming what you consider to be a typical footpath. Is that a standard 1.5 metre wide footpath that you see in a normal - yes. Yes, so to that point, Councillor Allen, the shared path and linear open space trail that works around the southern edge and the western edge of the site will be a 2.5 metre wide shared path. Additionally, we're going to be extending or replicating the 2 metre wide paths on Briody Drive and Illawong Drive. So they will indeed be wider than your standard 1.5s that you see in most residential subdivisions.

CR ALLEN: Thank you.

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CR PATTISON: Councillor Wellington, did you have another question?

CR WELLINGTON: I just wanted to clarify something. So you presented to us about Summerset aged care, which is interesting. They're not a provider I'm familiar with in aged care, but I understand they're developing their profile in Australia. But I'm just wondering, this site has already been sold once since the development plan was produced. It would be presumably feasible for it to be sold again if the aged care village were approved and it might be that Summerset were not the provider, is that possible, or is it a firm commitment that Summerset would provide this facility?

SIMON LOADER: Of course it's possible, Councillor Wellington, but Summerset are extremely committed to this site. They've invested a lot of time and money and effort to date to see this development plan through to this point and I think you would have seen the map in terms of their spatial footprint. They're not entering the Victorian market in a small or insignificant way. They've got seven sites across the state already, all in varying stages of planning or delivery. So this is an important strategic asset for them. So they intend to see it through.

CR WELLINGTON: Thank you.

CR PATTISON: Thank you, Councillor Wellington. Councillor Bodsworth, did you have another question?

CR BODSWORTH: I do, thanks, just a fairly quick one following on from Councillor Wellington's question and touching on, Simon, your own touching on the questions around need in some of the submissions and I'm thinking it could help people, submitters and others considering this possibility, to understand the need if Summerset could provide some analysis of need. Obviously there's commercially confidential information that would have been gathered probably, but information that's not confidential that can help our community understand the need and Summerset's kind of analysis of the need and how that breaks down into your proportions of like assisted care and aged care units and the different kinds of options that you've got. Is there any possibility for that kind of information getting out to help public understanding of where Summerset is coming from?

SIMON LOADER: I certainly commit to take that on notice, Councillor Bodsworth. I'm confident there's some form of information we could provide that helps underpin Summerset's interest in the site and the reason for investing in it.

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CR BODSWORTH: Thanks.

CR PATTISON: All the Councillors have had an opportunity to ask questions. So thanks, Simon, for your submission, much appreciated.

As there are no further submissions tonight, we now have a recommendation before us and the recommendation is that Council receives and notes the submissions relating to PG20/0013 and that Council considers the submissions in a report regarding application PG20/0013 at a future Council meeting. Can I have a mover of the motion, please, Councillors? Councillor Hodge - is it as per the recommendation I read out? Yes. And a seconder? Councillor Allen. And all those in favour. And the motion is carried unanimously.

So, there being no further items of business, I now declare the meeting closed at 7.07pm and we thank our community submitters for coming along and speaking to us tonight. Thank you very much. Goodbye.