



Agenda

Ordinary Meeting of Council
Tuesday, 28 March 2017

To be held in the
Council Chambers
1 Merrijig Drive, Torquay

Commencing at 6.00pm

Council:

Cr Brian McKiterick (Mayor)
Cr David Bell
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Margot Smith
Cr Heather Wellington

AGENDA FOR THE ORDINARY MEETING OF SURF COAST SHIRE COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 28 MARCH 2017 COMMENCING AT 6.00PM

PRESENT:

OPENING:

Council acknowledge the traditional owners of the land where we meet today and pay respect to their elders past and present and Council acknowledges the citizens of the Surf Coast Shire.

PLEDGE:

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.

APOLOGIES:

CONFIRMATION OF MINUTES:

Recommendation

That Council note the minutes of the Ordinary meeting of Council held on 28 February 2017 as a correct record of the meeting.

LEAVE OF ABSENCE REQUESTS:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

Councillors and Officers please note that in accordance with Section 77A of the Local Government Act 1989, there is an obligation to declare a conflict of interest in a matter that could come before Council.

A conflict of interest can be a direct or indirect interest in a matter.

A person has a direct interest if:

There is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.

A person has an indirect interest if the person has:

- 1. A close association whereby a "family member" of the person has a direct or indirect interest or a "relative" or member of a person's household has a direct interest in a matter;*
- 2. An indirect financial interest in the matter;*
- 3. A conflicting duty;*
- 4. Received an "applicable" gift;*
- 5. Become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter; or*
- 6. A residential amenity affect.*

Disclosure of Interest

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor or Officer with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

PRESENTATIONS:

PUBLIC QUESTION TIME:

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1. OFFICE OF THE CEO

Nil

2. GOVERNANCE & INFRASTRUCTURE

2.1 Project Budget Adjustments and Cash Reserve Transfers - March 2017

Author's Title: Coordinator Management Accounting **General Manager:** Anne Howard

Department: Finance

File No: F16/1381

Division: Governance & Infrastructure

Trim No: IC17/277

Appendix:

1. Project Budget Adjustments and Cash Reserve Transfers Report - March 2017 (D17/28491)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and approve the Project Budget Adjustments and Cash Reserve Transfers report for March 2017.

Summary

The Project Budget Adjustments and Cash Reserve Transfers report for March 2017 is attached.

Recommendation

That Council approves the Project Budget Adjustments and Cash Reserve Transfers listed in the March 2017 report:

1. Allocating funded project budgets (no cost to Council).
2. Ratify the transfer of \$330 to projects from the Accumulated Unallocated Cash Reserve approved by the Chief Executive officer.
3. Ratify the transfer of \$275 to projects from the Asset Renewal Reserve approved by the Chief Executive officer.
4. Ratify a net transfer of \$66,659 from projects to the Asset Renewal Reserve approved by the Chief Executive officer.
5. Transferring a net of \$13,124 (funds movements < \$5,000) from projects to the Accumulated Unallocated Cash Reserve.
6. Transferring a net of \$221,428 (funds movements > \$5,000) from projects to the Accumulated Unallocated Cash Reserve.
7. Transferring a net of \$380,000 to projects from the Adopted Strategy Implementation Reserve.
8. Transferring a net of \$1,027 from projects to the DCP Council Funds Reserve.

2.1 Project Budget Adjustments and Cash Reserve Transfers - March 2017

Report

Background

Council receives a monthly Project Budget Adjustments and Cash Reserve Transfers report to authorise transfer of project budgets.

Discussion

The proposed Project Budget Adjustments and Cash Reserve Transfers are outlined in the attachment.

Financial Implications

The proposed Project Budget Adjustments and Cash Reserve Transfers are outlined in the attachment.

Council Plan

Theme 2 Governance
Objective 2.4 Transparency in decision making and access to information
Strategy 2.4.2 Provide relevant and easy to understand financial information to the community.

Policy/Legal Implications

Not applicable.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Not applicable.

Social Considerations

Not applicable.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Not applicable.

Conclusion

It is recommended that Council approve the Project Budget Adjustments and Cash Reserve Transfers for March 2017.

2.1 Project Budget Adjustments and Cash Reserve Transfers - March 2017

**APPENDIX 1 PROJECT BUDGET ADJUSTMENTS AND CASH RESERVE TRANSFERS REPORT -
MARCH 2017**

March Project Budget Adjustments and Cash Reserve Transfers Report

Request for Funds Transfer

No Cost to Council

This table reflects changes to project budgets through consolidation of project delivery, additional income or budget adjustments directly to projects

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8488	Winchelsea Common Lead Shot Management	Correction for prior year GST.	266,821	281,821	(15,000)
8488 Inc	Winchelsea Common Lead Shot Management (income)	Correction for prior year GST.	0	(15,000)	15,000
9578	Spring Creek Tennis Courts Resurfacing	Additional funds required to achieve contract value for four courts to be resurfaced	66,136	70,922	(4,786)
9578 Inc	Spring Creek Tennis Courts Resurfacing (income)	Additional funds provided by Torquay Tennis Club to achieve contract value for four courts to be resurfaced.	(66,136)	(70,922)	4,786
8493	Torquay Central Business Area	Project to undertake planning for future of Torquay Central Business Area.	50,000	90,000	(40,000)
8493 Inc	Torquay Central Business Area (income)	Grant funds received from Regional Development Victoria.	0	(40,000)	40,000
9405	Anglesea Bowling Club Upgrade	Project preparing to commence. Funding agreement with Anglesea Bowling Club completed. Funding agreement with Australian Government nearing completion.	35,000	285,000	(250,000)
9405 Inc	Anglesea Bowling Club Upgrade (income)	Project funding contribution from Anglesea Bowls Club confirmed via funding agreement	0	(250,000)	250,000
Grand Total			351,821	351,821	0

Ratification of CEO Authorised transfers <\$5,000

Accumulated Unallocated Cash Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
9566	Solar Towns Projects	Scope complete. Project spend \$139 over budget due to unexpected circuit breaker replacement cost for Anglesea Men's Shed during solar installation. 2015/16 carry forward project with no contingency therefore funds required to balance project account and close.	38,863	39,002	(139)
8656	Cadel Evans Road Race - Welcome Elite Women Event	Scope completed and project ready to close. Additional funds required due to higher than anticipated number of attendees at the event.	6,000	6,191	(191)
Grand Total			44,863	45,193	(330)

Ratification of CEO Authorised transfers <\$5,000

Asset Renewal Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8614	Condition & Valuation Audits - Bridge Network	Condition and valuation audit required to complete level to bridge inspection asset assessment. Quotation received \$275 above budget.	12,000	12,275	(275)
Grand Total			12,000	12,275	(275)

Ratification of CEO Authorised transfers >\$5,000

Asset Renewal Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
9513	Torquay-Cliff Street Pathway	Scope complete and project closed. Savings can be returned to source.	42,001	20,342	21,659
9574	Horshoe Bend Road Culverts	Grant application not successful. Officers recommend project be cancelled.	45,000	0	45,000
Grand Total			87,001	20,342	66,659

Funds Movement < \$5,000

Accumulated Unallocated Cash Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8593	Surfing Visitor Experience	Scope complete and project closed. Savings can be returned to source.	30,000	29,377	623
8643	Major Council Landholding Analysis	Scope complete and project closed. Savings can be returned to source.	15,000	13,500	1,500
8365	Bells Beach Rip Curl Pro Contribution - Low Key Viewing Platform	Scope complete and project closed. Savings can be returned to source.	59,395	59,140	255
8534	Youth Service Planning and Activities	Scope complete and project closed. Savings can be returned to source.	13	0	13
9252	Bicycle Lanes Program	Scope complete and project closed. Savings can be returned to source.	9,520	8,529	991
8604	Video Equipment and Editing Software	Scope complete and project closed. Savings can be returned to source.	4,000	3,763	237
8592	Local Law Signage Upgrades for Reserves	Scope complete and project closed. Savings can be returned to source.	5,000	4,536	464
8569	Australian National Surfing Museum Rebrand	Scope complete and project closed. Savings can be returned to source.	20,000	17,120	2,880
9471	Shared Path on Surf Coast Highway CCP PC02	Scope complete and project closed. Savings can be returned to source.	198,501	194,552	3,949
9562	IT Excel Report Writer Software	Project cancelled. Requirements will be identified following systems health check and systems planning.	2,525	0	2,525
8599	PS Amend C99 - 305 GOR, Jan Juc	Scope complete and project closed.	5,676	866	4,810
8599 Inc	PS Amend.C99 - 305 GOR, Jan Juc	Scope complete and project closed.	(4,987)	(1,390)	(3,597)
8705	PS Amend.C99 - 305 GOR, Jan Juc	Scope complete and project closed.	14,548	0	14,548
8705 Inc	PS Amend. C133 - Harvey Street, Anglesea	Scope complete and project closed.	(13,499)	0	(13,499)
8428	PS Amend. C81 - Biodiversity	Scope complete and project closed.	2,425	0	2,425
9503	Anglesea Riding Club Rooms Upgrade	Council allocated \$63K to this project in 2015/16. The actual contribution at year end was \$52K and the project was closed with \$11k returned to accumulated unallocated reserve, however the funding agreement included a \$5K final contribution at completion of works. This milestone is approaching.	0	5,000	(5,000)
Grand Total			348,117	334,993	13,124

Funds Movement > \$5,000

Accumulated Unallocated Cash Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8624	Review Infringement Debtors	Scope complete and project closed. Project delivered in-house. Funds returned to source.	8,000	673	7,327
9460	Lorne Swing Bridge Pathway	Scope complete and project closed. Savings can be returned to source.	101,590	93,708	7,882
9497	Beach Road Torquay Long Vehicle Parking	Scope complete and project closed. Savings can be returned to source.	135,000	108,970	26,030
8706	PS Amend. C113 - Geelong Road, Torquay	Scope complete and project closed.	10,657	13,918	(3,261)
8706 Inc	PS Amend. C113 - Geelong Road, Torquay	Scope complete and project closed.	(11,199)	(21,749)	10,550
New	Merrijig Drive Contribution	Developer contribution for Merrijig Drive (completed in 2013) received early (was due 2018/19).	0	(400,000)	400,000
New	Winchelsea Unit Repurchase	Contractual obligation to repurchase Winchelsea Unit.	0	164,000	(164,000)
9453	Community and Civic Precinct Play and Skate Zone (Djila-Tjarri)	Additional scope identified to improve safety and amenity following initial phase of operation.	541,139	604,239	(63,100)
Grand Total			785,187	563,759	221,428

Funds Movement >\$5,000

Adopted Strategy Implementation Reserve

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
8493	Torquay Central Business Area	Project ready to commence. Transfer \$50K funds held in Adopted Strategy Reserve to project account.	0	50,000	(50,000)
9405	Anglesea Bowling Club Upgrade	Project preparing to commence therefore funds held in Adopted Strategy Reserve now required	285,000	615,000	(330,000)
Grand Total			285,000	665,000	(380,000)

Funds Movement <\$5,000

DCP Council Funds

Account	Project Name	Comment	Project Budget \$	Project Cost \$	Variation \$
9491	Jan Juc Creek Daylighting OR08	Scope complete and project closed. Savings can be returned to source.	9,527	8,500	1,027
Grand Total			9,527	8,500	1,027

Accumulated Unallocated Cash Reserve

	\$
Opening balance 1 July 2016	3,666,490
Approved movements in reserve:	
Digital Transformation	(1,000,000)
July 2016 Council Meeting Resolution (In Camera)	(5,000)
August 2016	(159,000)
August 2016 Council Meeting Resolution	(27,400)
September 2016 Council Meeting Resolution	(225,000)
September 2016 Council Meeting Resolution	(21,000)
November 2016	(18,612)
November 2016 Council Meeting Resolution	(10,000)
December 2016	(22,500)
December 2016 Council Meeting Resolution (In Camera)	150,000
January 2017	(88,500)
January Council Meeting Resolution	190,000
February 2017	(18,141)
Closing Balance Approved Movements	<u><u>2,411,337</u></u>
Proposed movements March Report	234,222
Proposed closing balance	<u><u>2,645,559</u></u>

2.2 Exemption from Completing Register of Interest Returns

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F13/75

Division: Governance & Infrastructure

Trim No: IC17/131

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to review the exemption for Section 86 Recreation Reserve and Hall Committees of Management from the requirement to lodge returns of interest pursuant to section 81(2B) of the *Local Government Act 1989* (the Act).

Summary

Section 81 (2) of the Act requires that "A person who becomes a Councillor or a member of a special committee must submit a primary return in the prescribed form to the Chief Executive Officer within -

- (a) in the case of a Councillor-
 - (i) 30 days of election day; or
 - (ii) 7 days of making the oath of office of a Councillor; or
- (b) 30 days of becoming a member of a special committee".

Pursuant to Section 81(2A) "Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return".

In July 2013, Council resolved:

"That Council:

1. Note that the review of the exemption for section 86 Recreation Reserve and Hall Committees is required to be undertaken in accordance with section 81 (2B) of the Local Government Act 1989.
2. Approve the exemption of Section 86 Recreation Reserve and Hall Committee of Management members from the requirement to submit Primary and Ordinary Returns of Interest."

In accordance with Section 81(2B) of the Act, Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election. Accordingly Council can now decide to continue the exemption which has been in place since 2005.

Recommendation

That Council:

1. Note that a review of the exemption for section 86 Recreation Reserve and Hall Committees is required in accordance with section 81 (2B) of the Local Government Act 1989.
2. Approve the exemption of Section 86 Recreation Reserve and Hall Committee of Management members from the requirement to submit Primary and Ordinary Returns of Interest.

2.2 Exemption from Completing Register of Interest Returns

Report

Background

In 2004 amendments to the *Local Government Act 1989* (the Act) introduced a requirement for non-Councillor members of Section 86 committees to complete and lodge Register of Interests Returns with the Chief Executive Officer.

Section 81 (2) of the Local Government Act 1989 requires that:

“A person who becomes a Councillor or a member of a special committee must submit a primary return in the prescribed form to the Chief Executive Officer within-

(a) in the case of a Councillor-

(i) 30 days of election day; or

(ii) 7 days of making the oath of office of a Councillor; or

(b) 30 days of becoming a member of a special committee.”

Pursuant to Section 81(2A) Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.

Following a consultation process with Committee members in 2004/2005, it was considered appropriate for Council to provide a blanket exemption for all non-Councillor representatives on Recreation Reserve and Community Hall Section 86 Committees. Such an exemption for Section 86 Halls and Reserves Committees has been in place since 2005.

Section 81(2B) requires that “Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election.” Accordingly Council is now required to confirm continuation of the exemption following the election in October 2016.

Discussion

Pursuant to Section 81(2A) of the Act, Council’s Section 86 Recreation Reserve and Hall Committees of Management have been provided with an exemption from completing Register of Interest Returns in relation to non-Councillor members of Special Committees.

The exemption process has worked well since 2005 and it is recommended that this should continue for the Section 86 Recreation Reserve and Hall Committees into the future. The exemption will only apply to Recreation Reserve and Community Hall Committees of Management and not to other section 86 Committees such as the Planning and Hearing of Submissions Committees.

It is noted that an amendment to the Act in October 2012 (*Local Government Legislation Amendment (Miscellaneous) Act 2012*) required Audit and Risk Committee members to complete Interest Returns, even though classed as an Advisory Committee. Council will continue enforce this requirement.

Financial Implications

Not applicable.

Council Plan

Theme 2 Governance

Objective 2.2 High performing accountable organisation

Strategy Nil

Policy/Legal Implications

Relevant sections of the Local Government Act 1989 requirements include:

Section 81 (2) - “A person who becomes a Councillor or a member of a special committee must submit a primary return in the prescribed form to the Chief Executive Officer ...”

Section 81(2A) - “A Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.”

Section 81(2B) - “The Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election.”

2.2 Exemption from Completing Register of Interest Returns

Officer Direct or Indirect Interest

Not applicable.

Risk Assessment

Not applicable.

Social Considerations

Feedback received in the past from Committee representatives relating to the requirement to complete a Register of Interest indicated that this requirement could act as a deterrent and discourage some people from seeking membership on S86 Committees.

Community Engagement

Not applicable.

Environmental Implications

Not applicable.

Communication

Committee members would be notified of the exemption and this will be included in the Instrument of Delegation, when reviewed by Council.

Conclusion

Council is required to undertake a review of the exemption for Section 86 Recreation Reserve and Hall Committees of Management in accordance with the *Local Government Act 1989* and it is recommended that the exemption remains in place.

2.3 Proposal to Lease Council Land - 2 Quay Boulevard, Torquay

Author's Title: Property & Legal Services Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/390

Division: Governance & Infrastructure

Trim No: IC17/171

Appendix:

1. Rental Valuation Opteon Property Groups - Proposal to Lease Telstra Tower (D17/20000)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to seek Council's feedback regarding a proposal received to lease a portion of Council land at 2 Quay Boulevard, Torquay (the Quay Reserve) for the purpose of a telecommunications tower.

Summary

Council have received a proposal to lease a portion of land at the Quay Reserve for the purpose of construction, maintenance and operation of a telecommunications network and service.

We are seeking Council's feedback regarding the proposal and the applicant commencing a Planning Permit application process.

Recommendation

That Council provide in-principle support for the applicant to commence a Planning Permit Application process including public consultation to construct a telecommunication tower on Council owned land at The Quay Reserve.

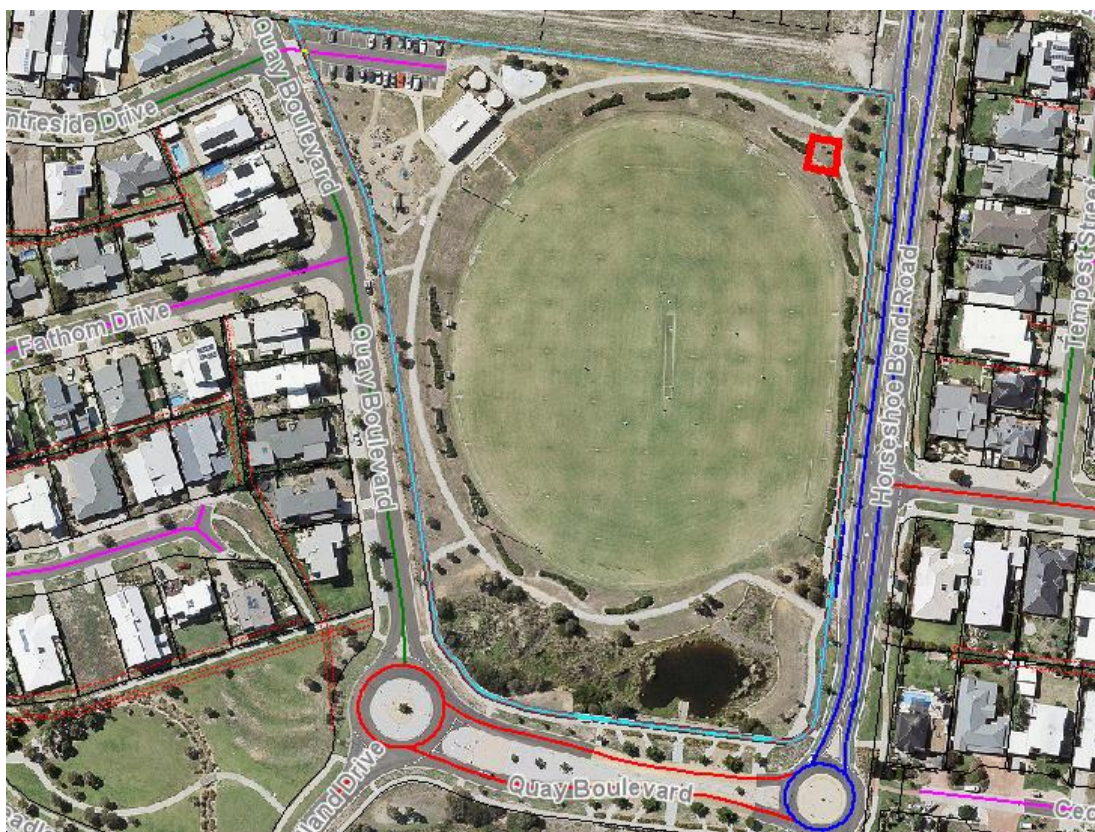
2.3 Proposal to Lease Council Land - 2 Quay Boulevard Torquay

Report

Background

Details of Property:

- USE: Recreational purposes
- ZONING: Public Park and Recreation Zone
- SIZE: approx.3.4 hectares



Discussion

Summary of Lease Proposal:

- FOOTPRINT: 24m²
- TERM: 10 years with 2 x 5 year options
- PURPOSE: Construction, maintenance and operation of a telecommunications network and service
- TYPE: 25.4meter light pole on the Quay Reserve. The light pole will include retro fitting Council's existing lighting infrastructure onto the new pole.
- LOCATION ON SITE: Area marked red on the map above

Valuation:

In February 2017 a valuation was obtained through Opteon Property Group which determined the annual rental for the land to be \$20,000 or \$833.33 per m².

Financial Implications

The rental for the lease has been determined by a qualified Valuer as \$20,000 per annum.

The revenue from the lease will contribute to the ongoing maintenance and upgrade of the reserve.

Council Plan

Theme 2 Governance
Objective 2.1 Robust risk management framework and processes
Strategy 2.1.2 Stocktake of leases, licences and agreements with a risk focus.

2.3 Proposal to Lease Council Land - 2 Quay Boulevard Torquay

Policy/Legal Implications

Council is yet to adopt a Lease and Licence Policy for Council owned and managed land.

In accordance with Section 190(3)(c) of the Local Government Act 1989 this Lease proposal is required to be advertised under Section 223 of the Local Government Act 1989 as the proposed term including further options is more than 10 years.

The applicant will require a Planning Permit.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is a risk associated with entering into a long term lease agreement however Council has determined that this parcel of land is not required in future Open Space Strategies.

The community may object to the construction of a tower.

Social Considerations

Not applicable.

Community Engagement

The applicant will require a Planning Permit and part of this process will include consultation.

The proposal to Lease Council land would be advertised in accordance with Section 223 of the Local Government Act 1989.

Environmental Implications

Not applicable.

Communication

As included under the heading of 'Community Engagement'.

Conclusion

Council's feedback is sought regarding whether or not to provide in-principle support for this proposal.

2.3 Proposal to Lease Council Land - 2 Quay Boulevard Torquay

**APPENDIX 1 RENTAL VALUATION OPTEON PROPERTY GROUPS - PROPOSAL TO LEASE
TELSTRA TOWER**



VALUE MADE VISIBLE

www.opg.net

Valuation Report

2 Quay Boulevard
Torquay, Victoria 3228

File Ref: 7731148



VALUATION REPORT



2 Quay Boulevard
Torquay, Victoria 3228

Prepared For	Surf Coast Shire
Report Purpose	Rental purposes
Valuation Date	13 February 2017
Our Reference	7731148
Client Reference	97715

Opteon Property Group
Opteon (Victoria) Pty Ltd
ABN 73 140 547 600
PO Box 1875, Geelong VIC 3220
P 1300 786 022 E vbp_correspondence@opg.net
F 03 5223 2309 W www.opg.net

VALUE MADE VISIBLE

Liability limited by a scheme approved under Professional Standards Legislation

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



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Appendices:

1. Instructions
2. Site Map
3. Planning Property Report

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



1.0 Executive Summary

1.1 Instructions

Instructing Party	Candice Holloway
Client / Authorised Party	Surf Coast Shire
Client Reference	97715
Valuation Purpose	Rental purposes - <i>Please note, this report does not meet Practice Standards for valuations for mortgage/finance purposes and is specifically unsuitable for this purpose.</i>

1.2 Property Details

Property Address	2 Quay Boulevard, Torquay, Victoria 3228
Property Description	The property is proposed to comprise a 24 sqm footprint with a Telstra Telecommunications Tower to be constructed upon the site.
Lettable Area	24 sqm
Zoning	Public Park and Recreation Zone (PPRZ)

1.3 Assumptions & Recommendations:

Verifiable Assumptions	The instructions and information supplied contain a full disclosure of all information that is relevant.
Assumptions Requiring Further Consultancy	Nil

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148




1.4 Valuation

Market Rent

Market Net Rent: \$20,000 per annum

This valuation is exclusive of GST

Date of Inspection	13 February 2017
Date of Valuation	13 February 2017
Date Issued	20 February 2017
Currency of Valuation	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
Pecuniary Interest	We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property.
Signatories	 Stephen Davey, AAPI Certified Practising Valuer API No. 63379 Operations Manager - Government Services

Important	<i>This Executive Summary must be read in conjunction with the remainder of this report. The Executive Summary is only a synopsis designed to provide a brief overview and must not be acted upon in isolation to the contents of the valuation report.</i>
Third Party Disclaimer	<i>This report has been prepared for the private and confidential use of our client, Surf Coast Shire for the specified purpose. It should not be reproduced in whole or part without the express written authority of Opteon (Victoria) Pty Ltd or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.</i>
Digital Copies of Reports	<i>Where a report has been provided in digital copy and has not been received directly via our firm, the report contents, especially the valuations and critical assumptions, should be verified by contacting the issuing office to ensure the contents are bona fide. In particular if the reader of this report has suspicions that the report appears to be tampered or altered then we recommend the reader contact the issuing office.</i>
Reliance on Whole Report	<i>This valuation should be read in its entirety, inclusive of any summary and annexures. The valuer and valuation firm does not accept any responsibility where part of this report has been relied upon without reference to the full context of the valuation report.</i>

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



2.0 Instructions

Instructions have been received to undertake a valuation of the property as per the details below.

Instructing Party	Candice Holloway
Property Address	2 Quay Boulevard, Torquay, Victoria 3228
Date of Instructions	10 February 2017
Client / Authorised Party	Surf Coast Shire
Valuation Purpose	Rental purposes - <i>Please note, this report does not meet Practice Standards for valuations for mortgage/finance purposes and is specifically not suitable for this purpose.</i>
Specific Instructions	Assessment of the Market Value of the property as at the Date of Valuation.
Documentation Provided	Information we have been provided with and relied upon in undertaking our valuation includes: <ul style="list-style-type: none">• Site Map
Scope of Work	The scope of work undertaken by the valuer in completing the valuation has included: <ul style="list-style-type: none">• Collation of information from relevant parties regarding the subject property;• Undertaking our own research regarding the subject property;• An inspection of the property and measurement of buildings where required;• Undertaking market research of similar properties;• Preparation of valuation calculations; and• Preparation of this report.
Compliance	Our valuation has been prepared with reference to the Australian Property Institute Practice Standards and Guidance Notes.

A copy of our instructions is attached to this report.

3.0 Basis of Valuation & Definitions

This valuation has been prepared in accordance with definitions and Valuation Applications of the International Valuation Standards Council (IVSC) and endorsed by the Australian Property Institute.

Market Rent	<i>"The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion."</i>
Face Rent	<i>"The rent shown on a lease document which may include incentives."</i>
Effective Rent	<i>"The actual liability for rent after adjustments for any incentives and costs to the face rent are taken into account."</i>

4.0 Date of Valuation

Valuation Date	13 February 2017
Date of Inspection	13 February 2017
Currency of Valuation	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



5.0 Location

Location

The subject property is situated in the coastal township of Torquay; the Geelong central business district is about 18 kilometres to the north. Torquay offers a wide range of local services including local shopping precinct and primary and secondary schools. Public transport is provided by bus services linked to greater Geelong, the major regional centre.

Properties in the immediate vicinity include a sporting oval and predominantly residential dwellings.

Location Map

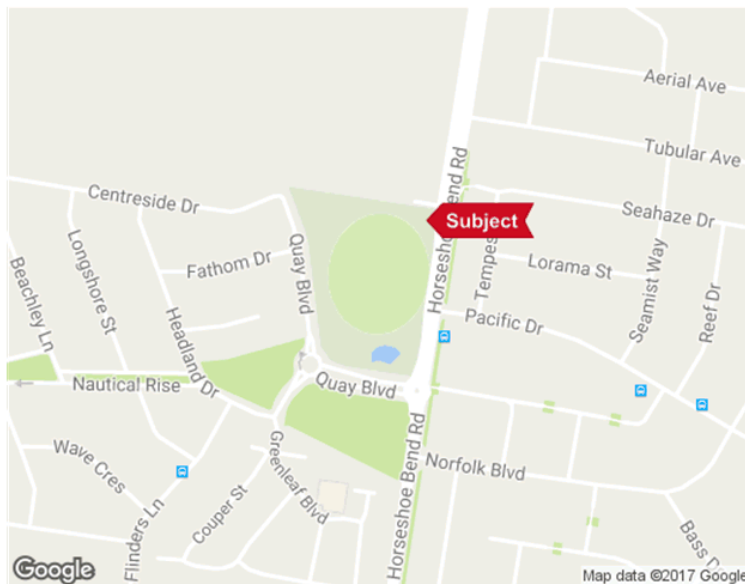


Sourced from Google Maps - www.google.com

2 Quay Boulevard
 Torquay, VIC 3228
 Our Reference: 7731148



Location Map



Sourced from Google Maps - www.google.com

6.0 Planning

Local Government Area	Surf Coast Shire Council
Planning Scheme	Surf Coast Planning Scheme
Current Zoning	Public Park and Recreation Zone (PPRZ)
Overlays	Development Contributions Plan Overlay
Zoning Effect	We assume that the development complies with all zoning requirements

7.0 Site

7.1 Site Details

Site Description	Rectangular and generally level throughout
Dimensions	The shape and dimensions of the property are shown on the Title plan.
Source of Site Area	Surf Coast Shire Council
Site Area	24 sqm
Identification	The property has been identified by reference to Street number in conjunction with online Cadastral Plan and our on-site inspection.

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



8.0 Photography



9.0 General Comments

This valuation has been prepared on the basis of Market Rental Value as defined by the International Valuation Standards Committee (IVSC), and endorsed by the Australian Property Institute:

“The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm’s length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”

The subject Telecommunications Tower is considered to be of a superior nature due to its proposed location within The Quay estate in Torquay. From information provided and an analysis of market evidence, the market rental has been derived using the Direct Comparison Method, where evidence around the Greater Geelong and Surf Coast regions has been utilised. The evidence and calculations have been provided within this report.

2 Quay Boulevard
 Torquay, VIC 3228
 Our Reference: 7731148



10.0 Market Evidence

10.1 Rental Evidence

Market Rents:

In forming our opinion of the Market Rental Value of the subject property, we have had regard to various lease transactions a selection of which are detailed below:

Property	4 Mill Road, Lara
Lease Rental (net)	\$22,050 per annum
Date Rent Set	Nov 2016
Tenancy Area	Unknown
Lease Term & Options	9 years
Rent Review Method	4% fixed annual increases
Comparability	Comparable to marginally superior
Comments	Lease comprises a telecommunications site leased by Telstra from the City of Greater Geelong.

Property	Queens Park Road, Highton
Lease Rental (net)	\$22,500 per annum
Date Rent Set	Sep 2016
Tenancy Area	Unknown
Lease Term & Options	9 years
Rent Review Method	4% fixed annual increases
Comparability	Comparable to marginally superior
Comments	Lease comprises a telecommunications site leased by Telstra from the City of Greater Geelong.

Property	125 Creamery Road, Bell Post Hill
Lease Rental (net)	\$20,000 per annum
Date Rent Set	Dec 2015
Tenancy Area	Unknown
Lease Term & Options	Unknown
Rent Review Method	4% fixed annual increases
Comparability	Slightly inferior
Comments	Lease comprises a telecommunications site leased by Telstra from the City of Greater Geelong.

Property	130 Russell Road, Mount Duneed
Lease Rental (net)	\$22,000 per annum
Date Rent Set	Nov 2013
Tenancy Area	Unknown
Lease Term & Options	9 years
Rent Review Method	4% fixed annual increases
Comparability	Comparable to the subject property
Comments	Lease comprises a telecommunications site leased by Telstra from the City of Greater Geelong.

2 Quay Boulevard
Torquay, VIC 3228
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Property	481-487 Wallington Road, Wallington
Lease Rental (net)	\$13,500 per annum
Date Rent Set	Oct 2012
Tenancy Area	Unknown
Lease Term & Options	9 years
Rent Review Method	5% annual increases
Comparability	Inferior
Comments	Lease comprises a telecommunications site leased by Telstra from the City of Greater Geelong.

Property	250 Ballan Road, Moorabool
Lease Rental (net)	\$20,000 per annum
Date Rent Set	Mar 2012
Tenancy Area	Unknown
Lease Term & Options	9 years
Rent Review Method	5% annual increases
Comparability	Comparable to the subject property
Comments	Lease comprises a telecommunications site leased by Telstra from the Moorabool Shire Council.

Market Rent Conclusions:

From our analysis of the market evidence we consider the subject property has a current market rent of \$20,000 per annum.

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



11.0 Valuation Methodology

The most appropriate method of valuation for a property of this nature is by market comparison whereby the subject property is compared with rentals of comparable properties and adjustments made for points of difference.

11.1 Valuation Calculations

Our valuation calculations are summarised as follows:

Market Rental Assessment		
Tenancy:	Area:	Rental:
Quay Boulevard Telecommunications Tower	24 sqm	\$20,000
Total Market Rental:		\$20,000

11.2 Conclusion

Having regard to the above calculations, and after taking into account both the positive and negative attributes of the property, from an objective and unbiased, yet balanced point of view, we are of the opinion that the Market Rental Value of the property is \$20,000 per annum.

Variance in Market Value

Due to the unique characteristics of the property and limited amount of available, confirmed, comparable market evidence we advise that there is likely to be a greater degree of variation in the price prospective purchasers may offer to pay for the property. This volatility is likewise demonstrated within our valuation calculations which show a comparatively higher degree of variation of possible values.

12.0 Goods & Services Tax

Treatment of GST	All amounts and values expressed in this report are exclusive of GST unless otherwise specified.
Recommendation	If there is any uncertainty as to the treatment of GST then we recommend you seek advice from a qualified accountant regarding the nature of any potential transaction or services supplied, the GST status of the parties involved, and confirmation of any potential GST liability.

2 Quay Boulevard
 Torquay, VIC 3228
 Our Reference: 7731148




13.0 Rental Value

13.1 Market Rental Value - Vacant Possession

We are of the opinion that the Market Net Rental Value of the property, as at 13 February 2017 subject to the comments in this report, is:

\$20,000 per annum

Date of Inspection	13 February 2017
Date of Valuation	13 February 2017
Date Issued	20 February 2017
Currency of Valuation	90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
Signatories	 Stephen Davey, AAPI Certified Practising Valuer API No. 63379 Operations Manager - Government Services

Important	<i>This valuation is subject to the definitions, qualifications and disclaimers and other comments contained within this report.</i>
------------------	--

14.0 Assumptions, Conditions & Limitations

Area Disclaimer	<i>In the event actual surveyed areas of the property are different to the areas adopted in this valuation the survey should be referred to the valuer for comment on any valuation implications. We reserve the right to amend our valuation in the event that a formal survey of areas differs from those detailed in this report.</i>
Asbestos Disclaimer	<i>We are not experts in the identification of Asbestos and therefore, in the absence of an environmental consultant's report concerning the presence of any asbestos fibre within the subject property, this valuation is made on the assumption that there is no asbestos material present; health risk from asbestos within the property; or there is any material expense relating to the repair, management or replacement of asbestos materials in the foreseeable future. Should an expert's report establish that there is an asbestos related health risk or a requirement to undertake asbestos remediation works then we reserve the right to review this valuation.</i>
Building Services Disclaimer	<i>No documentation or certification has been sighted to verify the condition of building services, and we have assumed that all building services are: adequate in specification; in good operational condition; and satisfactorily maintained.</i>
Environmental Disclaimer	<i>This report is not an environmental audit and no advice is given in any way relating to environmental or pollution matters. Any comments given as to environmental or pollution factors in relation to the property are not given in the capacity as an expert. This assessment of value is on basis that the property is free of contamination or environmental issues affecting the property not made known to the valuer. In the event the property is found to contain contamination the matter should be referred to this office for comment. Given contamination issues can have an impact on the Market Value of the property, we reserve the right to review and if necessary vary our valuation if any contamination or other environmental hazard is found to exist.</i>
Full Disclosure Disclaimer	<i>Whilst we have attempted to confirm the veracity of information supplied, the scope of work did not extend to verification of all information supplied or due diligence. Our valuation and report has been prepared on the assumption the instructions and information supplied has been provided in good faith, is not in any way misleading or deceptive, contains a full disclosure of all information that is relevant, there are no undisclosed agreements in place that affect the property and the sale price includes GST. The valuer and valuation firm does not accept any responsibility or liability whatsoever in the event the valuer has been provided with insufficient, false or misleading information.</i>

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



Geotechnical	<i>We have not sighted a geotechnical engineers' survey of the property. We are not experts in the field of civil or geotechnical engineering and we are therefore unable to comment as to the geotechnical integrity of the ground and soil conditions. It is specifically assumed that there are no adverse geotechnical conditions that compromise the utility of the property for the current or highest and best use. In the event there is found to be adverse ground conditions we recommend the matter be referred to this Company for comment.</i>
Identification	<i>The property has been identified as per details provided within this report. The identification comments are not provided in the capacity of an expert, and a surveyor (not a valuer) would be able to confirm the identification of the property and/or any encroachments by way of undertaking a site survey.</i>
Leases and Rents	<i>This valuation is based on the lease terms and conditions summarised within this report sourced from a review of the available lease documentation and tenancy schedules made available. This valuation is made on the basis that the tenants are paying rent in accordance with the lease agreements and there are no undisclosed rental subsidies, rent free periods or other incentives that have been provided by the lessor. Our valuation assumes there are no material breaches of the essential terms of existing Leases by the existing Lessees and no material rental arrears at the date of Valuation.</i>
Market Change	<i>This valuation is current as at the Date of Valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property or factors that the Valuer could not have reasonably become aware as at the date of the Report). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 90 days from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.</i>
Market Evidence Information Availability	<i>In preparing this valuation we have undertaken those investigations reasonably expected of a professional valuer having regard to normal industry practice so as to obtain the most relevant, available, comparable market evidence. Whilst we believe the market evidence information and any other information provided to be accurate, not all details can and have been formally verified. Due to privacy laws, confidentiality agreements and other circumstances beyond our control, the valuer may not have had access to:</i> <ul style="list-style-type: none"> • <i>Personal details of parties involved in transactions (including the relationship of the parties);</i> • <i>Information on recent transactions that are yet to become public knowledge; and</i> • <i>Copies of leases or contracts to confirm rents or prices and to ascertain whether or not rents or prices are inclusive or exclusive of GST.</i>
Planning Disclaimer	<i>Town planning and zoning information was informally obtained from the relevant local and State Government authorities and is assumed to be correct. Should the addressee require formal confirmation of planning issues then we recommend formal application be made to the relevant authorities to confirm planning details.</i>
Publication of Report	<i>The publication of the valuation or report in whole or any part, or any reference thereto, or the names and professional affiliations of the valuers is prohibited without the prior written approval of the valuer as to the form and context in which it is to appear.</i>
Site Survey Disclaimer	<i>This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert, however, are based on our inspection of the property and review of the Certificate of Title plans. Should the addressee require absolute certainty in relation to the site area, dimensions or possible encroachments we recommend that a surveyor be engaged to provide appropriate advice and a survey of the property if considered necessary. In the event there are any fundamental inconsistencies between any site survey undertaken and site detail adopted in this valuation, the survey should be referred to the valuer for comment on any valuation implications (including amendment of our valuation if considered necessary).</i>
Structural Disclaimer	<i>This report is not a structural survey and no advice is given in any way relating to structural matters. Any opinion given as to the condition of the improvements on the property is not given in the capacity as an expert. A structural report on the building and/or its plant and equipment has not been sighted, and nor have we inspected unexposed or inaccessible portions of the premises. Therefore we cannot comment on the structural integrity, any defects, rot or pest infestation (or damage from pest infestation) of the improvements, any use of asbestos or other materials now considered hazardous or areas of non-compliance with the Building Code of Australia, other than matters which are obvious and which are noted within this report. This valuation assumes the building is structurally sound; that building services are adequate and appropriately maintained; the building complies with applicable Council, building, health, safety and fire regulations, laws, bylaws, rules, licences, permits and directives; and is free of asbestos or other defects, unless specified otherwise. Should an expert's report establish that there is any damage of the varieties noted above then we reserve the right to review this valuation.</i>
Third Party Disclaimer	<i>This report has been prepared for the private and confidential use of our client, Surf Coast Shire for the specified purpose. It should not be reproduced in whole or part without the express written authority of Opteon (Victoria) Pty Ltd or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.</i>

2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



APPENDIX 1
INSTRUCTIONS

Enza Taranto

From: Enza Taranto
Sent: Monday, 20 February 2017 11:11 AM
To: Enza Taranto
Subject: FW: Request for Valuation - 2 Quay Boulevard, Torquay

From: Candice Holloway [<mailto:CHolloway@surfcoast.vic.gov.au>]
Sent: Tuesday, 7 February 2017 9:15 AM
To: Stephen Davey
Subject: Request for Valuation - 2 Quay Boulevard, Torquay

Hi Steve,

I have a request for valuation please, are you able to please provide quote? Details below.

2 Quay Boulevard, Torquay

- Rental Valuation
- Proposed Telstra Telecommunications Tower
- Footprint 24sqm
- Refer attached map / drawing

Let me know if any further information is required.

Many thanks,

Candice Holloway

Property and Legal Services Officer

Surf Coast Shire | 1 Merrijig Drive | Torquay VIC 3228

P: (03) 5261 0581 | F: (03) 5261 0525

E: cholloway@surfcoast.vic.gov.au

W: www.surfcoast.vic.gov.au

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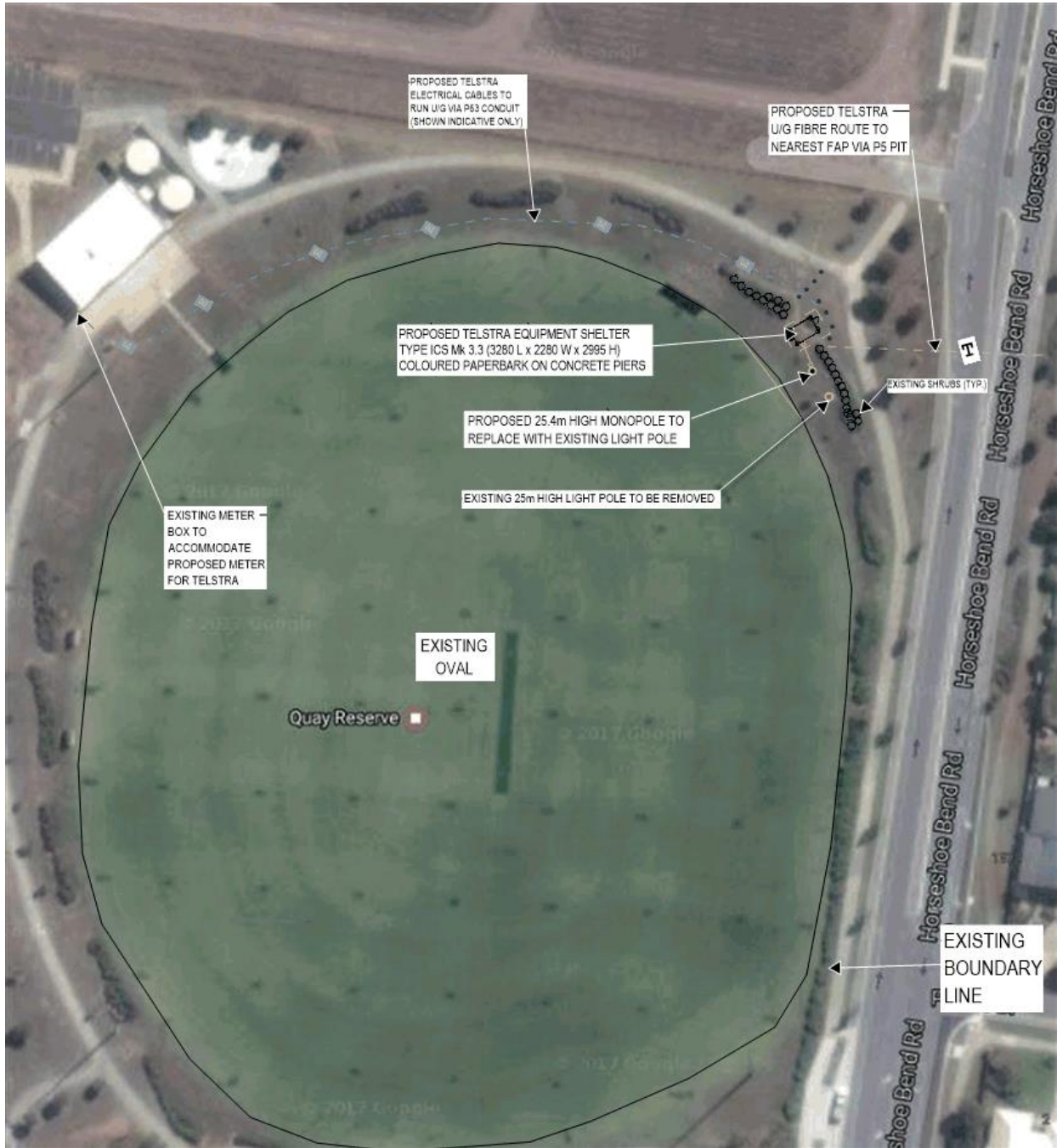
Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au/tt>

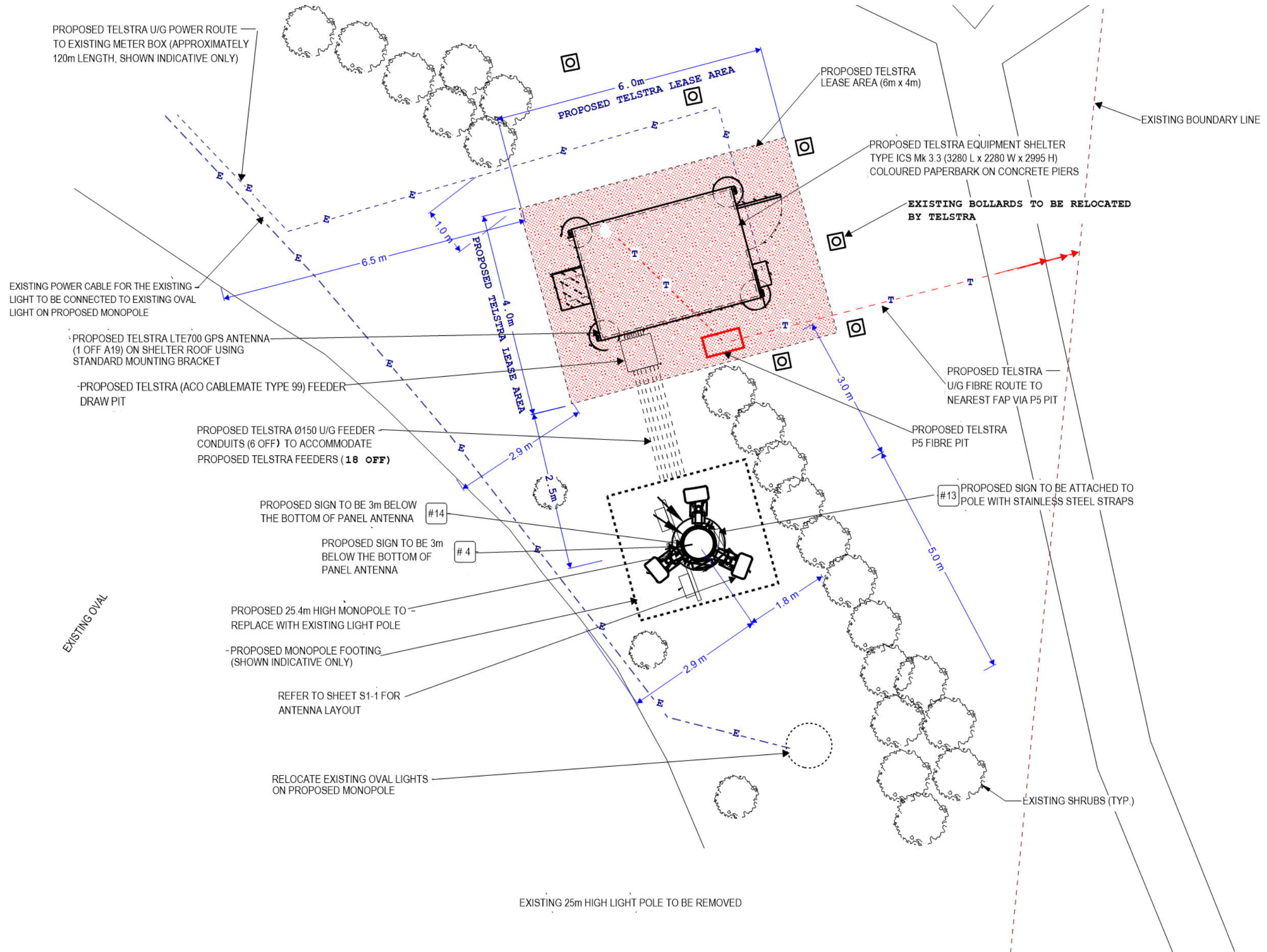
2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



APPENDIX 2

SITE MAP





2 Quay Boulevard
Torquay, VIC 3228
Our Reference: 7731148



APPENDIX 3
PLANNING PROPERTY REPORT

Department of
 Environment, Land,
 Water and Planning

Planning Property Report

from www.dtpli.vic.gov.au/planning on 10 February 2017 09:28 AM

Address: 2 QUAY BOULEVARD TORQUAY 3228

Lot and Plan Number: Lot RES1 PS615530

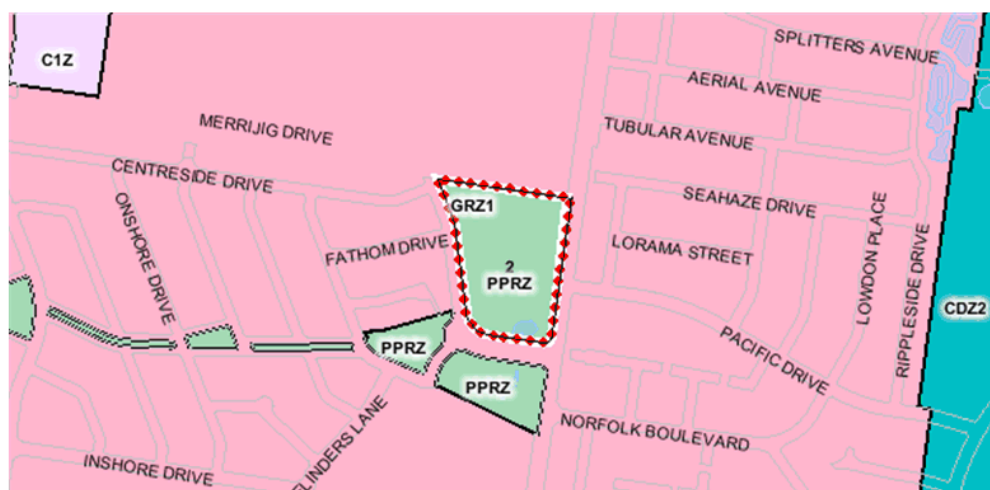
Local Government (Council): SURF COAST **Council Property Number:** 181546

Directory Reference: Melway 493 H12

Planning Zone

PUBLIC PARK AND RECREATION ZONE (PPRZ)

SCHEDULE TO THE PUBLIC PARK AND RECREATION ZONE



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0 300m

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	Urban Growth Boundary
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

Railway	Tram	River, stream	Lake, waterbody
---------	------	---------------	-----------------

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Environment,
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Planning Overlay

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)



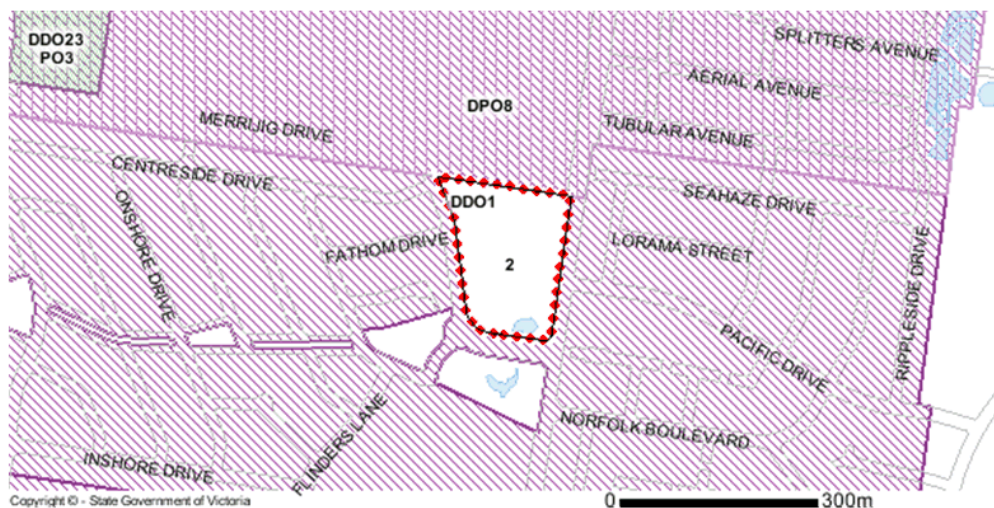
OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DEVELOPMENT PLAN OVERLAY (DPO)

PARKING OVERLAY (PO)



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Environment,
Land, Water
and Planning

Department of
Environment, Land,
Water and Planning

Planning Overlays Legend

Overlays Legend

 AEO - Airport Environs	 LSIO - Land Subject to Inundation
 BMO - Bushfire Management (also WMO)	 MAEO1 - Melbourne Airport Environs 1
 CLPO - City Link Project	 MAEO2 - Melbourne Airport Environs 2
 DCPO - Development Contributions Plan	 NCO - Neighbourhood Character
 DDO - Design & Development	 PO - Parking
 DDOPT - Design & Development Part	 PAO - Public Acquisition
 DPO - Development Plan	 RO - Restructure
 EAO - Environmental Audit	 RCO - Road Closure
 EMO - Erosion Management	 SBO - Special Building
 ESO - Environmental Significance	 SLO - Significant Landscape
 FO - Floodway	 SMO - Salinity Management
 HO - Heritage	 SRD - State Resource
 IPO - Incorporated Plan	 VPO - Vegetation Protection

+++++ Railway - - - - - Tram ——— River, stream Lake, waterbody

Note: due to overlaps some colours on the maps may not match those in the legend.

Further Planning Information

Planning scheme data last updated on 9 February 2017.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.delwp.vic.gov.au/planning

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Environment,
Land, Water
and Planning

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

Author's Title: Manager Engineering Services

General Manager: Anne Howard

Department: Engineering Services

File No: F16/1741

Division: Governance & Infrastructure

Trim No: IC17/267

Appendix:

1. Final Plan - Revision H - Aireys Inlet Pedestrian Refuge (D17/27514)
2. Summary of Consultation Issues and Proposed Actions- Aireys Inlet Pedestrian Crossing (D17/24751)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to inform Council of the outcome of the public consultation on the proposed pedestrian refuge at the Aireys Inlet bottom shops crossing Great Ocean Road.

Summary

Community consultation for the proposed pedestrian refuge project was undertaken over the Christmas period closing on the 10 February 2017. Twelve submissions were received and these have been considered and the construction plans have been modified in response. It is now proposed to endorse these alterations and proceed with construction.

Recommendation

That Council:

1. Note the submissions received in response to the community consultation regarding the proposed Aireys Inlet pedestrian crossing.
2. Endorse the alterations made to the proposed plans in response to those submissions and as included in Attachment 1 and advise the submitters accordingly.
3. Proceed to construct the pedestrian crossing works in accordance with those plans and develop a landscaping plan in consultation with ANGAIR, AIDA and the community.

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

Report

Background

It is proposed to construct a pedestrian refuge on the Great Ocean Road immediately south of the Inlet Crescent intersection, Aireys Inlet to provide for the safe passage of pedestrians between the bottom shops and the public car park, Skate Park and public amenities on the ocean side of the Great Ocean Road. Pedestrians crossing the Great Ocean Road in this location currently have to cross both lanes of traffic with limited warning to drivers. The need for the pedestrian refuge was identified through the recent Structure Plan review. However, there is significant conjecture about the best location and its scale and impact on the environment.

Discussion

Preliminary design plans were prepared in July 2015 and reviewed over the period to February 2016 in consultation with VicRoads and the Aireys Inlet District Association. Significant adjustments to the design were made including reducing the extent of kerbing and removal of coloured bicycle lane markings. Several issues were not satisfactorily resolved including the proposed realignment of the Inlet Crescent entrance, removal of vegetation to accommodate the works and additional street lighting leading to the project being held in abeyance.

The project was further reviewed in December 2016 which confirmed the selected location to be the most appropriate with little opportunity to further reduce the scale of the works. Broad community consultation was implemented over the Christmas period closing on the 10 February about a fortnight after the end of the summer holiday period. It outlined the limited opportunity to further reduce the scale of works and sought input to how best to reinstate landscaping to the area.

Issues raised in submissions are summarized in Attachment 1 along with officer comment in relation to each specific issue. Copies of all submissions have been made available to councillors. The key issues comprise:

Excessive lighting - VicRoads has agreed to replace the 250 watt HPS light on the 11.0m pole to a more directional and energy efficient 198 watt LED light on a lower 8.5m pole with reflective markers along the line marking. This should create less glare in the night sky whilst adequately lighting the island and its approaches.

Widening Inlet Crescent Entrance – Close examination of turning vehicle swept paths in consultation with VicRoads has enabled the Inlet Crescent intersection to remain unaltered except for rounding off of the corners where the Great Ocean Road will be widened to accommodate the central island and bicycle lanes. This will reduce the extent of vegetation removal required in Inlet Crescent.

Crossing location - Several submissions sought to have the crossing shifted away from Painkalac Creek and the bend. This would require pedestrians to cross both the Great Ocean Road and Inlet Crescent to reach the Skate Park and public conveniences and be a less direct route from the cafes and car park opposite. The crossing would remain on the bend which continues for some distance to the north and may reduce the number of car parks in front of the shops. It is considered to be sited in the best possible location.

Revegetation - submissions varied between retaining all existing vegetation to complete replanting with appropriate vegetation. Assessment of the existing vegetation has identified a mix of native regrowth and planted native species. ANGAIR has offered to assist in developing a landscape plan providing for retention of appropriate species and additional plantings. It is proposed to develop a landscape plan in consultation with ANGAIR, AIDA and the local community as construction proceeds.

The engineering plans have been modified as set out in Revision H in Attachment 1 in response to these submissions and it is considered Council should endorse these to enable construction to proceed with the aim of completion this financial year.

Financial Implications

Funding of \$180,000 is allocated in the 2016/7 budget to design and construct the crossing of which \$20,000 is sourced from a State grant requiring completion of the project by the 30 June 2017.

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

Council Plan

Theme 4 Infrastructure
Objective 4.3 Enhance key rural and coastal roads and transport options
Strategy 4.3.4 Review/update current pathways/cycling strategy.

Policy/Legal Implications

The proposal is consistent with a key action in the Eastern View to Aireys Inlet Structure Plan in which the local community identified a safe pedestrian crossing point as one of the top issues.

The Great Ocean Road is part of the declared road network for which VicRoads is the road management authority. VicRoads approval of the works is necessary and the works are required to comply with current road design standards to ensure the safety of all road users.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The location of the proposed crossing is an area of high pedestrian risk. Pedestrians of all ages are attracted to cross the Great Ocean Road here due to the shops, cafes and car parking on one side and Skate Park, public conveniences, car park, beach and residential area on the other side. This crossing is required to lower the risk of death and serious injury for all members of the community particularly as traffic and pedestrian numbers continue to grow. This risk is well recognised by the local community as recorded in the consultation associated with preparation of the Eastern View to Aireys Inlet Structure Plan and design of this crossing.

Social Considerations

Council's social responsibilities include providing for a safe environment for all members of the community including visitors, permanent and temporary residents, the young and the elderly. All elements of the community recognise the need for a safe pedestrian crossing in this general locality albeit with differing views on its precise location and configuration.

Community Engagement

Broad community consultation was carried out over the Christmas period closing on the 10 February about a fortnight after the end of the summer holiday period. Consultation comprised notices in several of the lower shop windows, a notice in the local newspaper and on Council's web site and letters to all of the bottom shop traders and 8 organisations including Aireys Inlet District Association (AIDA), Anglesea, Aireys Inlet Society for the Protection of Flora and Fauna (ANGAIR), Aireys Inlet CFA, Lorne-Aireys P12 College, Great Ocean Road Coastal Committee, Corangamite Catchment Management Authority and Aireys Inlet Tourism and Traders Association.

At the close of submissions, 12 submissions were received including a written submission from ANGAIR and AIDA and a deputation from AIDA. A summary of comments including officer comment is set out in Attachment 1 and copies of all submissions have been provided to all Councillors.

Environmental Implications

Elements of the community believe the works potentially impact vegetation, the night sky with glare and visual amenity and also detract from the "small scale, low-key, informal, non-suburban, vegetated coastal village character" of Aireys Inlet the Eastern View to Aireys Inlet Structure Plan aims to protect.

The footprint of the crossing has been reduced as far as practical by deleting alterations to the Inlet Crescent intersection originally designed to reduce congestion and improve access to both car parks so that the impact on vegetation and immediate visual amenity is reduced. These works may be implemented later should congestion and poor standards of access and safety become unacceptable. It is proposed to retain as much of the existing vegetation as practical as sought by many submitters rather than replant afresh. This will be augmented with additional consistent vegetation as guided by ANGAIR.

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

Lighting of islands on roadways is required to achieve minimum safety standards. The proposed street light is to be installed on a lower 8.5 m pole with directional, energy-efficient LED luminaires to minimise glare. It is designed to just meet minimum standards.

The works also incorporate as little concrete as possible and consistent black asphalt without colour highlighted elements (bicycle lanes) so as not to emphasise the scale of the installation. It is considered the design achieves the best possible environmental outcomes whilst meeting the bare minimum safety standards.

Communication

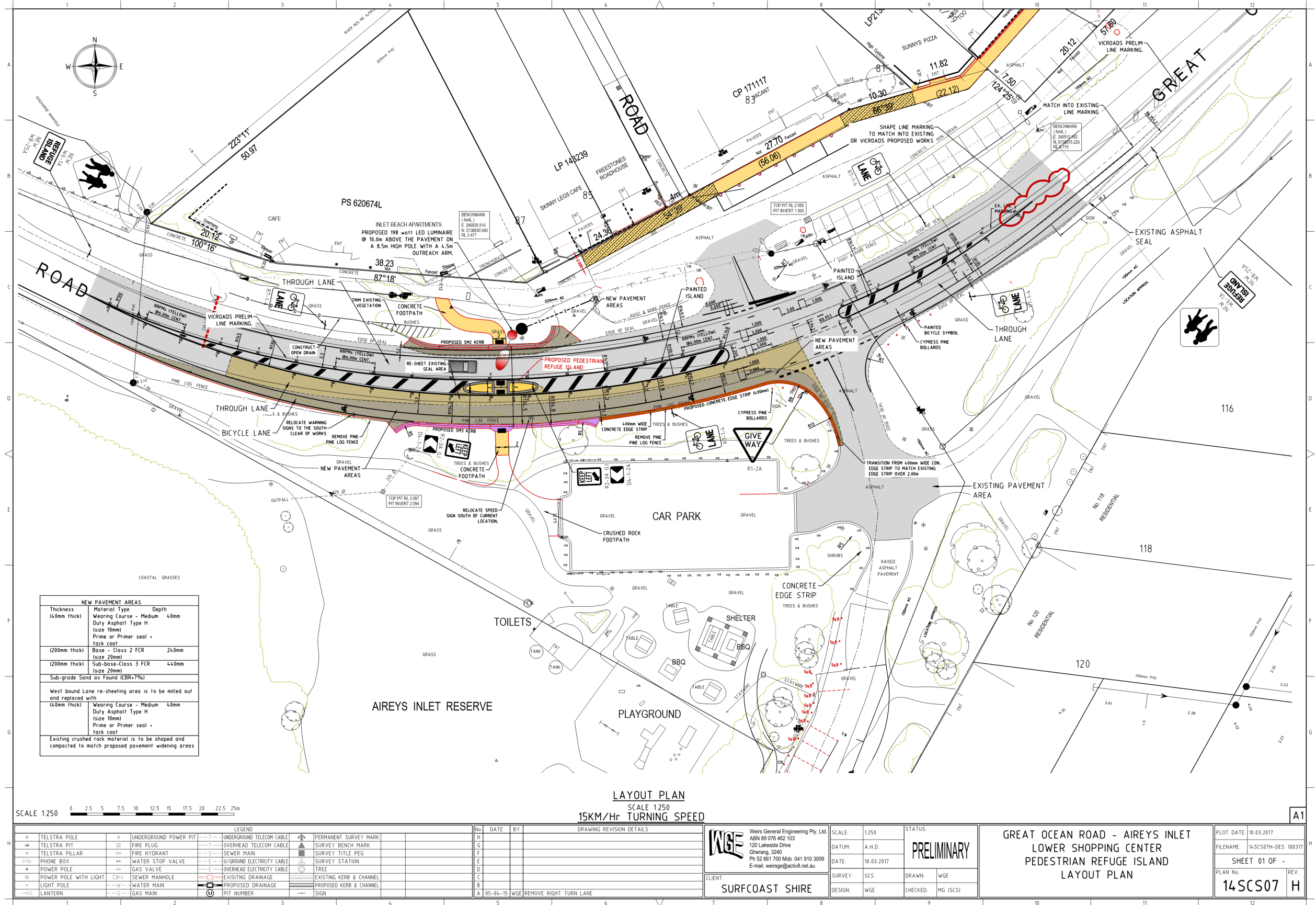
All persons who lodged submissions will be directly advised of Council's decision. Additionally, affected nearby businesses will be advised of the pending works. Appropriate traffic management including VicRoads permits and emergency service notifications will be implemented during construction.

Conclusion

It is considered the revised engineering plans Revision H provides the best outcome in meeting the objectives of providing a safe pedestrian crossing over the Great Ocean Road adjacent the bottom shops whilst protecting the "village character" of Aireys Inlet, night skies, vegetation and visual amenity as far as practical. It is therefore considered appropriate for Council to endorse those plans for construction and proceed to construct the crossing and develop a detailed landscaping plan in consultation with the Aireys Inlet Society for the Protection of Flora and Fauna (ANGAIR) which has offered its assistance, Aireys Inlet District Association (AIDA) and the community.

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet Bottom Shops

APPENDIX 1 FINAL PLAN - REVISION H - AIREYS INLET PEDESTRIAN REFUGE



NEW PAVEMENT AREAS		
Thickness (40mm thick)	Material Type Wearing Course - Medium Duty Asphalt Type H (size 10mm) Prime or Primer seal - tack coat	Depth 40mm
(200mm thick)	Base - Class 2 FCR (size 20mm)	240mm
(200mm thick)	Sub-base - Class 3 FCR (size 20mm)	440mm
Sub-grade Sand as Found (CBR>7%)		
West bound Lane re-sheeting area is to be milled out and replaced with		
(40mm thick)	Wearing Course - Medium Duty Asphalt Type H (size 10mm) Prime or Primer seal - tack coat	40mm
Existing crushed rock material is to be shaped and compacted to match proposed pavement widening areas		

LAYOUT PLAN
 SCALE 1:250
 15KM/Hr TURNING SPEED

SCALE 1:250 0 2.5 5 7.5 10 12.5 15 17.5 20 22.5 25m

LEGEND		DRAWING REVISION DETAILS	
○ TELSTRA POLE	○ UNDERGROUND POWER PIT	— T — UNDERGROUND TELECOM CABLE	▲ PERMANENT SURVEY MARK
□ TELSTRA PIT	□ FIRE PLUG	— T — OVERHEAD TELECOM CABLE	□ SURVEY BENCH MARK
□ TELSTRA PILLAR	□ FIRE HYDRANT	— S — SEWER MAIN	□ SURVEY TITLE PEG
□ PHONE BOX	□ WATER STOP VALVE	— E — U/GROUND ELECTRICITY CABLE	□ SURVEY STATION
□ POWER POLE	□ GAS VALVE	— T — OVERHEAD ELECTRICITY CABLE	□ TREE
□ POWER POLE WITH LIGHT	□ SEWER MANHOLE	— D — EXISTING DRAINAGE	□ EXISTING KERB & CHANNEL
□ LIGHT POLE	□ WATER MAIN	— P — PROPOSED DRAINAGE	□ PROPOSED KERB & CHANNEL
□ LANTERN	□ GAS MAIN	○ PIT NUMBER	□ SIGN

WGE Weirs General Engineering Pty. Ltd.
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 120 Lakeside Drive
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 E-mail: weirsg@active6.net.au

CLIENT: SURFCOAST SHIRE

SCALE: 1:250
 DATUM: A.H.D.
 DATE: 10.03.2017
 SURVEY: SCS
 DESIGN: WGE

STATUS: PRELIMINARY
 DRAWN: WGE
 CHECKED: MG (SCS)

GREAT OCEAN ROAD - AIREYS INLET
 LOWER SHOPPING CENTER
 PEDESTRIAN REFUGE ISLAND
 LAYOUT PLAN

PLOT DATE: 10.03.2017
 FILENAME: 14-SCS07H-DES 100317
 SHEET 01 OF -
 PLAN No. 14SCS07
 REV. H

2.4 Community Consultation Outcome - Proposed Pedestrian Refuge Island at Aireys Inlet bottom shops

APPENDIX 2 SUMMARY OF CONSULTATION ISSUES AND PROPOSED ACTIONS- AIREYS INLET PEDESTRIAN CROSSING

Summary of Issues Raised in Submissions to Aireys Inlet Pedestrian Crossing February 2017

Issue	No Submissions Raising Issue	Comment	Proposed Action
Crossing Location			
Crossing in wrong place on bend and won't be used. – shift to centre of shops	1 1 Organisation	Location provides direct access to public conveniences and skate park from shops and addresses safety concerns. Relocation would require pedestrians to cross Inlet Cresc. Bend continues beyond requested location. Potential loss of carparking.	Crossing location to remain
Crossing in correct place for child safety. Currently extremely dangerous to access skate park and shops	5		
Location limits future extension of ocean side car park to west. Parking already limited and needs increasing. Oppose concrete path on ocean side of GOR.	1	Crossing location and path will not limit extension of car park as it may connect through a future extension of car park. All paths on ocean side are to be gravel except for waiting pad adjacent the GOR	Location and pathways to remain as per plan noting they are gravel and may be readily altered to accommodate any future works.
Crossing is over-engineered and suburban in nature. Prefer something similar to existing crossings	1 Organisation	Crossing has already been toned down to minimise the extent of kerbing and intrusive materials. It is designed to minimum width to safely accommodate all road users. See Inlet Cresc issue below.	Existing proposed widening and kerb-line treatments to remain
Inlet Crescent			
<i>Note – Inlet Crescent was not an issue on which specific comment was sought</i>			
Oppose widening Inlet Cresc access.	1 1 Organisation	Inlet Cresc may remain but many turning vehicles will obstruct the GOR. Congestion is expected to increase further as traffic flows grow. If works deferred, additional screening plants should be installed now to compensate for future vegetation removal.	Option to defer Inlet Cresc access improvements until they become a necessity to deal with obstruction of the GOR and associated safety issues.
Widening works unnecessary, will increase traffic speeds making area more dangerous.	1 Organisation	Works considered unlikely to significantly affect speeds. Improved safety on GOR as it will not be obstructed by vehicles turning left into Inlet Cresc.	
Treatment 'urbanises appearance of Painkalac Creek environs contrary to objectives of Structure Plan	1 Organisation	This is the minimum standard of entry to provide for unobstructed access to Inlet Cresc.	

Vegetation Issues			
Oppose removal of vegetation	1	Additional road width to accommodate island and bicycle lanes necessitates removal of some vegetation. Some new plantings will be required to screen car park. Use of local indigenous species is appropriate.	Desires of most submitters best met by: 1. minimising native vegetation removal whilst ensuring adequate sight lines created. 2. Developing a landscape plan providing for: <ul style="list-style-type: none"> • retention of remnant existing high value vegetation, • planting of new fire retardant vegetation local to the area including that particular site, and • screening of the carpark.
Oppose removal of boobialla and moonah plants			
Prefer mix of existing and new plantings that doesn't impact sight lines	1		
Safety higher priority than vegetation preservation. Select vegetation appropriate to safety.	2 1 Organisation		
Prefer new appropriate planting	1		
Area needs to be re-landscaped to tidy it up. Planting to be appropriate to its fire refuge purpose.	1		
Support use of local native species.	2 Organisation		
Important to retain screening of car park with vegetation	1 Organisation		
Lighting			
Light pole is too high (11m) and too bright (250W HPS) – destruction of night sky.	1 Organisation	A compromise light pole 8.5m high with 198W directional LED lighting negotiated with VicRoads which will be less intrusive.	Install a lower 8.5m high pole with 4.5m cantilever bracket and 198 watt directional LED luminaire. Black pole to be used if practical to minimise visual intrusion.
Oppose lit yellow reflective pavement markers.	1 Organisation	Issue arose through misunderstanding of VicRoads requirements. Standard (unlit) reflective markers are proposed.	Yellow raised reflective pavement markers to be employed along painted lines as part of lighting compromise.
General Issues			
Support crossing for safety.	7 1 Organisation		

3. ENVIRONMENT & DEVELOPMENT

3.1 Petition Response from Kithbrooke Residents - Newcomb Sand and Soil - 330 Grossmans Road, Bellbrae

Author's Title: Coordinator Development Compliance & Local Laws **General Manager:** Phil Rowland

Department: Planning & Development

File No: E16/0039

Division: Environment & Development

Trim No: IC17/227

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason:

Purpose

The purpose of this report is to respond to a petition sent to Council in respect to the operations of Newcomb Sand and Soil at 330 Grossmans Road Torquay.

Summary

A petition was received on 16 January 2017 by Council Officers and relates to the use of land at the Newcomb Sand and Soil, 330 Grossmans Road, Torquay and noise and environmental impacts to residents living nearby. The petition contained 22 signatories.

Recommendation

That Council:

1. Note the work undertaken to date by Council officers to understand the planning history for the site and to develop options for enforcement activity.
2. Note that Council Officers will make contact with Newcomb Sand and Soil and representatives of the Kithbrook Park Country Club residents to facilitate a meeting between the parties to discuss the problems and explore options that will immediately improve the situation.
3. Note that Council Officers will continue the ongoing enforcement action on this matter to ensure the site is brought into planning compliance and the nuisance to public health is abated.

3.1 Petition Response from Kithbrooke Residents - Newcomb Sand and Soil - 330 Grossmans Road, Bellbrae

Report

Background

On 16 January 2017, a petition with 22 signatories was sent to Council Officers expressing concerns about the Newcomb Sand and Soil site at 330 Grossmans Road, Torquay. The concerns relate to the following:

- noise and dust amenity impacts
- planning permit and environment control
- communication with residents.

Council officers are investigating the above matters under the *Planning and Environment Act 1987* (P&E Act) and *Public Health and Wellbeing Act 2008* (PHW Act) and have engaged Council's Solicitors in relation to this matter.

The site is occupied by Newcomb Sand and Soil and the land shares a boundary with Kithbrook Park Country Club. The predominant use of the business is the supply of landscape products such as sand, soil and garden products that are stored on and sold from the land. The land is lot 1 on PS 738469 is part of the same land title as the Country Club and is therefore in the same ownership being in the name of Kithbrooke Park Holdings Pty Ltd

Discussion

The land at the front of 330 Grossmans Road, Torquay, is occupied by Newcomb Sand and Soil under a lease arrangement. The site operates under an existing planning permit 94/5796 issued in 1994 which has little conditional control over the environmental impacts of the business. Council considered a planning application by Newcomb Sand and Soil for retrospective approval to legitimise the altered layout of the site following establishing a Torquay location for the business. Council refused this application at its 8 December 2015 Council meeting. The refusal was not contested by Newcomb Sand and Soil at VCAT and there remain some planning non-compliances on the site. These matters are currently being pursued by Council Officers with the assistance of Council's Solicitors.

The noise and dust issues raised are of immediate concern and cannot be addressed by a planning action under the Planning and Environment Act 1987 (P&E Act). These matters have been responded to and investigated by Council's Environmental Health Unit under the nuisance provisions of the PHW Act. Council has obligations under the PHW Act to investigate any notice of a nuisance and enforce if a nuisance exists.

The concerns relating to noise, dust, environmental impacts and land use have been previously reported to Council and are the subject of an ongoing investigation. The nuisance matters have been escalated with the involvement of Council's Solicitors to assist Councils authorised Officers discharge their responsibilities. The matter is complex, ongoing and will not be resolved quickly. Officers have met with representatives of Kithbrook Park Country Club on several occasions.

It is understood that the owner of Newcomb Sand and Soil has made contact with the Kithbrook Park Country Club seeking ways to minimise the impact of the business on the residents indicating there is some good will being shown by the business. Recent contact with the business has indicated there is a desire to work with Council to address issues if they can. A more formal meeting between parties is being considered as an additional action to achieve a voluntary and more immediate response to the environmental impacts of the business.

Financial Implications

Costs for ongoing legal advice will be incurred and will be managed through operational legal budgets.

Council Plan

Theme	3 Communities
Objective	3.3 Preservation of peaceful, safe and healthy environments
Strategy	3.3.1 Monitor and enforce where required relevant legislation to ensure a safe and peaceful community including residential amenity, safety in public places and community liveability.

Policy/Legal Implications

Council is seeking legal counsel to ensure it is meeting its statutory obligations.

3.1 Petition Response from Kithbrooke Residents - Newcomb Sand and Soil - 330 Grossmans Road, Bellbrae

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The matter requires further investigation to determine if risks are relevant.

Social Considerations

Not applicable.

Community Engagement

Council will facilitate a meeting between parties.

Environmental Implications

Environmental implications will form part of the investigation.

Communication

Communication will be managed by facilitated meetings.

Conclusion

Note the petition and recommendations.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Author's Title: Senior Strategic Planner
Department: Planning & Development
Division: Environment & Development

General Manager: Phil Rowland
File No: F16/734
Trim No: IC17/191

Appendix:

1. Amendment C114 Panel Report (D17/13890)
2. Response to Panel Recommendations (D17/29040)
3. Schedule of Further Work (D17/29085)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive the report of the independent Panel on Planning Scheme Amendment C114 and to consider the Panel recommendations.

Summary

Planning Scheme Amendment C114 seeks to implement the Spring Creek Precinct Structure Plan, which covers an area of approximately 245 hectares extending generally one kilometre west of Duffields Road, Torquay. The amendment was placed on public exhibition from 26 May until 27 June 2016. A total of 80 submissions were received. Key issues raised in submissions include the residential densities, size of the neighbourhood activity centre, extent of native vegetation retention/removal, provision and extent of public open space, conservation reserves, creek buffers and drainage reserves, the nature of the residential design controls, road network and intersections, rural-urban interface and future growth beyond the PSP boundary.

At its meeting on 23 August 2016, Council resolved to request the Minister for Planning to appoint an independent Panel to review all submissions and the overall merit of the amendment. The Panel Hearing was held on 2, 3, 4, 7 and 10 November 2016. The Panel report (Appendix 1) was received on 23 January 2017 and has been made public pursuant to Section 26 of the *Planning and Environment Act 1987*. The Panel recommends that the amendment be adopted as exhibited subject to changes.

In response to the Panel recommendations, officers recommend that further work be undertaken prior to finalisation of the Precinct Structure Plan and Amendment C114.

Recommendation

That Council:

1. Receive and note the Panel Report on Planning Scheme Amendment C114.
2. Note that the Panel Report has been made public pursuant to Section 26 of the Planning and Environment Act 1987.
3. Having considered the Panel recommendations, endorse the Schedule of Further Work appended at Appendix 3 and the position on each recommendation as stated in this report and in Appendix 2.
4. Reaffirm Torquay's western town boundary at its current location (i.e. at a line generally one kilometre west of Duffields Road) and the retention of a green break between Torquay and Bellbrae as per current policy in the Surf Coast Planning Scheme; and do not undertake any further investigation into low density or conventional residential development to the west of the settlement boundary.
5. Note that officers will prepare a report for a future Council meeting to consider formal adoption of Planning Scheme Amendment C114 following completion of the further work on the particular matters nominated.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Report

Background

Planning Scheme Amendment C114 seeks to implement the Spring Creek Precinct Structure Plan (PSP), which covers an area of approximately 245 hectares extending generally one kilometre west of Duffields Road, Torquay. The amendment was placed on public exhibition from 26 May until 27 June 2016. A total of 80 submissions were received. Key issues raised in submissions include the residential densities, size of the neighbourhood activity centre, extent of native vegetation retention/removal, provision and extent of public open space, conservation reserves, creek buffers and drainage reserves, the nature of the residential design controls, road network and intersections, rural-urban interface and future growth beyond the PSP boundary.

At its meeting on 23 August 2016, Council resolved to request the Minister for Planning to appoint an independent Panel to review all submissions and the overall merit of the amendment. The Panel Hearing was held on 2, 3, 4, 7 and 10 November 2016. The Panel report (Appendix 1) was received on 23 January 2017 and has been made public pursuant to Section 26 of the *Planning and Environment Act 1987*. The Panel recommends that the amendment be adopted as exhibited subject to a number of changes and reviews.

The Panel recommendations are discussed below and a targeted response to each of the 47 recommendations is provided in Appendix 2. In response to the Panel recommendations, officers recommend that further work be undertaken for some items prior to finalisation of the Precinct Structure Plan. An overview of the proposed work is provided in Appendix 3.

Discussion

Overall the Panel supports Amendment C114. It finds that the amendment is well founded and strategically justified and that the PSP and Urban Growth Zone Schedule (UGZ1) provide a sound framework and mechanism to manage land use and development within the precinct, subject to a number of changes to address specific issues.

The key issues raised by the Panel are:

- the PSP should not preclude the potential for urban development further to the west of the PSP boundary and land to the south-west should be marked as a "Strategic Investigation Area"
- signalisation of the Great Ocean Road/Strathmore Drive East intersection is potentially a superior solution compared to staggered un-signalised T-intersections. The decision to delete the signalised intersection should be reviewed
- the allocation of passive open space is overly generous, which is mainly a result of the very wide creek buffers. Council should review the provision of open space, including the width of waterway buffers, and determine how active open space needs will be met.
- the overall dwelling density should be increased from the proposed 10 dwellings per hectare to 12-13 in order to more meaningfully deliver greater housing diversity. This can be achieved by increasing the number of 500-600m² sized lots within walking distance of the neighbourhood centre and private school (Christian College).

The Panel was critical of the Community Panel process, stating "planning for new growth is not a popularity contest". The Panel commends Council for its innovative approach in engaging the public in a planning process, but considers that the process has resulted in an aspirational outcome that lacks planning rigour or a clear rationale. It also notes the tension between development and anti-development parties and the dissatisfaction with the process from both. This opinion should be considered in the context of the Panel's overall support of the amendment and that it has found the planning exercise in its totality to be strategically justified. Also of note is that the Community Panel received a High Commendation in the Community Partnerships Initiative category of the recent LGPro Awards for Excellence.

Western growth boundary

The Panel questions the status of the western boundary as the ultimate growth boundary and considers that Council should not preclude the potential for urban growth further to the west. It states that links to the west should be shown on the PSP and that the area to the south-west (owned by Rural Estates) should be designated as a "Strategic Investigation Area". It urges Council to "think appropriately" about the next phase of growth post planning for the PSP area and not to ignore "a valid, proven and tested strategic planning history for the western precinct". The Panel also recommends that the urban growth potential of the balance of the valley be considered with appropriate community engagement as part of the Hinterland Futures Project, which is currently being undertaken.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

This recommendation is outside the scope of the amendment and it is considered that the Panel has gone beyond its terms of reference. There also appears to be an incomplete understanding of the outcomes of Amendment C66 and the Ministerial Amendment C95.

Urban growth further to the west is not contemplated by any of Council's strategic planning policies, including the Sustainable Futures Plan 2040 (both the 2012 version referenced in the Planning Scheme and the adopted 2014 version). A change to the Torquay Jan Juc Framework Plan at Clause 21.08 was not entertained by the former Minister for Planning upon rezoning of the 1km west area to Urban Growth Zone. Through changes to the Council adopted version of Amendment C66 and Ministerial Amendment C95 the Minister placed the settlement boundary 1km west of Duffields Road and supported Council's intention to plan for a green break between Torquay and Bellbrae and to identify areas to the north-west of Messmate Road and north-east of Torquay for future urban growth. These are clearly stated in the planning scheme at Clause 21.08.

In addition, it is also unclear why, in the Panel's view, land to the south-west should be designated as a Strategic Investigation Area, without allocating the same status to land on the north side of Spring Creek.

Following the receipt of the Panel Report a further submission was received from a group of landowners on the south side of Grossmans Road to the west of the PSP area ("Grossmans Road South Landholders Group"). The group requests that Council consider rezoning the area in question to Low Density Residential Zone due to the perceived impact of urban development on the rural amenity and business activities of affected properties. As discussed above, residential development further to the west is inconsistent with current policy to retain a green break between Torquay and Bellbrae.

Officer Recommendation:

- strongly reject Panel Recommendations 3 and 4
- not support the request of the Grossmans Road South Landholders Group to consider low density residential development to the west of the PSP area
- reaffirm Torquay's western town boundary at its current location (i.e. at a line generally one kilometre west of Duffields Road) and the retention of a green break between Torquay and Bellbrae as per current policy in the Surf Coast Planning Scheme.

Road Network

In relation to the proposed road network, the Panel considers that signalisation of the Great Ocean Road/Strathmore Drive East intersection as proposed in the exhibited PSP will potentially provide a superior outcome compared to a staggered un-signalised left in/left out T-intersection as put forward by Council in response to the VicRoads submission.

The Panel recommends that Council review the decision to delete the signalised intersection and determine the option which provides the highest standard outcome in terms of accessibility into the Spring Creek precinct, safety including for pedestrian and cyclists crossing the Great Ocean Road and the traffic impact on the surrounding streets. In the event that Council reaffirms its decision to replace the signalised intersection at Strathmore Drive East with a staggered T-intersection, the Panel recommends:

- realignment of the north-south connector road to create a T-intersection approximately midway between Strathmore Drive East and Torquay Boulevard, and designation of the road as a Local Access Street Level 2
- provision of an additional connection to Duffields Road south of Ocean View Crescent (subject to consideration of sight distance and vegetation issues)
- provision of a pedestrian crossing on the Great Ocean Road in the vicinity of Strathmore Drive East. This may be a pedestrian refuge in the interim and a signalised crossing in the longer term when warranted by pedestrian and traffic volumes.

To support its position at the Panel hearing, Council commissioned Traffix Group to review the alternative T-intersection option. The assessment found that a T-intersection would work with all roads in the surrounding area functioning to an acceptable level, however, it would deliver a lesser standard of accessibility for pedestrians and cyclists wishing to cross the Great Ocean Road, increase the risk of crashes, potentially increase delays on the Great Ocean Road compared to a signalised intersection, and lead to higher volumes of traffic on Duffields Road, Ocean View Crescent and Torquay Boulevard. The review also noted that the alternative T-intersection arrangement was not in accordance with VicRoads' guidelines for new growth areas, which favour cross intersections on arterial roads.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

At a meeting between Council and VicRoads held on 7 March 2017, VicRoads confirmed its preference for an un-signalised T-intersection. VicRoads is confident that such an arrangement would work satisfactorily in combination with a pedestrian crossing (pedestrian refuge in the short term and pedestrian activated signals in the longer term).

In deciding on the preferred access arrangement, relevant matters for Council to consider include:

- the cost of providing signals. If signals are provided at Strathmore Drive East as proposed in the exhibited PSP, they will become a Development Contributions Plan (DCP) item funded by developers. If Council decides to adopt an un-signalised intersection and traffic conditions in the future become such that signals need to be provided to ensure the safe operation of the intersection, VicRoads would be the responsible authority for providing signals. VicRoads rely on state wide funding programs such as the 'Blackspot' program for the provision of traffic signals and would need to consider the request against other priority areas across the state
- the impact on traffic flows through Jan Juc and along the Great Ocean Road. A large number of submissions from Jan Juc residents feared that traffic volumes on Strathmore Drive/Domain Road would increase significantly or that traffic flows along the Great Ocean Road would be affected
- the need to provide efficient and safe connections between Jan Juc and Spring Creek to enable Jan Juc residents to access the neighbourhood centre, school and community facilities in Spring Creek, both by car or by walking and cycling.

Other Panel findings in relation to the road network are:

- the Panel does not support the provision of an internal vehicular crossing (trafficable culvert) over Spring Creek as advocated by one submitter. The Panel accepts that there may be some benefits in having an internal vehicular crossing, but considers the benefits would be marginal and would not justify the additional cost particularly when environmental impacts and the difficult terrain are taken into account
- although traffic volumes on Ocean View Crescent are projected to increase substantially upon full development of Spring Creek, volumes would still be within recommended levels for a connector street. The Panel recommends that Council monitor traffic levels on Ocean View Crescent and respond with appropriate traffic calming measures if needed
- the Panel supports the "dog leg" alignment of the north-south connector road from Great Ocean Road/Strathmore Drive West as it provides a third road frontage to the Christian College site consistent with PSP guidelines.

These findings are supported.

Officer Recommendation:

- Confirm the decision to replace the signalised intersection at Great Ocean Road/Strathmore Drive East with an un-signalised left in/left out T-intersection and accept the other Panel recommendations in relation to the road network
- Confirm responsibility for the delivery of the pedestrian refuge and pedestrian crossing and if possible add to the development contributions infrastructure list.

Stormwater and drainage

The Panel agrees with submissions that argued that the requirements in the exhibited PSP do not provide sufficient flexibility to allow for alternative solutions to be proposed at the detailed design stage in relation to the size and location of water bodies and the stormwater management system.

Council maintained at the hearing that in its view the PSP does provide sufficient flexibility for Council to consider alternative stormwater solutions as part of detailed plans at the subdivision stage. Nevertheless, the Panel recommends redrafting of the relevant sections of the PSP to make it clear and explicit that the requirements with respect to the stormwater management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision approval stage.

Other recommendations and findings of the Panel in relation to water management include:

- Waterbodies WL15 and WL21 (200-220 Great Ocean Road) should be deleted as they are man-made, pose a potential safety risk and are not suitably located to provide effective management of water flows from the catchment. They should be replaced by a waterbody further downstream
- Council should review the extent of WL01 (225 Grossmans Road) in discussion with the landowner

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

- the PSP should provide clarity and guidance for the assessment and exercise of discretion by Council of alternative water management systems proposed by developers
- the PSP should include a mechanism to equitably allocate responsibility, costs and contributions where drainage infrastructure is upsized (i.e. benefits other landholders)
- the Panel does not support on-site wastewater treatment on smaller lots.

The Panel further considers that the impact of climate change should be considered in stormwater modelling to confirm whether the proposed drainage infrastructure is adequate and to ensure an adequate design response for each stage of development. Advice provided previously by Council's stormwater consultants on the impact of climate change confirmed that the proposed stormwater management approach, combined with the natural topography of the site, has enough built in conservativeness to cater for events outside of those modelled in the report such as the possible effect of climate change. It is therefore considered that full modelling of the impacts of climate change will not be required. Rather, the stormwater management report could be updated to include this additional advice. Interesting to note is that the CCMA and Melbourne Water do not consider climate change impacts in their flood modelling as climate change impacts on rainfall events are difficult to estimate with both increasing and decreasing trends predicted.

Officer Recommendation:

- accept the Panel recommendations to provide greater flexibility in the PSP in relation to the consideration of alternative stormwater management systems and infrastructure
- review the appropriateness of replacing WL15 and WL21 with water management infrastructure at a downstream location and review the extent of WL01
- investigate mechanisms to provide for the equalisation of contributions to shared water management infrastructure
- update the stormwater modelling report to include reference to the impact of climate change.

Biodiversity

The Panel considered submissions and evidence in relation to the NVPP and several specific native vegetation patches.

Native Vegetation Precinct Plan (NVPP)

The Panel supports the landscape scale, precinct wide approach to native vegetation planning and protection as adopted in the NVPP. The Panel however is critical of the following aspects of the NVPP:

- the NVPP does not appropriately translate the findings of the native vegetation assessments
- the NVPP does not clearly explain the rationale for the removal and retention of native vegetation
- the NVPP is not clear on the requirements for practical retention of vegetation

The Panel recommends that Council work with the Department of Environment, Land, Water and Planning (DELWP) to review and refine the NVPP, addressing the following matters:

- the rationale for the retention and removal of native vegetation
- inclusion of a minimisation strategy
- explanation of the Biodiversity Impact and Offset Requirements (BIOR) report
- minimisation of specific offsets for threatened species
- extending the boundary of the NVPP to include roadside vegetation on perimeter roads in order to streamline approvals for vegetation losses associated with road upgrades and intersection works
- the identification of vegetation for practical retention
- rewording of tree protection zone requirements
- information that explains the difference between specific and general offsets, and the offset requirements for landholders.

When referring DELWP's submission to a Panel, Council accepted that further work on the NVPP was required in response to the DELWP submission and agreed to undertake this further work.

Bellarine Yellow Gum Woodland (GW5) – 200-220 Great Ocean Road

The Panel recognises the significance and places great weight on the protection of Bellarine Yellow Gums (BYG), but considers that the variable condition of the large patch of BYG woodland across the site may invoke different management strategies. The Panel states:

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

- given the significance of the patch, it would be appropriate to consider using part of the patch (i.e. the good quality core) as a net gain offset site with controlled public access
- the south western portion of the patch is in poorer condition with a degraded understorey and sparse trees and as such use as an (credited) open space reserve may be appropriate. This area should be developed as a Bellarine Yellow Gum reserve that is sensitively designed and managed for passive open space that protects the environmental values of this area
- reshape the patch to minimise the boundary to area ratio.

Council's position at the Panel was that it opposed acceptance of the site as an offset site given the ongoing management responsibilities that would be placed on Council and the restrictions on public access. However, public access may be appropriate where threats to native vegetation can be controlled and activities minimise impact on the environmental values of the reserve. This can be achieved by fencing sensitive areas and providing pathways around these areas and through less sensitive areas. There are examples of other offset sites where public access has been permitted. In terms of ongoing management, the developer would be required to provide a financial contribution to Council for up to ten years.

SRW1 – 200-220 Great Ocean Road

SRW1 (Swampy Riparian Woodland) is a patch of planted indigenous vegetation along Spring Creek and on part of 200 Great Ocean Road. Although Council has good reason to believe that public funding was used for the planting of this patch of vegetation, it has not been able to present the Panel with any evidence. The Panel therefore recommends that SRW1 be removed as a conservation reserve in the PSP and from the requirements of the NVPP. Under the Surf Coast Planning Scheme, native vegetation can be removed without a planning permit if it was planted, unless public funds were used. The Panel does support retention of this vegetation for its habitat value, meaning it would need to be included as credited open space.

160 and 195 Grossmans Road

Having considered submissions from the landowners that vegetation identified as remnant at 160 and 195 Grossmans Road was mostly planted or regrowth, the Panel recommends that the status of this vegetation be reviewed and the NVPP amended accordingly.

Other findings of the Panel in relation to biodiversity include:

- the Panel supports the inclusion of kangaroo management principles in the PSP
- Council should undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species.

Officer Recommendation:

It is recommended that the following work be undertaken:

- work with DELWP to update and refine the NVPP as per the Panel's recommendations
- review the configuration and use options of vegetation patch GW5 at 200-220 Great Ocean Road, in relation to public access and use of the south-western degraded portion as credited open space
- further investigate the advantages and disadvantages of using GW5 at 200-220 Great Ocean Road as an offset site and bring an officer recommendation back to Council to decide when C114 is again considered
- investigate if public funds have been used for the planting of vegetation within patch SRW1
- review the significance of the vegetation at 160 and 195 Grossmans Road
- undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species.

Open Space

Open space provision and waterway buffers

The Panel's findings in relation to the provision of open space and waterway buffers are:

- the allocation of passive open space and the width of the waterway buffers are overly generous. The waterway buffers are wider than those recommended by the relevant policy documents and background reports, and the requirement for 9.76% of passive open space is greater than that envisaged by the PSP Guidelines and the Surf Coast Open Space Strategy

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- Council has not provided strategic justification for the high level of passive open space and wide waterway buffers, and has not made clear how the active open space needs of future residents will be met and funded. The waterway buffers are “the result of the crude application of fixed width buffers that do not demonstrate a site specific response to opportunities and constraints of the precinct, nor a response to an identified need for passive open space”
- the open space provision should be reviewed to provide local parks within 400m of at least 95% of all dwellings in accordance with the PSP Guidelines. This minimum standard is achievable if the waterway buffer widths are reduced.

The Panel recommends:

- undertake an assessment of how the active open space needs of Spring Creek residents will be met, and amend and/or reduce the requirement for passive open space contribution accordingly to achieve a total open space contribution of no more than 10%
- review and reduce waterway buffer widths in association with the review of the passive and active open space requirements
- reconsider the distribution of local or neighbourhood parks to ensure accessibility within 400m of at least 95 percent of all dwellings, with a resulting reduction in linear park as required.

The State Planning Policy Framework (SPPF) in the Surf Coast Planning Scheme stipulates that vegetated buffers of at least 30m wide should be provided along both sides of waterways (Clause 14.02-1). *The Sustainable Futures Plan Torquay Jan Juc 2040* (SFP2040) recommends 30m wide buffers along Spring Creek and gullies, with provision of integrated cycling/walking pathways, while the Integrated Water Cycle Management Plan prepared for the Spring Creek PSP by Barwon Water also suggested 30m buffers along the creek.

In relation to the provision of public open space, the Schedule to Clause 52.01 of the Surf Coast Planning Scheme requires a 10% open space contribution for subdivisions of 10 or more lots. It does not distinguish between active or passive open space. The PSP Guidelines prepared by the Growth Areas Authority encourage an overall provision of public open space of 10% of the net developable area, of which 6% should be allocated for active open space purposes. Compensation of landowners would be required if more than 10% open space was mandated.

The aim of the PSP is to create an urban structure that is integrated and in balance with the natural landscape setting and environmental assets of the precinct, including Spring Creek and its tributaries, remnant vegetation and fauna habitat. The open space system provides an opportunity to protect and enhance the natural assets for their environmental, landscape, drainage, aesthetic and cultural heritage values and to provide for passive recreational use, including shared bicycle and pedestrian paths that link neighbourhoods, activity centres and community facilities within and beyond the precinct. The natural elements contribute to the distinct urban character and sense of place that the sensitive development of the valley seeks to achieve. Integrating linear open space with drainage corridors and conservation reserves ensures waterways and native vegetation are buffered from urban development to enhance water quality and biodiversity. In addition, it will assist in designing for resilience to the impacts of climate change.

The reasoning of the Panel to review the provision of open space is understood, however, it is considered that the Panel has disregarded the local context. It has underestimated the significance of the natural assets to the community and has rather applied a standard planning approach based on conventional metropolitan growth area guidelines and standards.

The characteristics of the Spring Creek valley and aspirations of the community require a different, more locally inspired design response. On this basis, the open space network proposed for the Spring Creek precinct will provide a variety of natural and well connected open spaces that protect and build on the environmental assets of the precinct and meet the predominant passive recreational needs of the community. In fact, at least 95% of dwellings would be within 400m of open space. There are unconstrained areas of at least one hectare in area which are adjacent to Spring Creek that could be used for active space.

In terms of the Panel's concern about how the active open space needs of the community will be met, the Community Infrastructure Assessment (CIA) prepared to inform the PSP recommended that active open space facilities be provided elsewhere in Torquay given the lack of suitable areas within the Spring Creek precinct. The ability to deliver active open space is heavily constrained by the topography and natural environment.

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The PSP is consistent with the recommendations of the CIA to provide the following open space network in Spring Creek:

- at least two local parks with playgrounds
- a linear park and trail along the full length of Spring Creek
- a linear open space network and internal park / trail network which links the creek and the proposed community facilities and residential areas and connects to external trails and other links in Torquay
- land that is required for drainage purpose or to protect sites that have environmental, heritage and conservation values, for example, habitat links, sites with archaeological significance and significant vegetation.

It is considered that, in order to support Council's position, further work is required to strategically justify the provision of open space and waterway buffers as proposed in the PSP.

Other open space issues

The Panel makes the following recommendations in relation to a number of specific open space areas:

- open space area OS-08 should be relocated to encompass trees 41-47
- open space area OS-01 affecting 160, 165 and 195 Grossmans Road should be reviewed and reduced based on a proper assessment of its merit
- the Panel supports Council's proposal for treatment of the urban/rural interface
- a suitable treatment for the southern boundary of 231 Grossmans Road needs to be determined, e.g. purchase by Council and fencing

Officer Recommendation:

- undertake a review of the open space provision in Spring Creek to justify the provision of passive open space within the exhibited PSP, identify unconstrained areas for active use and review site specific technical information to establish the width and alignment of waterway buffers.

Density

The Panel considers that the PSP does not provide for the meaningful delivery of housing diversity, particularly in the southern portion. The panel recommends that the overall dwelling density across the precinct be increased from 10 to 12-13 dwellings per hectare by providing more lots of less than 600m² within a reasonable walking distance (usually 400m) of the Neighbourhood Activity Centre (NAC) and Christian College. The Panel accepts that a lower density than the state standard 15 dwellings per hectare for growth areas is warranted, however considers a density of 10 dwellings per hectare insufficient.

It is considered that increasing the supply of smaller lots around the NAC and school is a sound planning principle. However, preliminary investigations reveal that it is unlikely that this will lift the overall density to 12-13 dwellings per hectare as recommended by the Panel but it will increase the diversity of lot supply.

Officer Recommendation:

- work with the Victorian Planning Authority to explore opportunities to increase the area of 500-600m² lots within walking distance of the NAC and private school, and consider the provision of pockets of medium density housing immediately adjacent to the NAC.

Activity Centres

Based on the activity centre assessment undertaken by Tim Nott Council submitted that the development of the NAC should be staged to ensure it does not affect the primacy of the Torquay CBD, commencing with a small centre of 3,000m² initially in 2021 and as the population catchment grows developing into a centre of 5,000m² with a full line supermarket by 2030.

The Panel held that earlier delivery of the NAC can be supported and would benefit the emerging and surrounding community. It recommended that the UGZ schedule be amended to enable early delivery of the NAC to be considered through a planning permit application with supporting evidence.

Officer Recommendation:

- accept the Panel recommendation to consider the early delivery of the NAC subject to a planning permit and supporting economic report.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Residential Design Controls

The Panel supports the application of the RDC's and their implementation through a Memorandum of Common Provisions (MCP) with any subdivision. It considers that this is the most efficient manner of securing the intended neighbourhood character outcome without additional burden on Council as the Responsible Authority (note this is contrary to the findings of the Panel for Amendment C106 (Grossmans Road water basin) which considered that for transparency reasons design controls should be part of the planning process, e.g. through overlay provisions). Despite this support for the RDC's and MCP's, the Panel was of the view that a greater level of flexibility is required.

The Panel recommends that the following preamble be inserted above Table 2 of the RDC's:

This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the Memorandum of Common Provisions required by Clause 4.7 of Urban Growth Zone Schedule 1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority. These controls may also be varied at the discretion of the Responsible Authority.

The desire for some flexibility in the application of the RDC's to enable specific site conditions such as slope to be considered and responded to is understood. However, drafting in the manner proposed by the Panel would result in the application of the RDC's being optional and left to the discretion of the relevant developer. There will be no guarantee that a developer will apply the RDC's or a developer may cherry pick the elements that suit a particular development.

It is hard to reconcile how the Panel on the one hand can say the RDC's will achieve the desired design outcomes of the PSP, but on the other hand recommend that the controls "may be adopted in full or part as either discretionary or mandatory provisions".

The RDC's may need to be revised if Council accepts the provision of pockets of medium density housing adjacent to the NAC to allow for this outcome to materialise.

Officer Recommendation:

- not support the Panel recommendation in relation to the proposed drafting of the RDC's. Maintain the RDC's as mandatory provisions and undertake further work to justify the application of the controls.

Other drafting issues

The Panel has made recommendations for a number of other minor drafting changes to the PSP, RDC's and UGZ1. A response to these recommendations is provided in the table at Appendix 2.

Development Contributions Plan (DCP)

Whilst not an approach preferred by the Panel, the Panel supports the use of Section 173 Agreements in the absence of an approved Development Contributions Plan (DCP) for Spring Creek. The Torquay Jan Juc Development Contributions Review project currently underway will determine the appropriate method to apply development contributions to the Spring Creek PSP area.

Bushfire risk

Although the PSP area is currently not affected by the Bushfire Management Overlay (BMO), and will not be affected by the new BMO mapping soon to be introduced by the Minister for Planning, the precinct is designated as a Bushfire Prone Area. The Panel did not make any recommendations in relation to bushfire risk, even though several submitters raised it as an issue.

There is some risk from bushfire associated with the adjacent rural grasslands on the rural/urban interface and the vegetated creek corridor. It is considered prudent to commission the preparation of a Bushfire assessment and development report to identify the level of bushfire risk for the PSP area and to inform an appropriate design response and mitigation strategies. This would provide advice on the setbacks required between the edge of the creek corridors and new development to provide bushfire safety for residents and properties under existing and potentially altered vegetation conditions. This work will also inform other work on public open space and appropriate creek corridor buffers.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Officer Recommendation:

- consider preparing a Bushfire Assessment to inform an appropriate design response and mitigation strategies to address potential bushfire risk from the adjacent rural grasslands and vegetated creek corridor.

Financial Implications

The cost of preparation of the precinct structure plan has been funded by 5 landowners within the precinct, who will in return receive a credit for their portion in the development contributions plan.

The cost of the proposed additional work has been scoped and can be covered by the current remaining budget.

Council Plan

Theme 1 Environment
Objective 1.1 Preserve and enhance the natural environment
Strategy 1.1.3 Protect and enhance biodiversity in Nature Reserves

Theme 5 Development and Growth
Objective 5.4 Transparent and responsive land use and strategic planning
Strategy 5.4.6 Maintain a clear rural-landscape separation between settlements to protect landscapes and environmental qualities.

Policy/Legal Implications

The amendment conforms to the legislative requirements of the *Planning and Environment Act 1987*.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There are no demonstrated risks associated with considering the Panel Report.

Social Considerations

The PSP takes into consideration the needs of the future population for community infrastructure. The plan shows a neighbourhood activity centre, local community facility and an integrated open space and pathway network.

Community Engagement

The amendment has been formally exhibited in accordance with the provisions of the *Planning and Environment Act 1987*.

Environmental Implications

The PSP is informed by detailed biodiversity, arboriculture, aboriginal heritage and land capability assessments. The plan provides for 38 hectares of conservation and waterway/drainage reserves and seeks to retain as many Bellarine Yellow Gums as possible. The Native Vegetation Precinct Plan (NVPP) regulates which native vegetation can be removed and which must be retained. The PSP encourages environmentally sustainable development and includes kangaroo management principles to manage the existing kangaroo population.

Two major developers (Amex and Parklea) have registered for the Urban Development Institute's Environmental Development Programme, which is a nationally recognised independent technical assessment tool that encourages developers to exceed minimum sustainability standards.

Communication

All submitters have been notified of the availability of the Panel Report and will be further notified about Council's decision. A timeline will be prepared and made available on the website showing the new timeline for the Spring Creek amendment.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

Conclusion

The Panel supports Amendment C114 and recommends that the amendment be adopted as exhibited subject to a number of changes and further reviews. In response to the Panel recommendations, officers recommend that further work be undertaken for specific items prior to finalisation of the Precinct Structure Plan as per the schedule provided at Appendix 3. The outcome of that further work will be considered at a future council meeting later in 2017 where formal adoption of Amendment C114 will be considered.

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

APPENDIX 1 AMENDMENT C114 PANEL REPORT

Planning and Environment Act 1987

Panel Report

Surf Coast Planning Scheme Amendment C114
Spring Creek Precinct Structure Plan

23 January 2017

Planning and Environment Act 1987
Panel Report pursuant to Section 25 of the Act
Surf Coast Planning Scheme Amendment C114
Spring Creek Precinct Structure Plan

23 January 2017



Brett Davis, Chair



John Hartigan, Member



Lisa Kendal, Member

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Appendix E Council response to requested changes to the exhibited Spring Creek PSP, UGZ1, DCPO3 and Clause 52.01 Schedule, with summary of Panel recommendations

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List of Abbreviations

ARC	Architectural Review Committee
BIOR	Biodiversity Impact and Offset Requirements
CCMA	Corangamite Catchment Management Authority (CCMA)
DCP	Development Contribution Plan
DCPO	Development Contributions Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
EVC	Ecological Vegetation Class
ESO	Environmental Sustainability Overlay
GRZ	General Residential Zone
GW	Grassy Woodland
LCC	Local Convenience Centre
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MCP	Memorandum of Common Provisions
MPA	Metropolitan Planning Authority
MSS	Municipal Strategic Statement
NAC	Neighbourhood Activity Centre
NDA	Net Developable Area
NVPP	Native Vegetation Protection Plan
PSP	Precinct Structure Plan
RDC	Residential Design Control
SFP 2040	Sustainable Future Plan 2040
SPPF	State Planning Policy Framework
SRW	Swampy Riparian Woodland
SUZ	Special Use Zone
The Act	Planning and Environment Act 1987
TIA	Traffic Impact Assessment
UGZ	Urban Growth Zone
VPA	Victorian Planning Authority
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions
WL	Water line

Overview

Amendment Summary

The Amendment	Surf Coast Planning Scheme Amendment C114
Common Name	Spring Creek Precinct Structure Plan
Subject Site	Land within the Spring Creek Precinct. The subject land extends one kilometre west of Duffields Road and is bounded by the Great Ocean Road to the south and Grossmans Road to the north, Torquay



Planning Authority	Surf Coast Shire Council
Exhibition	26 May to 27 June 2016
Submissions	A total of 80 submissions were received, including five from referral authorities, ten from Spring Creek landowners/developers, three from community groups and 62 from residents.

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Panel Process

The Panel	Brett Davis (Chair), John Hartigan and Lisa Kendal, appointed on 1 September 2016 under the <i>Planning and Environment Act 1987</i> .
Directions Hearing	Surf Coast Shire Council, 5 October 2016
Panel Hearing	Peppers, The Sands, Torquay, 2 and 3 November 2016 Surf Coast Shire Council, 4, 7 and 10 November 2016
Site Inspections	Accompanied 2 November 2016
Appearances	See Appendix B
Date of this Report	23 January 2017

Executive Summary

(i) Summary

Surf Coast Shire Council Amendment C114 seeks to implement the Spring Creek Precinct Structure Plan (PSP). The PSP covers an area of approximately 245 hectares extending generally one kilometre west of Duffields Road.

Council received a total of 80 submissions. Key issues raised in submissions included the density of development, size of the neighbourhood activity centre, extent of native vegetation retention, reserves and buffers, location and extent of the public open space, the nature of the residential design controls and whether they are discretionary or mandatory, vehicle connections and road network throughout the PSP and interface with the school on the western edge. The extent of the future growth area beyond the current PSP on the western boundary was a key issue.

Submissions were made that some requirements should be expressed as guidelines. These submissions addressed the issues of the mandatory nature of the requirements. Council outlined the detailed 'Community Panel' process that preceded the preparation of the PSP, and the assistance provided to it by the Victorian Planning Authority.

The Amendment was predicated on this process, whereby a number of community representatives and selected landowners participated in the planning for the PSP. The Panel commends Council for its innovative approach in this regard. The community panel represents a potentially useful means of engaging the public in a planning process, yet despite this it was apparent that the one unifying factor for both the pro-development community and anti-development community has been a level of dissatisfaction with this process. The Panel found this has resulted in a disjointed PSP and one that requires substantial changes prior to it being approved.

A number of submissions from both developers and residents raised the issue of density. Council maintained that lower densities should be provided in Spring Creek and that the PSP achieves the objectives for this development area. Council maintained that the lot densities of 10 dwellings per hectare achieves the forecast population and provide for housing diversity.

The Panel concludes that while it is appropriate to be mindful of community attitude, it is obligatory on the planning process to make decisions in the interest of present and future Victorians.

Planning for new growth is not a popularity contest and community panel process seems to have provided an aspirational outcome, not entirely based on planning rigour. The Panel was surprised that Council did not seek to call any evidence or expert review to provide a level of comfort that the proposed PSP met its stated requirements, particularly with regard to open space provision, location and biodiversity issues.

The Panel found that the PSP is overly generous with regard to its allocations of open space. In addition, it found no evidence or compelling argument as to why the western boundary of the PSP should be the ultimate growth boundary, and is concerned that lessons from Amendment C66 have not been taken on board. Growth to the west should not be discarded, and proper growth planning should not discount its possibility at this stage.

The Panel found a number of deficiencies in the exhibited PSP. This was reinforced by the numerous comments and revisions received for the PSP workshop and post-Hearing mark ups.

The Panel supports Amendment C114, and is satisfied that the PSP and UGZ1 provide a sound framework and mechanism to manage land use and development within the precinct. The Amendment is strategically justified subject to a number of modifications to the PSP.

The Panel has responded to a large range of drafting and site specific issues raised in submissions, and has recommended further changes where appropriate. The Panel's marked up version of the UGZ Schedule is contained at Appendix D. Given the amount of changes, the Panel encourages Council and submitters to treat the recommendation summary at Appendix E as a 'running sheet' to amend the PSP accordingly prior to its final approval.

In relation to other key issues raised in submissions, the Panel has reached the following conclusions:

- Any debate to be had in respect of the cost of various infrastructure items is a matter to be tested before a Panel constituted to determine the appropriateness of any DCP in due course
- There is no evidence before the Panel that supports a change in long term planning direction for the Spring Creek Valley and links to the west should be shown on the PSP
- Signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection as proposed in the exhibited PSP is potentially a superior treatment compared to an un-signalised intersection
- On the evidence presented, the decision to delete the signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection should be reviewed
- The Panel supports changes to the PSP to provide greater clarity that the water management infrastructure shown in the PSP is intended to be indicative only, and that the PSP provides a level of flexibility to consider alternative outcomes
- Council's proposed landscape scale, precinct wide approach to vegetation native planning and protection is supported, subject to some refinements
- It is important for climate change to be considered in relation to stormwater modelling in order to fully understand the potential implications and achieve an adequate design response
- The proposed waterway corridors and buffers in the Spring Creek PSP are wider than that recommended by any of the relevant policy documents and background reports
- There is a correlation between the wide waterway corridors and high passive open space contribution. The PSP requirement for 9.76 percent of passive open space is greater than that envisaged by the PSP Guidelines and Surf Coast Open Space Strategy
- The PSP as exhibited does not provide a meaningful ability to deliver diversity of housing in the southern portion
- Early delivery of the Neighbourhood Activity Centre to 5000 square metres is likely to occur. The evidence of Mr Ganly supports this and should be added to any application for the NAC at the planning permit stage
- The Residential Design Controls provided through a Memorandum of Common Provisions in any subdivision permit is the most efficient manner of securing an intended neighbourhood character outcome without additional burden on the responsible authority.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Surf Coast Planning Scheme Amendment C114 be adopted as exhibited subject to the following changes and further recommendations:

The Precinct Structure Plan generally:

1. Update the Precinct Structure Plan to reflect the Panel's suggested changes detailed throughout this report and listed in Appendix E.
2. Council review the wording of its regulations and guidelines where applicable to ensure that the terms 'must' and 'should' are appropriately placed.

The Western Growth Boundary:

3. Council include 'urban growth potential' for the balance of Spring Creek with appropriate community engagement as part of its Rural Hinterland Futures Project.
4. Provide a notation on the Precinct Structure Plan showing the area south-west of the Precinct Structure Plan boundary as a 'Strategic Investigation Area.'

Road Network:

5. VicRoads and Council review the decision to delete the signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection as proposed in the exhibited Precinct Structure Plan in favour of a un-signalised staggered T-intersections.
6. Should the review confirm the decision to replace the signalisation of the intersection with un-signalised staggered T-intersections, the Precinct Structure Plan Plan 7 (Road Network, Public Transport and Trail) be amended as follows:
 - a) show a re-aligned north south access street to create a T-intersection with the Great Ocean Road approximately midway between Strathmore Drive East and Torquay Boulevard
 - b) change the designation of the north south access street from Connector Street to Local Access Street – Level 2
 - c) include an additional connection from the north south access street to Duffields Road south of Ocean View Crescent subject to resolution of the environmental and sight distance issues raised by Council.
7. Should the review confirm the decision to replace the signalisation of the intersection with un-signalised staggered T-intersections:
 - a) a pedestrian refuge should be constructed as part of the T-intersection as an interim measure
 - b) VicRoads and Council should monitor pedestrian and cyclist numbers crossing the Great Ocean Road and traffic volumes with the view to installing pedestrian activated traffic signals when warranted
8. As development occurs in the Spring Creek precinct, Council should monitor the increase in traffic volumes on Ocean View Crescent to determine whether the installation of traffic calming measures to discourage through traffic is warranted.

Stormwater and drainage:

9. Redraft the Precinct Structure Plan section 3.6.1 Integrated water cycle management, the annotation to Plan 8 Integrated Water Management as follows:
 - a) make it clear and explicit that the Precinct Structure Plan requirements with respect to the water management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision approval stage
 - b) provide clarity and future guidance for the assessment by the responsible authority of development proposals.
 - c) Amend R55 to state:
 - Final methodology, design and boundary of waterway and drainage reserves and infrastructure, including retarding basins, stormwater quality treatment infrastructure and associated paths, boardwalks, bridges and planting is to be agreed at the time of making an application for subdivision to the satisfaction of the responsible authority and the catchment management authority where required.
10. Amend Precinct Structure Plan Plan 8 Integrated Water Management as follows:
 - a) delete WL15 and WL21
 - b) provide a conceptual layout in place of these deleted water bodies to show water management infrastructure at a downstream location.
11. Council give further consideration in consultation with affected landholders to mechanisms to provide for the equalisation of contributions to shared water management infrastructure.
12. Add the following sentence at the end of R70 to state:

...unless the liability arises pursuant to an agreement under section 173 of the *Planning and Environment Act 1987*, in which case Council is obliged to satisfy the liability in accordance with the agreement.

Biodiversity:

13. Amend the wording of R23 of the Precinct Structure Plan to allow for a permit application to remove native vegetation identified for protection in the Native Vegetation Precinct Plan.
14. Council consider using the best part of GW5 as a net gain native vegetation offset, with consideration of appropriate public access that manages identified threats and protects the values of the biodiversity asset.
15. Remove SRW1 from the Precinct Structure Plan and Native Vegetation Precinct Plan as vegetation proposed for retention in a conservation reserve.
16. Review the status of native vegetation at 160 and 195 Grossmans Road, and amend the Biodiversity Assessment and Native Vegetation Precinct Plan accordingly.

Open space:

17. Council should prepare a detailed assessment of how active open space needs of Spring Creek residents will be met, and review the requirement for passive open space

contribution accordingly, to achieve a passive and active open space contribution of no more than 10 percent, and in line with the Open Space Strategy and Community Infrastructure Assessment.

18. Review waterway buffer widths and amend these in association with the review of open space provision, in response to site specific considerations and constraints such as amenity, topography and the need for open space linkages.
19. Review the distribution of local and neighbourhood parks to ensure that provision within 400 metres of at least 95 percent all dwellings is achieved.
20. If part of GW5 is secured as a net gain offset and Council is not able to manage this asset, then a suitable alternative land manager be secured.
21. Amend the native vegetation patch identified as GW5 on 200-220 Great Ocean Road as follows:
 - a) re-shape to minimise the boundary to area ratio
 - b) include credited open space in the south western patch that has a degraded understory and sparse trees,
 - c) develop this south western patch as a Bellarine Yellow Gum reserve that is sensitively designed and managed for passive open space that protects and respects the environmental values of this area.
22. Relocate OS-08 to incorporate trees 41 – 47.
23. Review the size and configuration of OS-01, OS-02 and OS-13, and resize based on strategic justification for environmental or open space purposes.
24. Council should determine a suitable treatment for the southern boundary of 231 Grossmans Road to ensure open space continuity, for example public open space along the waterway with fence to the northern side of the creek.

Density:

25. Amend O5 to read:

Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land, and increase to allow the creation of lots of less than 600 square metres within a reasonable walking distance of the neighbourhood activity centre and the school.
26. Add G18 to state: Greater housing diversity is encouraged within a reasonable walking distance of the neighbourhood activity centre and the school.
27. Amend the land budget and associated mapping highlighting density accordingly, with a view to increasing densities to at least 12-13 dwellings per hectare.

Neighbourhood Activity Centre:

28. Amend the Urban Growth Zone Schedule to ensure that early delivery of the Neighbourhood Activity Centre can be considered through a planning permit application with supporting evidence.

Local Convenience Centre:

29. Reinststate the asterix on Map 1 of the Urban Growth Zone and Plan 5 of the Precinct Structure Plan denoting a Local Convenience Centre in the northern precinct.

Community Facilities:

30. Add the following guideline in relation to Community Facilities:
 - Where the responsible authority is satisfied that land shown as a local community facility on Plan 3 is unlikely to be used for that purpose, that land may be used for an alternative purpose which is generally consistent with the surrounding land uses and the provisions of the applied zone.

Drafting issues:

31. Delete G17.
32. Insert the following preamble above Table 2 of the Residential Design Control to state:
 - This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the Memorandum of Common Provisions required by Clause 4.7 of Urban Growth Zone Schedule 1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority. These controls may also be varied at the discretion of the Responsible Authority.
33. Amend the following controls within Table 2 of the Residential Design Control:
 - RDC-3: minimum front setbacks to 4.0 metres and 3.0 metres for side setbacks across all columns.
 - RDC-5: The area of a lot covered by buildings should not exceed 35 per cent
 - RDC-6: At least 40 per cent of a lot must be available for the planting of vegetation and provision of permeable surfaces (excludes driveways and tennis courts of all surface types)
34. At section 3.2, in the first paragraph delete the words "co-located with" and replace them with "and".
35. Delete R8 and redraft as a Guideline. As a guideline, amend the following dot points:
 - Third: Provide staging (if relevant) and indicative timing of the development
 - Fourth: If appropriate, incorporate public transport services into the design of the centre
 - Eighth: Address interim management of the land required for longer term expansion (if relevant having regard to any staging and timing of development) so that the land is not kept in an unattractive or neglected state for long periods.
36. Redraft R10 and after the words "as illustrated on Plan 5", insert the words "or by reference to an approved Concept Plan pursuant to Clause 2.6 of UGZ1".
37. Delete R12.
38. Delete the words "car parking and" from G18.

39. **Insert the following new Guidelines: G18A Buildings within the neighbourhood centre must provide:**
 - **Primary vehicle access from the connector street**
 - **Positive and active building frontages addressed towards to the adjoining street network**
 - **Service and loading areas that manage amenity impacts the surrounding residential area.**
40. **Insert G18B: Address the Activity Centre Design Guidelines as appropriate having regard to the context, scale and topography of the neighbourhood centre.**
41. **Insert G18C: Demonstrate how the neighbourhood centre provides for a range of compatible commercial, residential and community uses.**
42. **Insert G18D: Provide appropriate opportunities for higher density housing or specialised accommodation such as serviced apartments, aged care or retirement living.**
43. **Insert G18E: Locate and design car parking areas to manage negative amenity impacts.**
44. **Insert G18F: Locate and design service areas for deliveries and waste disposal including access for larger vehicles with measures that manage impacts on adjoining areas.**

Urban Growth Zone Schedule:

45. **Amend Schedule 1 to the Urban Growth Zone as outlined in Appendix D and make any consequential changes as a result of amendments to the Precinct Structure Plan.**

(iii) Further recommendations

The Panel makes the following further recommendations:

Council should work with Department of Environment, Land, Water and Planning to review and refine the Native Vegetation Protection Plan, to include a rationale for native vegetation proposed for retention and removal, and respond to the specific matters raised by Department of Environment, Land, Water and Planning, including:

- **Minimisation strategy**
- **Review of the Native Vegetation Protection Plan to minimise specific offsets**
- **Roadside vegetation inclusion**
- **Biodiversity Impact and Offset Requirements (BIOR) report**
- **Clearly explain vegetation for practical retention**
- **Rewording tree protection zone requirements**
- **Information that explains the difference between specific and general offsets, and the offset requirements of landholders.**

The impact of climate change should be modelled for stormwater for the precinct, and to ensure that design detail for each stage of the development demonstrates a response to this modelling.

1 Introduction

1.1 Location and context

The Spring Creek Precinct Structure Plan (PSP) covers an area of approximately 245 hectares extending generally one kilometre west of Duffields Road, and is shown in Figure 1. The precinct is shown on Plan 2 of the PSP and on the Planning Scheme maps as UGZ1.

The precinct is bounded by Grossmans Road to the north, Duffields Road to the east, Great Ocean Road to the south and rural land to the west. The precinct is 1km to the west of Duffields Road and consists of sixteen land parcels (including Christian College land).

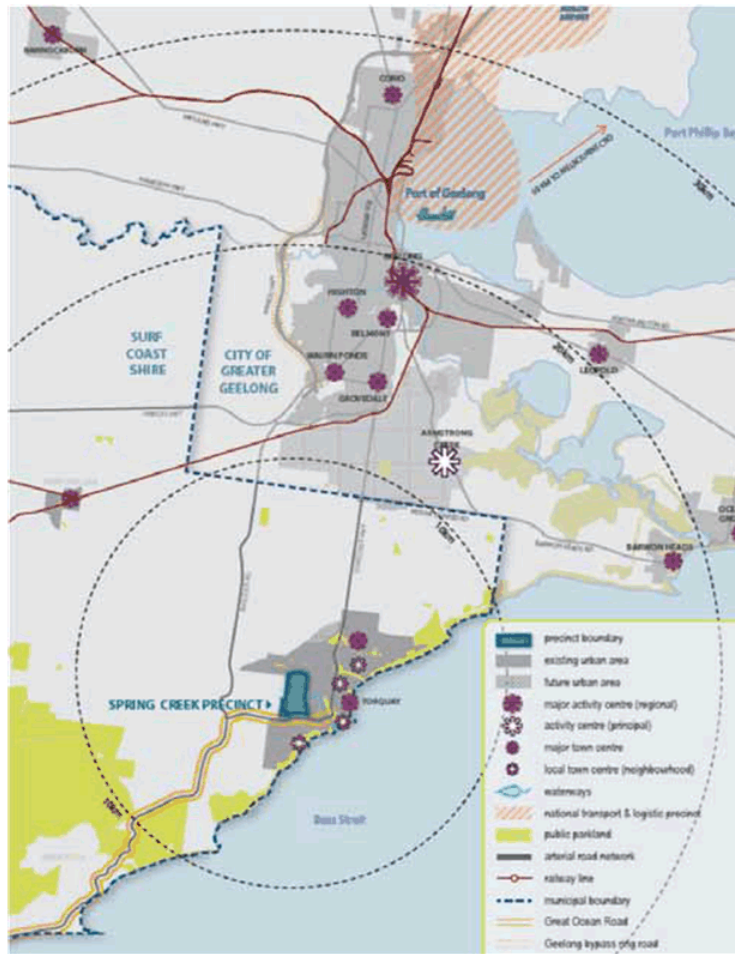


Figure 1 Regional context plan

1.2 The Amendment

As exhibited Amendment C114 proposes a number of changes to facilitate the development and use of land within the Spring Creek PSP area:

- Amend Schedule 1 to the Urban Growth Zone (UGZ) and rezone part of the land within the precinct to Urban Growth Zone (UGZ1)
- Apply the Development Contributions Plan Overlay Schedule 3 (DCPO3) to all land zoned UGZ
- Include the Spring Creek Native Vegetation Precinct Plan.

More specifically, the Amendment proposes the following changes:

- Amend Schedule 1 to Clause 37.07 Urban Growth Zone (UGZ1) to facilitate the development of the land in accordance with the Spring Creek Precinct Structure Plan (PSP)
- Rezone land from Special Use Zone Schedule 9 (SUZ9) to Urban Growth Zone Schedule 1 (UGZ1) within the amendment area
- Amend the Schedule to Clause 36.03 Public Conservation and Resource Zone (PCRZ) to include reference to the Spring Creek PSP
- Delete the Vegetation Protection Overlay Schedule 1 (VPO1) from land within the amendment area
- Insert Schedule 3 to Clause 45.06 Development Contributions Plan Overlay (DCPO)
- Apply the Development Contributions Plan Overlay Schedule 3 (DCPO3) to all land zoned Urban Growth Zone within the amendment area
- Amend the schedule to Clause 52.01 to provide for open space contributions within the amendment area
- Amend the schedule to Clause 52.16 to include the Spring Creek Native Vegetation Precinct Plan;
- Amend the schedule to Clause 81.01 to include two new incorporated documents titled 'Spring Creek Precinct Structure Plan' and 'Spring Creek Native Vegetation Precinct Plan'.

1.3 Amendment process

(i) Amendment preparation

Table 1 provides a timeline of key events in the lead up to the preparation of this Amendment.

Date	Event
20 March 2014	Gazettal of Amendment C66 and C95. Rezoning of 1.4 kilometre west of Duffields Road to Urban Growth Zone and Christian College site to Special Use Zone by Minister for Planning
23 September 2014	Council resolves to adopt a consortium led model for the preparation of the Spring Creek PSP with assistance from the MPA. Council remains Planning Authority
December 2014	Minister for Planning authorises MPA to assist Council

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Date	Event
January 2015	Council commences procurement of consultants to prepare Stage 1 technical studies: biodiversity, arboriculture, aboriginal heritage, post-contact heritage, land capability, utilities, community infrastructure, economic assessment
26 May 2015	Execution of landowner funding agreements (5x) to fund the preparation of the PSP, technical studies, planning scheme amendment and project manager (12 months)
26 June – 29 July 2015	Online survey (59 responses)
August 2015	Community Panel sessions (4 workshops)
22 September 2015	Presentation of Community Panel recommendations to Council
24 November 2015	Council's written response to Community Panel recommendations
25 November 2015 – 12 January 2016	Exhibition of Draft Framework Plan (56 submissions)
	Council appoints consultants to prepare Stage 2 technical studies: stormwater modelling, traffic infrastructure
21 January 2016	Christian College applies to rezone part of their site at 248 Great Ocean Road surplus to their requirements to Urban Growth Zone and undertake a two lot subdivision as a section 96A application. This application was later withdrawn, as Council officers agreed to include the rezoning in Amendment C114, and planning permit 15/0384 for a two lot subdivision and carriageway easement was issued under delegation on 27/4/2016.
26 April 2016	Council resolution to seek authorisation to prepare Amendment C114 for the Spring Creek Precinct Structure and to include the rezoning of the Christian College land at 248 Great Ocean Road
26 May – 27 June 2016	Public exhibition of Amendment C114 (80 submissions)
23 August 2016	Council resolution to consider submission and decide on Planning Panel requirement

Table 1 Spring Creek PSP consultation details (Source: Council Part A submission, Appendix 4)

Prior to 20 March 2014, the detailed history of strategic planning in Torquay – Jan Juc can be found in the Surf Coast C66 Panel Report (Document 15).

(ii) Parties to the Hearing

Those in attendance at the Panel Hearing are listed in Appendix B.

(iii) Post-Hearing process

A without prejudice workshop was timetabled on Day 5 of the Hearing. On 4 November 2016 the Panel issued a direction, that prior to the workshop on 10 November 2016, parties are to clearly document their PSP and UGZ changes if they differ with those outlined in Council's Part A submission.

Parties were to submit and circulate these by 11am on 9 November 2016. Only Council and two other submitters met this deadline. As a result the Panel received a number of submissions stating that parties had little time to prepare or make comments on the tracked changes versions prior to the workshop.

At the beginning of Day 5, the Panel directed that the workshop would continue, however all parties had the opportunity to make comments on the tracked changes version supplied until 18 November 2016.

The Panel was inundated with versions of the PSP and where possible, the Panel has tried to reconcile the opinions put forward while:

- ensuring the views of referral authorities are considered and adopted as relevant
- trying to avoid replicating other statutory heads of power
- avoiding a 'belts and braces' approach where similar conditions are sought to be applied at multiple points
- ensuring that the fundamental elements and values to be protected are adequately addressed.

1.4 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibited Amendment, as well as further submissions, evidence and other material presented to it during the Hearing, and observations from site visits.

The documents tabled at the Hearings are listed in Appendix C. The Panel was also provided with the following background reports:

- Aboriginal Heritage Impact Assessment, Ecology and Heritage Partners, 13 October 2015
- Spring Creek Activity Centre Assessment, Tim Nott, February 2016
- Tree Retention Report, ENSPEC, 30 July 2015
- Biodiversity of Spring Creek Urban Growth Area, Ecology and Heritage Partners, January 2016
- Biodiversity impact and offset requirements report, 23 July 2015
- Community Infrastructure Needs Assessment – Stage 2, ASR Research, September 2015
- Integrated Water Cycle Plan for Spring Creek, September 2015
- Spring Creek Interim Indicative Infrastructure List
- Land Capability Assessment, Coffey, 28 September 2015
- Post-Contact Heritage Assessment, Ecology and Heritage Partners, 28 September 2015
- Servicing and Utilities Assessment, Spiire, November 2015
- Stormwater modelling, Tomkinson Group, 5 April 2016
- Spring Creek Transport Infrastructure Assessment, Traffix, 10 March 2016
- Spring Creek PSP Background Report, April 2016
- Biodiversity Assessment, 248 Great Ocean Road, Jan Juc, Ecology and Heritage Partners October 2015

- Aboriginal and Historical Heritage Assessment (Addendum), Ecology and Heritage Partners, 19 November 2015
- Further Environmental Assessment Work for Christian College, Coffey, 19 January 2016
- Land Capability Assessment for Christian College, Coffey, 19 October 2015
- Spring Creek Community Panel Recommendations, August 2015
- History of Spring Greek Urban Growth Area.

The Panel has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the report. All submissions and material have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- The Precinct Structure Plan
- Western Growth Boundary
- Road network
- Stormwater and drainage
- Biodiversity
- Climate change and environmental sustainability
- Open space
- General issues
 - Density
 - Neighbourhood Activity Centre
 - Local Convenience Centre
 - Delivery of the community facility
- Drafting Matters
 - Residential Design Controls
 - The Urban Growth Zone Schedule 1.

2 Strategic planning context

This chapter briefly addresses the strategic planning context of Amendment C114.

2.1 Planning context

(i) State Planning Policy Framework

Council submitted that the following sections of the SPPF are relevant to the Amendment:

Clauses 11.01 (Activity centres), Clause 11.02 (Urban growth), Clause 11.03 (Open space), Clause 11.05 (Regional development) and Clause 11.07 Geelong (G21) (regional growth) supports the growth of Torquay-Jan Juc as a district town by building on existing and planned infrastructure and focussing growth along key road networks. The G21 Regional Growth Plan identifies Torquay as a designated growth town to accommodate a portion of the region's population growth.

Clause 12.01 (Biodiversity) and 12.02 (Coastal areas) directs growth in coastal townships along the Great Ocean Road into strategically identified areas, including the Spring Creek Precinct.

Clauses 13.01 (Coastal inundation and erosion) and Clause 13.05 (Bushfire) sets out policies to manage risks associated with coastal inundation and erosion and bushfires. The risk of coastal inundation and erosion are considered to be minimal as the precinct is located approximately one kilometre from the coastline at its closest point and ranges from approximately 45 to 75 metres above sea level along the southern boundary of the site. Bushfire risks will be managed through the inclusion of conditions outlined within the UGZ1.

Clause 15.01 (Urban environment), Clause 15.02 (Sustainable development) and Clause 15.03 (Heritage) provides direction on how new land use and development within the precinct should appropriately respond to the landscape, built form and cultural context whilst protecting places and sites with heritage significance.

Clause 16 (Housing) seeks to provide diversity of well-serviced housing to meet increasingly diverse housing needs. The PSP provides a range of lot sizes, with smaller lot sizes envisaged within proximity to the neighbourhood centre, larger lot sizes along sensitive interfaces and more conventional lot sizes in other parts of the precinct.

Clause 17.01 (Commercial) encourages development which meets "community needs for retail, entertainment, office and other commercial services". It includes the strategy to "locate commercial facilities in existing or planned activity centres". The precinct nominates a Neighbourhood Centre, which is located central to a population catchment both within and adjacent to the precinct. The Neighbourhood Centre will provide local retail services to the nearby catchment.

Clause 18.01 (Integrated transport) and Clause 18.02 (Movement networks) are addressed as the proposed road network will provide for vehicle access to developments in accordance with forecast demand. The connector and local street network will be complemented by on-street and off-street bike and pedestrian paths. Spring Creek divides the precinct, however a new pedestrian and cycle bridge will allow for movement within the precinct. Duffields Road is considered to be an appropriate north-south connector road servicing the precinct.

The policies set out in Clause 19 (Infrastructure) are met as the precinct will be fully serviced by reticulated water, sewer, electricity, gas and telecommunications and adopts the principles of best

practice stormwater management and water sensitive urban design based on integrated water cycle management. The Development Contributions Plan Overlay (DCPO) will be applied to the precinct to enable development contributions to be levied towards the funding and delivery of required development and community infrastructure.

(ii) Local Planning Policy Framework

Council submitted the following sections of the LPPF are relevant to the Amendment:

Clause 21.01-4 (Municipal Framework Plan) states that the natural environment is the single most important attribute and asset of the Shire and recognises Torquay-Jan Juc as one of two towns within the Shire that are capable of supporting substantial growth.

Clause 21.02 (Settlement, Built Environment, Heritage and Housing) acknowledges that relatively strong population growth within the Shire's coastal towns is expected to continue for the foreseeable future due to sustained interest in the region's natural environment. It also identifies Torquay as the only coastal town in the Shire with capacity to accommodate substantial growth.

Clause 21.02-3 (Settlement Patterns) aims to ensure that urban development minimises the impact on the environment, makes efficient use of land, infrastructure and resources, and is concentrated in accessible locations. It directs the majority of urban growth in the Shire to Torquay-Jan Juc and Winchelsea and seeks to maintain clear non-urban breaks between settlements.

Clause 21.02-4 (Neighbourhood Character) seeks to protect the individual coastal township character values of low urban density, recessive built form, vegetated coastal landscapes and ecological values of the natural environment from inappropriate urban development. It encourages residential development densities that are compatible to the protection of the indigenous vegetation and the historic neighbourhood character of the Surf Coast settlements and recognises the key role vegetation plays in defining township character and in softening urban development.

Clause 21.02-6 (Open Space and Infrastructure) seeks to ensure that open space is landscaped and developed in a manner that is consistent with the character of the local area. The use of indigenous planting in the landscaping of open space is encouraged.

Clause 21.03 (Environmental Management) seeks to protect and enhance the Shire's diverse natural resources in an ecologically sustainable manner for present and future generations by:

- Retaining and enhancing adequate and appropriately vegetated riparian and wetland buffer zones to prevent nutrients and sediments entering waterways, lakes, wetlands and estuaries, and to slow the rate of runoff
- Ensuring that development on and near the coast is compatible with and enhances the environmental values, visual character and amenity of the coastal environment
- Encouraging the protection, maintenance and re-establishment of indigenous vegetation and the removal of environmental weeds.

Clause 21.08 (Torquay-Jan Juc Strategy) seeks to contain and consolidate urban development within the defined settlement boundary as indicated on Map 1 to Clause 21.08 – Torquay-Jan Juc Framework Map. It also seeks to promote a range of lot sizes and housing types, including medium density development in appropriate locations, in the new growth areas and ensure good access to surrounding areas, public transport, public open space and other facilities; and

encourages lower housing densities in the Spring Creek valley up to one kilometre west of Duffields Road.

Map 3 to Clause 21.03 (Activity Centre Hierarchy) identifies a future Neighbourhood Activity Centre in the general location as that which is identified in the Spring Creek PSP.

Clause 21.08 (Torquay-Jan Juc Strategy) seeks to contain and consolidate urban development within the defined settlement boundary as indicated on Map 1 to Clause 21.08 – Torquay-Jan Juc Framework Map. It also seeks to promote a range of lot sizes and housing types, including medium density development in appropriate locations, in the new growth areas and ensure good access to surrounding areas, public transport, public open space and other facilities; and encourages lower housing densities in the Spring Creek valley up to one kilometre west of Duffields Road. It also aims to protect and enhance significant environmental, landscape and cultural heritage features which contribute to the ecological values, coastal character and residential amenity of Torquay-Jan Juc, including maintaining non-urban breaks to Bellbrae and protecting the Bellarine Yellow Gum and Coastal Moonah Woodland.

Clause 22.09 (Torquay-Jan Juc Residential Development and Neighbourhood Character Policy) applies to residential development and subdivision in the residential zones in Torquay and Jan Juc. It identifies Spring Creek as “Residential Growth (Greenfield areas)”. It specifies that Greenfield areas should support an overall general density of 15 lots/dwellings per hectare, unless a lower density is desirable in response to environmental or landscape values, and provide a variety of lot sizes ranging from conventional urban lots to medium and higher density lots to encourage a mix of housing types and sizes. Higher residential densities (20 dwellings per hectare) should be focussed around activity centres, schools, community hubs and active public open space.

The policy promotes housing forms up to 2 storeys (7.5 metres) with possible 3 storey development within or close to activity centres and active public open space; the planting of indigenous and other typical coastal vegetation around dwellings to create a linkage to the coastal setting; and consistent street tree planting to assist in unifying the appearance of the areas.

To achieve the above outcomes, the policy gives support to:

- The master planning of new growth areas to facilitate the development of diverse, high amenity neighbourhoods which have an identifiable sense of place.
- The preparation of siting and design guidelines to guide the development of high quality and high amenity buildings which evoke a coastal character and create a sense of place.
- The preparation of landscape concept plans which include plans for proposed public open space and street planting to contribute to the amenity and liveability of the new neighbourhoods.

(iii) Other planning strategies or policies used in formulating the Amendment

Torquay-Jan Juc Structure Plan (1992, 1996 and 2007)

These documents have continued to reference the area’s growth potential.

Sustainable Future Plan Torquay Jan Juc 2040 (SFP 2040)

This Plan sets out Council’s long term, high level vision for the future growth and development of Torquay-Jan Juc. When it adopted the SFP 2040 in July 2011, Council resolved not to include any growth in Spring Creek. Council sought to incorporate this version of the plan with the

western town boundary at Duffields Road into the Planning Scheme, through Surf Coast Planning Scheme Amendment C66.

The then-Minister for Planning approved Amendment C66 in March 2014. Amendment C66 included the first kilometre west of Duffields Road within the settlement boundary and rezoned the land from Farming Zone to Urban Growth Zone. In June 2014, Council adopted a new version of the SFP 2040 to recognise the Spring Creek urban growth area.

G21 Regional Growth Plan 2013

The G21 Regional Growth Plan directs projected population growth to the following: existing district towns (including Torquay), new targeted growth nodes at Colac and Winchelsea, and the longer term two further investigation areas in Geelong. The Shire's major growth centres are Torquay-Jan Juc and Winchelsea.

Sustainable Futures Plan 2040

The SFP 2040 is structured around five core values and principles:

- Value 1 – places for people
- Value 2 – the natural environment
- Value 3 – the built environment
- Value 4 – services and infrastructure
- Value 5 – a local economy.

2.2 Planning scheme provisions

(i) Zones

The Amendment proposes to rezone land from Special Use Zone Schedule 9 (SUZ9) to Urban Growth Zone Schedule 1 (UGZ1). The Urban Growth Zone seeks to manage the transition of non-urban land into urban land in accordance with a precinct structure plan. The amendment introduces planning provisions to implement the Spring Creek PSP.

The Amendment proposes to amend the PCRZ to include reference to the Spring Creek PSP.

(ii) Overlays

Spring Creek is affected by the ESO, LSIO and VPO. It is proposed that the land retain the ESO and LSIO and the VPO be removed. A Native Vegetation Precinct Plan has been prepared in conjunction with the PSP to protect remnant vegetation patches and significant trees, thus it is proposed that the VPO be removed.

The Amendment also proposes to apply a DCPO to the site, which will trigger the need for developers to enter into Section 173 agreements with Council regarding infrastructure contributions prior to the finalisation of the update to the Torquay Jan Juc Development Contributions Plan (DCP).

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 1 – Potentially Contaminated Land

A Land Capability Assessment has been carried out for the precinct (prepared by Coffey, July 2015). The assessment identified several potential sources of contamination within the precinct, derived from minor chemical storage, imported fill, potential localised chemical use, and potential asbestos.

The report identified one property with a high potential for contamination, and a further five properties presented a medium contamination risk. The UGZ1 will trigger the need for an Environmental Site Assessment to be prepared for the medium and high risk properties, and accompany any planning permit application. A permit condition included in the UGZ1 will require any recommendations of the Environmental Site Assessments to be implemented.

All other properties were assessed as having low potential for contamination and therefore no further assessments are considered necessary.

Ministerial Direction No 11 – Strategic assessment of amendments

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. This Explanatory Report addresses the requirements outlined in this direction.

Ministerial Direction No 12 – Urban Growth Areas

Ministerial Direction 12 requires that when preparing an amendment to introduce or change provisions in a schedule to the UGZ, a planning authority must evaluate and include in the explanatory report a discussion about:

- *How the amendment implements any Growth Areas Framework Plan applying to the land*

The *Torquay-Jan Juc Framework Plan* applies to the land (See Map 1 to Clause 21.08). The use of the amendment area is identified as “future urban growth area” and “Future Residential” with the abutting Duffields Road, Grossmans Road and Great Ocean Road described as “Main Roads and Tourist Routes”. The “settlement boundary” of Torquay-Jan Juc forms the western boundary of the precinct.

Spring Creek as it flows through the precinct is identified as “Biodiversity Assets” and “Land Subject to Inundation Overlay”. Further “Biodiversity Assets” are identified at the northern boundary of the area along Grossmans Road and in the southern parts of the area. Existing residential areas surround the precinct to the north, east and south.

The Amendment will provide for a residentially-based urban extension of Torquay-Jan Juc including local retailing and services. The amendment maintains Spring Creek as an accessible waterway with the addition of significant new open space alongside and includes other biodiversity assets within open space. The Amendment will maintain the functionality of the surrounding main roads.

The PSP embeds the following community values expressed in SFP 2040:

Fostering the unique coastal look and feel

Diverse and affordable housing options for all life stages; sustainable development sensitive to local environmental conditions; protect the unique coastal feel; and, planned timing of development.

Services with Development

Services and infrastructure provided with new development; distinct well-serviced communities; Jan Juc, Central Torquay, Torquay North; improved public transport and internal pathways; community hubs with multi-use facilities and shared spaces; and, facilities to service the population i.e. aged care and families.

Providing Employment Opportunities Locally

Support and grow local surf industry; support new local industries in the business park; support the tourism and retail industry; and, encourage local business to work together to create complementary offers.

Places for People – a close knit community

Sustainable and well-serviced neighbourhoods; walking and cycling paths; shared spaces and integrated services; and, dedicated arts facility.

Protecting and enhancing the natural environment

Protection of the bush and the beach; a clear town boundary; non-urban breaks between towns; key buffers to protect vegetation and soften views to development; and, protect and maintain existing natural assets.

The SFP 2040 estimated approximately 1,900 lots for the Spring Creek Precinct. The PSP provides for approximately 1,780 lots at a lower density consistent with Clause 21.08 adopted as part of C66 in March 2014 which states “Encourage lower housing densities in the Spring Creek valley up to one kilometre west of Duffields Road”.

How does the amendment accord with the Precinct Structure Planning Guidelines

Objective one: *To establish a sense of place and community*

The PSP essentially envisions two distinct yet connected residential precincts with their own sense of place that will integrate with existing development in Torquay-Jan Juc:

North of Spring Creek – an incremental extension of the Beach Road residential area across Duffield Road, extending waterway parks along Spring Creek and its northern tributaries; and

South of Spring Creek – interfacing with the Jan Juc township to the south and Great Ocean Views estate to the east. This precinct includes a new town centre that will complement the convenience centre on Stuart Avenue, Jan Juc.

The PSP seeks to preserve the important aspects of the Spring Creek urban growth area by:

Conserving Spring Creek and its tributaries as reserves with high levels of public accessibility and visual prominence within the neighbourhood and as habitat corridors;

Conserving existing stands of significant vegetation including Bellarine Yellow Gums in conservation reserves;

Maintaining existing significant roadside vegetation on the boundary roads of the precinct so as to assist in softening views to new development from primary tourist routes.

The PSP extends the existing road networks into the new neighbourhoods including Strathmore Drive, Ocean View Crescent, Beach Road and Messmate Road. This assists in integrating the new

development with the existing township and encourages new streetscapes to be continued and maintained in line with existing character.

The PSP vision suggests that housing densities will be the primary tool for providing a sense of place. Differing housing densities are envisaged to respond to the striking topography of the land and the important visual interfaces to the creek and rural land.

Objective two: *To create greater housing choice, diversity and affordable places to live*

The primary method for delivering a range of housing types is the provision for a range of lot sizes across the precinct. The PSP envisages larger lots of 1,500-2,000 square metres in size on sloping and visually sensitive land through to terraced and more compact style housing surrounding the neighbourhood centre. The balance of the area will comprise of more conventional allotments interspersed with extensive parkland and conservation areas.

This variety in lot size and settings will aid in delivering housing choice and alternatives to the range of home styles and sizes currently available across Torquay and Jan Juc.

Objective three: *To create highly accessible and vibrant activity centres*

A new local town centre is planned at the intersection of two new connector roads in the southern precinct. Its location allows for the best possible access to residents of Jan Juc south of the Great Ocean Road with direct road access from Duffields Road and the two extensions of Strathmore Drive.

Additionally, the plan provides for a path and trail network with direct routes to the new town centre from the north across Spring Creek in addition to the Duffields Road access.

Higher densities are planned around the town centre to provide for a busier, more vibrant town feel. The presence of people can provide passive surveillance and activity in the area after the shops close, providing for a safer area and increasing the chance that after hour's uses, like restaurants, will establish in the centre.

The Amendment deliberately restricts the establishment of take-away and convenience restaurants to the town centre. Without the Urban Growth Zone making this restriction the General Residential Zone could see these land uses establish along the Great Ocean Road frontage of the precinct.

Objective four: *To provide for local employment and business activity*

The Amendment retains the existing Special Use Zone Schedule 9 zoning for the private school currently under development on the Great Ocean Road near Strathmore Drive and rezones the land surplus to the school as Urban Growth Zone to form part of the PSP. A co-located neighbourhood centre and community facility will provide a retailing, business and services hub with local business opportunities. On a broader employment basis the area is not suitable for more intensive employment. This is provided for elsewhere within Torquay.

Objective five: *To provide better transport choices*

Easily navigable and direct roads with 25 metres cross sections are planned as extensions through the precinct from the existing Beach Road, Ocean View Crescent and Strathmore Drive. These roads will be the primary routes connecting residents to the broader town and regional road network. They are also wide enough to accommodate local bus routes and cycling for local trips.

In addition, recreational walking and cycle trails will be extended along the Spring Creek and its northern tributaries, including a bridge link across Spring Creek for pedestrians and cyclists. The urban structure plan has been planned to provide high connectivity between destinations, such as the neighbourhood centre and creek environs.

Objective six: *To respond to climate change and increased environmental sustainability*

Local and linear parks are seen as a critical attraction providing recreational opportunities. Being located next to waterways, these provide large connected open spaces based on the natural features of the Spring Creek, existing native vegetation stands in the south and around tributaries of Spring Creek in the north. A dedicated pedestrian/cycle way including a bridge across Spring Creek is planned to connect the open space network. The path will also provide a direct connection from the north to the neighbourhood centre in the south.

The provision for non-car transport as detailed above will also give people the choice of reducing their carbon footprint by using non-motorised transport for local trips.

The drainage of the precinct utilises the existing natural drainage lines of Spring Creek and its tributaries, therefore reducing the need for expensive and carbon intensive drainage works including concrete piping and pumping of stormwater and sewer.

The majority of the recorded native vegetation in the area will be retained and landscaping, particularly with canopy trees will provide additional cooling, wind breaks from coastal winds, shade and habitat.

Objective seven: *To deliver accessible, integrated adaptable community infrastructure*

Torquay and Jan Juc are well provided with recreation, sport and community facilities, including numerous football/cricket ovals, tennis courts, golf courses, soccer pitches, netball and multi-use courts and a bowls club. Torquay, Jan Juc and nearby Bells Beach comprise some of the highest quality surf beaches in Australia. The township is located adjacent the Great Ocean Road and within vicinity of the Great Otway National Park.

The Amendment maintains the provision for the recently approved private school on Great Ocean Road and sets aside land for a new community centre within the southern part of the precinct. The new population will not generate enough demand to require a new public primary or public secondary school, with the existing primary school on Grossmans Road, the existing secondary college on Surf Coast Highway and a proposed new primary school on Horseshoe Bend Road. In addition there is an existing and a proposed new Catholic primary school in Torquay.

Numerous existing community, health and worship services are available in the neighbourhood between Duffields Road and Surf Coast Highway and need not be reproduced in the Spring Creek precinct. In any event, such uses may establish within the local town centre or appropriate locations within the residential as demand arises.

How the provisions give effect to the intended outcomes of the precinct structure plan

Most provisions in the incorporated documents and associated ordinance are designed to be implemented at the subdivision development stage. At this point, requirements and guidelines are either designed into subdivision plans (e.g. spatial outcomes), implemented through permit conditions (e.g. infrastructure contributions), implemented through referral authority agreements (e.g. essential services) or required to be applied as restrictions on title (residential design controls).

This provides for single permission after approval of the PSP and is central to providing certainty and clarity in the planning process.

Additionally, applied zones that follow the pattern of development rather than lead it (i.e. the Commercial 1 Zone for the Neighbourhood Centre) allow flexibility when the PSP is implemented through the detail of subdivision and land use layouts.

How a translation of the provisions can be achieved once development anticipated by the precinct structure plan is substantially complete.

As discussed above, most outcomes will be delivered through subdivision permits prior to translation of the PSP to standard provision. Subdivision permits will implement most of the non-standard provisions.

An assessment of how development has proceeded and where public land uses have been established closer to the time of translation will provide a better guide to where zone boundaries should be settled.

Other than the UGZ Schedule, standard provisions are used to implement the plan including open space contributions through Clause 52.01 and native vegetation management and exemptions through Clause 52.16. These will stay in place until all relevant contributions are collected and native vegetation is securely managed or offset.

The Form and Content of Planning Schemes (s7(5))

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes issued under section 7(5) of the *Planning and Environment Act (1987)*.

2.4 Discussion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The Panel concludes that the Amendment is well founded and is strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 The Precinct Structure Plan

In April 2015, work commenced on the PSP with Council seeking assistance from the then Metropolitan Planning Authority (now Victorian Planning Authority – VPA). Council commissioned the preparation of a number of technical studies in order to inform the PSP including flora and fauna, biodiversity, arboricultural studies, pre and post contact heritage, land capability, traffic, drainage services and utilities, community infrastructure and economic assessments.

This section of the report briefly describes the main elements of the PSP, the issues raised in relation to the PSP, the associated Development Contributions Plan (DCP) and planning scheme implementation.

In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites, both accompanied and unaccompanied.

The PSP presents a vision for Spring Creek:

Spring Creek will be an attractive, liveable and sustainable neighbourhood that will integrate with the landscape character of the Spring Creek valley and the established emerging character of surrounding areas.

Local parks and reserves will be situated along the natural waterway and drainage corridors and will offer diverse recreational opportunities as part of an integrated road network. Significant biodiversity assets, including stands of Bellarine Yellow Gums, are planned for protection within conservation and open space reserves. Shared paths for walking and cycling will be incorporated into the open space network. Landscaping along the precinct's edge will serve the dual purpose of protecting native vegetation and softening views from external roads.

A range of housing densities will respond to the topography and sensitive interfaces, including the Spring Creek riparian corridor and rural land to the west.

Daily service and convenience needs of residents within and surrounding the precinct will be met by a new neighbourhood centre planned to include a supermarket, speciality shops, cafes and commercial services. A multi-use community centre within associated facilities will support the resident population.

Pedestrian friendly streets will offer safe and convenient connections between the neighbourhood centre, open spaces, community facilities, the non-government school and other external destinations. The street pattern and the dedicated walking and cycling paths create an accessible neighbourhood, where residents have viable transport alternatives.

Figure 2 shows the overall urban structure proposed.

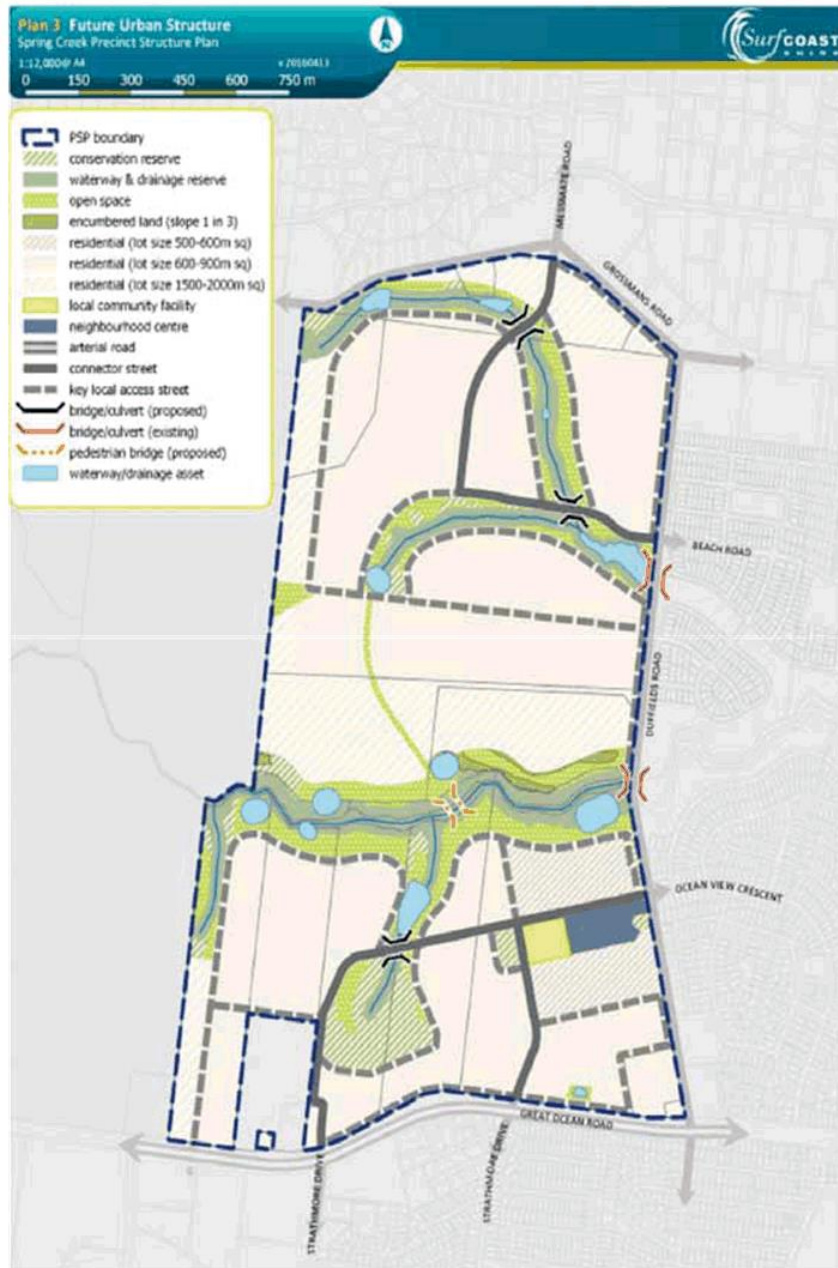


Figure 2 Spring Creek Future Urban Structure Plan

3.1 Interpretation of the PSP

Under the heading 'How to read this document' the PSP sets out requirements that 'must be adhered to' and guidelines that express how 'discretion is to be exercised'.

Submissions were made that some requirements should be expressed as guidelines. These submissions addressed the issues of the mandatory nature of the requirements.

A without prejudice workshop was held on the last day of the hearing to work through a number of these issues. These are discussed below.

3.2 Community panel process

A Community Panel comprising of nine landowners, representatives from three community groups (3228 Residents Association, Bellbrae Residents Association and Surfrider Foundation) and 19 randomly selected residents from Torquay, Jan Juc and Bellbrae participated in four independently facilitated workshops in August 2015. The task of the Panel was to make recommendations to Council regarding the Spring Creek PSP. In particular, the panel was asked to respond to the question "How do we design urban growth that is in balance with the surrounding environment?" The recommendations of the Panel received greater than 80 percent support of panel members and have, to a great degree, informed the form and content of the PSP.

From November 2015 through to January 2016, Council responded to the community panel recommendations through the exhibition of a draft framework plan which formed a precursor to the current PSP. The majority of the recommendations were addressed in the draft framework plan and the plan was placed on public exhibition, receiving 56 submissions.

A number of submissions questioned this process and these are addressed throughout the report. In particular, Mack Developments, Parklea, Amex, Rural Estates Pty Ltd and Christian College Geelong made submissions at the Hearing on this matter. It was best summed up by Mr Greg Tobin, on behalf of Christian College Geelong (submitter 57). He submitted:

The Council in this Amendment has adopted the somewhat unusual process to determine the planning controls. It is beyond doubt that land is an important resource; that planning is an ever increasingly technical discipline; and that it is important that our communities are developed in the most appropriate manner for all of the community. The community panel represents a potentially useful means of engaging the public in a planning process ... despite this it could be fairly said that the one unifying factor for both the pro-development community and anti-development community has been a level of dis-satisfaction with this process.

The Panel was taken time and again to concerns with the selectiveness of the Community Panel. This was a concern to the Panel and the validity of this process and its outcomes, in the Panel's view, do not have the rigour of other more formal strategic planning processes. If this has informed the PSP in determining growth boundaries, significant buffers and the like, the Panel is concerned with how the rationale has been formulated. This is discussed where the issues arise in later chapters.

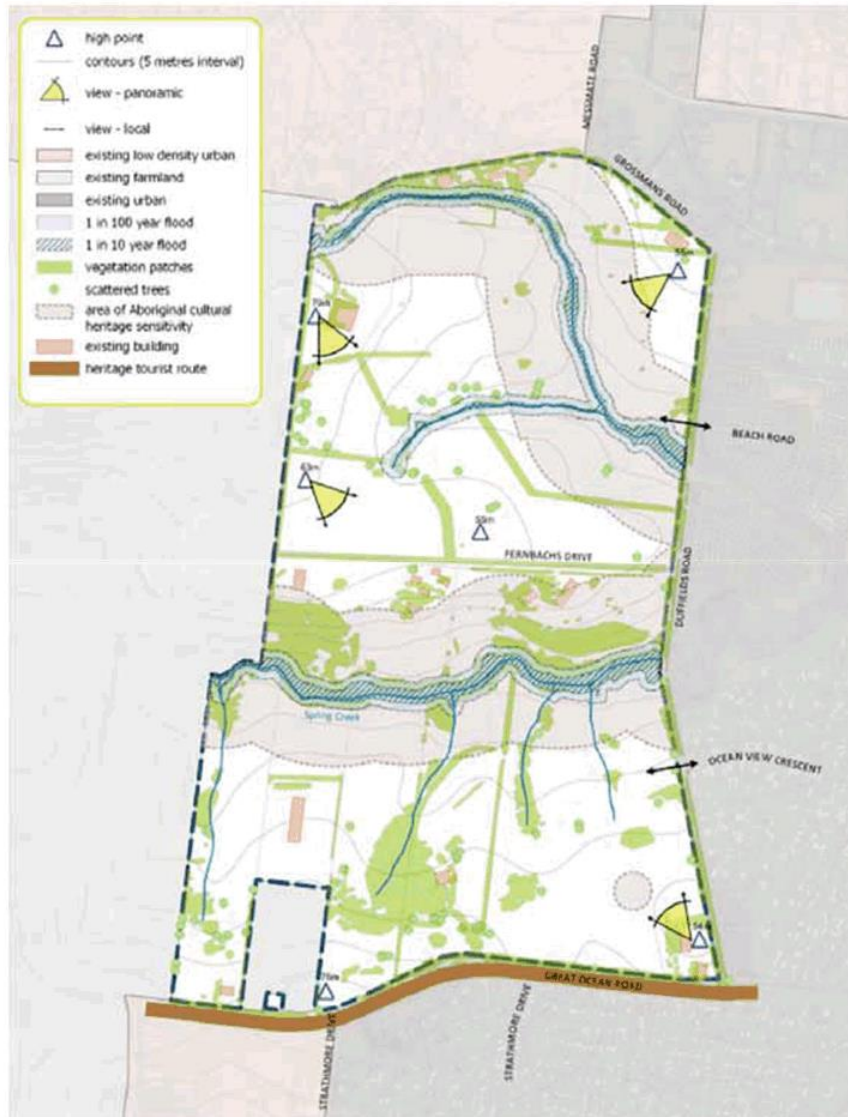


Figure 3 Precinct features (Plan 2 of PSP pg.6)

3.3 Precinct features

Council submitted that there are five key features of the precinct as follows:

- A predominantly enclosed valley form which falls away from Grossmans Road and the Great Ocean Road towards the Spring Creek waterway. This waterway divides the precinct into two distinct areas, that is the north and south precincts. There are a number of drainage lines and tributaries which run into the creek including a northern tributary which

flows south east to a confluence with Spring Creek approximately 500 metres east of the precinct.

- An undulating topography with some steep to very steep sections, particularly immediately north of the creek. The precinct has a topographical relief of over 60 metres between its highest point (> 70metres AHD) near the north west and south west corners and the bottom of the valley (< 10metres AHD).
- Panoramic vistas from highpoints within the area and from adjacent roads.
- A largely undeveloped rural landscape with occasional farm buildings and dwellings.
- Vegetation consisting of open pastures with patches of remnant vegetation, scattered trees, exotic and non-native wind rows, indigenous roadside vegetation and riparian vegetation along the creek.

(i) Urban structure and Density

The PSP provides for a range of lot sizes with the following lot densities:

- 1,500 – 2,000 square metres - will produce an average density of 4.6 dwellings per hectare
- 600 – 900 square metres - will produce an average of 10.7 dwellings per hectare
- 500 – 600 square metres - will produce an average of 14.5 dwellings per hectare.

Council submitted that the PSP envisages an average density of 10 dwellings per net development hectare. A number of submissions from both developers and residents raised the issue of density.

(ii) Transport and movement

The PSP road network is culmination of detailed transport impact assessment (TIA) undertaken for Council by the Traffix Group. The road network, public transport and trail at Plan 7 of the PSP sets out the proposed local road network and provides for a robust structure for traffic and transport movement within and through the precinct that Council submitted will satisfactorily meet the expected traffic demand. Issues relating to transport and movement are discussed in greater detail in Chapter 5.

(iii) Native Vegetation Protection Plan (NVPP) and Biodiversity

The Spring Creek Native Vegetation Precinct Plan (NVPP) will be listed under the Schedule to Clause 52.16. Any removal, destruction or lopping of native vegetation in accordance with the NVPP does not require a planning permit provided the conditions and requirements specified in the NVPP are met.

The biodiversity significance of the land has been assessed by Ecology and Heritage Partners Pty Ltd. These reports identify the key biodiversity assets and include mapping and modelling information. Outstanding issues and submissions on the NVPP and biodiversity are discussed in Chapter 6.

(iv) Buffers

Native vegetation must be retained as described in the NVPP and there is to be buffer zones provided on each side of Spring Creek to achieve a minimum width of 75 metres measured from the one (1) in ten (10) year flood level. The width of the various buffers as set out in the PSP are:

- 75 metres on each side of Spring Creek, measured from the 1 in 10 year flood level (R25)

- 50 metres on each side of the northern tributaries, measured from the 1 in 10 year flood level (G36)
- 20 metres on each side of other waterways, measured from the centreline (G36).

Council submitted the buffers have been established based on environmental/biodiversity, flooding, topographical, landscape, recreation and cultural reasons. The widths have also taken into account the views expressed through the community panel process. Issues relating to the proposed width are discussed in Chapter 8.

(v) Open space

The PSP includes:

- 18.26 hectares of unencumbered or credited passive open space (9.76 percent developable area) consisting of 15 land parcels
- 38.97 hectares of encumbered open space (20.9 percent developable area) consisting of:
 - 9.7 hectares of conservation reserves
 - 28.06 hectares of waterways and drainage
 - 1.21 hectares of other encumbered open space.

(vi) Utilities

The proposed utilities are set out at Plan 9 of the PSP and indicate the existing and proposed sewer, existing and proposed potable water supply and the existing electricity supply.

(vii) Activity Centre and Community facilities

A Spring Creek Activity Centre assessment was prepared by Tim Nott dated February 2016. Council sought Mr Nott's advice on the appropriate size and location of a retail centre within the PSP precinct. Mr Nott's findings are summarised as follows:

- Planning for a NAC at Spring Creek should be for a small centre of 3,000 square metres initially (in 2021), but that the site could have room for the facility to grow in due course into a NAC with a full time supermarket and a total retail floor space of 5000 square metres by 2030.
- In addition, there may be an opportunity to allow for up to two local activity centres of up to 400 square metres each in order to provide convenience services in areas that are beyond walking distance from other centres. Such centres should be on collector roads (not the Great Ocean Road).

Parklea submitted evidence to the contrary of Mr Nott's position. This is discussed in Chapter 10 of the report.

A community facility is proposed alongside the commercial centre.

3.4 Development Contributions Plan Overlay Schedule 3 (DCPO3)

DCPO3 is sought to be applied to the PSP area. Council submitted that the resources to prepare a DCP for the precinct were not available at the time that DCPO3 sought to be applied.

As an interim measure, Council considered that DCPO3 should require land developers to enter into a section 173 agreement pursuant to the *Planning and Environment Act, 1987 (the Act)*, to provide monetary contributions which would allow fees to be balanced when the DCP is finalised.

These agreements will ensure that the Council can collect the funds required whilst ensuring that landowners are ultimately charged appropriately.

It submitted that a DCP for the PSP area would be prepared at a later date. Council submitted that this work will determine the most appropriate method for applying the development contribution costs and may include as follows:

1. *Include the Spring Creek precinct in the existing Torquay/Jan Juc DCP (updated March 2013) as part of the review of that document which is planned for late 2016; or,*
2. *Provide a DCP applicable to the Spring Creek precinct only.*

Regardless of the method that is ultimately employed, the Spring Creek DCP will require consideration of the following:

- *Which new infrastructure items in Spring Creek should be funded by a DCP;*
- *Which existing DCP items are within the Torquay/Jan Juc DCP of which the Spring Creek might need to contribute;*
- *Payment credits for the landowners who funded the preparation of the Spring Creek PSP.*

In its directions, the Panel raised concern regarding the exhibition of the PSP with a 'blank schedule' to the DCPO Schedule. Council prepared an 'Interim indicative DCP' list of items to alleviate some of these concerns. It explained:

To assist landowners within the PSP area, an interim indicative list of DCP items and costs has been prepared ahead of the final work being included. This was included as tab 8 in its Background Documents – Part 1 folder provided to the Panel and on public display at the Hearing.

The indicative list has been prepared as follows:

- *Assigning charge areas within the Spring Creek precinct;*
- *Identifying the existing Torquay/Jan Juc DCP items for which the Spring Creek precinct might contribute; and*
- *Identifying new DCP items for which the Spring Creek DCP might include.*

A charge area as defined in the existing DCP for Torquay/Jan Juc, is a land area for which a discreet development contribution rate is calculated. All development within a particular charge area will be required to pay the same contribution amount. These are defined by the key principle of ensuring that the potential for serious 'cross subsidies' is minimal. A cross subsidy occurs when the development is asked to pay for infrastructure that it will not (or hardly ever) use, or is asked to pay above its fair share. The Spring Creek precinct DCP would notionally comprise two (2) charge areas, land north of Spring Creek (North SC) and land south of Spring Creek (South SC).

Council explained that the infrastructure costs associated with the land north and south of the precinct will differ given Spring Creek bisects vehicle movements and residential densities, community uses and as well, commercial uses vary north and south of the creek.

With regard to exhibiting a blank DCPO, Council submitted that it was advised by the VPA that this was a legitimate methodology adopted when a DCP was not fully resolved at the time the PSP was being considered. It argued:

The use of a schedule which requires a section 173 Agreement to be entered into provides a mechanism for developers should they wish to proceed with development prior to the resolution of a DCP and is a common mechanism used in such circumstances.

Whilst not a preferred approach of the Panel, it agrees with Council's submissions, it is neither unusual nor uncommon for such a procedure to be followed.

3.5 Conclusions

The Panel concludes:

- The community panel process, whilst admirable, should not and has not spoken for the whole community. The selective nature of membership, approval ratings metrics and somewhat unfounded outcomes in part have led to confusion within the PSP that is discussed throughout the remaining sections of this report. The tension between development and anti-development factions is evident through submissions and in some of the PSP outcomes.
- The zones and overlays to implement the Spring Creek PSP are appropriate. The PSP itself is the key document guiding future urban growth and biodiversity protection of the precinct. Its incorporated stature provides the clearest vision regarding the future of this precinct. Subject to changes discussed in later chapters, it should be supported.
- The application of the PSP and its content reflects how that future will materialise and in this sense the Panel is satisfied, subject to its changes, with the Amendment.
- A number of changes are required to the PSP and UGZ Schedule prior to its approval.
- Any debate to be had in respect of the cost of various infrastructure items to the extent submitters may have differing would be a matter to be tested before a Panel constituted to determine the appropriateness of any DCP in due course.

3.6 Recommendation

- 1. Update the Precinct Structure Plan to reflect the Panel's suggested changes detailed throughout this report and listed in Appendix E.**
- 2. Council review the wording of its regulations and guidelines where applicable to ensure that the terms 'must' and 'should' are appropriately placed.**

4 Western Growth Boundary

4.1 The issue

The issue is whether or not the western boundary of the PSP area is the 'final' growth boundary.

4.2 Evidence and submissions

(i) Amendment C66

Mr Townshend QC and Ms Emily Porter represented Rural Estates (Torquay) Pty Ltd (Rural Estates). Rural Estates submitted that they were concerned about the lack of any provision for linkages to the west of the PSP land, and assumptions about the western settlement boundary that are implicit in the PSP process. They sought recommendations that:

- *The PSP be revisited in light of the recommendations of the Panel that considered Amendment C66;*
- *A further strategic planning exercise be undertaken to consider the long-term residential potential of the broader Spring Creek Valley; and*
- *The PSP should be amended to include future linkages and infrastructure provision to the west of the PSP area, and increased density in the west of the PSP area.*

The submission related to land outside of the PSP area, immediately abutting the PSP to the west at 320 Great Ocean Road, Bellbrae. It was submitted that the planning for the precinct should not discount or preclude the strategic potential for urban development of land to the west. Mr Townshend took the Panel in detail through Amendment C66 and argued that the Panel:

....preferred long term strategic planning to political pandering. This Independent Panel should do the same. We are here to talk to long term planning. PSP planning is not isolated. All we are asking for is the independent panel is mindful of future proofing – be careful not to foreclose on its potential. Sometimes you future proof by making sure you don't foreclose. That means this PSP provides for integration of a future community.

Rural Estates argued that it is inevitable there would be growth to the west. They submitted that this has been a long term strategic planning pillar for Surf Coast and just because it is not popular with current residents it should not be ruled out. Rural Estates submitted that the Panel recognise a state and regional policy interest to see this area planned accordingly.

A detailed history of strategic planning was provided by Rural Estates, this included a history of relevant amendments affecting the area. Rural Estates submitted that even as the largest landowner in Spring Valley, they were excluded from the PSP Community Panel process.

Council did not support the submissions of Rural Estates. It argued that whilst the submissions of Rural Estates provided a summary as articulated in Amendment C66 of the planning history of the Spring Creek Valley, it is pertinent that the approval of Amendment C66 and C95 and the letter accompanying the gazettal by the then Minister for Planning, Matthew Guy, stated inter alia as follows:

... I have also prepared, adopted and approved Amendment C95 to the Surf Coast Planning Scheme to rezone the majority of the first kilometre area to the Urban

Growth Zone (UGZ). My action is consistent with the recommendation of the Panel. However, my approval of Amendment C66 recognises the land areas identified by Council for urban growth located north west Messmate Road and north east of the Sands Estate.

For the remaining land zoned farming in Spring Creek beyond the first kilometre area to Bellbrae, I support Council's continued planning for a suitable location for a green break between Torquay, Jan Juc and Bellbrae. I understand Council will be undertaking a strategic planning exercise to determine the uses to be encouraged in this area compatible with this objective ...

Council referred to page 74 of the C66 Panel Report, where the Panel made the following comments on the extent of the settlement boundary:

The Panel is not convinced by Minister Barnes' evidence that the boundary should be at Anglesea Road. Putting Bellbrae into the Torquay-Jan Juc area seems to be at odds with the objective of creating a green break to Bellbrae. The Panel recommends the boundary be placed at approximately 1 kilometre west line and further advise through strategic planning of the balance of the Spring Creek Valley.

Council submitted that it is important for the Panel to note that no version of the SFP included the land further west of the 1 kilometre west of Duffields Road. Nor did the Minister's intended rezoning in 2010, or the ultimate rezoning through Amendment C95 in 2014, contemplate any development in that area.

Council has commenced further strategic work for the balance of the Spring Creek Valley in the form of a 'Rural Hinterland Futures Project'. Residential development is not part of the future of this area under that review. The project is considering the future opportunities and barriers to sustainable agribusiness in the context of climate change. The review will explore the opportunities and challenges of current and emerging enterprise and seek to create clarity for land owners and investors via clear planning principles and an action plan. The review work recognises as follows:

- *The importance of the hinterland in the Surf Coast's economy;*
- *The potential of job creation, sustainable agricultural productivity, visitation and appreciation of the natural environment;*
- *A clear vision for the hinterland which will create and assist in realising the potential while not compromising the environment; and*
- *Planning principles and an action plan which will create a clear path forward.*

Council concluded that this information has been provided for background purposes for the Panel, and on that basis, Council urges the Panel to refrain from commenting on the future planning for any land outside the PSP area. It argued that Rural Estates will have an opportunity to address its concerns through that process and should not use this process to voice any earlier objection.

Mr Lawrie (submitter 56) submitted that the UGZ and Farming Zone were incompatible. He submitted concerns about noise and dust impacts along the western boundary. He argued that if this was to be the final western town boundary then "we need to ensure that this is the final buffer." He sought a 20-40 metre buffer along the western boundary. Buffers are discussed in Chapter 9.

Ms Ancell, on behalf of Mennoty (submitter 41) argued it did not seem prudent to close off the western boundary in any way.

Mr Tobin for Geelong Christian College (submitter 57) submitted that the College agreed with the submissions of Rural Estates that there is “sense in leaving capacity for an extension of the western local access road”.

Council raised the *Strategic Framework Plan 2040* (SFP) and the location of the ‘green break’ challenged by Rural Estates. It submitted:

It was made clear in earlier submissions that the SFP 2040 (June 2012) is the document which appears in the planning scheme and does not provide for development in the Spring Creek area.

The SFP 2040 (June 2014) was adopted by the Council following the gazettal of C66 and C95 to the Planning Scheme. Council’s adopted strategy that clearly shows how Council intends to fulfil its responsibilities for Torquay as a regional and municipal growth node. It provides for new growth areas in Torquay North, Torquay North West, Torquay North East and Spring Creek. Together these growth areas will accommodate the forecast population of 25,000-30,000. The SFP does not envisage any development further to the west of the 1km area. This growth outlined for Torquay is consistent with the G21 Regional Growth Plan (April 2013) (G21 Plan) that was approved by the former Minister for Planning in 2013. Of note is that the G21 Plan does not identify the Spring Creek valley as a growth area. The G21 identifies Winchelsea as a growth node with potential to reach a population of 10,000 by 2030-2040.

SFP 2040 (June 2014) provides for 1,900 lots (see map at page 13) with ‘maintain non-urban breaks between towns’ depicted by green circles. This map is the adopted position of the Council. Part B of the document provides history of the preparation of the SFP with section 4 of Part B setting out various growth scenarios (Low Growth, Medium Growth and High Growth). Scenario 2 which is the Medium Growth Scenario envisages a population growth of approximately 30,200 by 2040, including 17,500 new residents in just over 8,000 new lots. The population figures identified in G21 Regional Plan range from 25,000 – 30,000. In Part B the ‘green break’ is not physically located so close to the features on the maps. These maps are background and not intended to indicate or convey any information on the location of the green break that is to be ascertained with regard to the Planning Scheme.

4.3 Discussion

The submissions on behalf of Rural Estates raises a genuine matter for the Panel to consider, that is: whether the PSP should provide for a link so as not to jeopardise any long-term future development of that land. The Panel did not support Council’s submission that the Panel should have no regard to this request. Strategic planning for this corridor is long and varied. To close off a potential link to the west without detailed planning would result in poor planning outcomes.

The SFP mapping is at best vague, when it comes to non-urban breaks between towns. The Panel would encourage Council to become clear on this aspect in its future growth review once planning for the PSP has been completed. In fact, the Panel was taken to a number of iterations that had

Rural Estates land in, out, not shown at all. Moreover some of these plans were not even the endorsed, referenced SFP that lies within the planning scheme.

The Panel supports the submissions of Rural Estates and the Christian College as relevant and pertinent. It urges Council to think appropriately and responsibly about the 'next phase' post this Spring Creek PSP. The Panel notes the *Rural Hinterland Futures Project* was raised by Council and believes 'future growth' should form part of this strategic planning exercise. The fact that this project directly abuts the PSP area, is a matter of relevance for the Panel, and proper planning.

It was of concern to the Panel that Rural Estates, as the largest landowner in the Spring Creek Valley, was excluded from the PSP Community Panel process. It agreed with their submissions that this predetermined their fate in many ways and does not fairly balance future interests. The Panel notes that the '*Rural hinterland futures project*' seems to have predetermined the study in its title.

For reasons unknown, Council has in this case seemingly ignored a valid, proven and tested strategic planning history for the western precinct. It was upheld by Amendment C66 and this Panel finds the same. The area immediately west of the PSP area must be properly planned and investigated for possible future expansion as has been heralded in many previous strategic processes.

4.4 Conclusions

The Panel concludes:

- There is no evidence before the Panel that supports a change in long term planning direction for the Spring Creek Valley and links to the west should be shown on the PSP.
- The PSP should include future linkages and infrastructure provision to the west of the PSP area. This does not predetermine further decisions but preserves options.

4.5 Recommendations

- 3. Council include 'urban growth potential' for the balance of Spring Creek with appropriate community engagement as part of its Rural Hinterland Futures Project.**
- 4. Provide a notation on the Precinct Structure Plan showing the area south-west of the Precinct Structure Plan boundary as a 'Strategic Investigation Area.'**

5 Road network

5.1 The issues

The primary issue with respect to the road network as show in Plan 7 is the exhibited PSP is the number of proposed signalised intersections on the Great Ocean Road.

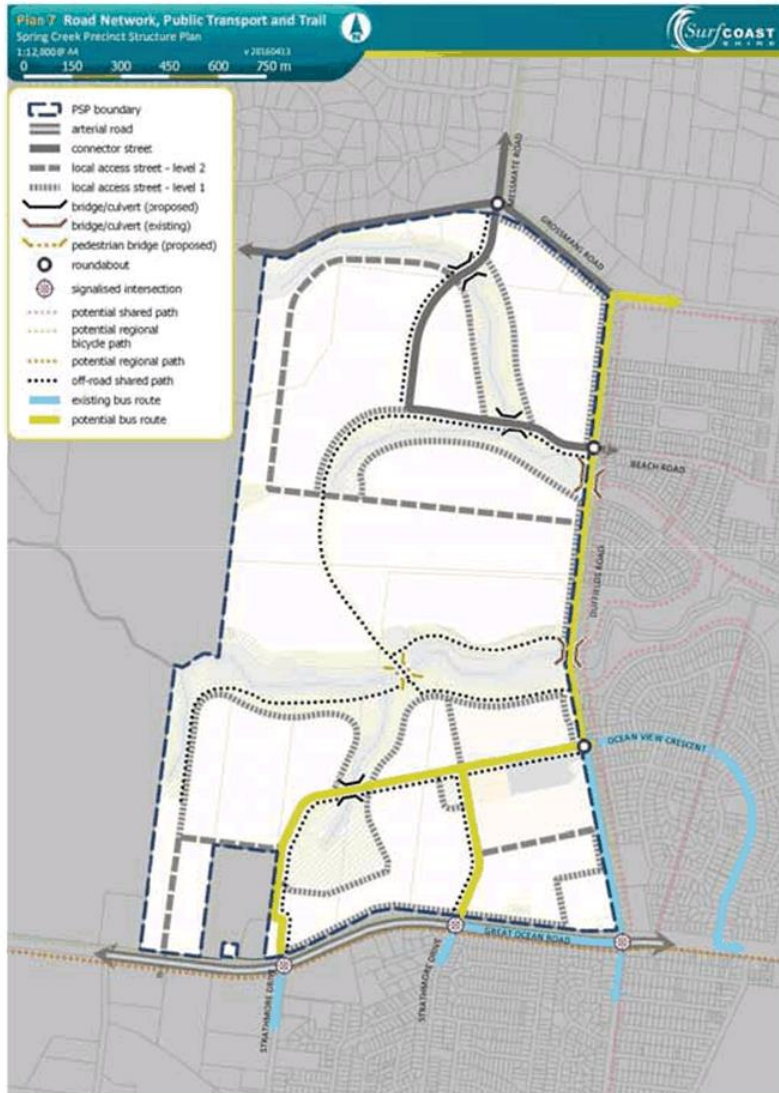


Figure 4 PSP Plan 7 – Road network, public transport and trail

There are a number of consequential issues if, as required by VicRoads, the signals at the intersection of the Great Ocean Road and Strathmore Drive East are deleted. These consequential issues include:

- a change in the alignment of the north-south connector road to create a T-intersection offset from Strathmore Road East
- the designation of that north-south connector road
- the need for an additional connection to Duffields Road south of Ocean View Crescent
- how to provide for the safe crossing of pedestrians of the Great Ocean Road in the vicinity of Strathmore Road East.

Other issues include whether:

- an internal vehicular crossing of Spring Creek is needed to provide for the circulation of traffic within the PSP
- traffic measures are needed to discourage traffic from using Ocean View Crescent.

5.2 Intersections along the Great Ocean Road

(i) Evidence and submissions

In the exhibited PSP Road Network, access to the Spring Creek precinct is via two connector streets aligned with Strathmore Drive East and Strathmore Drive West. Both of these intersections were to be signalised to allow for all turning movements.

Some 31 of the 80 submissions received by Council opposed these two additional sets of traffic signals along the Great Ocean Road. Some submitters suggested that these signals should be replaced with roundabouts. Comments by submitters in opposition to the signals included:

This would create five sets of traffic lights within 1.5 kilometres ... and will deter visitors from visiting Torquay (Submitter 12)

Installing traffic lights at Strathmore Drive lower.....will exacerbate problems. A solution could be to have only one south exit from the Spring Creek development onto the Great Ocean Road. (Submitter 13)

Object to profusion of traffic lights. Residents of Jan Juc are being stopped five times in less than 2 km. (Submitter 18)

Traffic lights are not needed through the Great Ocean Road (Submitter 21)

Strathmore Drive is currently a free flowing road. Extra traffic lights will be detrimental to the aesthetics and mean there will be 5 sets of traffic lights. (Submitter 22)

There should be no entry/exits to Great Ocean Road which would need to be signalised. (Submitter 33)

The additional traffic lights will divert more traffic through Jan Juc to Bell's Beach. (Submitter 37)

There should be no road connections to the Great Ocean Road and no traffic lights at Strathmore Drive East or West. (Submitter 79)

In its Part A Submission, the Surf Coast Shire Council stated that:

Importantly, access to and from the Great Ocean Road must be provided only as set out in Plan 7 unless otherwise agreed to by the coordinating roads authority. The PSP proposed two (2) new signalised intersections at the extensions of Strathmore Drive East and Strathmore Drive West.

In response to the VicRoads advice that the intersection of the Great Ocean Road and Strathmore Drive East be removed, Council stated that: *The provision of alternative access has been investigated refer outcomes of Traffix review (Part A Submission, Appendix 1, page 20).*

Ms Bisucci for Council stated that Council discussed revised access to the Great Ocean Road with VicRoads and the options were provided to the Traffix Group ... *who advised that a T intersection is feasible but would result in increased traffic using Duffields Road.*

Ms Bisucci submitted that:

In summary, the following position is set out:

- *The initial traffic assessment undertaken to inform the drafting of the PSP recommended signalised intersections at both Strathmore Drive East and West;*
- *In response to the DEDJTR/VicRoads submissions, submissions from the Jan Juc residents, Council resolved to investigate alternative access arrangements such as left in / left out intersection in lieu of signalised intersection at Strathmore Drive East;*
- *The Council commissioned Traffix Group to investigate the alternative options and Council notes the findings of the assessment which have been discussed with DEDJTR/VicRoads. In the circumstances Council will be guided by the opinion of these bodies in forming a final position, and would also assisted by any recommendations of the Panel in respect of this matter (Part B Submission, page 15).*

In closing, Ms Bisucci advised that Council had noted the conclusions reached by the Traffix Group in regard to safety and accessibility of the alternative access arrangements. She submitted that:

Council supports a left in/left out access arrangement from the Great Ocean Road between Strathmore Drive East and Torquay Boulevard, which is supported by the Traffix Group review, the evidence of Mr Higgs and VicRoads. Council does not support an option facilitating all vehicle movements as this would unacceptably increase the risk of accidents (Reply Submission, page 7).

Council submitted that *"... the reality is that the road is controlled by VicRoads."*

The exhibited PSP Road Network was based on work done for Council by the Traffix Group. Mr Ross Thomson of the Traffix Group did further analysis of the alternative access arrangements and his follow up report was tabled (Document 7) by Ms Bisucci on day two of the Panel hearing. Ms Bisucci did not call Mr Thomson as an expert witness.

The follow up analysis showed that all intersections would operate acceptably in both the AM and PM peak periods in the alternative access arrangement (i.e. Left in/left out only at the T intersection of the connector street with the Great Ocean Road) but there would be increased delays and queues at the Duffields Road/Ocean Views Crescent roundabout and the Great Ocean Road/Duffields Road traffic signals compared to the PSP road network with signalisation allowing all movements at the Great Ocean Road/Strathmore Crescent East/connector street intersection.

In his report on the follow up analysis, Mr Thompson noted that the modelling suggested that removing the signalised intersection may actually increase overall delays for the Great Ocean Road because of increased delays through the Duffields Road intersection due to greater conflicting traffic movements. He also stated that if signals at the Great Ocean Road/Strathmore East/connector street intersection were coordinated with existing traffic signals, delays to Great Ocean Road through traffic would be negligible.

Mr Thomson also raised safety concerns with the proposed alternative arrangement. He considered that there could be an increased risk of crashes due to through and right turn movements at Duffields Road and more opposing traffic for vehicles turning right into and out of Torquay Boulevard (although Mr Thompson noted that this risk could be mitigated by constructing an auxiliary right turn lane at the Great Ocean Road/Torquay Boulevard intersection).

Mr Thomson expressed particular concern with the proposed right/left stagger combination via Strathmore Drive East noting that with the alternative arrangement, the increase in vehicles undertaking an un-signalised right turn movement from Strathmore Drive East into the Great Ocean Road would increase road safety risks. He also noted in his report that the alternative access arrangement is not in accordance with current VicRoads practice which is for connector streets to align across arterial roads for direction connection between neighbourhoods and efficient movement of pedestrians, cyclists, public transport and other motor vehicles at signalised intersections.

An alternative full access arrangement without signalisation was also assessed by Mr Thomson. This would involve the widening of the Great Ocean Road to allow for the construction of auxiliary right turn lane at the access point into the Spring Creek precinct which would need to be located within 80 metres to the east of Strathmore Drive East to avoid overlapping right turn lanes. Mr Thomson stated:

In terms of traffic impacts on the road network, the provision of full access will lessen vehicle turning demands at the Great Ocean Road/Duffields Road and Duffields Road/Ocean Views Crescent intersection as vehicles will be able to turn right directly from the Great Ocean Road to access the Spring Creek Precinct. Accordingly, conditions at both the above intersections could be expected to improve compared to what has been modelled previously in this assessment for the left in/left out access arrangement.

As per the left in/left out arrangement, the provision of a full access intersection would result in a lesser road safety outcome compared to the signalised intersection contemplated in the Transport Infrastructure Assessment due to the creation of an additional un-signalised access point along the Great Ocean Road.

In conclusion, Mr Thomson stated that the assessment of the alternative access arrangement has revealed that:

- all intersections surrounding the Spring Creek Precinct will operate in an acceptable manner under the alternative access arrangement, however there will be increased queuing and delays at the Great Ocean Road/Duffields Road and Duffields Road/Ocean View Drive intersections
- there may be increased delays to through traffic along the Great Ocean Road
- increased turning movements at the existing un-signalised T-intersections at Strathmore Drive East and Torquay Boulevard and increased traffic through the Great Ocean Road/Duffields Road intersection will increase the risk of crashes

- the introduction of staggered T-intersections to provide access across the Great Ocean Road is not in accordance with current best practice as described in the VicRoads Guidance for Planning Road Networks in Growth Areas
- both alternative access arrangements reviewed as part of this assessment are considered to deliver a lesser standard of accessibility and safety compared to the access arrangement (i.e. full signalisation at Strathmore Drive East) proposed in the exhibited PSP.

In his submission, Mr John Murphy for VicRoads reaffirmed the VicRoads' previous advice to Council that two signalised intersections from the PSP onto the Great Ocean Road would only be accepted, one of which was the existing Duffields Road intersection and that at Strathmore Drive East, the preference was not for a cross intersection but rather a T-intersection an appropriate distance to the east. Mr Murphy submitted that VicRoads did not support the signalised intersection at Strathmore Drive East due to adverse impact on traffic flows along the Great Ocean Road. He confirmed at the hearing that a T-intersection to the east of Strathmore Drive East with left in/left out movements only from the Spring Creek precinct was the preferred VicRoads solution.

Mr Murphy submitted that the traffic generation assessment (of the alternative access arrangement by the Traffix Group) is considered to be appropriate but that VicRoads has concerns with the distribution calculations at several locations and turning movement assumptions have been incorrectly analysed which may impact upon the operation of the Great Ocean Road/Duffields Road intersection. Mr Murphy did not submit any alternative modelling by VicRoads.

With respect to the potential impact on traffic flows on the Great Ocean Road with two additional sets of traffic signals as proposed in the PSP, Mr Murphy submitted that:

VicRoads supports the suggestions by the public that there would be an excessive number of signals on this section of the Great Ocean Road.

The removal of the signals at Strathmore Drive East will reduce travel delays past the Spring Creek PSP. This is reflective of VicRoads earlier advice.

VicRoads will implement traffic signal linking appropriate for the traffic flows generated. A reduced number of signals will make it easier to guarantee signal linking.

In response to a question from the Panel, Mr Murphy advised that VicRoads had done no modelling to confirm the potential impacts on the Great Ocean Road as asserted by VicRoads, nor that traffic signal linking would be "easier" with no signals at Strathmore Drive East.

On the use of roundabouts suggested by some submitters, Mr Murphy stated that a roundabout has the potential to provide a safer intersection for vehicles but traffic signals provide a better service for pedestrians and cyclists wishing to cross the road. He added that the grades on the Great Ocean Road along the PSP frontage are generally unsuitable for roundabouts.

Mr Phil Bisset for Parklea Pty Ltd submitted that:

Parklea relies on the evidence of Mr Higgs in relation to proposed changes to the Amendment outlined in his statement.

...

Parklea does not oppose the deletion of the signalised intersection on the Great Ocean Road and its replacement with an un-signalised T intersection, subject to the provision of the secondary vehicular entry point off Duffields Roads (see below).

In oral submissions at the hearing, Mr Jim Higgs (TTM Consulting) stated that he had not seen the report by the Traffix Group on its analysis of the proposed alternative access arrangements (Document 7) until it was tabled at the hearing on day two. He nonetheless generally agreed with the Traffix Group's assessment commenting that he thought the Traffix analysis was "conservative". In response to a question from the Panel, Mr Higgs stated that he thought the delays on the Great Ocean Road could be exacerbated but that these could be mitigated by the co-ordination of traffic signals which could be achieved even with two additional sets of traffic signals. His preference was for signals at both Strathmore Drive East and Strathmore Drive West on the Great Ocean Road.

(ii) Discussion

The exhibited PSP Road Network included two additional sets of traffic signals on the Great Ocean Road, one approximately 510 metres west of the existing Duffields Road signals and the second approximately 550 metres further west. That is, two new traffic signals within just over one kilometre.

It is not surprising that this has drawn criticism from residents in the area. Submitters expressed concerns that there would be increased delays and more traffic through existing areas should the traffic signals be installed.

The Panel has reached a different conclusion on the evidence presented.

Partly in response to community concerns and VicRoads' view that two sets of signals would increase delays to through traffic on the Great Ocean Road, VicRoads has required the replacement of the signals proposed for the Great Ocean Road/Strathmore Drive East/connector street intersection with an un-signalised T-intersection to provide access to the Spring Creek precinct. This T-intersection would be located approximately midway between Strathmore Drive east and Torquay Boulevard and importantly, allow only left turns in and out of the Spring Creek area. The existing Great Ocean Road/Strathmore Drive East intersection would remain un-signalised and both left and right turning movement into and out of Strathmore Drive East would continue to be allowed.

It is notable that no modelling was presented by VicRoads to support its position that two sets of signals were unacceptable partly due to increased delays on the Great Ocean Road. Mr Murphy simply said at the hearing that one additional set of signals would be easier to coordinate with existing signals on the Great Ocean Road than would two additional sets.

As noted by Ms Bisucci, VicRoads is the road authority controlling the Great Ocean Road and has the ultimate say on this matter. While acknowledging VicRoads' authority, the Panel does not accept that the views of VicRoads should go unchallenged and its requirements simply accepted.

It would seem that this what Council has done. It has on the face of it acquiesced to the requirement of VicRoads.

In passing and without wishing to make much of the issue, the Panel was frustrated by Council's initial reluctance to circulate the Traffix Group report on its analysis of the alternative access arrangements. Council has made much of this analysis and made reference to it in its Part A

submission and subsequent submissions to the Panel. Yet prior to the hearing the report was only provided to VicRoads, not to others parties and not even to the Panel. It should have been circulated with Council's Part A Submission to provide time for all parties to fully digest its findings.

Ms Bisucci argued that Council's support for a left in/left out T-intersection is supported by the Traffix Group review and the views of Mr Higgs. The Panel has a different interpretation of the findings presented in the Traffix Group review and indeed of the evidence of Mr Higgs.

The Traffix Group review did find that the alternative T-intersection could work with all roads in the surrounding area functioning to an acceptable level. However, the Traffix Group report was critical of this T-intersection proposal because it would deliver a lesser standard of accessibility for pedestrians and cyclists wishing to cross the Great Ocean Road, increase the risk of crashes and, in contrast to the view of VicRoads, potentially increase delays on the Great Ocean Road compared to the PSP proposal for a signalised intersection. It would also lead to higher volumes of traffic on Duffields Road, Ocean View Crescent and southbound on Torquay Boulevard. The Traffix Group report noted that the alternative T-intersection arrangement was not in accordance with VicRoads' current practice and guidance practice note for new growth areas.

The Traffix Group report presented a second alternative that would provide for protected rights turns in and out of the Spring Street precinct through the construction of auxiliary right turns on the Great Ocean Road at the connector street intersection. VicRoads and Council have apparently rejected this option on the basis of safety concerns.

Mr Higgs expressed a preference for a signalised intersection at Strathmore Drive East. He also downplayed the VicRoads' traffic lights coordination issue. He said that coordinating two additional sets of traffic signals would not be much more difficult than coordinating one additional set with existing signals.

The Panel is not persuaded that the T-intersection access arrangement should be preferred over a signalised intersection. It considers more compelling the Traffix Group analysis and findings that a signalised intersection would provide a superior solution. In the Panel's view and in contrast to the position adopted by Council, the Traffix Group review report provides strong reasons to challenge the argument put forward by VicRoads against the signalisation of both intersections on the Great Ocean Road. The Panel considers that further consideration should be given to the original proposal for signalisation and the two alternative T-intersection arrangements to determine the option which provides the highest standard outcome in terms of accessibility into the Spring Creek precinct, safety including for pedestrian and cyclists crossing the Great Ocean Road and the traffic impact on the surrounding streets.

The Panel also notes that several changes to the exhibited PSP road network, as discussed below, will be required as a consequence of deleting the signalised intersection in favour of a T-intersection with restricted left in/ left out access to Spring Creek. These consequential PSP changes should be taken into consideration as part of any further consideration of the original proposal for a signalised intersection.

5.3 Alignment of the north-south connector street to create a T intersection offset from Strathmore Road East

(i) Evidence and submissions

In the Traffix Group report on the alternative access arrangements (Document 7), Mr Thomson noted that the alternative access point would be located approximately half way between Strathmore Drive East and Torquay Boulevard in a sag in the road and was not expected to result in any adverse sight distance issues for vehicles turning into or out of the access street.

Mr Higgs stated in his evidence that:

To obtain an appropriate spatial relationship between Strathmore Drive and a new street intersection for the PSP area the intersection will need to be located between Strathmore Drive (east leg) and Torquay Boulevard.

His statement included a revised Road Network plan for the southern part of the PSP area which shows the north-south connector street intersecting with the Great Ocean Road midway between Strathmore Drive East and Torquay Boulevard. This is consistent with the evidence of Mr Thomson.

No evidence or submissions were presented which disputed the views of Mr Higgs and Mr Thomson.

(ii) Discussion

This issue has only arisen because of the alternative T-intersection access arrangement.

The left in/left out T-intersection access into and from the Spring Creek precinct must be offset from the Strathmore Drive East intersection so as to allow all the currently permitted turns into and out of Strathmore Drive East to be retained. Offsetting the T-intersection could be avoided if a central median was constructed on the Great Ocean Road at Strathmore Drive East but that would then prevent right turns into and out of Strathmore Drive East. Such a restriction on existing right turn movements is undesirable and unnecessary. The obvious solution is to offset the T-intersection, however that requires a change in the alignment of the PSP connector street as it approaches the Great Ocean Road.

The re-alignment is relatively minor with little consequence for other parts of the PSP road network. Mr Higgs presented a plan showing a revised alignment through the Parklea land. Mr Bisset for Parklea, the owners of the land affected by the proposed change, raised no objection to the change in alignment.

This matter is not contentious in itself. There is general agreement on the re-alignment suggested by Mr Higgs which accords with the view of Mr Thomson (Traffix Group) and VicRoads that the T-intersection, if adopted, should be located roughly midway between Strathmore Drive East and Torquay Boulevard.

The Panel agrees with the proposed re-alignment of the north south connector street assuming that the T-intersection option is confirmed.

5.4 Designation of north-south connector street

(i) Evidence and submissions

In his statement of evidence, Mr Higgs proposed that with the intersection of the north-south connector street no longer signalised, it would be appropriate for this street to be designated as a Local Access Street Level 1.

Ms Bisucci submitted in her closing that:

Council agrees that the north-south connector street on the Parklea land no longer needs to be a connector road if it does not connect through to a signalised intersection at Strathmore Drive East and suggests that a Local Street Level 2 (20m reservation width) would be appropriate for this street as shown in the Traffix Group review dated 21 October 2016.

There were no other submissions with respect to the designation of the north-south connector street.

(ii) Discussion

Mr Higgs submitted that with a T-intersection at the Great Ocean Road, the projected traffic volumes using the north south connector street would be reduced to a level whereby its designation and, by implication its cross section, no longer needed to be that of a connector street.

Council agreed with Mr Higgs that the street's designation could be down-graded it does not connect through to a signalised intersection at Strathmore Drive East. Council proposed that a Local Access Street Level 2 (20 metre reservation width) would be appropriate for this street as shown in the Traffix Group review.

There were no submissions opposing this change to the street's designation.

The Panel endorses the change to a Local Street Level 2 again assuming that the T-intersection option is confirmed.

5.5 Additional connection to Duffields Road south of Ocean View Crescent

(i) Evidence and submissions

In his statement of evidence, Mr Higgs stated that an additional intersection onto Duffields Road is proposed south of Ocean View Crescent to compensate for reduced accessibility at the Great Ocean Road due to the replacement of a signalised intersection at Strathmore Drive East with a T-intersection restricting movements to left in/ left out to and from the Spring Creek precinct.

Ms Bisucci submitted that:

....Council's view is that this arrangement (the alternative access arrangement into the Spring Creek precinct from the Great Ocean Road) would be provisional on providing an additional intersection onto Duffields Road. There are two concerns with the proposed Duffields Road intersection that need to be further investigated before the Council could secure the outcome being that there is significant vegetation (Bellarine Yellow Gums) that must be avoided and the site distance at Duffields Road at this intersection.

In closing, Ms Bisucci submitted that Council accepts the change advocated by Mr Higgs to create an additional intersection onto Duffields Road subject to the investigation of sight distances and vegetation impacts. She added that a Local Access Street Level 1 would be appropriate for this connection.

(ii) Discussion

This proposed additional link to Duffields Road is apparently agreed by all parties on the basis that it is needed to compensate for the reduced accessibility into the south part of the Spring Creek Precinct due to the deletion of the signalised intersection on the Great Ocean Road at Strathmore Drive East.

Mr Bisset stated that Parklea's support for the deletion of the signalised intersection was conditional on the provision of this second entry point off Duffield Road to the south of Ocean View Crescent.

Council put a similar view but noted that the location of the new link would need to be determined to overcome issues with respect to loss of native vegetation and sight distances.

The Panel has no difficulties with the additional connection and consequent change to the exhibited PSP road network provided that the issues raised by Council can be overcome. But again, the Panel notes that this additional connection to Duffields Road is required because of the proposed deletion of the signalised intersection on the Great Ocean Road and the consequent reduced access into the Spring Creek precinct.

5.6 Pedestrian crossing of the Great Ocean Road in the vicinity of Strathmore Road East

(i) Evidence and submissions

Council submitted it was seeking to encourage walking to and from school as viable options. She submitted that if the only options were signals at Duffields Road or Strathmore Drive West that would be too far for pedestrians to walk. As a minimum, some form of pedestrian refuge would be required to traverse the Great Ocean Road near the new intersection.

Mr Murphy for VicRoads submitted that the proposed T-intersection arrangement would allow for a pedestrian refuge island and that this was a typical solution for pedestrian and vehicle volumes in this type of environment. He noted that Strathmore Drive West and Duffields Road would have signalised pedestrian access.

Mr Murphy submitted that warrants for pedestrian operated signals traditionally occur when pedestrian numbers exceed 100 pedestrians per hour and traffic volumes exceed 1000 vehicles per hour where there is a median or pedestrian refuge. He noted that the Traffix Group Alternative Access Arrangement report made no reference to predicted pedestrian numbers. VicRoads predicts that 100 pedestrians are unlikely to cross at this location per hour.

In the Traffix Group report on the alternative access arrangements (Document 7), Mr Thomson stated that the alternative access arrangement would result in a spacing of some 1060 metres between signalised intersections on the Great Ocean Road compared to no greater than 550 metres spacing achieved in the road network proposed in the exhibited PSP.

He noted that to achieve the objective for pedestrian connectivity in the VicRoads guidelines for crossing facilities at least every 800 metres on primary arterial roads and at least every 400 metres on secondary arterial roads, a new signalised pedestrian crossing would need to be provided on the Great Ocean Road in the vicinity of the existing T-intersection at Strathmore Drive East. In his view:

Providing strong pedestrian connectivity between the adjacent neighbourhoods of Jan Juc and Spring Creek is considered important as it will enable Jan Juc residents to safely access the local activity centre and community facilities proposed within Spring Creek, whilst also enabling future Spring Creek to access facilities in Jan Juc.

He concluded that a pedestrian refuge should be constructed on Great Ocean Road near Strathmore Drive East as an interim treatment prior to the ultimate construction of pedestrian signals at this location.

Mr Bisset submitted that:

Parklea does not oppose the introduction of the signalised pedestrian crossing on the Great Ocean Road subject to appropriate allocation of the costs associated with such a crossing. It is understood that this project is not contemplated in the current provisions of the PSP.

(ii) Discussion

It goes without saying that walking and cycling should be encouraged through the design of road, walking and cycling networks in new development areas and the provision of appropriate and, most importantly, safe links to adjoining areas and facilities.

The Great Ocean Road does present a barrier to pedestrians and cyclists and as noted by Council, the deletion of the signalised intersection at Strathmore Drive East would result in the distance between the existing Duffield Road signals and the new signals at Strathmore Drive West being too great for pedestrians to walk.

VicRoads suggested that the design of the proposed T-intersection could incorporate a pedestrian refuge to aid pedestrians in crossing the Great Ocean Road. Mr Murphy added that the volume of pedestrians likely to cross at this point would not warrant the installation of pedestrian signals. He noted, somewhat glibly in the Panel's view, that pedestrians could cross at the signals at Duffield Road and Strathmore Drive East. These sets of lights are over one kilometre apart.

The Traffix Group report recommended that a pedestrian refuge be constructed as an interim treatment prior to pedestrian signals being constructed ultimately between Strathmore Drive East and the un-signalised T-intersection (Panel's emphasis). In this report, Mr Thomson referenced the VicRoads guidelines which state that pedestrian crossing facilities should be provided at least every 800 metres on arterial roads and every 400 metres on secondary arterial roads. It could of course be argued that a middle of the road pedestrian refuge is a pedestrian crossing facility and therefore the guidelines will be met with the refuge proposed by VicRoads.

Ms Bisucci stated that Council considered, as a minimum requirement, some form of pedestrian refuge must be provided for pedestrians to traverse the Great Ocean Road near the new intersection.

All parties agree that a pedestrian refuge should and will be constructed as part of the alternative T-intersection in lieu of the signalised intersection at Strathmore Drive East. The Panel concurs

that a pedestrian refuge is a minimum requirement but sees this as a lower standard outcome for pedestrians and cyclists in comparison to the originally proposed signalised intersection at Strathmore Drive East.

5.7 Internal vehicular crossing of Spring Creek

(i) Evidence and submissions

Mr Val Fernbach (Submitter 11) requested a trafficable culvert/bridge crossing over Spring Creek broadly aligning with an existing unmade private road on his property (Property 7 on Plan 4 of the PSP). He submitted that an internal crossing would improve internal connections, alleviate traffic on Duffields Road, provide better access for emergency vehicles, improve emergency evacuation links and provide a better alignment for a sewer main and the north-south pedestrian link. He submitted that with the proposed trafficable culvert, traffic to the Christian College and to the shops would not have to enter Duffields Road and pedestrians would be more likely to use the link at his proposed location than the pedestrian link shown in the exhibited PSP which was on much steeper terrain.

Mr Fernbach submitted that an estimated cost of a culvert similar to the existing culvert on Duffields Road would be \$600,000 compared to the cost estimate by Council of \$2.38 million for the pedestrian bridge included in the PSP. In response to a question from the Panel, Mr Fernbach stated that the cost estimate was made by a friend "with experience in bridge construction". He was vague as to what works were included in the estimate.

In a summary table of the submissions and Surf Coast Council response, Council made reference to the conclusions of the Transport Infrastructure Assessment by the Traffix Group. Council also stated that the optimal alignment of sewer mains and the north-south pedestrian link would be considered at the subdivision design stage.

The Traffix Group Transport Infrastructure Assessment found that an internal crossing of Spring Creek would:

- provide some traffic relief to Duffields Road and the west approach to Ocean View Crescent/Duffields Road roundabout
- improve safety by minimising the amount of traffic likely to make a right turn onto Duffields Road from the PSP access street near the top of the crest where sight distance is limited.

An internal crossing could also allow a more direct route for buses through the precinct so that a greater proportion of the precinct could be located within 400 metres of a bus route.

The Assessment concluded that:

However, whilst there are traffic benefits from providing the internal crossing of Spring Creek it is understood that there may be cost and environmental reasons why it should not be provided. The peak hour traffic analysis indicates that whilst there will be slightly greater traffic delays if the Spring Creek Crossing is not provided, these delays will not be significant and all intersections surrounding the site can operate at an acceptable standard.

Mr Tobin for the Christian College Geelong stated in submissions that the College supported the Fernbach proposal for an internal crossing of Spring Creek as it would provide better circulation

within the PSP and access to the school from the north of Spring Creek rather than via Duffields Road.

He submitted that:

The College acknowledges the proposed crossing of Spring Creek in the submission by Val Fernbach. There is considerable merit to the facilitation of this outcome. A north south connection with appropriate traffic calming measures would assist in the movement of local traffic and the permeability of the valley. In the Colleges (sic) view this is appropriate in circumstances where the school will be at the south of the PSP area.

Such a connection would be a DCP item and would require the upgrading of the infrastructure listing in the PSP.

This link is preferable outcome to forcing all traffic to Duffields road.

(ii) Discussion

The proposal put forward by Mr Fernbach has some support, notably from the Christian College Geelong. An internal creek crossing would improve access to the College in the southwest of the precinct and would no doubt facilitate the development of Mr Fernbach's land.

The Transport Infrastructure Assessment done initially by the Traffix Group did examine this option. This assessment found that an internal creek crossing would provide some advantages. It would reduce precinct generated traffic from using Duffields Road and could also provide an internal route for buses to increase the number of houses within 400 metres of a public transport service. However, the assessment did not recommend an internal crossing because the benefits were marginal and the surrounding street network would function to a satisfactory standard without it. The Traffix Group report also noted that there would be some environmental and cost issues to overcome to provide a creek crossing.

On cost, Mr Fernbach suggested that an internal creek vehicular crossing to a standard similar to the existing culvert on Duffields Road could be constructed for around \$600,000. The Panel is very sceptical of this costing. Mr Fernbach could not provide details on how it was determined and it also seems very low in comparison to the more rigorous estimate by Council of some \$2.38 million the proposed pedestrian and bike crossing of Spring Creek.

Aside from Christian College Geelong, no other submitters expressed support for Mr Fernbach's proposal. Nor was there any opposition expressed by other parties not withstanding that an internal creek vehicular crossing would come at some considerable cost which would be added to the DCP.

The Panel accepts that there could be some benefits in having an internal vehicular crossing of Spring Creek although the prospect of enhanced public transport services with a crossing would seem in the Panel's view unlikely given the relatively low housing density and hence population catchment that will result as development occurs in the Spring Creek precinct. At best on the evidence presented, the benefits would be marginal and would not justify the additional cost particularly when environmental impacts and the difficult terrain in terms of construction are included in the costings.

The addition of an internal vehicular creek crossing would require a substantial revision of the exhibited PSP road network and other aspects of the PSP. Potentially, there would be significant impacts on other landholders in the PSP.

The Panel considers that revisions needed to the PSP to incorporate an internal vehicular crossing would constitute such fundamental change to the exhibited PSP that it would need to be re-exhibited.

The Panel does not support the proposal put forth by Mr Fernbach.

5.8 Traffic measures to discourage traffic from using Ocean View Crescent

(i) Evidence and submissions

In correspondence dated 22 June 2016 from DEDJTR and quoted in the VicRoads submission, VicRoads noted that:

The Transport Infrastructure Assessment (TIA) forecasts significant additional traffic volumes along Ocean View Crescent to assess the development from the Great Ocean Road. As this could impact on amenity for existing residents, it is recommended that measures be implemented to discourage traffic from using this route.

Mr Murphy confirmed at the hearing that VicRoads had nothing specific in mind other than normal traffic calming measures.

The TIA shows traffic on Ocean View Crescent increasing from 885 vehicles per day to 2569 vehicles per day following full development of the Spring Creek precinct.

Council made no submissions on this issue.

(ii) Discussion

This matter was raised specifically by VicRoads although other submitters did express concerns over the potential increase in traffic resulting from the development of the Spring Creek precinct.

The assessment by the Traffix Group does project a substantial, almost three-fold increase in traffic on Ocean View Crescent albeit of a relatively low volume around 885 vehicles per day. Projected traffic volumes on Ocean View Crescent post full development of the Spring Creek precinct would still be within recommended levels for a connector street.

Nonetheless, residents will perceive some increase in traffic and Council should monitor traffic levels and if needed, respond with appropriate traffic calming measures as suggested by VicRoads.

5.9 'Dog-leg' proposed

(i) Evidence and submissions

The alignment of the connector street as shown in the exhibited PSP meets the critical traffic engineering requirement that this connector street lines up at approximately 90 degrees with the existing Great Ocean Road/Strathmore Drive West intersection. However, the exhibited alignment with a relatively sharp 'dog leg' to the west and then to the north will present some design challenges to meet road safety design standards. Council submitted:

The location of the connector road has been raised as a concern. Whilst the connector road could be realigned its alignment has already been amended from the

alignment in the exhibited Framework Plan to allow the Christian College to have a connector road frontage which allows safe and efficient bus routes and school drop off and pick up.

Mack Developments submitted that the TIA exhibited with the Amendment proposed the following hierarchy and alignment of internal roads within the Land as shown in Figure 5.

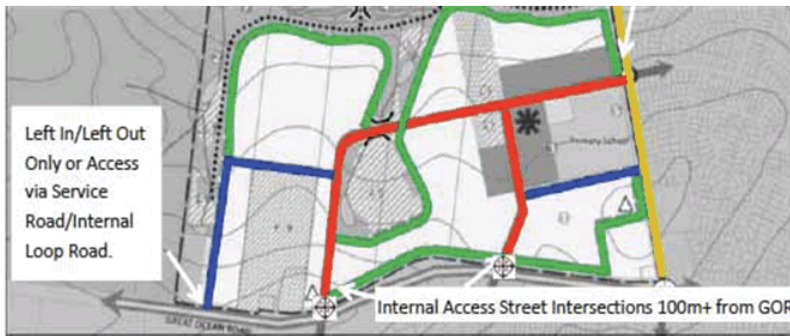


Figure 5 Traffic TIAR Assessment of road network
Source: Mack submission (Document 12 pg.6)

Mack submitted that Plan 3 in the PSP proposes to deviate from that more straightforward alignment, so that the Connector Road dog-legs to the west to abut the western boundary, as shown below in Figure 6.



Figure 6 Exhibited PSP 'dog-leg' alignment, Plan 3

Mr Woodland, in his evidence for Mack noted this 'dog leg' does not appear to serve any traffic management/calming purposes. Mack submitted that the road should be realigned to match the original Traffix Group proposal (Figure 5). Mr Woodland gave evidence that schools should be given at least three roads on boundaries, assuming the Great Ocean Road was one of those boundaries the realignment could occur.

Under cross-examination, Mr Woodland did acknowledge he was not a traffic expert, however he offered the view that his evidence "integrates advice, on matters of technical detail."

Mr Tobin supported the exhibited orientation of Strathmore Drive on behalf of the Christian College. He argued it was "entirely consistent with long established growth area planning for

school sites and necessary to what is currently Guideline 30 of the PSP.” In his cross-examination of Mr Woodland, he highlighted that the assumption of using the Great Ocean Road as a road boundary for the school was incorrect. Mr Tobin opined:

The VicRoads submission makes it clear that the Great Ocean Road access for the school is temporary in nature....having road frontages to three sides of the School Land provides for an appropriate level of passive surveillance. It is not appropriate that backyard fences about the school boundary.

Council confirmed the interim status of access from the Great Ocean Road, stating:

The recently issued Planning Permit for the School site (14/0374) contains a condition that the applicant must enter into a S.173 agreement with VicRoads and the Council that specifies and clarifies interim and ultimate access arrangement to the site from the Great Ocean Road. Further, this agreement provides that when access is available from the PSP road network that access from the Great Ocean Road is to be removed.

Mack submitted if the ‘dog-leg’ treatment was to remain, then consideration of a designation for certain uses such as convenience and or child care should be made for the ‘island’ site created. Council submitted Council it was not opposed to higher order uses in this location, but submits these do not need to be shown on Plan 3 as they can be considered pursuant to the underlying residential zone.

(ii) Discussion

While a north south alignment without the ‘dog leg’ as originally proposed in the Traffix Group’s TIA is preferable from a traffic engineering perspective, the road safety design challenges are not insuperable. Having three road frontages to the school is consistent with PSP Guidelines.

The Panel is confident that an acceptable alignment that incorporates a less pronounced ‘dog leg’ can be designed at the subdivision stage. Traffic engineering requirements are not considered to be a determining factor in selecting the most appropriate alignment for the connector road. The Panel agrees that no specific designation is required for higher order uses in this location, and agrees with Council these do not need to be shown on Plan 3 as they can be considered pursuant to the underlying residential zone.

5.10 Conclusions

The Panel concludes that:

- Signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection as proposed in the exhibited PSP is potentially a superior treatment compared to an un-signalised intersection in terms of access into the Spring Creek precinct, impact on the surrounding road network including the Great Ocean Road and safety particularly for pedestrians and cyclists crossing the Great Ocean Road.
- On the evidence presented, the decision to delete the signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection should be reviewed.
- Subject to the replacement of the signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection with staggered un-signalised T-intersections, changes to the PSP road network are warranted as follows:

- a realignment of the north south access street to create a T-intersection with the Great Ocean Road
- a change in the designation of the access street from Connector Street to Local Access Street – level 2
- the addition of a new connection to Duffields Road south of Ocean View Crescent.
- To provide safer crossing of the Great Ocean Road for pedestrians and cyclists:
 - a pedestrian refuge should be included in the construction of the T-intersection as an interim measure
 - pedestrian activated signals in the vicinity of Strathmore Drive East should be installed when warranted by pedestrian/cyclist crossing numbers and traffic volumes.
- An internal vehicular crossing of Spring Creek is not justified given its marginal benefits compared to cost and environmental implications and the consequential substantial changes to the exhibited PSP.
- Traffic volumes on Ocean View Crescent will increase substantially as development occurs in the Spring Creek precinct and should be monitored by Council.
- A less pronounced 'dog leg' can be designed at the subdivision stage for the Strathmore Drive West connector road.

5.11 Recommendations

The Panel recommends:

5. **VicRoads and Council review the decision to delete the signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection as proposed in the exhibited Precinct Structure Plan in favour of a un-signalised staggered T-intersections.**
6. **Should the review confirm the decision to replace the signalisation of the intersection with un-signalised staggered T-intersections, the Precinct Structure Plan, Plan 7 (Road Network, Public Transport and Trail) be amended as follows:**
 - a) **show a re-aligned north south access street to create a T-intersection with the Great Ocean Road approximately midway between Strathmore Drive East and Torquay Boulevard**
 - b) **change the designation of the north south access street from Connector Street to Local Access Street – Level 2**
 - c) **include an additional connection from the north south access street to Duffields Road south of Ocean View Crescent subject to resolution of the environmental and sight distance issues raised by Council.**
7. **Should the review confirm the decision to replace the signalisation of the intersection with un-signalised staggered T-intersections:**
 - a) **a pedestrian refuge should be constructed as part of the T-intersection as an interim measure**
 - b) **VicRoads and Council should monitor pedestrian and cyclist numbers crossing the Great Ocean Road and traffic volumes with the view to installing pedestrian activated traffic signals when warranted**

- 8. As development occurs in the Spring Creek precinct, Council should monitor the increase in traffic volumes on Ocean View Crescent to determine whether the installation of traffic calming measures to discourage through traffic is warranted.**

6 Stormwater and drainage

6.1 The issue

The issue is whether the requirements in the exhibited PSP provide sufficient flexibility to allow for alternative solutions to be proposed at the detailed design stage in relation to:

- the size and location of water bodies
- the stormwater management system (online wetlands) shown in the exhibited PSP.

A related matter is the approach for the delivery of stormwater management infrastructure.

The width of the waterway easements either side of Spring Creek and creek tributaries with respect to drainage and stormwater management requirements was also raised by several submitters. This aspect is discussed in Chapter 9.

6.2 Evidence and submissions

(i) Size and location of water bodies

Ms Porter, appearing for Mack Developments, cited the evidence of Mr Dara McGrenaghan (Wood and Grieve Engineers) and submitted that:

Plan 8 of the PSP shows a large but unreferenced waterbody in the centre of the Land, in the approximate location of an existing dam that was constructed for agricultural purposes. It should be relocated north within the Spring Creek buffer zone on the basis that it:

- *is human-made for agricultural purposes;*
- *will not capture all of the upstream catchment, requiring additional infrastructure to retard flows;*
- *does not meet required safety standards and is too steep for replacement infrastructure; and*
- *cannot be integrated with the future development of the Land for residential or open space purposes*

Similarly, waterway WL21 should be deleted from the PSP on the basis that it:

- *has been amended for agricultural purposes and is not natural;*
- *cannot be integrated with the future development of the land; and*
- *is not as safe as other options.*

In oral submissions, Ms Porter stated that her client was ... *not reassured that Council says that the location of wetlands shown on PSP Map 8 are "indicative"*. She expressed concern that there had been no change in Council's position on this matter.

At the Panel Hearing, Mr McGrenaghan confirmed his written evidence that the unreferenced waterbody (which Council advised was not labelled in error and should be shown as WL15) was constructed for agricultural purposes, its structural integrity was not proven, and would create a health and safety issue if rehabilitation works were not done to eliminate risk. He stated that he assumed that WL15 was placed at the location shown on Plan 8 of the PSP for no other reason than that is the location of the existing dam. He added that development of the Mack land would require a water retardation/treatment body further down-stream and should be an end of line treatment to achieve best practice in terms of water quality management.

Mr McGrenaghan questioned whether WL21 was a natural streamlined. He believed it to be modified to align with the constructed dam. In his opinion, WL21 should be removed and replaced with a pipe which could be sized to manage run-off from the catchment area.

In submissions, Ms Bisucci argued that the PSP Plan 8 was indicative only and water bodies shown on the Plan could be relocated at the subdivision stage. Under cross examination by Ms Bisucci, Mr McGrenaghan said that he disagreed because any proposal at subdivision stage to relocate water management infrastructure “*would be subject to the opinion of the relevant authority*”. In his opinion, the current location of WL15 was not its best site and it was preferable to amend the PSP to provide a conceptual layout showing water management infrastructure at a more appropriate location.

Ms Ancell represented Mennoty Pty Ltd (submitter 41) at the Hearing, and stated that while she had not been instructed to make submissions on several issues raised in Mennoty’s original submission (submission 41 made by Reeds Consulting), she was instructed that these issues remain outstanding and that Mennoty’s written submission should be referred to in relation to these matters. One such matter is the extension of the proposed waterway into the Mennoty site. The Mennoty submission expressed concern that the water body (WL1) on land Parcel 1, as shown on PSP Plan 8, had been exaggerated and did not represent the true extent of the water body on the site. Mennoty requested this be reduced to reflect the true size of the dam thereby allowing the Level 2 Local Access Street on this site to run through to Grossmans Road.

(ii) The stormwater management system

Council’s Part A submission states that:

This (Stormwater) Strategy was prepared to meet Surf Coast Shire, Metropolitan Planning Authority (MPA) and Corangamite Catchment Management Authority (CCMA) requirements of best practice stormwater management, engineering standards and integration of drainage assets with open space to enhance biodiversity, heritage and conservation values. This strategy aimed to maximise the benefits offered (social and amenity) by drainage assets whilst minimising the area of developable land required for them.

In doing this, a drainage scheme approach has been adopted to identify a smaller number of centralised, larger infrastructure, rather than allowing and (sic) ad-hoc approach post PSP process that may result in a number of small infrastructure spread across the PSP area that could results (sic) in a less effective use of available land and create a maintenance burden for council. To this end, Council has indicated a preference for centralised retarding basins and WSUD (combined where possible).

Ms Bisucci submitted in Council’s Part B statement that:

It is noted that a stormwater management report was prepared by Engeny dated June 2016 and filed as part of Amex’s submissions to C114. In Council’s view, the witness statement does not provide any new insights beyond the information provided in its June 2016 report and hence, Council remains of the view that the PSP provides flexibility for Council to consider alternative stormwater solutions and that detailed plans will be considered at the subdivision stage.

Council has been in contact with the submitter throughout the course of the PSP process with particular reference to the stormwater approach in the PSP which is challenged by the

submitter. Meetings were attended by Council Officers, the submitter, its consultants and the CCMA. Council's position is as follows:

- The wetlands shown on the plans in the PSP are indicative only;
- The PSP refers to Council considering alternative stormwater management systems being approved subject to Council approval. For example, see requirement 52 on page 29 of the PSP which states as follows:

"Stormwater management system must be designed in accordance with Plan 8 unless otherwise approved by the Responsible Authority."

Interestingly, it is not clear what the alternative stormwater system has been designed to achieve. For example, is it designed to achieve the density of lots as proposed in the PSP or some other density desired by the submitter? Given that the density of development within the PSP area is an issue of contention before the Panel, in Council's view it is premature to approve any detailed stormwater management plans. These are in fact required at the subdivision stage and it is at that stage that the Council will assess the arrangements be they alternative to the PSP or not.

It is Council's position that the stormwater management systems as set out in the PSP are indicative and moreover, the PSP itself allows for alternative design solutions to be considered at the appropriate time.

For the Amex Corporation, Mr Bisset submitted that:

The Part B Submission confirms that the current drafting of the PSP is based on the Tomkinson Group work. It is noted that the author of this work has not been called to give evidence before the Panel. The Council's preferential position on this matter is also demonstrated in response to submissions as set in the Part B submission.

If the Council is intending that the PSP reflect a neutral position on these issues then the provisions of R55 should clearly express that position.

He submitted that the alternative solution proposed by Engeny for the site is not ad hoc and the combination of offline gross pollutant traps and rain gardens is a typical design used in new residential developments and is considered to be best practice. He noted that best practice guidelines currently discourage the use of online wetlands (as proposed by Council) and the drainage system proposed by Engeny would not lead to greater maintenance or cost obligations on Council than the system Council.

Mr Bisset submitted that detailed reviews by Mr Prout and Mr McGrenaghan both indicate that there are issues with Council's proposed drainage scheme that need to be revisited. He added that:

Council has not called evidence on this matter, but has indicated that it is willing to show flexibility in terms of the ultimate drainage system constructed for each landholding. Our client supports this approach.

If Council is genuine about determining the most appropriate drainage system for any given site at the subdivision stage, then this ought to be expressed in the provisions of the PSP.

Mr Bisset proposed that:

- Requirement R55 be redrafted ... to reflect a neutral position on a preferred drainage system

- WL06, WL09 and WL10 be removed from the PSP Plan 8 and the waterbodies depicted in association with those wetlands altered to show offline drainage systems and rain gardens
- the PSP Table 5 be amended to reflect changes in drainage infrastructure proposed for the above locations
- the UGZ1 Map 1 be amended to reflect the potential use of offline drainage systems.

In conclusion, Mr Bisset submitted that:

Although the wording of the PSP indicates that Council has the ability to “otherwise approve” an alternative drainage system, an amendment of the PSP at this stage is an appropriate outcome to ensure alternative drainage solutions based on best practice requirements are recognised in the document.

In his expert witness statement, Mr Prout recommended that the stormwater treatment system be changed from a series of online wetlands to offline gross pollutant traps and rain garden. His reasons were that:

- current best practice including Melbourne Water guidelines discourages use of online wetlands as proposed in the PSP due to the risk of sediment being scoured from the wetlands and plants being damaged during flood event
- sub-catchments for the proposed development are too small to sustain healthy offline wetlands
- access down into the creek valley to maintain the wetlands would be difficult compared with his recommended alternative with gross pollutant traps and rain gardens at the top edge of waterway corridors with easy access from adjacent streets.

Mr Prout also said in his statement that:

The CCMA had stated that all flow volumes and rates be restricted within the development to a “level as determined by the design capacity of the receiving pipe or downstream floodplain”. Engeny has assessed the capacity of the downstream waterway to convey the flow following development of the site and has found that there is sufficient capacity without the requirement for any works on the waterway.

In oral evidence at the hearing, Mr Prout explained that wetlands in existing waterways as shown on PSP Plan 8 was not best practice and Melbourne Water guidelines say that this approach should not be done. He added the his alternative strategy treated water before discharge into a waterway rather than within the waterway, it could be built progressively as development occurred, was no more costly to maintain than the system shown in the PSP and flood control in the Spring Creek situation was not an issue as the existing culvert under Duffields Road acts as a control with no flooding over the road.

In response to a question from the Panel, Mr Prout stated that in his view, the Tomkinson Report (on which the PSP system is based) did not meet best practice noting that online treatment systems do not capture sediment and there was the potential for leakage into ground water. Under cross examination by Ms Bisucci, Mr Prout agreed that the PSP online management system met CCMA flood control requirements but he reiterated his view that the system did not meet best practice in terms of water quality treatment.

In their written submission (submission 78), the directors of PJC Co Pty Ltd stated that “...the Stormwater strategy is ill conceived and not suitable for the site”. PJC Co did not make further submissions at the hearing.

In its Part A submission, Council's response was:

Developers will be required to prepare detailed stormwater management plans as part of subdivision applications. The PSP provides a level of flexibility to consider alternative outcomes.

(iii) Delivery of stormwater management infrastructure

In submissions, Mr Bisset for Amex Corporation raised concerns over the potential "upsizing" of drainage infrastructure to cater for drainage flows from other properties. He made reference to clause 4.2 of the exhibited Schedule 1 to the UGZ. He submitted that:

...there is no reference to potential planning agreements to facilitate the provision of drainage infrastructure within this Clause, the Clause does not adequately provide for a mechanism to equitably allocate responsibility, costs and contributions where the relevant infrastructure is "upsized" – i.e. a developer pays and constructs drainage infrastructure that benefits other upstream lots, which have not contributed to the relevant infrastructure.

He suggested that Requirement R56 could be expanded to provide for arrangements between landholdings for subsequent upgrading of interim downstream drainage solutions.

In closing, Ms Bisucci for Council submitted that:

During the panel hearing a number of parties raised "upsizing" of retarding basins/wetlands to cater for drainage flows from other properties. There are a number of options, including incorporating the wetlands in a DCP. However, this reduces flexibility for landowners for alternative stormwater management plans.

It is important to note that the Spring Creek PSP Stormwater Modelling has been based on the principle that stormwater flows are limited to pre-development levels. This was done "in order to ensure that the goal of maintaining the present catchment drainage discharge characteristics so as not to contribute to or exacerbate any downstream flooding, was achieved." Tomkinson February 2016.

A number of scenarios have been adopted in other areas of the municipality to cope with the equalization of contributions to shared wetlands. In Torquay North and Bellbrae an overall masterplan for the catchment was developed and agreed by negotiation with landowners/developers. At Bellbrae, one wetland is proposed to service a number of properties and they are required to calculate apportionment of costs and enter into a legal agreement prior to Council approving the subdivision.

(iv) Onsite wastewater treatment

Mr Tobin submitted that with the lot sizes in the exhibited PSP, onsite wastewater (septic) treatment should be permitted on the Haebich land as an interim arrangement under a Section 173 agreement with an obligation to connect to sewer once available at this location. He noted that onsite treatment was common in the area now, there was no risk to the Responsible Authority and such an approach would provide the potential for early development of the site. Mr Tobin agreed, however, that onsite treatment should only be allowable for larger lot sizes and would not be appropriate with development of the Haebich land at smaller lot sizes of 600-900 square metres.

(v) Development Staging

Amex and Parklea submitted that the wording of the clause R70 relating to development staging needed to be amended for flexibility. It was submitted that the wording of this clause be amended to allow for obligations which Council is required to satisfy pursuant to a planning agreement under Section 173 of the Act.

6.3 Discussion

A common theme in submissions made on behalf of landowners was that the relevant sections and plans in the PSP should be redrafted to make it explicit that the requirements with respect to the water management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision stage. The Panel has attempted to recommend these changes throughout the report and these are captured in Council's submitted summary at Appendix E.

In addition, some specific changes to the PSP were requested including the relocation or removal of several water bodies from PSP Plan 8 and to reflect a "*neutral*" position with respect to the water management system.

The response of Council was consistent in rejecting changes as unnecessary. Council argued essentially that the PSP requirements provided flexibility with the responsible authority able to approve alternative systems "*to the satisfaction of the responsible authority*". It held firm in its view that the drainage and stormwater management system and the location of associated infrastructure shown in PSP are indicative only and could be amended at the subdivision design stage.

Mr Bisset and Ms Porter expressed concerns over Council's reluctance to agree to PSP changes before its approval. Ms Porter noted that there had been no change in Council's position and Mr Bisset questioned whether Council had an open mind to alternative water management systems. In particular, Mr Bisset argued that an appropriate outcome at this stage would be to amend the PSP to recognise in it alternative drainage solutions based on best practice.

The Panel is inclined to agree with Ms Porter and Mr Bisset. Council has indeed shown no inclination to accept any changes to the PSP that would make it very clear that the PSP requirements are indicative and can in fact be amended at the subdivision stage.

The Panel is of the view that some appropriate redrafting of the PSP would be beneficial in providing future guidance for officers in responsible authorities as to how phrases such as "*unless otherwise approved by the responsible authority*" and "*all to the satisfaction of the responsibility authority*" should be interpreted. Some appropriate redrafting could introduce a degree of flexibility and explicitly provide discretion for the responsible authority to consider alternative water management systems without weakening the requirements of the PSP or the powers of the responsible authority to determine subdivision applications.

On the matter of alternative water management, the Panel is impressed by the evidence of Mr Prout. He provided a full explanation of his proposed alternative scheme which in the view of the Panel is worthy of further detailed examination at the appropriate design stage. The Panel is not suggesting that the PSP should be amended to adopt the Prout scheme – that was not requested by Mr Bisset – but rather the PSP should be amended as previously suggested to ensure that the Prout scheme (and potentially other water management schemes) is able to be put forward and approved if assessed as a satisfactory scheme by the responsible authority at the approval stage.

With appropriate redrafting of the PSP to incorporate suitably worded flexibility in the requirements and an annotation to PSP Plan 8, the Panel does not consider it necessary to delete WL06, WL09 and WL10 from the PSP Plan 8 as requested by Mr Bisset. His further request that the waterbodies depicted in association with those wetlands be altered to show offline drainage systems and rain gardens could in fact be interpreted as the PSP adopting the Prout scheme. That would be step too far at this PSP stage and could be seen as introducing the very inflexibility that Mr Bisset and others are seeking to avoid.

The Panel is, however, inclined to accept the view of Mr McGrenaghan that WL15 and WL21 should be deleted from PSP Plan 8 on the basis that these features are man-made, pose a potential safety risk and are not in a suitable location to provide effective management of water flows from the small catchment area. The PSP Plan 8 should be amended to provide a conceptual layout showing water management infrastructure at a more appropriate downstream location.

The Mennoty submission stated that the extent of the water body (WL1) on its land had been exaggerated and should be reduced to show the true extent of the water body on the land. No evidence was presented to the Panel, and the Panel is not in a position to form a view on this matter. It suggests that Council and the submitter hold further discussions.

On the final matter regarding the potential “*upsizing*” of drainage infrastructure to cater for drainage flows from other properties and the absence of any reference to potential planning agreements to facilitate the provision of drainage infrastructure within the Clause 4.2 of Schedule 1 of the UGZ1, the Panel agrees with Mr Bisset that a mechanism to equitably allocate responsibility, costs and contributions where the relevant infrastructure is “*upsized*” should be included in the PSP.

The Panel agrees with Council that the inclusion of wetlands in the DCP is not appropriate. Council has suggested other approaches to cope with the equalization of contributions to shared wetlands. These should be considered further in consultation with affected landholders. They could, for example, it could be included in an expanded Requirement R56 as suggested by Mr Bisset.

The Panel agrees with the submissions of Amex and Parklea with regards to R70 (Development staging) and has recommended a change to the wording accordingly.

6.4 Conclusions

The Panel concludes:

- The Panel supports the request made by some submitters for changes be made to the PSP to provide greater clarity that the water management infrastructure shown in the PSP are intended to be indicative only and that the PSP provides a level of flexibility to consider alternative outcomes.
- The relevant sections of the PSP should be re-drafted accordingly.
- The alternative water management system proposed by Engeny has considerable merit and the redrafting of the PSP provisions should make it clear and explicit that there is flexible to consider alternative systems including the Engeny scheme at the subdivision approval stage.
- The deletion of WL15 and WL21 from Plan 8 and replacement with a conceptual layout showing water management infrastructure downstream is justified.

- Further consideration is required on PSP mechanisms to equitably allocate the responsibility, costs and contributions of “upsized” water management infrastructure.
- Onsite treatment should only be allowable for larger lot sizes and would not be appropriate with development of the Haebich land at smaller lots sizes of 600-900 square metres.

6.5 Recommendations

The Panel recommends:

9. Redraft the Precinct Structure Plan section 3.6.1 Integrated water cycle management, the annotation to Plan 8 Integrated Water Management as follows:
 - a) make it clear and explicit that the Precinct Structure Plan requirements with respect to the water management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision approval stage
 - b) provide clarity and future guidance for the assessment by the responsible authority of development proposals.
 - c) Amend R55 to state:
 - Final methodology, design and boundary of waterway and drainage reserves and infrastructure, including retarding basins, stormwater quality treatment infrastructure and associated paths, boardwalks, bridges and planting is to be agreed at the time of making an application for subdivision to the satisfaction of the responsible authority and the catchment management authority where required.
10. Amend Precinct Structure Plan, Plan 8 Integrated Water Management as follows:
 - a) delete WL15 and WL21
 - b) provide a conceptual layout in place of these deleted water bodies to show water management infrastructure at a downstream location.
11. Council give further consideration in consultation with affected landholders to mechanisms to provide for the equalisation of contributions to shared water management infrastructure.
12. Add the following sentence at the end of R70 to state:

...unless the liability arises pursuant to an agreement under section 173 of the *Planning and Environment Act 1987*, in which case Council is obliged to satisfy the liability in accordance with the agreement.

7 Biodiversity

7.1 The issue

The issue is whether the natural environment has been adequately protected by the Spring Creek PSP and the Native Vegetation Precinct Plan (NVPP). Issues include whether:

- the NVPP appropriately translates the findings of the native vegetation assessments (biodiversity assessment and arboricultural assessment)
- the NVPP clearly communicates the rationale for the removal and retention of native vegetation
- requirements for practical retention of vegetation are clear, including tree protection zones
- the NVPP and associated regulatory tools effectively regulate the protection and clearance of native vegetation.

The issue of native vegetation offsets was raised, including the potential to reduce specific offsets required for the removal of threatened species through more detailed investigation of vegetation protection options.

Issues have been raised in relation to the protection of specific sites and matters, including:

- Bellarine Yellow Gum / Grassy Woodland (GW5): 200 – 220 Great Ocean Road
- Swampy Riparian Woodland (SRW1): 200 – 220 Great Ocean Road
- Remnant vegetation: 160 and 195 Grossmans Road
- Wildlife and kangaroo management
- Rural urban buffer
- Species selection for revegetation and planting
- General matters relating to environment and biodiversity protection.

A number of submissions raised issues relating to the equitable distribution of conservation reserves (encumbered open space), and the suitability of establishing publicly owned and managed offset sites within the precinct, specifically at 200-220 Great Ocean Road. These matters are discussed in greater detail in Chapter 9 of this report.

7.2 Native Vegetation Precinct Plan

(i) Evidence and submissions

Council submitted that Ecology and Heritage Partners were engaged to prepare a Biodiversity Assessment within the precinct, and that this was used to inform the development of a Native Vegetation Precinct Plan:

This assessment was undertaken to identify and characterise the vegetation onsite, determine the presence (or likelihood thereof) of any significant flora and fauna species and/or ecological communities and address any implications associated with future development under Commonwealth and State environmental legislation.

Council submitted that the Biodiversity Assessment included a general field assessment, targeted surveys for key threatened species and a habitat hectare assessment. The Assessment found that whilst “the majority of the study area supports cleared areas dominated by introduced pasture grasses” however there are areas within the site that support native vegetation.

The Biodiversity Assessment report includes a map showing “key areas of conservation significance within the study area” (see Figure 7 below).



Figure 7 Spring Creek Biodiversity Assessment – Key areas of conservation significance within the study area

In summary:

The key biodiversity assets of the precinct are:

- Two (2) flora of state significance;
- Two (2) fauna of national significance;
- Seven (7) fauna of state significance;
- One (1) fauna of regional significance; and
- One (1) community of state significance.

The majority of the site consists of cleared areas dominated by introduced pastures. However, within the site there are areas supporting native vegetation of the following four (4) Ecological Vegetation Classes (EVC):

- Grassy Woodland (EVC 175);
- Swampy Riparian Woodland (EVC 83);
- Heathy Woodland (EVC 892); and
- Coastal Alkaline Scrub (EVC 858).

Further, there are 93 scattered trees across the precinct.

With consideration of native vegetation offsets, the biodiversity importance of the land can be summarised as follows:

- Strategic biodiversity score of all marked native vegetation of 0.729;
- Risk based pathway – high;
- Total extent – 18.165 hectares
 - Remnant patches 12.329 hectares
 - 83 scattered trees
 - Locations – C.

Council submitted that vegetation proposed in the Biodiversity Assessment for retention included:

- Swampy Riparian Woodland along Spring Creek
- Higher quality areas of Heathy Woodland, in particular patches within 195 Grossmans Road and along Grossmans Road
- Higher areas of Grassy Woodland (GW2 and GW5), in particular in larger patches within 140 Duffields Road, 220, 220 and 260 Great Ocean Road and within road reserves
- Areas of Coastal Alkaline Scrub which contains the threatened ecological community Coastal Moonah Woodland
- Scattered Bellarine Yellow Gums.

Council submitted that an Arboricultural Assessment was prepared by ENSPEC Environment and Risk in July 2015. The report detailed retention value criteria and assessed the retention value of all trees in the PSP area.

Council submitted that the retention of “High and Very High Retention” Value trees is significant, and will become even more so in an urban development setting. This was on the basis that preserving existing trees provides an immediate value to the new community that would otherwise take decades to develop with new plantings. Existing trees were also considered potentially important as part of biodiversity links.

The report concluded that:

The preservation of remaining smaller groups and scattered trees on private land, road reserves or other tenures is also viable if appropriate space is allowed for the trees current and future requirements.

Implementation of recommended tree protection measures is essential for the long term preservation of those trees not in public reserves.

Council submitted that the NVPP sets out the native vegetation to be removed and retained (see Figure 8 below), and it considers native vegetation for practical retention. This process is undertaken on the principles of avoid and minimise losses of remnant vegetation.

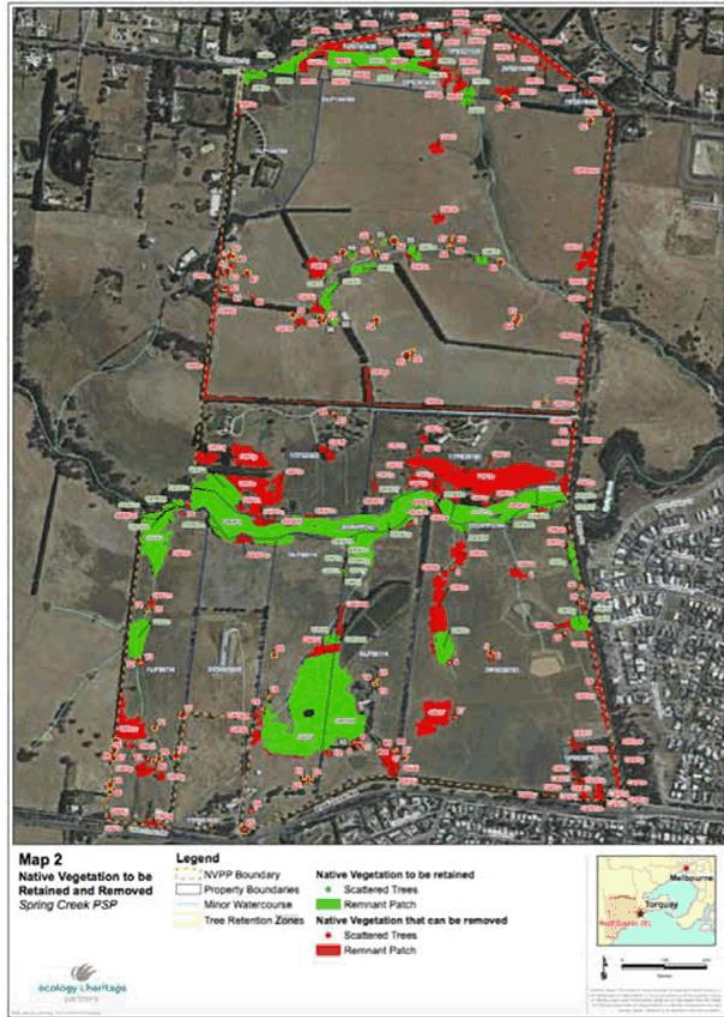


Figure 8 Native Vegetation Precinct Plan – Map 2 Native vegetation to be retained and removed

Council submitted that the process to identify vegetation for protection in the NVPP was informed by the Biodiversity Assessment prepared by Ecology and Heritage Partners “which made recommendations for the prioritisation of the retention of areas of the highest conservation value”.

Council submitted that the Spring Creek Native Vegetation Precinct Plan (NVPP) was proposed to be listed under the Schedule to 52.16 of the Planning Scheme. This would require that:

Any removal, destruction or lopping of native vegetation in accordance with the NVPP does not require a planning permit provided the conditions and requirements specified in the NVPP are met.

The purposes of the NVPP are to:

- *Summarise the biodiversity values of the land;*
- *Apply a holistic, landscape wide approach to retention and removal of native vegetation;*
- *Specify the native vegetation to be retained and removed;*
- *Ensure that any removal, destruction or lopping of native vegetation as identified in the plan meets the “no net loss objective” set out in the Biodiversity Assessment Handbook: Permitted Clearing of Native Vegetation (Department of Environment, Land, Water and Planning 2015 – Guidelines); and*
- *Streamline the planning approvals process through a landscape approach to native vegetation protection and management.*

Council submitted in the Explanatory Report to the Amendment that:

Spring Creek, which traverses the precinct from east to west, will retain its current Public Conservation and Resource Zone (PCRZ), Environmental Significance Overlay (ESO) and Land Subject to Inundation Overlay (LSIO). Changes to the boundary of the extent of the overlays are subject to a separate amendment C85 which was exhibited in 2015 and not yet completed.

A Native Vegetation Precinct Plan (NVPP) has been prepared in conjunction with the PSP, which will protect remnant vegetation patches and trees of significance within the precinct. An existing Vegetation Protection Overlay (VPO) is proposed to be removed from the amendment area, as the vegetation will be appropriately retained and protected through the NVPP and PSP. The Future Urban Structure has incorporated the majority of trees within the VPO into a conservation reserve, and has identified all trees of conservation value for retention within the NVPP.

The Ecology and Heritage Partners Biodiversity Assessment recommended that:

Any loss of ecological values should be viewed in the overall context of ongoing loss, fragmentation, and deterioration in the quality of remnant vegetation throughout the greater Otway Plain bioregion. It is recommended areas of highest conservation value are considered for retention, where practicable, when developing a future NVPP for the study area.

Council submitted that:

a landscape and holistic approach is a common methodology used in NVPP's as it enables the identification and protection of the most significant biodiversity and ecological values and habitat linkages within a precinct rather than on a site by site basis.

Council submitted that the NVPP protects vegetation within the riparian corridor and the larger patch of Bellarine Yellow Gum on PSP properties 12 and 13. *“Whilst the loss of other patches of*

high value vegetation is regrettable, these patches area much smaller and less significant on a precinct level compared to the large patch of Bellarine Yellow Gums”.

DELWP submitted that it supported the amendment, and provided comments on a number of biodiversity conservation matters.

DELWP submitted that *“an incorporated NVPP will provide for a landscape scale approach to the management and retention of native vegetation in the Precinct, informed by a comprehensive understanding of all impacts and removes the ad-hoc nature of applying for planning permits for the removal of native vegetation as the precinct develops”.* DELWP favours the removal of the VPO1 as it would duplicate the protections provided by the native vegetation regulations. DELWP submitted that it supported retention of the ESO1 to provide additional protection of fauna habitat.

DELWP submitted that it supported a strategic approach to protect higher value vegetation. On this basis DELWP supported the key conservation strategies identified in the PSP, including retention of the large area of Bellarine Yellow Gum in the southern area of the precinct, and incorporation of a waterway / drainage reserve as a protective buffer around Spring Creek.

DELWP submitted that it supported the NVPP as exhibited on the basis that *“it’s the best with the information that we have at hand”*, however it recommended that there are areas where further consideration of options to retain native vegetation may be warranted. This recommendation was informed by the Objectives and Strategies in Clauses 12.01-2 Native vegetation management and 52.16 Native Vegetation precinct plan in the VPP.

DELWP submitted that the rationale behind the native vegetation proposed for retention and removal has not been provided, and that a minimisation statement had not been provided. DELWP recommended that further investigation be undertaken regarding vegetation identified for removal, with particular reference to *“vegetation on steep slopes adjoining the north side of Spring Creek associated with low density residential development, and vegetation loss associated with Water Sensitive Urban Design (WSUD) wetland areas”.*

A number of specific matters were also raised by DELWP relating to the NVPP, including consideration of:

- vegetation removal as a result of construction of utilities and roads
- inclusion of roadside vegetation
- potential to minimise vegetation loss to avoid specific offset requirements identified for four threatened species.

DELWP submitted that the growth area’s perimeter roads contain native vegetation that is likely to be impacted through road upgrades and widening. On this basis DELWP recommended that the NVPP and PSP be extended to include perimeter roads. Inclusion of these areas in the NVPP would help to streamline the approvals process by removing the need for a planning permit. DELWP submitted that as an assessment had already been undertaken of roadside vegetation that incorporation of this into the NVPP should be relatively straightforward.

DELWP submitted that it supported the approach to seek practical retention of some vegetation identified in the NVPP as being permitted to be removed. This would reduce losses of native vegetation and reduce offset liabilities. This was achieved by the City of Greater of Geelong for the Armstrong Creek Urban Growth Area by applying additional conditions in the NVPP and matching design considerations in the PSP.

DELWP submitted that a number of changes could be made to the NVPP and PSP to clearly explain the plans for native vegetation proposed for practical retention, including the strategic process undertaken to identify each area of vegetation for practical retention, inclusion of patches of vegetation and individual trees on maps and in tables, including the size of scattered trees to allow larger scattered trees to be retained where possible.

DELWP submitted a number of specific comments and suggestions for amendment to the PSP, NVPP, UGZ and schedule to the PCRZ.

Ms Porter, representing Mack Property Development, called Mr Harvey from Biosis to give evidence in relation to the ecological considerations of the NVPP.

Mr Harvey gave evidence that in general he considered that the Biodiversity Assessment report had accurately mapped the extent of native vegetation within the precinct. Mr Harvey also gave evidence that:

The NVPP is a brief document, which does not explain the process used to identify areas of removal and retention ... The document states that a 'holistic' and 'landscape' approach has been adopted, but the document does not provide any further detail on how this approach was applied ... There is no clear explanation and/or rationale that sets out how areas were selected for retention or removal and the overall outcome is not consistent with my experience with other NVPP's.

Ms Porter submitted that it appears that the process has involved "retention of the largest / most significant areas of native vegetation, partially in line with the development plan for the site, but this is not specified in the document".

Ms Porter, called Mr Woodland from Echelon Planning to give evidence in relation to planning considerations relating to the NVPP.

Mr Woodland gave evidence that:

Both the draft Spring Creek NVPP and Biodiversity Assessment were prepared by Ecology and Heritage Partners. The draft NVPP appears to generally identify areas for retention of native vegetation based on the recommendations set out in Chapter 5 of the Biodiversity Assessment report. However, the basis for why certain areas are identified for retention and others are identified for removal is not made clear within the NVPP document itself.

Mr Woodland gave evidence that Clause 21.08 of the Surf Coast Planning Scheme contains a local policy relating to the development of Torquay and Jan Juc, which includes the following strategy in relation to the retention of valued native vegetation:

"place high priority on the protection and enhancement of remnant vegetation throughout Torquay-Jan Juc, particularly Coastal Moonah Woodland community species and the Bellarine Yellow Gum".

In response to a question from the Panel, DELWP submitted that the threatened community Coastal Moonah would not be viable in an urban setting as it the existing remnants were small and fragmented.

Mr Tobin, acting for R and P Haebich (submitter 62), questioned the nature of the scheme for vegetation protection, stating that the native vegetation protection framework has four layers

that as proposed do not work cohesively together, namely the PSP, NVPP, applied zones and Clause 52.16. Mr Tobin submitted that the framework as proposed is a departure from the ordinary operation of the VPPs to effectively prohibit any departure from the NVPP, and that Council has not made meaningful submission to support this position.

Mr Tobin submitted that Clause 52.16 provides for removal of native vegetation in accordance with the NVPP as of right, and provides for the removal of vegetation to be protected under the NVPP subject to a permit. The NVPP is consistent with this clause, however application of the Public Conservation and Resource Zone will effectively bar *“any sensible variation from the NVPP at the time of detailed design of the subdivision of land. A Planning Scheme Amendment is required to alter the urban structure if any alternation to the NVPP is proposed”*.

In contrast with Section 1.5.1 of the PSP, which states that that the NVPP identifies native vegetation which may and cannot be removed without a permit, R23 of the PSP states that native vegetation must be retained as described in the NVPP. Mr Tobin requested that this requirement, which is considered a mandatory requirement, be removed.

AMEX submitted (submitter 42) that greater clarity was required within the NVPP to assist all stakeholders to achieve the intent of the plan. Specifically AMEX requested that the NVPP state that all trees of significance have been identified on the site, and that any tree not identified can be removed or retained at the discretion of the landowner without further need of approval.

In closing, Council submitted *“the Council accepts that the NVPP does not clearly enunciate nor refer to the Ecology and Heritage Partners biodiversity assessment and clearly that needs to be addressed and could simply do so by reference in the NVPP to that particular report”*.

Council submitted that it had agreed to undertake the further work on the NVPP as recommended by DELWP prior to the adoption of C114, including:

- identifying and listing trees subject to practical retention in a separate schedule in the NVPP
- adding the wording suggested by DELWP to the PSP (G41) – Tree Protection Zones (TPZ) should be established and maintained around trees to be retained as per Australian Standard AS 4970-2009 – Protection of trees on development sites.
- investigating opportunities to reduce specific offsets for Bellarine Yellow Gum, Snowy Mint-bush, Sharp Greenhood and Paper Flower.
- extending the boundary of the NVPP to include perimeter roads (Grossmans Road, Duffields Road) in order to streamline approvals for vegetation losses associated with road upgrades and intersection works.

(ii) Discussion

There appears to be general agreement amongst submitters that a landscape scale, precinct wide approach to native vegetation planning as proposed by Council is appropriate for the Spring Creek PSP area.

Council submitted that the NVPP was derived from the Ecology and Heritage Partners Biodiversity Assessment. DELWP (submitter 40) and Mack (submitter 43) raised concerns that the connection between the two documents had not been communicated clearly. DELWP submitted that the Biodiversity Assessment was not accompanied by a minimisation statement that could be used to

unpin recommendations in an NVPP and that there were a number of opportunities to review the NVPP to minimise vegetation removal.

The Panel notes that whilst there are large areas of overlap between the two maps (Figures 7 and 8), there are key areas of conservation significance identified for removal in the NVPP. The reason for removal of these key areas of conservation significance has not been made clear by Council, and this has created some confusion about the rationale for the selection of vegetation for protection and removal.

Council agreed that the NVPP does not clearly explain the basis for vegetation removal, and suggested that this could easily be resolved by referencing the Biodiversity Assessment in the NVPP. The Panel, however, does not feel that this will adequately explain the rationale for removal of key areas of conservation significance. An explanation of the decision making process, accompanied by the minimisation statement and explanation of the Biodiversity Impact and Offset Requirements (BIOR) report for the precinct, as suggested by DELWP, would provide greater clarity for landholders.

Council agreed, and the Panel supports, DELWP's suggestion to include:

- information in the NVPP to clearly explain the plans for native vegetation proposed for practical retention
- additional wording in relation to tree protection zones
- roadside vegetation in the NVPP as this would help to achieve an overall precinct approach and streamline permitting.

In relation to the removal of State significant Coastal Moonah Woodland, the Panel accepts DELWP's explanation that the remnant vegetation on the site was small and fragmented and presents a challenge to maintain in an urban setting and would not be viable into the future. The Panel suggests that this information should be included in the NVPP to clearly explain the rationale for removal of this vegetation that is identified as a priority for protection in the Biodiversity Assessment.

The NVPP was generally accepted by submitters as a suitable substitute for the existing VPO1.

Mr Tobin raised concerns about the integration of the four layers of the native vegetation protection framework. Council agreed, and the Panel supports, the suggestion to change the wording of R23 to allow a permit application to remove native vegetation identified to be retained in the NVPP. Applied zone considerations are addressed in Chapter 9.

7.3 Native vegetation offsets

(i) Evidence and submissions

Council submitted that:

any person wanting to remove, lop or destroy native vegetation for removal as part of the NVPP, is responsible for ensuring that offsets have been secured before any permitted clearing commences. The provision of offsets must accord with the conditions and any permit notes specified on any permit granted, and the conditions listed in the NVPP.

Council submitted a summary of the offset requirements of marked native vegetation.

Council submitted that the Biodiversity Assessment explains that:

Offsets are divided into two categories: General and Specific. Specific Offsets are required when the removal of native vegetation has a significant impact on habitat for a rare or threatened species. Otherwise a General offset is required.

DELWP submitted that the PSP layout triggers specific offsets for four species; Bellarine Yellow Gum, Snowy Mint Bush, Sharp Greenhood and Paper Flower. DELWP submitted that specific offset sites can be difficult to source, and that it had reviewed the NVPP and had identified opportunities to reduce the type and amount of vegetation to be removed and associated specific offsets required. DELWP submitted that Habitat Importance Maps were important to help finesse design and reduce the need for offsets.

DELWP submitted that General Offsets are generally available.

DELWP submitted that Council may like to consider providing including further information to give developers a better understanding of their offset requirements, including:

- explaining the Biodiversity Impact and Offset Requirements (BIOR) report for the study area
- detailing the difference between specific and general offsets.

In response to DELWP’s submission, Council agreed to “investigate opportunities to reduce specific offsets for Bellarine Yellow Gum, Snowy Mint-bush, Sharp Greenhood and Paper Flower”.

Ms Porter submitted on the advice of Biosis that:

- Offsets may be sourced through an “over the counter purchase” through the Bush Broker system or establishment of offset sites within areas of retained vegetation within the precinct
- the NVPP did not provide an assessment of the availability of the required offsets, and that that offset sites for Bellarine Yellow Gum would be limited to modelled habitat in the Bellarine Peninsula and could be difficult to locate
- without assessment of availability of both general and specific offsets, the extent of vegetation removal identified in the NVPP may be unachievable.

(ii) Discussion

The Biodiversity Assessment includes a table which explains the Avoid, Minimise and Offset requirements under the permitted clearing assessment for native vegetation.

Risk-based pathway	Avoid	Minimise	Offset
Low	X	X	✓
Moderate	X	✓	✓
High	✓*	✓	✓

Notes: *Where native vegetation makes a significant contribution to Victoria’s biodiversity

Table 2 Avoid minimise and offset requirements

Source: Excerpt from Biodiversity Assessment for the Spring Creek PSP area, Table 3, p. 13)

The Panel notes that under a High Risk-based Pathway (which has been identified for this site) that vegetation removal must be avoided “where native vegetation makes a significant contribution to Victoria’s biodiversity”.

DELWP recommended that the NVPP be reviewed to:

- identify opportunities to reduce specific offsets through the use of habitat importance maps
- include additional information to help communicate more clearly the offset requirements of land owners.

Council agreed, and the Panel supports, the suggestion to investigate opportunities to reduce specific offsets. The Panel also supports the suggestion to include additional information to help communicate more clearly the offset requirements of land owners. In response to Mr Tobin, Council suggested a change of wording to R23 - Native vegetation must be retained as described in the NVPP unless a permit is granted for its removal.

7.4 Vegetation protection and specific biodiversity assets

(i) Evidence and submissions

Bellarine Yellow Gum / Grassy Woodland (GW5) – 200 – 220 Great Ocean Road

Council submitted that the Biodiversity Assessment recommended that the large area of Grassy Woodland (GW5) at 200-220 Great Ocean Road be prioritised for retention on that basis that it is:

- the largest contiguous patch supporting the State significant Bellarine Yellow Gum in the PSP area
- the largest patch of Grassy Woodland in the PSP area
- relatively high in condition when compared with Grassy Woodland across the PSP (GW5 and GW2 score 38 and 49 out of 100 respectively, the remainder of the habitat zones score 18-33 out of 100).

Council submitted that Bellarine Yellow Gum was a priority for protection as it is:

- endemic to the area
- it is a threatened species under the *Flora and Fauna Guarantee Act 1988* and is listed as endangered on the Victorian List of Rare and Threatened Plants
- *populations of the tree are severely fragmented, and with an estimated loss of 95 percent over the last three generations*
- *most remnants are not reserved and do not adequately regenerate, with the added threat of a limited gene pool and hybridisation between sub species*
- *the species is in decline in area, extent and quality of habitat*
- Clause 21.08 of the Surf Coast Planning Scheme identified loss of the Bellarine Yellow Gum as a key issues and places high priority on its protection.

Council submitted that:

This subspecies only occurs in the Bellarine area and with the current and ongoing development in the region the long-term preservation of the subspecies can only be assured through the preservation, protection and enhancement of existing populations. Maintaining biodiversity links between patches of the subspecies is crucial to ensure that regeneration, genetic diversity and population resilience is maintained

Council submitted that the PSP had sought to conserve “existing stands of significant vegetation including the Bellarine Yellow Gums in conservation reserves”.

Council submitted that at its Council meeting on 23 August 2016 that it resolved to:

Not support the request to accept the large area of Bellarine Yellow Gum woodland on 200 and 220 Great Ocean Road, Jan Juc as an offset site due to the restrictions this would place on future passive recreational use and ongoing land management obligations for Council.

DELWP submitted that the Bellarine Yellow Gum is endemic to the Surf Coast and Bellarine region, and that these populations are highly fragmented and predominantly on freehold land and threatened by development. Bellarine Yellow Gum is listed as threatened under the *Flora and Fauna Guarantee Act 1988*, and is identified as endangered within Victoria. Overall the species is in decline across the region in terms of area, extent and quality of habitat.

DELWP submitted that it supported the retention of the large area of Bellarine Yellow Gum in the southern area of the precinct, in particular GW5d and GW5dd. This is on the basis that this area has the *“highest biodiversity values on the site due to the large size of the patch, the relatively intact understorey, the large number of old trees, and the presence of the state listed Bellarine Yellow Gum”*.

SCEG (submitter 36) submitted that the Bellarine Yellow Gum is a keystone species within the Spring Creek catchment and it supports a wide range of species, particularly because it is winter flowering and provides an important food source when there is little around.

Surfrider Foundation Surf Coast (submitter 72) submitted that it supported the protection of the remnant Bellarine Gums and other native species through a series of well-connected vegetation buffers and reserves.

Ms Porter submitted that Council had overstated the exceptional value of the environment along Spring Creek and that the PSP had gone overboard to protect what it says is “exceptional”. Ms Porter submitted that this is rural land, not pristine, and is now zoned UGZ, and that change is anticipated.

Ms Porter submitted that the NVPP identifies almost all of the Grassy Woodland on the property for retention. *This is to be contrasted with the large swathes of Grassy Woodland identified on land to the north and east for removal, without any clear analysis of how this has been determined.* Mack Property Development submitted and Mr Harvey gave evidence that 67 percent of the Grassy Woodland habitat zone 2 (GW2) within the PSP had been identified for removal, despite having the highest quality habitat hectare score of 49/100.

Ms Porter submitted that Mack was seeking an alternative distribution and size of conservation reserves on its land, which *“focuses retention on the core of the patch and removes the requirement to retain the lower quality portion of the patch in the south-west”*. This consolidation would reduce the overall edge to area ratio of the reserve, which would improve the ability to manage weed incursion.

Ms Porter called Mr Harvey from Biosis to provide expert evidence on native vegetation matters, particularly in relation to the large area of Bellarine Yellow Gums on 200-220 Great Ocean Road, Jan Juc.

Mr Harvey gave evidence that the Bellarine Yellow Gum is considered endangered in Victoria according to the Advisory List of rare and threatened plants, and that it is also listed as threatened

under the *Flora and Fauna Guarantee Act 1988* (Action Statement No. 180). It is not listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*.

Mr Harvey gave evidence that the ecological vegetation class Grassy Woodland, dominated by Bellarine Yellow Gum, is not listed as a threatened community under the *Flora and Fauna Guarantee Act 1988* or *Environment Protection and Biodiversity Conservation Act 1999*. It has however been allocated the Bioregional Conservation Status of endangered within the Otway Plain Bioregion in the Corangamite Native Vegetation Plan 2003-2008. Mr Harvey noted that whilst the Bioregional Conservation Status is no longer relevant under the State Biodiversity Assessment Guidelines (Department of Environment and Primary Industries, 2013), that the VPO1 which currently covers this site requires consideration of the Bioregional Conservation Status.

Mr Harvey agreed with the Biodiversity Assessment report's habitat hectare assessment of GW5 as 38/100, and noted that the report identified all patches of GW5, supporting Bellarine Yellow Gum, as 'high priority for retention'. Mr Harvey also agreed that the vegetation quality scoring "*appears to be a reasonable representation of average condition*", but he also notes that the condition of the patch within 200-220 Great Ocean Road is variable, particularly in regard to canopy cover and understorey quality". This variability is not reflected in the habitat hectare scoring due to the nature of the habitat hectare methodology.

Mr Harvey concluded that the patch of GW5 in the 200-220 Great Ocean Road property is not likely to support important habitat for other significant species, and that the patch contains very few hollow bearing trees.

Mr Harvey suggested that some removal of the western section of the patch should be considered on the basis that:

- it was in generally poorer than the remainder of the patch
- the shape of the reserve would be improved if a portion of the western section were to be removed. This would reduce the overall boundary to area ratio which would assist with management. *It is well understood that management of vegetation condition within ecological reserves is more difficult for reserves with a high boundary to area ration, due to weed incursion from the boundary*
- simplification of the reserve would assist with management of the reserve if it were to be used as an offset.

Mr Harvey gave evidence that in his opinion offset requirements identified in the NVPP for 200-220 Great Ocean Road could be satisfied by a combination of onsite and purchased/offsite offsets through the Victorian Native Vegetation Credit Register.

Mr Harvey submitted that the NVPP does not require provision of specific offsets for Bellarine Yellow Gum for clearance of vegetation within the site.

Mack submitted based on preliminary advice from Biosis that "*given that the main component of significance of the vegetation is the tree layer, some level of passive recreation could be allowed without impacting upon vegetation quality... The amount of offset area impacted for bushfire management buffers should be minimised by appropriate positioning of road reserves and setbacks from dwellings.*"

Under cross examination by Council, Mr Harvey gave evidence that he agreed with the identified conservation significance of GW5 and that it was in relatively high condition compared with other sites apart from GW2, he agreed that the best part or core of the site should be retained and that

the understorey would likely regenerate if the current threats, e.g. grazing, are removed. Mr Harvey also gave evidence that he thought that public access would help to activate the site to get people using it and valuing it.

In response to a question from Mr Stockton (SCEG, submitter 36) Mr Harvey gave evidence that the scale of proposed removal in this instance was very small and would not have a significant negative impact on native vegetation.

Subsequent to the hearing, Mr Harvey emailed examples of net gain offset sites that have managed public access.

Mr Woodland from Echelon provided expert evidence in relation to open space and the NVPP. Mr Woodland acknowledged that Council had reservations about accepting the land if it was formally registered as native vegetation offset site. Mr Woodland gave evidence that *"In my opinion, if a conservation area of such value that passive recreation activities should be excluded from it entirely, the owner of the land should be able to utilise the land for a biodiversity offset"*.

Ms Porter submitted that the conservation reserve should be amended in size and shape in accordance with Mr Harvey's evidence, and that it should either accept it as a publicly owned offset site, or accept a partial or full credit as part of the open space contribution.

Ms Porter submitted that based on Mr Harvey's evidence that a portion of the Bellarine Yellow Gum patch would be suitable for the provision of native vegetation offsets in the precinct, and that most of the offsets required for that property would be available in that portion of the patch of remnant vegetation.

Ms Porter submitted that there were multiple opportunities to establish new Bellarine Yellow Gums across its land and the PSP area.

Ms Porter submitted that it was perverse that Council would not accept any part of the patch as an offset site on the basis that the protection and management requirements would conflict *"with the planned passive recreational use of the area"*, and yet nor would Council consider crediting the space as part of the open space contribution.

In response to Mr Harvey's evidence that GW5 could be utilised as a vegetated offset site, in accordance with the Guidelines, Council submitted that:

use of this site as a formal offset site in accordance with the Guidelines is not appropriate, considering both environmental and community values. Offset sites under the Guidelines restrict any public access, and require the site to be securely fenced in accordance with the bush fencing standards. The required fencing standard and restriction of public access may conflict with public expectations for the use and aesthetics of the site. As such, careful consideration is required before allocating any onsite offset with PSP area, in order to ensure public expectations and offset site management/security commitments to ensure biodiversity protection can be met.

Biosis also discussed the eligibility of the offset site considering appropriate setbacks in order to meet the relevant building approvals for construction in accordance with a specified Bushfire Attack Level (BAL). However, the report fails to mention that offset sites within a bushfire prone area should not be located within 50m of any

dwelling, irrespective of defensible space and this setback should be considered when assessing the eligibility of the proposed site as an offset site.

Council does not accept the patch of Bellarine Yellow Gum woodland as an offset as it would not be suitable as Council managed land if it were an offset site. As an offset site, the land would have to be exclusively managed for biodiversity, meaning it would have to be fenced and signed as a conservation area with no pathways, public access or passive recreation activities occurring within the boundary. This is not consistent with the planned passive recreational use of the area.

Council responded to Mr Harvey's evidence that new Bellarine Yellow Gums could be planted to in part compensate for any removal by stating that whilst these plantings will add some value, it would only be minor compensation for the removal of large mature trees.

In response to Mr Harvey's evidence, Council submitted that the primary purpose of the NVPP was precinct scale vegetation planning, rather than property scale, and that the biodiversity values across the entire precinct have been considered.

Habitat Zone GW5 located on PSP Property Nos 12 and 13 is the largest contiguous patch of grassy woodland within the PSP area, and it also supports the State significant Bellarine Yellow Gum; as such, it is recommended that this patch is retained without significant changes to areas allocated as "native vegetation that can be removed" within the NVPP. By ensuring the majority of GW5 is retained as currently proposed in the NVPP, the core area that Biosis agrees should be retained, will be protected in part by a vegetated buffer particularly in the south west.

Swampy Riparian Woodland (SRW1) – 200-220 Great Ocean Road

Council submitted that the findings of Biosis and Ecology and Heritage Partners are consistent, and have identified that the patch of vegetation at SRW1 as planted vegetation. Council submitted that, according to Council staff, it is likely that the vegetation within 200 Great Ocean Road was also part of a publicly funded revegetation planting along Spring Creek, and as such Council does not consider this vegetation exempt from requiring a planning permit nor the offsets under Clause 52.17.

Council recommended that vegetation along the Spring Creek corridor is retained wherever practicable for the potential habitat benefits that it contributes to the area. On questioning, Council submitted that there were no records of public funding for this planting.

Mr Harvey gave evidence that he was of the opinion that the area of Swampy Riparian Woodland (SRW1) mapped near Spring Creek in 200 Great Ocean Road was planted and not remnant vegetation. Mr Harvey submitted aerial photographic evidence from 1962, 1971 and 1988 that that the vegetation in the area had been planted, and also advised that SRW1 was not modelled habitat on the site.

Mack Property Development submitted that as this native vegetation was planted, and there was no record that it was publicly funded, that it should be exempt from native vegetation offset requirements.

Remnant vegetation - 160 and 195 Grossmans Road

R and P Haebich (submitter 62) submitted that much of the native vegetation identified as remnant on their property is in fact planted or regrowth. Mr Tobin, acting for R and P Haebich, submitted that *“this assessment simply does not accord with our client’s knowledge of the land over the past 35 years where the land has been slashed and farmed”*.

Mr Tobin submitted that while the biodiversity consultants did inspect the site, they did not have any contact with R and P Haebich who could have provided information about historical use of the land.

Mr Tobin submitted that while a large portion of vegetation is earmarked for removal, it does call in to question the balancing exercise that has occurred to determine the retention and removal of vegetation, as has been queried by Mr Harvey. On this basis, Mr Tobin submitted that *“the Panel should be slow to place weight in these assessments where conflicting evidence is presented”*.

Council submitted the Biodiversity Assessment identified this vegetation as one of the higher quality areas of Heathy Woodland and that this was a priority for protection.

Wildlife and kangaroo management

Council submitted that the Biodiversity Assessment recorded that large populations of Kangaroos occur throughout the study area and recommended that the PSP includes mitigation measures for their management in accordance with DELWP’s Interim advice for consultants on the contents of a Kangaroo Management Plan v6 2013.

Council submitted that it is unlikely that open space reserves within the precinct will be of a suitable size and composition to support the kangaroo population, however Spring Creek will provide a movement corridor.

DELWP submitted that a precautionary approach is recommended by implementing fauna-friendly design of WSUD features and adequate environmental protection measures during construction.

DELWP submitted that once the area is developed, it can be assumed that the area will not be good habitat for kangaroos. DELWP submitted that:

Kangaroo management is a complex issue with a number of competing factors, including human safety and animal welfare. These factors make it difficult to provide adequate care and management of kangaroos within urban areas in accordance with the Wildlife Act 1975.

Any kangaroos frequenting the Spring Creek area are likely to continue to naturally move across the adjoining landscape.

DELWP recommended that all kangaroo staged management principles be included in full in Appendix G of the PSP, and cross referenced in the UGZ1. The Construction Environment Management plan should also reference and address the kangaroo management principles.

Mr Harvey gave evidence that development of the precinct will change the availability of habitats and the suitability of the area for fauna species. Mr Harvey also advised that the removal of native vegetation is likely to impact on local arboreal mammals and birds in the short term, but that many will adapt and will use new vegetation planted throughout the precinct.

A number of other submitters raised concerns about wildlife and kangaroo management, including:

- Concerns that kangaroos and wildlife would no longer be able to inhabit the precinct:
 - 3228 Residents Association (submitter 66) submitted that the plan gives little consideration to the resident kangaroos, and that the *“fauna management plan is essentially an exclusion plan”*. The precinct should be developed to encourage kangaroos and other wildlife. 3228 Residents Association suggests that native animals could be catered for by providing 0.4 hectares minimum lots with contained building envelopes and ample public open space
 - D, A, B and P Tepper and P Contessotto (submitter 37) submitted that the kangaroo management plan was not appropriate as it was intended only to keep kangaroos off building sites. They suggested that this should be revisited with an intention to create a wildlife corridor with a realistic opportunity for wildlife to be able to move throughout the precinct
 - S & E Rodgers (submitter 38) submitted that they were concerned about displacement of kangaroos
 - V Rippon (submitter 63) submitted that the plan provided insufficient provision for wildlife management, in particular kangaroos, and suggests that a better solution would be to relocate the current kangaroo population to an area away from development, or a fertility program could be introduced to decrease the population
 - Ms O’Shanassy (submitter 64) submitted that the PSP gives no adequate proposal to accommodate the resident population of kangaroos.
- Concerns that the displaced kangaroos would have a negative impact on surrounding properties:
 - C Jacobs (submitter 44) submitted that development in the vicinity of their property has increased the kangaroo population on their property which is a significant impact on grazeable land and water supply
 - D and D Lawrie (submitter 56) suggested that provision should be made for kangaroos to live within the precinct rather than being diverted onto adjacent rural land, as this is already impacting negatively on rural uses
 - C Rippon (submitter 71) submitted that following recent increased development that their property has been overrun by kangaroos, and they anticipate this becoming worse with the development of the Spring Creek valley.
- General concerns that the development would not be designed to accommodate wildlife:
 - SCEG (submitter 36) submitted that provision must be made for nature and other life forms, and that public space suitable for humans does not necessarily suit other species
 - Ms Appleton (submitter 48) submitted with concerns about the loss of the scenic rural tree view, vegetation and space for wildlife.

Species selection for revegetation and planting

Council submitted that if works are required in waterway and drainage reserves that revegetation is to be provided with indigenous species.

In response to a question from the Panel, Council submitted that in taking advice from its Parks and Gardens department, that Bellarine Yellow Gum may not be the best street tree, and that there may be better options to respond to street tree requirements.

DELWP submitted that to strengthen protection of the Bellarine Yellow Gum that the PSP should incorporate measures to prevent planting of other Yellow Gum sub species which may hybridise, and that the Bellarine Yellow Gum should be incorporated into revegetation programs.

SCEG submitted that public open spaces should be designed to support a wide range of local Woodland birds, Bellarine Yellow Gum should be used across the landscape with other indigenous tree species and that the area should be planned as a biolink subdivision, not just relying on thin biolink ribbons.

Surfrider Foundation Surf Coast Branch (submitter 72) submitted that it supported protection of Bellarine Yellow Gums and use of them as the Community Visions proposal for 80 percent of all street trees to be Bellarine Yellow Gums.

A Burnham (submitter 70) submitted that all of Torquay/Jan Juc should have mandatory planting of indigenous plants and Mennoty (submitter 41) submitted that all landscaping should be predominantly indigenous plants and be low maintenance.

Mr Harvey gave evidence that *“revegetation along waterways should be designed to maximise chances of survival, minimise ongoing water use and management intervention. Due to the changing climate, non-indigenous native species should also be considered. Revegetation should also be designed to be compatible with other uses of reserves, such as passive recreation”*.

Under cross examination, Mr Harvey submitted that Bellarine Yellow Gums would be OK as a street tree which could be useful for increasing their number in the landscape. They tend to be more successful grown in a nursery than natural regeneration. They are however mallee forming / multistemmed and will hybridise and it would be important to plant the correct subspecies.

General matters

A number of submissions were made objecting to vegetation removal and biodiversity loss

- SCEG (submitter 36) submitted that we need to recognise that the natural environment is the Surf Coast’s biggest economic asset, and that mitigating against the worst effects of urban sprawl is critical. Major threats include climate change and species decline at all levels, plus a number of local level threats, such as environmental weeds and inappropriate roadside reserve management
- 3228 Residents Association (submitter 66) submitted that the Biodiversity Assessment identified flora and fauna of State significance, and several species listed in the Environment and Biodiversity Conservation Act 1999 (sic.). They submitted that the suggested targeted surveys should have been completed before the draft plan was released. 3228 Residents Association submitted that it did not support removal of any existing indigenous, native flora
- Surfrider Foundation Surf Coast (submitter 72) submitted that it did not support the removal or clearing of any native vegetation, stating that local flora and fauna is under significant levels of stress due to development in the area
- C Brooks (submitter 28) submitted concern for impact on natural environment based on a concept of duty of care
- A Laird (submitter 31) submitted that inappropriate development would ruin the natural environment and international reputation of the iconic Great Ocean Road
- Ms Norred (submitter 58) submitted that vegetation, flora and land needs to be protected not developed

- G Norris (submitter 60) submitted that a balance between development and conservation of environment and wildlife needs to be achieved
- Ms O'Shanassy (submitter 64) submitted that *"the PSP gives insufficient regard to the loss of biodiversity that will occur as a result of this plan"*
- R and R Irwin (67) submitted that flora and fauna needed to be shown greater respect
- R Hull, submitter 68 submitted concern that the development will damage to valuable environmental assets and provide for unsustainable development
- D Noyes-Brown (submitter 73) submitted concern about the impacts on the environment and wildlife
- J Mason (submitter 15) submitted that overdevelopment will devalue the coastal town feel, increase population, traffic and congestion, and affect the local environment and habitat. Submits the statement to 'protect as many stands of Bellarine Yellow Gum and individual trees as possible' should be replaced with 'protect ALL stands of Bellarine Yellow Gum and individual trees'
- I & P Edwards (submitter 79) submitted that the subdivision would destroy wildlife and vegetation.

The Surfrider Foundation and C Brooks (submitter 28) submitted concerns about the risk of wildfire.

A number of submissions related to shelter belts and windbreaks:

- Mr Harvey gave evidence that shelter belts of non-indigenous species generally have little value for indigenous fauna, and that these should not constrain design plans. A better outcome could be achieved through revegetation with indigenous species in appropriate locations
- D, A, B and P Tepper and P Contessotto (submitter 37) submitted that windbreaks should not be removed as it would make many of the allotments subject to the extreme windy weather from the South West. *To remove these trees will lead to significant problems including potential for serious injury and death.* Windbreak trees should only be removed with a permit and a plan to relocate the native possum population
- R and R Irwin (submitter 67) objected to the removal of windbreak trees because it will cause wind tunnel and loss of possums.

Mennoty (submitter 41) objected to the protection of native vegetation and submitted that significant trees are generally undesirable on residential lots due to the potential to drop limbs, and suggested that the PSP be amended to only retain significant trees in front yards and on public land, and only if practical.

Council submitted that the precinct is zoned UGZ and therefore designated for urban development. Council submitted that the PSP sought to ensure that development is respectful of the landscape and environmental values of the precinct, such as through establishment of an integrated open space network. The PSP had been designed to protect wildlife and vegetation as much as possible, in balance with urban development.

Council submitted that whilst the development area is not covered by a Bushfire Management Overlay, it is within a designated Bushfire Prone Area but not classified as a high bushfire risk area. The PSP includes requirements to manage and mitigate any bushfire risk and impacts on the natural environment.

(ii) Discussion

Bellarine Yellow Gum / Grassy Woodland (GW5) – 220-220 Great Ocean Road

Bellarine Yellow Gum is endemic to the area, is a threatened species under the Flora and Fauna Guarantee Act 1988, has strong local and regional policy protection and is in decline. The patch of Grassy Woodland (GW5) containing a stand Bellarine Yellow Gum at 200 - 220 Great Ocean Road has been identified by Council and DELWP as a priority for protection because it:

- is a large and contiguous patch
- has a relatively high quality (habitat hectare) score
- is identified as a threatened species and is a priority for protection under State and local policy
- contains relatively intact understorey and a number of large old trees.

Mack submitted that, based on Mr Harvey's evidence, it would be appropriate to review the size and distribution of the patch of vegetation, to focus *"retention on the core of the patch and remove the requirement to retain the lower quality portion of the patch in the south west"*.

Mr Harvey gave evidence that the patch is variable in condition across the site, and that the south western part of the patch had poor quality understorey, few large old trees and was unlikely to support important habitat for other significant species. Mr Harvey explained that the current habitat hectare assessment methodology did not allow for differentiated assessment of the parts of the patch.

Mr Harvey drew the conclusion that the south western part of GW5 that has poor quality understorey is comparable to areas that have been identified for removal in the NVPP, and that the trees in this area should also be suitable for removal.

Mr Harvey also gave evidence that part of the site may be suitable for use as a net gain offset site as specified in the Gain Scoring Manual (Department of Environment and Primary Industries, 2013) and provided examples showing that this would not necessarily preclude public access from the site. As a designated Bushfire Prone Area, the exact offset area would need to be determined in light of defensible space zone requirements for surrounding properties.

Mack submitted a request, based on Mr Harvey's evidence, for Council to consider:

- Use of a portion of the patch as a net gain native vegetation offset site, with managed public access as appropriate
- And/or allocated of part of the vegetation patch as a credited open space.

Council objected to these requests on the basis that it was not prepared to:

- agree to any formal net gain offsets due the management and maintenance burden that this would create, and the restriction of public access to the site
- accept encumbered open space as credited open space, as this was not the primary purpose of the land.

Council concluded that:

By ensuring the majority of GW5 is retained as currently proposed in the NVPP, the core area that Biosis agrees should be retained, will be protected in part by a vegetated buffer particularly in the south west

Mr Harvey queried the rationale behind the NVPP's recommendations to remove a large part of GW2 which had a higher quality (habitat hectare) rating. As discussed above, the Panel agrees that this is not clear and has suggested that Council include additional information in the NVPP to explain the rationale for native vegetation removal and retention.

Council did not agree with Mr Harvey that planted trees would be an adequate substitute for the removal of mature trees. The Panel also agrees that planted trees are not a direct substitute for removal of mature trees, however this may be an important part of succession planning and long term protection of the species in the precinct.

The Panel notes that Council did not call any evidence in support of its position, and the Panel has placed great weight on the evidence submitted by Mack.

It was observed during the Panel's site visit to the property that the south western part of the patch was in poorer condition, with a degraded understory and sparse over story compared with the balance of the patch.

The Panel considers that it is important to protect the Bellarine Yellow Gum, however the condition of the ecological community is significant and should inform management objectives and strategies. This may vary across the patch of vegetation depending on the condition, threats and proposed use of each part, for example conservation or public use. The Panel considers that an alternative management regime in the south western portion of the site, such as an open space reserve, may be appropriate, on the proviso that Bellarine Yellow Gum are retained.

Establishment of an open space reserve and buffer in the south western part of GW5 may also help to provide a protection for the core area of better quality vegetation.

Given the significance of the asset and Council's desire to achieve long term preservation of the subspecies the Panel considers that it would be appropriate to consider using part of the patch as a net gain offset site.

The suitability of public access should be determined based on an assessment of the identified threats to the native vegetation, and appropriate management actions required to protect the vegetation. Based on the evidence submitted, this may include controlled public access to the site.

Swampy Riparian Woodland (SRW1) - 200-220 Great Ocean Road

Parties agreed that the area of Swampy Riparian Woodland (SRW1) on 200-220 Great Ocean Road was most likely planted. Council submitted that this was likely to have been publicly funded, and whilst there was no record of this, that it should not be exempt from a planning permit nor offsets under Clause 52.17. Council submitted that this area provided valuable habitat along Springs Creek.

Without a record of public funding, the Panel cannot recommend that this planted vegetation be subject to a planning permit or offset requirement under Clause 52.17. Whilst the Panel agrees that this vegetation should be maintained to provide habitat benefits if possible, the PSP and NVPP should be amended to remove this area as a conservation reserve.

Remnant vegetation – 160 and 195 Grossmans Road

The landowners have submitted that native vegetation on the property has been planted, including photographic evidence, and requested that the vegetation assessment be reviewed. The

Panel agrees that the status of the vegetation in the Biodiversity Assessment should be reviewed in light of this information, and the NVPP should be reviewed in response to the findings of this review.

Wildlife and kangaroos management

The Panel understands the community's concern that urban development in the precinct will result in displacement of kangaroos and other wildlife. The precinct is zoned for urban growth, and development of the precinct will change the availability of habitats and the suitability of the area for fauna species.

DELWP made sound recommendations for the PSP to incorporate kangaroo management principles, and for these to also be addressed in Construction Environmental Management Plans. Council agreed to this submission.

The protection of native vegetation through the NVPP, and provision of generous conservation reserves / waterway corridors throughout the precinct, will assist with maintaining a suitable environment to provide habitat for some species.

Species selection for revegetation and planting

Mr Harvey raised the issue that climate change may have implications for native vegetation viability along waterways, and suggested that alternative, non-indigenous species may be appropriate for revegetation. The Panel agrees with this approach, and suggests that Council should undertake further work to understand climate change impacts on native vegetation across the site and to determine suitable revegetation species.

There is a clear desire amongst a large number of submitters to include opportunities to protect and improve the viability of Bellarine Yellow Gum's across the site by planting more of these trees across the precinct. Detailed design should consider opportunities to maximise the appropriate use of Bellarine Yellow Gums, with the potential to use them as street trees, subject to Council's assessment of suitability.

General matters

The Panel was generally comfortable with Council's response to submissions that raised concerns about the balance of environmental protection. The Panel notes that the precinct is zoned UGZ and therefore designated for urban development, and that the PSP had been designed to establish an integrated open space network and to protect wildlife and vegetation as much as possible, in balance with urban development.

Mennoty proposed to only retain significant trees in front yards or on public land. The Panel considers it more appropriate to determine suitable solutions for protection of identified significant trees at the detailed design stage.

7.5 Conclusions

In relation to the native vegetation protection framework, the panel concludes that:

- it supports Council's proposed landscape scale, precinct wide approach to native vegetation planning and protection
- the NVPP needs to be refined to:
 - include a clear rationale for the removal and retention of native vegetation, particularly where this differs from the key areas of conservation significance identified in the Biodiversity Assessment
 - include the improvements suggested by DELWP, in particular inclusion of a minimisation strategy, explanation of the Biodiversity Impact and Offset Requirements (BIOR) report and information that clearly explains the difference between specific and general offsets, and the offset requirements of land owners
 - include the improvements suggested by DELWP, and agreed by Council, including review of the NVPP to reduce specific offsets, inclusion of information to clearly explain the plans for vegetation for practical retention, additional wording in relation to tree protection zones and inclusion of roadside vegetation.
- the wording of R23 should be amended to allow a permit application to remove native vegetation
- the NVPP is a suitable replacement for the VPO1.

The Panel considers that these changes will achieve a better and more holistic vegetation protection outcome for the precinct.

In relation to GW5 – 200-220 Great Ocean Road, the Panel concludes that it is a priority to protect the Bellarine Yellow Gum, however the condition of the ecological community is significant and should inform management objectives and strategies. The Panel concludes that consideration should be given to using the best part of the patch as a net gain offset site, and consideration of an alternative management regime, such as credited open space, in the south western portion on the basis that Bellarine Yellow Gum are retained. Credited open space is discussed in greater detail in Chapter 9 of this report.

The Panel concludes that suitability of public access should be determined based on an assessment of the identified threats to the native vegetation, and suitable management actions required to protect the vegetation.

The Panel is satisfied that vegetation patch SRW1 – 200-220 Great Ocean Road is planted and that removal should not be subject to a planning permit as no evidence of public funding has been provided, and the PSP and NVPP should be amended to remove this area as a conservation reserve.

In relation to wildlife and kangaroos, the Panel supports DELWP's recommendations, and Council has agreed to include Kangaroo Management Principles in the PSP and for these to also be included in Construction Environmental Management Plans.

The Panel concludes that status of the native vegetation at 160 and 195 Grossmans Road should be reviewed and the Biodiversity Assessment and NVPP should be reviewed accordingly.

The Panel concludes that Council should undertake further work to understand climate change impacts on native vegetation across the site, and determine suitable revegetation species.

7.6 Recommendations

The Panel makes the following recommendations in relation to biodiversity:

13. **Amend the wording of R23 of the Precinct Structure Plan to allow for a permit application to remove native vegetation identified for protection in the Native Vegetation Precinct Plan.**
14. **Council consider using the best part of GW5 as a net gain native vegetation offset, with consideration of appropriate public access that manages identified threats and protects the values of the biodiversity asset.**
15. **Remove SRW1 from the Precinct Structure Plan and Native Vegetation Precinct Plan as vegetation proposed for retention in a conservation reserve.**
16. **Review the status of native vegetation at 160 and 195 Grossmans Road, and amend the Biodiversity Assessment and Native Vegetation Precinct Plan accordingly.**

Further recommendation

The Panel makes the following further recommendation:

Council work with DELWP to review and refine the Native Vegetation Precinct Plan, to include a rationale for native vegetation proposed for retention and removal, and respond to the specific matters raised by DELWP, including:

- **Minimisation strategy**
- **Review of the Native Vegetation Precinct Plan to minimise specific offsets**
- **Roadside vegetation inclusion**
- **Biodiversity Impact and Offset Requirements (BIOR) report**
- **Clearly explain vegetation for practical retention**
- **Rewording tree protection zone requirements**
- **Information that explains the difference between specific and general offsets, and the offset requirements of landholders.**

8 Climate change and environmental sustainability

8.1 The issue

The issue is whether climate change and environmental sustainability has been adequately addressed in the Spring Creek PSP.

8.2 Evidence and submissions

Council submitted that the Spring Creek PSP responded to the Precinct Structure Planning Guidelines, Objective 6 - To respond to climate change and increased environmental sustainability, through the following initiatives:

- *Local and linear parks will be located next to waterways and will provide large connected open spaces based on natural features of the Spring Creek, existing native vegetation stands in the south and around the tributaries of Spring Creek in the north. A dedicated pedestrian/cycle path including a bridge across Spring Creek will connect the open space network but this path will also provide a direct connection from the north to the neighbourhood centre in the south.*
- *These connections will provide people with a choice, reducing their carbon footprint by using non vehicle transport for local trips.*
- *The proposed drainage for the precinct utilises the existing natural drainage lines of Spring Creek and its tributaries, therefore reducing the need for expensive and intensive drainage works.*
- *The majority of the recorded native vegetation in the PSP area will be retained and landscaping, particularly with the canopy trees, will provided additional cooling, windbreaks from coastal winds, shade and habitat.*

Two submitters raised concerns that the proposed development did not adequately address matters of climate change.

SCEG (submitter 36) presented a submission on behalf of nine separate community groups who supported the community plan for the site. SCEG submitted that the key drivers of climate change and ongoing species decline would not be addressed by modest improvements to exhibited plan for Spring Creek. SCEG submitted that if Spring Creek is developed as proposed that this would be *“another squandered opportunity to avoid greenhouse gas emissions”*. SCEG referred to internationally recognised research which argued that we have crossed four of the nine *“planetary boundaries”* that should not be crossed in order *“to sustain a living planet suitable to humanity”*. The boundaries in include Climate Change, Biodiversity Loss, Land Use Change and Nitrogen and Phosphorous flows. On this basis, SCEG submitted that *“it is incumbent on all of us to deliver a precinct plan that sets a real and authentic sustainability standard”*. As a specific recommendation, SCEG submitted that *“all houses should be north south orientated to maximise passive energy efficiency, every single house should be carbon positive”*.

Ms O'Shanassy (submitter 64) submitted that *“the PSP gives insufficient regard to climate change – it is hardly mentioned”*.

Mack submitted that it had received ecological advice from Biosis that climate change should be a factor when considering appropriate species for vegetation, and that non-indigenous species.

A number of other submissions raised concern about environmental protection, which are detailed in Section 7.2.3 of this report.

In closing, Council submitted:

Clearly, given the distance of the PSP area from the coast, changing sea level is unlikely to directly impact upon the development in this area. However, storm surge and high rainfall events may impact development within the PSP area. In the Tomkinson report, climate change effects such as high rainfall impacts have been taken into account with a conservative approach being adopted.

Queries have been raised in relation to climate change and stormwater modelling. Projected changes to global and regional climate are expected to have impacts on both sea levels and rainfall intensities – this includes predictions of both increasing and decreasing trends. Notwithstanding this, the VPA notes for PSP suggest that provision be made for storage and conveyance of floodwaters and flood events through drainage reserves and watercourses, including consideration of likely increases in extreme events due to predicted climate change.

Council submitted that the stormwater modelling was undertaken in a conservative manner to account for any possible imprecision in the modelling and to make sure that the land taken for stormwater assets was sufficiently conservative to cater for events outside of those modelled, such as the possible effects of climate change.

Council submitted that recent Amendments for Greater Bendigo C221 and Greater Geelong C301 did not include an allowance for climate change.

8.3 Discussion and Conclusions

Council submitted that it had responded to climate change considerations adequately, as detailed in its response to Objective 6 of the PSP Guidelines. Objective 6 of the PSP Guidelines requires consideration of:

- reducing car use
- reducing environmental footprint and careful use of resources such as land, energy and water
- renewable energy options
- climate change risks
- integrated water management
- protecting waterways and ecologically significant areas
- efficient use of land required for community purposes
- providing for both conservation and recreation needs by retaining environmental and heritage assets within the open space network
- environmental constraints and risks such as salinity, soil erosion, flooding, coastal inundation, bushfire risk and increased predicted temperatures
- land management, river health and biodiversity enhancement.

In reviewing Objective 6 of the Guidelines and Council's response, the Panel notes that the Council response to climate change and environmental sustainability is more comprehensive in the PSP. For example, the PSP includes Appendix F - Sustainability Principles, which detail a number of principles to guide sustainable development outcomes. However, the PSP only requires a

response to Appendix F in Section 3.2 Neighbourhood Centre, Convenience Centres and Employment. Given that many of the sustainability principles relate to planning and development of the entire precinct and residential areas, it would make sense to require a response to the Sustainability Principles for other elements of the development.

The Panel acknowledges SCEG's submission and understands the severity of the climate change challenge. It is clear that Council's intention is to create an environmentally sensitive development. More comprehensive application of Appendix F may go some way towards meeting this goal and SCEG's expectations and aspirations for the site.

Mack made a suggestion in relation to the implications of climate change and species selection for revegetation. This is discussed in greater detail in Chapter 7.

Council submitted that the Tomkinson report did address climate change effects such as high rainfall impacts. The Panel notes that the Tomkinson Report on Storm Water Modelling Spring Creek PSP Area states "*The impacts of climate change have not been assessed in this report*" (p.11).

Council cited examples of other panel hearings relating to flood and stormwater management planning where a response to climate change was not provided. The Panel notes in relation to the referenced panel hearings and reports:

- Greater Geelong C301 – this amendment proposed to rezone land from Farming Zone to Urban Growth Zone, incorporate the Armstrong Creek South Precinct Structure Plan and apply a Public Acquisition Overlay to implement the Armstrong Creek South Precinct Stormwater Management Strategy. The panel report notes that the amendment was relatively uncontroversial and attracted a limited number of submissions. The Panel notes that there were no submissions related to matters of climate change and hence were not addressed by the Panel.
- Greater Bendigo C221 - proposes to implement the findings of the Bendigo Urban Flood Study (2013). The panel hearing for this amendment was held in October 2016 and the panel report was submitted to Council on 21 November 2016.

8.4 Conclusion

Whilst Council submitted that it was confident that the approach taken was adequately conservative to accommodate the possible effects of climate change, the Storm Water Modelling report did not take into consideration the impacts of climate change and Council did not present any evidence in support of its position. On this basis it is not possible for the Panel to know whether the proposed drainage infrastructure is adequate in light of climate change projections.

The Panel concludes that climate change should be considered in stormwater modelling in order to fully assess the climate change and environmental risks as required by the PSP Guidelines and to ensure an adequate design response.

8.5 Further recommendations

The Panel makes the following further recommendation:

The impact of climate change should be modelled for stormwater for the precinct, and to ensure that design detail for each stage of the development demonstrates a response to this modelling.

9 Open space

9.1 The issue

The issue is whether the open space contribution required by the Spring Creek PSP is appropriate and consistent with the requirements of the PSP guidelines and other policy documents.

The PSP requires provision of 9.79 percent passive open space, consisting mostly of wide creek corridors along the length of Spring Creek and its tributaries. The issue is whether there is enough evidence to warrant the proposed waterway corridor widths, and whether there is a need for an active open space contribution.

A number of issues were raised by Mack in relation to the proposed conservation reserve at 200 - 220 Great Ocean Road, with consideration of equitable distribution of reserves and whether:

- the lower quality part of the vegetation patch (south west) may be partly credited as passive open space
- Council would agree to take on management of the conservation reserve.

A number of issues were raised in relation to proposed specific open space matters and areas:

- OS-08
- 165 Grossmans Road
- 160 and 195 Grossmans Road
- Rural urban buffer and open space interface.

9.2 Open Space Contribution and Waterway Corridor Buffer Width

(i) Evidence and submissions

Council submitted that *“the precinct’s location within the Spring Creek valley provides an ideal opportunity for the provision of open space and an open space network”*. Figure 9 shows the location and distribution of proposed open space in the exhibited Spring Creek PSP.

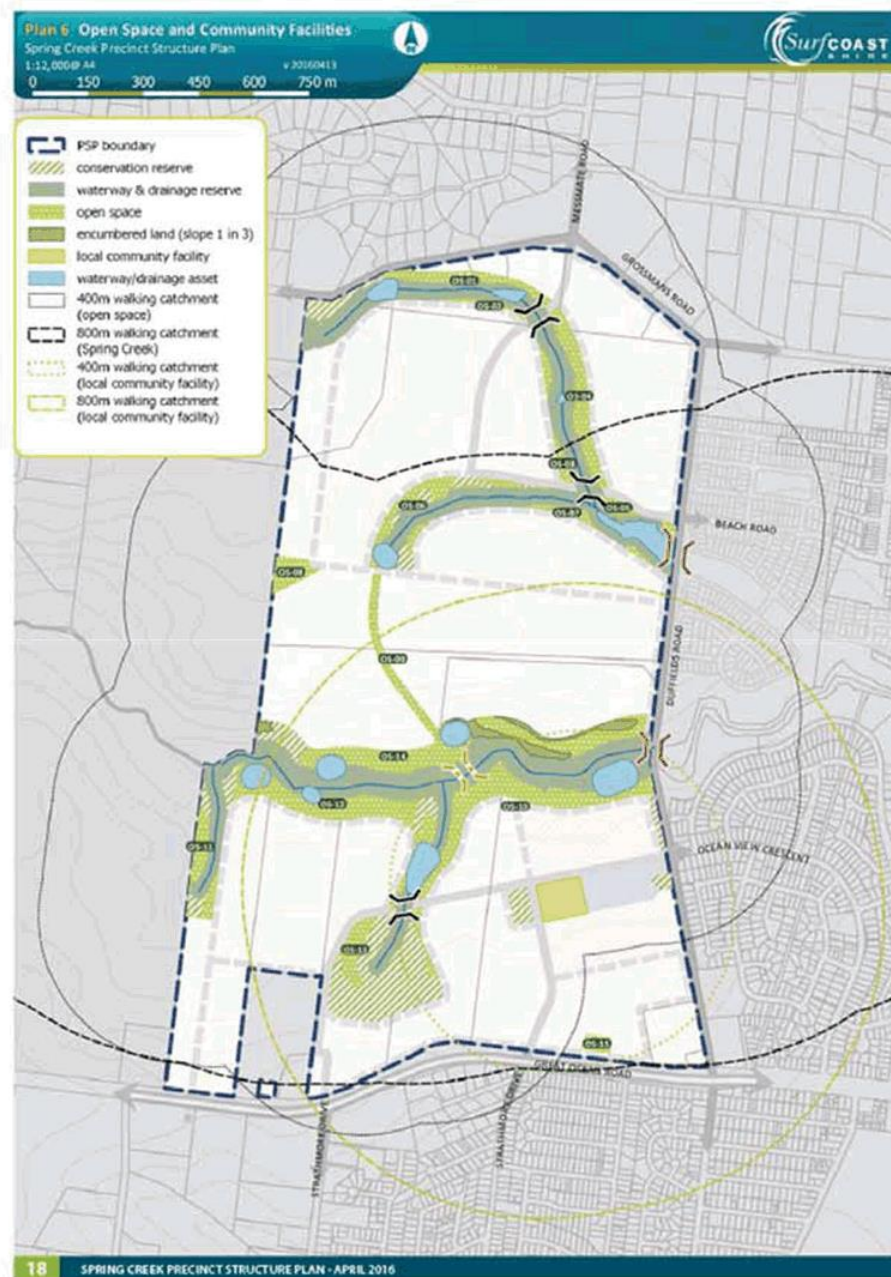


Figure 9 PSP Plan 6 - Open Space and Community Facilities Plan

Council commissioned ASR Research to prepare a Community Infrastructure Assessment (CIA) for the site which included recommendations relating to open space provision.

The Assessment concluded that:

8 hectares of active open space reserve should be provided in Torquay to meet future demands although due to topographical and environmental reasons, the PSP area may not be a suitable area to locate a large reserve in Spring Creek such as that that might be used for rugby, hockey or baseball.

The open space network in Spring Creek should provide the following:

- *At least two local parks with playgrounds;*
- *A linear park and trail along the full length of Spring Creek;*
- *A linear open space network and internal park / trail network which links the creek and the proposed community facilities and residential areas and connects to external trails and other links in Torquay;*
- *Land that is required for drainage purpose or to protect sites that have environmental, heritage and conservation values, for example, habitat links, sites with archaeological significance and significant vegetation.*

Council submitted that all owners must provide a 10 percent public open space contribution upon subdivision of land in accordance with the following:

- Unencumbered public open space equal to 10 percent of the lots NDA, to be transferred to Council at no cost
- A total contribution of 10 percent of the lots NDA through a combination of a cash contribution and unencumbered public open space, to be transferred to Council at no cost
- Where land required for unencumbered public open space is greater than 10 percent of the lots NDA, Council may pay an amount equivalent the value of the additional land being provided.

Council submitted that *“it must be understood that any landowner who is required to contribute 10 percent of the NDA towards public open space will receive a credit where more than 10 percent of the lot’s NDA is provided (R15). Secondly, there will be no “double dipping” by the DCP and Infrastructure list prepared by the VPA. The DCP in Section 2.5 turns its mind to double dipping and multiple POS contributions through the different mechanisms and states that the DCP requires contributions for ‘unique’ items”*. Council submitted that the Torquay Jan-Juc DCP Review would determine the method for application of the DCP’s for Spring Creek. Council submitted that the list does identify one active open space (OR17) for lawn bowls.

Council submitted that based on the service standards specified in the Open Space Strategy, that a population of 4,524 in Spring Creek would require 12.67 hectares of open space, including:

- 1.36 hectares for local parklands and gardens
- 2.26 hectares for district/precinct parklands and gardens
- 9.05 hectares for outdoor sports.

Council submitted that a 10 percent open space contribution (passive and active) as required by the Planning Scheme would require 18.56 hectares of net developable area. Council submitted that Spring Creek residents would have access to 20.51 hectares of open space within 1 kilometre of the site, and that ASR recommended that the demand for active recreation generated by the Spring Creek development be met by a combination of existing reserves and provision of a new active open space elsewhere in Torquay.

Council submitted that:

The PSP area is focussed on providing passive open spaces including parklands and gardens as well as linear open spaces to ensure connectivity of all green spaces, to protect and enhance environmental and landscape values and to maximise walking and cycling opportunities.

Council submitted that the PSP included a number of encumbered conservation reserves, waterway and drainage assets and a number of unencumbered passive open space assets (total 15). Council submitted that the following buffer zones were proposed:

- 75 metres on either side of Spring Creek, measured from the 1:10 year flood level
- 50 metres on either side of the northern tributaries, measured from the 1:10 year flood level
- 20 metres on either side of other waterways, measured from the centre line.

Council submitted details of waterway corridor widths in the Great Ocean Views Estate and Surf View Estate, to the east of the Spring Creek PSP, showing variable buffer widths ranging from approximately 35 – 130 metres and 30 – 50 metres respectively on each side of the creek, and suggested that the proposed corridor widths as part of the PSP were not in excess of surrounding land.

Council submitted that waterways and drainage reserves must be integrated into the open space system to maximise the potential for recreational uses and wetlands, where it doesn't conflict with the primary function of the land.

DELWP submitted that it supported the creation of a drainage / waterway reserve as a protective buffer around Spring Creek.

Ms Porter submitted that the PSP proposes a much larger contribution of open space than that required by the PSP Guidelines. The PSP proposes provision of passive open space plus land for conservation reserves, water / drainage reserves and other encumbered land. Ms Porter called Mr Woodland from Echelon Planning to provide expert evidence on the allocation of land for open space purposes, and the long term ownership and management regime for proposed conservation reserves.

Mr Woodland gave evidence that the PSP Guidelines require:

That the overall quantum of open space (including active and passive open space) should be circa 10 percent of the net developable area of the precinct, and that 6 percent of the open space contribution be for active open space purposes.

I do not consider that a case has been made in Amendment C114 (or the material that supports it) to depart from the open space standards set out in the PSP Guidelines.

Mr Woodland gave evidence that Council's requirement in the PSP for 9.76 percent of the net developable area to be provided for passive open space along waterways and drainage corridors is well in excess of the requirements in the PSP Guidelines, and has not been justified by Council. Mr Woodland gave evidence that, whilst not specified in the PSP, the explanatory material accompanying Amendment C114 suggests that Council will also collect a development contribution towards delivery of active open space outside of the precinct. This would be in addition to the passive open space contributions proposed in the PSP and at clause 52.10 which

specifies a 10 percent open space contribution for developments of more than 10 lots within the Torquay – Jan Juc urban settlement boundary.

Mr Woodland quoted the exhibited report ‘Spring Creek Precinct – Interim Indicative Infrastructure list’ which stated:

If the Spring Creek Precinct was included [into the existing Torquay and Jan Juc DCP], this would likely require the addition of new items as well as the redistribution of the existing DCP items for which the Spring Creek community will need to be contribute, such as higher order active sports facilities”.

Mr Woodland noted that the Interim Indicative Infrastructure list contained a number of higher order active open space facilities.

Mr Woodland gave evidence that the PSP proposes to achieve very wide waterway corridors, which has resulted in the high passive open space contribution.

The proposed waterway corridors are “substantially wider than that contemplated under State policy, the draft Spring Creek IWCM Plan, and the waterway corridor widths typically delivered in the majority of regional and metropolitan growth plans in Victoria”. They are also substantially wider than the corridor widths referred to in the Torquay Jan Juc Sustainable Futures Plan 2040.

Mr Woodland gave evidence that he had found no compelling environmental, cultural or social reason to establish these exceptionally wide corridors, and he did not think that it was warranted to meet the passive recreational needs of the future residents, particularly in light of the need to deliver active recreational spaces to meet the needs of the growing community. It was his evidence that given that the PSP proposed to include a number of high amenity ‘encumbered’ open space areas that he considered that the “passive open space contribution specified in Amendment C114 should be closer to the 4 percent contribution envisaged in the PSP guidelines”.

Ms Porter called Mr McGrenaghan from Wood and Grieve Engineers to give evidence in relation to stormwater and buffers required for safety.

Mr McGrenaghan gave evidence that “from an engineering perspective the Spring Creek buffer should have sufficient width to ensure that people moving around Spring Creek during a major flood event are not endangered by deep or fast flowing water” and, based on the PSP Stormwater Modelling report prepared by Tomkinson Group, the following buffers should be adequate:

- A 30 metre wide Spring Creek buffer zone (60 metres total width)
- A 10 metre wide Spring Creek tributary buffer zone (20 metres total width).

Ms Porter submitted that the proposed buffers are not justified on the basis of stormwater or drainage requirements, or cultural heritage reasons, or for ecological reasons, and that the buffer zones should be reduced to 30 metres either side of Springs Creek and 10 metres either side of creek tributaries, in line with Mr McGrenaghan’s evidence.

Ms Porter submitted that the extent of land required for open space could be reduced where encumbered land can support passive recreational use. *In the alternative, the amount of passive open space required to be provided in the PSP area should be reduced to around 4 percent of net developable area.*

Christian College (submitter 57) submitted that the 75 metre setback on either side of the 10-year flood level along the creek was excessive as it is mostly a dry drainage line up the valley.

Council responded to the evidence presented by Mack, stating that wider waterway buffers are justified on the basis of:

- assisting with the protection of environmental assets and not relying on minimum waterway buffer widths
- existing topography which is steep in places, particularly on the north side of the creek
- providing habitat corridors and bio-links as recommended in the Ecology and Heritage Partners reports
- kangaroo management principles prepared by DELWP
- connectivity of all green spaces and to maximise walking opportunities
- protection of areas of high Aboriginal cultural heritage sensitivity and recorded places, particularly on the south side of the creek
- implementation of the recommendations of the Community Panel adopted by Council.

Council clarified that final buffer width for Spring Creek was as a result of the community panel process. Council submitted that the proposed buffer widths were considered a “balanced” view of all of the positions that Council received, bearing in mind that State Policy talks about 30 metres, the Tomkinson report suggest 40 metres, and the remainder of the buffer is made of up of slopes, cultural heritage, habitat corridors and passive recreation.

Council referred to its Open Space Strategy 2015 - 2025 in support of this position, submitting that the strategy emphasises the community’s desire for pedestrian and cycling connections, and connection to the natural environment. Waterways within the PSP provide an opportunity to provide linear walking and open space connections, protection of cultural heritage and habitat corridors, consistent with the Open Space Strategy.

A number of submitters suggested that a larger allocation of open space and wider corridors would be appropriate:

- SCEG (submitter 36) submitted that there should be a minimum of 27 percent public open space as per the community groups’ plan for Spring Creek to respond to biodiversity decline and to provide suitable wildlife habitat corridor, forming the basis for “*corridor for life botanic gardens*” and “*21st century sustainable growth*”. SCEG would like to see a revolving fund established to fund maintenance of this large area of open space
- 3228 Residents Association (submitter 66) submitted that the proposed allocation of open space was insufficient, although it would be adequate if lot sizes were increased, on the basis that:
 - it was concerned that each individual developer contribution would be reduced when the separate subdivision plans were presented to Council for approval, and suggested that Council put measures in place to ensure this does not occur.
 - waterway corridors should be increased to 100 metres on each side
 - Christian College should be required to make a 10 percent public open space contribution
 - bike paths should be provided in all reserves, not just the creeks.
- Surfriider Foundation Surf Coast Branch (submitter 72) submitted that it supported the alternative community plan for Spring Creek including the proposed 100 metre buffer on the south side and 75 metres on the north side, stating that the current plan fails to provide an interconnecting network of conservation buffers and wildlife corridors and the

proposed buffer widths would be inadequate for the protection of native vegetation and wildlife habitat

- A Burnham (submitter 70) submitted that Council should negotiate more than 10 percent open space in the precinct to protect native flora and fauna
- G Davis (submitter 5) submitted that plan does not provide for any new active play areas.

A number of submitters suggested that the open space requirement of the PSP was unreasonable:

- J and J Walker (submitter 27) and R and P Haebich (submitter 62) submitted that the open space requirement of the PSP was unreasonable for their properties. PJC Co (submitter 78) submitted that the extent of allocated open space is a significant burden on the property and sought clarification as to how the credited open space areas were determined and why they do not include encumbered land that is suitable for open space.

Christian College (submitter 57) submitted that Open Space requirement 15 (R15) allows for the responsible authority to alter the distribution of public open space, and suggested that this be amended to reflect that this can be initiated by the land owner.

In response to submissions, Council responded that the need for active open space was recognized in the Community Infrastructure Assessment, however it was also recognized that the Spring Creek precinct does not provide suitable areas for active open space due to its topography. The report recommended that active open space be provided elsewhere in Torquay to meet the active recreation needs of the future population.

Council responded that *“waterway buffers have been established based on environmental/biodiversity, flooding, topographical, landscape, recreation and cultural reasons. The widths have also taken into account the views expressed through the community panel process”*.

Council acknowledged that some areas within the precinct would be beyond a 400 metre walking distance to local or neighbourhood parks, however, if this was delivered it would result in reduced linear spaces elsewhere in the precinct.

In response to SCEG’s submission, Council stated that it noted SCEG’s support for the alternative community plan, however the PSP provided a total of 23 percent of public open space, consisting of conservation reserves, waterway/drainage reserves and credited open space (local parks). In accordance with Clause 52.01 of the Planning Scheme 10 percent credited open space can be required, and if Council required any more than this would need to be compensated by Council, with a current land valuation of approximately \$1 million per hectare.

Council submitted that although encumbered land may provide some opportunities for (passive) recreation, the main purpose would be for conservation or drainage and would not be considered for credited open space.

In closing, Council submitted that *“cash contributions to POS will be saved into a reserve fund. When payments are due to developers who have greater than 10 percent POS on their land, a valuation will determine the amount and the Council will pay the amount from the funds”*.

(ii) Discussion

The Spring Creek PSP proposes:

- 18.26 hectares for unencumbered or credited passive open space (9.76 percent developable area)
- 38.97 hectares for encumbered open space (20.9 percent developable area) consisting of:
 - 9.7 hectares for conservation reserves
 - 28.06 hectares for waterway and drainage
 - 1.21 hectares for other encumbered open space.

The Open Space Strategy 2016 – 2025 (Document 8) envisages provision of open space for a Spring Creek population of 4,524 would be 12.67 hectares, of which 3.62 hectares or 29 percent would be passive open space, and 9.05 hectares or 71 percent would be for outdoor sports.

The Spring Creek Community Infrastructure Assessment specified the required land for local parks/playgrounds at 1.4 hectares, paths and trails of 2,000 metres (2km), other passive areas (size not determined) and an active open space of 8 hectares to be provided in a new development area north of Torquay.

Mr Woodland gave evidence that the PSP Guidelines require an overall open space contribution (passive and active) of circa 10 percent of the NDA of the precinct, with 6 percent allocated to active open space.

In the context of strategic planning for open space provision, the Panel notes that the Open Space Strategy references the Torquay Jan Juc Development Contributions Plan 2011, stating that it will adequately provide for passive open space needs, however “in contrast, the expected 21 hectares shortfall in outdoor sport land will require future acquisition”. *“The Spring Creek Urban Growth area is an area where future open space will be required (provided) for future residents, but the precise form has yet to be determined and will be done through a separate process - the Spring Creek Precinct Structure Plan project”*.

Council has indicated that the precinct is not suitable for the provision of active open space due to topography and other constraints, and that the only active open space to be provided is OR17 for lawn bowls (identified in the Interim Indicative Infrastructure list).

The Panel finds that Council’s requirement of 9.76 percent of passive open space is much greater than that envisaged by the Surf Coast Open Space Strategy, Community Infrastructure Plan and PSP Guidelines for open space.

Mr Woodland has presented evidence that a 4 percent contribution of passive open space would be appropriate and consistent with the PSP Guidelines, on the basis that developers would be required to contribute to active open space provided in other locations.

Mr Woodland gave evidence that the exhibited material with the amendment indicated that developers would be required to contribute towards active open space delivered off site, facilitated under a future Development Contributions Plan or individual section 173 agreements. Council submitted that the Spring Creek CIA recommended that the demand for active recreation generated by the Spring Creek development be met by a combination of existing reserves and provision of a new active open space provided elsewhere in Torquay.

The Surf Coast Planning Scheme provides for a combined passive and active open space contribution of up to 10 percent. The Panel notes that whilst the PSP Guidelines indicate a

possible allocation of this to active (6 percent) and passive open space (4 percent), they are guidelines only and should be applied in response to a strategic assessment of the need for passive and active open space for the precinct.

The Panel finds that Council has not presented a convincing strategic assessment for why the proposed provision of passive open space contribution is greater than that identified in the Open Space Strategy, CIA or PSP Guidelines, or how the active open space needs of Spring Creek residents will be met.

Mr Woodland gave evidence to the Panel that the proposed waterway corridors and buffers in the Spring Creek PSP are wider than that recommended by any of the relevant policy documents and background reports. The Panel reviewed the Torquay Jan Juc Sustainable Futures Plan 2040 (2014 version), and notes that it specifies for Spring Creek a *“thirty-metre buffer to be provided either side of the creek and gully corridors, and provision of integrated cycling/walking pathway systems along these corridors”*.

Council submitted that the wider buffer widths were justified on the basis of environmental, flooding, topographical, landscape, recreation and cultural matters, however Council did not provide any evidence to underpin that position. Council clarified that the final buffer widths were based on input from the community panel process.

Council submitted that the Open Space Strategy emphasizes the community’s desire for pedestrian and cycling connections, and connection to the natural environment. Council did not present evidence that wider than standard buffers are required to achieve these outcomes.

Council submitted that the proposed buffers were consistent with development to the east along Spring Creek, namely Great Ocean Views and Surf View Estates. The Panel found that buffer widths varied throughout these developments from 30-130 metres.

The Panel notes that while DELWP supports incorporation of a waterway / drainage reserve as a protective buffer around Spring Creek, it does not specify preferred widths.

In response to Mr McGrenaghan’s evidence, the Panel comments that the corridor width required for stormwater and waterway management is only one consideration in determining the final corridor width suitable for open space purposes.

The Panel finds that the primary driver for the proposed buffers has been Council’s community panel process, but that this recommendation has not been underpinned by evidence or strategic rigour. The Panel is of the opinion that no strategic justification has been presented for the proposed wider corridor width.

The Panel agrees with Mr Woodland’s evidence that the very wide waterway corridors have resulted in the very high passive open space contribution.

Whilst the Panel agrees with Council that locating open space along waterways corridors is appropriate, and can lead to positive outcomes for the community and environment when well integrated with encumbered open space, it however finds that proposed waterway buffers are the result of the crude application of fixed width buffers that do not demonstrate a site specific response to opportunities and constraints of the precinct, nor a response to an identified need for passive open space.

SCEG submitted that it supported wider corridor buffers to protect environmental and biodiversity assets. SCEG’s proposal includes the establishment of a *“Bio-tanic Garden”*, and whilst this idea is

to be commended, the Panel notes that to be effectively implemented that it must form part of an overall, endorsed regional plan to establish this with connections beyond the precinct, and that the PSP does not provide for funding of this concept. There would be value in pursuing this idea with Council for planning across the Shire.

Ms Porter took the Panel to Casey Planning Scheme Amendment C102, which included a recommendation to consider the role of encumbered open space in meeting passive open space requirements:

Review the quantum and location of passive open space to achieve a 4 percent (NDA) provision. In undertaking this review, Council should:

- *take greater account of the opportunities afforded by drainage reserves to satisfy a passive open space function....*

The Panel notes the findings of this panel report, and agrees that the availability of encumbered open space for passive open space purposes should be considered in a strategic assessment of the need for passive open space.

The Panel agrees with Council that the use of encumbered open space for recreational purposes is however a bonus, and that encumbered open space should not be credited.

The Panel finds that there is a significant amount of encumbered open space proposed within the PSP, and a large proportion does serve a passive recreation function. Therefore the Panel concludes that the strategic open space assessment should take this into consideration when determining the quantum and location of passive open space in line with the requirements of the Open Space Strategy, CIA and PSP Guidelines.

Council submitted that some areas within the precinct would be beyond a 400 metre walk to a local or neighbourhood park, and that if this was delivered that it may result in a reduced linear space elsewhere. The Panel notes that the PSP Guidelines recommend that local parks are provided within 400 metres of at least 95 percent of all dwellings. The Panel considers that provision should be reviewed to achieve this minimum standard, and that this should be achievable if buffer widths are reduced as discussed above.

The Panel supports Christian College's request to amend R15 to reflect that a land owner can initiate a request to alter the distribution of public open space within the PSP.

The Panel notes that the Council did not call any evidence in support of its position regarding open space, and the Panel has placed great weight on the evidence submitted by Mack.

9.3 Conservation reserve – 200-220 Great Ocean Road

(i) Evidence and submissions

Mr Harvey gave evidence that it would appear that 200 – 220 Great Ocean Road had been disproportionately allocated larger areas of retained native vegetation (GW5) relative to other properties across the PSP (34 percent of total retained vegetation within the PSP), and that the alternative draft Framework Plan prepared by Niche Planning (see Figure 10) sets out a more appropriate and equitable distribution of conservation reserves.

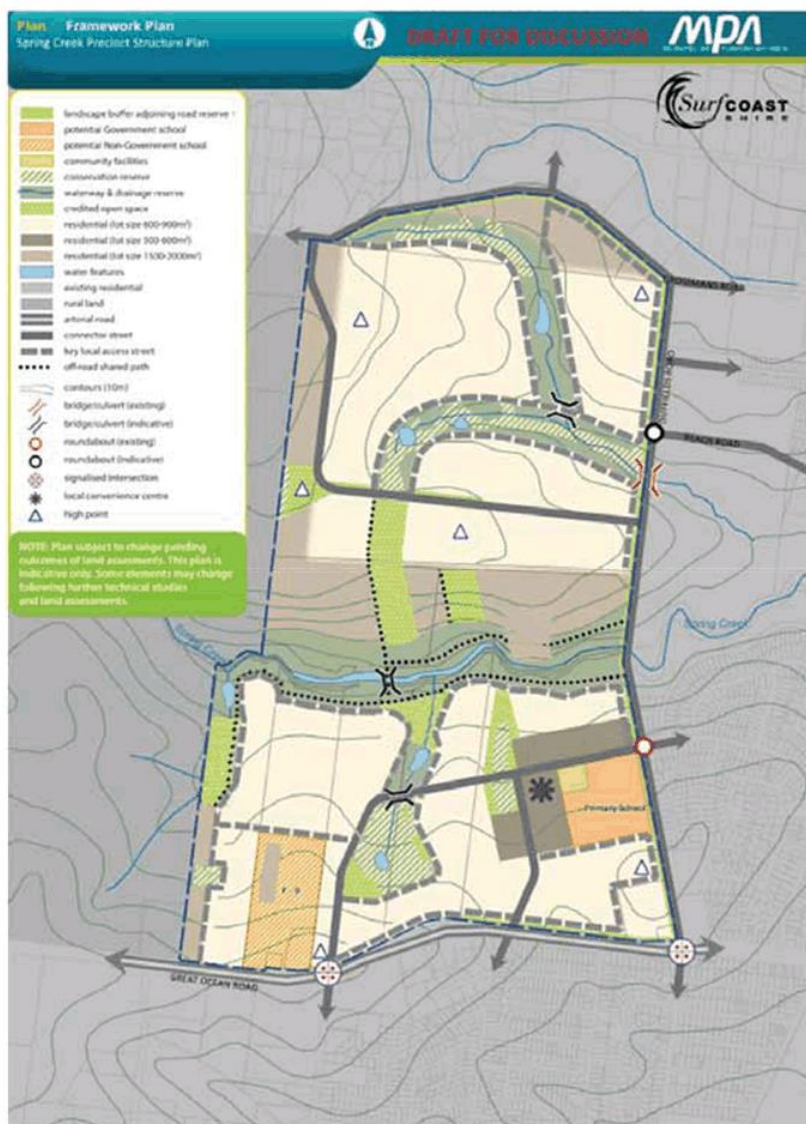


Figure 10 Alternate Draft Framework Plan
 Source: Mack submission (submitter 43), Appendix F

Mr Harvey gave evidence that alternative Framework Plan focused on protecting the core of the patch and removing the requirement to retain the lower quality portion of the patch in the south west.

Under cross examination by Mr Tobin, Mr Harvey stated that he agreed that conservation areas should be vested in Council.

Mr Woodland gave evidence that there may be opportunity for part of the proposed conservation area to form part of the passive open space network. Mr Woodland gave evidence that while a large portion of the vegetation patch would need to be managed for conservation purposes, the balance of the land could be made available for passive open space and managed to respect environmental values.

Mr Woodland gave evidence that in his opinion the proposed conservation reserve should be placed in public ownership, possibly Council, and managed for conservation purposes. Mr Woodland gave evidence that *“there may be opportunities for part of the proposed conservation reserve to form part of the passive open space network”*.

Mr Woodland gave evidence that he recommended further consideration of the following options:

- *Review the extent and shape of the proposed conservation reserve, with a view to creating a simpler, more regular reserve boundary, which can better integrate with the drainage reserve, passive open space and adjoining urban development*
- *Review opportunities for parts of the native vegetation patch to be treated as (credited) passive open space under the planning scheme*
- *Revisit whether Council is prepared to own and manage the conservation reserve, as either a native vegetation offset site, sensitively managed passive open space reserve or a combination thereof.*

Council submitted that it did not accept Mr Woodland’s suggestion that part of the conservation area could form part of the passive open space network, on the basis that it is not the core function of these spaces. Council referenced the PSP Guidelines in support of its position.

Council responded to the evidence by stating that *“whilst some areas of encumbered open space may provide opportunities for passive recreation, this is not the core function of these spaces and thus should not contribute towards credited open space”*.

Council submitted that it did not accept Mr Woodland’s suggestion that it would be impractical if the conservation reserve was secured as a native vegetation offset but was not transferred to public ownership. Council submitted that there were many examples of offset sites in private ownership, however:

Having said that, Council’s expectation is that the reserve will be transferred to Council and that Council will manage it as a conservation reserve with limited passive recreational use. Council does not accept the site as an offset site moreover, it is not even known if the area of Bellarine Yellow Gum is sufficient for the offset that will be required. As an offset site, the land would be exclusively managed for biodiversity, meaning it would be fenced and signed as a conservation area with no pathways, no public access and no passive recreation activities occurring within the boundary. The PSP seeks to establish a network of high quality open space for the benefit of the entire precinct, not just an individual site. It is not in the interest of the community to exclude public access to use of the site.

...Council is adamant that this area is not to be provided as an offset for vegetation removal as it defeats the purpose of the open space.

Mr Tobin, acting for Christian College (submitter 57), submitted that the school accepts Mr Harvey’s evidence relating to the quality of the Bellarine Yellow Gums at the western end of the remnant patch of vegetation on abutting land to the east, and *“endorses an approach where*

necessary adjustments are made to the patch of trees to facilitate development on the eastern side of the connector. This is a reasonable approach". Mr Tobin submitted that if the alternative road alignment submitted by Mack is supported by the Panel, then to provide for an effective road frontage the open space currently to the east of the connector should be relocated between the west of the connector and school land.

Ms Porter submitted that her client did not support this suggestion by Mr Tobin.

In closing, Council submitted that:

- *"conservation reserves will be identified on a plan of subdivision as a reserve to be vested in Council", and transfer will occur as per the Subdivision Act 1988*
- *it believes that best management of the GW5 site is Council ownership and management as a conservation reserve, but not an offset site. Although it may provide some passive recreation opportunities such as Bush Kinder, it should not form part of the 10 percent public open space contribution as the land is 'encumbered' under that definition.*
- *"counting part of encumbered land towards credited open space is not consistent with the PSP Guidelines, even though part of the land may be used for passive recreation"*.

In response to proposed removal of Public Conservation and Resource Zone as an Applied Zone Provision in the UGZ1, Council submitted that there was some merit in this suggestion, and that the same logic would apply to the other open space category.

(ii) Discussion

Mr Harvey supported the alternative draft Framework Plan prepared by Niche Planning, stating that it sets out a more appropriate and equitable distribution of conservation reserves for 200-220 Great Ocean Road, by focusing the reserves on the centre of GW5. The Panel notes that the intention with allocation of conservation reserves is not equitable provision, but protection of significant environmental and biodiversity assets. This is by necessity based on a biophysical assessment of the site and may not result in equitable distribution of conservation reserves.

The Panel gave significant weight to the opinion of Mr Woodland's and Mr Harvey that the extent and shape of the conservation reserve should be reviewed and that the south western part of the reserve with degraded understory and sparse trees should be considered for credited passive open space.

Mr Harvey gave evidence that the key biodiversity value of the south western part of the patch is the Bellarine Yellow Gums and suggested options for sensitively designed and managed passive open space that would protect the environmental values of this area. Mr Harvey gave evidence that public access is not strictly limited under the native vegetation offset guidelines, and subsequent to the hearing he submitted a number of examples to the Panel and parties.

Mr Woodland's gave evidence that a large part of the proposed conservation reserve should be placed in public ownership, possibly Council, and managed for conservation purposes, possibly as a net gain native vegetation offset, and that *"there may be opportunities for part of the proposed conservation reserve to form part of the passive open space network"*.

The Panel notes Council's objection to allocation of any of the patch of native vegetation as credited passive open space on the basis that this is not the core function of this area.

The Panel considers that some biodiversity assets may be suitably located in credited open space, depending on the condition and management requirements, and that the asset may not warrant designation as a conservation reserve.

The Panel notes Council's support for Council ownership and management of the conservation reserve, and its objection to owning and managing it as a native vegetation offset. Council argued that whilst the native vegetation (GW5) identified for protection in the NVPP should be retained, it did not agree with use of this area as a formal offset on the basis that it would not be consistent with the planned passive recreational use of the area. As discussed in Chapter 7, the Panel finds it appropriate to consider this site as a native vegetation offset, and that if necessary an alternative suitable land manager be sought.

Mr Harvey gave evidence that reshaping the western edge of the reserve could assist with management of the native vegetation and reserve. The Panel considers that introduction of a part of the credited open space at the south western part of the reserve could assist with management of this edge effect and the potential for weed incursion by providing a managed open space buffer.

Christian College submitted that it supported the road network on 200-220 Great Ocean Road as exhibited on the PSP. Christian College requested that if this was not the Panel's preferred option, and the alternative road alignment submitted by Mack was supported by the Panel, that the open space currently to the east of the connector should be relocated between the west of the connector and school land. The Panel considers the road alignment in the exhibited PSP a superior solution for protection of the Bellarine Yellow Gums.

The Panel agrees with Council's conclusion that there is merit in the suggestion by Mr Tobin to remove Public Conservation and Resource Zone and other open space categories from the Applied Zone Provision in the UGZ1.

9.4 Site specific issues

9.4.1 OS-08

(i) Submissions

Council submitted that the location of OS-08 was chosen for its panoramic view (see Figure 11).



Figure 11 OS-08 located on western boundary of the PSP area

P Raines (submitter 1) and C Jacobs (submitter 44), co-owners of 231 Grossmans Road, submitted that the location of OS-08 directly exposes their property to the general public and that it should be deleted as it may facilitate access onto adjacent rural land and generate noise from gatherings and sports activities by park users, which will unsettle horses. P Raines submitted a preferred alternative location, that would encompass the “large 100 year old, healthy, native tree currently slated for demolition”.

In closing, Council submitted that taking into consideration the submissions from P Raines and C Jacobs that the large trees near the western boundary should be retained, and DELWP’s submission that trees 41-47 should be retained to reduce specific offsets, Council considers it appropriate to relocate OS-08 to incorporate trees 41-47. The reserve would still be located on the western boundary, but with an enhanced buffer to rural properties to the west.

(ii) Discussion

P Raines and C Jacobs requested that OS-08 be moved away from the western boundary.

The Panel agrees with Council that relocation of this reserve to encompass trees 41 – 47 provides an improved outcome as it protects these trees in open space and reduces specific offsets. The relocated area of open space will still be located on the western boundary in order to protect these trees.

A vegetated buffer integrated into the reserve design would assist with protecting land to the west from activities in the reserve.

9.4.2 Haebich – 160 and 195 Grossmans Road (PSP property 3)

(i) Submissions

Mr Tobin, acting for R and P Haebich (submitter 62), submitted that there were two areas of passive open space identified for the land (property 3), OS-01 and OS-02, totalling 0.95 hectares or more than 25 percent of the NDA (see Figures 12 and 13 below). In addition to this 0.37 hectares is identified as a conservation reserve, in accordance with PSP guideline G35.



Figure 12 Excerpt from PSP Plan 4 showing location and open space allocation on property 3 (160 and 195 Grossmans Road) and property 2 (165 Grossmans Road)



Figure 13 Excerpt from PSP Plan 6 – showing the location of OS-01 and OS-02

Mr Tobin submitted that this proposed passive open space does not appear to have any meaningful purpose and seriously impacts on the developable area of the land and *“in practical terms sterilises this northern land”*:

- it is small, separated by a steep drainage line and does not provide connectivity to the east
- it reduces the NDA by two lots at best
- it cuts through the middle of the existing dwelling, recently valued at \$1.5M.

Mr Tobin submitted that under these conditions that the land would not be developed, which has consequences for the future DCP and open space network.

Mr Tobin submitted that OS-01 should be deleted, and that the Haebich’s consider that the provision of open space in the PSP is excessive.

Haebich submitted that it sought assurances that the encumbered land would be assessed and credited as open space.

Council submitted that it did not support the proposed changes.

(ii) Discussion

Mr Tobin argued that the open space contribution on the Haebich property was unreasonable and would render the property sterile for development.

The Panel notes that the proposed open space OS-01 along the north side of the Spring Creek tributary does not provide an open space connection to the west, and its purpose is not obvious, other than applying Council’s wide waterway buffers, as discussed above.

The Panel concludes that this large area of passive open space contribution, relative to the property size, should be reviewed and reduced based on proper assessment of its merit.

The Panel discusses the designation of encumbered land as credited open space in Chapter 9 of this report.

9.4.3 Walker – 165 Grossmans Road (PSP property 2)

(i) Submissions

J and J Walker (submitter 27) submitted an objection to the proposed larger lot sizes and the area of public open space on their property (property 2, see Figure 12 and 13 above).

Ms Katz, representing J and J Walker (submitter 27), submitted that it was unclear how the floodplain and surrounding areas had been calculated, that the width of the reserve did not seem

to be related to the slope or be designated for a particular purpose besides a link for pedestrians, and that a further bridge over the creek to allow for connection from north to sounds for pedestrians or cyclists may be warranted.

Ms Katz submitted that the 10 percent passive open space contribution seemed excessive given that the State government requirement is 10 percent for both active and passive open space.

Ms Katz questioned how the buffer distance of 50 metres each side of the northern tributary had been developed, and suggested that it was unclear how the required passive surveillance of open space was to be achieved.

Ms Katz submitted that her clients were concerned that community groups are driving this 'land grab' on the premise that 'the bigger the buffer the better' without sound knowledge of land development costs or efficiencies and suggested that the ongoing maintenance costs to Council would be excessive. Ms Katz submitted that the standard setback requirements in Port Phillip and Westernport region may be a better guide, and that a "balance needs to be sought between achieving river health and recreational aspects and maximising developable land". Ms Katz suggested that buffer areas not based on environmental grounds should be reduced to 10 metres from the centre line, and relate to topography and local site environmental values.

Ms Katz requested:

- The open space (encumbered and unencumbered) should be removed from 165 Grossmans Road (property 2 in the PSP)
- Element G36 should be modified to refer to a reduced buffer (up to 10 metres) based on specific work relating to health of the creek
- Element R31 should require a good amenity to the waterways and open space, but not to require a frontage road to the open space as this substantially reduced the NDA of the property
- Support for the existing agreement between property 2 and 3 for use of water from the dam.

In response to the submission, Council responded that the open space was required to provide a buffer to the waterway (northern tributary), and it did not support the proposed changes. They submitted that the addition of the words 'paper roads' to provide flexibility for a range of interface options would be sufficient in addressing element R31.

Council submitted:

Submissions on behalf of the Walkers compared the widths of the buffers to those at The Sands. What was not disclosed is that the waterways within that development are artificial and not natural. The more appropriate comparison in terms of buffer widths is with those which occur to the east and the Panel has been provided those details.

(ii) Discussion

Ms Katz submitted that the 10 percent passive open space contribution seemed excessive given that the State government requirement is for 10 percent for both active and passive open space.

Council did not agree to the proposed changes, arguing that the open space was required to provide a buffer to the waterway (northern tributary). Council's proposed buffer width is 50 metres on either side of Spring Creek tributaries and 20 metres on either side of other waterways.

The Panel notes that the same issues relate to the Walker and Haebich properties in relation to OS-01, and concludes that this large area of passive open space contribution, relative to the property size, should be reviewed and reduced based on proper assessment of its merit.

9.4.4 Rural urban buffer and open space interface

(i) Submissions

Council submitted that its endorsed position was to:

Require the establishment of a suitable buffer within private land along the rural-urban interface, through the Residential Design Controls in the PSP and Memorandum of Common Provisions (restrictions) on each title. The buffer must include a 20 metre wide building setback from the western boundary, a vegetated buffer 10 metres in width and appropriate rural style fencing which prevents the passage of pedestrians and dogs. Vegetation must consist of species which are a low bushfire risk.

P Raines (submitter 1) submitted that best practice for a buffer between residential and farm zoned land would be a 40 metre vegetated buffer with abutting residential lots of 4,000 square metres, including substantial fencing and recognition of the buffer as encumbered land. P Raines and Cindy Jacobs (submitter 44), co-owners of 231 Grossmans Road, submitted that Council's treatment of this zone was not appropriate, and proposed the following:

- a densely vegetated 20 metre buffer incorporating the existing tree lane, not located on resident's land
- a substantial dog and child proof fence positioned on the east side of the vegetated buffer
- location of the north south road to the east of the fenced buffer
- provision for the water main easement could be located between the road and the buffer.

Ms Jacobs (submitter 44) submitted that the fenced vegetated buffer was required to protect the financial viability of the existing equine business, ensure the safety of horses and future residents, and provide for privacy. The green break should be established early in the development phase to ensure vegetation is well established before the impacts of urban growth occur.

D and D Lawrie (submitter 56) submitted that the proposed urban rural interface was inadequate and severely compromises their amenity, semi-rural lifestyle and equestrian business. They submitted a request for a proper vegetation buffer, larger lots and dog-proof fencing along western boundary.

Council responded that it would require the establishment of a vegetation buffer within private land along the rural-urban interface.

Council submitted that it considered a number of options for the western boundary in response to submissions.

A vegetated 20 metre wide buffer was rejected for the following reasons:

- *it would take the public open space requirement above 10 percent and therefore would need to be acquired by Council at an estimated cost of \$1million per hectare*
- *it would become a bushfire risk*
- *it would be an ongoing maintenance problem if vested in Council.*

A perimeter road is also not supported, as it is contrary to the community panel recommendations and will not exclude public access near or onto adjacent rural properties to the west. Further, it is inefficient from an infrastructure perspective to serve 'one sided development' for a long stretch of road.

Mr Raines submitted that his property (231 Grossmans Road) has approximately 200 metres of creek frontage on the southern boundary directly opposite a publicly accessible conservation zone, and have requested that Council construct a substantial fence to deter people from crossing to his land. Council did not respond to this submission.

Parklea (submitter 65), AMEX (submitter 42) and Walker (submitter 27) submitted a number of detailed suggestions for changes to the PSP in relation to wording of requirements and guidelines relating to the open space interface with development. Council responded to each of these and suggested alternative wording in its response to requested changes to the PSP.

(ii) Discussion

The Panel understands that urban development on the land immediately abutting rural land can create amenity issues. Council has proposed to ameliorate this by establishing a 10 metre wide vegetated buffer on private land, a 20 metre building setback and rural dog/pedestrian proof fencing. The landowners to the immediate west of the development have proposed a wider vegetated buffer, to be owned and managed by Council, with a road frontage and child/dog proof fencing on the eastern side of the vegetated buffer.

Given that the future of the land to the west of the development has not been determined, it would be premature to establish this as a firm western boundary, and the investment asked of Council to establish and maintain this buffer is well beyond normal levels of investment in open space and infrastructure. The Panel considers the proposed substantial fence to be located on the eastern side of the 20 metre planted buffer to potentially create amenity and safety concerns.

The Panel supports Council's proposal for treatment of this urban / rural interface.

A suitable treatment for the southern boundary of 231 Grossmans Road needs to be determined. It appears that this section of creek is shown as part of the PSP, and to ensure open space continuity it may be appropriate for Council to purchase this land and fence on the northern side of the creek.

9.5 Conclusions

The Panel concludes in relation to open space provision, that:

- the PSP requirement for 9.76 percent of passive open space is much greater than that envisaged by the PSP Guidelines and Surf Coast Open Space Strategy for passive open space
- there is an unresolved question about provision and funding of active open space to meet the needs of new Spring Creek residents

- a more detailed assessment needs to be undertaken of how the active open space needs of Spring Creek residents will be met, and the requirement for passive open space contribution needs to be amended and/or reduced accordingly to achieve a total open space contribution of no more than 10 percent, and in line with the Open Space Strategy and CIA
- access to encumbered open space for passive recreational activities should be considered in determining the quantum and location of passive open space.

In relation to waterway buffer widths, the Panel concludes that:

- the proposed waterway corridors and buffers in the Spring Creek PSP are wider than that recommended by any of the relevant policy documents and background reports
- there is a correlation between the very wide waterway corridors and very high passive open space contribution
- Council has not presented a convincing strategic justification for the proposed wider corridor widths
- waterway buffer widths should be reviewed and reduced in association with the review of the passive and active open space requirements, as detailed above
- the distribution of local or neighbourhood parks should be reconsidered to ensure accessibility within 400 metres of at least 95 percent of all dwellings, with a resulting reduction in linear park as required.

In relation to the proposed conservation reserve at 200-220 Great Ocean Road, the Panel concluded:

- it is not concerned with the non-equitable distribution of conservation reserves, as the distribution of reserves is based on a biophysical assessment of the precinct
- that equitable distribution of conservation reserves should not be a driver for reducing the allocation, as this is not the intention of the reservation
- ownership and management of the conservation reserve should sit with Council, however if part of the reserve is to be used as a net gain offset, Council may identify an alternative suitable land manager
- that the shape of the conservation reserve should be reviewed to minimise the boundary to area ratio and that the south western part of the reserve with degraded understory and sparse trees should be considered as a credited passive open space.

The Panel concludes that the Applied Zone Provisions in the exhibited UGZ1 should be amended to remove the open space categories PCRZ and PPRZ, and that these areas be rezoned once vested in Council.

In relation to specific issues and sites, the Panel concludes:

- that Council's proposal to relocated OS-08 to incorporate trees 41-47 is appropriate
- open space OS-01 should be reviewed and resized/reconfigured based on a proper assessment of its merit based on environmental and open space purposes.

The Panel concludes that due to the uncertainty of the future of land to the west of the PSP precinct, and the land and cost impost of alternative solutions, that the buffer arrangements along the western boundary as proposed by Council are appropriate. A suitable treatment for the southern boundary of 231 Grossmans Road needs to be determined, and may involve Council purchasing the waterway and fencing along the north side of the creek.

9.6 Recommendations

The Panel makes the following recommendations in relation to open space issues:

17. Council should prepare a detailed assessment of how active open space needs of Spring Creek residents will be met, and review the requirement for passive open space contribution accordingly, to achieve a passive and active open space contribution of no more than 10 percent, and in line with the Open Space Strategy and Community Infrastructure Assessment.
18. Review waterway buffer widths and amend these in association with the review of open space provision, in response to site specific considerations and constraints such as amenity, topography and the need for open space linkages.
19. Review the distribution of local and neighbourhood parks to ensure that provision within 400 metres of at least 95 percent all dwellings is achieved.
20. If part of GW5 is secured as a net gain offset and Council is not able to manage this asset, then a suitable alternative land manager be secured.
21. Amend the native vegetation patch identified as GW5 on 200-220 Great Ocean Road as follows:
 - a) re-shape to minimise the boundary to area ratio
 - b) include credited open space in the south western patch that has a degraded understory and sparse trees,
 - c) develop this south western patch as a Bellarine Yellow Gum reserve that is sensitively designed and managed for passive open space that protects and respects the environmental values of this area.
22. Relocate OS-08 to incorporate trees 41 – 47.
23. Review the size and configuration of OS-01, OS-02 and OS-13, and resize based on strategic justification for environmental or open space purposes.
24. Council should determine a suitable treatment for the southern boundary of 231 Grossmans Road to ensure open space continuity, for example public open space along the waterway with fence to the northern side of the creek.

10 General issues

10.1 Density

(i) Evidence and Submissions

A number of submissions have raised the issue of density, some community members arguing the density was still too high whilst various developers questioned that the proposed density was too low.

Council submitted that the PSP at pages 12 and 14, Plan 5 and Table 2 sets out the location of the various lot sizes. The PSP envisages an average density of 10 dwellings per net development hectare.

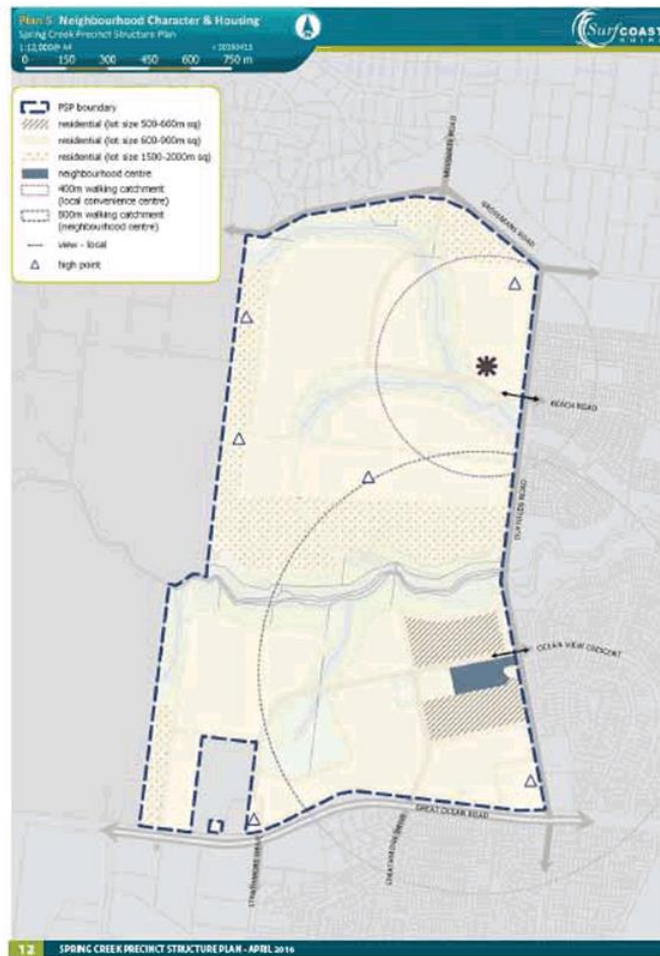


Figure 14 Plan 5 Spring Creek PSP

Council submitted that the Planning Scheme specifically states that lower densities should be provided in Spring Creek. The PSP achieves the objectives for this development area notwithstanding the lower density. Council opined:

It should also be noted that the lot density and location responded to the recommendations of the Community Panel and wider expectations for the precinct. The real inquiry is whether the lot densities proposed achieve the forecast population and provide for housing diversity. The answer to both of these inquiries is yes.

Council argued that the overall residential densities do not have to be achieved in one area within the municipality, it can be achieved across all growth areas within a municipality. Further, the strategies sought to achieve growth also seeks to ensure that density is balanced to retain unique characteristics of established areas incorporated into new communities to protect and manage natural resources and areas of heritage, cultural and environmental significance. The unique characteristics of this area have already been enunciated.

Council submitted that the level of development envisaged in the PSP is consistent with the VCS 2014 in that development is proposed within the settlement boundary and the density of development to manage population has been considered having regard to other matters such as the natural environment, topography and character.

Mack submitted that the vast majority of the PSP area is designated for residential lot sizes of between 600 square metres and 900 square metres (10.7 dwellings per hectare), with substantial areas designated for 1500-2000 square metres lots (4.6 dwellings per hectare) and only parcel 14 designated for 500-600 square metres lot sizes (14.5 dwellings per hectare). Ms Porter explained:

This means that around 90 percent of all lots will exceed 600 square metres in area, and that even the "higher density" areas have a proposed density that is less than the minimum of 15 dwellings per hectare recommended in clause 11 of the SPPF.

Ms Porter called Mr Mark Woodland of Echelon Planning to give expert evidence on the matter. It was Mr Woodland's evidence that that state policy for urban areas mandates 15 lots per hectare. It was the evidence of Mr Woodland that the number of lots in the PSP would not substantially increase if density ranges were adjusted accordingly, and this would allow for a higher range of lot sizes for more diverse housing. It was the evidence of Mr Woodland:

It is my view that the PSP ought to encourage a greater percentage of residential lots that would deliver circa 14.5 dwellings hectares than is currently suggested.

Mr Woodland suggested that Plan 5 of the PSP be amended to identify a more extensive area of land south of the creek as being potentially suitable for 'smaller lots' and the PSP should contain a guideline encouraging (but not mandating) the delivery of greater housing diversity within the walking catchment of the town centre.

Reeds, on behalf of submitter 41 argued that conventional allotments within the Spring Creek precinct appear to fall within a range of 500 square metres – 600 square metres and not in keeping with recent trends and market demands. They submitted that larger lot sizes across the board result in larger allotment prices and therefore this priced out housing diversity, citing the nearby Ocean Acres Estate as an example, where the majority of homeowners were third and fourth homebuyers.

Ms Ancell of Echelon representing submitter 41 argued that the proposed density of 10 dwellings per hectare is too low and should be increased:

Density should be increased so as to meet the requirements and expectations set out in the State Planning Policy Framework, The G21 Geelong Region Plan, Sustainable Futures Plan Torquay-Jan Juc 2040 (2014 version), and the Local Planning Policy Framework.

In refuting the evidence of Mr Woodland and other submitters questioning the lower densities, Council submitted that the PSP area is not the only area where additional housing is encouraged in the municipality the average lot density of 10 dwellings per hectare is acceptable and appropriate.

Ms Ancell countered this argument by stating:

The analysis contained within the Sustainable Futures Plan Torquay-Jan Juc demonstrates that none of the growth areas are being considered for average densities higher than 15 dwellings per hectare. We query therefore whether Council is really going to start planning for significantly higher densities in the other growth areas within Torquay in order to compensate for the densities proposed in Spring Creek being substantially below the 13 dwellings per hectare assumed in the plan.

Ms Ancell requested that a density of at least 13 dwellings per hectare would be appropriate and that allowable site coverage and the ability for dual occupancy be revisited.

Mr Bisset, for Parklea and Amex submitted that Map 1 of Schedule 1 to the UGZ depicts lots outside the proposed NAC as being intended to be between 500 and 600 square metres in size, and this prevented Parklea from delivering medium and high density housing (Figure 15). Parklea sought amendments to Map 1 to show a notation on Map 1 which indicates that residential lots around the NAC may be of a higher density as contemplated by the PSP.



Figure 15 Extract from Map 1 of the Urban Growth Zone Schedule 1

Mr Tobin, for Geelong Christian College argued that Council's policy at Clause 22.09 endorses higher density lots around community assets such as Schools. He proffered:

In the context of the Amendment this constitutes not the 20 dwellings per Hectares suggested at Clause 22.09 but rather the opportunity to provide some lots at the 500-600 metre range in this vicinity. This opportunity should extend to land to the east, west and south of the School Land. These would not be small lots but rather substantial lots rather than the large lots provided for elsewhere in the PSP area.

Council submitted as part of its rationale for the density allocation that the Community Panel and broader community consultation, expressed a wish to have low density residential development in the Spring Creek PSP area. Many references were made to the Ocean Acres development in Grossmans Road, which is zoned Low Density Residential. The minimum lot size in the LDRZ is 2000 square metres if sewerred, although in this estate the lot sizes are 4,000 square metres or larger.

Mr Tobin submitted that the PSP area is intended to provide what are very low levels of development compared with other growth areas. He stated *“the College acknowledges the submissions of others that this does not appear to be justified in planning principle as opposed to following the outcome of the community forum.”*

(ii) Discussion

Council’s justification that the densities came about because the community expressed a desire for larger lots simply flies in the face of the fact that this land is zoned Urban Growth Zone, with a PSP being applied to it. To restrict densities in the locations closest to the NAC and Christian College is not a proper planning outcome. Higher density lots, as indicated in its own local policy at Clause 22.09 is a sound planning principle that is applied across growth areas across Melbourne.

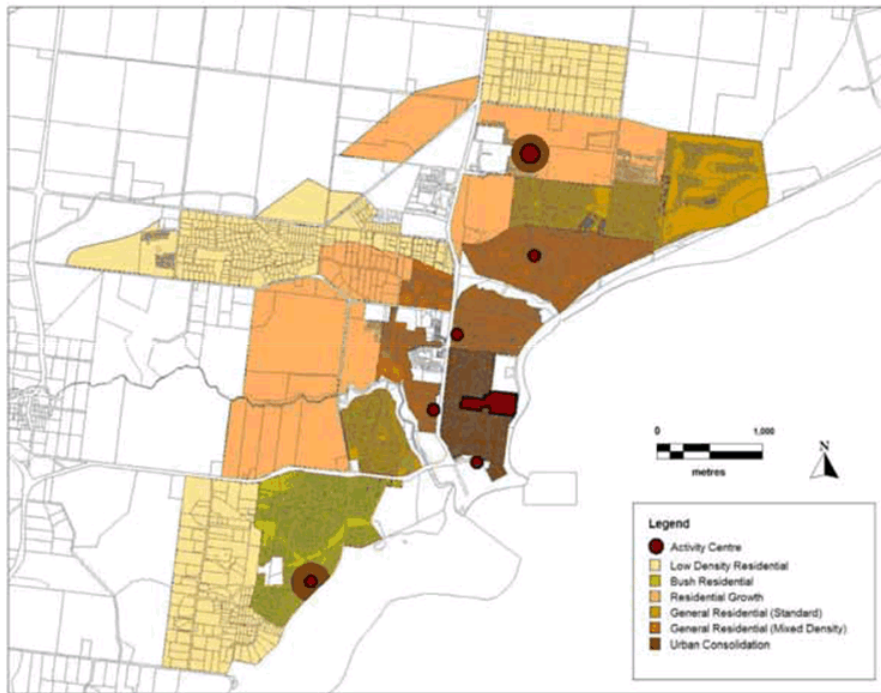


Figure 16 Map from Clause 22.09

The Panel believes that the vision for the precinct “derived from community aspirations was for a vegetated character, with larger allotments and low site coverage” will still be achieved even with

a change to the density in the southern portion of the PSP. It has discussed its concerns with the Community Panel elsewhere as justification for some of the PSP outcomes.

The Panel forms the view that the southern portion nearest the school and future NAC are more than capable of achieving higher densities and this should be revised. In recognising Clause 21.08-2 (Torquay Jan Jun Strategy), the Panel is cognisant of its policy setting to:

Encourage lower housing densities in the Spring Creek valley up to one kilometre west of Duffields Road.

The Panel agrees with the submission of Ms Ancell that stated that Clause 21.08 seeks to encourage densities in Spring Creek that are lower than the average 15 dwellings per hectare sought in Clause 22.09. However, the Panel does not agree that the proposed average of 10 dwellings per hectare is an appropriate interpretation of these policies, and that higher densities are capable of being achieved without eroding the topographical and environmental setting of the PSP area. In the same way that it would not be acceptable for Council to apply a higher density category from Clause 22.09 to Spring Creek (for example by instead using the Urban Consolidation category to create densities of 15 to 25 dwellings per hectare), neither should it be acceptable for Council to apply a lower density category.

(iii) Conclusions

The Panel concludes:

- The PSP as exhibited does not provide a meaningful ability to deliver diversity of housing in the southern portion.
- The location of the Mack and Parklea properties requires that there should be sufficient flexibility within the PSP to enable density of less than 600 square metres within walking distance of the NAC and school, subject to any specific site constraints.
- Changes to density in this section will still reflect the coastal character of the area and integrate with the surrounding areas whilst being site responsive to topography and environmental values.
- Council should look to increase densities to at least 12-13 dwellings per hectare to make better use and provision of infrastructure.
- Map 1 of UGZ1 is effectively Map 3 to the PSP, so any changes recommended would need to be reflected in both plans.

(iv) Recommendations

25. Amend O5 to read:

Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land, and increase to allow the creation of lots of less than 600 square metres within a reasonable walking distance of the neighbourhood activity centre and the school.

26. Add G18 to state: Greater housing diversity is encouraged within a reasonable walking distance of the neighbourhood activity centre and the school.

27. Amend the land budget and associated mapping highlighting density accordingly, with a view to increasing densities to at least 12-13 dwellings per hectare.

10.2 Neighbourhood Activity Centre

(i) Evidence and submissions

Submissions on behalf of Parklea raised concerns with Council's proposed drafting changes to Regulation 8 in relation to the staged development Neighbourhood Activity Centre (NAC). Council understands the conundrum created by inserting staging requirements into the PSP, which would become mandatory if drafted as a requirement, whilst the UGZ1 provides for a 'soft cap' of 5,000 square metres of retail floor space.

The Panel is aware that Council is concerned that the early delivery of a full size NAC (including full-line supermarket) by 2021 would have serious consequences for the primacy of the Torquay CBD.

Parklea called Mr Justin Ganly of Deep End to provide evidence on the matter. It was Mr Ganly's evidence that a Neighbourhood Activity Centre (NAC) with 5,000 square metres of retail floor space can be provided in the PSP area by 2021, as opposed to Mr Nott's view for Council that proposed a staging of delivery, 3,000 square metres by 2021 and the balance by the year 2031. Council did not initially accept the evidence of Mr Ganly and a debate ensued over catchment methodology. However, in its closing Council submitted it is prepared to consider another alternative than that shown in Council's tracked changes to the PSP (9 November 2016) which would put an additional condition in the UGZ Schedule that would make early delivery of the 5,000 square metres able to be considered through a planning permit application with supporting evidence. Council may also require a peer review of the consultant's report.

(ii) Discussion

The Panel agrees that there will be an established need for a NAC in some form by the time development proceeds in Spring Creek, noting that early delivery typically benefits the emerging and surrounding community. The debate on methodology and different catchments was academic rather than helpful in this instance. Parklea called the only expert evidence on the matter at the Hearing and the Panel gave weight to Mr Ganly's evidence in this regard. However, the Panel was satisfied that if 5,000 square metres could be delivered earlier (by 2021) then Council's acquiescence of willing to consider this subject to supporting evidence is an acceptable outcome.

(iii) Conclusions

The Panel concludes:

- Early delivery should of the NAC to 5,000 square metres is likely to occur. The evidence of Mr Ganly supports this and should be supplemented to any application for the NAC at the planning permit stage.

(iv) Recommendation

The Panel recommends:

- 28. Amend the Urban Growth Zone Schedule to ensure that early delivery of the Neighbourhood Activity Centre can be considered through a planning permit application with supporting evidence.**

10.3 Local Convenience Centre

(i) Submissions

Amex submitted that Council proposed the deletion of a “*Local convenience centre*” (LCC) from Map 1 of the proposed Urban Growth Zone and Plan 5 of the PSP. Amex argued that procedurally, this position had only arisen from Council’s “Part A” submission and is not supported by any resolution of Council to modify this aspect of the Amendment.

Amex requested that should such a designation remain i.e. that there should be an LCC in the northern section of the PSP area, they were agreeable subject to an amendment to R13 which indicates the need for a LCC in the northern part of the PSP area.

Council did not support this request.

(ii) Discussion

The Panel sees no issue with the request of Amex, particularly in the light of the nature of the LCC removal. It notes that it is possible for Amex to use part of the site for a convenience shop or café under the proposed General Residential Zone. The specificity of the wording proposed to R13 at this stage is premature.

(iii) Conclusion and recommendation

The Panel concludes:

- There is scope for an LCC in the northern section of the PSP and Council should reinstate the asterix on Map 1 of the proposed Urban Growth Zone and Plan 5 of the PSP.

The Panel recommends:

29. Reinstate the asterix on Map 1 of the Urban Growth Zone and Plan 5 of the Precinct Structure Plan denoting a Local Convenience Centre in the northern precinct.

10.4 Delivery of the Community Facility

(i) Evidence and submissions

Parklea made submission that the land set aside for the community facility is “blighted” in perpetuity without a further planning scheme amendment. That is, the PSP does not incorporate any provisions which would take effect if a specifically nominated land use outcome provided for in the PSP is abandoned or not able to be delivered, such as the local community facility.

In its closing, Council recognised this and considered the addition of the following requirement / guideline to address the matter:

Where the responsible authority is satisfied that land shown as a local community facility on Plan 3 is unlikely to be used for that purpose, that land may be used for an alternative purpose which is generally consistent with the surrounding land uses and the provisions of the applied zone.

Parklea questioned the ability for Council to deliver the facility in a funding regime. Council submitted in relation to the purchase and funding of the community facility, the timing of the

facility will be scheduled in the DCP. Parklea has questioned what will occur if there are insufficient funds in the DCP at the time delivery is due. In this case, Council will need to either delay the timing or seek alternatives.

Council submitted that this is demonstrable in all the community and recreation facilities delivered in Torquay North in recent years i.e. The Torquay Children's Hub, the sports ovals and other major infrastructure items. Council acknowledged that the existing Torquay Jan-Juc DCP was developed as a customised DCP under the old system. However, the funding gap is unlikely to change in the foreseeable future for regional councils.

(ii) Discussion and conclusion

The Panel acknowledges Parklea's concerns about the need for the facility and its ability to be funded. Council acknowledged that it may even be reviewed. The Panel agrees with Council's closing statement that in reality and inevitably there is a gap between DCP funding and the cost of community infrastructure, usually addressed by Council applying for State and Federal Funding grants to fill this gap.

(iii) Recommendation

30. Add the following guideline in relation to Community Facilities:

- **Where the responsible authority is satisfied that land shown as a local community facility on Plan 3 is unlikely to be used for that purpose, that land may be used for an alternative purpose which is generally consistent with the surrounding land uses and the provisions of the applied zone.**

11 Drafting issues

11.1 The issue

As a result of a number of submissions, the Panel has recommended a number of changes to the exhibited Spring Creek PSP, Residential Design Controls and UGZ1. The PSP was the subject of a workshop at the conclusion of the Hearing. Some submitters who did not attend the workshop forwarded written redrafting suggestions post-hearing.

The Panel has reviewed suggestions for changes and Council's responses and provides comment below where the issues raised have not already been addressed in this report.

Some submitters took the opportunity to make further submissions rather than clarify their existing submission and these changes have not been addressed. The Panel did not choose to include a text version of the entire PSP due to the number of 'track changes' applied and its legibility.

Council provided a response to requested changes to the exhibited documents on 18 November 2016. For information purposes, this is contained at Appendix E. The Panel's marked up versions of the UGZ Schedules are contained at Appendix D. Given the amount of changes, the Panel encourages Council and submitters to treat Appendix E as a 'running sheet' to amend the PSP accordingly prior to its final approval.

11.2 Residential Design Controls

(i) Evidence and submissions

A number of submissions have sought to raise concerns with the residential design controls within the PSP.

Council applied the '*Residential Design Controls*' (RDC) as set out in Table 2 of the PSP as mandatory requirements into the common provisions in all cases and with no discretion in any circumstances. Parklea submitted that Council's case in support of this approach is not supported by any independent evidence.

Council submitted that the RDC were derived because:

The community and Council also expressed a desire to create a vegetated character, and retain as much of the existing vegetation within the precinct as possible. To allow adequate space for planting and retention of vegetation, site coverage restrictions and setbacks were deemed necessary. They were also required to create a preferred character for the PSP area. As overlays are not encouraged in PSP areas, Residential Design Controls were developed to apply to all land within the precinct to achieve a similar outcome.

Council submitted that each element of the PSP contains requirements and guidelines as relevant. The PSP makes it clear that the Requirements "must be adhered to in developing land" whilst Guidelines "express how discretion will be exercised by the Responsible Authority in certain matters that require a planning permit". The 12 RDC's are to create a specific character and image sought to be achieved by the relevant requirements and guidelines.

Parklea and Amex made submission at the Hearing on the RDC prepared as part of the PSP. It generally supported the approach proposed by Council, but questioned the mandatory and inflexible nature of the RDC. It called Ms Sarah Buckeridge, of Hayball Architects.

Ms Buckeridge gave evidence based on lot testing and design controls to support the proposition that mandatory application of residential controls may lead to inappropriate outcomes in some circumstances. Ms Buckeridge took the Panel through her experience at the Sands Torquay as an relevant example of where this occurred.

Under cross examination, Ms Buckeridge was asked whether the RDC provided for housing diversity in their current form. Ms Buckeridge opined that the devil was in the implementation. Drawing on her experience with the Sands development, she said it was heartening to see the outcomes there, with more relaxed controls but detailed guidelines. It was Ms Buckeridge's view that the RDC as written would not achieve the desired outcomes without some nuance added. Ms Buckeridge advocated for a similar system to the Sands whereby an Design Review Panel would oversee development.

Mr Bisset submitted:

The Panel must be clear that the Council's proposed approach would see the requirements of Table 2 having to be included in the Memorandum of Common Provisions for all residential subdivision without exception or discretion regardless of the use of the terms such as "must" or "should" within the relevant controls within the Table.

Several submitters (39,41) called for the deletion or significant changes to table 2, arguing that it was overly prescriptive and these matters could be dealt with at the permit stage. Reeds Consulting, on behalf of submitter 41 made a number of suggested changes pairing back the RDC, and Council did not support a majority of them. Reeds submitted:

There needs to be more focus by the Council on ensuring that the resulting allotments and specific controls deliver what the community who will be residing at Spring Creek want, not what the existing residents of Torquay, Jan Juc and Bellbrae who are unlikely to reside in this location desire.

Mr Anthony Jansen from Amex provided a lay witness presentation to the Panel from a developers' perspective on the need for flexibility with regard to lot frontages, sloping sites and best practice from other states. Overall he stressed the need for flexibility. Amex and Parklea submitted that Guideline 17 be amended to alleviate this concern. Submitter 41 requested its deletion and Council agreed to this in its post-hearing changes.

Amex submitted that mandatory lot sizes within the PSP was not necessarily the best approach and suggested an average minimum lot size across the subdivision area.

Christian College (submitter 57) requested that Guideline 15 (G15) be amended to state "Dwellings **must** (instead of should) provide a positive address to community centres and schools." Council was supportive of this change.

Council submitted it "*strongly supports the use of a Memorandum of Common Provisions which is then executed through the subdivision process and remains on title as a permanent record and enforceable instrument to guide development of each and every lot post subdivision.*"

Council argued that the evidence of Ms Buckeridge discussed the use of a Design Review Panel to assess individual applications. This method or more accurately, an Architectural Review Committee (ARC), was established to review development of The Sands, Torquay. The composition of the ARC comprised representatives of the developer, Council and an architect experienced in design of dwellings sympathetic to the coastal environment.

In reality, this created additional administrative work for the responsible authority appointed on the ARC and, is proving difficult when the developer or owner of the land now no longer holds any interest in any of the land at The Sands. The issue that arises is, who is responsible for the payment of the fees associated with the ARC and the like when the developer/owner no longer holds any interest in the land? Another issue which has arisen with this process is the processing of amendments to dwellings and who carries the administrative burden of assessing such matters when the ARC ultimately dissolves?

In Council's view, the mechanism proposed, that is, that the RDC's be provided via a Memorandum of Common Provisions in any subdivision permit, is the most efficient manner of securing an intended neighbourhood character outcome without additional burden on the responsible authority. Council also believes that developers will prepare project design guidelines regardless. Council submitted:

The Council does not accept the recommendations set out in the evidence filed on behalf of Parklea Pty Ltd prepared by Hayball. The recommendations seek to reduce front setbacks, increase site coverage and reduce the extent of permeability which in short seek to undermine the image, character and landscape objectives for this part of the PSP area. For part of the evidence consistency with Rescode is seen as a positive whilst in other parts reduction of front setbacks to 4m is seen appropriate although clearly not consistent with Rescode.

Council submitted that it is imperative to understand that Spring Creek is not just another suburb, it will be the first development observed after Bellbrae and the green break and has a role to play to the image and character in the municipality on the approach to Torquay from the Great Ocean Road.

(ii) Discussion

The Panel understands that for lots above 300 square metres approval would not be required for construction of a dwelling under the provisions of the applied General Residential Zone. The Panel generally supports the approach proposed by Council in applying the RDC as set out in Table 2 of the PSP.

On the one hand Council argued that they were open to being flexible, yet on the other when reading the RDC and the level of control specified it was hard for the Panel to reconcile. Many of these aspects are matters of detail, not yet contemplated. Council argued that the use of RDC's is to reduce the number of planning permit applications for individual dwellings and hence "reduce red tape" and make the development of the PSP area more efficient and streamlined.

The Panel considered Ms Buckeridge's evidence and gave it some weight, and formed the view that the RDC requires some flexibility for all parties. This will relieve the statutory burden should the cases requiring flexibility, as demonstrated by Parklea arise, without diluting the principles of

the RDC. The changes as proposed by Parklea and Amex in this instance, for the most part should be supported.

The Panel accepts Council argument that use of RDC's is not uncommon within PSP's to ensure that a particular image and character is achieved. This is no different to many metropolitan planning schemes that contain neighbourhood character guidelines either as a reference document or incorporated document.

The Panel appreciates the desire of Council to 'lock in' the RDC, however considers that ultimately, some flexibility needs to be built in to avoid situations where it is clear residential development is planned for that such development can actually proceed without increasing the burden on all parties. This was reinforced by Ms Buckeridge and to a lesser extent, Mr Jansen whereas Council did not call any experts or witnesses to reinforce their stringent RDC.

The Panel did not support the language change in G15 as it is a guideline, and where possible the use of the term should be avoided.

Council provided a list of the requested changes of all parties to the RDC. These are found at Appendix E, with Council's response and Panel's response where applicable. Some changes not specifically discussed within the body of the report have been made as a consequence of other recommended changes.

(iii) Conclusions

The Panel concludes:

- The RDC's provided through a Memorandum of Common Provisions in any subdivision permit, is the most efficient manner of securing an intended neighbourhood character outcome without additional burden on the responsible authority.
- Additional flexibility in the RDC should be applied.
- Generally, the RDCs are structured to achieve the desired design outcomes of the PSP, and the proposed changes will not dilute the intended results.
- Other changes should be made to the PSP as shown in the following recommendations and summarised in Appendix E.

(iv) Recommendations

The Panel recommends:

31. Delete G17.

32. Insert the following preamble above Table 2 of the Residential Design Control to state:

- **This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the Memorandum of Common Provisions required by Clause 4.7 of Urban Growth Zone Schedule 1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority. These controls may also be varied at the discretion of the Responsible Authority.**

33. Amend the following controls within Table 2 of the Residential Design Control:
- RDC-3: minimum front setbacks to 4.0 metres and 3.0 metres for side setbacks across all columns.
 - RDC-5: The area of a lot covered by buildings should not exceed 35 per cent
 - RDC-6: At least 40 per cent of a lot must be available for the planting of vegetation and provision of permeable surfaces (excludes driveways and tennis courts of all surface types)
34. At section 3.2, in the first paragraph delete the words “co-located with” and replace them with “and”.
35. Delete R8 and redraft as a Guideline. As a guideline, amend the following dot points:
- Third: Provide staging (if relevant) and indicative timing of the development
 - Fourth: If appropriate, incorporate public transport services into the design of the centre
 - Eighth: Address interim management of the land required for longer term expansion (if relevant having regard to any staging and timing of development) so that the land is not kept in an unattractive or neglected state for long periods.
36. Redraft R10 and after the words "as illustrated on Plan 5", insert the words "or by reference to an approved Concept Plan pursuant to Clause 2.6 of UGZ1".
37. Delete R12.
38. Delete the words “car parking and” from G18.
39. Insert the following new Guidelines: G18A Buildings within the neighbourhood centre must provide:
- Primary vehicle access from the connector street
 - Positive and active building frontages addressed towards to the adjoining street network
 - Service and loading areas that manage amenity impacts the surrounding residential area.
40. Insert G18B: Address the Activity Centre Design Guidelines as appropriate having regard to the context, scale and topography of the neighbourhood centre.
41. Insert G18C: Demonstrate how the neighbourhood centre provides for a range of compatible commercial, residential and community uses.
42. Insert G18D: Provide appropriate opportunities for higher density housing or specialised accommodation such as serviced apartments, aged care or retirement living.
43. Insert G18E: Locate and design car parking areas to manage negative amenity impacts.
44. Insert G18F: Locate and design service areas for deliveries and waste disposal including access for larger vehicles with measures that manage impacts on adjoining areas.

11.3 The Urban Growth Zone Schedule 1

(i) Submissions

Parklea made a number of drafting suggestions to the UGZ1. Mr Bisset, for Parklea submitted that it is particularly important to understand the relationship of the head clause of the UGZ, the schedule to the zone and the requirements, conditions and guidelines that would be implemented by the PSP as they would apply in the subsequent stages. Mr Bisset submitted:

The effect of that legal structure is that requirements and specified conditions are mandatory and must be applied by Council or VCAT on appeal in relation to relevant planning permit applications. In other words they are not negotiable or subject to the exercise of discretion.

Parklea and Amex made submissions in relation to Clause 2.7 of the proposed UGZ1. Mr Bisset questioned how Clause 2.7 operates in conjunction with Clause 4.7 of the proposed UGZ1. He queried "if Council intends that Clause 4.7 of the proposed UGZ1 is to give flexibility as to which RDCs apply to any particular subdivided lot, we submit the clauses do not work together effectively." The matter of the RDC within the PSP was discussed in Chapter 10.

Council submitted that Clauses 2.7 and 2.8 of the Schedule to the UGZ were drafted to give effect to the RDC. Clause 2.7 specifies that if the RDC in relation to subdivision conflicts with an objective of Clause 56 that it is the RDC that prevails. The same applies for any consideration of Clause 54 and 55. Clause 2.8 of the Schedule to the UGZ provides that a permit is required to construct a building which is more than 7.5 metres above natural ground level or to extend a building of a height more than 7.5 metres above natural ground level.

Council submitted:

Moreover, the matters set out at Clause 2.7 and 2.8 are akin to a variation to a schedule to a zone where Clauses 54 or 55 are varied. These all seek to ensure a particular image and character are either maintained or established.

Mr Bisset submitted that Clause 4.1 was not clearly drafted, as it does not specifically provide for the option of works in lieu or credits against required contribution rates. Clause 4.2 omits provisions that give effect to or explain how the subsequent provisions will be implemented. Council supported these changes in principle.

On the matter of building height, Amex submitted the maximum building height requirement of 7.5 metres set out in the UGZ1 presents a significant restriction on home builders to design a site response built form outcome. Amex requested a height limit of 9 metres (10 metres where the land is sloped) to accommodate this.

With regard to Clause 5 – Advertising Signage, Mr Bisset submitted the proposed NAC should be subject to Category 1 signage controls, not Category 3. Council did not support this as they apply Category 3 under Design and Development Overlay Schedule 23 to the NAC in Torquay North.

(ii) Discussion

As the Panel has made a number of recommendations throughout this report, it agrees that the flow on from these recommendations should translate to the UGZ for this matter and has amended its preferred UGZ1 at Appendix D accordingly.

In addition, it agrees with the submissions of Amex with regard to building heights, given the slope and topography of the some of the Amex land amendment this should alleviate those concerns without affecting the scale and character of the PSP area.

The Panel did not support the proposed change Clause 5.

(iii) Conclusions

Mr Bisset, on behalf of two submitters was the only submitter to critically assess the UGZ1 and how it relates to the PSP. Council generally supported the drafting improvements in principle where it did not clash with items discussed in Chapter 10.

The Panel concludes:

- Changes to the UGZ1 make for a more refined and workable Schedule and should be supported.

(iv) Recommendations

45. Amend Schedule 1 to the Urban Growth Zone as outlined in Appendix D and make any consequential changes as a result of amendments to the Precinct Structure Plan.

Appendix A Submitters to the Amendment

No.	Submitter
1A-D	Peter Raines
2	Barwon Water
3	Southern Rural Water
4	Brian and Jill Pocklington
5	Greg Davis
6	John Jacoby
7	Renato Carbonelli
8	Paul Weekes
9A-B	Neal Latto
10	Kristie Kadera
11	Val Fernbach
12	Gordon and Pat Eagles
13A-B	Alison McAdam
14	Brenden Long
15	J Mason
16	Heath Selleck
17	Ray Frost
18	Greg Wilson
19	David Morony
20	Marie Kullenberg
21	'Janjucgirl'
22	Andrew Boag
23	Rachael Sorbara
24	Chris Bushfield
25	Emily Bogue
26	DEDJTR
27	John and Jennifer Walker
28	Charles Brooks
29	William Welsh
30	Stephen Byrne

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31	Andrew Laird
32	Peter Campbell
33	Frank O'Shanassy
34	Paul Hunt
35	Mark Trintham and Fiona Crawford
36	Surf Coast Energy Group
37	Patricia Contessotto, Anneliese, Bianca, Dale and Philippa Tepper
38	Sue and Elizabeth Rodgers
39	Rural Estates
40	Department of Environment, Land, Water and Planning
41	Reeds Consulting on behalf of Mennoty Pty Ltd
42	Amex Corporation
43	Niche Planning Studio on behalf of Mack Property Developments Pty Ltd
44A&B	Cindy Jacobs
45	Joe Groher
46	David Scott
47	Lachlan Scott
48	Jennifer Appleton
49	Bridget Jacoby
50	Brian Smith
51	Anthony Christie
52	Stuart Spark
53	Peter Roberts
54	Stephen Heskett
55	Peter Bistak
56	Donald and Deborah Lawrie
57	Christian College
58	Sarah Norred
59	John Rippon
60	Grant Norris
61	Elizabeth Scott
62	Sherwood Management Pty Ltd on behalf of P J and R S Haebich
63	Victoria Rippon
64	Sue O'Shanassy

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65	Parklea
66	3228 Residents Association
67	Rupert and Robin Irwin
68	Rebecca Hull
69	Christine Rule
70	Andrew Burnham
71	Christine Rippon
72	Surfrider Foundation
73	Darren Noyes-Brown
74	Keith Grossman
75	Lisa Rogers
76	Claire Cowan
77	Corangamite Catchment Management Authority
78	PJC Co Pty Ltd
79	Phyllis Edwards
80	Maria Abate

Appendix B Parties to the Hearing

Submitter	Represented by
Surf Coast Shire Council	Ms Teresa Bisucci of Best Hooper Lawyers assisted by Karen Hose and Jorgen Peeters of Surf Coast Shire Council
Department of Environment, Land, Water and Planning (DELWP)	Mr Geoff Brooks
VicRoads	Mr John Murphy
Mack Developments	Ms Emily Porter, of Counsel instructed by Ms Alexandra Guild of Norton Rose Fulbright who called the following expert witnesses: <ul style="list-style-type: none"> - Aaron Harvey (Biosis) in native vegetation - Mark Woodland (Echelon Planning) in planning - Dara McGrenaghan (Wood and Grieve Engineers) in stormwater
Rural Estates (Torquay) Pty Ltd	Mr Chris Townshend SC and Ms Emily Porter, of Counsel instructed by Ms Alexandra Guild of Norton Rose Fulbright
Parklea Pty Ltd	Mr Phil Bisset, Minter Ellison and calling expert evidence in the following: <ul style="list-style-type: none"> - Sarah Buckeridge (Hayball Architects) in design control - Jim Higgs (TTM Consulting) in traffic - Justin Ganly (Deep End Services) in property economics
Amex Corporation	Mr Phil Bisset, Minter Ellison and calling expert evidence in the following: <ul style="list-style-type: none"> - Andrew Prout (Engeny Group) in drainage - * Anthony Jansen from Amex provided a presentation on lot sizes and development techniques for sloping land.
Mr Don Lawrie	
Mr Charles Brooks and Ms Cindy Jacobs	
Mennoty Pty Ltd	
Mr J H and Mrs J L Walker	Ms Sarah Ancell, Echelon Planning
Surf Coast Energy Group	Ms Julie Katz of APP Planners
3228 Residents Association	Mr Graeme Stockton
Mr Val Fernbach	Mr Andrew Cherubin and Ms Sue O'Shanassy
Mr Peter Raines	
Mr Dale Tepper	
Mr Roger Haebich	Ms Patricia Contessotto
Christian College Geelong	Mr Greg Tobin, Harwood Andrews

Appendix C Document list

No.	Date	Description	Presented by
1	2/11/2016	Letter from VPA dated 19 October 2016	Surf Coast Shire Council
2	2/11/2016	Part B – Submission Surf Coast Shire Council	Surf Coast Shire Council
3	2/11/2016	DELWP Submission	DELWP
4	2/11/2016	Native Vegetation Offsets	DELWP
5	2/11/2016	DELWP Attachments	DELWP
6	2/11/2016	Submission to the Panel Hearing by VicRoads	VicRoads
7	3/11/2016	Letter from Traffix Group – GOR Alternative Access Arrangements	Surf Coast Shire Council
8	3/11/2016	Open Space Strategy	Surf Coast Shire Council
9	3/11/2016	Great Oceans Views Estate Creek Buffers	Surf Coast Shire Council
10	3/11/2016	Surf View Estate Landscape Masterplan	Surf Coast Shire Council
11	3/11/2016	Great Ocean Views – Agreement under Section 173	Surf Coast Shire Council
12	3/11/2016	Submission on behalf of Mack Property Development	Mack Property Group Pty Ltd
13	3/11/2016	200-220 Great Ocean Road, Jan Juc. Landscape Concept Plan by Papworth Davies	Mack Property Group Pty Ltd
14	4/11/2016	Submission on behalf of Rural Estates	Rural Estates (Torquay) Pty Ltd
15	4/11/2016	C66 Panel Report	Rural Estates (Torquay) Pty Ltd
16	4/11/2016	Minutes Council meeting 10 December 2013	Rural Estates (Torquay) Pty Ltd
17	4/11/2016	Panel Submission - Parklea Pty Ltd	Parklea Pty Ltd
18	4/11/2016	Hayball – Expert witness report	Parklea Pty Ltd
19	4/11/2016	Parklea 2013-022 Jan Juc North NAC	Parklea Pty Ltd
20	4/11/2016	Panel Submission - AMEX Corporation	AMEX Corporation Pty Ltd
21	4/11/2016	AMEX PSP response table	AMEX Corporation Pty Ltd

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No.	Date	Description	Presented by
22	4/11/2016	80 Duffields Road – Site Features and Land Budget Plan	AMEX Corporation Pty Ltd
23	4/11/2016	AMEX Spring Creek – The need for discretionary variation to Residential Design Controls	AMEX Corporation Pty Ltd
24	7/11/2016	Panel Submission – 235 Grossmans Road	D and D Lawrie
25	7/11/2016	In support of my Duty of Care Submission	Charles Brookes
26	7/11/2016	Council meeting report recommendations - excerpt	Charles Brookes
27	7/11/2016	Submission to the Panel – 231 Grossmans Road	Cindy Jacobs
28	7/11/2016	Submission for Mennoty Pty Ltd	Mennoty Pty Ltd
29	7/11/2016	Torquay-Jan Juc Residential Development and Neighbourhood Character Policy	Mennoty Pty Ltd
30	7/11/2016	Sustainable Futures Torquay 2040 - excerpt	Mennoty Pty Ltd
31	7/11/2016	Rural Residential Development – Planning Practice Note 37	Mennoty Pty Ltd
32	7/11/2016	Panel Submission by Julie Katz on behalf of J H and J L Walker – 165 Grossmans Road	J H and J L Walker
33	7/11/2016	Spring Creek Precinct Structure Plan, Community Panel Recommendations, Aug 2015 – Minority Report	J H and J L Walker
34	7/11/2016	Email from Jorgen Peeters to John Walker, 17 October 2016	J H and J L Walker
35	7/11/2016	Photos – Walker property	J H and J L Walker
36	7/11/2016	Community Vision for the Future (A3)	Surf Coast Environment Group
37	7/11/2016	SCEG - Wildlife Card Collection	Surf Coast Environment Group
38	7/11/2016	Surf Coast Environment Group submission	Surf Coast Environment Group
39	7/11/2016	3228 Residents Association Submission	3228 Residents Association
40	7/11/2016	Submission to the Panel – 231 Grossmans Road	Peter Raines
41	8/11/2016	Summary of requested changes from current PSP	C Jacobs and P Raines
42	9/11/2016	Summary of Requested changes from current PSP	D and D Lawrie

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No.	Date	Description	Presented by
43	9/11/2016	C114 – Mennoty Pty Ltd – Changes Requested to Draft Spring Creek PSP Documents	Mennoty Pty Ltd
44	9/11/2016	Appendix 2 List of Changes to the exhibited Spring Creek PSP, NVPP and UGZ1	Mr and Mrs Walker / APP
45	9/11/2016	Surf Coast Shire – proposed changes to the PSP	Best Hopper / Surf Coast Shire
46	9/11/2016	Surf Coast Shire – further direction (email only)	C Brooks
47	9/11/2016	Plan 3 and PSP proposed changes	Rural Estates
48	9/11/2016	Alternative Urban Structure Plan and PSP proposed changes	Mack Developments
49	9/11/2016	Plan 3, PSP and UGZ1 proposed changes	R and P Haebich
50	9/11/2016	Plan 3, PSP and UGZ1 proposed changes	Christian College Geelong
51	9/11/2016	PSP, Part A Table and UGZ1 track/proposed changes	Parklea Pty Ltd / Amex Corporation Pty Ltd
52	9/11/2016	Plan 7 proposed changes	VicRoads
53	10/11/2016	Submission to the panel presented by P Contessotto	D Tepper
54	10/11/2016	Hearing Folder - Haebich	R Haebich
55	10/11/2016	Outline of submissions	R Haebich
56	10/11/2016	Hearing Folder - Christian College Geelong	Christian College Geelong
57	10/11/2016	Outline of submissions	Christian College Geelong
58	10/11/2016	Addendum to amendments	Parklea and AMEX
59	10/11/2016	Reply Submission	Surf Coast Shire Council
60	10/11/2016	Email from E McIntosh to Jorgen Peeters, 9 November 2016	Surf Coast Shire Council
61	10/11/2016	Bellbrae Strategic Framework Plan (Clause 21.14) (Amendment C74)	Surf Coast Shire Council

Appendix D Panel preferred Urban Growth Zone Schedule 1

[Tracked Added by Panel](#)

~~Tracked Deleted by Panel~~

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SCHEDULE 1 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ1**.

SPRING CREEK PRECINCT STRUCTURE PLAN

1.0 The Plan

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 C114~~

Map 1 shows the future urban structure proposed in the incorporated *Spring Creek Precinct Structure Plan*.

Map 1 to Schedule 1 to Clause 37.07

[Map to be updated to reflect Panel recommendations](#)

2.0 Use and development

2.1 The Land

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The provisions specified in this schedule apply to land in the Spring Creek Precinct as shown on Map 1 [subject to Clause 2.2 of this schedule](#) and shown as UGZ1 on the planning scheme map.

2.2 Applied zone provisions

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 C114~~

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building and the construction or carrying out of works, by reference to Map 1 of this schedule [or by reference to the boundaries of the neighbourhood centre identified on the Concept Plan approved pursuant to Clause 2.6 of this schedule and section 3.2 of the Spring Creek Precinct Structure Plan](#).

Table 1: Applied zone provisions

Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions
Neighbourhood centre	Clause 34.01 – Commercial 1 Zone
Conservation reserve	Clause 36.03 – Public Conservation and Resource Zone
Encumbered land (slope 1 in 3) Open space Waterway & drainage reserve	Clause 36.02 – Public Park and Recreation Zone
All other land	Clause 32.08 – General Residential Zone-Schedule 1

2.3 Reference to a planning scheme zone is a reference to an applied zone

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 C114 A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: *e.g. The General Residential Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'*

2.4 Specific provisions – Use and development of future public land

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 C114 A permit is not required to use or develop land shown in the *Spring Creek Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Spring Creek Precinct Structure Plan* and with the prior written consent of Surf Coast Shire Council.

2.5 Specific provisions – Use of land

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 C114 The use of land must be generally in accordance with the incorporated *Spring Creek Precinct Structure Plan*.

The following provisions apply to the use of land.

Table 2: Use

Use	Condition
In the applied General Residential Zone: Convenience restaurant Take away food premises Service station Car wash	Prohibited
Shop where the applied zone is Commercial 1 Zone	A permit is required to use the land for a shop if the combined leasable floor area of all shops exceeds 5,000 square metres.

2.6 Specific provisions - Neighbourhood Centre

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 C114 A permit must not be granted to use or subdivide land, construct a building or construct or carry out works within the land identified as the Neighbourhood Centre in the incorporated *Spring Creek Precinct Structure Plan* until a concept plan for the Neighbourhood Centre has been prepared to the satisfaction of the responsible authority.

Unless the responsible authority agrees, the concept plan must include all of the land in the Neighbourhood Centre and must be generally in accordance with the objectives and planning and design guidelines within the incorporated *Spring Creek Precinct Structure Plan*.

A permit may be granted to subdivide land, construct a building or construct or carry out works prior to the approval of a concept plan if, in the opinion of the responsible authority, the grant of the permit will ~~assist in achieving not prejudice the future use and development of the land in an integrated manner, and not prejudice the delivery of the objectives and the planning and design guidelines for the neighbourhood centre set out in the incorporated~~ generally in accordance with section 3.2 of the *Spring Creek Precinct Structure Plan* to the satisfaction of the Responsible Authority.

The concept plan may be amended to the satisfaction of the responsible authority.

2.7 Specific provisions – Residential design controls

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C114

The *residential design controls* in the incorporated *Spring Creek Precinct Structure Plan* are set out at Table 2 of the Spring Creek Precinct Structure Plan, ~~must be met by a residential subdivision or a development of a dwelling on a residential lot, as relevant, to the satisfaction of the responsible authority.~~

Where a *residential design control* relating to subdivision conflicts with an objective or standard of Clause 56 of this scheme, the residential design controls prevail.

Where a residential design control relating to the development of a dwelling conflicts with an objective or standard of Clause 54 or Clause 55 of this scheme, other than in relation to dwellings proposed for the medium and high density housing areas depicted on Map 1 of this schedule or by reference to a Concept Plan approved pursuant to Clause 2.6 of this schedule, the residential design controls prevail.

2.8 Specific provisions – Building heights

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C114

A permit is required to construct a building which is more than 9.7.5 metres above natural ground level or to extend a building where the extension is more than 9.7.5 metres above natural ground level (excluding any television antenna, chimney, flue or solar panels attached to the building), or 10 metres where there is a slope of more than 2.5 degrees across a cross-section wider than 8 metres.

Before deciding on an application the responsible authority must consider:

- Whether a building height over 9.7.5 metres is reasonable due to the physical constraints of the site.
- Whether the building has been designed to step down the slope on steep sites to reduce building height and reduce the appearance of visual bulk.
- Whether the extent of building that exceeds a height of 9.7.5 metres above natural ground level ~~has been minimised is appropriate.~~
- Whether the height of a building will cause the building to be visually prominent within the landscape or when viewed from adjoining properties.
- Whether the landscaping of the site will soften the appearance of the building in the landscape and from adjoining properties.
- How the building height contributes to the visual appearance of building scale and bulk.

3.0 Application requirements

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C114

If in the opinion of the responsible authority an application requirement listed at 3.1 or 3.2 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision - Residential development

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C114

An application for subdivision must be accompanied by a site analysis and design response as detailed in Clause 56.01. In addition, the site analysis and design response must show or include the following to the satisfaction of the responsible authority:

- A written statement that explains how the subdivision meets the objectives, requirements, guidelines and residential design controls in the incorporated *Spring Creek Precinct Structure Plan*.
- A land budget table in the same format and methodology as those within the *Spring Creek Precinct Structure Plan*, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- Integration with the existing or proposed subdivision of adjoining properties including through alignment and configuration of the street network and landscape character.
- The staging of the development.

An application for subdivision on land with a slope greater than 10 percent must also be accompanied by a report and plan that addresses the following:

- The type, location and approximate depth of any proposed earthworks.
- The location and approximate height of proposed retaining walls or other methods of retaining soil batters.
- The impact of the proposed development and works on land stability and erosion, and identification of appropriate methods of erosion control and slope stability for the proposed development.
- The location and approximate grade of any proposed roads and paths.
- Indicative lot access arrangements consistent with Surf Coast Shire standards for crossover design.

An application for subdivision on a land parcel which includes a conservation reserve must also be accompanied by a Conservation Management Plan to the satisfaction of the responsible authority. The plan must be to the satisfaction of the responsible authority and address four key biodiversity themes:

- Biodiversity representation
- Ecological restoration
- Fire management; and
- Threat management

3.2 Precinct Infrastructure Plan

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C114

An application for subdivision must be accompanied by a Precinct Infrastructure Plan which addresses the following:

- A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the Catchment Management Authority and the responsible authority;
- An Integrated Water Management Statement which addresses how the objectives and planning and design guidelines of the Integrated Water Management Plan of the incorporated *Spring Creek Precinct Structure Plan* are achieved and what land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land;
- What, if any, infrastructure set out in an applicable Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of the responsible authority;
- The provision of public open space and land for any community facilities;
- Any other matter relevant to the provision of public infrastructure required by the responsible authority; and
- A Landscape Master Plan which addresses the following:
 - themes for the planting of street trees within all road reserves
 - concepts for the landscaping of public open space reserves.

The Landscape Master Plans must address and respond to the provisions set out in the incorporated *Spring Creek Precinct Structure Plan* and include objectives and principles for the subsequent preparation of detailed landscape plans in relation to each part of the land.

3.3 Traffic Impact Assessment

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C114

An application that proposes to create or change access to an arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility/concept road safety audit, must be to the satisfaction of VicRoads.

3.4 Use or develop land for a sensitive purpose – Environmental Site Assessment for land at 90, 140 and 170 Duffields Road and 200, 220 and 260 Great Ocean Road

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C114

An application for the subdivision, use or development of land for a sensitive use (residential use, child care centre, kindergarten or primary school) within areas identified as being of potential environmental interest (e.g. potentially contaminated land or land at risk from land slip), must be accompanied by an environmental site assessment by a suitably qualified environmental professional to the satisfaction of the responsible authority. The assessment should include the following information:

- Detailed assessment of potential contaminants on the relevant land.
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.
- Detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.
- Recommended remediation actions for any potentially contaminated land.

All to the satisfaction of the responsible authority.

3.5 Sloping land

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C114

An application for development on any natural or fill slopes that are steeper than 1V:6H (i.e. 10 degrees) and are more than 3 metres high must be accompanied by detailed topographical surveying, geotechnical assessment and details of any remediation works to the satisfaction of the responsible authority.

3.6 Kangaroo Management Plan

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C114

An application for subdivision must be accompanied by:

- A staging plan to help avoid landlocked kangaroos. All staging plans must be prepared in accordance with the key management principles outlined in the *Spring Creek Precinct Structure Plan*, and:
 - Plan the order of each stage of subdivision to avoid landlocking Eastern Grey Kangaroos.
 - Abut hazardous or built up areas and progress toward undeveloped areas.
 - Coordinate stages with adjacent subdivision applications, where relevant.
 - Consider exit routes for Eastern Grey Kangaroos (such as nearby roads, fences, gates and quarries, gaps between development and open space, and creek lines).
 - Include an explanation on how the subdivision will be staged to minimise the risk of Eastern Grey Kangaroos being landlocked, including estimated dates for each stage, as part of the 'design/management response' statement.
- A 'design/management response' statement outlining how the application is consistent with the key management principles outlined in the *Spring Creek Precinct Structure Plan*.

Both the staging plan and the 'design/management' response are to be to the satisfaction of the responsible authority.

3.7 Subdivision – Functional Layout Plans

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C114

An application for subdivision must be accompanied by functional layout plans of the road network showing the location of all:

- Road pavements and verges
- Underground services
- Intersection devices
- Driveways and crossovers
- Shared, pedestrian and bicycle paths

- Street lights
- Street trees
- On-street parking spaces

A typical cross section of each street must also be submitted showing above and below ground placement of services, street lights and trees.

The plans and cross sections must demonstrate how services, driveways and street lights will be placed so as to achieve the required road reserve width (consistent with the road cross sections in the *Spring Creek Precinct Structure Plan*) and accommodate the minimum level of street tree planting requirements. The plan and cross sections must nominate which services will be placed under footpaths or road pavement, as relevant.

The plans and cross sections are to be to the satisfaction of the responsible authority and all relevant service authorities.

4.0 Conditions and requirements for permits

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C114

Any permit must contain conditions which give effect to any requirements or conditions of the relevant part of the incorporated *Spring Creek Precinct Structure Plan* and *Spring Creek Native Vegetation Precinct Plan*.

4.1 Subdivision – Functional Layout Plans

An application for subdivision must be accompanied by functional layout plans of the road network showing the location of all:

- Road pavements and verges
- Underground services
- Intersection devices
- Driveways and crossovers

4.12 Condition - Development Contributions

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C114

Where a development contributions plan for the Spring Creek Precinct has not been incorporated in this scheme, a Statement of Compliance in respect of subdivision of land must not be issued unless the owner enters into an agreement under Section 173 of the *Planning and Environment Act 1987* providing for development contributions. The agreement must have regard to the matters set out in the incorporated *Spring Creek Precinct Structure Plan*.

The agreement must ~~include requirements to provide those~~ provide for the owner to make a development contributions that the responsible authority is satisfied ~~is~~ necessary to ~~be provided on or to the land or on other land as a result of the development of the land subject of the application or to~~ ensure the orderly and proper development of the Spring Creek Precinct. The agreement may also provide for the timing of land acquisition and other buildings and works to be undertaken or funded by any person other than the owner of the land subject to the agreement, including the Council, the Responsible Authority or any other public authority.

4.23 Condition - Subdivision or building and works permits where land is required for community facilities, public open space, road widening and drainage

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Any permit for subdivision must contain the following conditions, as relevant:

Open space, conservation reserves and community facilities

Land identified as open space, conservation reserve or community facilities as set out in the incorporated *Spring Creek Precinct Structure Plan* must be ~~transferred to or vested in Council at no cost to Council unless funded by an~~ provided in accordance with any applicable Development Contributions Plan or planning agreement under section 173 of the Planning and Environment Act 1987 pursuant to Schedule 3 of the Development Contributions Plan Overlay.

Road widening

Apart from land affected by a Public Acquisition Overlay, land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must be transferred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by an applicable Development Contributions Plan [or planning agreement under section 173 of the Planning and Environment Act 1987 pursuant to Schedule 3 of the Development Contributions Plan Overlay](#).

Drainage

Individual stages of development must demonstrate compliance with the staged delivery of ultimate drainage infrastructure in accordance with Plan 8 of the incorporated *Spring Creek Precinct Structure Plan*.

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Bushfire management

Any permit for subdivision must contain the following conditions:

Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the Country Fire Authority and the responsible authority. The plan must specify, amongst other things:

- The staging of development and the likely bushfire risks at each stage.
- An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed.
- The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire.
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.
- The reticulated fire hydrant service plan, with calculated pressure and flows available during peak demand.

Roads must be constructed to the followings standards, unless otherwise approved by the Country Fire Authority:

- Constructed roads must be a minimum of 7.3 metres trafficable width where cars are parked on both sides, or:
 - A minimum of 5.4 metres in trafficable width where cars may park on one side only.
 - A minimum of 3.5 metres width with no parking and 0.5 metres clearance to structures on either side, and if this width applies, there must be passing bays at least 20 metre long, 6 metres wide and located not more than 200 metres apart.
- Roads must be constructed so that they are capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- The average grade of a road must be no more than 1 in 7 (14.4 percent or 8.1°).
- The steepest grade on a road must be no more than 1 in 5 (20 percent or 11.3°) with this grade continuing for no more than 50 metres at any one point.
- Dips in a road must have no more than a 1 in 8 grade (12.5 percent or 7.1°) entry and exit angle.
- Constructed dead end roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8 metres (including roll-over curbs if they are provided).

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Public transport

Any permit for subdivision must contain the following condition:

Unless otherwise agreed by Public Transport Victoria, prior to the issue of a Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed.

- In accordance with the *Public Transport Guidelines for Land Use and Development* and be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

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Construction management

Before the works start, a Construction Environment Management Plan (CEMP) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. In addition to the responsible authority's standard requirements, the CEMP must include whether the development involves the removal of any trees. Where trees are identified for removal, the plan must also address:

- Prior to the removal, lopping or destruction of a tree, the examination of the tree by a suitably qualified individual for the presence of vertebrate fauna, including those using external nests (eg. common ringtail possum, bird nests) and tree hollows.
- Where native fauna species are identified as being present, the salvage and relocation of the fauna in accordance with all relevant legislation and approvals.

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Condition - Use or develop land for a sensitive purpose for land at 90, 140 and 170 Duffields Road and 200, 220 and 260 Great Ocean Road

Before a plan subdivision is certified under the Subdivision Act 1988, the recommendations of the Phase 2 Environmental Site Assessment submitted with an application for land at 90, 140 and 170 Duffields Road and 200, 220 and 260 Great Ocean Road, must be carried out to the satisfaction of the responsible authority.

Upon receipt of the further testing report the owner must comply with any further requirements made the responsible authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

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Restrictions

Prior to the Certification of the Plan of Subdivision, a Memorandum of Common Provisions must be placed on the Plan of Subdivision for all residential lots to the satisfaction of the responsible authority. The restriction must include reference to relevant residential design guidelines within the Spring Creek Precinct Structure Plan.

Applications must be made to the Registrar of Titles to have the Memorandum of Common Provisions registered on title to the land under section 181 of the Subdivision Act 1988 which provides that on each lot to be created, buildings must be constructed only in accordance with the Memorandum of Common Provisions.

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Advertising signs

The advertising category is category 3.

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres;
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- The sign is not animated, scrolling, electronic or internally illuminated sign;
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- The sign is setback a minimum of 750 millimetres from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

6.0 Decision guidelines

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Before deciding on an application to use or subdivide land, construct a building or construct or carry out works the responsible authority must consider, as appropriate:

- Whether the use or development is consistent with the incorporated *Spring Creek Precinct Structure Plan, 2016*.
- Whether the use or development is consistent with the incorporated Spring Creek Native Vegetation Precinct Plan, 2016.
- Whether the use or development is consistent with any applicable Development Contributions Plan.
- Whether an application for land within the Neighbourhood Centre is consistent with any approved Concept Plan

Appendix E Council response to requested changes to the exhibited Spring Creek PSP, UGZ1, DCPO3 and Clause 52.01 Schedule, with summary of Panel recommendations

Note: This table was submitted by Council post-hearing on 18 November 2016 in response to the without prejudice workshop and parties' marked up PSPs. The Panel has added an additional column with its recommendation where it has differed from the Council response, with the corresponding recommendation from the report. Where there is no corresponding recommendation, the Panel has provided brief commentary. Other submissions not dealt with here have been dealt with throughout the body of the report where relevant.

Precinct Structure Plan

P#	Section	Requested change	Sub #	Council response	Panel Recommendation
5	1.0	Amend final sentence to "through the construction of approximately 2,400 dwellings to accommodate more than 6,000 people".	41	Not supported.	Agree with Council.
		Update population figure to account for density suggestions.	57 + 62	Not supported.	Subject to other changes, covered by rec 1.
1.1		Delete 2 nd dot point: <i>Enables the transition of non-urban land to urban land.</i>	39	Not supported. This is one of the key purposes of a PSP and the UGZ.	Agree with Council.
		Delete reference to Open Space Strategy 2016-2026.	62	Not supported. The strategy is not a reference document in the Planning Scheme, but is an adopted document that has informed the PSP.	Agree with Council.
8	Plan 3	Change "residential (lot size 500-600m sq)" to "medium density residential (townhouses and terraced housing)".	41	Not supported.	Agree with Council.
		Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	41	Not supported.	Agree with Council.
		Remove "residential (lot size 1500-2000m sq)" category.	41	Not supported.	Agree with Council.
		Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council.
		Review the conservation reserve from Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council.

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		Delete open space OS-01 (encumbered and unencumbered) and waterway corridor/drainage asset from Property 2.	27	Not supported.	See rec 23.
		Extend road to PSP boundary.	39	Council does not support any roads terminating at the western boundary.	See rec 4. (southern portion)
		Change designation of 1500-2000sqm lots along south-west boundary to residential (lot size 600-900sqm).	39	Not supported.	See rec 26, 27
		Pedestrian access over Spring Creek to be realigned.	43	Council accepts that the location of the pedestrian bridge may be reviewed subject to further detailed site investigations.	Agree with Council.
		Local access road to be relocated closer to creek.	43	Council does not support a reduction to the creek buffers.	See rec 18
		Waterway to be removed.	43	Not supported.	See rec 10
		Dam within open space to be relocated.	43	Not supported.	See rec 10
		Open space allocation to be reduced.	43	Not supported.	See rec 17
		Area of vegetation to be slightly reduced.	43	Not supported.	See rec 21
		Dam within vegetation to be removed.	43	Not supported.	See rec 10
		Higher density residential land to be encouraged around the school site.	43	Not supported.	See rec 26
		Dog-leg to be re-oriented.	43	Not supported. Road frontage to school site to be maintained.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		Higher order uses (ie medical centre, childcare centre, café).	43	Council not opposed to higher order uses in this location, but submits these do not need to be shown on Plan 3 as they can be considered pursuant to the underlying residential zone.	Agree with Council
		Development to be set back 30m from 1 in 10 year floodplain.	43	Council does not support a reduction to the creek buffers.	See rec 9, 10, 18
		Drain within conservation area to be removed.	43	Not supported.	See rec 9
		Proposed nature play area.	43	Council not opposed to delivery of nature play area in a suitable location, but should not be shown on Plan 3.	Agree with Council
		Removal of vegetated tail.	43	Strongly opposed for the reasons set out in Council's submissions.	See rec 21
		Remove open space and conservation reserve from Property 3.	62	Not supported.	See rec 23
		Move local access street to south or DCP fund to deliver.	62	Not supported.	Agree with Council
		Standard density lots along Grossmans Road.	62	Not supported.	Agree with Council
		Continue road to western boundary as per Rural Estates.	57	Not supported.	See rec 3,4
		Standard density lots (along western precinct boundary).	57	Not supported.	Subject to other changes. Covered by rec 1
		Remove open space (along western precinct boundary).	57	Not supported.	See rec 22.

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		Reduce open space per overall reduction.	57	Not supported.	Subject to other changes, covered by rec 1.
		Identify land for potential non-residential use.	57	Not supported.	Agree with Council
		Reduce size of open space / conservation area to facilitate lots fronting connector.	57	Not supported.	Subject to other changes, covered by rec 1.
		If connector straightened against school submissions, move open space to land between connector and school boundary.	57	Not supported.	Agree with Council
		Identify land around school for higher density residential.	57	Not supported.	See Rec 25, 26
		Increase the size of the neighbourhood centre to 3ha.		Supported.	Agree with Council
		Notation on map or additional shading to designate potential medium / high density housing in and around the NAC.	42 +65	Not supported.	Subject to other changes, covered by rec 1.
9	2.1	Amend 3 rd paragraph as follows: A range of housing densities will respond to the topography and sensitive interfaces, including the Spring Creek riparian corridor and rural land to the west, which is currently rural but is recognised as having potential for future residential development and is required by the Planning Scheme to be the subject of a further strategic planning exercise to identify preferred land uses.	39	Strongly opposed. Land further to the west is <u>not</u> identified by Council or any strategic documents for future residential development.	See rec 4
		Amend 3 rd paragraph as follows: A range of housing densities will respond to the topography and sensitive interfaces, including the Spring Creek riparian corridor and rural land to the west, the proposed neighbourhood activity centre and the non-government school.	43	Not supported.	Agree with Council
	2.2	Amend O5 "Provide for a range of residential densities and lot types, including medium density around the neighbourhood centre".	41	Not supported.	See rec 25

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		Amend O5 "Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land, and increase to allow the creation of lots of less than 600 square metres within a reasonable walking distance of the around the commercial centre neighbourhood activity centre and the non-government school."	43	Not supported.	See rec 25
		Amend O5 "Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land north of Spring Creek, and increase around the commercial centre."	39	Not supported.	Agree with Council
		Amend O11 "Deliver a permeable movement network of attractive streetscapes which connect residential, community and commercial uses and encourage walking and cycling and provide for future connection to land to the west."	39	Strongly opposed. Land further to the west is <u>not</u> identified by Council or any strategic documents for future residential development.	See rec 4
10	Plan 4	Change "residential (lot size 500-600m sq)" to "medium density residential (townhouses and terraced housing)".	41	Not supported.	Agree with Council
		Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	41	Not supported.	Agree with Council
		Remove "residential (lot size 1500-2000m sq)" category.	41	Not supported.	Agree with Council
11	2.3	Amend third and fourth sentences to: "The land budget shows that the PSP will yield 2,398 lots with an average density of approximately 13 dwellings per net developable hectare. An average household size of 2.54 persons for conventional density housing (based on Victoria in Future 2015), is used to estimate the future population of the PSP area. On this basis, the future population of the PSP is estimated to be 6,091 residents."	41	Not supported.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		Update dwelling yield and densities.	57 + 62	Not supported.	Subject to other changes, covered by rec 1.
	Table 1	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council
		Review the conservation reserve from Property 1 (225 Grossmans Road).	41	Not supported.	Subject to other changes, covered by rec 1.
		Remove the individual lot size categories and just use the net developable area to calculate the dwelling capacity at 13 dwellings per hectare, i.e.: NDA = 184.48 Dwell / NDHa = 13 Dwellings = 2,398	41	Not supported.	Subject to other changes, covered by rec 1.
		Update to reflect submissions in relation to reduced areas of waterways, conservation area, open space.	43	Not supported	Subject to other changes, covered by rec 1.
12	Plan 5	Change "residential (lot size 500-600m sq)" to "medium density residential (townhouses and terraced housing)".	41	Not supported.	Agree with Council
		Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	41	Not supported.	Agree with Council
		Remove "residential (lot size 1500-2000m sq)" category.	41	Not supported.	Agree with Council
		Remove the local convenience centre and its catchment from Plan 5, and instead add a note in the legend "local convenience centre location to be determined"	41	Supported.	Agree with Council
		Inclusion of notation indicating that the location of a Local Convenience Centre is to be included on the landholding of 80 Duffields Road.	42 + 65	Not supported.	See rec 29
13	R1	Redraft as a guideline.	42 + 65	Not supported. Maintain as a requirement.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
	R2	Redraft as a guideline.	42 + 65	Not supported. Maintain as a requirement.	Agree with Council
	R3	Redraft as a guideline.	42 + 65	Not supported. Maintain as a requirement.	Agree with Council
	G4	Delete.	41	Not supported.	Agree with Council
	G8	After the phrase "abutting open space areas", insert the words "other than retaining walls constructed to a boundary".	42 + 65	Not supported.	Agree with Council
14	R4	Redraft as a guideline.	42 + 65	Not supported. Maintain as a requirement.	Agree with Council
	R5	Redraft as a guideline.	42 + 65	Not supported.	Agree with Council
	R6	Add "(with the exception of lots fronting Grossmans Road)". This does not work in the current layout of large lots and open space in between the drainage line and Grossmans Road. Primary position is to delete open space. Secondary position is to remove this impracticable requirement.	62	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council
		(a) Insert the word "any" before the words "dwellings fronting open space"; (b) Insert the words "in order to provide a physical separation between the dwelling and the open space, conservation reserve or arterial road".	42 + 65	Not supported. Refer to wording previously provided by Council.	Agree with Council
	R7	Inconsistent with R6.	62	Agree. Council has provided amended wording for R5, R6, R7.	Agree with Council
		Redraft as a guideline.	42 + 65	Not supported.	Agree with Council
	G15	Modify to "Dwellings should must provide a positive address to abutting community centres and schools" and include as a requirement.	57	Council is not opposed to this change.	Retain as should
	G17	Delete.	41	Accepted.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		Replace with “Lot sizes may be reviewed based on matters including design, orientation, topography, aspect and subdivision layout. Lot sizes may be provided both above and below the lot size ranges set out in Table 2 and Plan 3, provided that the average minimum lot size in a subdivision area does not fall below the minimum lot size provided for the relevant area.”	42 + 65	Not supported. Council agreed to delete G17.	See rec 31
		Add G18 – Greater housing diversity is encouraged within a reasonable walking distance of the neighbourhood activity centre and non-government school.	43	Not supported.	Agree with Council
14 15	Table 2	Underneath the heading "Table 2 Residential design controls", insert the following words: <i>This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the MCP required by Clause 4.7 of UGZ1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority.</i>	42 + 65	Supported in part. Reword as follows: <i>This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls must inform the MCP required by Clause 4.7 of UGZ1.</i>	See rec 32
		Table 2 is unnecessarily prescriptive and should be deleted; these matters would be better covered at permit stage.	39	Not supported. Council prefers the use of MCPs to reduce planning permit requirements.	Agree with Council – see rec 32
	RDC-1	Delete.	41	Not supported.	Agree with Council
		Change 500-600 sqm category to “medium density residential (townhouses and terraced housing) – no specific lot sizes”.	41	Not supported.	Agree with Council
		Change “residential (lot size 600-900m sq)” to conventional density residential (minimum average lot size at least 500m sq)”. Remove “residential (lot size 1500-2000m sq)” category.	41	Not supported.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
	RDC-3	Amend to be in accordance with ResCode, i.e. 4m façade setback to dwellings and 2m size setback when adjoining a road.	41	Not supported.	Agree with Council
		(a) Change minimum front setbacks to 4.0 metres.	42 +	Not supported.	See rec 33
		(b) Change minimum side setbacks to 3.0 metres.	65		
	RDC-4	Amend so that setbacks to rear boundaries are 3m not 20m and require landscaping along the boundary with land in the Farming Zone.	41	Not supported.	Agree with Council
		(a) Delete the current additional requirements set out in relation to the 500-600sqm lots;	42 +	Not supported.	Agree with Council
		(b) Replace the requirements with the following words:	65		
		(i) A new wall should be located a minimum of 2.0 metres from a side boundary.			
	(ii) A new wall should be located a minimum of 5.0 metres from a rear boundary to facilitate privacy between upper levels of adjoining lots.				
	RDC-5	Amend to allow site coverage up to 60 percent on sites less than 500 sqm.	41	Not supported.	Agree with Council
		(a) Amend site coverage from 35 percent to 50 percent; and	42 +	Not supported.	See rec 33
		(b) At the end of the sentence, insert the words "or 60 per cent including all impervious surfaces".	65		
	RDC-6	Amend to "Front setbacks must be planted with a canopy tree or trees".	41	Not supported.	Agree with Council
		(a) Amend reference to 50 percent to 40 percent; and	42 +	Not supported.	See rec 33
		(b) After the phrase "planting of vegetation", insert the words "and provision of permeable surfaces".	65		
16	3.2	1 st paragraph: delete the words "co-located with" and replace them with "and".	42 +	Supported.	See rec 34

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		2 nd paragraph: replace the first sentence with: <i>The Spring Creek Neighbourhood Centre will provide important economic support for the local both in the early phases of residential development in the PSP area and the subsequent growth of the Spring Creek community.</i>	42 + 65	Not supported.	Agree with Council
17	R8	1 st bullet point: redraft as a Guideline which refers to the Activity Centre Design Guidelines.	42 + 65	Not supported.	Agree with Council
		2 nd bullet point: redraft as a Guideline	42 + 65	Not supported.	Agree with Council
		3 rd bullet point: after the words "provide staging", insert "(if relevant)"	42 + 65	Supported.	See rec 35
		4 th bullet point: insert the words "if appropriate" at the start of the point	42 + 65	Supported.	See rec 35
		5 th bullet point: redraft as a Guideline	42 + 65	Council suggests deleting this point.	See rec 35
		6 th bullet point: redraft as a Guideline	42 + 65	Not supported.	See rec 35
		7 th bullet point: redraft as a Guideline	42 + 65	Not supported.	See rec 35
		8 th bullet point: after the words "longer term expansion", insert the words "(if relevant having regard to any staging and timing of development)"	42 + 65	Supported.	See rec 35
	R10	After the words "as illustrated on Plan 5", insert the words "or by reference to an approved Concept Plan pursuant to Clause 2.6 of UGZ1".	42 + 65	Not supported.	See rec 36
	R12	Redraft as a Guideline.	42 + 65	Not supported.	See rec 37

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
	R13	Redraft to read as follows: <i>A local convenience centre must be:</i> <ul style="list-style-type: none"> • provided for within the landholding of 80 Duffields Road, with the ultimate location to be approved by the Responsible Authority; and • located on and positively address the adjoining street. 	42 + 65	Not supported.	See rec 29
	G18	Delete the words "car parking and".	42 + 65	Not supported.	See rec 38
		Insert G18B-F	42+65	Not supported	See rec 39-44
18	Plan 6	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	41	Not supported.	See rec 9
		Review the conservation reserve from Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council
		Remove OS-08 away from western boundary.	1 + 44	Council has suggested OS-08 could be relocated to cover tree 41-47 as suggested in DELWP submission.	See rec 22
19	R15	Reduce public open space contribution to 4 percent passive public open space.	43	Strongly opposed. Council maintains a 10 percent POS contribution should be required consistent with other areas in Torquay.	See rec 17
		Reduce public open space contribution to 5 percent.	62	As above.	See rec 17
20	G25	"may vary so long as it is not less than one hectare" does not make sense having regard to areas of in particular OS-02 but also OS-01.	62	Council already suggested the deletion of these words.	See rec 23
21	G30	Modify to "School sites should must be provided with three street frontages, where practicable" and include as a requirement.	57	Not supported. Council prefers this to remain as a guideline.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
	G31	Modify to "Childcare, medical or similar facilities should be located proximate within the neighbourhood centre or in the potential non residential use location at the corner of Strathmore Drive and the Great Ocean Road".	57	Not supported. The underlying residential zone will enable these types of uses to be considered.	Agree with Council
22	R23	Native vegetation must be retained as described in the NVPP unless a permit is granted for its removal.	43	Accepted.	See rec 13
	R23	Delete.	57 + 62	Council accepts the submission that the requirement is contrary to the operation of the NVPP and Clause 52.16, however prefers wording suggested above by S43.	Agree with Council
	R25	Reduce buffer zone along Spring Creek to 30m.	43	Strongly opposed.	See rec 17, 18
		Reduce buffer zone along Spring Creek to 50m.	57	Strongly opposed.	See rec 17, 18
	G36	Reduce buffer zone along northern tributaries to 10m.	43	Strongly opposed.	Agree with Council
		Modify to refer to reduced buffer of 0m – 10m.	27	Not supported.	Agree with Council
24	Plan 7	Reinstate the road connection from Grossmans Road to Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council
		Amend the "local access street – level 1" adjacent to Grossmans Road to "local access place".	41	Supported	Agree with Council
		Offset the two potential bus routes that connect to Strathmore Drive to avoid the need to install signalised intersections on the Great Ocean Road.	41	Council supports removal of signalised intersection at Strathmore Drive East.	See rec 5,6,7

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		Deletion of service road along Grossmans Road. Instead, propose a limit on the number of driveways able to have direct access to Grossmans Road.	27	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council
		(a) Delete signalised intersection on the Great Ocean Road, to be replaced with an unsignalised T-intersection; (b) Insert a secondary vehicular entry point to the proposed NAC along Duffields Road	42 + 65	Supported in principle.	See rec 5,6,7
25	R31	Modify to allow lots that provide good amenity to the waterways and open space to not require a frontage road to open space.	27	Council proposed the addition of the words “paper roads” to provide flexibility for a range of interface options to be considered.	Agree with Council
	G43	Modify to refer to Grossmans Road, east of Messmate Road, Or Exempt low density allotments (1500sqm – 2000sqm) fronting Grossmans Road from this requirement and allow them to be accessible without additional road reserve widths by using direct crossovers.	27	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council
	G43	Vehicle access to lots fronting Grossmans Road should be provided from existing crossings or service road, local internal loop road or rear lane, or a combination of the two, to the satisfaction of the coordinating roads authority.	62	Not supported. G43 provides discretion for alternative access to be considered. Where land is not subdivided, existing dwellings will be allowed to maintain existing driveways.	Agree with Council
27	R51	Replace “as an integral part of” with “to interface with the”.	42 + 65	Supported.	Agree with Council
28	Plan 8	Remove the waterway corridor from Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
29	3.6.1	<p>Under the heading "Integrated water cycle management", insert the following words:</p> <p><i>Further to the requirements and guidelines set out below, a landowner may design an alternative stormwater management system to what is currently set out in Plans 3, 4, 6, 8, 9 and Table 5 of this PSP and Map 1 set out in UGZ1. In the event that a landowner proposes an alternative stormwater management system to what is proposed in this PSP and the UGZ1, it is the intent of this PSP and the UGZ1 that Surf Coast Shire Council and the Corangamite Catchment Management Authority (where relevant) are capable of considering and assessing the alternative stormwater management system proposed, and approve the alternative stormwater management system. Where an alternative stormwater management system is approved by the Surf Coast Shire Council and Corangamite Catchment Management Authority, the alternative stormwater management system is to be considered to be generally in accordance with this PSP (including Plans 3, 4, 6, 8 and 9 and Table 5) and Map 1 of UGZ1.</i></p> <p><i>To the extent that an approved alternative stormwater management system encumbers part of the land identified in Table 1 and Appendix A to this PSP as credited open space, the amount specified in Table 1 and Appendix A to this PSP must be adjusted to reflect the extent of unencumbered credited open space resulting from the construction of the approved alternative stormwater management system.</i></p>	42 + 65	Not supported. Council has provided additional wording to the note on Plan 7.	See rec 9
29	R52	The stormwater management system must be designed in accordance with depicted in Plan 8 is indicative only. The stormwater management system must be unless otherwise approved by the responsible authority.	43	Not supported. Council has provided additional wording to the note on Plan 7.	See Rec 9
	R55	After the word "final", insert the word "methodology".	42 + 65	Supported.	Agree with Council
		After the words "drainage reserves", insert the words "and infrastructure, including".	42 + 65	Supported.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		Delete the words "must be" and replace them with "is to be agreed at the time of making an application for subdivision".	42 + 65	Not supported.	Agree with Council See Rec 9
31	Table 5	Remove the waterway from Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council
		Remove WL21.	43	Not supported.	See rec 10
		Amend note <i>The areas and corridor widths identified in this table are indicative only and are subject to refinement alteration during detailed design to the satisfaction of the Corangamite Catchment Management Authority and the responsible authority.</i>	43	Supported as is generally consistent with suggested wording provided by Council.	Agree with Council
33	R63	Rationalisation of words "except where it is included in the DCP or outlined as the responsibility of an agency".	57 + 62	Supported.	Agree with Council
35	R69	Delete last dot point.	43	Not supported.	Agree with Council
	R70	At the end of the paragraph, insert the following words: <i>unless the liability arises pursuant to an agreement under section 173 of the Planning and Environment Act 1987, in which case Council is obliged to satisfy the liability in accordance with the agreement.</i>	42 + 65	Not supported.	See rec 12
		Accepts amended Parklea wording to account for Section 173 agreements.	57 + 62		See rec 12
	3.7.3	At the end of the fourth bullet point, insert the words "if applicable".	42 + 65	Supported.	Agree with Council
36	Table 6	Add local access road to the south of the drainage line.	62	No supported. Local access roads are not part of DCPs.	Agree with Council
39	App. A	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council
		Review the conservation reserve from Property 1 (225 Grossmans Road).	41	Not supported.	Agree with Council

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P#	Section	Requested change	Sub #	Council response	Panel Recommendation
		For Property 4, remove the 0.7 hectares from the "Arterial Road – Widening and Intersection Flaring" column.	41	Not supported.	Agree with Council
		Update to reflect submissions in relation to reduced areas of waterways, conservation area, open space.	43	Not supported.	Agree with Council
40	App. B	Remove the cells setting out "Guidelines" next to each "Principle".	42 + 65	Council in principle supports culling of number of guidelines.	Subject to other changes, covered by rec 1

DCPO3

P#	Clause	Requested change	Sub. No.	Council response	Panel
All	All	Provide information on the development contributions.	41	DCP review in progress.	Agree with Council

52.01 Schedule

P#	Clause	Requested change	Sub. No.	Council response	Panel
		Delete the reference to "10%" and replace with "10 percent of net developable area".	42 + 65	Not required. Head clause specifies that contributions apply to "land intended to be used for residential, industrial or commercial purposes". This assumes the NDA.	Agree with Council

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

APPENDIX 2 RESPONSE TO PANEL RECOMMENDATIONS

AMENDMENT C114 – SPRING CREEK PRECINCT STRUCTURE PLAN – RESPONSE TO PANEL RECOMMENDATIONS

No.	Panel Recommendation	Officer Response	Proposed Action
The Precinct Structure Plan generally			
1	Update the PSP to reflect the Panel's suggested changes detailed throughout this report and listed in Appendix E.		Make required changes as appropriate
2	Council review the wording of its regulations and guidelines where applicable to ensure that the terms 'must' and 'should' are appropriately placed.	Accepted	Make required changes as appropriate
Western Growth Boundary			
3	Council include 'urban growth potential' for the balance of Spring Creek with appropriate community engagement as part of its Rural Hinterland Futures Project.	This recommendation goes beyond the scope of the amendment. Urban growth further to the west is not contemplated by Council's strategic planning policies, including the SFP2040 and Clause 21.08 Torquay Jan Juc Framework Plan, and was not entertained by the former Minister for Planning upon rezoning of Spring Creek to UGZ. Land between Bellbrae and the western town boundary is designated as a green break.	Not supported
4	Provide a notation on the PSP showing the area south-west of the PSP boundary as a 'Strategic Investigation Area.	As above	Not supported
Road Network			
5	VicRoads and Council review the decision to delete the signalisation of the Great Ocean Road/Strathmore Drive East/connector street intersection as proposed in the exhibited PSP in favour of un-signalised staggered T-intersections.	Upon further discussions with Council, VicRoads has confirmed its preference for an un-signalised T-intersection. VicRoads is confident that such an arrangement would work satisfactorily in combination with a pedestrian crossing.	Confirm the decision to replace the signalised intersection at Great Ocean Road/Strathmore Drive East with an un-signalised left in/left out intersection.
6	Should the review confirm the decision to replace the signalisation of the intersection with un-signalised staggered T-intersections, the PSP Plan 7 (Road Network, Public Transport and Trail) be amended as follows: <ul style="list-style-type: none"> a) show a re-aligned north south access street to create a T-intersection with the Great Ocean Road approximately midway between Strathmore Drive East and Torquay Boulevard b) change the designation of the north south access street from Connector Street to Local Access Street – Level 2 c) include an additional connection from the north south access street to Duffields Road south of Ocean View Crescent subject to resolution of the environmental and sight distance issues raised by Council. 	Accepted	Amend PSP Plan 7 as per Panel recommendation

No.	Panel Recommendation	Officer Response	Proposed Action
7	<p>Should the review confirm the decision to replace the signalisation of the intersection with un-signalised staggered T-intersections:</p> <ul style="list-style-type: none"> a) a pedestrian refuge should be constructed as part of the T-intersection as an interim measure b) VicRoads and Council should monitor pedestrian and cyclist numbers crossing the Great Ocean Road and traffic volumes with the view to installing pedestrian activated traffic signals when warranted 	Accepted	Include the provision of a pedestrian crossing in the PSP and investigate whether it could be included as a DCP item.
8	As development occurs in the Spring Creek precinct, Council should monitor the increase in traffic volumes on Ocean View Crescent to determine whether the installation of traffic calming measures to discourage through traffic is warranted.	Accepted	Monitoring to occur at the appropriate time
Stormwater and drainage			
9	<p>Redraft the PSP section 3.6.1 Integrated water cycle management, the annotation to Plan 8 Integrated Water Management as follows:</p> <ul style="list-style-type: none"> a) make it clear and explicit that the PSP requirements with respect to the water management system and the location of drainage infrastructure are indicative only and can be amended at the subdivision approval stage b) provide clarity and future guidance for the assessment by the responsible authority of development proposals. c) Amend R55 to state: Final methodology, design and boundary of waterway and drainage reserves and infrastructure, including retarding basins, stormwater quality treatment infrastructure and associated paths, boardwalks, bridges and planting is to be agreed at the time of making an application for subdivision to the satisfaction of the responsible authority and the catchment management authority where required. 	Accepted. Consistent with Council's recommendation to the Panel.	Redraft relevant PSP sections
10	<p>Amend PSP Plan 8 Integrated Water Management as follows:</p> <ul style="list-style-type: none"> a) delete WL15 and WL21 b) provide a conceptual layout in place of these deleted water bodies to show water management infrastructure at a downstream location. 	Further work is required to consider the appropriateness of deleting these waterbodies.	Review appropriateness of deleting waterbodies
11	Council give further consideration in consultation with affected landholders to mechanisms to provide for the equalisation of contributions to shared water management infrastructure.	Accepted	Investigate equalisation mechanisms
12	<p>Add the following sentence at the end of R70 to state: ...unless the liability arises pursuant to an agreement under section 173 of the <i>Planning and Environment Act 1987</i>, in which case Council is obliged to satisfy the liability in accordance with the agreement.</p>	Accepted	Redraft R70

No.	Panel Recommendation	Officer Response	Proposed Action
Biodiversity			
13	Amend the wording of R23 of the PSP to allow for a permit application to remove native vegetation identified for protection in the NVPP.	Accepted	Redraft R23
14	Council consider using the best part of GW5 as a net gain native vegetation offset, with consideration of appropriate public access that manages identified threats and protects the values of the biodiversity asset.	Council's position at the Panel was that it opposed acceptance of the site as an offset site given the ongoing management responsibilities that would be placed on Council and restrictions on public access.	Investigate the advantages and disadvantages of accepting the patch as an offset site to inform a final position
15	Remove SRW1 from the PSP and NVPP as vegetation proposed for retention in a conservation reserve.	To date Council has not been able to produce evidence that public funding was used for the planting of trees within this vegetation patch.	Continue investigations into possible public funding
16	Review the status of native vegetation at 160 and 195 Grossmans Road, and amend the Biodiversity Assessment and NVPP accordingly.	Accepted	Undertake further review of vegetation on these properties
Open space			
17	Council should prepare a detailed assessment of how active open space needs of Spring Creek residents will be met, and review the requirement for passive open space contribution accordingly, to achieve a passive and active open space contribution of no more than 10 percent, and in line with the Open Space Strategy and Community Infrastructure Assessment.	Recommendation is contrary to aim of providing a natural open space system based around waterways and conservation reserves.	Undertake further work to justify the proposed open space provision and identify unconstrained areas for active use
18	Review waterway buffer widths and amend these in association with the review of open space provision, in response to site specific considerations and constraints such as amenity, topography and the need for open space linkages.	Recommendation is contrary to aim of providing generous creek buffers that protect waterways, remnant vegetation and aboriginal cultural heritage and provide for wildlife corridors and recreational use (walking/cycling trails).	Review site specific technical information to establish the width and alignment of buffers
19	Review the distribution of local and neighbourhood parks to ensure that provision within 400 metres of at least 95 percent all dwellings is achieved.	Recommendation is contrary to aim of providing a natural open space system based around waterways and conservation reserves.	Undertake further work to justify the proposed open space provision
20	If part of GW5 is secured as a net gain offset and Council is not able to manage this asset, then a suitable alternative land manager be secured	It is unlikely that there is a land manager other than Council that would be willing to adopt management responsibility of the reserve.	Developer's responsibility to pursue alternate land manager
21	Amend the native vegetation patch identified as GW5 on 200-220 Great Ocean Road as follows: a) re-shape to minimise the boundary to area ratio b) include credited open space in the south western patch that has a degraded understorey and sparse trees, c) develop this south western patch as a Bellarine Yellow Gum reserve that is sensitively designed and managed for passive open space that protects and respects the environmental values of this area.	If the patch is to be developed and managed as a Bellarine Yellow Gum reserve then it should be designated as a conservation reserve rather than credited public open space. The degraded understorey would be able to regenerate if it was fenced and managed for conservation purposes.	Review the configuration and use options of vegetation patch GW5 at 200-220 Great Ocean Road, in relation to public access and use of the south-western degraded portion as credited open space

No.	Panel Recommendation	Officer Response	Proposed Action
22	Relocate OS-08 local park to incorporate trees 41 – 47.	Accepted. Consistent with Council's recommendation.	Amend PSP
23	Review the size and configuration of OS-01, OS-02 and OS-13, and resize based on strategic justification for environmental or open space purposes.	Review as necessary and include in the review of open space across the precinct.	As per response to Recommendation 17
24	Council should determine a suitable treatment for the southern boundary of 231 Grossmans Road to ensure open space continuity, for example public open space along the waterway with fence to the northern side of the creek.	Accepted in principle	Review options
Density			
25	Amend O5 to read: Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land, and increase to allow the creation of lots of less than 600 square metres within a reasonable walking distance of the neighbourhood activity centre and the school.	Accepted	Amend PSP
26	Add G18 to state: Greater housing diversity is encouraged within a reasonable walking distance of the neighbourhood activity centre and the school.	Accepted	Amend PSP
27	Amend the land budget and associated mapping highlighting density accordingly, with a view to increasing densities to at least 12-13 dwellings per hectare.	Accepted in principle for smaller lots around the Neighbourhood Activity Centre (NAC) and school site.	Investigate options to expand the area of 500-600m ² lots around the NAC / school and consider pockets of medium density housing immediately adjacent to the NAC
Activity Centres & Community Facilities			
28	Amend the UGZ Schedule to ensure that early delivery of the NAC can be considered through a planning permit application with supporting evidence.	Accepted	Amend UGZ1
29	Reinstate the asterisk on Map 1 of the UGZ and Plan 5 of the PSP denoting a Local Convenience Centre in the northern precinct.	Accepted	Amend Map 1 of UGZ and Map 5 of PSP
30	Add the following guideline in relation to Community Facilities: <ul style="list-style-type: none"> Where the responsible authority is satisfied that land shown as a local community facility on Plan 3 is unlikely to be used for that purpose, that land may be used for an alternative purpose which is generally consistent with the surrounding land uses and the provisions of the applied zone. 	Accepted	Amend PSP
Drafting issues			
31	Delete G17.	Accepted	Amend PSP
32	Insert the following preamble above Table 2 of the Residential Design Control to state: <ul style="list-style-type: none"> This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the Memorandum of Common Provisions required by Clause 4.7 of Urban Growth 	Not accepted. Drafting in the manner proposed by the Panel would result in the application of the RDC's being optional to the discretion of the relevant developer. There will be no guarantee that a developer will apply the RDC's or a developer	Not supported. Maintain the RDC's as mandatory provisions.

No.	Panel Recommendation	Officer Response	Proposed Action
	Zone Schedule 1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority. These controls may also be varied at the discretion of the Responsible Authority.	may cherry pick the elements that suit a particular development.	
33	Amend the following controls within Table 2 of the Residential Design Control: <ul style="list-style-type: none"> RDC-3: minimum front setbacks to 4.0 metres and 3.0 metres for side setbacks across all columns. RDC-5: The area of a lot covered by buildings should not exceed 35 per cent RDC-6: At least 40 per cent of a lot must be available for the planting of vegetation and provision of permeable surfaces (excludes driveways and tennis courts of all surface types) 	Reduction in front setback to 4m not supported for 600-900m ² and 1500-2000m ² lots. Should be kept at 6m. Consider reducing to 5m for 500-600m ² lots. Replaces 'must' with 'should' Reduces permeable area from 50% to 40%	Undertake further work to justify the application of the design controls.
34	At section 3.2, in the first paragraph delete the words "co-located with" and replace them with "and".	Accepted	Amend PSP
35	Delete R8 and redraft as a Guideline. As a guideline, amend the following dot points: <ul style="list-style-type: none"> Third: Provide staging (if relevant) and indicative timing of the development Fourth: If appropriate, incorporate public transport services into the design of the centre Eighth: Address interim management of the land required for longer term expansion (if relevant having regard to any staging and timing of development) so that the land is not kept in an unattractive or neglected state for long periods. 	Redrafting as a guideline is not supported, as the requirement for a Concept Plan for the NAC should be a mandatory requirement. The drafting changes to the dot points are accepted.	Retain requirement for a Concept Plan as a requirement
36	Redraft R10 and after the words "as illustrated on Plan 5", insert the words "or by reference to an approved Concept Plan pursuant to Clause 2.6 of UGZ1".	Accepted	Amend PSP
37	Delete R12.	Accepted (to be replaced as a guideline under G18A)	Amend PSP
38	Delete the words "car parking and" from G18.	Accepted	Amend PSP
39	Insert the following new Guidelines: G18A Buildings within the neighbourhood centre must provide: <ul style="list-style-type: none"> Primary vehicle access from the connector street Positive and active building frontages addressed towards to the adjoining street network Service and loading areas that manage amenity impacts the surrounding residential area. 	Accepted (redrafts the requirements of R12 as a guideline)	Amend PSP
40	Insert G18B: Address the Activity Centre Design Guidelines as appropriate having regard to the context, scale and topography of the neighbourhood centre.	Not accepted. Retain as a requirement under R8.	
41	Insert G18C: Demonstrate how the neighbourhood centre provides for a range of compatible commercial, residential and community uses.	Not accepted. Retain as a requirement under R8.	
42	Insert G18D: Provide appropriate opportunities for higher density housing or	Not accepted. Retain as a requirement under R8.	

No.	Panel Recommendation	Officer Response	Proposed Action
	specialised accommodation such as serviced apartments, aged care or retirement living.		
43	Insert G18E: Locate and design car parking areas to manage negative amenity impacts.	Not accepted. Retain as a requirement under R8.	
44	Insert G18F: Locate and design service areas for deliveries and waste disposal including access for larger vehicles with measures that manage impacts on adjoining areas.	Not accepted. Retain as a requirement under R8.	
Urban Growth Zone Schedule			
45	Amend Schedule 1 to the UGZ as outlined in Appendix D and make any consequential changes as a result of amendments to the PSP.	Accepted in principle, unless where otherwise recommended in this report.	Review drafting changes recommended by Panel
Further recommendations			
46	<p>Council should work with DELWP to review and refine the NVPP, to include a rationale for native vegetation proposed for retention and removal, and respond to the specific matters raised by DELWP, including:</p> <ul style="list-style-type: none"> • Minimisation strategy • Review of the NVPP to minimise specific offsets • Roadside vegetation inclusion • Biodiversity Impact and Offset Requirements (BIOR) report • Clearly explain vegetation for practical retention • Rewording tree protection zone requirements • Information that explains the difference between specific and general offsets, and the offset requirements of landholders. 	Accepted	Work with DELWP to refine and update the NVPP
47	The impact of climate change should be modelled for stormwater for the precinct, and to ensure that design detail for each stage of the development demonstrates a response to this modelling.	Advice provided previously by Council's consultants on the impact of climate change confirmed that the proposed stormwater management approach, combined with the natural topography of the site, has enough built in conservativeness to cater for events outside of those modelled in the Study such as the possible effect of climate change.	Update the stormwater modelling report to include reference to the likely impact of climate change

Other recommendations in the Panel report that are not included in the list of recommendations

No.	Panel Recommendation	Officer Response	Proposed Action
Biodiversity			
A	In relation to wildlife and kangaroos, the Panel supports DELWP's recommendations and Council's proposal to include Kangaroo Management Principles in the PSP and Construction Environmental Management Plans.	Support noted	Redraft PSP and UGZ1
B	Council should undertake further work to understand climate change impacts on native vegetation across the site, and determine suitable revegetation species.	Accepted in principle. Council could consider preparing a landscape planting list for Spring Creek.	Prepare a landscape planting list for Spring Creek.
Climate change and environmental sustainability			
C	More comprehensive application of Appendix F to achieve the goal of environmentally sustainable development across the precinct.	As currently drafted, the PSP only requires a response to Appendix F in Section 3.2 (activity centres). The Panel's recommendation is supported and it is recommended that the sustainability principles also apply to residential development across the precinct.	Amend the PSP to require all development to consider the sustainability principles at Appendix F.
Open Space			
D	The Applied Zone Provisions in the exhibited UGZ1 should be amended to remove the open space categories PCRZ and PPRZ, and that these areas be rezoned once vested in Council.	Accepted. The exact size and location of open space and conservation reserves will be determined through detailed design at the subdivision stage.	Amend the UGZ1 to delete the PCRZ and PPRZ from the applied zone provisions.
E	The buffer arrangements along the western boundary as proposed by Council are appropriate.	Support noted.	Insert requirement for buffer into PSP.
Urban Growth Zone Schedule 1			
F	At Clause 2.8 of the UGZ1, increase the maximum building height to 9 metres (or 10m where slope exceeds 2.5 degrees)	Not supported. The 7.5m maximum building height proposed by Council is not a mandatory requirement but a permit trigger. Heights above 7.5m can be considered subject to a planning permit. Increasing the height to 9m as of right is not consistent with the rest of Torquay-Jan Juc and other coastal townships.	Reject Panel recommendation

Response to the Panel's recommended drafting changes to the PSP (Appendix E of the Panel Report)

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
1.0	Amend final sentence to "through the construction of approximately 2,400 dwellings to accommodate more than 6,000 people".	Not supported.	Agree with Council.	If density increases as per response to Rec 27, then population and housing estimates will require updating accordingly.
	Update population figure to account for density suggestions.	Not supported.	Subject to other changes, covered by rec 1.	As above
1.1	Delete 2 nd dot point: <i>Enables the transition of non-urban land to urban land.</i>	Not supported. This is one of the key purposes of a PSP and the UGZ.	Agree with Council.	Noted
	Delete reference to Open Space Strategy 2016-2026.	Not supported. The strategy is not a reference document in the Planning Scheme, but is an adopted document that has informed the PSP.	Agree with Council.	Noted
Plan 3	Change "residential (lot size 500-600m sq)" to "medium density residential (townhouses and terraced housing)".	Not supported.	Agree with Council.	Noted
	Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	Not supported.	Agree with Council.	Noted
	Remove "residential (lot size 1500-2000m sq)" category.	Not supported.	Agree with Council.	Noted
	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council.	Noted
	Review the conservation reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council.	Noted
	Delete open space OS-01 (encumbered and unencumbered) and waterway corridor/drainage asset from Property 2 (165 Grossmans Road).	Not supported.	See rec 23.	See response to Rec 23
	Extend road to PSP boundary (260 Great Ocean Road).	Council does not support any roads terminating at the western boundary.	See rec 4. (southern portion)	Not supported. See response to Rec 4.
Change designation of 1500-2000sqm lots along south-west boundary to residential (lot size 600-900sqm).	Not supported.	See rec 26, 27	Maintain larger lots along western boundary	

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
	Pedestrian access over Spring Creek to be realigned.	Council accepts that the location of the pedestrian bridge may be reviewed subject to further detailed site investigations.	Agree with Council.	Noted
	Local access road to be relocated closer to creek (200-220 Great Ocean Road).	Council does not support a reduction to the creek buffers.	See rec 18	See response to Rec 18
	Waterway to be removed (200-220 Great Ocean Road).	Not supported.	See rec 10	See response to Rec 10
	Dam within open space to be relocated (200-220 Great Ocean Road).	Not supported.	See rec 10	See response to Rec 10
	Open space allocation to be reduced (200-220 Great Ocean Road).	Not supported.	See rec 17	See response to Rec 17
	Area of vegetation to be slightly reduced (200-220 Great Ocean Road).	Not supported.	See rec 21	See response to Rec 21
	Dam within vegetation to be removed (200-220 Great Ocean Road).	Not supported.	See rec 10	See response to Rec 10
	Higher density residential land to be encouraged around the school site (200-220 Great Ocean Road).	Not supported.	See rec 26	See response to Rec 26
	Dog-leg to be re-oriented (200-220 Great Ocean Road).	Not supported. Road frontage to school site to be maintained.	Agree with Council	Noted
	Higher order uses (ie medical centre, childcare centre, café) (200-220 Great Ocean Road).	Council not opposed to higher order uses in this location, but submits these do not need to be shown on Plan 3 as they can be considered pursuant to the underlying residential zone.	Agree with Council	Noted
	Development to be set back 30m from 1 in 10 year floodplain (200-220 Great Ocean Road).	Council does not support a reduction to the creek buffers.	See rec 9, 10, 18	See response to Rec 9, 10, 18
	Drain within conservation area to be removed (200-220 Great Ocean Road).	Not supported.	See rec 9	See response to Rec 9
	Proposed nature play area (200-220 Great Ocean Road).	Council not opposed to delivery of nature play area in a suitable location, but should not be shown on Plan 3.	Agree with Council	Noted
	Removal of vegetated tail (200-220 Great Ocean Road).	Strongly opposed for the reasons set out in Council's submissions.	See rec 21	See response to Rec 21

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
	Remove open space and conservation reserve from Property 3 (195 Grossmans Road).	Not supported.	See rec 23	See response to Rec 23
	Move local access street to south or DCP fund to deliver (195 Grossmans Road).	Not supported.	Agree with Council	Noted
	Standard density lots along Grossmans Road.	Not supported.	Agree with Council	Noted
	Continue road to western boundary as per Rural Estates (260 Great Ocean Road).	Not supported.	See rec 3,4	See response to Rec 3, 4
	Standard density lots (along western precinct boundary) (260 Great Ocean Road).	Not supported.	Subject to other changes. Covered by rec 1	Maintain larger lots along western boundary
	Remove open space (along western precinct boundary) (260 Great Ocean Road).	Not supported.	See rec 22.	See response to Rec 22
	Reduce open space per overall reduction.	Not supported.	Subject to other changes, covered by rec 1.	Consider as part of further investigations into open space provision
	Identify land for potential non-residential use (200-220 Great Ocean Road).	Not supported.	Agree with Council	Noted
	Reduce size of open space / conservation area to facilitate lots fronting connector (200-220 Great Ocean Road).	Not supported.	Subject to other changes, covered by rec 1.	Consider as part of further investigations into open space provision
	If connector straightened against school submissions, move open space to land between connector and school boundary.	Not supported.	Agree with Council	Noted
	Identify land around school for higher density residential.	Not supported.	See Rec 25, 26	See response to Rec 25, 26
	Increase the size of the neighbourhood centre to 3ha.	Supported.	Agree with Council	Noted
	Notation on map or additional shading to designate potential medium / high density housing in and around the NAC.	Not supported.	Subject to other changes, covered by rec 1.	Consider as part of review of densities
2.1	Amend 3 rd paragraph as follows: A range of housing densities will respond to the topography and sensitive interfaces, including the Spring Creek riparian corridor and rural land to the west, which is currently rural but is recognised as having potential for future residential development and is required by the Planning Scheme to be the subject of a further strategic planning exercise to identify preferred land uses.	Strongly opposed. Land further to the west is <u>not</u> identified by Council or any strategic documents for future residential development.	See rec 4	See response to Rec 4

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
	Amend 3 rd paragraph as follows: A range of housing densities will respond to the topography and sensitive interfaces, including the Spring Creek riparian corridor and rural land to the west, the proposed neighbourhood activity centre and the non-government school.	Not supported.	Agree with Council	Noted
2.2	Amend O5 "Provide for a range of residential densities and lot types, including medium density around the neighbourhood centre".	Not supported.	See rec 25	See response to Rec 25
	Amend O5 "Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land, and increase to allow the creation of lots of less than 600 square metres within a reasonable walking distance of the around the commercial centre neighbourhood activity centre and the non-government school."	Not supported.	See rec 25	See response to Rec 25
	Amend O5 "Provide for a range of residential densities that reduce along Spring Creek and Grossmans Road, near rural land north of Spring Creek, and increase around the commercial centre."	Not supported.	Agree with Council	Noted
	Amend O11 "Deliver a permeable movement network of attractive streetscapes which connect residential, community and commercial uses and encourage walking and cycling and provide for future connection to land to the west."	Strongly opposed. Land further to the west is <u>not</u> identified by Council or any strategic documents for future residential development.	See rec 4	See response to Rec 4
Plan 4	Change "residential (lot size 500-600m sq)" to "medium density residential (townhouses and terraced housing)".	Not supported.	Agree with Council	Noted
	Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	Not supported.	Agree with Council	Noted
	Remove "residential (lot size 1500-2000m sq)" category.	Not supported.	Agree with Council	Noted
2.3	Amend third and fourth sentences to: "The land budget shows that the PSP will yield 2,398 lots with an average density of approximately 13 dwellings per net developable hectare. An average household size of 2.54 persons for conventional density housing (based on Victoria in Future 2015), is used to estimate the future population of the PSP area. On this basis, the future population of the PSP is estimated to be 6,091 residents."	Not supported.	Agree with Council	If density increases around the NAC and school, then population and housing estimates will require updating accordingly.

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
	Update dwelling yield and densities.	Not supported.	Subject to other changes, covered by rec 1.	As above
Table 1	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	Noted
	Review the conservation reserve from Property 1 (225 Grossmans Road).	Not supported.	Subject to other changes, covered by rec 1.	Consider as part of further investigations into open space provision and review of vegetation along Grossmans Road.
	Remove the individual lot size categories and just use the net developable area to calculate the dwelling capacity at 13 dwellings per hectare, i.e.: NDA = 184.48 Dwell / NDHa = 13 Dwellings = 2,398	Not supported.	Subject to other changes, covered by rec 1.	If density increases around the NAC and school, then population and housing estimates will require updating accordingly.
	Update to reflect submissions in relation to reduced areas of waterways, conservation area, open space.	Not supported	Subject to other changes, covered by rec 1.	Land use budget to be updated following changes to PSP.
Plan 5	Change "residential (lot size 500-600m sq)" to "medium density residential (townhouses and terraced housing)".	Not supported.	Agree with Council	Noted
	Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	Not supported.	Agree with Council	Noted
	Remove "residential (lot size 1500-2000m sq)" category.	Not supported.	Agree with Council	Noted
	Remove the local convenience centre and its catchment from Plan 5, and instead add a note in the legend "local convenience centre location to be determined"	Supported.	Agree with Council	Panel recommendation not consistent with Rec 29 to reinstate the asterix
	Inclusion of notation indicating that the location of a Local Convenience Centre is to be included on the landholding of 80 Duffields Road.	Not supported.	See rec 29	See response to Rec 29
R1	Redraft as a guideline.	Not supported. Maintain as a requirement.	Agree with Council	Noted
R2	Redraft as a guideline.	Not supported. Maintain as a requirement.	Agree with Council	Noted

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
R3	Redraft as a guideline.	Not supported. Maintain as a requirement.	Agree with Council	Noted
G4	Delete.	Not supported.	Agree with Council	Noted
G8	After the phrase "abutting open space areas", insert the words "other than retaining walls constructed to a boundary".	Not supported.	Agree with Council	Noted
R4	Redraft as a guideline.	Not supported. Maintain as a requirement.	Agree with Council	Noted
R5	Redraft as a guideline.	Not supported.	Agree with Council	Noted
R6	Add "(with the exception of lots fronting Grossmans Road)". This does not work in the current layout of large lots and open space in between the drainage line and Grossmans Road. Primary position is to delete open space. Secondary position is to remove this impracticable requirement.	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council	Noted
	(a) Insert the word "any" before the words "dwellings fronting open space"; (b) Insert the words "in order to provide a physical separation between the dwelling and the open space, conservation reserve or arterial road".	Not supported. Refer to wording previously provided by Council.	Agree with Council	Noted
R7	Inconsistent with R6.	Agree. Council has provided amended wording for R5, R6, R7.	Agree with Council	Noted
	Redraft as a guideline.	Not supported.	Agree with Council	Noted
G15	Modify to "Dwellings should must provide a positive address to abutting community centres and schools" and include as a requirement.	Council is not opposed to this change.	Retain as should	Panel recommendation accepted
G17	Delete.	Accepted.	Agree with Council	Noted
	Replace with "Lot sizes may be reviewed based on matters including design, orientation, topography, aspect and subdivision layout. Lot sizes may be provided both above and below the lot size ranges set out in Table 2 and Plan 3, provided that the average minimum lot size in a subdivision area does not fall below the minimum lot size provided for the relevant area."	Not supported. Council agreed to delete G17.	See rec 31	Accepted
	Add G18 – Greater housing diversity is encouraged within a reasonable walking distance of the neighbourhood activity centre and non-government school.	Not supported.	Agree with Council	Panel recommendation not consistent with Rec 26

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
Table 2	Underneath the heading "Table 2 Residential design controls", insert the following words: <i>This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls should inform the MCP required by Clause 4.7 of UGZ1, and may be adopted in full or part as either mandatory or discretionary provisions, in conjunction with an application for subdivision, to the satisfaction of the Responsible Authority.</i>	Supported in part. Reword as follows: <i>This table constitutes the residential design controls contemplated by Clause 4.7 of Schedule 1 to the Urban Growth Zone. These controls must inform the MCP required by Clause 4.7 of UGZ1.</i>	See rec 32	See response to Rec 32
	Table 2 is unnecessarily prescriptive and should be deleted; these matters would be better covered at permit stage.	Not supported. Council prefers the use of MCPs to reduce planning permit requirements.	Agree with Council – see rec 32	Noted
RDC-1	Delete.	Not supported.	Agree with Council	Noted
	Change 500-600 sqm category to "medium density residential (townhouses and terraced housing) – no specific lot sizes".	Not supported.	Agree with Council	Noted
	Change "residential (lot size 600-900m sq)" to conventional density residential (minimum average lot size at least 500m sq)".	Not supported.	Agree with Council	Noted
	Remove "residential (lot size 1500-2000m sq)" category.	Not supported.	Agree with Council	Noted
RDC-3	Amend to be in accordance with ResCode, i.e. 4m façade setback to dwellings and 2m side setback when adjoining a road.	Not supported.	Agree with Council	Noted
	(a) Change minimum front setbacks to 4.0 metres. (b) Change minimum side setbacks to 3.0 metres.	Not supported.	See rec 33	See response to Rec 33
RDC-4	Amend so that setbacks to rear boundaries are 3m not 20m and require landscaping along the boundary with land in the Farming Zone.	Not supported.	Agree with Council	Noted
	(a) Delete the current additional requirements set out in relation to the 500-600sqm lots; (b) Replace the requirements with the following words: (i) A new wall should be located a minimum of 2.0 metres from a side boundary. (ii) A new wall should be located a minimum of 5.0 metres from a rear boundary to facilitate privacy between upper levels of adjoining lots.	Not supported.	Agree with Council	Noted
RDC-5	Amend to allow site coverage up to 60 percent on sites less than 500 sqm.	Not supported.	Agree with Council	Noted

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
	(a) Amend site coverage from 35 percent to 50 percent; and (b) At the end of the sentence, insert the words "or 60 per cent including all impervious surfaces".	Not supported.	See rec 33	See response to Rec 33
RDC-6	Amend to "Front setbacks must be planted with a canopy tree or trees".	Not supported.	Agree with Council	Noted
	(a) Amend reference to 50 percent to 40 percent; and (b) After the phrase "planting of vegetation", insert the words "and provision of permeable surfaces".	Not supported.	See rec 33	See response to Rec 33
3.2	1 st paragraph: delete the words "co-located with" and replace them with "and".	Supported.	See rec 34	See response to Rec 34
	2 nd paragraph: replace the first sentence with: <i>The Spring Creek Neighbourhood Centre will provide important economic support for the local both in the early phases of residential development in the PSP area and the subsequent growth of the Spring Creek community.</i>	Not supported.	Agree with Council	Noted
R8	1 st bullet point: redraft as a Guideline which refers to the Activity Centre Design Guidelines.	Not supported.	Agree with Council	Recommendation not consistent with Rec 35, 40
	2 nd bullet point: redraft as a Guideline	Not supported.	Agree with Council	Recommendation not consistent with Rec 35, 41
	3 rd bullet point: after the words "provide staging", insert "(if relevant)"	Supported.	See rec 35	See response to Rec 35
	4 th bullet point: insert the words "if appropriate" at the start of the point	Supported.	See rec 35	See response to Rec 35
	5 th bullet point: redraft as a Guideline	Council suggests deleting this point.	See rec 35	See response to Rec 35, 42
	6 th bullet point: redraft as a Guideline	Not supported.	See rec 35	See response to Rec 35, 43
	7 th bullet point: redraft as a Guideline	Not supported.	See rec 35	See response to Rec 35, 44
	8 th bullet point: after the words "longer term expansion", insert the words "(if relevant having regard to any staging and timing of development)"	Supported.	See rec 35	See response to Rec 35
R10	After the words "as illustrated on Plan 5", insert the words "or by reference to an approved Concept Plan pursuant to Clause 2.6 of UGZ1".	Not supported.	See rec 36	See response to Rec 36
R12	Redraft as a Guideline.	Not supported.	See rec 37	See response to Rec 37

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
R13	Redraft to read as follows: <i>A local convenience centre must be:</i> <ul style="list-style-type: none"> • provided for within the landholding of 80 Duffields Road, with the ultimate location to be approved by the Responsible Authority; and • located on and positively address the adjoining street. 	Not supported.	See rec 29	See response to Rec 29
G18	Delete the words "car parking and".	Not supported.	See rec 38	See response to Rec 38
	Insert G18B-F	Not supported	See rec 39-44	See response to Rec 35, 39-44
Plan 6	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	Not supported.	See rec 9	See response to Rec 9
	Review the conservation reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	Consider as part of further investigations into open space provision and review of vegetation along Grossmans Road.
	Remove OS-08 away from western boundary.	Council has suggested OS-08 could be relocated to cover tree 41-47 as suggested in DELWP submission.	See rec 22	See response to Rec 22
R15	Reduce public open space contribution to 4 percent passive public open space.	Strongly opposed. Council maintains a 10 percent POS contribution should be required consistent with other areas in Torquay.	See rec 17	See response to Rec 17
	Reduce public open space contribution to 5 percent.	As above.	See rec 17	See response to Rec 17
G25	"may vary so long as it is not less than one hectare" does not make sense having regard to areas of in particular OS-02 but also OS-01.	Council already suggested the deletion of these words.	See rec 23	Deletion of wording accepted
G30	Modify to "School sites should must be provided with three street frontages, where practicable " and include as a requirement.	Not supported. Council prefers this to remain as a guideline.	Agree with Council	Noted
G31	Modify to "Childcare, medical or similar facilities should be located proximate within the neighbourhood centre or in the potential non residential use location at the corner of Strathmore Drive and the Great Ocean Road".	Not supported. The underlying residential zone will enable these types of uses to be considered.	Agree with Council	Noted

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
R23	Native vegetation must be retained as described in the NVPP unless a permit is granted for its removal.	Accepted.	See rec 13	See response to Rec 13
R23	Delete.	Council accepts the submission that the requirement is contrary to the operation of the NVPP and Clause 52.16, however prefers wording suggested above by S43.	Agree with Council	As above
R25	Reduce buffer zone along Spring Creek to 30m.	Strongly opposed.	See rec 17, 18	See response to Rec 18
	Reduce buffer zone along Spring Creek to 50m.	Strongly opposed.	See rec 17, 18	See response to Rec 18
G36	Reduce buffer zone along northern tributaries to 10m.	Strongly opposed.	Agree with Council	See response to Rec 18
	Modify to refer to reduced buffer of 0m – 10m.	Not supported.	Agree with Council	See response to Rec 18
Plan 7	Reinstate the road connection from Grossmans Road to Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	Noted
	Amend the "local access street – level 1" adjacent to Grossmans Road to "local access place".	Supported	Agree with Council	Noted
	Offset the two potential bus routes that connect to Strathmore Drive to avoid the need to install signalised intersections on the Great Ocean Road.	Council supports removal of signalised intersection at Strathmore Drive East.	See rec 5,6,7	See response to Rec 5, 6, 7
	Deletion of service road along Grossmans Road. Instead, propose a limit on the number of driveways able to have direct access to Grossmans Road.	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council	Noted
	(a) Delete signalised intersection on the Great Ocean Road, to be replaced with an unsignalised T-intersection; (b) Insert a secondary vehicular entry point to the proposed NAC along Duffields Road	Supported in principle.	See rec 5,6,7	See response to Rec 5, 6, 7
R31	Modify to allow lots that provide good amenity to the waterways and open space to not require a frontage road to open space.	Council proposed the addition of the words "paper roads" to provide flexibility for a range of interface options to be considered.	Agree with Council	Noted

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
G43	Modify to refer to Grossmans Road, east of Messmate Road, Or Exempt low density allotments (1500sqm – 2000sqm) fronting Grossmans Road from this requirement and allow them to be accessible without additional road reserve widths by using direct crossovers.	Not supported. G43 provides discretion for alternative access to be considered.	Agree with Council	Noted
G43	Vehicle access to lots fronting Grossmans Road should be provided from existing crossings or service road, local internal loop road or rear lane, or a combination of the two, to the satisfaction of the coordinating roads authority.	Not supported. G43 provides discretion for alternative access to be considered. Where land is not subdivided, existing dwellings will be allowed to maintain existing driveways.	Agree with Council	Noted
R51	Replace "as an integral part of" with "to interface with the".	Supported.	Agree with Council	Noted
Plan 8	Remove the waterway corridor from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	See response to Rec 9
3.6.1	Under the heading "Integrated water cycle management", insert the following words: <i>Further to the requirements and guidelines set out below, a landowner may design an alternative stormwater management system to what is currently set out in Plans 3, 4, 6, 8, 9 and Table 5 of this PSP and Map 1 set out in UGZ1. In the event that a landowner proposes an alternative stormwater management system to what is proposed in this PSP and the UGZ1, it is the intent of this PSP and the UGZ1 that Surf Coast Shire Council and the Corangamite Catchment Management Authority (where relevant) are capable of considering and assessing the alternative stormwater management system proposed, and approve the alternative stormwater management system. Where an alternative stormwater management system is approved by the Surf Coast Shire Council and Corangamite Catchment Management Authority, the alternative stormwater management system is to be considered to be generally in accordance with this PSP (including Plans 3, 4, 6, 8 and 9 and Table 5) and Map 1 of UGZ1. To the extent that an approved alternative stormwater management system encumbers part of the land identified in Table 1 and Appendix A to this PSP as credited open space, the amount specified in Table 1 and Appendix A to this PSP must be adjusted to reflect the extent of unencumbered credited open space resulting from the construction of the approved alternative stormwater management system.</i>	Not supported. Council has provided additional wording to the note on Plan 7.	See rec 9	See response to Rec 9

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
R52	The stormwater management system must be designed in accordance with depicted in Plan 8 is indicative only. The stormwater management system must be unless otherwise approved by the responsible authority.	Not supported. Council has provided additional wording to the note on Plan 7.	See Rec 9	See response to Rec 9
R55	After the word "final", insert the word "methodology".	Supported.	Agree with Council	Noted
	After the words "drainage reserves", insert the words "and infrastructure, including".	Supported.	Agree with Council	Noted
	Delete the words "must be" and replace them with "is to be agreed at the time of making an application for subdivision".	Not supported.	Agree with Council See Rec 9	See response to Rec 9
Table 5	Remove the waterway from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	See response to Rec 9
	Remove WL21.	Not supported.	See rec 10	See response to Rec 10
	Amend note <i>The areas and corridor widths identified in this table are indicative only and are subject to refinement alteration during detailed design to the satisfaction of the Corangamite Catchment Management Authority and the responsible authority.</i>	Supported as is generally consistent with suggested wording provided by Council.	Agree with Council	Noted
R63	Rationalisation of words "except where it is included in the DCP or outlined as the responsibility of an agency".	Supported.	Agree with Council	Noted
R69	Delete last dot point.	Not supported.	Agree with Council	Noted
R70	At the end of the paragraph, insert the following words: <i>unless the liability arises pursuant to an agreement under section 173 of the Planning and Environment Act 1987, in which case Council is obliged to satisfy the liability in accordance with the agreement.</i>	Not supported.	See rec 12	See response to Rec 12
	Accepts amended Parklea wording to account for Section 173 agreements.		See rec 12	See response to Rec 12
3.7.3	At the end of the fourth bullet point, insert the words "if applicable".	Supported.	Agree with Council	Noted
Table 6	Add local access road to the south of the drainage line.	No supported. Local access roads are not part of DCPs.	Agree with Council	Noted
App. A	Remove the waterway and drainage reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	See response to Rec 9
	Review the conservation reserve from Property 1 (225 Grossmans Road).	Not supported.	Agree with Council	Consider as part of further investigations into open space provision and vegetation along Grossmans Road.

Section	Change requested by submitters at the Panel hearing	Council submission to the Panel	Panel Recommendation	Council response to Panel recommendation
	For Property 4, remove the 0.7 hectares from the "Arterial Road – Widening and Intersection Flaring" column.	Not supported.	Agree with Council	Noted
	Update to reflect submissions in relation to reduced areas of waterways, conservation area, open space.	Not supported.	Agree with Council	Panel recommendation not consistent with recommendations in relation to biodiversity and open space. Land use budget to be updated following any changes to PSP.
App. B	Remove the cells setting out "Guidelines" next to each "Principle".	Council in principle supports culling of number of guidelines.	Subject to other changes, covered by rec 1	Accepted

3.2 Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan

APPENDIX 3 SCHEDULE OF FURTHER WORK

AMENDMENT C114 – SPRING CREEK PRECINCT STRUCTURE PLAN – SCHEDULE OF FURTHER WORK

Item	Scope of work	Actions	Estimated cost
1. Stormwater and drainage	<ul style="list-style-type: none"> Review the appropriateness of replacing waterbodies WL15 and WL21 with water management infrastructure at a downstream location and review the extent of WL01 Investigate mechanisms to provide for the equalisation of contributions to shared water management infrastructure Update the stormwater modelling report to include reference to the impact of climate change 	<ul style="list-style-type: none"> Consult CCMA Engage Stormwater consultants 	TBC
2. Biodiversity	<ul style="list-style-type: none"> Investigate the implications of accepting part of vegetation patch GW5 at 200-220 Great Ocean Road as an offset site and review public access / use options for the degraded SW portion Investigate if public funds have been used for the planting of vegetation patch SRW1 Review the significance of the vegetation at 160 and 195 Grossmans Road Review and refine the NVPP, including: <ul style="list-style-type: none"> Clear explanation of the rationale for vegetation retention and removal Inclusion of a minimisation strategy Minimisation of specific offsets Inclusion of roadside vegetation Clear explanation and identification of vegetation for practical retention Rewording of tree protection zone requirements Information that explains the difference between specific and general offsets, and the offset requirements for landholders 	<ul style="list-style-type: none"> Consult DELWP Engage Biodiversity consultants Contact SCIPN re SRW1 revegetation works 	\$3,000
3. Climate change	<ul style="list-style-type: none"> Undertake further work to understand climate change impacts on native vegetation across the precinct and determine suitable revegetation species 	<ul style="list-style-type: none"> Consult Environment & Climate Change Unit 	Officer time
4. Open space	<ul style="list-style-type: none"> Justify the provision of open space, including: <ul style="list-style-type: none"> Provision of passive open space Demand for and delivery of active open space Distribution of local parks Width and alignment of waterway buffers Size and configuration of proposed open space and conservation reserves (incl. GW5, OS-01, OS-02, OS-08, OS-13) 	<ul style="list-style-type: none"> Engage Open space planning consultants to build on advice previously provided on Spring Creek PSP 	\$2,400
5. Density	<ul style="list-style-type: none"> Explore options to increase densities within walking distance of the NAC and private school and opportunities for medium density housing immediately adjacent to the NAC Amend PSP maps and land use budget accordingly 	<ul style="list-style-type: none"> Work with VPA 	Nil
6. RDC's	<ul style="list-style-type: none"> Justify the application of the design controls through mandatory provisions 	<ul style="list-style-type: none"> Prepare in-house 	Officer time
7. PSP drafting changes	<ul style="list-style-type: none"> Update PSP text and maps as appropriate 	<ul style="list-style-type: none"> Request VPA to amend the PSP 	Officer time
8. UGZ1 drafting changes	<ul style="list-style-type: none"> Update UGZ1 as appropriate 	<ul style="list-style-type: none"> Undertake in-house 	Officer time
9. Bushfire	<ul style="list-style-type: none"> Consider preparing a Bushfire Assessment to inform an appropriate design response and mitigation strategies to address potential bushfire risk from the adjacent rural grasslands and vegetated creek corridor 	<ul style="list-style-type: none"> Engage Bushfire management consultants 	\$10,000

3.3 Petition in Relation to Activities Occurring at 240 Portreath Road, Bellbrae

Author's Title: Statutory Planner

General Manager: Phil Rowland

Department: Planning & Development

File No: E16/0136

Division: Environment & Development

Trim No: IC17/278

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to respond to the petition received and noted by Council at the 28 February 2017 Council meeting in relation to earthworks and the movement of soil material to and from the property at 240 Portreath Road Bellbrae.

Summary

A petition seeking Council support has been received and noted by Council. The petitioners are concerned about earthworks and the movement of soil material to and from the site. The property is used for aquaculture. Since the rezoning of the land from Rural to Farming in February 2006, aquaculture and works associated with aquaculture have not required a Planning Permit. There are a number of old permits on the land issued under the previous planning controls.

In response to the petition it is proposed to meet with the organiser of the petition. Council officers will continue to actively monitor activities at the site and will complete their investigation and take the necessary action to rectify any non-compliance with the old permits on the site.

Recommendation

That Council:

1. Note that officers have undertaken a detailed review of the planning history of the site.
2. Note that since the rezoning of the land from Rural to Farming in February 2006, aquaculture and works associated with aquaculture have not required a Planning Permit.
3. Note that officers will meet with the organiser of the petition.
4. Note that officers will continue to monitor activities at the site, complete their investigation and take the necessary action to rectify any non-compliance with the old permits on the site.

3.3 Petition in Relation to Activities Occurring at 240 Portreath Road, Bellbrae

Report

Background

The land was rezoned from Rural to Farming by Amendment C28 in February 2006. Prior to this a permit was required to use the land for aquaculture, to carry out works associated with aquaculture, to construct dams exceeding 3ML and to construct earthworks which alter the rate of flow or discharge point across a boundary.

Since 2006 a permit is not required to use the land for aquaculture or carry out associated works. This change from a Rural Zone to a Farming Zone was required by the Minister for Planning to introduce the new Farming Zone across the whole of Victoria.

The existence of the old permits may provide some means of controlling some of the activity on the site in as far as there are conditions on the permits and those conditions are still required to be complied with. This applies even though the over-arching planning controls have changed making the use and development of the land for aquaculture an as of right use. This is a technical issue and the scope of that control would be limited to the way the old permits were drafted. This is a matter under review and there may or may not be non-compliance to be addressed.

Discussion

The works being carried out on site are extensive, the works relate to:

- cleaning out dams
- constructing new dams
- the excess material has been removed from site being provided or sold to contractors for use elsewhere
- importing material to repair existing farm tracks

These activities are consistent with the use and development of the land for aquaculture which has been allowed to occur within the Farming Zone without a planning permit in Victoria since 2006. It has been defined as a litigate form of agriculture. Council is aware that arrangements for the management of truck movements from the site have been put in place and regular inspections by Council staff have revealed that the condition of the road is satisfactory.

Financial Implications

Costs associated with the detailed assessment of use and development of land within the municipality and any follow up enforcement activity are provided for in the operating budget.

Council Plan

Theme 3 Communities
Objective 3.3 Preservation of peaceful, safe and healthy environments
Strategy 3.3.1 Monitor and enforce where required relevant legislation to ensure a safe and peaceful community including residential amenity, safety in public places and community liveability.

Policy/Legal Implications

There are no legal or policy implications arising from the recommendation contained in this report.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflict of interest.

Risk Assessment

Risks identified in the preparation of this report are of a reputational and community nature. A failure by Council to identify or properly respond to any breaches of planning permits may result in reputational damage to Council.

Social Considerations

Any use or development of land which is undertaken without the proper approvals has the potential to impact on the community by way of loss of amenity.

Community Engagement

Council officers have arranged a meeting with organiser of the petition to discuss their concerns directly. Council officers are also in contact with the owner of the yabby farm over the matter.

3.3 Petition in Relation to Activities Occurring at 240 Portreath Road, Bellbrae

Environmental Implications

Any use or development of land which is undertaken without the proper approvals has the potential to have a negative impact on the environment. The petition relates to concerns regarding earthworks associated with aquaculture activities.

Communication

Communication will be managed by facilitated meetings.

Conclusion

Note the petition and recommendations.

4. CULTURE & COMMUNITY

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Author's Title: Manager Community Relations **General Manager:** Chris Pike

Department: Community Relations **File No:** F16/839

Division: Culture & Community **Trim No:** IC17/173

Appendix:

1. Quarter 3, 2016-17 - Detailed Project Information – Advocacy Priorities (D17/18802)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to affirm Council's advocacy priorities including adopting motions for upcoming local government peak body meetings.

Summary

Council advocating on behalf of communities is a core role and needs to be a continuous process. Council continues to have a long term view of advocacy and will use current and future advocacy opportunities to pursue benefits for the Surf Coast community.

Council is striving to be 'An innovative and flexible leader, a constructive partner that values the strengths of others'. Partnerships with government and non-government organisations are critical to this goal.

Having clearly defined priorities at all times is a feature of successful advocacy planning. Council recognises that there are many, ongoing advocacy opportunities that we should be ready for such as regional forums, funding rounds and state and federal budgets. To capitalise on these opportunities, Council is updating advocacy priorities on a quarterly basis.

Two key upcoming advocacy opportunities are National General Assembly of Local Government convened by the Australian Local Government Association (ALGA) and the Municipal Association Victoria (MAV) State Council meeting. The MAV State Council is MAV members' opportunity to raise motions of business for consideration by the MAV to progress them as advocacy actions and to inform the MAV's strategic work plan. The ALGA Assembly provides councils with the opportunity to debate issues of national significance and guide the development of national policies relevant to local government.

Council is putting forward motions to the MAV State Council and ALGA Assembly to leverage local government peak body support for policy issues that are important for Surf Coast Shire communities.

Recommendation

That Council:

1. Confirm the current strategic advocacy priorities (with associated projects detailed in Appendix 1), as:
 - 1.1 Great Ocean Road Visitor Economy
 - 1.2 Towards Environmental Leadership
 - 1.3 Building our Future
 - 1.4 Community and Partner-Led Priorities
 - 1.5 Key Policy Campaigns
2. Put the following motion to the MAV State Council Meeting on 7 May 2016:
 - 2.1 That the MAV continue to advocate to the State Government to appropriately fund infrastructure and services that are a state government responsibility but which are delivered by local government including school crossing supervisors, the State Emergency Service, surf life-saving and marine rescue services.
3. Put the following motion to the ALGA National Assembly on 18 - 21 June 2017:
 - 3.1 That the ALGA advocate to the Federal Government to continue to provide its share of enduring funding of 15 hours of kindergarten per week for all children in the year before primary school.

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Report

Background

Council is reliant on the actions of other levels of government to achieve its objectives which means advocacy is a critically important activity. Likewise, other levels of government are often reliant on partnerships with Council to achieve their objectives. The areas of mutual interest often include infrastructure, services and policy.

Council continues to be committed to attracting support from the Federal and State Government to deliver infrastructure, provide services and shift policy.

The re-elected Coalition Federal Government committed almost \$32million to projects in Surf Coast Shire in the lead up to the 2016 election. The Federal Government announced \$155,000 in funding to the Winchelsea Township Beautification project shortly after the election.

Since the federal election the State Government has passed legislation to ban the exploration and development of unconventional gas and has recently acknowledged the commitment of Surf Coast Shire and community members to achieve this outcome.

Recently, Council has made two applications to the federal Building Better Regions Fund: 1) Torquay Active Transport Project – a multi-million project to create pathways and cycling routes through Torquay and Jan Juc and; 2) The Winchelsea Netball Pavilion upgrade. The Mayor and Surf Coast Shire CEO have continued to meet with local politicians and Ministers at a state and federal level to advance support for Council's priorities.

The MAV State Council provides member Councils the opportunity twice annually to put forward motions to influence MAV's advocacy priorities and inform the MAV strategic work plan.

All MAV member Councils have the opportunity to put forward motions at the State Council meeting. An electronic voting system determines which motions are carried and become resolutions of the MAV State Council. Resolutions are assessed by the MAV Board to determine how they will be progressed.

The ALGA Assembly is another important opportunity to advocate on issues of national significance relevant to local government.

Discussion

Good advocacy planning with clearly articulated priorities will improve Council's chances of advocacy success. This approach will ensure our key spokespeople are prepared with relevant data and clear messages aimed at the right people.

Affirming advocacy priorities each quarter prepares Council to capitalise on many opportunities, not just the opportunities that exist around elections. These opportunities include frequent funding rounds, State and Federal Budget development, regional delegations to Canberra, Municipal Association of Victoria (MAV) State Council meetings and regular meetings with Ministers and Members of Parliament. This constant advocacy schedule requires planning and pre-work for major proposals including well developed business cases, project plans and grant applications.

Strong relationships need to exist at many levels including with elected representatives and candidates, advisory and campaign staff and organisations with mutual objectives. Council will continue to identify and build strong relationships with them to gain support for priorities.

It is very important to understand the government and major political party policy context when determining Council's advocacy priorities. The development of Council's advocacy priorities has included research into policy platforms of each of the major parties. Council priorities are more likely to be supported if they achieve the objective of government or parties in opposition.

Council needs a defined set of priorities to maintain focus and clarity when talking to potential partners and stakeholders. Focussing Council's advocacy efforts on defined, key projects and issues does not diminish the importance of other projects and activities. They will be progressed through advocacy opportunities including but not limited to; meetings and conversations with politicians and bureaucrats, advocating through the MAV and Australian Local Government Association (ALGA) and active representation at the G21 Regional Alliance.

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Establishing the current advocacy priorities has included a review of Council’s strategic planning work which is shaped by community input through specific engagement processes. The strategic plans considered included:

- Council Plan
- Health and Wellbeing Plan
- Council policy positions
- Council strategies and master plans
- Local land use plans and township design frameworks
- Developer contribution plans

It is important to be clear with potential partners and stakeholders about Surf Coast Shire’s priorities. To this end Surf Coast Shire has identified three strategic advocacy priorities:

1. Great Ocean Road Visitor Economy	2. Towards Environmental Leadership	3. Building our Future
We attract millions of visitors each year and the Great Ocean Road is a unique driver of our economy.	We recognise the Surf Coast’s assets are built on our natural environment. We will pull our weight to address climate change and help reach the renewable energy target of 25% by 2020	We are growing rapidly and need to deliver facilities and services that make our communities great places to live.

A number of key projects sit within each advocacy priority (more detailed project information is in Appendix 1). Some of these partnership opportunities are ready now for support and others are future partnership opportunities. Each opportunity is important when discussing our priorities with our partners.

These are:

1. Great Ocean Road Visitor Economy

Partnership opportunity now

Shipwreck Coast Master Plan Implementation
 Continued investment in Great Ocean Road renewal

Future partnership opportunity

Great Ocean Road Gateway Experience
 Growing Adventure Tourism – Surf Coast Trails

2. Towards Environmental Leadership

Partnership opportunity now

Energy Efficient Streetlight Conversions
 Permanent Town Boundaries (policy)

Future partnership opportunity

Renewable Energy Microgrids
 Hinterland Futures Strategy

3. Building our Future

Partnership opportunity now

North Torquay Soccer Facilities
 Torquay Active Transport

Future partnership opportunity

Stribling Reserve Redevelopment
 Outcomes of City of Greater Geelong’s Aquatic Infrastructure Planning

Winchelsea Netball Facilities upgrade
 Improved Phone and Internet Coverage
 Multipurpose Indoor Stadium – North Torquay

Council also continues to lend support to community and partner-led initiatives.

4. Community and Partner Led Priorities

Partnership opportunity now

Surf Coast Surf Life Saving Clubs – Priority Jan Juc, led by Jan Juc SLSC
 Barwon Park Fire Protection - Led by the National Trust
 Point Grey Redevelopment Lorne – Led by Great Ocean Road Coastal Committee (GoRCC)
 Anglesea Motor Yacht Club Upgrade – Led by Anglesea Motor Yacht Club

Future partnership opportunity

Surf Coast Surf Life Saving Club upgrades – Anglesea, Lorne and Torquay.

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Council also continues to pursue outcomes through policy change:

5. Key Policy Campaigns

Policy partnership opportunity now
Retaining Funding for Rural Access through the NDIS
Improved Public Transport
Coastal Agency Coordination
Sustainable Future for Emergency Services
Kindergarten funding for 15 hours access to continue

The MAV State Council provides an important advocacy avenue for Council. State Council Motions may not have an immediate impact to the operation of Councils who put them forward. However, the MAV is an influential organisation and Council should seek to leverage MAV's ability to advocate on our behalf for issues of regional and state significance.

The proposed MAV State Council meeting motion is in response to an increasing range of services that are State Government responsibilities being provided by councils under funding agreements with the State. Research indicates that the State's contribution has reduced, stopped completely or not kept pace with costs. Examples of these services include school crossing supervisors, library services and the State Emergency Service. Council's motion to the MAV State Council meeting aims to address this trend of cost shifting from State to Local Government.

The proposed motion to the ALGA Assembly seeks to leverage the support of the national peak body to prevent the removal of funding for kindergarten programs. Writing to the Prime Minister, relevant Ministers and the local MP is another important action Council can undertake to advocate on this issue.

Internationally and nationally (NAPLAN 2014) there is irrefutable evidence linking preschool attendance to improved student results in numeracy, reading and spelling. A University of Chicago study in 2010 found that focused investment in early childhood education returns at least \$8 for every \$1 spent in higher wages, increased tax revenue, reduced school expenditure and reduced criminal justice expenditure.

Currently under the National Partnership Agreement the Federal Government provides about one-third of the funding for 15 hours of preschool. There have been four separate National Partnership Agreements and the current Agreement is due to expire in December 2017

The continual short-term funding arrangements make it difficult for councils, Victorian services and families to plan as they continue to face uncertainty about the cost and availability of preschool beyond 2017. The Federal Government still has not committed to funding 5 hours of kindergarten a week – worth around \$100 million in Victoria.

The Federal Government needs to continue this important funding to improve student results in numeracy, reading and spelling. This funding is needed to reduce financial pressure on parents and strengthen Australian families.

Financial Implications

A successful advocacy program can deliver significant income to Council projects. In the event these advocacy priorities are funded, Council will need to consider how its financial contribution to these projects will impact on its capacity to deliver other capital projects in future budgets.

Consideration will need to be given to equity and the spread of projects across the shire. Council's cash position and the possibility of debt funding larger projects will also need to be considered.

The ALGA Assembly motion on retaining funding from the Federal Government to continue 15 hours of kindergarten per week is aimed at reducing costs on Council and families in Surf Coast Shire.

Council Plan

Theme 2 Governance
Objective 2.6 Advocate on behalf of our community
Strategy 2.6.1 Develop an advocacy agenda and priorities and regularly update these

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

Theme 2 Governance
Objective 2.4 Transparency in decision making and access to information
Strategy 2.4.1 Communicate decisions clearly and in a timely manner.

Policy/Legal Implications

The Local Government Act 1989 articulates that a role of a Council includes; “advocating the interests of the local community to other communities and governments”

A review of State and Federal Government policy continues to inform Council's advocacy program. Council's advocacy activities seek to influence government policy to deliver outcomes which benefit the Surf Coast community.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

Failure to determine clear advocacy priorities for action may limit Council's ability to achieve support for its priorities. A clear and ongoing advocacy plan with regularly updated priorities mitigates against this risk.

Social Considerations

Effective advocacy planning is a key ingredient in Council achieving support for its priorities. This increases the likelihood of Council achieving social benefits for the community.

Community Engagement

Previous community engagement activities have informed the choice of priorities. They are drawn from engagement conducted for the Council Plan, Health and Wellbeing Plan, established master plans, developer contribution plans and other capital works planning exercises.

Environmental Implications

Council is committed to being an environmental leader and this is evident in the current advocacy priorities. Inclusion of the Converting to Energy Efficient Lights project in the list of priorities is a demonstration of Council's commitment to improving environmental outcomes. Council has established the 25% by 2020 Taskforce which has led to the scoping of the Renewable Energy Micro grid project.

Communication

The MAV and ALGA motions will be communicated directly to the MAV and ALGA

A communications plan will be developed for advocacy priorities. The adoption of the priorities will trigger the implementation of these plans. The Mayor, Councillors and CEO will communicate these advocacy priorities with State and Federal Politicians at formal and informal engagement opportunities. The updated priorities will be communicated Council's communication channels and the local media often report updated on these priorities.

Conclusion

The achievement of Council's objectives is reliant on the development of effective partnerships with other stakeholders, including other levels of government.

Council continues to advocate in the interest of the Surf Coast community. The advocacy priorities are informed by community needs and aspirations as well as referencing government policies to increase the likelihood of gaining government support.

Council will continue to take a long term view to its advocacy effort. The focus will continue to be on maintaining government relations, developing business cases for projects and capitalising on key opportunities to achieve benefits for the community.

4.1 Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions

APPENDIX 1 QUARTER 3, 2016-17 - DETAILED PROJECT INFORMATION – ADVOCACY PRIORITIES

Appendix 1 – Detailed Project Information – Advocacy Priorities March 2017

DCP = Developer Contributions Plan

COUNCIL-LED PRIORITIES

Project	Description	Project Cost	Council Contribution
Advocacy priority – GREAT OCEAN ROAD VISITOR ECONOMY			
<i>Partnership opportunity now</i>			
Shipwreck Coast Master Plan	Advocate on behalf of partner organisations to gain support for the implementation of the Shipwreck Coast Master plan and improve visitor connections to Surf Coast Shire. Increasing the attraction of the Great Ocean Road will benefit all of its communities and the region's economy.	\$174,000,000	Nil Partner Led
Continued investment in Great Ocean Road renewal	Recent announcements from the State and Federal governments to investing in renewing the Great Ocean road will support the 5 million visitors per year. Funding needs to continue in road renewal to ensure it meets visitor expectation for future years.	As required	Not required. Govt infrastructure
<i>Future partnership opportunity</i>			
Great Ocean Road Gateway Experience	Creating a 'must do' destination at the beginning of the Great Ocean Road to frame and influence the visitor journey along the Great Ocean Road. This would be achieved through combination of various elements, including: • A Great Ocean Road Gateway experience • An enhanced Australian National Surfing Museum • A visitor transit hub and visitor centre	TBC	\$50,000
Growing Adventure Tourism – Surf Coast Trails	Complete the enhancement of the existing Surf Coast Walk to enable dual use by pedestrians and cyclists. Feasibility and design of Stage 2 of the Surf Coast Walk to extend the current trail from Fairhaven to Cumberland River, Lorne. Create elite or "epic" level mountain bike trails in the Lorne area and trails and trail head around Anglesea.	\$200,000	\$22,500
Advocacy priority – TOWARDS ENVIRONMENTAL LEADERSHIP			
<i>Partnership opportunity now</i>			
Energy Efficient Streetlight Conversions	A collaborative project by G21 councils to improve environmental impacts by the replacement of Surf Coast Shire's existing inefficient street lights with LED luminaires. The new streetlights reduce energy usage by up to 80% and provide better lighting outcomes.	\$3,600,000 (Regional cost)	\$200,000 (Surf Coast Shire Contribution)

Project	Description	Project Cost	Council Contribution
Permanent Town Boundaries	Current town boundaries are capable of accommodating forecast population growth and retain township character. Residential and other urban development will occur within defined settlement boundaries. Surf Coast shire seeks government policies which support Council's land use planning.	Nil	Not required
<i>Future partnership opportunity</i>			
Renewable Energy Microgrids	Surf Coast Shire's 25% by 2020 Renewable Energy Taskforce has mapped out a plan to achieve Victorian renewable energy targets locally. In a ground-breaking partnership with Deakin University, we are establishing a microgrid at the Community and Civic Precinct in Torquay. The microgrid will harness wind, solar and includes power storage capacity.	\$350,000	\$60,000
Hinterland Futures	Capitalising on new opportunities in Surf Coast Shire's beautiful and productive hinterland through local food, niche tourism and agricultural exports.	TBC	TBC
Advocacy priority – BUILDING OUR FUTURE			
<i>Partnership opportunity now</i>			
North Torquay Soccer Facilities <i>(DCP Project)</i>	The popularity of soccer in Torquay continues to grow and pressure on existing facilities is already evident. Torquay has recently become the home of Galaxy United – the regional femal representative club. Surf Coast FC uses these facilities and is growing rapidly. The project includes: establishment of 3rd soccer pitch, fencing, goals, shelters, lighting, scoreboards	\$825,000	\$425,000
Torquay Active Transport <i>(DCP project)</i>	Investing in walking and bike paths will help keep the Surf Coast community an active community and enhance our reputation as a home for major events such as the Cadel Evans Road Race. Includes paths and cycling routes to be completed by 2020.	\$5,100,000	\$2,550,000
Winchelsea Netball Facilities upgrade	A new multi-use clubroom facility delivering: <ul style="list-style-type: none"> · new player change rooms and umpires change room · public all accessible toilet · first aid/trainers' room · decking for enhanced spectator viewing 	\$600,000	\$350,000 + \$50,000 Club contribution
Improved Phone and Internet Coverage	Mobile towers are needed in Surf Coast Shire to improve mobile and internet coverage. Due to the topography of the Surf Coast Shire, mobile and internet coverage is poor in many places. Even the larger towns experience poor reception.	Federal Government infrastructure	Not required. Govt infrastructure

Project	Description	Project Cost	Council Contribution
<i>Future partnership opportunity</i>			
Regional Indoor Stadium - North Torquay (DCP project)	Deliver a multi-court facility providing space for indoor sports such as basketball, netball, futsal, badminton and volleyball. Facility would provide scope for additional health and fitness programs such as group fitness classes. This is a key element of the Civic and Community Precinct Masterplan.	\$13,400,000	\$2,875,000
Stribling Reserve Redevelopment	Completing reserve redevelopment by upgrading oval lighting, improving social areas and change rooms and rebuilding spectator facilities to enable more use for local sport and community events. The project will enhance the capability of the reserve to play a key role in emergency management.	\$1,000,000 - 2,000,000	\$150,000 NB - \$230,000 Federal Govt confirmed contribution
Outcomes of the City of Greater Geelong's Long-Term Aquatic Infrastructure Planning	Working with COGG to consider the relationship of Armstrong Creek and North Torquay in relation to the provision of Aquatic Services. Also seeking to understand potential operating synergies between Council's Winchelsea pool and COGG's pools.		\$5,000

N.B. - Projects in DCPs are contractual commitments and Council has a funding obligation to deliver these projects.

KEY POLICY CAMPAIGNS

Policy	Description
Retaining Funding for Councils for Rural Access programs	Funding of Rural Access programs in councils is not guaranteed beyond 30 June 2017. Funding will transition from the Victorian Department of Health and Human Services (DHHS) to the National Disability Insurance Scheme (NDIS). Council will advocate that this funding is retained in the NDIS so councils can continue important work to improve access and inclusion.
Improved Public Transport	Victoria introduced a minimum service level for Melbourne bus services in 2006, but there is not a minimum level of service for many regional communities. Council will advocate that Public Transport Victoria should establish clear guidelines for regional and rural levels of service and flexible service trials that use smaller vehicles to better meet the needs of smaller communities.
Coastal Agency Coordination	Many agencies have coastal management responsibilities in Victoria. Council will advocate for better coordination between these agencies to deliver better outcomes for the community and environment. Council strongly encourages the State government to go further to address complexity, clarify roles and Responsibilities, promote shared services and reduce or remove inefficiencies in coastal land management.
Sustainable Future for Emergency Services	Council will advocate that emergency services (SES, Marine Rescue, Surf Life Saving) in Victoria are funded adequately by the State Government.
Kinder funding for 15 hours access to continue	Seeking support from the Victorian Government to deliver its commitment to make Victoria the Education State by advocating to the Federal Government for ongoing funding for 15 hours of kindergarten. Support the MAV advocacy campaign to strengthen local government's voice with the federal government.

COMMUNITY AND PARTNER-LED PRIORITIES

Project	Description	Partner
<i>Partnership opportunity now</i>		
Surf Coast Surf Life Saving Club upgrade – Priority Jan Juc	A rebuilt Jan Jun Surf Life Saving Club to meet the needs of a growing community for decades to come.	Jan Jun SLSC
Barwon Park Fire Protection	Establishing water supply and fire protection systems to protect this heritage and economic asset.	The National Trust
Point Grey Redevelopment Lorne	New and improved community infrastructure and facilities for both locals and visitors to Lorne including increased accessibility and use of the precinct.	Great Ocean Road Coastal Committee (GoRCC)
Anglesea Motor Yacht Club Upgrade	Extend & renovate existing clubrooms to better serve the needs of the increased club membership and other community groups, including the addition of a lift for disabled access.	Anglesea Motor Yacht Club
<i>Future partnership opportunity</i>		
Surf Coast Surf Life Saving Club upgrades – Anglesea, Lorne and Torquay.	Redevelopment of three Life Saving Clubs to meet the needs of coastal communities and visitors for decades to come.	Anglesea, Lorne and Torquay SLS Clubs

4.2 Submission to the Victorian Opposition Population Taskforce

Author's Title: Manager Community Relations

General Manager: Chris Pike

Department: Community Relations

File No: F16/839

Division: Culture & Community

Trim No: IC17/168

Appendix:

1. Submission to the State Opposition Population Policy Taskforce - March 2017 (D17/19190)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to consider a submission to the Victorian State Opposition Population Policy Taskforce.

Summary

The Victorian Opposition Leader, Matthew Guy MP, released a discussion paper and dedicated website inviting submissions to a Population Policy Taskforce titled "Looking Forward 2050".

The discussion paper states that a population policy for Victoria is needed to manage growth, address issues and realise opportunities.

The Surf Coast Shire submission to the Taskforce describes key Council priorities in relation to the four themes, highlighted in the discussion paper. The content in Council's submission is built upon previous strategic work or positions adopted by Council.

The submission can be lodged via email to the Population Policy Taskforce Chair, Tim Smith MP, Shadow Parliamentary Secretary to the Leader of the Opposition.

Recommendation

That Council:

1. Endorse the submission to the Victorian Opposition Population Policy Taskforce.
2. Note that this submission can be used to contribute to similar enquiries in the future.

4.2 Submission to the Victorian Opposition Population Taskforce

Report

Background

In April 2016, Leader of the Victorian Opposition, Matthew Guy MP, announced the formation of the Victorian Population Policy Taskforce. The opposition have stated that management of population growth is the biggest challenge Victoria faces today.

The Taskforce have committed to consult with different sections of the Victorian community and establish recommendations which will form the basis of policy platforms to present to the community before the next election.

Population growth is a key issue for Surf Coast Shire Council. The Surf Coast population increased by 4,100 between 2006 and 2011, representing growth of 18.8% over the period, which was more than double the Victorian average growth rate.

Engaging in this State opposition process enables Surf Coast Shire's voice to be heard by the opposition when shaping population policy. The State Election will be held on 24 November 2018. Engaging on this and other issues with major political parties is consistent with Council's advocacy approach to work constructively with many political parties.

Discussion

Managing population growth can be considered an important policy agenda in the lead up to the 2018 State Election. Some content included in the discussion paper and requisite website could be interpreted as political in nature. Many of the key issues are relevant and significant for the Surf Coast Shire community.

The Surf Coast Shire submission responds to the four domains, or themes, expressed in the Population Policy Taskforce's discussion paper:

- Economic Growth and Productivity
- Social Inclusion
- Liveability
- Environmental Sustainability

In the submission, Surf Coast Shire Council encourages the Taskforce to understand the connectivity between the four domains and how they interrelate when forming policy for population growth. In fact, most of the points raised in Council's submission connect across multiple domains. Council's submission points out that future population policy needs to take a regional approach. In our case, specific parts of neighbouring councils are growing rapidly which will place pressure on Surf Coast Shire services and facilities. This needs to be recognised in developing population policy and future State Government investment strategies.

Council's submission is built upon previous strategic work or positions adopted by Council. The submission forms Appendix 1 of this report. A summary of the submission includes:

Economic Growth and Productivity

- State Government policy must focus on creating jobs in the regions.
- Surf Coast Shire strongly encourages funding programs that recognise unique economies and provide flexibility in securing funding for expanding businesses and knowledge based innovators
- State and Federal Governments need to ensure our internet and mobile phone networks cover all of regional Victoria with world class capacity and speed to sustain regional business growth
- continued State Government funding of the Great Ocean Road visitor economy is essential especially to facilitate job growth to complement an increase in population
- the submission supports a streamlined governance model for the Great Ocean Road including recognising the important role of local government
- much of the economy relies on the environment. State Government population policy must ensure the environment in regional Victoria is not compromised
- future policy and funding programs must recognise the importance of hinterland areas in job generation and the intrinsic value of the land
- The submission includes the opportunity for the State Government to partner with Council on the Great Ocean Road Visitor Economy advocacy priority.

4.2 Submission to the Victorian Opposition Population Taskforce

Liveability

- State Government policy should support Council's strategic plans to make town boundaries permanent which will retain townships' identities and improve the liveability of our towns
- access to public transport and investment in transport infrastructure by the State Government is critical to supporting population growth in regional Victoria
- the State Government can further support population growth in regional Victoria by adequately funding services it is responsible and reinstate fair funding arrangements for library services, the State Emergency Service and school crossing supervisors
- State and Federal Governments can support population growth in the regions by investing in enabling infrastructure. In Surf Coast Shire, the State Government must consider the harmonious distribution of people in coastal and hinterland locations
- the State Government can partner with Council on projects in the Building our Future advocacy priority to enhance liveability to support population growth.

Social Inclusion

- Surf Coast Shire and Victoria have ageing populations. The State Government has a vital role to play in advocating to the Federal Government to ensure the needs of older Victorians are met
- growth regions (including Surf Coast Shire) commonly have a higher proportion of people in younger cohorts. State and Federal Governments need to continue to invest in education and health services for young people. In particular, funding needs to continue to deliver 15 hours of kindergarten per week for all
- there is an opportunity for the State Government to enhance social inclusion by investing more in unstructured recreation facilities, active transport links and increasing open space.

Environmental Sustainability

- Surf Coast Shire strongly encourages the Victorian Coalition to actively address climate change by including renewable energy and reduced carbon emissions in population growth policy. The discussion paper is silent on this important subject
- the State Government should develop a statewide sustainable food plan to maximise the benefits to local communities and the state
- the submission calls on future State Governments to keep the unconventional gas exploration ban in place and to advocate to other states and the Federal Government to implement the same policy
- maintaining a pristine environment is a key reason why people choose to live in regional Victoria. The State Government can help keep the environment pristine by establishing controls over the free distribution of plastic bags
- the combination of more people in the regions and extreme weather events due to climate change will place a greater number of people at risk. Resourcing emergency management to adequately keep pace with population growth in regional Victoria is critical
- the State Government can be an active partner in delivering projects in the Towards Environmental Leadership advocacy priority.

Financial Implications

There are no imminent financial implications by Council making this submission. This submission seeks to influence future government policy and deliver long term positive financial impacts by reducing costs to Council and obtaining greater State Government investment.

Council Plan

Theme 2 Governance
Objective 2.6 Advocate on behalf of our community
Strategy 2.6.3 Influence decision makers to secure positive outcomes for the community

Theme 2 Governance
Objective 2.6 Advocate on behalf of our community
Strategy 2.6.2 Identify and build strong strategic relationships at the local, regional, state and national levels.

4.2 Submission to the Victorian Opposition Population Taskforce

Policy/Legal Implications

This submission aims to influence future State Government policy to improve the lives of people in Surf Coast Shire.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

There is a political risk in lodging a submission to a party in opposition as it may dissatisfy the government of the day. Council's approach to advocacy is to work as a constructive partner with all sides of politics and this submission is consistent with this position. If Council did not make a submission it would forego the opportunity to influence this potential piece of policy.

Social Considerations

Population growth impacts many areas of people's lives in Surf Coast Shire. Council's submission contains specific requests and suggestions the Population Policy Taskforce aimed at improving liveability and social inclusion for Surf Coast communities

Community Engagement

Council's submission is built upon previous strategic work done or positions adopted by Council. These strategies and positions are informed through community engagement including formal broad engagement, stakeholder group engagement and Council listening to community members.

Environmental Implications

Population growth places pressure on the environment. Council's submission includes ways the State Government must manage population growth effectively to protect the environment.

Communication

To mitigate the political risk Council may communicate with representatives of the State Government to inform them we are making a submission. The submission will be communicated via email to Population Taskforce Chair, Tim Smith MP and to the community via Council's website.

Conclusion

Council's submission to the State Opposition's Population Policy Taskforce is consistent with the commitment to advocate to all levels of government and many political parties for better outcomes for community members in Surf Coast Shire.

Population growth brings challenges and opportunities for Surf Coast Shire. Council is already responding and planning with initiatives such as a position on permanent town boundaries, pulling our weight in achieving renewable energy targets, advocating for improved local transport, digital business improvements and building the Great Ocean Road visitor economy.

This submission describes the needs of Surf Coast Shire communities and the critical factors to be considered for future population growth policy.

4.2 Submission to the Victorian Opposition Population Taskforce

**APPENDIX 1 SUBMISSION TO THE STATE OPPOSITION POPULATION POLICY TASKFORCE -
MARCH 2017**

Our Ref: DW D17/19190
Contact: Damian Waight 5261 0540

March 2017

Tim Smith MP
Shadow Parliamentary Secretary to the Victorian Leader of the Opposition
Population Policy Taskforce Chair
Via email tim.smith@parliament.vic.gov.au

Dear Mr Smith,

Surf Coast Shire Council Submission to the Population Policy Taskforce 2017.

Thank you for the opportunity to provide a submission regarding managing Victorian population growth. Surf Coast Shire's population increased by 18.8% between 2006 and 2011, which was more than double the Victoria average growth rate. Surf Coast Shire Council is acutely aware of the challenges and opportunities linked to population growth.

We strongly support effective planning across all levels of government to ensure population growth is properly managed and our communities and environment continues to thrive.

This submission responds to the four domains expressed in the Population Policy Taskforce's discussion paper. Surf Coast Shire Council encourages the Taskforce to understand the connectivity between the four domains and how they interrelate when forming policy for population growth.

Population growth needs to be considered in a region's context. People live their lives and use services without consideration of municipal boundaries. State Government policy and investment must take a regional approach to population planning. In our case, specific areas of neighbouring councils are growing rapidly which will place pressure on Surf Coast Shire services and facilities. This needs to be recognised in developing population policy and future State Government investment strategies.

Economic growth and productivity

Future population growth for the Surf Coast Shire is forecast to remain strong. By 2036 the population is expected to reach 43,700 residents (an increase of approximately 17,100 from 2011 levels). To keep pace with this rate of population growth an estimated 2,000 additional jobs need to be created between by 2036. Failure to achieve this could see Surf Coast Shire's economic growth and productivity decline. State Government population policy must pay close attention to job creation in the regions to ensure overall economic wealth is not diminished.

The Surf Coast economy is unique. Key industry sectors of surfing, tourism, events construction and an emerging hinterland have played key roles in driving Surf Coast Shire's gross regional product beyond \$1 billion in 2016. In the context of the G21 Region, Surf Coast's economy plays a vital role in delivering economic diversity. Importantly, these

sectors are not built via traditional industries such as manufacturing, but rather, innovative small businesses which can provide global services from home and / or eclectic business parks. Surf Coast Shire strongly encourages funding programs that recognise unique economies and provide flexibility in securing funding for expanding businesses and knowledge based innovators. Current programs lack this depth and flexibility which has led to a number of businesses leaving or considering leaving Surf Coast Shire for other locations. Examples include Oakley and Ghanda. These funding programs will help build a diversified economy and boost productivity as businesses which generate higher levels of value add activity flourish. The State Government has a vital role to play advocating ensuring our internet and mobile phone networks cover regional Victoria with world class capacity and speed to sustain regional business growth. This is particularly so for areas such as the Surf Coast where there are multiple blackspots and many micro businesses being established for lifestyle reasons.

Surf Coast Shire is the home of Bells Beach, the start of the Great Ocean Road and the host of several hallmark Victorian events including the Rip Curl Pro, Cadel Evans Great Ocean Road Race and the Falls Festival. We perform an integral role in communicating a broader message for Victoria's prosperity and desirability as a destination. We therefore encourage the State and Federal Governments continued investment in the Great Ocean Road Visitor Economy including funding for the road itself. We support Great Ocean Road governance models being streamlined and better coordinated including the affirmation of the important role of local government. Given the ability of regional areas to showcase Victoria to the world through events, and in doing so create additional jobs, we encourage an expansion in funding of the Regional Events Fund beyond the \$20million level.

The environment is critical to sustained growth in these sectors. Surf Coast Shire supports measures to protect the unique environment that forms a basis for attracting 1.8 million visitors here annually. When considering growth in regional areas, State Government policy must ensure the environment in regional Victoria is not compromised. A prime example of such an area is Surf Coast's hinterland which is emerging as a key to Surf Coast and the Great Ocean Road region's ability to generate additional jobs via food tourism, better connected supply chains, provenance, and innovative agricultural pursuits via the use of technology. Funding programs must recognise the importance of hinterland areas in job generation and the intrinsic value of the land.

The Great Ocean Road is Victoria's second most visited destination. The region attracts approximately 5 million people each year who inject an estimated \$700 million into Victoria's economy. Surf Coast Shire therefore encourages adequate levels of funding to be directed towards ensuring road conditions are to a high standard and the experience received by visitors is world class. Surf Coast Shire is planning to Grow Adventure Tourism through investment in Surf Coast Trails including the Surf Coast Walk. We are seeking State Government support which will help deliver a regional plan worth \$24 million per year in direct visitor spend and 273 jobs. We are also advocating for funding to implement the Shipwreck Coast Masterplan to boost the Great Ocean Road Visitor Economy.

Liveability

Surf Coast Shire is a great place to live. We will continue to work with the State Government to establish permanent town boundaries to keep it this way. Uncontrolled growth is likely to erode people's pride in the place they live and remove the very identity of a town that encourages them to live there. Surf Coast Shire Council has adopted strong strategic plans which protect our beautiful coast and hinterland. We ask that government policy supports Council's strategic plans by helping make town boundaries permanent and improve liveability in our towns.

Great access to transport is a key feature of successful population growth in regional Victoria. Public transport plays an important role in providing access to education, employment and social activities for community members in these locations.

Limited public transport exists in many regional and rural areas. Poor access to public transport is directly linked to isolation (social and economic) in the many regions in Victoria. Increasing the utilisation of public transport contributes to reducing traffic congestion, improving the environment, and overcoming social and economic isolation.

Victoria introduced a minimum service level for Melbourne bus services in 2006, but there is not a minimum level of service for many regional communities. (*G21 Transport Strategy, 2014*) The Victorian Government should establish a clear policy with guidelines for levels of services for regional communities. Flexible service trials that use smaller vehicles in rural areas should be considered to reduce costs while still catering for the level of passengers using these services. Longer term planning and investment from the State Government is needed for transport infrastructure – including but not exclusively for rail and road - to adequately service population growth before and as it happens.

The State Government can further support population growth in regional Victoria by adequately funding services it is responsible for. For many years and in the lead up to introduction of the Fair Go Rates System, an increasing range of services that are State Government responsibilities have been provided by councils under shared funding agreements with the State. Research indicates that the State's contribution has reduced, stopped completely or not kept pace with costs. Examples of these services include school crossing supervisors, library services and emergency services such as the S.E.S, Marine Rescue and Surf Life Saving.

School crossing supervisors began as a joint 50:50 funding split in 1975 but now only has 20 per cent of costs covered by the State, with councils contributing \$44 million a year. Public libraries are now funded 83 per cent by councils, with the State only providing 17 per cent, creating a funding gap of \$73 million annually for councils, despite an original 50:50 agreement. Maternal and child health services are closer to a 40:60 funding split, creating a gap of \$13 million for councils in 2015-16. These services are important and the State Government needs to adequately fund them to support regional communities to grow.

State and Federal Governments can support population growth in the regions by investing in enabling infrastructure in these areas. In Surf Coast Shire, population growth planning and investment must consider the harmonious distribution of people in coastal and hinterland locations. Winchelsea in Surf Coast Shire is ideally placed to grow to the predicted levels of 10,000 people and the State government needs to continue to invest in this area. To support this growth, State Government can partner with us to deliver key community infrastructure including new Winchelsea Netball Facilities, Torquay Active Transport (new paths and cycling routes), a Multipurpose Indoor Sports Stadium in Torquay and the redevelopment of Lorne's Stribling Reserve facilities.

Social inclusion

Surf Coast Shire and Victoria have ageing populations. The State Government has a vital role to play in advocating to the Federal Government to ensure the needs of older Victorians are met. This advocacy should focus on key areas such as health, accommodation and financial security.

Growth regions commonly have a higher proportion of people in younger cohorts. Surf Coast Shire's population has a higher proportion of people aged 0-9 than Victoria. (14.5% compared to 12.5% - *ABS 2011*). Surf Coast Shire's younger population is also growing at a faster rate than the state average. State and Federal Governments need to continue to

invest in education and health services for young people. We support the State Government in calling on the Federal Government to continue to allocate sufficient funding to retain 15 hours of kindergarten per week for all kindergarten children.

There is an opportunity for the State Government to enhance social inclusion by investing more in unstructured recreation facilities, active transport links and increasing open space. State Government grants have historically focussed on structured sport facilities and projects that promote economic activity. Open space plays a major role in improving community health, both physical and mental, reducing crime, stimulating economic growth and even boosting property value. Funding that is aligned to enhancing open space can support social inclusion and make regional communities better places to live.

Environmental sustainability

Surf Coast Shire strongly encourages the Victorian Coalition to actively address climate change by including renewable energy and reduced carbon emissions in population growth policy. The Taskforce discussion paper is silent on the role renewable energy can play in supporting sustainable population growth in regional Victoria. We are committed to pulling our weight in contributing to State and National renewable energy targets. That's why we are looking to establish a partnership with other levels of government to establish renewable energy micro grids in a ground breaking partnership with Deakin University. The State Government has a leadership role to play in developing sustainable regional centres by investing in renewable energy options including establishing micro grids. This will not only help environmental sustainability but has a direct economic benefit by delivering local jobs to communities.

We are working with other councils in the G21 region to replace streetlights with energy efficient globes to reduce greenhouse gas emissions by more than 2,500 tonnes. This is another opportunity for government partnerships to build environmental sustainability to support population growth.

Surf Coast Shire is currently developing a Local and Sustainable Food Strategy which will deliver environment and economic benefits for our region. We know there is an opportunity in our Shire and across the state to develop the food and tourism sector in a way that supports climate resilience, increases food quality, provides local jobs and boosts regional economies. These are all features that can support population growth. The State Government should develop a statewide sustainable food plan to maximise the benefits to local communities and the state.

Surf Coast Shire applauds the State Government for banning the exploration of unconventional gas in Victoria. We have long advocated for this outcome. This legislation will protect the environment as well as the agricultural and tourism sectors in regional and rural communities. We call on future State Governments to keep this ban in place and to advocate to other states and the Federal Government to implement the same policy.

On the coast, we understand the damage plastic bags do to our environment including the native wildlife. The Victorian Government should create regulations to establish controls over the 'free' distribution of lightweight plastic shopping bags by Victorian Retailers (similar to the action taken in Tasmania, South Australia, the ACT and the Northern Territory). A pristine environment is a key reason why people choose to leave the city so this policy will help support population growth in the regions.

Planning for how Victoria manages emergencies must be considered in population policy. Natural weather events will become more extreme as a result of climate change. More people living in the regions will place a greater number of people at risk. The State

Government needs to adequately resource emergency management to keep pace with population growth in regional Victoria.

Thank you once again for the opportunity to have our say on considerations for population growth. If you have any enquiries regarding this submission or any other information about Surf Coast Shire, please contact myself or Chief Executive Officer, Keith Baillie on 5261 0602.

Yours sincerely

Cr Brian McKiterick
Mayor Surf Coast Shire

[enc]

5. MINUTES

5.1 Section 86 Committee Minutes

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/244

Appendix:

1. Planning Committee Meeting Minutes - 20 February 2017 (D17/24744)
2. Hearing of Submissions Meeting Minutes - 14 March 2017 (IC17/240)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the minutes of the Section 86 Committee meetings as appended.

Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

Recommendation

That Council receive and note the following minutes of the Section 86 Committee meetings:

- Planning Committee Meeting - 20 February 2017
- Hearing of Submissions - 14 March 2017

5.1 Section 86 Committee Minutes

APPENDIX 1 PLANNING COMMITTEE MEETING MINUTES - 20 FEBRUARY 2017



Minutes of Planning Committee Meeting No. 471 held at 5.00pm Monday 20 February 2017 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. **OPENING OF MEETING**
5.05 pm
2. **PRESENT**
Wayne Reid (Chairman), Geoffrey Fulton, Lesley Evans, Wesley McClendon, Mich Watt
3. **APOLOGIES**
Nil
4. **CONFIRMATION OF MINUTES**
Minutes of the Planning Committee Meeting held on Monday 12 December 2016
Moved: Lesley Evans Seconded: Wesley McClendon
5. **DISCLOSURE OF CONFLICTS OF INTEREST**
Nil
DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)
Nil
6. **PUBLIC PRESENTATIONS**
Nil
7. **CONSIDERATION OF THE AGENDA**
As presented.
8. **CONSIDERATION OF APPLICATIONS FOR A PERMIT**

Item 8.1 3 Zeally Bay Road, Torquay (12/0445B).....Page 3
Development of a Four Storey Building and Associated Buildings
and Works Comprising Two Shops and Ten Dwellings in a
Commercial 1 Zone and a Design and Development Overlay
and the Waiving of a Loading and Unloading Bay and
Variation of Bicycle Requirements

Item 8.2 6 Federal Street, Aireys Inlet (16/0157).....Page 15
Construction of a Dwelling, Swimming Pool and Removal of
Native Vegetation
9. **RECENT VCAT DECISIONS**
Application Number: 13/0386G
VCAT Ref: P1271/2016
Address: 22 Bonair Street, Anglesea (15/143D Great Ocean Road,
 Anglesea)
Officer Recommendation: Refusal
Resolution: Officer Recommendation Supported – Refusal Issued
VCAT Decision: Decision of Responsible Authority Set Aside, Planning Permit
 Amended
Proposal: Amend Plans Endorsed Under Permit 13/0386 – Construct Front
 Balcony (West) to 1st Floor Unit 1
10. **POLICY ISSUES**
Nil
11. **OTHER MATTERS**
Nil
12. **CLOSE OF MEETING**
5.35 pm

NEXT MEETING – 6 March 2017



ITEM NO: 8.1
PLANNING REF: 12/0445B
PROPOSAL: Development of a Four Storey Building and Associated Buildings and Works Comprising Two Shops and Ten Dwellings in a Commercial 1 Zone and a Design and Development Overlay and the Waiving of a Loading and Unloading Bay and Variation of Bicycle Requirements
APPLICANT: C Kairouz Architects
DATE RECEIVED: 23 March 2015
SUBJECT LAND: 3 Zeally Bay Road, Torquay
ZONE: Commercial 1 Zone
OVERLAYS: Design and Development Overlay – Schedule 6
Development Contributions Plan Overlay – Schedule 2
Parking Overlay – Schedule 2
PERMIT REQUIRED UNDER CLAUSES: 34.01-4, 43.02-2
EXISTING USE: Dwelling
REPORTING OFFICER: Mich Watt

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending Council pursue refusal of the application at the upcoming VCAT hearing

MOVED: Wesley McClendon **SECONDED:** Lesley Evans **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION

ALTERNATIVE RECOMMENDATION

POINTS OF DISCUSSION:

Asking for too much from the site.

Too high.

Council should be clear on height limits as part of Torquay Town Centre.

PLANNING COMMITTEE RESOLUTION

As noted, an appeal against Council's failure to decide on the application within 60 statutory days has been lodged with VCAT.

It is submitted that the key amendment increasing the building to four storeys is inappropriate being contrary to the objectives and requirements of DDO6 and detrimental to the low rise character of Torquay and it is recommended that Council pursues refusal of the application at the upcoming VCAT hearing.

CARRIED



ITEM NO: 8.2
PLANNING REF: 16/0157
PROPOSAL: Construction of a Dwelling, Swimming Pool and Removal of Native Vegetation
APPLICANT: Urbis
DATE RECEIVED: 20 January 2017
SUBJECT LAND: 6 Federal Street, Aireys Inlet
ZONE: General Residential Zone – Schedule 1
OVERLAYS: Neighbourhood Character Overlay – Schedule 1, Environmental Significance Overlay – Schedule 4, Design and Development Overlay – Schedule 10
PERMIT REQUIRED UNDER CLAUSES: 42.01-1, 43.02-2, 43.05-2
EXISTING USE: Dwelling
REPORTING OFFICER: Mich Watt

REASON FOR REFERRAL TO PLANNING COMMITTEE:

This application was put to the Planning Committee for a decision and it was decided that Council should pursue refusal of the application at VCAT. Amended plans have since been submitted as part of the appeal of the application to VCAT, so the plans are referred back to the Committee for a position on the amended plans.

MOVED: Lesley Evans **SECONDED:** Wesley McClendon **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Concern that section is not achievable. Improvement
Have previous grounds been addressed? Yes
Lighthouse is not being obstructed, improved use of materials.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Pursue support.

PLANNING COMMITTEE RESOLUTION

That Council having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to pursue approval of this Planning Permit under the Surf Coast Planning Scheme in respect of the land known and described as **LOT: 9 LP: 14034** commonly known as **6 Federal Street, Aireys Inlet**, for the Construction of a Dwelling, Removal of Native Vegetation, Swimming Pool and Associated Fencing in accordance with the plans received by the Responsible Authority, subject to the following conditions:



Conditions:

Amended plans required for endorsement

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of external materials, finishes and colours incorporating colour samples. External colours should be neutral and muted to assist in visually blending the building with the surrounding natural landscape;
 - b) The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, waste chute, television antennae and communication devices, which is to be located and designed so as not to be visually prominent from the public realm or neighbouring properties. Where visible the plant shall be appropriately screened;
 - c) Confirmation of the location of the pool fence. The fence should not be setback at least three metres of the property boundary.

Plans to be endorsed

2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Rooftop appurtenances

3. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

Landscaping

4. Prior to the occupation of the dwelling the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Surveyor's certificate – setout and frame

5. Written statements from a licensed surveyor must be submitted for approval to the responsible authority confirming:
 - a) that the buildings have been set out in accordance with the endorsed plan; and
 - b) that the roof levels will not exceed the roof levels specified on the endorsed plan.The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

No damage to surrounding vegetation

6. Vegetation must be removed and disposed of without causing any damage to surrounding vegetation stands or habitat.

Protection of vegetation – before construction

7. Before any works start
 - a) a tree protection zone must be delineated around the trees to be retained as per the endorsed landscape plan;
 - b) the tree protection zones must be fenced and signed, to the satisfaction of the Responsible Authority, in a manner that does not compromise the trees' root zones.



Protection of vegetation - during construction

8. During construction works:
- the areas within the fenced off tree protection zones must not be used for any other purpose, including storage or building materials or machinery, except as provided for in this permit.
 - all contractors and subcontractors engaged to undertake construction work on the site must have included in their contract a reference to the retention of trees and these planning permit requirements for their protection.
 - signs to the same effect must be displayed at all times on the tree protection zone fences.

Pruning of trees to be retained

9. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Vehicle access

10. Before the dwelling is occupied, the area(s) set-aside for access ways as shown on the endorsed plans must be:
- constructed
 - properly formed to such levels that they can be used in accordance with the plans
 - surfaced with an all-weather-seal coat, gravel or crushed rock
 - drained
- to the satisfaction of the responsible authority.

Expiry

11. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit
 - The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

Note 1 – Vehicle Crossings

The following requirements shall apply to vehicle crossings and driveways that shall be constructed to the satisfaction of the responsible authority:

- Vehicle crossings shall be constructed in reinforced concrete or other approved material;
- New vehicle crossings to suit the proposed driveways shall be constructed;
- Redundant vehicle crossings shall be removed and kerb and channel or other approved road edgings reinstated to suit existing works;
- Pathways shall be replaced with a section capable of sustaining traffic loadings where vehicle crossings are constructed or relocated;
- Entrance culverts with endwalls and suitable pavement material must be constructed to suit the proposed driveways to the satisfaction of the responsible authority.
- A "Non-Utility - Minor Works" permit shall be obtained from the Coordinating Road Authority defined in the Roads Management Act 2004 prior to any works being undertaken in road reserves.

CARRIED

5.1 Section 86 Committee Minutes

APPENDIX 2 HEARING OF SUBMISSIONS MEETING MINUTES - 14 MARCH 2017



Minutes

Hearing of Submissions Committee Tuesday, 14 March 2017

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 4.05pm

Council:

Cr Brian McKiterick (Mayor)
Cr David Bell
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Margot Smith
Cr Heather Wellington

MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 14 MARCH 2017 COMMENCING AT 4.05PM

PRESENT:

Cr Brian McKiterick (Mayor)
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Margot Smith
Cr Heather Wellington

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Environment & Development – Phil Rowland
Mich Watt – Coordinator Statutory Planning
44 members of the public
0 members of the press

APOLOGIES:

Cr David Bell and Cr Libby Coker

Committee Resolution

MOVED Cr Rose Hodge, Seconded Cr Margot Smith

That apologies be received from Cr David Bell and Cr Libby Coker.

CARRIED 7:0

CONFLICTS OF INTEREST:

Nil

SUBMITTERS HEARD

- 1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction and
 - 1.2 OA2558 – Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet
1. Maree Coote
 2. Kelli Nicolo-Richmond
 3. Rachel Ann Faggetter
 4. David King (on behalf of Adrienne Clarke)
 5. Gale Jennings (late submitter)
 6. Charlotte Allen (AIDA president)
 7. Brydon King (acting on behalf of applicant)
 8. Tim Wood (applicant)
 9. Adam O'Halloran (applicant)
 10. Rod Duncan (late submitter)

BUSINESS:

1. ENVIRONMENT & DEVELOPMENT	4
1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction	4
1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet.....	19

1. ENVIRONMENT & DEVELOPMENT

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

Author's Title: Coordinator Statutory Planning

General Manager: Phil Rowland

Department: Planning & Development

File No: 16/0402

Division: Environment & Development

Trim No: IC17/199

Appendix:

- 16/0402 - List of Registered Speakers - 115 Bimbadeen Drive Fairhaven (D17/26415)
- 16/0402 - List of all other Submitters - 115 Bimbadeen Drive Fairhaven (D17/22601)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to hear submitters following invitation of submissions in accordance with Section 223 of the Local Government Act 1989 in relation to planning permit application 16/0402 which seeks approval to re-subdivide the land, creating a separate lot for a dwelling which was approved via Planning Permit 97/7281 and to consolidate the balance of the land with the property at 115 Bimbadeen Road, Fairhaven, located on the opposite side of the Painkalac Creek. The lot sizes created are as follows:

- Lot 1 – 3.276 hectares, designed to include the building envelope approved under Planning Permit 97/7281
- Lot 2 – 30.23 hectares to be annexed to the land on the opposite side of the river which has an area of 6.53 hectares; total area 36.76 hectares.

The Plan of Subdivision which relates to the property at 23-79 Bambra Road, Aireys Inlet contains the following restriction:

The owners of lots on this plan shall not allow the erection of more than one dwelling on any allotment.

In accordance with Planning Permit No. 97/7281 no lot on this plan shall be further subdivided.

The owners of lots on this plan shall not erect a building other than in the building envelopes shown on the endorsed neighbourhood design plan in Planning Permit No. 97/7281.

The application seeks to amend the restriction as follows:

In accordance with Planning Permit 97/7281 no lot on this plan, other than Lot 3, shall be further subdivided and Lot 3 shall only be subdivided on the basis that any further subdivision does not create any additional dwellings.

A Section 173 Agreement also applies to the land. Approval is sought via a separate application to amend the Section 173 Agreement to allow the re-subdivision of the land. Council's decision on the application to amend the Section 173 Agreement will inform the processing of this application. In the event that Council decides to amend the Agreement in a manner which is substantively different to the proposal there would be a need for re-notification of the application as outlined in Section 178C and E of the *Planning and Environment Act 1987*. Such a decision would likely result in the need to defer consideration of the subdivision application.

Summary

The site is located at 23-47 Bambra Road, Aireys Inlet and 115 Bimbadeen Drive, Fairhaven. The site comprises three parcels of land which were subdivided via Planning Permit 97/7281 and are known as 23-79 Bambra Road, Aireys Inlet. The subdivision layout also created a creek reserve area along the alignment of the Painkalac Creek. The site also comprises a lot at 115 Bimbadeen Drive which has been developed with a dwelling.

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bamba Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

The site at 23-79 Bamba Road is currently used for the grazing of horses and continues to contain open pasture land along the valley floor. It includes a number of horse shelters approved by Planning Permit 10/0570 and fenced paddocks. Two grand gate entrances have been developed for the two lots at the northern end of the site. The low lying land is subject to flooding from Painkalac Creek.

The site at 23-79 Bamba Road is an irregular, elongated shape with a total area of 48.35 hectares. The site is bounded to its west by the Painkalac Creek, to its east by Bamba Road and to its north by Boundary Road. At its southern end it terminates at a point opposite the end of Beach Road.

Residential development is located on the eastern side of Bamba Road, with dwellings having an outlook over the subject site. To the west are further open creek flats and the hills of Eastern View which include a low intensity of residential development. Open creek flats extend to the south of the site beyond the Great Ocean Road.

The site can be seen in the image below. The stars indicate the two lots which are the subject of this Planning Permit application.



Planning Permit 97/7281 approved the development of three dwellings on the lots at 23-79 Bamba Road. This permit has been extended three times and is still valid, expiring on 24 April 2018 if development has not commenced by that date.

Planning Permit 97/7281 was approved by the Victorian Civil and Administrative Tribunal (VCAT). Initially approval was sought for four dwellings and a four lot subdivision, with VCAT ultimately approving a three lot subdivision and the use and development of three dwellings after giving detailed consideration to landscape values, flooding, tenement provisions, flora and fauna and the ongoing management of the site. In approving the Planning Permit VCAT required the consolidation of Lots 3 and 4 and endorsed building envelopes for each of the lots.

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bamba Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

A Section 173 Agreement was required to provide for ongoing requirements for the development of the land and included requirements that:

- none of the lots created on the plan of subdivision shall be further subdivided and not more than one dwelling will be constructed on each lot
- the setting aside as an area of public open space to vest in the Council upon registration of the plan of re subdivision of such land as may be necessary to ensure a minimum width of public open space of 10 metres along the Painkalac Creek
- creation of building envelopes set back a minimum of 40 metres from Bamba Road having an area not greater than 500 square metres
- no buildings to be constructed outside the building envelopes
- no buildings to exceed a maximum wall height of 3 metres and an overall height of 5 metres above natural ground level
- that no development may commence on any of the lots unless the planting as shown on the landscape plan endorsed to this permit has been established for a period of at least two years prior to the commencement of any development
- that the planting on the endorsed landscaping plan be carried out and maintained to the satisfaction of the Council
- that, save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the subject land other than in accordance with the endorsed landscaping plan, without the written consent of Council
- that no dogs shall be kept on the land
- that all stormwater run off from any buildings and hard surfaces shall be treated to the satisfaction of the Council prior to discharge into the creek
- to pay Council's reasonable legal costs associated with the negotiation, preparation, execution and registration of the Agreement.

The Agreement has been executed and applies to the land.

As noted, the Plan of Subdivision for the property at 23-79 Bamba Road, Aireys Inlet contains the following restriction:

The owners of lots on this plan shall not allow the erection of more than one dwelling on any allotment. In accordance with Planning Permit No. 97/7281 no lot on this plan shall be further subdivided.

The owners of lots on this plan shall not erect a building other than in the building envelopes shown on the endorsed neighbourhood design plan in Planning Permit No. 97/7281.

There is significant community concern around the amendment of the Agreement. Public notification of the application was undertaken and 95 objections have been lodged. Some of the main issues raised in the objections are:

- further subdivision of the land should not be permitted
- approval of the subdivision would provide for a lot size which is less than the minimum lot size in the zone
- the approval of four lots in the valley is in direct opposition to the Shire's refusal of Planning Permit 97/7281 in 1988
- the subdivision is prohibited
- the subdivision threatens an environmentally and ecologically significant area with further damage and erosion
- the application seeks to satisfy the commercial interests of one person over the interests of the community
- the existing horse riding business has degraded the land and created a dust bowl, further damage and erosion is likely
- the subdivision will allow the construction of four dwellings
- the subdivision of the land is prohibited by the Section 173 Agreement and the restriction

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

- the proposal contravenes the Aireys Inlet Eastern View Structure Plan which highlights the importance of the valley's open landscape
- the number of horses allowed on the beach will increase and this threatens enjoyment of the beach and local bird species
- the door should not be opened to further subdivision by varying the restriction
- the environmental values of the land and its scenic qualities will be threatened
- an oval should not be permitted on the land
- the construction of a bridge over the creek will impact on the environment and the creek
- the land should be returned to the community as park land.

Assessment of the proposal is continuing and the application will be presented for a decision by Council at the March Council meeting.

Recommendation

That Council receive and note the submissions to Planning Permit 16/0402 for amendment to a Re-Subdivision of the Land and Variation of the Restriction on PS431010T to Replace "In Accordance with Planning Permit No 97/7281 No Lot on This Plan Shall be Further Subdivided" with "In Accordance with Planning Permit No 97/7281 No Lot On This Plan, Other Than Lot 3, Shall Be Further Subdivided On The Basis That Any Further Subdivision Does Not Create Any Additional Dwellings" at 23-79 Bambra Road, Aireys Inlet and 115 Bimbadeen Road, Fairhaven.

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr Carol McGregor

That Council receive and note the submissions to Planning Permit 16/0402 for amendment to a Re-Subdivision of the Land and Variation of the Restriction on PS431010T to Replace "In Accordance with Planning Permit No 97/7281 No Lot on This Plan Shall be Further Subdivided" with "In Accordance with Planning Permit No 97/7281 No Lot On This Plan, Other Than Lot 3, Shall Be Further Subdivided On The Basis That Any Further Subdivision Does Not Create Any Additional Dwellings" at 23-79 Bambra Road, Aireys Inlet and 115 Bimbadeen Road, Fairhaven.

CARRIED 7:0

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

Report

Background and Discussion

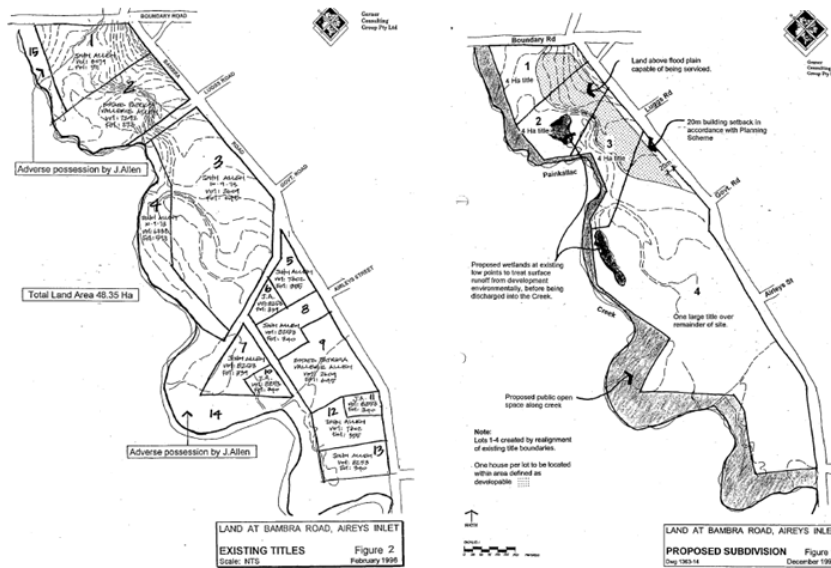
The land was purchased in 1973. At the time the land comprised approximately 60 lots created in 1888 under Plan of Subdivision No. 1757. The lots were consolidated into 13 lots.

In 1984 two applications for a planning permit were made, seeking approval for a house on each of the two lots fronting the northern end of the holding. These permits were refused by the Town Planning Appeals Tribunal with the Tribunal raising concern that a precedent would be created in terms of future subdivision/development in the valley.

An Amendment application, RL34, was made which sought to subdivide the land into 21 residential lots sites in the north east corner of the land, and to rezone the land to Residential A, and transfer the balance of the land into public ownership. This Amendment was abandoned, with the Panel hearing the Amendment concluding that the proposal was at odds with the planning policy for the area. It was determined that the visual significance of the valley as a whole is of major importance and this landscape character should be retained.

In 1990 a proposal was prepared for a 102 lot subdivision. This was rejected by the Painkalac Creek Wetlands Floodplain Environment Study (1990).

Planning Permit 97/7281 sought approval for the re-subdivision of the land into four lots and the development of four dwellings. The plans below show the existing titles and the proposal:



Council refused the application as being contrary to the zone and planning policy. An appeal was lodged against Council's refusal and ultimately VCAT supported a three lot re-subdivision and the use and development of three dwellings. VCAT considered the following issues in detail:

- House 'entitlements' under the tenement clause; The social value of the site and the pleasure the community derives from the contrast between the valley's open pastures and the vegetated hillsides to either side. It was concluded that the views of the valley from the south are particularly valuable
- Visual intrusion
- Flooding
- Flora and fauna impacts
- Siting.

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bamba Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

A concurrent application was lodged with Planning Permit 97/7281 to use the northern part of the site for a caravan park. This permit application was refused by Council. An application for the review of the decision with the Tribunal was withdrawn.

Over the years controversy has continued within the township about the potential for a football oval on the land. The *Aireys Inlet to Eastern View Structure Plan* (November 2015) contains a key action (2) stating:

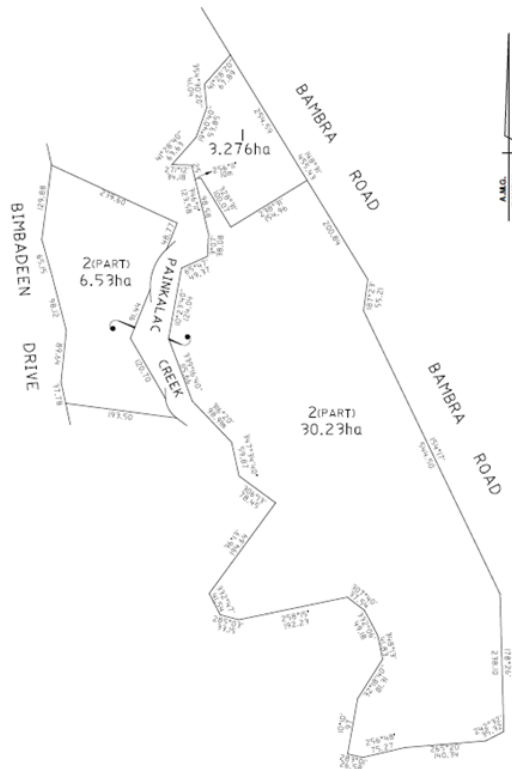
Not progress the development of an active recreation space in the Painkalac Valley, but investigate the opportunity for enhancement of the primary school oval for recreational use and continue to facilitate the sharing of sports facilities in Lorne, Anglesea, Bellbrae and Torquay.

It is noted that a bridge has been developed across the creek to provide access between the land at 115 Bimbadeen Road and the land at 23-79 Bamba Road, Aireys Inlet. A holding area has also been developed on the public land outside the property. Investigations are underway to determine whether the appropriate licences and approvals are in place for these works. It is noted that legal road access is available to both lots and the bridge connection is not required in order to provide access to the land.

Planning Permit 16/0402 seeks to re-subdivide the land to allow:

- Lot 1 – 3.276 hectares, designed to include the approved building envelope
- Lot 2 – 30.23 hectares to be annexed to the land on the opposite side of the river which has an area of 6.53 hectares.

The proposed subdivision is shown below.



1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bamba Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

Permission is also sought to amend the restriction which applies to the land, allowing for the land to be re-subdivided. The proposed amended restriction is as follows:

In accordance with Planning Permit 97/7281 no lot on this plan, other than Lot 3, shall be further subdivided and Lot 3 shall only be subdivided on the basis that any further subdivision does not create any additional dwellings.

The site is zoned Rural Conservation Zone. The site is subject to a number of overlays, including: Bushfire Management Overlay (part); Design and Development Overlay – Schedule 11; Environmental Significance Overlay – Schedule 1; Environmental Significance Overlay – Schedule 4; Environmental Significance Overlay – Schedule 5 (part); and Land Subject to Inundation Overlay.

The re-subdivision of the land can be approved pursuant to Clause 35.06-3 of the Planning Scheme which states:

A permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- the subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.

A Planning Permit is triggered by the following clauses of the Surf Coast Shire Planning Scheme:

- Clause 35.06-3 – Subdivision in the Rural Conservation Zone
- Clause 42.01-2 – Subdivide land in the Environmental Significance Overlay
- Clause 44.04-2 – Subdivide land in the Land Subject to Inundation Overlay
- Clause 44.06-1 – Subdivide land in the Bushfire Management Overlay
- Clause 52.02 – Variation of restriction.

The provisions of the Rural Conservation Zone allow only one dwelling per lot.

The application has been referred to the Corangamite Catchment Management Authority, the Country Fire Authority and the Department of Environment, Land, Water and Planning. At the time of writing this report a number of responses are outstanding. The responses are required before Council can make a decision on the application.

Financial Implications

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets.

Council Plan

Theme 1 Environment
Objective 1.1 Preserve and enhance the natural environment
Strategy Nil

Theme 2 Governance
Objective 2.4 Transparency in decision making and access to information
Strategy 2.4.1 Communicate decisions clearly and in a timely manner.

Theme 5 Development and Growth
Objective 5.1 Protect productive farmland and support rural business
Strategy 5.1.2 Work with local businesses

Policy/Legal Implications

There are no legal implications for the consideration of this application.

Planning policy will guide the decision making process.

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bamba Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The merits of the application are yet to be determined.

Social Considerations

Key themes raised in objections include concerns about the environmental values of the land and the creation of an additional lot in the Painkalac Valley, which is a landscape valued by the community.

Additional social issues for consideration include the opportunity for a tourism based, local employer to continue to operate from the township.

Community Engagement

The planning permit application was placed on public notification. Public notification of the proposal has generated 95 objections.

Environmental Implications

Objectors are concerned about the environmental implications of the proposal.

Communication

A copy of the Council's decision will be provided to the applicant and all submitters.

Conclusion

The objections received have detailed a number of significant matters that require careful consideration. These are to be presented to Council via the Hearing of Submissions meeting.

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

APPENDIX 1 16/0402 - LIST OF REGISTERED SPEAKERS - 115 BIMBADEEN DRIVE FAIRHAVEN

Hearing of Submissions

Tuesday 14 March 2017

4:00pm

Council Chambers
1 Merrijig Drive, Torquay

ORDER OF SPEAKERS

**115 Bimbadeen Drive, Fairhaven and 23-79 Bambra Road, Aireys
Inlet – 16/0402**

Item	Time	Submitter
1.	4.00pm	Maree Coote & Lex Ridgeway
2.	4.10pm	Edward Richmond
3.	4.20pm	Rachael Ann Faggetter
4.	4.30pm	Adrienne Clarke
5.	4.40pm	Gael Jennings
6.	4.50pm	Charlotte Allen (AIDA president)
7.	5.00pm	Brydon King (acting on behalf of applicant)
8.	5.10pm	Adam O'Halloran (applicant)
9.	5.20pm	Tim Wood (applicant)

1.1 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction

APPENDIX 2 16/0402 - LIST OF ALL OTHER SUBMITTERS - 115 BIMBADEEN DRIVE FAIRHAVEN

List of all other submitters

Nan McNab
Gael Jennings
Andrea McLaughlin
Julie Fink
M Seeger & J Austin
Geoffrey McNaughton
GF & LM Powell
D & A Stubbings
Simon James Egan
NJ Harding & HA Lawless
MJ & GJ Healey
Michael Heyward & Penny Hueston
LJ & RA Healey
S & J Downey
David Ritchie & Michelle Dewar
Ian Godfrey & L Ord
Kim Dalton & Penny Robins
Max Dalton
GC & WM Johnson
Megan Short
Stephen & Kerry Harris
Liz Wood & Kate Driscoll
Bron Ives & Brian Agland
Barbara Leavelsey
Natalie Utmar & Gavin Cross
B Hammond & C Ryan
G McKenzie

L & D Court
Clarke Veale
Heather Lawson
DJ & MA St John
HN & JF Senbergs
Linda Lee Phalp
Mark Wellard
Sandra Fairthorne
J Borenstein & G Chambers
Janice Carpenter
Simon Braxton & Eva Hall
Roger Ganly
Mary Anne Boyd-Squires & Elena Mitchell
Jane Grant
G Nicoletti, L Cade & D O'Connell
Wildwood Nord Pty Ltd
Jane Stephens
Simon Horsburgh
Mary T Prince
I & A Porter
Tim & Sarah Day
A & D Lamb
Gary James McIntosh
P & D Love
Jennifer York
Vicki Philipp & J Raglus
Libby Mears
A D Trood

Gregory Day
E Lowe & L Wicks
Ian Godfrey & L Ord
Kim Neubecker
Rod Tucker
Gretel Lamont
Robert Ashton
June Laurie
Gabriel Fuller
Michael Grutzner
Vicki McKay
Valdi Kapelis
Marek Sikora & Rachel Juriansz
Doug Humann
JO Murray
Marcus Rodda
Elizabeth & Colin Gomm
Mary-Jane Gething
David & Ellinor Campbell
A Davies & M Tehan
P Dunai
JA & JH Lawlor
Sue Guinness
Malia McCutcheon
LK Mcrindle & MO McCutcheon
Deborah Chemke
Jacqui & David Lamont
Angela Berry

Kristin McDonald
Clair Hanley
David Isaac & Trudy Wyse
Cornelia Jaeger & Deborah Mayall
Mishelle Noe
Graham Hobbs & Ulrike Wurth
Lynn Barnett

1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

Author's Title: Coordinator Statutory Planning **General Manager:** Phil Rowland
Department: Planning & Development **File No:** OA2558
Division: Environment & Development **Trim No:** IC17/198

Appendix:

1. OA2558 - List of Registered Speakers - 23-79 Bambra Road Aireys Inlet (D17/26407)
2. OA2558 - List of all other Submitters - 23 Bambra Road Aireys Inlet (D17/22582)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

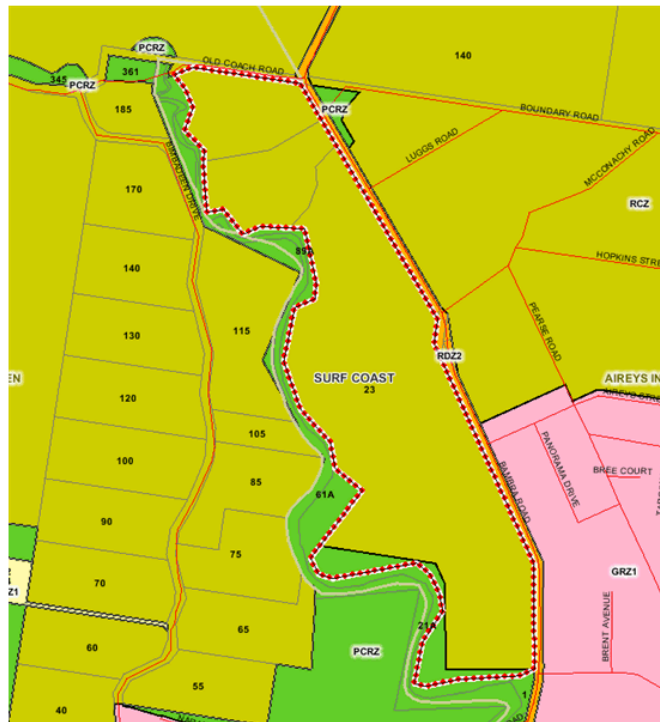
Purpose

The purpose of this report is to hear submitters following invitation of submissions in accordance with Section 223 of the Local Government Act 1989 in relation to planning permit application OA2558 which seeks approval to amend a Section 173 Agreement by:

- changing Clause 4.1 to allow the re-subdivision of Lot 3 of PS431010T with adjoining land
- deleting Clause 4.6 which restricts the wall height of buildings to 3 metres
- deleting Clause 4.11 prohibiting any dogs on the lots.

Summary

The site is located at 23-47 Bambra Road, Aireys Inlet. The site comprises three parcels of land which were subdivided via Planning Permit 97/7281. The subdivision layout also created a creek reserve area along the alignment of the Painkalac Creek. The site can be seen in the image below:



1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

The site is currently used for the grazing of horses and continues to contain open pasture land along the valley floor. It includes a number of horse shelters and fenced paddocks. Two grand gate entrances have been developed for the two lots at the northern end of the site. The low lying land is subject to flooding from Painkalac Creek.

The site is an irregular, elongated shape with a total area of 48.35 hectares. The site is bounded to its west by the Painkalac Creek, to its east by Bambra Road and to its north by Boundary Road. At its southern end it terminates at a point opposite the end of Beach Road.

Residential development is located on the eastern side of Bambra Road, with dwellings having an outlook over the subject site. To the west are further open creek flats and the hills of Eastern View which include a low intensity of residential development. Open creek flats extend to the south of the site beyond the Great Ocean Road.

Planning Permit 97/7281 approved the development of three dwellings on the lots and a three lot re-subdivision. This permit has been extended over the years and is still valid, expiring on 24 April 2018 if the development has not commenced by that date.

Planning Permit 97/7281 was approved by the Victorian Civil and Administrative Tribunal (VCAT). Initially approval was sought for four dwellings and a four lot subdivision, with VCAT ultimately approving a three lot subdivision and the development and use of three dwellings after giving detailed consideration to landscape values, flooding, tenement provisions, flora and fauna and the ongoing management of the site. In approving the Planning Permit VCAT required the consolidation of Lots 3 and 4 and endorsed building envelopes for each of the lots.

A Section 173 Agreement was required to provide for ongoing requirements for the development of the land and included requirements that:

- none of the lots created on the plan of subdivision shall be further subdivided and not more than one dwelling will be constructed on each lot
- the setting aside as an area of public open space to vest in the Council upon registration of the plan of re subdivision of such land as may be necessary to ensure a minimum width of public open space of 10 metres along the Painkalac Creek
- creation of building envelopes set back a minimum of 40 metres from Bambra Road having an area not greater than 500 square metres
- no buildings to be constructed outside the building envelopes
- no buildings to exceed a maximum wall height of 3 metres and an overall height of 5 metres above natural ground level
- that no development may commence on any of the lots unless the planting as shown on the landscape plan endorsed to this permit has been established for a period of at least two years prior to the commencement of any development
- that the planting on the endorsed landscaping plan be carried out and maintained to the satisfaction of the Council
- that, save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the subject land other than in accordance with the endorsed landscaping plan, without the written consent of Council
- that no dogs shall be kept on the land
- that all stormwater run off from any buildings and hard surfaces shall be treated to the satisfaction of the Council prior to discharge into the creek
- to pay Council's reasonable legal costs associated with the negotiation, preparation, execution and registration of the Agreement.

The Agreement has been executed and applies to the land.

1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

Council also has an application to allow the re-subdivision of the land and the variation of a restriction. The two applications are being processed concurrently. Effectively, if the application to amend the Section 173 Agreement, as it relates to subdivision fails, the re-subdivision application must also fail as the subdivision is prohibited.

There is significant community concern around the amendment of the Agreement. Public notification of the application was undertaken and 115 objections have been lodged. Some of the main issues raised in the objections are:

- there will be no community benefit associated with the approval of the amendments
- the amendments satisfy commercial interests only and will jeopardise the interests of the wider community and the environmental values of the Painkalac Valley
- the protections provided by the Section 173 Agreement have worked well and there is no compelling reason to change them
- the terms of the Agreement continue to be relevant to the land
- the Agreement was entered into at the direction of VCAT which gave considerable weight to the impacts of the proposed use and development and the environmental values of the valley
- council argued at VCAT that a wall height in excess of three metres was not appropriate and the restriction remains relevant as it limits the visibility of dwellings permitted on the land from views into the valley. An increased wall height would intrude on, rather than enhance, the landscape qualities of the area
- VCAT expressed concern for the protection of habitat remnants, the ongoing habitat value of the creek and wetlands and the impact that dogs may have on specific species of the area such that the restriction on dogs should remain
- the further subdivision of land could increase the number of dwellings developed in the valley
- an amendment which allows the further intrusion of the business Blazing Saddles into the Painkalac Valley should be opposed in the strongest possible terms. The environmental impact of this business is readily visible, with native habitat reduced by the business
- the applicant is not entitled to make application to amend the Section 173 Agreement
- the amendment of the Agreement would result in the Shire contradicting its own Agreement and demonstrating negligence of its responsibility to the community.

Assessment of the proposal is continuing and the application will be presented for a decision by Council at the March Council meeting.

Recommendation

That Council receive and note the submissions to OA2558 for Amendment to a Section 173 Agreement at 23-79 Bambra Road, Aireys Inlet.

Committee Resolution

MOVED Cr Heather Wellington, Seconded Cr Margot Smith

That Council receive and note the submissions to OA2558 for Amendment to a Section 173 Agreement at 23-79 Bambra Road, Aireys Inlet.

CARRIED 7:0

1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

Report

Background

OA2558 which seeks approval to amend a Section 173 Agreement by:

- changing Clause 4.1 to allow the re-subdivision of Lot 3 of PS431010T with adjoining land
- deleting Clause 4.6 which restricts the wall height of buildings to 3 metres
- deleting Clause 4.11 prohibiting any dogs on the lots.

Council also has an application to allow the re-subdivision of the land and the variation of a restriction. The two applications are being processed concurrently. Effectively, if the application to amend the Section 173 Agreement as it relates to subdivision fails, the re-subdivision application must also fail as the subdivision is prohibited.

Discussion

As noted, the Section 173 Agreement was required by VCAT as part of the approval of Planning Permit 97/7281. The circumstances of the site, including the zoning and planning policy framework have not markedly altered since the decision was made.

Council is required to consider the following issues:

- a) the purpose of the agreement
- b) the purpose of the amendment
- c) whether any change in circumstances necessitates the amendment
- d) whether the amendment would disadvantage any person, whether or not a party to the agreement
- e) the reasons why the responsible authority entered into the agreement
- f) if the amendment is to remove land from the application of the agreement, whether the land is subject to any further liability under the agreement
- g) any relevant permit or other requirements the land is subject to under the Subdivision Act 1988
- h) any other prescribed matter.

When making its decision on the re-subdivision of the land, VCAT provided the following statements around wall heights and the keeping of dogs:

While we note that other property owners in the area may have dogs, we do not consider that this means dogs should be allowed on the subject land. Dr Meredith expressed concern about the impact of dogs on specific species in the area. Our concern for the protection of habitat remnants, and the ongoing habitat value of the creek and wetlands, lead us to conclude that whatever we can do by way of minimising further hazard to surviving fauna in these areas should be done.

We have also accepted the Council's argument about the specification of a maximum wall height as well as an overall building height as well as an overall building height. We do not think it would be appropriate to enable walls in excess of three metres, possibly on a large scale and with a flat roof, to be built on the subject land.

It is not considered that the environmental circumstances of the site have changed since the Agreement was entered into and it is considered that the Clauses 4.6 and 4.11 were applied to ensure that the site was appropriately developed and that fauna would be protected.

In relation to the subdivision of the land, it is considered that the specifics of the land have changed, in that it is now sought to consolidate the bulk of Lot 3 onto land located on the other side of the creek, which creates a large parcel of land and allows for a viable horse riding operation to continue to operate from the township. While the re-subdivision creates an additional lot within the valley floor, it does not result in the creation of an opportunity for an additional dwelling to be developed. Lot 1 will contain a dwelling approved by Planning Permit 97/7281 and Lot 2 will contain the existing dwelling which has been developed on the land at 115 Bimbadeen Road, Fairhaven. The provisions of the Rural Conservation set out that only one dwelling can be approved on a lot. The amendment of the Agreement will not allow the construction of additional dwellings on the valley floor.

1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

The re-subdivision of the land will allow horses to continue to graze on the land in much the same way as they currently do. It is not considered to result in a discernible visual outcome for the site and surrounding area. While it is noted that VCAT decided to reduce the number of lots on the valley floor from four to three, it is not considered that the amendment to the Agreement would erode VCAT's decision for the land. The VCAT determination outlines the decision to reduce the lots from four to three on the basis that the number of dwellings approved would be reduced to three, and sought to protect views from the south of the valley which were identified as being particularly valuable. The ability to re-subdivide Lot 3 is not considered to erode, or impact on the important views of the valley from the south given that there will not be an opportunity to develop an additional dwelling on the land. The location of the future dwelling site has been approved by VCAT.

The merits of the re-subdivision are the subject of a separate application.

It is open to Council to:

- a) decide to amend the Agreement in accordance with the proposal
- b) decide to amend the Agreement in a manner that is not substantively different from the proposal
- c) propose to amend the Agreement in a manner that is substantively different from the proposal
- d) refuse to amend the Agreement.

There is an ability to appeal Council's decision through VCAT.

If Council decides to amend the Agreement in a manner which is substantively different to the proposal there would be a need for re-notification of the application as outlined in Section 178C and E of the *Planning and Environment Act 1987*. Officers have sought legal advice on the words 'substantively different' and have been advised that if Council was to amend the Agreement in accordance with only part of the proposal (ie support dot point 1 only), Council is effectively proposing to amend the agreement in a manner which is substantively different from the advertised proposal. This view was taken having regard to the ordinary meaning of the word 'substantive' as 'meaningful or considerable'.

Council has also been advised that Section 178E of the *Planning and Environment Act 1987* doesn't provide Council with an option to agree to part of a proposal to amend an agreement but refuse another part. Council's lawyers were unable to identify any Tribunal decisions discussing the application of Section 178E in this context.

The applicant has an express right of review in respect of Council's ultimate decision in Section 184A (1)(A) of the Act. It provides that the person who applied to amend an Agreement may apply to the Tribunal for review of Council's decision under Section 178E 'to amend the Agreement in a manner that is different to the proposal.'

Financial Implications

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets.

Council Plan

Theme	1 Environment
Objective	1.1 Preserve and enhance the natural environment
Strategy	Nil
Theme	2 Governance
Objective	2.4 Transparency in decision making and access to information
Strategy	2.4.1 Communicate decisions clearly and in a timely manner.
Theme	5 Development and Growth
Objective	5.1 Protect productive farmland and support rural business
Strategy	5.1.2 Work with local businesses

1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

Policy/Legal Implications

There are no legal implications for the consideration of this application.

The *Planning and Environment Act 1987* guides the decision making process.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

The merits of the application are yet to be determined.

Social Considerations

Key themes raised in objections include the impact of the amendments on the Painkalac Valley which is valued by the Aireys Inlet community.

Blazing Saddles is a tourism related industry which provides local employment.

A number of local residents agist their horses on the land.

These issues will be considered in the analysis of the proposal and the recommendation to Council.

Community Engagement

The planning permit application was placed on public notification. Public notification of the proposal has generated 115 objections.

Environmental Implications

Objectors have highlighted the importance of the Painkalac Valley from an environmental perspective.

Communication

A copy of the Council's decision will be provided to the applicant and all submitters.

Conclusion

The objections received have detailed a number of significant matters that require careful consideration. These are to be presented to Council via the Hearing of Submissions meeting.

1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

APPENDIX 1 OA2558 - LIST OF REGISTERED SPEAKERS - 23-79 BAMBRA ROAD AIREYS INLET

Hearing of Submissions

Tuesday 14 March 2017

4:00pm

Council Chambers
1 Merrijig Drive, Torquay

ORDER OF SPEAKERS

23 Bambra Road, Aireys Inlet – OA2558

Item	Time	Submitter
1.	4.00pm	Maree Coote & Lex Ridgeway
2.	4.10pm	Edward Richmond
3.	4.20pm	Rachael Ann Faggetter
4.	4.30pm	Adrienne Clarke
5.	4.40pm	Gael Jennings
6.	4.50pm	Charlotte Allen (AIDA president)
7.	5.00pm	Brydon King (acting on behalf of applicant)
8.	5.10pm	Adam O'Halloran (applicant)
9.	5.20pm	Tim Wood (applicant)

1.2 OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet

APPENDIX 2 OA2558 - LIST OF ALL OTHER SUBMITTERS - 23 BAMBRA ROAD AIREYS INLET

List of all other submitters

Nan McNab
David Isaac & Trudy Wyse
Stuart Menzies & Susan Geraghty
John Hughes & Carole Sklan
Peter McPhee
Gael Jennings
Kim Dalton & Penny Robins
Andrea McLaughlin
M Seeger & J Austin
Monika Gehrt & Bryce Menzies
GF& LM Powell
Geoffrey McNaughton
Anna Dalton
S & J Harnett
S & J Downey
J & G Healey
D & L Ford
NJ Harding & HA Lawless
MJ & GJ Healey
Painkalac Pastoral Co Pty Ltd
SJ Egan
J Wilson
S Chambers & R Carroll
H M Wilson
David Ritchie & Michelle Dewar
Ian Godfrey & L Ord
Max Dalton

D & A Stubbings
LJ & RA Healey
GC & WM Johnson
Megan Short
Stephen & Kerry Harris
Lis Wood & Kate Driscoll
P & P Brockwell
Bron Ives & Brian Agland
Heather Lawson
Barbara Leavelsley
Natalie Utmar & Gavin Cross
Roger Galy
Tim & Sarah Day
A & D Lamb
P & D Love
Jennifer York
B Hammond & C Ryan
Julie Matthers & Bill Spiteri
Clarke Veale
Libby Mears
GJ McIntosh
A & V Turnbull
DJB & MA St John
Mary Anny Boyd-Squires & Elena Mitchell
HN & JF Senbergs
Jane Grant
G Nicoletti, L Cade & D O'Connell
Linda Lee Phalp

Wildwood Nord Pty Ltd
Mark Wellard
Jane Stephens
Sandra Fairthorne
F J Escott
Janice Carpenter
Simon Horsburgh
Simon Braxton & Eva Hall
S Gell
I & A Porter
A D Trood
Mary T Prince
Gregory Day
E Lowe & L Wicks
Valdi Kapelis
Gabriel Fuller
June Laurie
Rod Tucker
Brenda Roberts
Gretel Lamont
Robert Ashton
M Grutzner
Vicki McKay
Kim Neubecker
Marek Sikora & Rachel Juriznsz
Deborah Chemke
Jacqui & David Lamont
Kristin McDonald

Cornelia Jaeger & Deborah Mayall
Marcus Rodda
Elizabeth & Colin Gomm
Mary-Jane Gething
David & Ellinor Campbell
A Davies & M Tehan
Sue Guinness
David & Robyn Buckley
N & R Millen
Malia McCutcheon
E Stapleton
Geoff Brown
LK McCrindle & MO McCutcheon
P Dunai
Angela Berry
R & L Woodger
Claire Hanley
DA & AJ Robertson
Lynn Barnett
JA & JH Lawlor
Doug Humann
JO Murray
Graham Hobbs & Ulrike Wurth
Mishelle Noe
Margaret McDonald
Elizabeth Lee & Ewan Hanmer
L & D Court

Close: There being no further items of business the meeting closed at 5.42pm.

5.2 Advisory Committee Minutes

Author's Title: Administration Officer

General Manager: Chris Pike

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/249

Appendix:

1. Bells Beach Committee Meeting Minutes - 21 November 2016 (D17/25451)
2. Audit and Risk Committee Meeting Minutes - 21 February 2017 (D17/26886)
3. All Abilities Advisory Committee Meeting Minutes - 28 February 2017 (D17/23023)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the minutes of the Advisory Committee meetings as appended.

Summary

The minutes provided in this report are draft unless otherwise identified. Committees do not re-issue minutes if any corrections are made at the time of adoption, rather note these corrections in the agenda item confirming adoption of the minutes at the following committee meeting.

Any corrections to draft minutes of material significance made by the committees will be provided to Council for noting in a subsequent report.

Recommendation

That Council receive and note the minutes of the following Advisory Committee meetings:

- Bells Beach Committee Meeting - 21 November 2016
- Audit and Risk Committee Meeting- 21 February 2017
- All Abilities Advisory Committee Meeting – 28 February 2017

5.2 Advisory Committee Minutes

APPENDIX 1 BELLS BEACH COMMITTEE MEETING MINUTES - 21 NOVEMBER 2016



**DRAFT MINUTES FOR THE BELLS BEACH COMMITTEE
MEETING 4
21 November 2016
5.45 PM – 7.45 PM**

PRESENT:

Sandra Ahlquist (Chair), Cr. David Bell, Adam Robertson (Surfing Victoria), Cahill Bell-Warren, Dave Mathews, Andrew Cherubin, Graeme Stockton and James Dean (6.20pm).

APOLOGIES:

Bryon Powell (Wathaurung Aboriginal Corporation).

IN ATTENDANCE:

Other people in attendance were Rowan Mackenzie (Manager, Environment and Community Safety, SCS), Ross Lister, (Project Management, SCS) and Gabrielle O'Shea (Environment Officer, SCS).

CONFIRMATION OF MINUTES:

Minutes of Meeting 4 on 1 August 2016 were confirmed

DECLARATIONS OF PECUNIARY INTEREST:

NA

GENERAL BUSINESS

1. Works update

An update was provided and discussion occurred on:

- a) New viewing platform at the former helicopter landing area. The majority of the new viewing area has been completed and it is looking good and we are receiving positive feedback. There were delays of around 6 weeks due contractor health issues, but we were still able to work in with Rip Curl doing the planting as part of their Planet Day activities. The bike racks are still to go in and after discussion with the committee Council will try black powder coating the galvanised steel and spray paint if chipped.
- b) Line marking of Bells car park. It was confirmed that the line marking will go ahead as per the plan circulated at the Committee's previous meeting. This will happen shortly followed by education and then enforcement of car parking requirements.
- c) Planet Day 2017. Rip Curl held its 17th Planet Day in early October with around 25 staff working in the reserve for two days hand weeding African Weed Orchid, applying brush matting, spreading mulch around revegetation areas and planting out the new viewing area and erosion sites. Their staff also worked at other coastal reserves in Torquay on these days. The commitment and contribution of Rip Curl staff to these environmental works is greatly appreciated.
- d) Surf Rider and SANE working bees. Our local Surf Rider Foundation group had a working bee to collect litter and SANE continued to focus on African Weed Orchid removal. Thanks to these community groups for their ongoing hard work.

Action: Graeme Stockton to forward Adam Robertson details of future community group working bees for circulation amongst local surfing groups.

2. Upcoming works

Ross Lister outlined upcoming works and these were discussed by the Committee:

- a) Widening of the pathway in Winki Pop and changed car park layout. Survey of the site has been completed and a preliminary concept plan produced. A draft concept plan will be circulated to the Committee. If wheel stops are used then fewer changes to the kerb will be required, keeping the costs down. For the line marking, it is planned to widen bays that don't meet the current standard and to change the angle of bays so the same number of spaces can be achieved while widening and adding crossing points.
- b) Winki traffic island fencing. The contractor has quoted on the works and they will be completed prior to Christmas. This will help with managing toileting issues and trampling of new plants. The use of sustainably grown and harvested timber was discussed.
- c) Treatment of the steep gravel sections alongside the concrete path leading to the Winki lookout and steps. Different treatments are being considered to deal with the ongoing washout of these areas and pedestrian slipping risks from pebbles washing onto the path. The path is also 1.5m wide when it should be a minimum of 1.8m. There was discussion on possible treatments such as wood inlays and concreting of edges. There was support for considering overall narrowing of the width of the fenced walkway down to 2.4m (this would allow for a 1.8m wide path with 0.3m space on both sides of path to enable people to walk without the fence obstructing their arms/surf boards), installing a new exposed aggregate path to 1.8m wide (poured over the top of the existing path), and revegetation of the approximately 1.5m wide gravel strips no longer required for the pathway edges. This will require further design and cost estimates which will be provided to the Committee.
- d) Base of the Bells steps. There has been a structural inspection of the base of the steps due to new areas of erosion. It appears that the erosion is occurring into previously imported fill. Results will be known soon and will inform whether any remedial works are required.
- e) Rock wall extension installed in 2014. For the first time since this rock wall was extended at the base of the Bells headland, there was enough flow down the creek to test the wall. It looked to function as designed with the wall deflecting the water to prevent further erosion pressure on the cliff base.

Action: Ross Lister to circulate draft Winki Pop car park design to the Committee when it becomes available.

Action: Ross Lister to investigate changes to the steep gravel edges of the pathway to the Winki Pop lookout and steps, and circulate design options and costs to the Committee.

Action: Gabrielle O'Shea to investigate sustainable procurement guidelines for the purchase of materials for use in works at Bells and circulate this information to the Committee.

Council Action: Once guidelines for sustainable procurement are agreed, Council to use these guidelines in day to day management of Bells.

3. Rip Curl Pro bump in/bump out Audit

The audit was received in June 2016 and Surfing Victoria and Council have been working on a response to the recommendations of the audit.

Adam Robertson outlined key recommendations that Surfing Victoria is working on which include:

- a) Preparation of a detailed project plan of all activities associated with the bump in/bump out, which will facilitate improved decision making and efficiencies.
- b) Closure of the Bells car park to vehicles for up to 7 days during the bump in/bump out. Pedestrian access will be provided for on the edge of the work zone to enable access to the toilets and the Bells steps. Closure to vehicles will improve safety and should speed up the bump in/bump out.
- c) Improved public notification of disruptions during the bump in/bump out including the use of onsite messaging and social channels.

Surfing Victoria is confident the changes will lead to a reduction in the total days required for the bump in/bump out, and this will be monitored during the 2017 event. Adam also advised that the infrastructure in the Winki Pop car park should remain the same during 2017 compared to previous years even if that break is used more often. Effective crowd management will be a key to controlling any potential environmental impacts associated with competition surfing at Winki Pop.

Action: Surfing Victoria to continue to work on implementing the recommendations of the Audit.

Council Action: Council to prepare a summary of actions being undertaken in response to the audit and make this publically available.

Action: Surfing Victoria and Council to monitor the Pro during 2017 and report back on the impacts the trialled changes have had on the bump in/bump out, particularly the duration.

4. Events update

A summary of events held during 2016 and the known dates for 2017 were tabled (Attachment 1).

The issue of rubbish connected with events was raised, including temporary trail markers which are not all collected.

Council Action: Council to discuss the management of rubbish generated by events and request organisers find alternative products and/or improve clean up post events.

5. Other business

- a) Councillor Representatives for the Bells Beach Committee. The Councillor Representatives will be nominated on Tuesday 22 November 2016.
- b) Illegal camping at Bells. Committee members advised that illegal camping seems to be increasing. Officers advised that our local laws team will be doing more enforcement on this once the line marking has been changed and they start enforcing parking conditions.

Council Action: Officers to advise the Local Laws team that illegal camping at Bells seems to be increasing.

Meeting close

The meeting closed at 7.45 pm.

NEXT MEETING

Monday 20 February 2017, 5.30 PM, Shire offices for a 5.45 PM start

Other meeting dates for 2017 – 22 May, 28 August and 27 November.

ATTACHMENT 1. Events during 2016 and known proposed events 2017

Events at Bells Beach Surfing Recreation Reserve 2016

Date	Event	Organiser
15 January	Bells Bash Cliff Run	Jan Juc Lifesaving Club
22 March - 5 April	Rip Curl Pro including trials	World Surfing League and Surfing Victoria
9 April	Surf Coast Trek	Give Where you Live
20 to 22 May	Australian Indigenous Surfing Titles	Surfing Victoria
18 OR 19 June	Hells Bells	Torquay Boardriders Club
26 June	Surf Coast Trail Marathon	Tour de Trails
20 August	Aggregate 4 - Torquay Boardriders Club	Torquay Boardriders Club
3 & 4 September	TOLL Victorian Open Series Round 5	Surfing Victoria
3 September	Surf Coast Century	Rapid Ascent
8 October	Aggregate 5 - Torquay Boardriders Club	Torquay Boardriders Club
29 October	Aggregate 6 - Torquay Boardriders Club	Torquay Boardriders Club
28 November	Afterglow Night Trail Run	Tour de Trails

Events proposed for Bells 2017

Date	Event	Contingency date (if applicable)	Organiser	Comment
13 January	Bells Bash (cliff top run)	NA	Jan Juc Surf Lifesaving Club	Fun runs of various lengths starting and finishing at Jan Juc Lifesaving Club, passing through Bells on the Surf Coast Walk trail http://janjucsurfclub.com.au/bells-bash/event-information/
14 & 15 January	Subway Pro Junior	NA	Surfing Victoria	Two day junior competition. Breaks not in use for the event may be used by surfers not participating in the competition. More details at https://www.surfingaustralia.com/states/vic/events/subway-pro-junior-bells-beach-victoria .
20 March to 5 May	Rip Curl Pro 2017	NA	Surfing Victoria	Set up for this event will be from 20 March to 8 April. Surfers can continue to use the breaks at Bells and Winki during setup for the Rip Curl Pro but there may be access and parking restrictions. Rip Curl Pro Trials 2017 , 9 & 10 April. The Trials will make use of one of the breaks within the Bells reserve. The break used will be determined by the conditions on the day and may vary. Breaks not in use for the Trials may be used by surfers not participating in the event. Rip Curl Pro 2017 , 12 to 24 April. The Rip Curl Pro will be held sometime over these dates, with the surfing conditions determining the actual times, days and break used. Refer to the World Surfing League website http://www.worldsurfleague.com/ for live updates during the event. The breaks not in use for the competition may be used by surfers not participating in the Pro, but note there will be access restrictions. Rip Curl Pro pack up , 25 April to 5 May. During these dates infrastructure for the Pro will be dismantled. Surfers can continue to use the breaks at Bells and Winki during this time but there may be access and parking restrictions.
26 to 28 May	Australian Indigenous Titles 2017	NA	Surfing Victoria	Three day competition. Breaks not in use for the event may be used by surfers not participating in the competition. More details will become available at https://www.surfingaustralia.com/states/vic .
2 & 3 September	TOLL Victorian Open Series Round 3 & Victorian Teams Titles 2017	NA	Surfing Victoria	Two day competition. Breaks not in use for the event may be used by surfers not participating in the competition. More details will become available at https://www.surfingaustralia.com/states/vic .
9 September	Surf Coast Century	NA	Rapid Ascent	Trail running event with runners passing through Bells on Surf Coast Walk at various times of the day. More information at http://rapidascent.com.au/SurfcoastCentury/

5.2 Advisory Committee Minutes

APPENDIX 2 AUDIT AND RISK COMMITTEE MEETING MINUTES - 21 FEBRUARY 2017



Minutes

Meeting of the Audit & Risk Committee
Tuesday, 21 February 2017

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 9.00am

MINUTES FOR THE AUDIT & RISK COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 21 FEBRUARY 2017 COMMENCING AT 9.00AM

PRESENT:

COMMITTEE MEMBERS

Cr Clive Goldsworthy
Cr Margot Smith
Brian Keane (Chair) (Term expires 01/02/2020)
Melissa Field (Term expires 01/02/2020)
John Gavens (Term expires 27/01/2018)
Debra Russell (Term expires 27/01/2018) (*arrived at 9.42am*)

In Attendance:

Keith Baillie – Chief Executive Officer
Anne Howard – General Manager Governance & Infrastructure
John Brockway – Manager Finance
Wendy Hope – Manager Governance & Risk
Tim Loughnan – (VAGO)
Sanchu Chummar – (VAGO) (*arrived at 9.28am*)
Brendan Walsh – Manager Business Improvement
Travis Nelson - Manager Facilities & Open Space Operations
Leanne Perryman – Manager People & Culture
Stephen Turnley – WHS Advisor
Maureen White – Coordinator Risk Management and Legal Services
Danielle Foster – Co-ordinator Corporate Planning
Danni Vasiloski – Team Leader Governance
Matthew Green – Grant Thornton (*via Teleconference*)
Robert Baines – Grant Thornton (*via Teleconference*)

APOLOGIES:

Scott Hartley – (Grant Thornton)
Trai Moorthy – (Grant Thornton)

CONFIRMATION OF MINUTES:

Committee Resolution

MOVED Mr Brian Keane, Seconded Cr Margot Smith

That the Audit & Risk Committee Meeting note the minutes of the meeting held on 29 November 2016 as a correct record of the meeting.

CARRIED

CONFLICTS OF INTEREST:

Nil.

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1. OUTSTANDING ISSUES & ACTIONS

1.1 Outstanding Issues & Actions Report

Charter Reference: 9.2.3

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/113

Appendix:

1. Audit and Risk Committee Outstanding Issues & Actions - Status Log (D16/1527)
2. Audit and Risk Committee Outstanding and Issues Actions Report - 21 February 2017 (D17/15568)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive an update on the progress made on action items identified through previous Audit reports and Audit & Risk Committee meetings.

Items previously notified as completed are shaded in orange and will be removed from the report when the whole of that section has been completed.

Recommendation

That the Audit & Risk Committee receives the Outstanding Issues and Actions Report and notes the progress to date.

Meeting Discussion

- Following feedback at the last Audit & Risk Committee (ARC) meeting a number of long standing items were noted for completion. Noted where risk is low and can be accepted, with actions closed.
- Fixed Asset Revaluation Policy to proceed to next ARC meeting 16 May 2017.
- Page 8 of Agenda Item 2 – 3.2 Purchase orders raised after invoice date – John Brockway to cross check with Monthly report and report back to next ARC meeting 16 May 2017.

Committee Resolution

MOVED Ms Debra Russell, Seconded Mr John Gavens

That the Audit & Risk Committee receives the Outstanding Issues and Actions Report and notes the progress to date.

CARRIED

2. PRESENTATIONS

2.1 Chief Executive Officer's Update

Charter Reference: N/R

Author's Title: Chief Executive Officer

CEO: Keith Baillie

Department: Office of the CEO

File No: F17/145

Division: Office of the CEO

Trim No: IC16/1337

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive an organisational update from Keith Baillie, Chief Executive Officer.

Recommendation

That the Audit & Risk Committee receive and note the Chief Executive Officer's update.

Meeting Discussion

- CEO welcomed Brian Keane and Melissa Field who have been reappointed as independent members for three years. Brian Keane appointed as Chair for 2 years.
- Council Plan development is well underway, with Council having issued a Discussion Paper that is out for community conversation. The themes are resonating with the community, addressing the importance issues of people, environment, growth, economy and governance.
- Council Budget development is well underway, based on a 2% rate cap. Council is reviewing the Long Term Financial Plan on 28 February 2017. The Draft Budget is planned to be issued on 11 April 2017.
- Officers are proposing that Council make a significant 3-year budget allocation to Digital Transformation to drive service, capacity and savings.
- Forecast operational result for the year is favourable to budget, with end of January being significantly favourable.
- Business improvement program is on target to reach its goal of \$450k in financial benefits for the year.
- Capital works and operational program remains significantly behind our full year \$26m target, although we have reviewed and strengthened our delivery capacity.
- Recruitment for the General Manager Environment and Development has commenced with the position now advertised.
- G21 annual Canberra advocacy trip is scheduled for 21-23 March.
- Officers are preparing an advocacy plan for the November 2018 State Election, to be formally considered by Council in July/August.
- Committee members asked about the management of risk for those functions that Council delivers on behalf of GORCC; the Committee discussed the strategic context and in particular dog management and sleeping in vehicles.

Committee Resolution

MOVED Ms Melissa Field, Seconded Mr John Gavens

That the Audit & Risk Committee receive and note the Chief Executive Officer's update.

CARRIED

2.2 Managing Risk Associated with Trees - Presentation

Charter Reference: N/R

Author's Title: Manager Facilities & Open Space Operations **General Manager:** Chris Pike

Department: Facilities & Open Space Operations **File No:** F17/145

Division: Culture & Community **Trim No:** IC17/156

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Status:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive a presentation on Managing Risk Associated with Trees.

Recommendation

That the Audit & Risk Committee receive and note the presentation on Managing Risk Associated with Trees.

Meeting Discussion

- Inventory of hazardous trees developed in 2013 / 2014.
- Tree Risk Management Plan 2015 provides guidelines on how to manage trees posing risks.
- Current review of Road Management Plan to incorporate Tree Risk Management Plan.
- Discussed need to include VicRoads and GORCC in review of plan to ensure no management gaps.
- Stage 3, Lorne Street Tree Audit commencing soon.

Committee Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Margot Smith

That the Audit & Risk Committee receive and note the presentation on Managing Risk Associated with Trees.

CARRIED

2.3 Business Improvement Program - Status Report

Charter Reference: 9.2.5

Author's Title: Manager Business Improvement **CEO:** Keith Baillie

Department: Business Improvement **File No:** F16/881

Division: Office of the CEO **Trim No:** IC17/110

Appendix:

1. Business Improvement Program - Update for February 2017 Audit and Risk Committee Meeting (D17/11819)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

Status:

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive an update on activities associated with the Business Improvement Program.

Discussion

A briefing was last provided to the Audit and Risk Committee on the Business Improvement Program at the November 2016 meeting.

This report provides an update on the progress of the 2016/17 work plan.

Recommendation

That the Audit & Risk Committee notes the progress of the Business Improvement Program.

Meeting Discussion

- Business Improvement Program Update.
- On track to achieve target of \$450k for 2016 – 17 financial year.

Committee Resolution

MOVED Cr Margot Smith, Seconded Mr John Gavens

That the Audit & Risk Committee notes the progress of the Business Improvement Program.

CARRIED

3. RISK MANAGEMENT

3.1 Workplace Health and Safety Report - Q2

Charter Reference: N/A

Author's Title: Manager People & Culture

General Manager: Chris Pike

Department: People & Culture

File No: F16/145

Division: Culture & Community

Trim No: IC17/142

Appendix:

1. Audit & Risk Committee Report Workplace Health and Safety Q2 (D17/15583)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive an update on actions and outcomes relating to Workplace Health and Safety for the period October to December 2016.

Recommendation

That the Audit & Risk Committee receive and note the Workplace Health and Safety report.

Meeting Discussion

- Incidents/hazards now separately recording activity items from audits.
- Incidents logged by age and tenure reveal manual handling process as main contribution factor with Outdoor and Community Care workers most affected. Review being conducted and preventative measures being introduced to address repetitive work injuries. Information indicates that it is older workers who been here longer who are sustaining most injuries.
- Discussed importance of developing a safety culture.
- Tool box meetings for Outdoor workers are held with WHS officers in attendance.
- Safe Work Method Statements to be implemented for Community Care workers.
- System limitations show incidents logged by OHS team under Culture and Community rather than by originating area for some areas.

Committee Resolution

MOVED Cr Margot Smith, Seconded Ms Melissa Field

That the Audit & Risk Committee receive and note the Workplace Health and Safety report.

CARRIED

Cr Smith left the meeting at 09:54 am. Cr Smith returned to the meeting at 09:55 am.

3.2 Enterprise Risk Management Report February 2017

Charter Reference: 9.5.1

Author's Title: Coordinator Risk Management & Legal Services **General Manager:** Anne Howard

Department: Governance & Risk **File No:** F17/205

Division: Governance & Infrastructure **Trim No:** IC17/132

Appendix:

1. Enterprise Risk Management Report February 2017 (D17/15194)

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

Status:
Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present the Enterprise Risk Management Report to the Audit & Risk Committee.

The report includes:

- a) Risk Profile
- b) Strategic Risks – Current Rating Serious or High – work in progress includes starting to assess and note control effectiveness and evidence.
- c) Operational Risks – Current Rating Serious
- d) Risk Treatment Action Status
- e) New and Emerging Risks
- f) Risk Management Improvement Activities

Recommendation

That the Audit & Risk Committee note the Enterprise Risk Management Report.

Meeting Discussion

- Management of change identified by the Executive as an emerging risk on the ERM report. . Example of major change programs is Digital Transformation.
- Working with Program Management Office to identify risk at design stage for projects.
- Risk management training has been provided to Program Management Office staff to include identification of risks at design stage.
- Fraud training by JLT for Leadership and key staff scheduled for March 2017.
- Business Continuity Exercise and staff information sessions scheduled for Business Continuity week 15 – 17 May 2017.
- Debra Russell noted the improvements in Risk Management reporting over the last two years.

Committee Resolution

MOVED Mr John Gavens, Seconded Ms Debra Russell

That the Audit & Risk Committee note the Enterprise Risk Management Report.

CARRIED

4. AUDIT REPORTS

4.1 Grant Thornton Internal Auditor Status Report

Charter Reference: 9.2.3

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/120

Appendix:

1. Confidential - Grant Thornton - Audit and Risk Committee - Internal Audit Status Report 21 February 2017 (D17/13032)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is for Grant Thornton to provide a verbal update on the status of reviews including Road Management, Community Engagement and Purchasing Stage 2.

Recommendation

That the Audit & Risk Committee receive and note the update from Grant Thornton.

Meeting Discussion

- Brian Keane, ARC Chair expressed disappointment that Grant Thornton were not present at today's meeting.
- Grant Thornton provided a status update via teleconference.
- Trai Moorthy, Senior Manager – Public Sector Advisory, no longer employed by Grant Thornton and has been replaced by Robert Baines
- Scott Hartley, Partner - Public Sector Advisory Lead, Grant Thornton is leaving and has been replaced by Matthew Green – Partner Growth Advisory.
- Community Engagement audit report submitted for management feedback, to be closed off by end of the week.
- Close out meeting on Road Management Plan Audit scheduled for today. Report to be presented at May ARC meeting.
- Catch up meeting arranged with Anne Howard, John Brockway and Wendy Hope scheduled for later this afternoon.
- Grant Thornton committed to service program for 2017/18 and confirmed they have sufficient resources for next two audits.
- Grant Thornton will attend upcoming Audit & Risk Committee meetings.
- Formal letter to Grant Thornton confirming expectations for remainder of contract to be prepared and included in May ARC agenda.

Committee Resolution

MOVED Ms Melissa Field, Seconded Cr Margot Smith

That the Audit & Risk Committee receive and note the update from Grant Thornton.

CARRIED

4.2 External Auditor Update (Victorian Auditor General's Office)

Charter Reference: 9.1.2

Author's Title: Manager Finance

General Manager: Anne Howard

Department: Finance

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC16/1338

Appendix:

1. 2016-2017 Audit Strategy (VAGO) (D17/11200)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive a verbal update from the External Auditors (VAGO) on the audit strategy.

Recommendation

That the Audit & Risk Committee receive and note the External Auditors (VAGO) update.

Meeting Discussion

- Change to audit report format to include materiality.
- Key Audit matters will be reported on for the following financial year.
- New Auditor General appointed September 2016. Interest in Local Government. Expect changes to Financial Statements.
- Related Party Disclosures of Key Management Personnel (KMP) including councillors, CEO and individuals reporting directly to the CEO to be included in the 2017 Financial Report and include
 - i) aggregate salaries of the KMP group and
 - ii) any other transactions between KMP and council.

Committee Resolution

MOVED Mr John Gavens, Seconded Ms Debra Russell

That the Audit & Risk Committee receive and note the External Auditors (VAGO) update.

CARRIED

4.3 Performance Audit Report November - January

Charter Reference: 9.9.3

Author's Title: Coordinator Risk Management & Legal Services **General Manager:** Anne Howard

Department: Governance & Risk **File No:** F16/1075

Division: Governance & Infrastructure **Trim No:** IC17/56

Appendix:

1. Performance Audit Report November 2016 - January 2017 (D16/122459)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present the Performance Audit Reports from the various external agencies to identify learnings for Council.

Full copies of the reports can be located at the relevant websites.

Recommendation

That the Audit & Risk Committee receives and notes the various external agencies performance audit reports and identify any learnings for Council.

Meeting Discussion

- Appendix taken as read.
- Brian Keane, ARC Chair noted that Audit results forwarded to relevant departments; queried how responses were managed? Suggested enhanced commentary around response to be included in future reporting to ARC.
- Debra Russell requested a separate brief to ARC on revaluation process - Page 90 Local Government 2015-16 Audit Snapshot.
- Debra Russell suggested report on status of Ombudsman's report as it relates to Surf Coast Shire Council eg. closed meetings.
- CEO agreed to do this and also report on complaints management.

Committee Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Margot Smith

That the Audit & Risk Committee receives and notes the various external agencies performance audit reports and identify any learnings for Council.

CARRIED

5. FINANCIAL REPORTS

5.1 Quarterly Financial Report - December 2016

Charter Reference: 9.6

Author's Title: Coordinator Management Accounting

General Manager: Anne Howard

Department: Finance

File No: F16/1381

Division: Governance & Infrastructure

Trim No: IC17/141

Appendix:

- December 2016 Quarterly Finance Report - Audit & Risk Committee (D17/15518)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential under Section 77 of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to present a Comprehensive Income Statement, Balance Sheet, Statement of Cash Flows, Statement of Changes in Equity and Statement of Capital Works for the three months ending 31 December 2016.

The key financial results are as follows:

Year to date measure	Value (\$m)	Commentary
Total Comprehensive Result	30.90	\$7.41m favourable to YTD Budget
Capital Works expenditure	3.91	\$6.32m favourable to YTD Budget
Net Assets & Total Equity	483.26	\$62.32m favourable to YTD Budget
Cash & Cash Equivalents (including financial assets)	41.17	\$17.72m favourable to YTD Budget

Recommendation

That the Audit & Risk Committee receive and note the December 2016 Quarterly Financial Report.

Meeting Discussion

- January result and end of financial year results forecasts remain favourable to budget.
- Council undertook to provide copies of management reports to the committee in addition to Finance report already provided in future.

Committee Resolution

MOVED Ms Melissa Field, Seconded Cr Margot Smith

That the Audit & Risk Committee receive and note the December 2016 Quarterly Financial Report.

CARRIED

5.2 Program Status Report - October to December 2016 Quarter

Charter Reference: N/R

Author's Title: Manager Program Management Office
General Manager: Phil Rowland

Department: Program Management Office
File No: F17/189

Division: Environment & Development
Trim No: IC17/129

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Status:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to receive and note the Program Status Report for the October to December 2016 quarter.

Background

The Program Management Office (PMO) has responsibility to provide leadership, support and analysis for best practice project management, including standardising and building Surf Coast Shire Council's project management capability and methods. The PMO has responsibility to support successful delivery of Council's program of projects with the right approach and level of resources.

The Program Status Report is intended to provide a high level analysis to Executive Management Team and Council on progress of the overall program of capital and operational projects, provide a point of accountability for project managers to provide accurate status information including time, cost and scope, and for project sponsors to identify how they are addressing any risks to project delivery.

Each project in the Program Status Report is reported on monthly by the relevant project manager for status, and therefore risk to time, cost and scope. Status is reported to Executive Management Team monthly, and to Council quarterly.

A spend target has been established for the 2016/17 program based on:

- The program allocation made by Council in the 2016/17 Budget
- PLUS carry forwards from 2015/16
- LESS
 - Multi-year project funding that is planned to be expended in future years
 - Projects awaiting outcomes, such as grant or project partners preparedness, or high external risk i.e. subject to VCAT
 - Project funding in the process of being accumulated
 - Land transactions
 - Project contingency (from 2016/17 onwards)

In 2016/17 projects are being reported 'Life to Date' therefore multi-year project reporting will include actual spend from years prior and future allocation per Council resolutions for the total project budget. Project budgets are reported excluding contingency. Contingency funds for each project are centralised in a separate account to be drawn on as requested by the project sponsor and reviewed / approved by the PMO.

Spend targets for the 2016/17 Program, including post-budget adjustments, were presented to Council on 6 September 2016. The difference between the 2015/16 year-end actual spend and 2016/17 target is detailed below, and shows a significant increase in the Program to be delivered:

5.2 Program Status Report - October to December 2016 Quarter

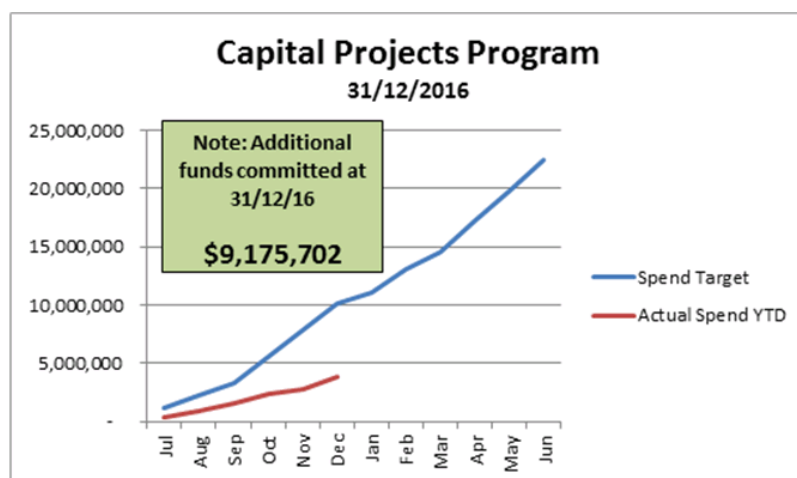
Program	Actual 2015/16 \$'000	Spend Target 2016/17 \$'000	Increase	
			\$'000	%
Capital	14,966	22,455	7,490	50.05
Operational	1,922	3,617	1,695	88.19
TOTAL	16,888	26,072	9,184	54.38

The quarterly profile for 2016/17 spend is based on historical trend:

Quarter	Percentage (%) of annual spend
June to September 2016	15
October to December 2016	30
January to March 2017	20
April to June 2017	35

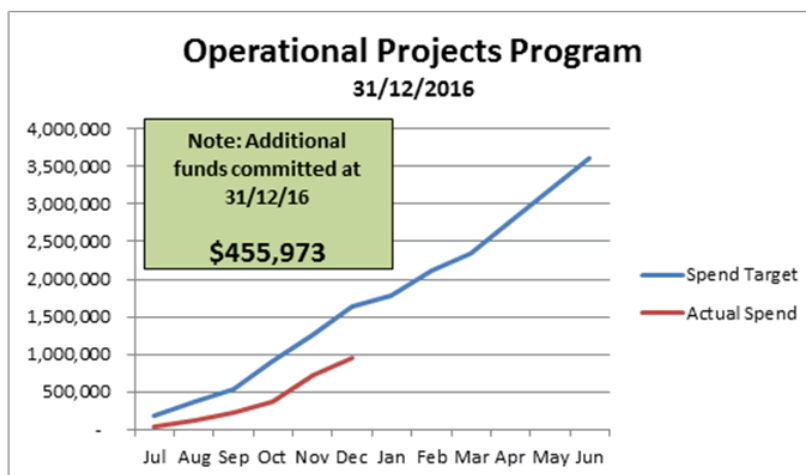
Discussion

Spend for the Capital Project Program at 31/12/16 was \$3,908,696 representing 39% of the projected Year to Date (YTD) spend of \$10,104,712 and 17% of the full year target of \$22,454,915. Spend target and actual spend YTD at 31/12/16 is presented in the graph that follows:



Spend for the Operational Project Program at 31/12/16 was \$962,774 representing 59% of the projected YTD spend of \$1,627,511 and 27% of the full year target of \$3,696,611. Spend target and actual spend YTD at 31/12/16 is presented in the graph that follows:

5.2 Program Status Report - October to December 2016 Quarter



The green boxes represent funds that have been committed by contract. This indicates the project has been mobilised however is not a direct indication of spend that is guaranteed in this financial year as some commitments are spread over multi-year projects.

The graphs indicate that spend is tracking below target. A number of initiatives have been undertaken to address this including:

- in line with Council's project management resourcing model, analysis of project management requirements for the program and recruitment of four additional project managers using project budget allocations made for this purpose
- confirmation of timing for significant project value (>\$200K) to confirm or re-profile the spend target
- using Sponsor Support Fund to provide support for 2016/17 project charter development where sponsors have significant project load
- using Sponsor Support Fund to provide support for 2017/18 project proposal development so that sponsors stay focussed on current program delivery
- continuing support from the Program Management Office to embed the Project Delivery Framework and ensure roles, accountability and responsibilities are clear
- targeted project health checks to identify where changes can be made to ensure project delivery.

Conclusion

The Program for 2016/17 is tracking behind targeted spend for the October to December quarter. A number of initiatives are in progress to work towards delivering projects including applying increased resources in line with Council's project management resourcing model.

Recommendation

That the Audit & Risk Committee note the Program Status Report for the October to December 2016 quarter.

Meeting Discussion

- Report taken as read.
- Committee sought advice regarding whether there were exposures due to slippage in program.
- There are no high risk programs that have grant obligations that won't be fulfilled
- Ongoing monitoring of risk i.e. major land fill projects – no risks in meeting obligations.

Committee Resolution

MOVED Ms Debra Russell, Seconded Cr Clive Goldsworthy

That the Audit & Risk Committee note the Program Status Report for the October to December 2016 quarter.
CARRIED

6. OTHER REPORTS

6.1 Fraud and Corruption Strategies

Charter Reference: 9.8.1

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC16/1369

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
 Section 80C:

Information classified confidential under Section 77
 of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide an update in relation to fraud prevention strategies and programs, including training and development, and to update progress against the Fraud and Corruption Control Plan measures.

Report

The Surf Coast Shire Council (SCSC) has a robust ethical culture and prides itself on setting a high benchmark for fraud control and ethical work practices. SCSC has a Fraud Policy Statement which clearly articulates a zero tolerance stance in respect to dishonest or fraudulent behaviour, and underlines the Council's strong commitment to reducing the risk and incidence of fraud across its operations.

Strategy/ Program	General Update	Progress
Staff Code of Conduct	This is a first reference point and guide for all matters involving conduct and ethics and is intended to raise awareness amongst staff and contractors to enhance their understanding of their roles and responsibilities.	An updated Staff Code of Conduct was adopted in January 2016. A model clause in relation to ensuring child safety has been approved for inclusion.
Councillor Code of Conduct	The Councillor Code of Conduct sets out the standards of behaviour required by Councillors and explains the mechanisms for dealing with any alleged breaches of the Code, including internal and external routes. All Councillors have signed up to the Code and have received a copy their signed version.	As required in the Local Government Act, a review of the Code has been completed and the final version approved at a Special Council meeting on 24 January 2017.
Reporting	Staff learn how to report fraudulent activity during fraud training and at their induction. A process is in place to direct investigation of such complaints which could include internal or external investigation/reporting. Processes to protect those making protected disclosures are also in place.	A fraud checklist is circulated to Managers at the end of the financial year for them to report any fraudulent activity.

6.1 Fraud and Corruption Strategies

Strategy/ Program	General Information/Description	Progress
IBAC Mandatory Notification	New provisions came into operation on 2 December 2016 which require the CEO to report suspected or actual corrupt conduct to IBAC without delay.	See separate report in this agenda with draft process for discussion.
IBAC Ant-Corruption Campaign	IBAC has launched an anti-corruption campaign and provided materials to promote this message.	Council has used the materials to email all staff, post on the intranet and display posters around our workplace.
Council's Fraud Control Policy	<p>Fraud Control Policy and Procedure. This was developed with reference to the Australian Standard on Fraud and Corruption Control (AS 8001 – 2008).</p> <p>The Fraud Control Policy and Procedure covers:</p> <ul style="list-style-type: none"> Application Definitions Roles and Responsibilities Education and Awareness Control Planning Prevention Detection Response. 	<p>The policy was reviewed by the Audit and Risk Committee and Policy Review Sub-Committee and was adopted by Council at its meeting on 23 August 2016.</p> <p>The policy will be updated to include the mandatory reporting of suspected corrupt conduct to IBAC once the process is finalised.</p>
Fraud and Corruption Control Plan	<p>The Plan builds upon that work utilising the Commonwealth Fraud Control Guidelines 2011, AS/NZS ISO 31000 (2009) Risk Management – Principles and Guidelines, AS8001-2008 Fraud and Corruption Control.</p> <p>Council's key fraud and corruption control measures are as follows:</p> <p>Fraud and Corruption Control Plan. This was approved in August 2014 and identified Council's fraud risk areas using the risk matrix likelihood/consequence ratings.</p> <p>Risk Register. Fraud risks were transferred from the Fraud Plan by Managers into the risk register with the relevant treatment plans assigned. Managers continue to review those risks and the effectiveness of treatment plans and are prompted by the PAN system to do so (serious – at least monthly, high risk – at least 3 monthly, medium risk – at least 6 monthly and low risk – annually)</p>	Due for review in late 2017.

6.1 Fraud and Corruption Strategies

	<p>KPIs were also set for each risk area to allow measurement of any resultant fraudulent activity. In order to check the effectiveness of the controls, treatments and monitoring of KPIs, a questionnaire is sent out to managers at the end of the financial year requesting statistics relating to various types of fraud that may have occurred in their areas over the previous 12 months. This produced a nil return for FY14-15 and FY15-16.</p>	
Fraud awareness training	<p>The Governance team developed a fraud awareness training package which includes a conflict of interest training module. This is being rolled out to staff.</p>	<p>JLT will carry out fraud and cyber awareness training for the Leadership Group in March.</p> <p>To date, 55 staff members have received the training which is ongoing.</p> <p>Currently investigating an online version of this training through Council's i-Learn system to maximise coverage.</p>
Protected Disclosure Policy	<p>The Protected Disclosure Policy, which provides a mechanism to report fraudulent activity, was reviewed in light of the IBAC audit, and the updated, more user-friendly version communicated to the organisation via email and the Shire Wire.</p> <p>A copy is also available on the website for the community, along with guidelines.</p> <p>There have been no protected disclosures relating to Council in the previous 12 month period.</p>	<p>Council's policy and guidelines were adopted in 2014 and remain current.</p>
Procurement	<p>A centre-led model has been introduced and work continues to standardise templates, develop training resources and check processes to ensure compliance and transparency. Council's Procurement Policy is reviewed every financial year.</p> <p>Conflict of interest declarations are a standard requirement during the tendering process.</p>	<p>Procurement Officer has refined the procurement process through development of specific quotation documents for goods, services, consultancies etc, review of the Procurement Policy in 2016, development of training, development of standard terms and conditions for dealing with Council, changes to quotation thresholds to ensure the most effort and attention are given to purchases at the mid to high range ie over \$10,000.</p> <p>A procurement page with links to relevant documents and training materials has been set up on the Intranet.</p> <p>Council is also working with the MAV</p>

6.1 Fraud and Corruption Strategies

		LEAP program to identify efficiencies and savings in its operations. Collaborative tendering opportunities are also being explored eg bitumen with local councils and cleaning with GORCC.
Internal Controls	Council has a number of internal controls and audit functions in place to minimise the opportunity for fraud to take place. These include separation of duties in Finance, spending limits, cash handling procedures, authorisation processes, checking mechanisms, checklists, delegations of authority, access controls, passwords, internal and external audit.	Controls relating to purchasing were found to be inadequate and posed a fraud risk. This was addressed through implementation of a manual process which now prevents changes to the purchase order following authorisation. An internal audit process is underway. Included in Council's risk register.
Use of Equipment and Resources	An internal audit was completed last year following the release of IBAC's 2015 report into corrupt conduct at council depots.	As a result of the audit small plant and equipment is being barcoded and a register developed.

Recommendation

That the Audit & Risk Committee receives and notes the Fraud and Corruption Strategies report.

Meeting Discussion

- Chair commented that this is a good way to present summary.
- Fraud and Corruption awareness training to be developed in iLearn for all staff including outdoor workers.
- Improvements in Procurement process include:
 - Intranet site
 - Templates
 - Training package

Committee Resolution

MOVED Mr John Gavens, Seconded Ms Debra Russell

That the Audit & Risk Committee receives and notes the Fraud and Corruption Strategies report.

CARRIED

6.2 Key Audit Themes 2015-16

Charter Reference: 9.10

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/43

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Status:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

This report has been tabled at the Chair's request to provide an opportunity for Audit and Risk Committee members to discuss VAGO's key audit themes from last year.

Discussion

Earlier this year, VAGO launched the 2015-16 *Key Audit Themes*. This resource offers a summary of common findings from the 39 audit reports were tabled in Parliament over the year, across the areas of:

- governance and oversight
- effective leadership
- managing information
- implementation and delivery
- measuring and reporting performance
- monitoring and managing risks to financial sustainability
- stakeholder engagement.

The direct link below allows access to this resource:

http://www.audit.vic.gov.au/reports_and_publications/key_audit_themes.aspx

The *Themes* cover areas likely to be broadly relevant to agencies within the Victorian public sector and can provide useful insights to agencies when they are planning programs, identifying risks and seeking to improve their performance. Some themes have continued from previous years, as they are areas VAGO look at frequently such as financial sustainability, managing information and performance reporting. Some are unique to 2015-16 such as stakeholder engagement and the need for effective leadership. VAGO noted a noticeable rise in the percentage of positive findings.

To help agencies make use of this resource, VAGO include self-assessment questions for each theme, based on the criteria used in their audits and are encouraging self-assessment of performance, governance, systems and operations against the common challenges identified in our key audit themes.

The audit themes have been shared with the Leadership group to assist with planning, management of risk and development of processes/systems.

Recommendation

That the Audit & Risk Committee notes VAGO's key audit themes for 2015-16.

Meeting Discussion

- Chair suggested Committee members view link provided.

Committee Resolution

MOVED Mr Brian Keane, Seconded Cr Margot Smith

That the Audit & Risk Committee notes VAGO's key audit themes for 2015-16.

CARRIED :

6.3 Mandatory Reporting to IBAC

Charter Reference: 9.10

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/144

Appendix:

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide a summary of the requirement to notify IBAC of suspected corrupt conduct and an opportunity for the Committee to provide feedback on the draft process which is being developed to process such notifications.

Mandatory Notifications to IBAC

Effective from 2 December 2016 the CEO must notify IBAC of any matter they suspect on reasonable grounds to involve corrupt conduct that is occurring or has already occurred.

The CEO's duty to notify IBAC cannot be delegated.

Notifications made in good faith protect the CEO from any criminal or civil liability even if the suspicion on which the report is based turns out to be untrue or unsubstantiated.

Definitions

Corrupt conduct is conduct, or an attempt or conspiracy to engage in conduct that:

- adversely affects the honest performance of the functions of a public officer (any staff member, contractor or Councillor) or public body (Council)
- constitutes or involves the dishonest performance of the functions of a public officer or public body
- constitutes or involves knowingly or recklessly breaching public trust
- involves the misuse of information or material acquired in the course of the performance of the functions of a public officer or public body
- is intended to adversely affect the effective performance of the functions or powers of a public officer or public body and results in the person or their associate obtaining a specified benefit.

In order for conduct to be corrupt conduct, it must constitute a relevant offence against any Act, or the common law offences of attempt to pervert the course of justice, bribery of a public official, perverting the course of justice and misconduct in public office.

Examples of misconduct in public office include:

- deliberately falsifying accounts to conceal or obtain a benefit
- entering into a secret commission or profit sharing arrangement with another person
- colluding to share profits with tender recipients and concealing the overvaluation of tenders
- using public office to deceive a member of the public to gain a financial advantage
- misusing power to harm, oppress or disadvantage a person.

Reasonable grounds for suspicion

'Suspicion' must be based on facts and circumstances that would be sufficient for a reasonable person to suspect corrupt conduct had occurred or was occurring. Proof is not necessary, nor is it required that an individual or individuals be identified.

6.3 Mandatory Reporting to IBAC

When must a report be made?

Notifications must be made as soon as practicable after the CEO has formed a reasonable suspicion that corrupt conduct may have occurred or may be occurring. There must be no delays in notifying suspected corrupt conduct to IBAC.

Actions by relevant principal officers before or after notification to IBAC

No action should be taken by the relevant principal officer to address the matter being reported until IBAC has assessed the matter and informed the CEO of its decision. Exceptions apply where the action is:

- necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual or to public health or safety
- taken to comply with another legal obligation, such as a duty to report the matter under other legislation
- reporting the matter to Victoria Police.

Interaction with the Protected Disclosure Act 2012

The Protected Disclosure Act 2012 requires certain agencies to notify IBAC where they receive a disclosure that they consider may be a 'protected disclosure'. There may be overlapping obligations under the PD Act the duty to notify IBAC where they receive a disclosure alleging corrupt conduct.

The mandatory notification form for the CEO to complete is available at www.ibac.vic.gov.au and will be completed by the Panel/CEO for submission to IBAC.

Confidentiality in notifications

Notifications to IBAC are made without advising the person(s) to whom the notification relates, and without publicity. All notifications of suspected corrupt conduct to IBAC will be treated in the strictest confidence. Failure to handle notifications to IBAC confidentially may prejudice any subsequent investigation, whether by IBAC or the public sector body concerned, and may cause unnecessary reputational or other damage to individuals.

Awareness

Copies of the IBAC's promotional materials have been sent out to all staff by email, posted on the Shire Wire and included in the Councillor Digest with a request to notify the CEO, GM Governance and Infrastructure and Manager Governance and Risk of any suspected corrupt conduct.

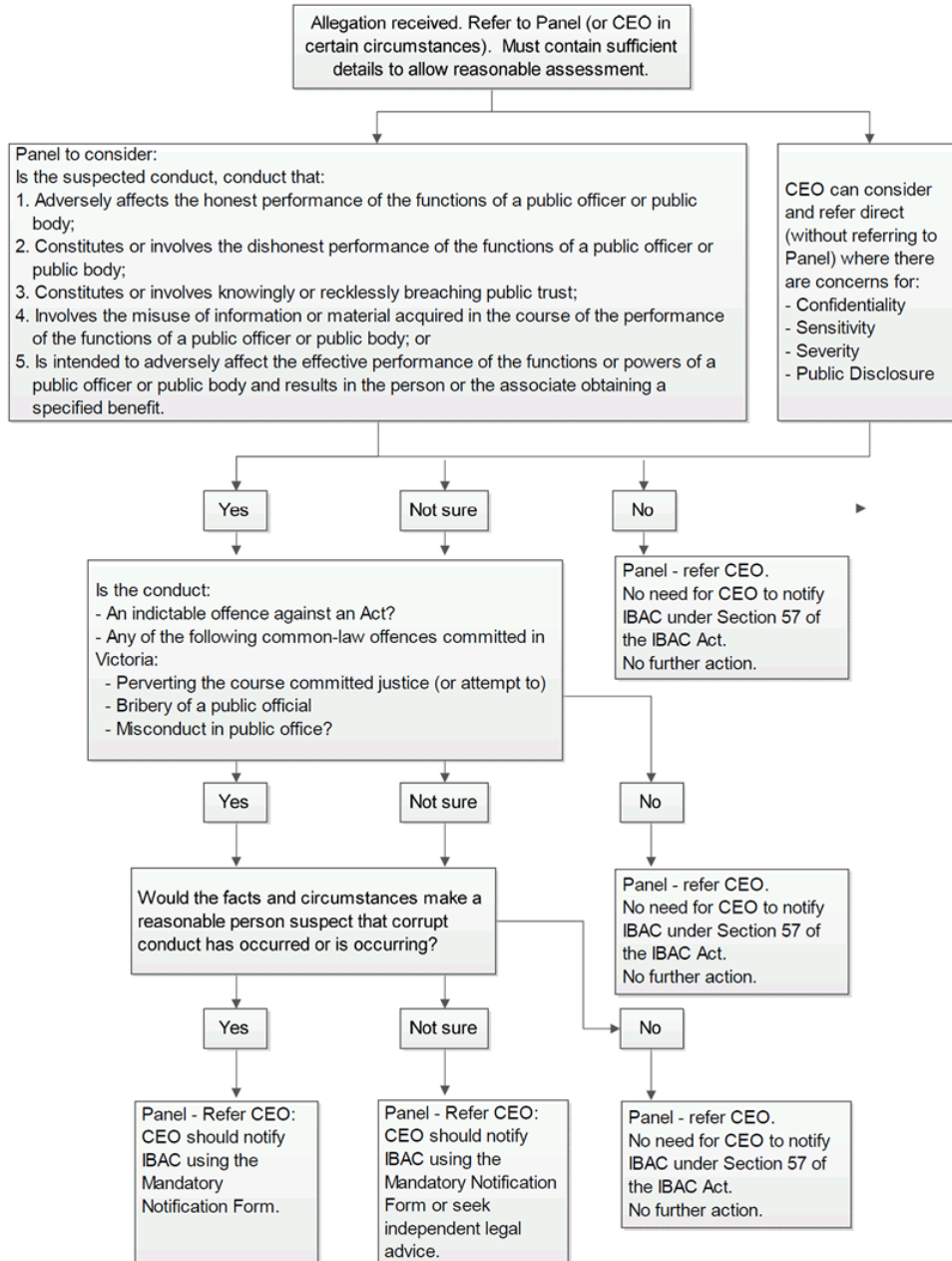
Surf Coast Shire Council's proposed process – See flowchart below.

A Panel consisting of the General Manager Governance and Infrastructure, Manager Governance & Risk and the Manager People & Culture will be set up to consider notifications.

- staff should bring any concerns or reports of suspected corrupt conduct quickly and confidentially to the attention of any Panel member before any action is taken. (The CEO can directly report any matter to IBAC without any discussion with Panel members in certain circumstances eg where confidentiality and sensitivity are an issue)
- managers should err on the side of caution when deciding whether to notify the Panel of the matter
- the Panel will convene to hear the suspicions and decide whether to recommend that the CEO notifies IBAC. The Panel will develop criteria to assist this process, using IBAC's materials as a guide. No investigations or other enquiries will be made
- all matters will be referred to the CEO with a recommendation from the Panel whether to notify IBAC or not
- where the CEO decides to report, the IBAC template form will be completed and submitted under the CEO's signature
- as advised by IBAC, the person(s) suspected of corrupt conduct will not be notified
- the Leadership Group will receive a presentation providing an overview of the process and mechanism for reporting. All other staff will be notified at team meetings, by email and the Shire Wire
- the process will be included in the Fraud & Corruption Control Policy and Plan.

6.3 Mandatory Reporting to IBAC

Process for Determining Mandatory Notifications to IBAC



Judgment may sometimes be required in determining if something is or is not corrupt conduct or is a relevant offence as it may not be clear-cut. It will always depend on the particular facts and circumstances of a case. Panel or CEO to seek independent legal advice if needed. If in doubt, submit a notification to IBAC for their assessment.

6.3 Mandatory Reporting to IBAC

Recommendation

That the Audit & Risk Committee notes and provides feedback on the suggested notification process.

Meeting Discussion

- Feedback on flowchart was positive.
- Councillors have no role in management of the process , but can report suspected corrupt conduct direct to CEO or IBAC.

Committee Resolution

MOVED Ms Melissa Field, Seconded Mr John Gavens

That the Audit & Risk Committee notes and provides feedback on the suggested notification process.

CARRIED

6.4 Future Role of Audit and Risk Committees - Local Government Act Review

Charter Reference: 9.10

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/94

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide an opportunity for the Audit and Risk Committee to review and discuss comments made by Council in its submission to the Local Government Act Review Directions Paper in relation to the future role of Audit and Risk Committees.

Discussion

Council submitted its response to the Local Government Act Directions Paper in September 2016. The following is a summary of the submission as it related to items affecting the future role of Audit and Risk Committees.

Direction 15 proposes to:

Require the audit and risk committee to monitor and report on a council's performance against the remuneration policy.

Do you support this direction?

No

What other comments would you make for this proposal?

Council's compliance with its Remuneration Policy would better be considered by a CEO Employment Matters Committee than the Audit and Risk Committee.

Direction 95 proposes to:

Require all councils to establish an audit and risk committee with an expanded oversight of:

- the integrated strategic planning and reporting framework and all associated documents
- financial management and sustainability
- financial and performance reporting
- risk management and fraud prevention
- internal and external audit
- compliance with council policies and legislation
- service reviews and continuous improvement
- collaborative arrangements
- the internal control environment.

Do you support this direction?

In part

What other comments would you make for this proposal?

Oversight of service reviews and continuous improvement should not be within the scope of the Audit and Risk Committee. This is within the responsibility of Council and the Executive, and the proposed scope is inconsistent with corporate practice.

6.4 Future Role of Audit and Risk Committees - Local Government Act Review

Direction 96 proposes to:

Require the audit and risk committee to include a majority of independent members and include councillors, but not council staff.

Do you support this direction?

Yes

What other comments would you make for this proposal?

Current practice at Surf Coast Shire Council.

Direction 97 proposes to:

Require the audit and risk committee to report to the council biannually and require each council to table the biannual audit and risk committee report at a council meeting.

Do you support this direction?

Yes

What other comments would you make for this proposal?

Currently report through an annual report, minutes included in agenda and attendance at Council briefings as required.

Direction 107 proposes to:

Require the audit and risk committee to review compliance with the procurement policy and require a council to report in its annual report any non-compliance with its procurement policy.

Do you support this direction?

Yes

Direction 112 proposes to:

Require the audit and risk committee to review compliance with the investment policy and require a council to report any non-compliance with its investment policy in its annual report.

Do you support this direction?

Yes

What other comments would you make for this proposal?

Current practice at Surf Coast Shire Council.

Direction 114 proposes to:

Require the audit and risk committee to review compliance with the debt policy and require a council to report any non-compliance with its debt policy in its annual report.

Do you support this direction?

Yes

Recommendation

That the Audit & Risk Committee note Council's submission to the Local Government Act review in so far as it applies to the future role of Audit and Risk Committees.

Meeting Discussion

- Report taken as read.
- Submission to local Government Act noted.
- Expected to be statute by end of 2018.

Committee Resolution

MOVED Mr John Gavens, Seconded Cr Margot Smith

That the Audit & Risk Committee note Council's submission to the Local Government Act review in so far as it applies to the future role of Audit and Risk Committees.

CARRIED

7. ADMINISTRATIVE MATTERS

7.1 Transition to New Internal Audit Contract March 2018

Charter Reference: 9.2

Author's Title: Manager Governance & Risk

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC17/95

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Status:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The purpose of this report is to provide an overview of Council's plans to ensure a smooth transition to the new internal audit contract when the current contract expires on 31 March 2018.

Discussion

Council's current contract with Grant Thornton to provide internal audit services expires on 31 March 2018.

It is therefore intended that Council will plan to ensure a smooth transition to a new contract with minimal disruption to the reviews that are scheduled to be carried out in 2018.

Development of the strategic audit plan for the 2017/18 financial year is due to be discussed at the Audit and Risk Committee meeting in May 2017, with preliminary work having been already carried out by Grant Thornton in 2016 to align a three-year plan with our strategic risk exposure through assurance mapping. Once the 2017/18 Plan has been agreed with EMT it will be Council's intention to ensure at least three audits are conducted by Grant Thornton in 2017/18 and reports finalised before the contract ends.

The process for inviting quotations for continuance of the contract after 31 March 2018 will commence in November 2017 to ensure this is completed and a contract in place when the current contract ends.

The new audit provider will be apprised of Council's strategic annual audit plan and requested to continue to deliver the reviews identified. It is estimated that at least one full review could be completed between 1 April and 30 June 2018, before a new plan kicks in.

Council will work with the new provider to establish a strategic audit plan for 2018/19 which will be discussed at the Audit and Risk Committee meeting in May 2018.

Recommendation

That the Audit & Risk Committee notes Council's plans to ensure a smooth transition to the new internal audit contract when this commences in April 2018.

Meeting Discussion

- Report noted.
- Plan in place to manage reviews when new contract awarded in April 2018.

Committee Resolution

MOVED Cr Margot Smith, Seconded Ms Melissa Field

That the Audit & Risk Committee notes Council's plans to ensure a smooth transition to the new internal audit contract when this commences in April 2018.

CARRIED

7.2 Next Meeting Date and Proposed Agenda

Charter Reference: 9.10.2

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/145

Division: Governance & Infrastructure

Trim No: IC16/1335

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Purpose

The next meeting scheduled to be held on **Tuesday, 16 May 2017 from 9.00 – 11.30am.**

The proposed Agenda outline for this meeting is as follows:

- Chief Executive Officer's Update
- Outstanding Issues & Actions
- Presentations
- Business Improvement Update
- Financial Reports
 - Quarterly Financial Report
 - Program Management Report
- Risk Management
 - Enterprise Risk Management Report
 - Workplace Health and Safety Report
- Audit Reports
 - Internal Auditors Update (Grant Thornton)
 - External Audit Update (VAGO) including Audit Scope 2017/18
 - Performance Audit Reports – External Bodies
 - Review Strategic Annual Internal Audit Plan
- Other Reports
 - SCS-016 Investment Policy
 - SCS-014 Workplace Health & Safety
 - MPP-040 Protected Disclosures
 - MPP-043 Freedom of Information
 - MPP-005 Privacy and Data Protection
 - Compliance Report
 - Annual Work Plan
 - Annual Report Gifts Register, Councillor Entitlements and Education
- Administrative Matters
 - Next Meeting Date & Proposed Agenda Outline

Recommendation

That the Audit & Risk Committee note the proposed agenda outline for the next meeting to be held on Tuesday, 16 May 2017 from 9.00 - 11.30am.

7.2 Next Meeting Date and Proposed Agenda

Meeting Discussion

- Additions for May agenda
 - Report on transparency in decision making – Ombudsman's report
 - Long Term Financial Plan and Draft budget.
 - Update on Budget.
 - Update Council Plan.
 - Asset Policy.
 - Copy of letter to Grant Thornton.
- Cr Margot Smith will be an apology next ARC meeting – 16 May 2017.

Committee Resolution

MOVED Mr Brian Keane, Seconded Cr Clive Goldsworthy

That the Audit & Risk Committee note the proposed agenda outline for the next meeting to be held on Tuesday, 16 May 2017 from 9.00 - 11.30am.

CARRIED

8. CLOSED SECTION

Nil

Close: There being no further items of business the meeting closed at 11.19am.

5.2 Advisory Committee Minutes

APPENDIX 3 ALL ABILITIES ADVISORY COMMITTEE MEETING MINUTES - 28 FEBRUARY 2017



<p style="text-align: center;">All Abilities Advisory Committee MINUTES</p> <p style="text-align: center;">Tuesday 28 February 2017</p> <p style="text-align: center;">Winchelsea Room, Surf Coast Shire Council</p> <p>Present: Richard Porter (Chairperson), Janet Brown, Lucille Marks, Kevin Kelton (Lucille's husband), Leone Mervin, Caroline Maplesden, Manny Pimmentel, Kerri Deague (Surf Coast Shire)</p> <p>Apologies: John Olsen, Cr Heather Wellington, Tina Gulino, Damian Waight (Surf Coast Shire)</p>					
Item	Issue Topic	Time	Points of Discussion Details/ Decision	Agreement / Action / Timeframe	R/O
1.	Welcome, introductions and acknowledgements	5			R Porter
1.1	Minutes from previous meeting	2	Minutes from previous meeting on 13 December 2016	Submitted as final for Council meeting on January 24 Accepted: C Maplesden Seconded: R Porter Carried: All	R Porter
1.2	Conflict of Interest	2	Declaration of conflict of interest	Nil	R Porter
2.	NEW BUSINESS/ BUSINESS ARISING				
2.1	Lorne Stribling Reserve Master Plan update from Susan Green (Program	10	The Draft Master Plan has been finalised. Access for all has been a major component in the planning phase	Action: AAAC will be invited to provide feedback at the next stage of development	S Green



	Management Office)				
2.2	Input into new Council/ Health and Wellbeing Plan. Susan Green (Program Management Office)	15	AAAC members provided input into the People theme for the new plan. Priorities included: Managing infrastructure requirements with population growth, maintaining Surf Coast Shire local community characteristics, access for all, people with all abilities to be included in all population outcome planning		S Green
2.3	Council Workplace Diversity Commitment update from Leanne Perryman (Manager People and Culture)	10	Leanne forwarded a written update in lieu of attending the meeting. Progress towards creating employment opportunities for people with a disability has been productive and includes: Review of existing policies and planning reasonable adjustment policies, Job access training booked in for managers within council, disability awareness induction across council, four job advertisements have been sent to disability employment services since November 2016		K Deague
2.4	Access and Inclusion priority areas 2017 -2020	10	Kerri summarised the proposed actions for Council to focus on in 2017-20 under the Access and Inclusion Plan. The final action planning phase will take place in the next month	Action: The Access and Inclusion Strategy Action plan will be distributed to AAAC members	K Deague
2.5	Aireys Inlet precinct Master Plan	5	The Master Plan has been developed and the next phase of planning will commence after April. AAAC will be invited to have input at the detailed design stage for the precinct plan	Action: K Deague will invite R Wissing to receive input from AAAC at the next stage of design	K Deague
2.6	Accessible changing place site tour	5	A site tour to an accessible changing place facility in Geelong will be arranged in the next month, with the purpose of gaining understanding and knowledge to bring back to Surf Coast Council	Action: K Deague will invite AAAC members to attend site tour	K Deague
2.7	AAAC membership opportunities	5	John Olsen (Chairperson) has notified Council of his intention to depart AAAC after serving on the committee since 2009 John has been an outstanding representative and advocate for the rights and equality of people with a disability within	Agreement: All members agreed on a motion to seek expression of interest from previous AAAC unsuccessful candidates to	K Deague



			the region. Vacancies exist for two new members on the committee. Kerri proposed inviting and interviewing recent previous applicants who met criteria for joining the AAAC.	join the committee	
3.	NEW BUSINESS				
3.1	AAAC meeting to invite NDIA participants to next meeting	10	NDIA have been invited to the meeting in April to provide an update on outcomes in the Barwon Region. AAAC members recommended attendance from individual NDIA recipients. The purpose is to enable Council to identify opportunities for community capacity building in the Surf Coast Shire	Action: K Deague will invite two recipients of NDIA to the meeting in April.	
4.	NEXT MEETING		Wednesday 26 April (Due to Anzac Day on Tuesday April 25)		
2017 meeting dates: 28 February, 26 April, 28 June, 22 August, 24 October, 12 December					
<ul style="list-style-type: none"> ▪ Ground rules for our Meeting ▪ We start on time and finish on time ▪ We all participate and contribute – everyone is given an opportunity to voice their opinions ▪ We use improvement tools that enhance meeting efficiency and effectiveness ▪ We actively listen to what others have to say, seeking first to understand then to be understood 			<ul style="list-style-type: none"> ▪ We follow-up actions for which we are assigned responsibility and complete them on time ▪ We give and receive open and honest feedback in a constructive manner ▪ We use data to make decisions (whenever possible) ▪ We strive to continually improve our meeting process and build time into each agenda for reflection 		

6. ASSEMBLIES OF COUNCILLORS

6.1 Assemblies of Councillors

Author's Title: Administration Officer

General Manager: Anne Howard

Department: Governance

File No: F17/285

Division: Governance & Infrastructure

Trim No: IC17/197

Appendix:

1. Assembly of Councillors - Discussion of Road Management Plan - 21 February 2017 (D17/20357)
2. Assembly of Councillors - Budget Briefing #4 - 28 February 2017 (D17/23464)
3. Assembly of Councillors - Agenda Review Meeting - 28 February 2017 (D17/24612)
4. Assembly of Councillors - Spring Creek PSP - VicRoads and Council - 7 March 2017 (D17/25556)
5. Assembly of Councillors - Council Briefing - 7 March 2017 (D17/28745)
6. Assembly of Councillors - Council Briefing - 14 March 2017 (D17/28758)
7. Assembly of Councillors - Council Plan Workshop - 15 March 2017 (D17/29121)

Officer Direct or Indirect Conflict of Interest:

Status:

In accordance with Local Government Act 1989 –
Section 80C:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

The purpose of this report is to receive and note the Assembly of Councillors records received since the previous Council Meeting.

Summary

The Local Government Act 1989 section 80A(2) states that the Chief Executive Officer must ensure that the written record of an assembly of Councillors is as soon as practicable reported at an Ordinary Meeting of Council and incorporated in the minutes of that Council Meeting.

Recommendation

That Council receive and note the Assembly of Councillors records for the following meetings:

1. Discussion of Road Management Plan - 21 February 2017
2. Budget Briefing #4 - 28 February 2017
3. Agenda Review Meeting - 28 February 2017
4. Spring Creek PSP - VicRoads and Council - 7 March 2017
5. Council Briefing - 7 March 2017
6. Council Briefing - 14 March 2017
7. Council Plan Workshop - 15 March 2017

6.1 Assemblies of Councillors

**APPENDIX 1 ASSEMBLY OF COUNCILLORS - DISCUSSION OF ROAD MANAGEMENT PLAN - 21
FEBRUARY 2017**



Assembly of Councillors Record

Description of Meeting: Discussion Draft Road Management Plan
Responsible Officer: Anne Howard
Date: 21 February 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	X	Chief Executive Officer - Keith Baillie	X		
Cr. David Bell	X	General Manager Governance & Infrastructure – Anne Howard	✓		
Cr. Libby Coker	✓	General Manager Environment & Development– Phil Rowland	X		
Cr. Martin Duke	X	General Manager Culture & Community – Chris Pike	X		
Cr. Clive Goldsworthy	✓	Manager Engineering Services – Peter Mc Lean	✓		
Cr. Rose Hodge	✓	Project Manager – Kate Sullivan	✓		
Cr. Carol McGregor, Deputy Mayor	✓	Executive Assistant - Lisa Robinson	✓		
Cr. Margot Smith	X				
Cr. Heather Wellington (<i>via conference call</i>)	✓				

MEETING COMMENCED	12.15pm	MEETING CONCLUDED	1.15pm
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Matters considered at the meeting (or attach agenda)

The draft Road Management Plan was discussed. Please refer to D17/20341 for the circulated document. Items discussed included:

- Purpose of the plan – inspection, maintenance and repair of Council’s road network in order to demonstrate compliance with the Road Management Act.
- Current processes.
- Discussion on tables:
 - Road and pathway hierarchy descriptions
 - Assets that are that are the responsibility of others (not Council)
 - Inspection types
 - Inspection regime / schedule for roads and pathway
 - Intervention and repair timelines

Councillor/Officer Declarations of Interest – NIL declared

Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		

CEO/ General Manager (G&I) Signature:  **Print Name: Anne Howard**

Date: 22 February 2017

To be completed on conclusion of session and provided to Governance Administration Officer.

General Information:
 An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
 (a) the subject of a decision of the Council; or
 (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

6.1 Assemblies of Councillors

APPENDIX 2 ASSEMBLY OF COUNCILLORS - BUDGET BRIEFING #4 - 28 FEBRUARY 2017




Assembly of Councillors Record

Description of Meeting: Budget Briefing #4
Responsible Officer: General Manager Governance & Infrastructure – Anne Howard
Date: 28 February 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. David Bell	✓	General Manager Governance & Infrastructure – Anne Howard	✓		
Cr. Libby Coker	✓	General Manager Environment & Development– Phil Rowland	✓		
Cr. Martin Duke	✓	General Manager Culture & Community – Chris Pike	✓		
Cr. Clive Goldsworthy	✓	Manager Finance – John Brockway	✓		
Cr. Rose Hodge	✓	Coordinator Management Accounting – Gabby Spiller	✓		
Cr. Carol McGregor, Deputy Mayor	✓	Accountant – Tim Dickson	✓		
Cr. Margot Smith	✓	Management Accountant – Ash Hughes	✓		
Cr. Heather Wellington	X				

MEETING COMMENCED	1:14 PM	MEETING CONCLUDED	4:31pm
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Matters considered at the meeting (or attach agenda)
<ol style="list-style-type: none"> 1. FY 18 Budget Council Briefing 4 – Budget Update 2. Strategic Importance of Recurrent EBITDA 3. 2017/18 Recurrent Revenue and Expenditure 4. 2017/18 Recurrent EBITDA 5. Allocations to Commitments 6. Discretionary Allocations 7. Long Term Financial Plan 8. Budget Development Summary

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared	No	Nil
Responsible Officer Signature: 		Print Name: Anne Howard
Date: 1 March 2017		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:
 An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;

- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].

- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].



6.1 Assemblies of Councillors

APPENDIX 3 ASSEMBLY OF COUNCILLORS - AGENDA REVIEW MEETING - 28 FEBRUARY 2017



Assembly of Councillors Record

Description of Meeting: Agenda Review Meeting
Responsible Officer: CEO – Keith Baillie
Date: 28 February 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	✓	Chief Executive Officer - Keith Baillie	✓		
Cr. David Bell	✓				
Cr. Libby Coker	✓				
Cr. Martin Duke	✓				
Cr. Clive Goldsworthy	✓				
Cr. Rose Hodge	✓				
Cr. Carol McGregor, Deputy Mayor	✓				
Cr. Margot Smith	✓				
Cr. Heather Wellington	X				

MEETING COMMENCED	5.00pm	MEETING CONCLUDED	5.30pm
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Matters considered at the meeting (or attach agenda)
1. Agenda for Council Meeting – 28 February 2017

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		

Responsible Officer Signature: *Keith Baillie* **Print Name: Keith Baillie**

Date: 1 March 2017

To be completed on conclusion of session and provided to Governance Administration Officer.

General Information:

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- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
- The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
- A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

6.1 Assemblies of Councillors

**APPENDIX 4 ASSEMBLY OF COUNCILLORS - SPRING CREEK PSP - VICROADS AND COUNCIL
- 7 MARCH 2017**



Assembly of Councillors Record

Description of Meeting: Spring Creek PSP – Vic Roads & Council
Responsible Officer: General Manager Governance & Infrastructure – Anne Howard
Date: 7 March 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

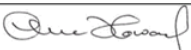
Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	x	Chief Executive Officer - Keith Baillie	✓	Sam Pirrotta – Planning Manager, VicRoads	✓
Cr. David Bell	✓	General Manager Governance & Infrastructure – Anne Howard	✓	Josef Vas – Transport for Victoria Liaison Manager	✓
Cr. Libby Coker	✓	General Manager Environment & Development– Phil Rowland	✓		
Cr. Martin Duke	✓	General Manager Culture & Community – Chris Pike	✓		
Cr. Clive Goldsworthy	✓	Coordinator Strategic Planning - Karen Hose	✓		
Cr. Rose Hodge	✓	Senior Strategic Planner - Jorgen Peeters	✓		
Cr. Carol McGregor, Deputy Mayor	✓				
Cr. Margot Smith	✓				
Cr. Heather Wellington	x				

MEETING COMMENCED	9.00am	MEETING CONCLUDED	9.40am
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Matters considered at the meeting (or attach agenda)
<ol style="list-style-type: none"> VicRoads' advice on traffic signals at Strathmore Drive East as part of the Spring Creek PSP development. Other matters raised by Councillors taken on notice: <ul style="list-style-type: none"> Allanvale road speed limit Erskine Falls Road speed limit Condition of Deans Marsh Road Feedback on new roundabout at Anglesea Coalmine road 'slip road' – line marking issue (not updated after left turn decommissioned) Aireys inlet pedestrians crossing Great Ocean Road Flashing green light tribute to Mary Rogers Queueing at right turn to Elkington Road for Chocolaterie Long term plans for Anglesea Road

Councillor/Officer Declarations of Interest - Nil

Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		

Responsible Officer Signature:  **Print Name: Anne Howard**

Date: 8 March 2017

To be completed on conclusion of session and provided to Governance Administration Officer.

General Information:

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- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
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- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

6.1 Assemblies of Councillors

APPENDIX 5 ASSEMBLY OF COUNCILLORS - COUNCIL BRIEFING - 7 MARCH 2017



Assembly of Councillors Record

Description of Meeting: Council Briefing
Responsible Officer: General Manager Governance & Infrastructure – Anne Howard
Date: 7 March 2017
In Attendance: Yes (✓) No (X)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor <i>(arrived at 1.46pm)</i>	✓	Chief Executive Officer - Keith Baillie	✓	External Presenter - Leanne Giardina – Executive Officer, Community Child Care	✓
Cr. David Bell	✓	General Manager Governance & Infrastructure – Anne Howard	✓	External Presenter - John Tebbutt – Board Member Bendigo Bank (Winchelsea) and Chair of Winchelsea Child Care Project steering committee	✓
Cr. Libby Coker	✓	General Manager Environment & Development– Phil Rowland	✓	External Presenter - Jenny Sewell – Project Officer, Growing Winchelsea Inc - Child Care Project	✓
Cr. Martin Duke	✓	General Manager Culture & Community – Chris Pike	✓	External Presenter - Peter Birkett (CEO), Hesse Rural Health	✓
Cr. Clive Goldsworthy	✓	Team Leader Governance - Danni Vasiloski	✓	External Presenter - Corporate Services Andrea Dunlop Director Executive Officer, Community Child Care	✓
Cr. Rose Hodge	✓	Manager Business Improvement – Brendan Walsh	✓	External Presenter – Cr David Edwards (Mayor) Moorabool Council and Chair of Peri Urban Group of Rural Councils	✓
Cr. Carol McGregor, Deputy Mayor	✓	Manager Recreation & Open Space Planning – Shaan Briggs	✓	External Presenter - Paula Lawrence Executive Officer, Peri Urban Group of Rural Councils	✓
Cr. Margot Smith	✓	Coordinator Management Accounting – Gabby Spiller	✓	External Presenter - Leanne Giardina – Executive Officer, Community Child Care	✓
Cr. Heather Wellington	X	Manager Finance – John Brockway	✓	External Presenter - John Tebbutt – Board Member Bendigo Bank (Winchelsea) and Chair of Winchelsea Child Care Project steering committee	✓
		Manager Governance & Risk – Wendy Hope	✓	External Presenter - Jenny Sewell – Project Officer, Growing Winchelsea Inc - Child Care Project	✓

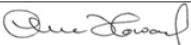


	Strategic Initiatives Manager – Kate Sullivan	✓	External Presenter - Peter Birkett (CEO), Hesse Rural Health	✓
	Coordinator Recreation Planning – Jarrod Westwood	✓	External Presenter - Corporate Services Andrea Dunlop Director Executive Officer, Community Child Care	✓
	Recreation Development Officer -Colette Naufal	✓		
	Manager Environment & Community Safety– Rowan Mackenzie	✓		
	Manager Aged & Family – Robyn Stevens	✓		

MEETING COMMENCED	9.50am	MEETING CONCLUDED	3.48pm
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Matters considered at the meeting (or attach agenda)
External Presentation 1 - Winchelsea Childcare Provision – Hesse Rural Health Services
External Presentation 2 - Peri Urban Group of Rural Councils – New Councillor Group
1. Confirmation of Council briefing Minutes – 7 & 14 February 2017
2. Conflicts of Interest
3. Review - Joint Use Agreements - Project Initiation
4. Alcoa Anglesea Update - Presentation
5. Exemption from Completing Register of Interest Returns
6. January 2017 Monthly Finance Report
7. Budget Briefing #5 - Kinder Fees and Other
8. Section 86 Instrument of Delegation Review
9. Djila Tjarri Park Operational Learnings
10. Program Status 28 February 2017 - Presentation

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		

Responsible Officer Signature:  **Print Name: Anne Howard**

Date: 8 March 2017

To be completed on conclusion of session and provided to Governance Administration Officer.

General Information:
 An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -
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 (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
 • The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
 • The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
 • A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
 • A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

6.1 Assemblies of Councillors

APPENDIX 6 ASSEMBLY OF COUNCILLORS - COUNCIL BRIEFING - 14 MARCH 2017




Assembly of Councillors Record

Description of Meeting: Council Briefing Meeting
Responsible Officer: General Manager Governance & Infrastructure – Anne Howard
Date: 14 March 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	External Presenter - Geelong Chamber of Commerce – CEO Bernadette Uzelac, Jodie Keating – Membership Services Manager	✓
Cr. David Bell	X	General Manager Governance & Infrastructure – Anne Howard	✓	External Presenter - Sally Canobi - Senior Consultant, Dyson Consulting Group	✓
Cr. Libby Coker	X	General Manager Environment & Development– Phil Rowland	✓		
Cr. Martin Duke	✓	General Manager Culture & Community – Chris Pike	✓		
Cr. Clive Goldsworthy	✓	Team Leader Governance - Danni Vasiloski	✓		
Cr. Rose Hodge	✓	Manager Business Improvement – Brendan Walsh	✓		
Cr. Carol McGregor, Deputy Mayor	✓	Manager Governance & Risk – Wendy Hope	✓		
Cr. Margot Smith	✓	Manager Finance – John Brockway	✓		
Cr. Heather Wellington	✓	Senior Planner – Ben Schmied	✓		
		Project Officer Economic Development & Tourism – Jodie Keating	✓		
		Coordinator Statutory Planning – Michelle Watt	✓		
		Coordinator Strategic Planning Karen Hose	✓		
		Senior Strategic Planner - Jorgen Peeters	✓		
		Manager Economic Development and Tourism – Matt Taylor	✓		
		Manager Community Relations – Damian Waight	✓		
		Manager Recreation & Open Space Planning – Shaan Briggs	✓		
		Coordinator Communications and Community Relations - Darryn Chiller	✓		
		Project Manager – Capital and Operational Projects – Susan Green	✓		
		Manager Aged & Family – Robyn Stevens			
		Team Leader Youth Development – Blake Edwards			
		Business Improvement Officer - Trevor Britten			

MEETING COMMENCED	10.10am	MEETING CONCLUDED	3.20pm
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Matters considered at the meeting (or attach agenda)		
External Presentation 1: Geelong Chamber of Commerce		
External Presentation 2: Positive Ageing Service Review – Presentation by Dyson Consultant Group		
1. Confirmation of Council Briefing Minutes – 7 March		
2. Conflict of Interest		
3. Review - Council Payments to External Parties - Presentation		
4. Quarterly Report Outlining Councillor Allowances and Expenses		
5. Budget Briefing #6 - Program Carry Forward and 2017/18 Spend		
6. Waiver of Planning Fees for Community Groups - Presentation		
7. OA2558 - Amend a Section 173 Agreement: 23-79 Bambra Road, Aireys Inlet		
8. 16/0402 115 Bimbadeen Drive Fairhaven and 23-79 Bambra Road Aireys Inlet - Re-Subdivision of the Land (Boundary Re-alignment) and Variation of Restriction		
9. Planning Scheme Amendment C114 - Spring Creek Precinct Structure Plan		
10. Rip Curl Pro Rising Star Award Naming - Presentation		
11. Advocacy Priorities Update including MAV State Council and ALGA Assembly Motions		
12. Submission to the Victorian Opposition Population Taskforce		
13. Torquay Multipurpose Indoor Stadium - Presentation		
14. Youth Services Update - Presentation		
15. Proposal to Lease Council Land - 2 Quay Boulevard Torquay		
Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil Declared		
Responsible Officer Signature:		Print Name: Anne Howard
		
Date: 15 March 2017		
To be completed on conclusion of session and provided to Governance Administration Officer.		

General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
 - (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
 - The CEO must ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending the meeting, the matters considered at the meeting, and any conflict of interest disclosures made by a Councillor attending [s.80A(1)].
 - A Councillor must disclose the conflict of interest either immediately before the matter is considered, or where the Councillor realises he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware he or she has a conflict of interest [s.80A(4)].
 - A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

6.1 Assemblies of Councillors

APPENDIX 7 ASSEMBLY OF COUNCILLORS - COUNCIL PLAN WORKSHOP - 15 MARCH 2017



Assembly of Councillors Record

Description of Meeting: Council Plan Workshop
Responsible Officer: General Manager Culture & Community – Chris Pike
Date: 15 March 2017
In Attendance: Yes (✓) No (X) N/R (Not Required)

Councillors		Officers		Others	
Cr. Brian McKitterick, Mayor	✓	Chief Executive Officer - Keith Baillie	✓	Chad Foulkes – Director - Liminal by Design	✓
Cr. David Bell	X	General Manager Governance & Infrastructure – Anne Howard	✓		
Cr. Libby Coker	X	General Manager Environment & Development– Phil Rowland	✓		
Cr. Martin Duke	✓	General Manager Culture & Community – Chris Pike	✓		
Cr. Clive Goldsworthy	✓	Coordinator Governance and Corporate Planning - Danielle Foster	✓		
Cr. Rose Hodge	✓	Project Manager - Capital and Operational Projects - Susan Green	✓		
Cr. Carol McGregor, Deputy Mayor	✓	Coordinator Communications and Community Relations - Darryn Chiller	✓		
Cr. Margot Smith	✓				
Cr. Heather Wellington	✓				

MEETING COMMENCED	8.00am	MEETING CONCLUDED	11.00am
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Matters considered at the meeting (or attach agenda)
1. Council Plan Development - Summary of Seek Phase Engagement and further drafting of the plan

Councillor/Officer Declarations of Interest		
Councillor/Officer	Left Meeting (Yes/No)	Type & Details of Interest(s) Disclosed
Nil declared		

Responsible Officer Signature:  **Print Name: Chris Pike**

Date: 16 March 2017

To be completed on conclusion of session and provided to Governance Administration Officer.

General Information:

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -

- (a) the subject of a decision of the Council; or
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee— but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;
- The CEO must also ensure that the written record of an assembly of Councillors is kept for 4 years after the date of the assembly, and made available for public inspection at the Council offices for 12 months after the date of the assembly [s80A(2)].
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- A Councillor attending an assembly of Councillors must disclose a conflict of interest and leave the assembly while a matter is being considered, if he or she knows that the particular matter is one that if it was to be considered and decided by Council, he or she would have to disclose a conflict of interest* under the Act [s.80A(3)].

7. URGENT BUSINESS/PETITIONS/NOTICES OF MOTION

Nil

8. CLOSED SECTION

Recommendation

That Council pursuant to section 89(2)(h) other matters, section 89(2)(g) security of council property and section 89(2)(d) contractual matters of the Local Government Act 1989, close the meeting to members of the public to resolve on matters pertaining to the following items:

- 8.1 **Assemblies of Councillors - Confidential**
- 8.2 **Sale of Land - Moggs Creek**
- 8.3 **Award of Contract - Managed Print Services**
- 8.4 **Rising Star Surfing Award Naming**

Recommendation

That:

1. The resolution and report pertaining to Confidential item 8.1 remain confidential.
2. The resolution and report pertaining to Confidential item 8.2 remain confidential.
3. The resolution and report pertaining to Confidential item 8.3 remain confidential.
4. The resolution and report pertaining to Confidential item 8.4 remain confidential.
5. Council open the meeting to the public at pm.

Close: There being no further items of business the meeting closed at pm.