



captioningstudio.com | bookings@captioningstudio.com

Draft Transcript

Surf Coast Shire Special Meeting of Council
for Hearing Submissions

Video Conference

Tuesday, 7 July 2026

6:00pm

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

MAYOR STAPLETON: Good evening. Apologies for that short delay. We were just dealing with some technical issues but great to see everyone here. I'd like to welcome everyone watching the Special Council Meeting this evening. My name is Councillor Libby Stapleton and I'm the Mayor of the Surf Coast Shire. This meeting is being livestreamed, so a big welcome to all of those tuning in online and, of course, welcome to my fellow Councillors who are able to join us this evening.

I'd like to acknowledge that I'm joining this meeting from Wadawurrung Country and pay my respects to Elders past, present and emerging, and also acknowledge that the Surf Coast Shire municipality includes the Traditional Country of the Gadubanud and Gulidjan people of the Eastern Maar Nation, where some of you may also be joining from this evening. Surf Coast Shire Council is committed to walking with Traditional Owners on a reconciliation journey that recognises and celebrates culture and the unique land, sea and waterway Country of the Surf Coast. I would also like to acknowledge any Aboriginal people viewing this meeting tonight.

The purpose of tonight's meeting is to hear from those who wish to speak to their written submissions regarding Planning Application PG26/0003 for 2 Sands Boulevard, Torquay. To facilitate public access, this meeting is being livestreamed and the recording will be available on Council's website to watch afterwards. If a submitter does not wish to be video recorded, it is their responsibility to turn off their video and just use the audio only. Live captioning will accompany the livestream.

So the following procedures will apply during this meeting. Each submitter who has registered to speak will be admitted into the meeting...(audio stops).

CR PATTISON: Looks like they might be having some technical difficulties. I imagine our Governance team are sorting that one out. (Pause).

MAYOR STAPLETON: We're having all sorts of issues this evening. Apologies about that. I am back. The old internet in Aireys Inlet isn't always the most reliable. But getting back to the process, so the following procedures will apply during this meeting. Each submitter who has registered to speak will be admitted into the meeting and given five minutes to present their submission, and when the timer on the screen reaches five minutes, you will need to stop your presentation. The timer will turn orange when you have one minute left, just as a bit of a warning, and then red when there is 10 seconds remaining. Any requests for additional time will need to be made through me as the Chair. Following your submission, Councillors will be given an opportunity to ask any clarifying questions directly related to your submission, if that's needed. In the interests of time, if there are any questions, we will need to keep them brief so that we can move through all the submitters in a fair way.

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

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

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

I will now recite the Pledge as a sign of our commitment. 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.

I do have two apologies for this evening's meeting from Cr Phelps and Cr Barker. Can I please have a mover and a seconder to accept those apologies? Cr Schonfelder, thank you, and seconded by Cr Walker. And all those in favour? And that's passed unanimously. Thank you, Councillors.

And just checking if there are any conflicts of interest? So if a Councillor or an Officer has a conflict of interest in relation to the item on tonight's agenda, they must declare it now and do so again just prior to the item being discussed, which would be now. They will be requested to leave the meeting and, if the matter is resolved, they'll be asked to return to the meeting. Are there any declarations of conflict of interest in relation to tonight's agenda? No. Thank you. And if any conflicts arise during the meeting, please just make them known to me.

So we will now move on to the submissions. There were 169 submissions received in relation to application PG26/0003, which is for the amendment of the Sands Comprehensive Development Plan, and we have 13 submitters, including the applicant, who have requested to make a submission with their presentation to Council tonight.

So our first speakers will be Don and Bev Plowman. Could Don and Bev please be admitted into the meeting. Hi, Don and Bev. If you could turn your audio on or turn off your mute, and if you are happy to be seen, you can turn on your camera as well. Thanks, Don. Thank you. We've got you there. Welcome, Don and Bev. So please go ahead and present your submission when you're ready. Excuse me, Don. We're not getting any audio from you. Do you want to try that again? I might ask Governance to pop you back into the presenter's room and they can sort that out with you. We'll move on to the next one and come back to you. Thanks, Don.

So next up we will welcome John Rantino into the meeting. If Governance could please let John in. Hi, John. If you can hear me, please take yourself off mute and you can turn on your camera if you're happy to.

JOHN RANTINO: I've just pressed the unmute button. I can't find the camera. So if there's a special --

MAYOR STAPLETON: There should be a video next to the audio button, John.

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

JOHN RANTINO: Yes, your Governance people have just helped me with that, thank you.

MAYOR STAPLETON: Good job. Welcome, John, and thanks for taking the time and for your patience. I know it's been a bit of a rocky start with our tech, but thanks for being here and please go ahead and make your submission as soon as you're ready.

JOHN RANTINO: Thank you, and apologies if I appear that I'm looking down. I am reading from some notes.

MAYOR STAPLETON: That's fine.

JOHN RANTINO: My wife and I live at 35 Links Drive in the Sands. It is our principal place of residence, and so we are, therefore, materially affected by the application to amend the Comprehensive Development Plan. In separate submissions, my wife and I comprehensively set out why we say the application to amend the development plan lacks planning merit. We understand that Council Officers will present the entirety of our submissions to Council when it's time to make a decision. Others have done the same and others will do so again tonight.

We would contend that when Councillors come to critically analyse the application, it will see that the applicant has presented no submission and no evidence to suggest that the currently-approved Comprehensive Development Plan is not achieving the planning policies of the Surf Coast Shire and that, fundamentally, the only reason that the application to amend the Comprehensive Development Plan is being pursued is so that two planning permit applications can then follow.

With respect to the point I have just made that I wish to make, the first of the two points that I want to emphasise in the five minutes that have been allocated to me: firstly, I am concerned that Councillors may be operating under the impression that the only consequence of amending the Comprehensive Development Plan in the manner sought by the applicant is so that the applicant can and will then pursue two planning permit applications; namely the application to sever off part of the golf course for 21 residential lots and to sever off the Sands tennis court for nine townhouses. I'm concerned that operating under such an impression, there is a risk and a temptation to conflate the planning merits of the application to amend the Comprehensive Development Plan and the merits of the two planning permit applications and that there is a temptation to think that the implications of amending the Comprehensive Development Plan are narrow. I would urge Councillors to distance themselves from that impression because that is not correct. As Officers will advise Council, the truth of the matter is that once Council amends the Comprehensive Development Plan, there is no obligation on the applicant to pursue the two applications. The applicant or any person who acquires the golf course land will be free to pursue any other permit application they choose, so long as the permit application is generally in accordance with the amended CDP.

Now, I have emphasised "or any other person who acquires the golf course land" because we know the applicant is not the owner of the land and we know that the applicant is the administrator of the estate, with the stated intention to sell the land and to maximise the return to the creditors. It's perfectly entitled to do that, of course, but it just serves to highlight that the applicant and who might subsequently apply for the permits are not necessarily going to be the same person and, in all likelihood, won't be the same person. So if the land is sold, a future owner of the golf course would not be bound by any words of comfort or any representations that have been made by the applicant as to how the proceeds of the sale may be applied. But even if the applicant doesn't change, as I've mentioned already, there is no obligation on the applicant to pursue the 21-lot subdivision and/or the nine townhouse application. There would be nothing, for example, to stop a future owner or the current applicant to apply for a 22-lot subdivision and argue that a 22-lot subdivision is generally in accordance with a 21-lot subdivision and, therefore, would be permitted under the amended CDP, or nine townhouses can become ten townhouses, or even if the numbers don't change, the configuration of the lots could change so that whereas we have four lots on a corner, they might be converted to five. So there's every number of permutations that might be able to be pursued, all under the guise, or the applicant's argument, that they would all be generally in accordance with the amended development plan.

Moreover, and if you took it to its natural conclusion, if the application is granted, there would be nothing stopping any one of the 400 lot owners of the residential lots applying for a planning permit to subdivide their property into two or three lots. Now, that may come as a surprise to Councillors but that, in our submission, would be the effect of amending the application in the manner sought by the applicant, and that is because one of the under-emphasised but critical changes that is sought by the applicant is to remove from the Comprehensive Development Plan the maximum numbers that have been determined for single-dwelling residential lots, which is set at 400, and multi-density or medium-density lots, which has been set at 200 --

MAYOR STAPLETON: Excuse me, John. Sorry to interrupt but you have gone over time and I have given you an extra 30 seconds but I'll have to ask you to wrap up there.

JOHN RANTINO: That's the first point. My second point is the power and --

MAYOR STAPLETON: John, sorry, you have used up your five minutes. I'm really sorry about that.

JOHN RANTINO: No, that's fine. I understand the rules.

MAYOR STAPLETON: We really appreciate your comments and I'll just check whether Councillors have any questions they would like to clarify with John. Cr Schonfelder?

CR SCHONFELDER: Good evening. Just very quickly, John, if you would like to go to your second point.

JOHN RANTINO: The second point is comprehensively dealt with in our written submission in any event, Councillor, and it comes to the question of power. We say, if I could be given 30 seconds to answer the question, the way the applicant has put its case is to say that the core document for consideration is the currently approved Comprehensive Development Plan and that Council is free to amend that plan in whatever way it wants. That is not correct. There is another - and the only core document - which is the Golden Beach Concept Plan. That is incorporated into the Scheme. It can't be amended. Any decisions that have been made in the past and any resolutions that a Council make cannot have the effect of changing that document. That document, when used in conjunction with the mandatory controls in the Planning Scheme, dictate that any Comprehensive Development Plan that Council comes to assess must be generally in accordance with that Golden Beach Concept Plan, and, as we say in our submission, that plan is very specific as to the maximum number of single-dwelling lots that can be created and as to the number of median-density lots that can be created, and what the applicant wants to do instead is completely delete that, and we would argue that no-one could be satisfied that that's generally in accordance with --

MAYOR STAPLETON: Sorry, John. We have given you lots of leeway there. Thanks so much, John. We'll leave it there. And if Governance could please admit Justin Miles into the meeting for his submission. Hi, Justin. Thanks for joining us.

JUSTIN MILES: Mayor, Councillors, thank you for the opportunity to speak. It's really hard going second after that. But my name is Justin Miles. I live in The Sands. I'm a member of the golf club and a regular at the restaurant. Tonight I'm asking Council to refuse application PG26/0003 and apply a rigorous policy-based assessment to the related applications which raise significant strategic and amenity concerns. Now, I'm not a planner, a lawyer or an ecologist. I'm a resident who has read the submissions of those who are, and tonight I draw on their findings, together with my point of view.

The Sands was not built as a suburb with a golf course bolted on. It was conceived as one integrated whole - homes, open space, wildlife corridors and golf course, each depending on the others. The parcels of land impacted are not surplus and they're not spare. They are the connective issue that holds the estate together. Remove them and you don't modify the Sands. You change what it is. Many of my neighbours far better qualified than I have lodged detailed objections. Between them, they have found problems that go well beyond general concern - things like, as John pointed out, the law. Two of these applications appear to breach a Section 173 agreement. Under the Planning and Environment Act, if a permit were to breach a registered covenant, Council must refuse it. Yet the application forms themselves state wrongly that no breach is proposed. Are these applications even valid?

The Environmental Management Plan requires the protection of the drooping she-oaks on this site. The applicant's own report proposes removing 18 of them and never once mentions the EMP that protects them. On the Karaaf, the applicant's own stormwater report admits the existing estate is already pushing too much

freshwater into a salt-dependant wetland and harming it. These applications would add more than 20 homes to an already under-pressure stormwater system and to that very same wetland.

And the golf course - and this is a point that is easy to miss - not every resident here is a golfer and not every golfer here is a resident. The two live side by side. And it works beautifully. But this is a fragile balance. This course could never survive on the residents alone. It needs a broad membership drawn from Greater Torquay, Armstrong Creek, the Shire generally and even Melbourne. These members come for the course, its rating, its playability, its feel. These applications scatter house lots through the course. To this point, we have not seen any advice or assessment from any independent expert on what this application does to the course. The applicant simply says the land is not critical. If the course loses its appeal, it loses its members. The very thing CRC is relying on begins to unravel.

On the CRC itself, they have promised \$5 million of reinvestment if this is approved. But the real purpose, buried in the FAQ to their letter to us, is to reduce debt, enabling the sale of the asset within five years. Now, selling more than 20 lots and nine townhouses here raises far more than \$5 million. The balance retires debt. This is not a gift to Sands residents and golfers. It's a debt recovery plan dressed in the language of community. Council is not required to treat it as a planning argument and I ask that you do not.

So one last thought: saying no to this application is a decision. It keeps the Council's planning framework and the Shire's own vision and principles intact. Saying 'yes' is a commitment, and a permanent one. Open space lost to development does not come back and a 'yes' here tells every future applicant in the Shire that a development plan, an Environmental Management Plan, a registered legal agreement can all be set aside when the money is pressing enough. We're asking for a 'no'. We believe it's the right decision and, on the evidence before you, we believe it's the only one you can defend. Thank you.

MAYOR STAPLETON: Thank you, Justin. Do Councillors have any clarifying questions in relation to Justin's submission? No? So we'll wrap it up there. Thanks again, Justin, for your submission, and if Governance could please admit Jess Vaiano into the meeting.

JESS VAIANO: Hello. Thank you very much for having me.

MAYOR STAPLETON: Thanks for joining us, Jess. Please go ahead and make your submission.

JESS VAIANO: Yes. Thank you very much. I'm not going to try to talk to the legalities of the planning permit. I think the previous two presenters have done a very good job of that and certainly were a lot clearer on that than me.

I think I want to talk to the impact this has to people who have purchased into The Sands and the impact it has on why we've actually made those transactions. For

me, I only purchased my property in July 2022. There are people who have put in very detailed submissions who have been in the estate since the start and been residents a lot longer than I have. But the lot I purchased is directly across from one of the lots that is proposing to be developed. Now, I purchased my property for the views, taking into account the zoning of that land in front of me, that it wasn't to be for residential use, that I would maintain park views and golf course views off the property that I purchased. And the property I purchased is in a row of townhouses on Sands Terrace. There are four townhouses on Sands Terrace built directly across from a block where the living is purposely built upstairs, where there are balconies purposely designed to take advantage of the views in front of us, and with residents there that purchased those lots to take advantage of that aspect.

Last year I spent a substantial amount of money on my property recladding it, repainting it, in line with the requirements of the current development plans, seeking approval from Council, making sure it meets all of the requirements of the estate, because that's what you do when you're part of the community that is The Sands. You make sure you align to the aesthetics of the estate.

This request that is now in front of us completely changes that. As it was called out earlier, this is not about improving the estate, the functionality or the amenities for any of the residents. This is purely about changing the purpose of land to drive up the ability to sell and generate revenue. That's not what we're about, and nor does that add value to the many impacted residents that are going to have their properties debt mentally impacted because of loss of views, because of future construction, because of noise works and everything that comes along with losing the facilities that we've all paid good money to be able to take advantage of. So it is not just the environmental impacts. It is the impacts to people's livelihoods to their assets. They may be investments that they're looking on planning on for the future. It may be for future retirement. People may be living there long term. It's different things for different people. But there are many, many residents that are detrimentally impacted and that really needs to be taken into consideration. I will keep it short and brief. I know there's lots of other people who have asked for time to talk and we will run short. Thank you very much for hearing me now.

MAYOR STAPLETON: Thanks so much, Jess, and do Councillors have any questions of Jess? No. So thanks again, Jess. We really appreciate your time. Cheers. And if Governance could please admit Geoff King into the meeting. Hi, Geoff. If you can hear me, if you're able to turn off your mute. We can see you now but we can't hear you yet. There we go. Welcome. Good evening.

GEOFF KING: Mayor and Councillors, thank you for the opportunity to speak. I'll probably be looking down because I'm reading and also probably I'm covering similar points to Jess, so forgive me.

MAYOR STAPLETON: No problem.

GEOFF KING: My name is Geoff King and my wife Kate and I have lived in The Sands for over 17 years. We purchased our home because of its outlook over the

wetlands and golf course and because we believed we were buying into a carefully planned estate with a long-term vision.

The thing that upsets me most about this application is the lack of consideration for the impact on people and the community. The justification appears to be largely driven by a desire to recover debt. We want The Sands to succeed but, sadly, I don't believe the proposal does much to improve the ongoing viability of The Sands resort and provides no obvious benefit to existing Sands community.

First off, I would like to address some practical matters about the quality of the applications that concern me. In the St Quentin report, in support of the amendment, the Clause 56 response refers to important design objectives, such as consideration of the location and nature of adjoining buildings, and also the avoidance of vegetation removal. But there seems to be little care or consideration of these factors. We are directly impacted by the proposal to build townhouses on our rear boundary, so I was particularly concerned by the Clause 55 assessment where it states that the dwellings facing The Esplanade are at some distance from the site in terms of visibility. It's not correct to say that our property is some distance from the site in terms of visibility. The proposal abuts our backyard, destroys our outlook of the golf course, and we would have two-storey townhouses overlooking our backyard. As I said earlier, the assessment lacks adequate care and proper consideration.

Next I'd like to refer to the state's planning guidelines for conversion of golf course land to other purposes, which was issued in 2020. I think this guideline should be used as a good commonsense test for this application. The first step in the guideline is to consider whether the land should be redeveloped and a second is to identify the strategic direction for the site. This application or proposal does not address why the land should be redeveloped or how it would impact the ongoing viability of the business for The Sands estate.

A further step in the process is to develop a land use concept that delivers net community benefit, but to my mind, this has absolutely no community benefit.

Finally, and most importantly, I want to restate what others have said, and that is we purchased in The Sands based on an established planning framework that created a carefully planned integration of the commercial, residential and environmental areas. This integration is further reinforced by the establishment of the estate under an Owners Corporation, which gave residents collective ownership and responsibility of the lakes system. The golf course does not sit in isolation. It relies on the lake system and surrounding land to create the landscape that defines The Sands. The golf course, commercial precinct and residential areas are all part of the same Owners Corporation and all members of the estate share a collective responsibility to uphold what we have created.

A contract of sale for our property included a copy of the Comprehensive Development Plan, which clearly shows our property as having golf course frontage. We've been required to comply with stringent fencing and landscaping and building

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

requirements because we are visible from the golf course, so it seems inconceivable to Kate and I that the golf course land behind us could be developed and destroy that outlook.

For these reasons, I believe the application is inconsistent with the CDP, has not addressed why the golf course land should be redeveloped and would destroy the outlook and amenity of so many residents while undermining the planning framework. I therefore ask the Council to reject the application. Thank you for the opportunity to talk.

MAYOR STAPLETON: Thank you, Geoff. Do Councillors have any clarifying questions for Geoff? Cr Pattison?

CR PATTISON: Thank you. Geoff, I noted in your submission that you also put forward that you talked about a private sewer connection. I was wondering if you could explain a little around your concerns with regards to that aspect to your submission?

GEOFF KING: Thank you for the opportunity. Yes, so The Esplanade, strangely, has a private sewer and, therefore, the residents on The Esplanade pay an extra levy for the maintenance of that private sewer, and the way it's described - I mean, it's private; I guess ownership is a little bit unclear but the Owners Corp is responsible for it. So the important thing is access isn't automatic. It's a private sewer. So the townhouses as proposed can't automatically assume they can use it. And obviously - well, I for one, and most of the residents, wouldn't support connecting to it because it's not designed for - it's designed for the houses that are existing now, not more.

MAYOR STAPLETON: Thanks, Geoff. Any other Councillors? No? OK. We'll leave it there. And thanks again for your time, Geoff.

GEOFF KING: Thank you.

MAYOR STAPLETON: Cheers. And could Governance please admit Anne Stout into the meeting. Hi, Anne. We can hear you, I think, but we can't - there you are. Hello.

ANNE STOUT: Hello.

MAYOR STAPLETON: Thank you so much for joining us.

ANNE STOUT: Thank you, Mayor and Councillors. And thank you very much for the opportunity to speak today. My name is Anne Stout and my husband, Daryl, and I are residents at 5 Shell Place in The Sands. Our backyard is actually the first tee of the golf course so we've got this amazing view. We can watch people tee off, and sometimes their shots are good and sometimes not so good but we're not here to talk about that. But like Jess, if this CDP amendment goes through and the planning permits that are subsequent to that, there would be three lots. Can you imagine

three lots just out the front of the first tee and across from the golf club? I mean, that's incredible. What damage would that do to the estate and the look and the appeal of the golf course?

But what I wanted to do was acknowledge the important work you do do. I know sometimes it can be probably a thankless task and lots of hours, so thank you. I wanted to begin with the words from the Surf Coast community vision and, Mayor, you also touched on this with the Councillor Pledge: we will leave the Surf Coast Shire better than we found it. That's the test that I want to ask you to apply to this submission. Will the amendment leave The Sands, Torquay, and the Surf Coast better than we found it? I respectfully submit that it won't.

The primary issue, I believe, before Council is not whether development can occur. The issue is whether Central Real Capital, as the applicant, has demonstrated that changing the CDP will deliver a better planning outcome than the one Council has already approved. That is the critical point. The Sands was not approved as a blank canvas to be revisited parcel by parcel. It was approved through this CDP that deliberately balanced homes, golf course land, open space, landscape character and environmental values that are so dear to our region. Some land was to be developed, and it has been, and some land was to remain open. That's a really critical point. That balance was the foundation of this current plan. The open land around the golf course was never surplus land. It was never meant to be. It's part of the structure and the green space and the promise of The Sands. It provides the openness, character and connection to nature that residents, visitors and future generations should be able to rely on.

It also performs the role of community open space. The green landscape around the golf course is the breathing space. Once that land is developed, it cannot be replaced. Once Council accepts that land identified in a CDP as open space or golf course land can later become housing, the integrity of the whole plan is weakened. It falls apart. It sets a precedent. The vision becomes negotiable, the boundaries become flexible and the precedence is set. I know I have already said that but I can't stress it enough. And that should concern every Councillor because it concerns every resident on the estate, because planning really depends on trust, and trust that approves plan means something, trust that strategic frameworks endure, and trusts that open space and environmental commitments are not gradually traded away when development pressure arises.

The environmental consequences also matter. These areas support kangaroo movement. Every day I see kangaroos flowing through the golf course. They use The Sands Boulevard as their corridor to pass through. If we block that with these three housing lots, where are they going to be? They're going to be displaced onto the roads. So every decision should strengthen these commitments, not slowly erode them. So the question is not whether more houses can fit. The question is whether this amendment creates a better outcome than the CDP already provides.

So I wanted to ask four questions: does it create more open space? No. Does it strengthen environmental protection? No. Does it improve planning certainty? No.

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

And does it better honour the original vision for The Sands? No. So, Councillors, if the answer to these questions is no, then the responsible decision is also no. Thank you for your time.

MAYOR STAPLETON: Thanks so much, Anne. Much appreciated. And do Councillors have any questions for Anne? Cr Schonfelder? You're on mute, Cr Schonfelder.

CR SCHONFELDER: Thank you for your submission, Anne. I just wanted to doublecheck with you: the wildlife corridors, how often do you see the kangaroos, how often do you see wildlife like wombats and birdlife, in those open spaces and corridors? Is it daily?

ANNE STOUT: I don't see wombats. Others might. I have never seen - we actually have a Facebook site for The Sands community, and every day people are posting photos of the beautiful kangaroos and the wildlife. You'll hear later from Andy, who is one of our residents, and one day I posted a photo of these amazing parrots - I probably got that wrong - but some beautiful birds on our balcony and he contacted me and said, "I think these are protected. Can you send me more photos? I'm going to look into it", and sure enough, he looked into it. But pretty much every day, I see kangaroos. There are mobs of kangaroos. They've recently had babies, and they graze. They graze all the way through the whole golf estate and they move around. They move around frequently. I see a tracker, or whatever they're called - like, one kangaroo that goes ahead of time. So one day I'll see one kangaroo out the backyard first tee, and the next day there will be seven or eight of them because that kangaroo has looked out for the family and said, "Yep, that's a great place to graze". We see them regularly crossing over The Sands Boulevard. For those that have done a site visit, they hop through that green space that is proposed to be a building lot, where the children actually play outside the golf club, and they hop through there. And they do it very quickly and all the residents slow down in their cars and stop and wait respectfully for them pretty much every morning. Hopefully that answers your question.

MAYOR STAPLETON: That's great. It's a very comprehensive answer. Thank you so much, Anne, and we'll wrap that up there. I don't think there's any other questions? No. And thanks again for your time, Anne.

Next up we have Paddy Handbury. So if Governance could please admit Paddy into the meeting. Paddy, if you're able to turn your audio on. There you go. Good to see you. Thank you for joining us.

PADDY HANDBURY: Thank you very much, Mayor and Councillors, for allowing me to present to you this evening. You would have already received a detailed submission for this application from our lawyers, Planning and Property Partners. So I'll leave that with you. And I would like to present to you tonight on my behalf, but also on my wife's behalf, as the original developers and the original owners of The Sands golf course and hotel.

Our vision was simple, and it was to create a precinct in Torquay - the best precinct in Torquay - and we were determined to ensure that we fully considered the environmental values, the wetlands, the coastal character, and that it was in sympathy with the local native landscape. This included working closely with the Council through the planning process to ensure that we met their obligations and that we got the optimum balance between residential and open space, building guidelines, landscape guidelines, streetscape and the capping and the rehabilitation of the Council public tip.

An integral part of the planning and our vision was to ensure we integrated the residential with the golf course through the establishment of land parcels throughout the estate, and these were to create visual corridors through the built form to the golf course, to the lakes and to the coastal environment. It was to create streetscape openness and essential breaks in the housing. It was to create landscape habitat and throughways for wildlife and native birds that are bound on the estate.

Arriving at the 400 housing and 200 medium- density entitlements wasn't arrived at by fluke. It was a considered decision by the Council and that it was the right number and the right mix for The Sands. We then sold these lots to individuals in good faith, that what they were buying is what they were getting; in other words, they would not have their amenity or view built out in the future. I think that we and the Council got it right and I'm very proud of the development that we've created.

So what has changed since the original planning approval? The available land allocated in the plan for residential and medium-density development has been exhausted. The estate has matured into a truly wonderful place to abide in. North Torquay has dramatically grown in size, placing enormous pressure on the Karaaf Wetlands native vegetation. The hotel golf course was a profitable business prior to its sale. The management of the hotel by the past two owners has seen it become unprofitable. Opportunistic borrowing and lending practice see the golf course hotel control now reside with Central Real Capital.

So what is needed from here on? This application should be rejected by Council. One more roof or road is too much for the Karaaf Wetlands. We need to ensure that the land parcels throughout the estate remain to ensure its integrity. The Council role is not to appease businesses that make bad commercial decisions, and allowing this application will not resolve the future of The Sands Torquay. CRC need to ensure that the management is put in place to see The Sands return to profitability, or sell it as it is and let a new owner do the hard yards of returning it to profitability.

For us personally, we chose the last lot on The Esplanade with the belief it would never be built out. We built our house with consideration for our neighbours, for our neighbours' views, and we built it to take in the view directly east of us. We are now faced with an application for a residential block to be created directly in front of us that will be on an existing flood line, on golf course land and cause significant destruction to the native bushland that will see our amenity or view dramatically compromised. In conclusion, to accept this application to amend the CDP and move the goalposts now would be, in our view, morally bankrupt. Thank you.

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

MAYOR STAPLETON: Thank you very much for your submission, Paddy. We have a question from Cr Pattison for you.

CR PATTISON: Thanks, Paddy, for your submission. I may have missed it at the beginning but can you explain the context of your submission, your initial involvement in The Sands Development?

PADDY HANDBURY: Yes, Councillor. We were the owners. We were the joint owners with a Malaysian family that did the development just down the road, and we were involved with them and we were pretty much the managing partners of the development.

CR PATTISON: Thank you. So that's the context that you're giving when you're talking about the vision of the estate and the like. I thought that was the case but I just wanted to clarify that. So I appreciate that.

PADDY HANDBURY: Yes. We did put in a detailed submission but I felt that it was - I felt it was important for the Councillors to hear the vision and the journey that we've gone through to get to where we are today.

CR PATTISON: Thank you.

MAYOR STAPLETON: Thanks, Paddy. And Councillor Bodsworth?

CR BODSWORTH: Thanks, Paddy, for your submission. When I look at the original Golden Beach Concept Plan, there are essentially rows of housing lots, and those rows have got gaps in them. Some of those gaps are proposed to be the site of some of the new proposed housing lots. Have you got any comments, given your long association with the site, about the purpose of those gaps being in the original concept plan?

PADDY HANDBURY: It was to break up - there were a number of reasons. It was to break up the density of the housing, I guess, so you've got breaks along down the road. You would be driving down and you'd see a break and you'd be able to see through that to the golf course and to the wetlands. And it was also for the amenity of the people who lived there. Some of them have actually got seats in them. And I think also it was also envisaged that we would see the native habitat or the native - would be able to move around through it.

CR BODSWORTH: Alright. Thanks, Paddy.

MAYOR STAPLETON: Thanks, Paddy. It looks like we'll leave it there and, again, really appreciate you taking the time to make your submission to us.

PADDY HANDBURY: Thank you.

MAYOR STAPLETON: Cheers. And Governance, I understand that Don and Bev

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

Plowman have now re-joined, so if we can welcome them back into the meeting and hopefully Don's audio is all sorted. Hi, Don. I can see you've joined. If you're able to try to take yourself off mute and turn on your camera again, we'll take two. We can hear you.

DON PLOWMAN: That's good news.

MAYOR STAPLETON: Yes, great. Well done.

DON PLOWMAN: Just pressing buttons on an iPhone is always a dangerous thing. Hopefully you can see me as well.

MAYOR STAPLETON: We can see you and we can hear you very clearly.

DON PLOWMAN: OK. First of all, apologies for that messing around at the start. I appreciate the fact that the Mayor and Councillors are going through a lot. I'm just going to cut my original presentation down a little bit shorter because I think many of the points that I wanted to make have been covered more than adequately by a number of the speakers already. First of all, just to introduce ourselves, Bev and I purchased in The Sands in 2008. We built a house in 2009. We live at number 5 Chart Hills Place, which is opposite what is now the tennis courts on the western side of The Sands Boulevard because our house also fronts The Sands Boulevard. Currently, we look across at the very top of the tennis courts but mostly we look at trees and bushes and native vegetation.

Why did we move there? At the Surf Coast Torquay Sands, we had holidayed for 40 years along the Surf Coast at various locations. We thought Torquay suited the retirement lifestyle that we wanted to have, as well as the family issues for our grandchildren, et cetera. Before purchasing in 2008 and 2009, we looked at the Comprehensive Development Plan. I think Paddy has talked about that pretty eloquently and why he did it and how it went about. We looked at the planning controls. We looked at what the agreements were on our site, on our title. So for all of that, before we made what was for us a really large financial decision, we wanted it based on fact and on documents, and we did that.

Clearly, The Sands interface others have talked about in terms of the Moonah Woodlands, the Karaaf Wetlands - the impacts of this on all of those is quite obvious to perhaps everybody but the applicant. I mean, really this amendment moves us substantially away from the vision that Paddy just so eloquently explained.

In terms of the tennis court precinct itself, as was described earlier by I think Geoff, it's going to completely change the entrance to the estate and turn it into quite a different entrance. The Sands Boulevard won't be a Boulevard anymore. It will just be another street, with very little to differentiate it from other parts. I won't go into too much more because I think many of these issues have been covered and I want to give you back some time. I think like others have said, critically, this amendment sets a precedent. Community land, open space becomes residential allotments. The integrity of the whole vision, as espoused by Paddy, is obviously completely

eroded. I mean, I accept growth is inevitable. You know, things change, people move on, issues change, people change houses, people move houses, all of those things, but this shouldn't be a planning amendment being driven by others' past poor investment decisions. I think again Paddy summed that up pretty adequately. Therefore, from Bev and my perspective, I respectfully ask the Council to reject the application and, if they were to go ahead, then obviously the subsequent applications also recognise the vision that was originally thought of for the estate. With that, I'll say thank you to the Council and hopefully give you back some time.

MAYOR STAPLETON: Thanks so much, Don. Really appreciate you making the effort to rejoin as well. Do any Councillors have any clarifying questions? No? So we'll leave it there. Thank you so much, Don. Appreciate it.

DON PLOWMAN: Thank you.

MAYOR STAPLETON: Next up, we welcome Maggie Juniper, if Governance could please let Maggie into the meeting. Hi, Maggie. If you're able to turn off mute and turn on your video, we can say hello. Hello.

MAGGIE JUNIPER: Hello.

MAYOR STAPLETON: Thanks for joining us, Maggie. Please go ahead and make your submission when you're ready.

MAGGIE JUNIPER: Great. Thank you, Mayor and Councillors, for this opportunity to speak to my written objection. My husband and I built a house at The Sands in 2006 and I'm also a long-term member of the golf club. We certainly appreciate living in this well-designed estate with its sense of spaciousness, visual amenity, open and treed landscapes, and wildlife.

As you've heard earlier tonight, The Sands does have a complex layering of planning and property controls. The Comprehensive Development Zone Schedule 2 specifies all use to be in accordance with the Environmental Management Plan. An approved Comprehensive Development Plan subdivision is required to be generally in accordance with the Plan and there are also detailed built form standards for single dwellings, noting that the majority of houses that have been built at The Sands were required to meet the former building and environmental code that was in place at the time and that was administered by The Sands Architectural Review Committee.

All lots are bound by a Section 173 agreement and all lots are also within Owners Corporation 1 and bound by the OC Act and its adopted rules. The key responsibility of the OC is the maintenance of the residential lake systems and the common property and also includes public liability insurance. All lot owners support this obligation by payment of an annual fee. So there is quite a clear and planned integration of both commercial and residential land areas, the waterways and the environmental areas of the estate, and this is reflected in The Sands Torquay Comprehensive Development Plan. So the plan can be amended by Council but the key thing is that Council must be satisfied that the changes will be generally in

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

accordance with the plan.

As you have heard this evening, the amendment proposes to expand areas of residential use and development into areas that are currently identified as golf course, with the purpose to ultimately enable future residential subdivision. I consider that the changes are quite a significant and material departure from the original Master Plan and obviously the approved Comprehensive Development Plan, so I don't believe the amendment can be considered as generally in accordance with the plan.

One of the key aspects or key detrimental aspects of the amendment would be that it would convert areas of the golf course that was intentionally to be retained as open landscape space and it would also disrupt key design elements of the estate. I think as you heard from a former speaker, Mr Paddy Handbury, there was a deliberate push to have a good integration between built form and landscape. There were view corridors and vistas. In the planning of the estate, there were strong relationships between residential areas, the golf course, wetlands and the coastal environments. Importantly, landscape corridors and open space pockets were provided in the streetscapes.

I suppose the greatest concern for a number of residential property owners is the loss of their immediate golf course frontage. These houses were designed to take advantage of visual amenity and outlook and typically feature large viewing windows and decking. So the loss will be substantial. I point out that the Section 173 agreement requires construction of low, open rod-type fencing on the boundary with the golf course, and so the Section 173 agreement does support the relationship between developed lots and the extended vistas to the golf course. I have noted the St Quentin report suggested that the amendment to the plan to enable the concurrent subdivision and development applications to proceed - they said it was only a case of relative minor spatial changes only. So I think this is incorrect. The plan is detailed and precise. It certainly sets out the extent of the residential and medium density areas and the extent of the golf course frontage --

MAYOR STAPLETON: Maggie, I'm sorry, I'm going to have to interrupt you there because we've gone well over time. But thank you so much for your submission and I'll just check whether any Councillors have got any questions before we -- Cr Pattison?

CR PATTISON: Thank you, Maggie. You have touched on a few different areas that you think will have significant change as a result of the application. I was just wondering if there's one particular aspect that you felt was the most significant impact?

MAGGIE JUNIPER: Look, possibly two. I think the most significant impact is for those people that bought into the estate with golf course frontage and developed their houses accordingly and in accordance with the Code that applied at the time. So that's going to be a very significant loss for them and it is a substantial loss and impact.

MAYOR STAPLETON: Thanks, Maggie. Did any other Councillors have questions? No. So we'll say farewell and thank you again, Maggie, for taking the time to come and speak to us this evening.

MAGGIE JUNIPER: Thank you.

MAYOR STAPLETON: And could Governance please admit Darren Noyes-Brown into the meeting. Hi, Darren. You're a bit foggy there.

DARREN NOYES-BROWN: Sorry about that. Can you hear me?

MAYOR STAPLETON: Very good, and now we can see you as well.

DARREN NOYES-BROWN: Thank you. I just have to get the lighting right here. Thank you very much for hearing us speak. I hope I can see my notes in this report. Anyway, I'm representing Surf Coast branch of Surfrider Foundation today. I am a civil engineer with a sound understanding of stormwater drainage and I also should just point out for context that I am an administrator of the Save the Karaaf Wetlands Facebook page, I'm also a member of the Council's Karaaf Wetlands Community Reference Group and I am the current Chair of that group.

I won't repeat a lot of what we've got in our submission but I want to highlight our main concern, which is the stormwater drainage impacts on the Karaaf and the number of concerns about the ongoing impacts that might occur from stormwater on the Karaaf. So in my role in the Community Reference Group for the Karaaf, we've been working with Council on the current project, which is to divert stormwater away from the Karaaf into Deep Creek. Now, the initial consultant for that project said that with the first stage of that work, about 34% of the stormwater could be diverted away from the Karaaf. Now that we've gone into the detailed design phase, the second lot of consultants are now telling us that it's only 24% of that stormwater and there's no real plan that I can see for Council to divert the remainder of that stormwater.

The next issue that could potentially affect the Karaaf is the Messmate Road growth area project. Now, we've been told for a number of years that that project will not go ahead if it's going to impact on the Karaaf Wetlands. Now, about a quarter of that precinct naturally drains to the Karaaf, and for the last six months we've been asking questions of Council: how will that stormwater be diverted away from the Karaaf? And the answer has been, "Look, it's all been taken care of, refer to these reports, all the details is in there" and we look in the reports and there's no detail. And then I do a 30-minute assessment of my own as an engineer and work out that - like, we've told it would be a gravity diversion rather than a pumped diversion, and to do it by gravity, the pipe would actually have to be 10m deep, passing through someone's private property in the industrial estate behind Bunnings, on someone else's land that you'd have to establish quite a large or quite a wide easement, which that owner would need to be compensated monetarily to have that easement on their land.

Important notice: This document contains a draft transcript of a live event and, therefore, it may contain errors. The Captioning Studio accepts no liability for any event or action resulting from this draft transcript. This draft transcript must not be published without The Captioning Studio's written permission.

There's been no assessment of that. It took six months to get to the point where we were told by Council that the work hasn't been done. Now, that's a real concern because that would be a really expensive project to do - a kilometre or more length, probably two kilometres, for a pipe that's 10m deep, and it's not on the table at all that we can see, and the developers responsible for Messmate Road would not be aware of that cost. So we're concerned that they could use this as an excuse when the detailed plans come out, "Oh, look, it's too expensive. Can you give us a free pass?" As I've seen Council do before on other projects --

MAYOR STAPLETON: Darren, sorry to interrupt but could I get you to speak specifically to The Sands Development plan rather than the - I understand the connection that you're making with Messmate, but try to keep the focus on The Sands.

DARREN NOYES-BROWN: Yes, OK. No worries. I can't see the timer actually now that I'm in the room.

MAYOR STAPLETON: We've just turned it off so I could speak with you. So if Governance could just doublecheck. About a minute and a half, Darren.

DARREN NOYES-BROWN: No worries. With regard to The Sands, the engineering report refers to a number of ameliorations, infrastructure such as detention, tanks and reuse tanks and infiltration trenches, all on private property. Now, it would be very difficult for Council to ensure that, A, they get built and, B, that they get maintained so that they are fit for purpose and see that they remain in place. It would be very difficult for Council to keep going in and making sure that those pieces of infrastructure remain in place. So we have concerns that there'll be overflows of stormwater in addition to what's already impacting on the Karaaf.

We'd love to see - the planning report actually says that because there's been less hard surfaces constructed within The Sands, they say that can be a reason to justify this extra development that's being proposed on 21 lots or more. We say that with all the various aspects that are potentially going to increase the loads of stormwater on the Karaaf, that we should take any win that we can get and refuse this application. We'd like to see that applications don't get assessed in a silo basis, that there's a more wholistic sort of approach to perhaps having a Karaaf catchment management plan, similar to what the CCMA have recommended on one of the developments adjacent to Deep Creek, but they've said that Deep Creek needs an Environmental Management Plan --

MAYOR STAPLETON: We might have to leave it there, Darren.

DARREN NOYES-BROWN: Alright, no worries.

MAYOR STAPLETON: We are over time but thank you so much for your submission and I'll check whether Councillors have any questions. No? All good. Thanks again, Darren.

DARREN NOYES-BROWN: No worries. Thanks for the opportunity.

MAYOR STAPLETON: And next up we have Paul Martonhelyi, if Governance could please let Paul into the meeting. Hi, Paul. If you can hear me - yes, you've turned on your audio. Good job. And if you're able to turn on your video, if you'd like to. There you are. Good evening, Paul. Good to see you.

PAUL MARTONHELYI: Good evening. Good to see you all again. Thank you for the opportunity to speak to my written objection to the application PG26/0003. This proposal will fundamentally change the character and amenity of our neighbourhood and has caused significant concern among many Sands residents. The central issue before Council is whether this application is generally in accordance with the Golden Beach Concept Plan. In my submission, it is not. The planning history, the Comprehensive Development Plan and the findings of the Amendment R60 panel all demonstrate that the land proposed for development was intentionally retained as open space to protect landscape character, wildlife corridors and visual amenity.

The Surf Coast Planning Scheme Amendment R60 report by the State Government Ministerial Committee was established to deal with objections to the transition from Golden Beach to The Sands at a time of flux and planning rules. It serves to define the nature and form of the estate. It is under threat by the current application. The dwelling numbers decided on by the panel were not arbitrary. They reflect the carefully balanced design that protected open space, landscape, character and important view corridors. Increasing residential yield erodes that balance.

Planning Application PG19/0085 redefined lot S26 from medium density to residential, thereby increasing the total residential number by 8 to 408. I contend that Council erred in approving this application. The current proponent has seized on this error to justify his proposal. If Council relies on previous planning error as justification for this application, it establishes a precedent for further future departures from the approved concept plan. Mr Graham Bentley, whose firm prepared the original concept plan layout, confirmed to the panel that the layout was deliberately site-responsive. Open areas were retained not because they surplus land but because they were integral to the environmental and visual objectives of the estate. Whilst views are not protected by law, the panel directed that views of residents of 5 and 6 Fatima Court be protected. The residents claimed that when purchasing their land, assurances were given that there would be no housing development adjacent to their properties. We, the residents of The Sands, were similarly promised open space amenity, and paid a premium for our land and homes accordingly. Homes adjacent to plots A, K, E, F and G are particularly impacted by PG26/0003. Are we less worthy than the residents of Fatima Court?

I also remind Council of VCAT ruling 990 Healy v Surf Coast Shire Council 2005 that found in favour of the objector for the unreasonable loss of views from a proposed second-storey extension. Our situation is far worse. The application provides little or no demonstrated community benefit for imposing significant and permanent impacts on surrounding residents and the character of the estate. For these reasons, I respectfully submit that application PG26/0003 is not generally in

accordance with the Golden Beach Concept Plan or the planning framework established through Amendment R60. I therefore ask Council to refuse the application. Thank you.

MAYOR STAPLETON: Thank you very much, Paul. Do Councillors have any questions? No? OK. Thank you, Paul. We've leave it there.

PAUL MARTONHELYI: Thank you.

MAYOR STAPLETON: Cheers. Could Governance please admit Andrew McCauley into the meeting. We can hear you now, Andy. Hello, Andy.

ANDREW McCAULEY: Am I there?

MAYOR STAPLETON: You are there. We can see the top of your head.

ANDREW McCAULEY: My focus is really on the Karaaf. I think the Golden Beach Concept Plan and the R60 Advisory Committee - the core of both of those was the environment, and the very sensitive environment in which this estate was developed, and the whole focus is therefore on the density of the estate and all the issues that have been brought up previously. In the initial planning phase, it was all about trying to ensure that the estate did not impact on the Karaaf. Well, it has, and it continues to do so, as we're all aware.

I'd like to point out that in 2019, the Arthur Rylah Institute, which was the research division of whatever it was called then, the Environment Development, found that the Karaaf met all the RAMSAR requirements. It listed it as one of the many things to be added to the RAMSAR site of the Bellarine Peninsula. In 2021, the DELWP then Project Steering Committee recommended it to go ahead. I make this point just because it talks about this piece of land being of international significance, not just local. This is where birds fly from all around the world. So it's a very important piece of real estate, if you like, to protect.

Now, what we know is - what the Council is aware of, I'm sure - that there is a large volume of stormwater. The amount seems to vary from report to report but we know that it's having a significant impact on the Karaaf and we also know that the Stretton Estate and the Dunes as well is continuing to develop. The Dunes is almost finished but, by God, the Stretton has a lot to go. So the amount and volume of stormwater coming down is going to substantially increase. I mean, forget about Messmate, and hopefully that doesn't increase it. But when I had the Feds down here, when we originally made the submission with Joe Taylor, for the funds that the Council now is looking to spend, they were concerned about the groundwater flows down the 16th fairway and the irrigation flows from the flower farm, also impacting the Karaaf. It's a very complex area. Now, it's under stress but I was speaking to your ecologist - God almighty, your memory goes when you get older; today just gone in for treatment actually - but he was saying that he was very encouraged. We had had a dry period before it all got wet about a month ago and it's recovering well. Now, that was fortunate, I guess, given there was about six months where there was a fairly low

rainfall. So the Karaaf is in relatively good nick but at risk. So I just make the point - and it's not only at risk from the volume of stormwater. The stormwater isn't being treated. We know that. We know that the Stretton wetlands are half the size they need to be. The Dunes - God forbid what that is. But that has never worked. I mean, the sediment pit in the Dunes has been blocked for the last six years. The stormwater that goes to the Dunes from the supermarket goes back up the inlet channel and down the bypass channel. That's how most of it gets down to The Zeally Sands wetlands.

So all I'm saying is that there are enough threats for this wetland as it stands and I think that the housing that is being projected to come would add three megalitres, which is my estimate. Now, the Karaaf doesn't need it. It's got enough problems as it is. The Council's taken some issues - hopefully getting some down to Deep Creek. Barwon Water has got a plan to take it out, but (audio drops out) --

MAYOR STAPLETON: Andy, I think your audio has died but, equally, your time has run out so it is probably a suitable time to call it anyway. I don't know whether you have frozen or whether we're just having audio difficulties there. But I'll just double check if Councillors have any questions for you, Andy.

ANDREW McCAULEY: This is (inaudible) to what the Council wants to be as a leader in environmental stuff. So, look, that's the risk and I think it's a risk not worth taking, and this estate certainly doesn't need the extra housing. Thank you.

MAYOR STAPLETON: Andy, I think you might have frozen earlier and missed that you had reached your time limit and we couldn't hear you - just the last 10 seconds or so. We lost your audio, but you were over time by then anyway. So I'll just check if Councillors have any questions for you. No? And thank you, Andy, for making your submission to us in person tonight - well, online.

ANDREW McCAULEY: Thanks for your time.

MAYOR STAPLETON: Cheers. And if Governance could please admit Felicity Fallon into the meeting. Here she is now. Felicity, if you can hear us.

FELICITY FALLON: Yes, I can hear you. Can you hear me?

MAYOR STAPLETON: We can and now we can see you.

FELICITY FALLON: Hi.

MAYOR STAPLETON: Thanks for joining us.

FELICITY FALLON: My pleasure. Good evening, Mayor and Councillors. My name is Dr Felicity Fallon and I live at 19 Sands Boulevard. Firstly, Council is not being asked whether a few extra houses could physically fit inside The Sands. You are being asked whether the legally approved masterplan of the CDP should be rewritten to permit residential expansion on to land that residents, Council and the community

have always understood would remain golf course and open space land. This is not a minor amendment. It is a fundamental change to the structure, character and planning integrity of the estate.

The CDP is not a flexible guideline. It is the binding masterplan and highlighting the balance between residential areas and the golf course land and the maximum dwelling numbers. Residents purchased property, Council made planning decisions and the broader community formed expectations based upon that approved framework. Planning frameworks only retain public confidence when all parties can rely on them remaining stable, unless there is a clear and demonstrable gain for public interest in changing them.

This application seeks residential development on land designated as golf course and open space buffers. It represents a significant departure from the CDP's original intent. A second concern is the absence of any demonstrated strategic need. The application states that the amendment seeks to provide additional supply in order to meet demand. However, no empirical evidence of demand is provided. There is no housing analysis, no demographic modelling, no market assessment and no reference to any adopted Surf Coast Shire growth strategy. In fact, Council's own Urban Futures Framework identifies Torquay North, Torquay Town Centre and Winchelsea as the Shire's growth areas, and not The Sands.

This proposal is not responding to a strategic housing shortage. It is a site-specific intensification request that would allow additional residential yield on land previously allocated for other purposes. When Council is asked to depart from an endorsed masterplan, the justification must be compelling and clearly in the broader public interest. That threshold has not been met. The application effectively asks Council to set aside an endorsed strategic framework without providing the evidence normally expected to justify such a departure.

My third concern relates to the loss of golf course and open space land. The golf course is not incidental to The Sands. It is the organising element of the entire estate. Open vistas, landscape buffers and separation from built form and golf course land are fundamental to the character of the community. No single parcel is the issue. The issue is the repeated conversion of golf course and open space land for residential use, resulting in the gradual erosion of the very feature that defines The Sands. What matters is not the size of the area affected today but the loss of land that was expressly reserved for golf course and open space purposes.

I am also concerned about precedent. If Council approves the conversion of these golf course and open space areas to residential development, it becomes increasingly difficult to resist similar proposals in the future. The integrity of a masterplan community depends on confidence that endorsed plans will be respected and maintained over time. Once golf course land is reclassified as residential, the original structure of the estate is permanently altered. More importantly, approval would signal that land use designations within the CDP are negotiable rather than enduring. That outcome would weaken confidence in the planning framework far beyond this individual application.

Finally, I ask Council to consider whether this amendment delivers any genuine benefit to the community. The proposal delivers a private development benefit through additional residential yield, but it does so at the expense of open landscape areas that contribute to amenity, environmental values and the identity of The Sands. No strategic need, evidence of demand or net community benefit has been demonstrated.

For these reasons, I respectfully state that PG26/0003 is inconsistent with the intent of the CDP, lack strategic justification and would undermine the long-term character and sound planning principles of The Sands estate. Approving this application, despite these unresolved strategic, environmental, infrastructure and Governance concerns, would create avoidable legal, procedural and reputational risks for Council and would undermine confidence in the integrity of its decision making. I therefore ask Council to uphold the integrity of its planning framework, protect the interests of existing residents and refuse application PG26/0003 and to apply the same rigorous policy-based assessment to the related applications 26/0006 and 26/0007, which raise the same strategic and amenity concerns. Thank you.

MAYOR STAPLETON: Thank you, Felicity. Do Councillors have any questions? No. Very thorough. Thank you. And we've leave it there. Thanks, Felicity.

I'll now ask Governance to let Alan Blackman and Tony Denny into the meeting. Alan and Tony are presenting on behalf of the applicants, Central Real Capital, CRC, and while they are being let into the meeting, just to remind everyone that, as the applicants, they are given 10 minutes to make their presentation. So, Alan, I can see you're on the screen. If you're able to turn off mute and turn on your video, we can say hello.

ALAN BLACKMAN: Can you hear me, ladies and gentlemen?

MAYOR STAPLETON: We can hear you, Alan. We can't see you at the moment but we can hear you.

ALAN BLACKMAN: I'm having a bit of trouble turning on my camera.

MAYOR STAPLETON: There should be a video option down next to the audio. There you are.

ALAN BLACKMAN: OK. Thank you. Thank you, Mayor. Thank you, Councillors. I appreciate the time you've taken tonight to listen to the submissions and it has been a long evening. My name is Alan Blackman. I'm the Senior Development Manager for Central Real Capital and I've been responsible for the preparation and lodgment of the application that you currently have before you.

I would just like to give you a brief overview of some of the aspects of the details of the application and some facts that address some of the issues that have been raised in the earlier submissions. The application before you to amend the

Comprehensive Development Plan has been informed by a full suite of detailed studies which the Council staff have in front of them. This includes detailed studies on ecology, architecture, stormwater, surveying, services, Indigenous heritage, landscape design, town planning, traffic engineering, bushfire planning, land tenure and planning law. These detailed applications, which have taken over 12 months to prepare, have been thoroughly considered by our team and have resulted in the selection of sites for the CDP amendment which reflect the constraints of the site. We actually rejected a number of alternatives to the proposal that's currently before you because of greater impacts it would have had.

The proposed 21 lots located around the golf course do not impact on the operation of the golf course. We were very careful to select those 21 lots around the perimeter of the golf course so that it didn't result in the loss of any holes on the golf course or amenity on the golf course. Other proposals we looked at and rejected definitely did result in the loss of holes and other aspects of the golf course.

The proposed 21 lots and nine townhouses stay below the overall limit, existing limit, of 700 dwellings on The Sands estate. Contrary to some of the other figures that have been mentioned tonight, there are currently 670 dwellings in The Sands estate and we are very, very definite that we will not exceed the existing cap of 700 dwellings, and I think that's a very critical point. The additional 30 dwellings we're proposing is only an increase of 4% on the current dwelling yield, and I think it's unfair to categorise that as an overdevelopment of the site.

Our application and the documentation we considered went back to the original Golden Beach Incorporated Plan, which has been mentioned several times tonight. We are consistent with the Golden Beach Incorporated Plan. I think you've only got to look at that plan to see quite a lot of change from that original document to where we are physically on the ground at the moment.

The amendment to the Comprehensive Development Plan will facilitate the applications that we currently have before you for the nine townhouses and the 21 lots. I must stress we have never proposed, and are not intending to implement, further development beyond the 700-lot cap. We have quite openly put before you the details of the townhouse proposal and the 21 lots that give you information to support the Comprehensive Development Plan amendment, and that is the application we've quite honestly and openly put before you, and we are not exceeding the existing approved 700-dwelling cap.

We ask that Councillors, in what is obviously a pretty comprehensive and difficult process, to consider our application on its planning merits. We ask that you consider the application on its facts that are before you, and we ask that in due course, you give favourable consideration to the amendment to the CDP. I thank you for your time this evening.

MAYOR STAPLETON: Thank you very much, Alan. Do Councillors have any questions for Alan? No? OK. We'll leave it there. Thanks for taking the time to present to us this evening, Alan.

ALAN BLACKMAN: Thank you.

MAYOR STAPLETON: So, Councillors, that concludes the presentation of submissions for tonight. We do have a recommendation before us that Council receives and notes the submissions to Planning Application PG26/0003. Does anyone wish to move a motion? Cr Schonfelder. As per the recommendation? And seconded by Cr Pattison. Thank you. And all those in favour? And that's unanimous. Thank you, Councillors.

There being no further items of business, I declare the meeting closed at 7.44pm and say farewell and thank you to everyone who has tuned in this evening.