



# **ATTACHMENTS**

**Under Separate Cover  
Council Meeting**

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**6.00pm Tuesday 21 December 2021**



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**Amendment C92gpla Ordinance Documents - explanation of changes**

Existing content from the Golden Plains Planning Scheme shown as **black**

Changes proposed under C92gpla at public exhibition are shown as **green**

Additional changes to C92gpla post exhibition are shown as **red**

## GOLDEN PLAINS PLANNING SCHEME

## Part of Clause 02.03 - Strategic Directions

**Teesdale**

Teesdale is the second largest town within Golden Plains Shire, located 12km west of Bannockburn.

Settlement is characterised by low density residential properties with a strong connection to the natural environment and surrounding agricultural land. The town is largely reliant on Bannockburn and Geelong for both services and job access, and is experiencing considerable pressure for residential development.

Council seeks to:

- Accommodate future residential growth to areas within the existing town boundary and by encouraging infill development.
- Encourage additional commercial services locally.
- Protect the small town character, rural lifestyle, and natural environmental values that contribute to its appeal.

**Smythesdale**

Smythesdale is a rural township surrounded by state forest, with a rich gold mining past.

The township has been identified as the northern growth centre for the Golden Plains Shire, in a prime strategic location to service the wider catchment of rural and residential communities. This is due to its distinct country-living character within commuting distance of the regional centre of Ballarat. However, the town lacks structure and is fragmented by Crown land.

The population of Smythesdale is expected to increase due to its strong relationship with Ballarat and residential growth resulting from improved services and the introduction of reticulated sewerage to the town. The community is keen to ensure that growth is managed and sustainable.

The Woody Yaloak Creek precinct is a potential asset offering many opportunities for Smythesdale, including linking key recreational assets throughout the town.

Council seeks to:

- Develop Smythesdale into a self-sufficient settlement and service hub for the north of the Shire.
- Enhance the town's heritage character by encouraging development within the Smythesdale Heritage Precinct to respect the heritage context.

**Inverleigh**

Inverleigh is located approximately 30 kilometres west of Geelong and 10 kilometres south-west of Bannockburn, on the Hamilton Highway at the junction of the Leigh and Barwon Rivers.

Inverleigh has an array of natural features including areas of environmental significance, rural landscapes and riversides, as well as areas and sites of historical and cultural significance.

The Inverleigh Flora and Fauna Reserve is a grassy woodland. Its purpose is the conservation of indigenous plants and animals. It poses a modest fire risk to land adjoining the bush interface.

Inverleigh's proximity to Geelong, connection to the Geelong Ring Road and links to Melbourne have increased pressure for residential development. The population dynamics have changed and the township provides a home base for many residents who commute to work in Geelong and Melbourne. There is limited opportunity for new residential development within the established historic township area ('old town') due to flooding and limited capacity for effluent disposal.

Growth areas for Inverleigh have been identified outside of the floodplain to the west and the north of the town.

Council seeks to:

- Maintain the heritage characteristics and natural qualities that make the township attractive to residents and visitors.

## GOLDEN PLAINS PLANNING SCHEME

## Page 16 of Clause 02.04 - Strategic Framework Plans

## Teesdale structure Plan

Map proposed for deletion



Map proposed for deletion

## Expiry

This policy will expire three years from the date of gazettal of Amendment C90gpla.

## GOLDEN PLAINS PLANNING SCHEME

## 11.03-6L

Proposed C92gpla

## Teesdale

**Policy application**

This policy applies to the land identified in the Teesdale Structure Plan Strategic Framework Plan.

**Settlement Strategies**

Implement the Teesdale Structure Plan Strategic Framework Plan.

Ensure development contributes to the landscape, character and history of the town.

Encourage low density residential as the preferred form of settlement growth.

Encourage infill residential subdivision and development where constraints can be managed.

Avoid rezoning any ~~greenfield residential development~~ land outside of the Teesdale ~~North East Precinct Settlement Boundary~~.

Ensure any proposed rezoning and development within the Teesdale ~~North East Precinct~~ Future Growth Investigation Area considers land supply and demand, ~~biodiversity~~, constraints including bushfire and flooding, the former Teesdale ~~landfill~~, roads, drainage, open space and community infrastructure; regardless of land ownership.

Ensure development within the Teesdale ~~North East Precinct~~ Future Growth Investigation Area responds to topography, landscape and natural features, ~~and constraints including the former Teesdale landfill~~.

Ensure a suitable development contributions mechanism is in place for the Teesdale Future Growth Investigation Area ~~for the Teesdale North East Precinct is in place for land to be rezoned in Teesdale~~.

**Land use and development strategies**

Encourage commercial services to be developed within the existing Township Zone.

Support commercial uses where the intensity, scale and landscaping respect the existing streetscape and character of the area.

**Open space strategies**

Utilise encumbered land within greenfield sites for open space purposes where possible, including buffers along Native Hut Creek where required by the Corangamite Catchment Management Authority.

Strengthen connectivity of new and existing development to the town centre core and recreation areas by enhancing pedestrian and cycling links.

**Policy documents**

Consider as relevant:

Teesdale Structure Plan (Golden Plains Shire, ~~2020~~ 2021)

The map displays the Township of Bannockburn, Ontario, with various land use zones and infrastructure. The key includes symbols for:

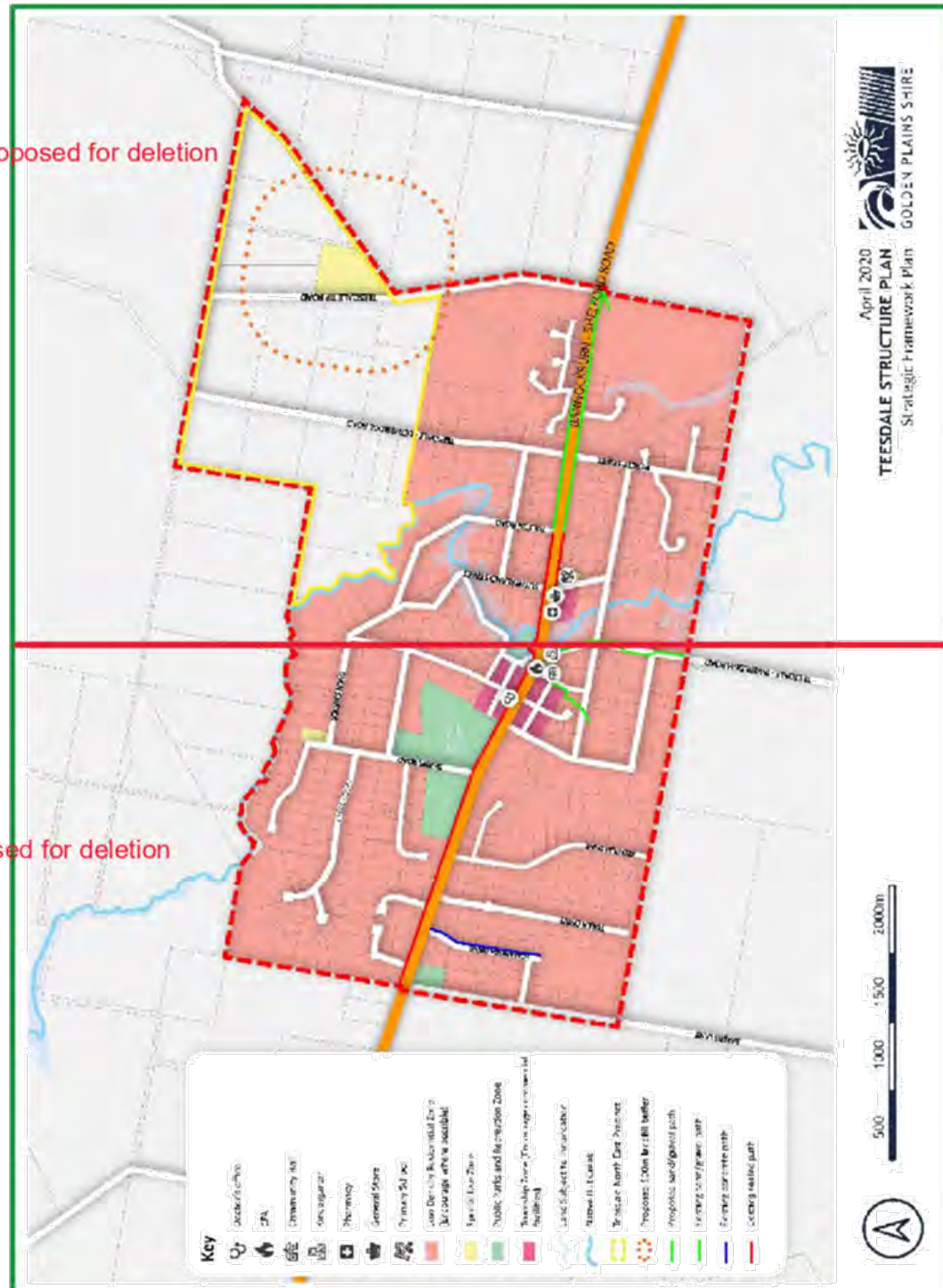
- District's office
- CFA
- Community Hall
- Kindergarten
- Pharmacy
- General Store
- Primary School
- Low Density Residential Zone (Encourage where possible)
- Special Use Zone
- Public Parks and Recreation Zone
- Township Zone (Encourage commercial facilities)
- Land Subject to Inundation
- Native Herd Creek
- Settlement Boundary
- Future Growth Investigation Area
- Landfill Investigation Area (200m)
- Non-urban break
- Existing sand/gravel path
- Existing concrete path
- Existing sealed path

The map also shows various roads, including Bannockburn - Sheppard Road, and geographical features like the Bannockburn River. The map is color-coded to represent different land use zones, with a red dashed line indicating the township boundary.

GOLDEN PLAINS PLANNING SCHEME

Map proposed for deletion

Map proposed for deletion



## GOLDEN PLAINS PLANNING SCHEME

## SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

Proposed  
C92gpla

## 1.0

Proposed  
C92gpla

## Background documents

Name of background document	Amendment number - clause reference
<i>Bannockburn Town Centre Investment Strategy</i> (Connell Wagner, 2008)	C46 Clauses 02 and 11
<i>Bannockburn Growth Plan</i> (Victorian Planning Authority, May 2021)	C94gpla Clauses 02 and 11
<i>Bruce's Creek Master Plan</i> (Land Design Partnership, 2009)	C59 Clauses 02 and 11
<i>Corangamite Catchment Management Authority Floodplain Management Strategy</i> (Corangamite Catchment Management Authority, April 2002)	Clauses 02, 12, 13 and 19
<i>Corangamite Regional Catchment Strategy 2013-2019</i> (Corangamite Catchment Management Authority, 2013)	Clauses 02, 12, 13 and 19
<i>Corangamite Waterway Strategy</i> (Corangamite Catchment Management Authority, 2014)	Clauses 02, 12, 13 and 19
<i>Gheringhap Structure Plan</i> (Parsons Brinckerhoff, December 2012)	C62 Clauses 02 and 11
<i>Golden Plains Heritage Study Stage 1</i> (Lorraine Huddle, 2004)	C55 Clauses 02 and 15
<i>Golden Plains Heritage Study Stage 2</i> (Heritage Matters, 2009)	C55 Clauses 02 and 15
<i>Golden Plains Shire Background Issues Paper: North West Area Study: For Community Consultation</i> (Research Planning Design Group, 1999)	C3 Clause 02
<i>Golden Plains Rural Land Use Strategy</i> (Parsons Brinckerhoff, 2008)	C40 Clauses 02 and 14
<i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2018)	Clauses 02 and 19
<i>Inverleigh Structure Plan</i> (Golden Plains Shire, 2019)	C87gpla Clauses 02 and 11
<i>Review of south east area Golden Plains Shire</i> (Parsons Brinckerhoff, 2007)	C45 Clauses 02 and 11
<i>Smythesdale Urban Design Framework</i> (Michael Smith and Associates, March 2006)	C36 Clauses 02 and 11
<i>Golden Plains Shire Strategic Directions Plan for the North-West Area</i> (Research Planning Design Group, 2000)	C3 Clause 02
<i>Teesdale Structure Plan</i> (Golden Plains Shire, 2020/2021)	C92gpla Clause 02

## GOLDEN PLAINS PLANNING SCHEME

09/07/2020  
C90gpla**SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK****1.0**Proposed  
C92gpla**Further strategic work**

- Prepare a local policy to protect farming land from inappropriate land uses and to guide dwellings and subdivision in the Farming Zone.
- Investigate the possibility of providing sewer development within a designated area north of the railway line in Bannockburn which integrates with surrounding low density residential areas and the adjacent town centre.
- Prepare a Design and Development Overlay as part of any future rezoning to rezone the area north of Heales Street and adjacent to the Brooke Street in Smythesdale from Township Zone to Commercial 1 Zone to provide for expansion of the commercial area.
- Prepare a Traffic Impact Assessment Report and Overall Access Strategy for Inverleigh to determine road work contributions required to be funded by developers.
- Determine the feasibility of providing a third road link from Common Road to the Hamilton Highway in Inverleigh and also for additional access for lots on the south east of the township, south of Hamilton Highway and east of the Leigh River, when substantial residential expansion is proposed.
- Investigate upgrading the Teesdale Road at the twin bridges and the intersection of Peel and Common Road and the Hamilton Highway when residential rezoning is considered at the eastern end of Common Road in Inverleigh.
- Prepare a development contributions plan for the provision of infrastructure within the Gheringhap precinct.
- Develop design guidelines for the Gheringhap Structure Plan Area.
- Apply the Development Plan Overlay in conjunction with rezoning land to the low density residential zone. The content of the overlay schedule is to address the characteristics, opportunities and constraints of the land proposed to be rezoned. A staging plan should be included as a requirement in the schedule to the overlay.
- Prepare precinct structure plans in conjunction with rezoning land to facilitate urban development in the south east and south west precincts identified on the *Bannockburn Growth Plan* (Victorian Planning Authority, May 2021).
- Prepare a development plan in conjunction with rezoning land to facilitate urban development in the north west development plan area identified on the *Bannockburn Growth Plan* (Victorian Planning Authority, May 2021).
- Investigate a second east-west arterial road for Bannockburn with the dual purpose of servicing the growth area and re-routing through-freight vehicles out of the town centre.
- Investigate additional crossing points over Bruce's Creek to facilitate east-west movement across Bannockburn.
- Investigate modifications to High Street through the town centre to create a streetscape that is responsive to pedestrian and cycling needs and which discourages through-freight vehicle movements.
- **Undertake the following assessment work within the Teesdale Future Growth Investigation Area prior to rezoning:**
  - **Land supply and demand analysis for the township and in the context of the wider municipality**
  - **Biodiversity including native vegetation,**
  - **Bushfire risk,**
  - **Flooding impact,**
  - **Drainage infrastructure,**

- Sewer servicing,
- Community and social infrastructure in the context of the broader region,
- Landfill buffer requirements.

# TEESDALE STRUCTURE PLAN

OCTOBER 2021



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## 1. Introduction

The Teesdale Structure Plan has been designed to guide the growth of Teesdale into the future. The Structure Plan seeks to build on the towns strengths and support population growth, whilst identifying a number of improvements for the town.

### Specifically the Teesdale Structure Plan:

- Sets a vision for the future of Teesdale.
- Identifies the key strategic planning issues and opportunities facing the town, including community needs and aspirations.
- Establishes principles, directions and recommendations for infill and greenfield development.
- Defines a future investigation area for potential residential development in the north east of the town and defines rezoning expectations if the land is deemed to be appropriate for residential rezoning following the outcome of the investigation.
- Describes the general future direction of growth beyond the current structure plan.
- Provides future actions and implementation measures.

This document is primarily focused on providing direction and should be read in conjunction with the Teesdale Structure Plan background report, which analyses the constraints and circumstances of the town.



Teesdale - 1956



Teesdale - 1978



Teesdale - 2018

## 1.1 Context

### **Flora & Fauna**

Large pockets of Plains Grassland and Plains Grassy Woodland exist in Teesdale (See figure 1).

Victoria's grassy woodlands originally extended across huge areas of the State, today being exceedingly rare. Temperate grasslands and grassy woodlands are now highly fragmented within the Victorian Volcanic Plain, of which Teesdale is a part of, with less than five percent of the original extent remaining. Teesdale contains many examples of notable native vegetation, with a strong presence of Plains Grassy Woodlands. Plains Grassy Woodlands can be described as an open, grassy eucalypt woodland which occur in low rainfall areas and can be found on fertile soils on flats and gently undulating plains at low elevations. The understorey consists of a few sparse shrubs over a species-rich grassy and herbaceous ground layer.

The Plains Grassy Woodlands EVC are characterized by flora species such as *Eucalyptus Camaldulensis* (River Red Gums) and *Themeda triandra* (Kangaroo Grass). Over 90 indigenous flora species have been identified in Teesdale. Native fauna species such as the critically endangered Golden Sun Moth and the Sulphur-crested Cockatoo have been sighted in Teesdale, as recorded in the Victorian Biodiversity Atlas data.

Remnant Grassy Woodlands continue to face pressure from weed infestation, feral animals and human activities, causing a decline in biodiversity along with the ability to maintain ecosystem

function. The continued protection of Teesdale's unique and valuable environs is a priority of the Structure Plan.

### **Watercourses - Native Hut Creek**

Native Hut Creek was an integral part of Teesdale's identity for tens of thousands of years before the arrival of European Settlers to Golden Plains Shire. The Tolloora People of the Wathaurung Tribe used the watercourse for fishing, plant gathering, social ceremonies and camping. After European Settlement, it became the town's water supply, until an increase in usage caused the water to become saline and alternative sources were acquired, including Chinaman's Lagoon.

Today, Native Hut Creek remains a highly valued environmental feature of Teesdale, not only attributes to the amenity and character of Teesdale, but serves as a corridor for Creekline Grassy Woodland vegetation and native fauna species. Native Hut Creek traverses through the Teesdale Bridge Reserve, with the nearby Teesdale Turtle and shared pathways offering an opportunity for passive and active recreation adjacent to the watercourse.

### **Aboriginal Cultural Heritage**

The Wathaurung people inhabited the Teesdale area for tens of thousands of years. There are many locations throughout Teesdale which are recognised as areas of Aboriginal Cultural Sensitivity. Native Hut Creek, as all watercourses do, holds great cultural significance to Aboriginal people, and it's important that future development considers this and preserves both the highly significant tangible and intangible values.

The *Aboriginal Heritage Act 2006* defines Aboriginal Cultural Heritage as "Aboriginal places, Aboriginal objects and Aboriginal human remains." An Aboriginal place can be an area of land or water, a natural feature, formation or landscape, an archaeological site, as well as a building or structure. Aboriginal Cultural Heritage also includes intangible places where there may be no physical evidence of past cultural activities.

Any high impact activities in areas of Cultural Heritage Sensitivity as defined by the *Aboriginal Heritage Regulations 2018* will be required to supply a Cultural Heritage Management Plan with any application.

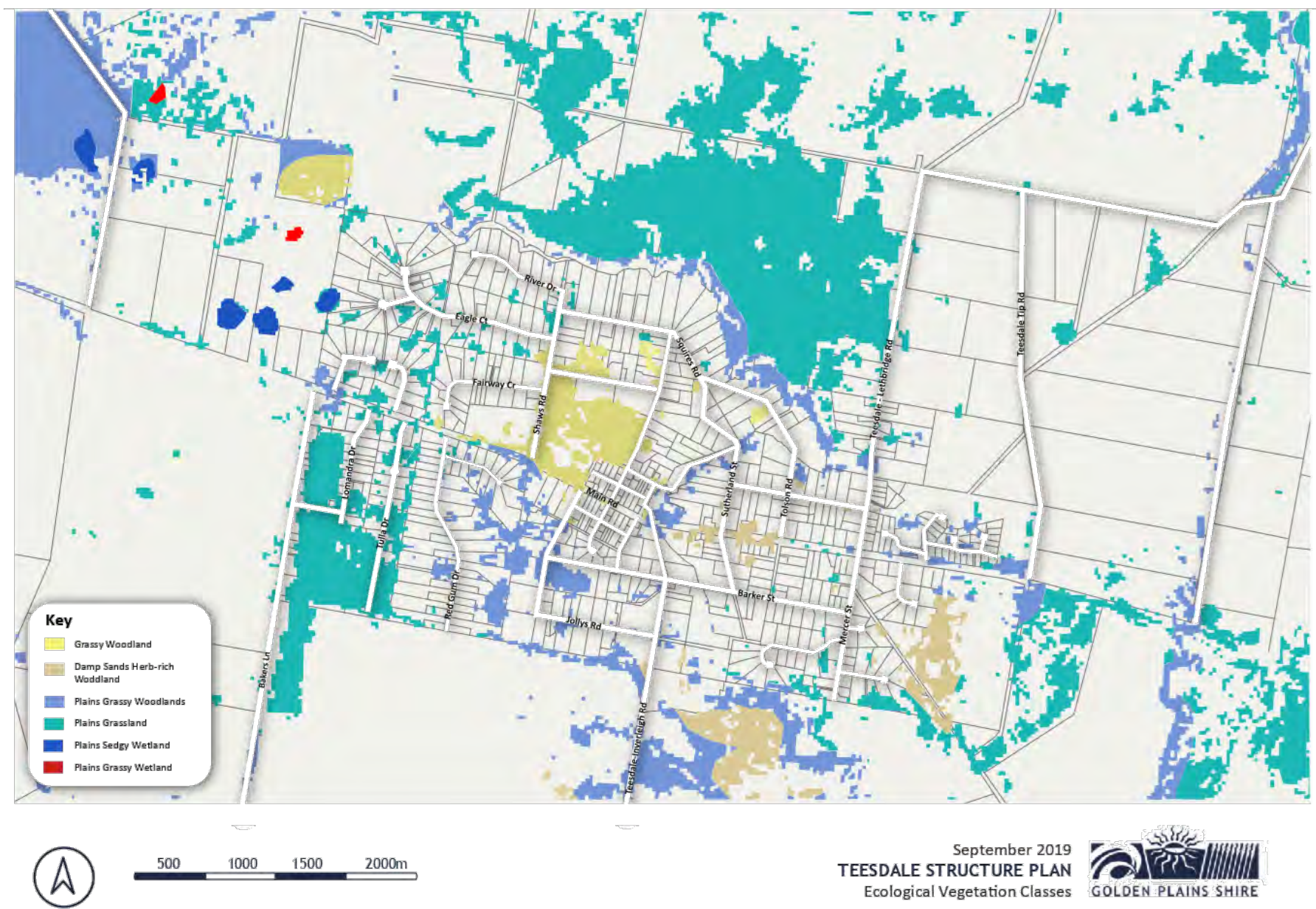


Figure 2 Ecological Vegetation Classes



Figure 2 Aboriginal Cultural Heritage

### Regional context

The Southern half of Golden Plains Shire (including Teesdale) is located within the G21 Region, with the North within the Central Highlands Region. The G21 Alliance, or Geelong Region Alliance, is the formal alliance of government, businesses and community organisations within the Geelong region across five municipalities - Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast.

The G21 Regional Growth Plan is a framework for strategic land use and settlement planning that sustainably responds to and accommodates growth at projected and potentially higher growth rates.

Teesdale, along with other localities in Golden Plains Shire such as Inverleigh, Bannockburn and Lethbridge, has been recognised on a regional level for planned growth. This growth is potentially to occur within the identified Future Growth Investigation Area, and the opportunity for incremental infill has also been identified within existing LDRZ land.

### Growth in surrounding localities

The population of the G21 region, in accordance with the G21 Regional Growth Plan (2013) is increasing at a yearly rate of 1.6%. Figure 4 displays major growth areas within the regional context of Teesdale, notably being the Northern and Western Geelong Growth Areas, and the Bannockburn Growth Plan Future Investigation Area.

City of Greater Geelong has limited supply of LDRZ land remaining, with a 34ha area of land in the township of Lara being the only additional supply strategically identified. Beyond this there is a general lack of planning for low density development in Geelong's growth area planning, with the City focused on more conventional densities of 15 dwellings per hectare. Due to this lack of supply in Geelong, Golden Plains Shire plays an important role in providing larger lifestyle-type allotments within close proximity to amenities and services in the surrounding regional centres of Geelong and Ballarat.

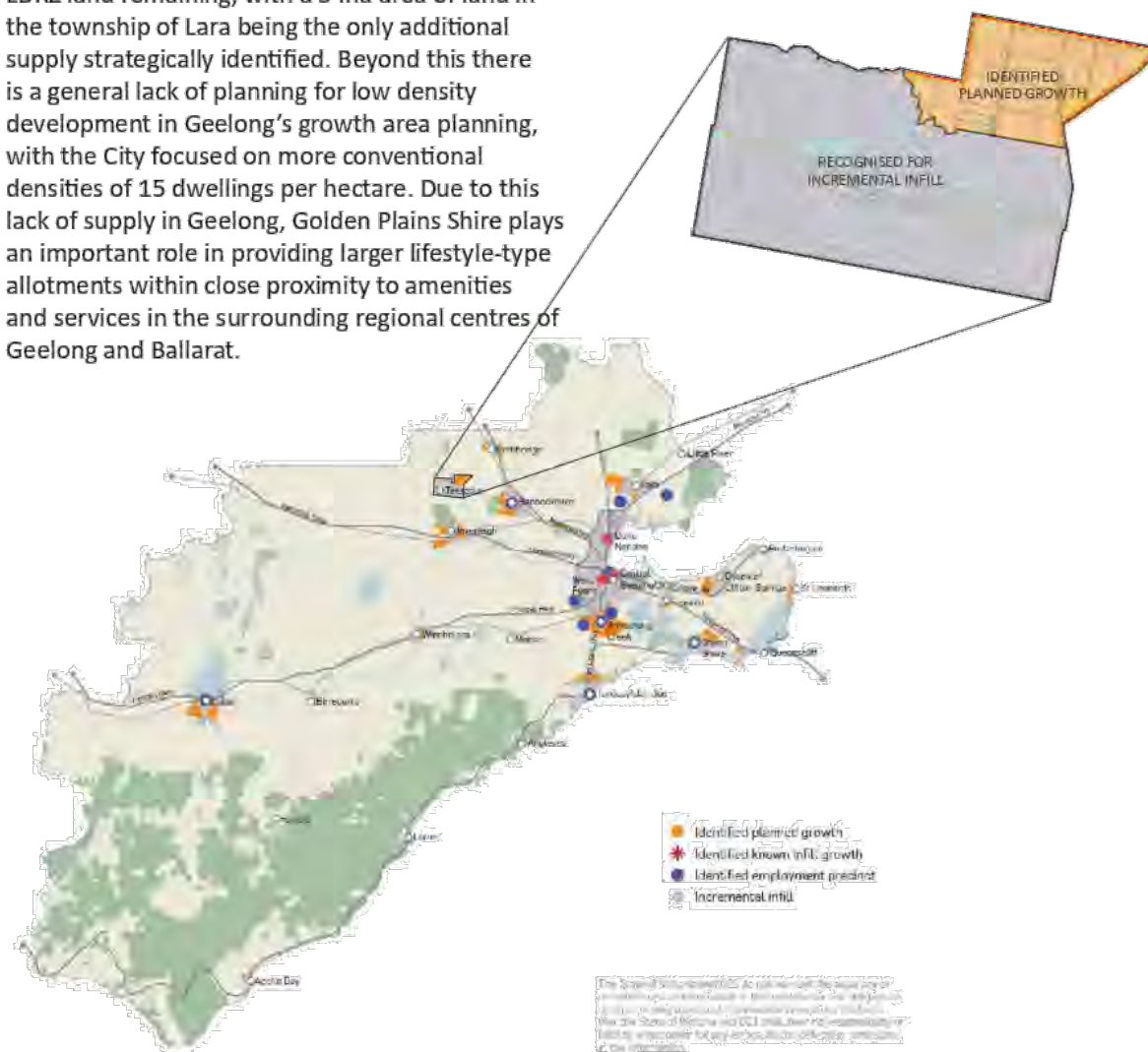


Figure 3 G21 Regional Growth Plan

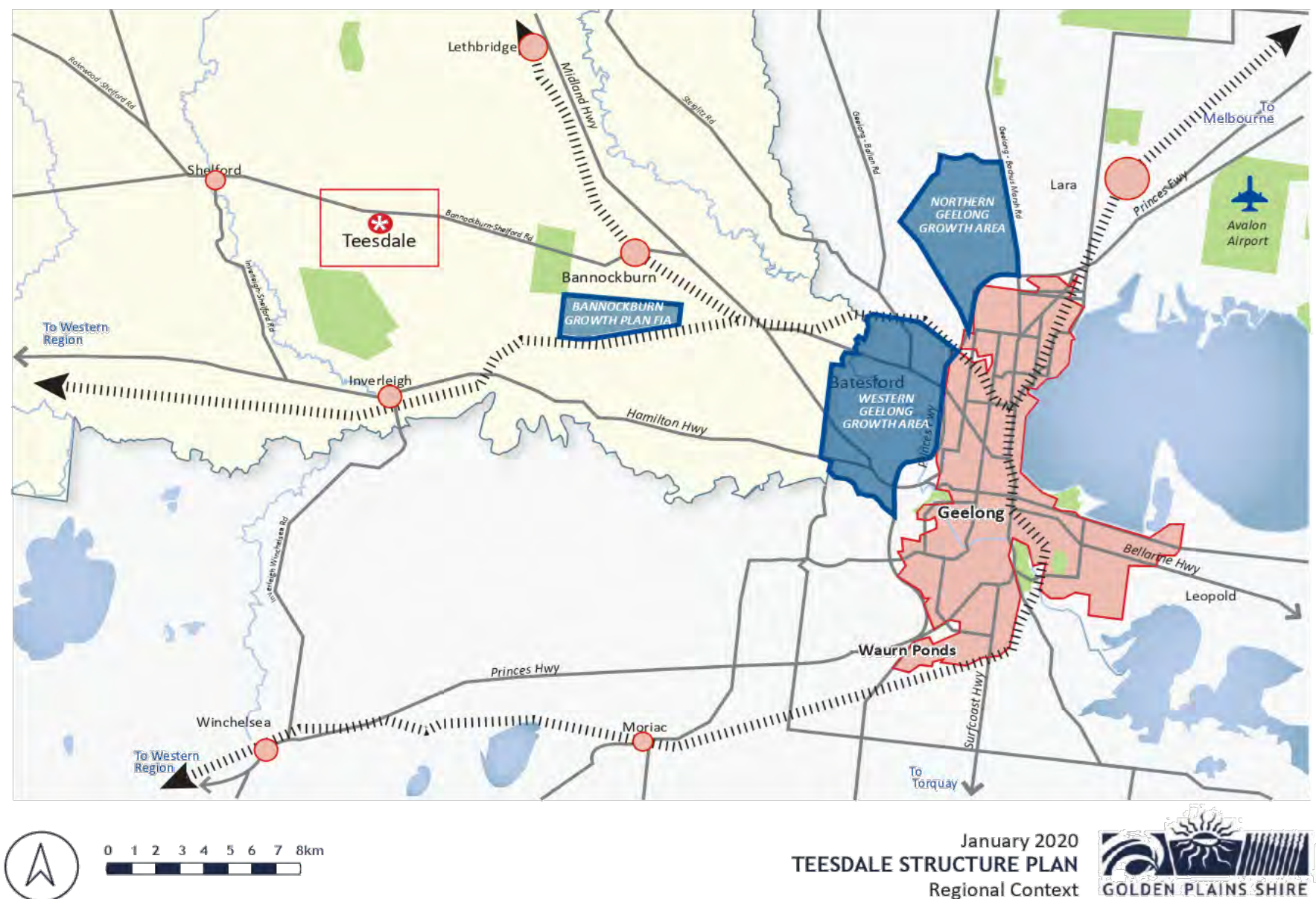


Figure 4 Regional Context

## 2. Stakeholder Engagement & Contribution

### Community Consultation

Community Engagement for the Background Report was conducted over a six week period, from 29 August to 20 October 2019. Engagement consisted of a series of activities to provide multiple opportunities and platforms for the community to participate. A summary of the key activities is provided in the following table.

Engagement Activity	Overview
Direct mail	An information package was sent to all residents and landowners of Teesdale on 29 August 2019. The package contained a copy of the survey form, a reply paid envelope, and an explanatory brochure outlining the consultation dates and project scope. A total of 86 survey responses were received via mail.
Council Website	A total of 80 online surveys were received. Information relating to the Structure Plan and related engagement opportunities was made available via Council's Strategic Planning and 'Have Your Say' webpages.
Conversation posts	Two conversation posts were held, one at the Teesdale Primary School on 12 September 2019, and one at the Teesdale Turtle Bend Park on 14 September 2019. There were 28 attendees in total.
Engagement with key stakeholder groups	Engagement has been undertaken with a number of service providers, such as Powercor, Telstra and Barwon Water, in addition to conversations with VicRoads, CCMA, CFA and EPA. Key agencies were also offered the opportunity to comment on the draft structure plan.

Table 1 Stakeholder Engagement Methods

### Community Survey 2019

A number of submissions rejected the notion of further residential development, however Teesdale is anticipated to grow due to a number of factors including:

- Land in Teesdale has been strategically identified for growth in both the G21 Regional Growth Plan (2013) and the Teesdale Structure Plan (1997). Council seeks to provide reasonable certainty to investors and continues to support this area for growth (with additional clarification.)
- Extensive infill opportunities exist under current zoning
- Council is obligated by Clause 11.02-15 of the Victorian Planning Provisions to provide a 15 year land supply within the municipality.
- Teesdale is a favourable location for supporting growth due to its proximity to jobs and services in neighbouring localities, as well as a modest level of bushfire risk.
- Teesdale has been shaped by significant growth over the past two decades, however the lack of reticulated sewerage and resultantly a minimum lot size of 4000m<sup>2</sup> will continue to maintain this rural character.

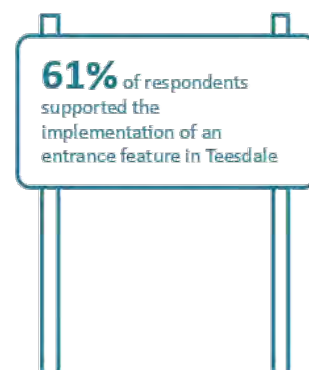
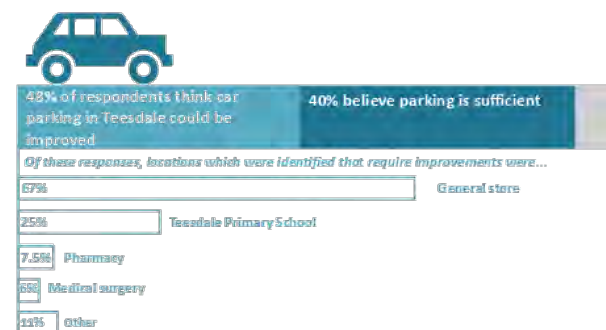
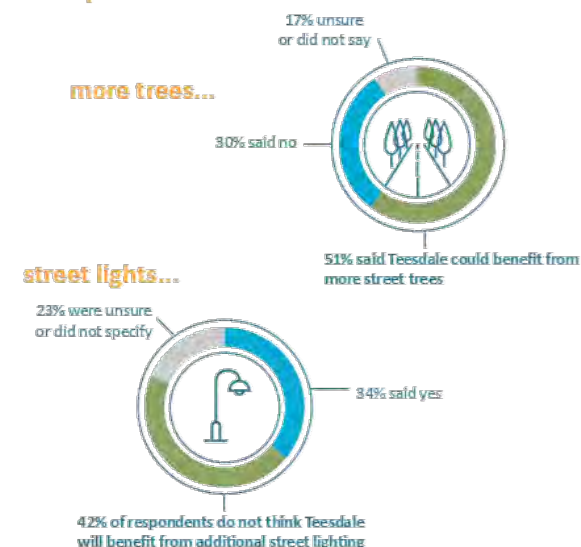
# TEESDALE STRUCTURE PLAN COMMUNITY SURVEY 2019



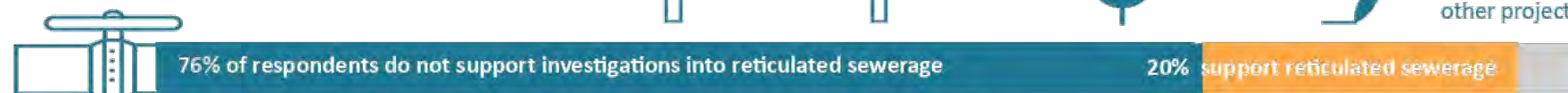
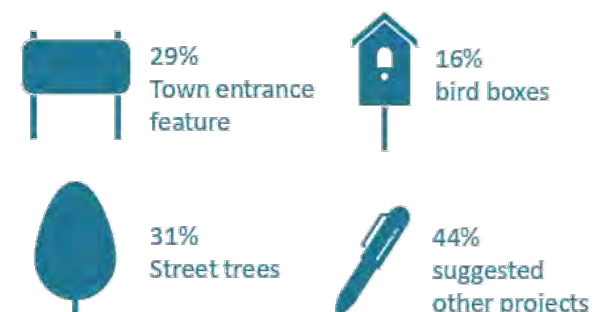
## RESPONDENTS MOST WANT TEESDALE TO BE...



## In response to whether Teesdale should have...

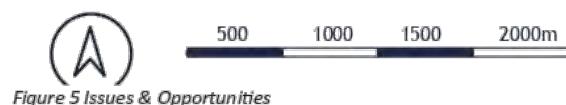
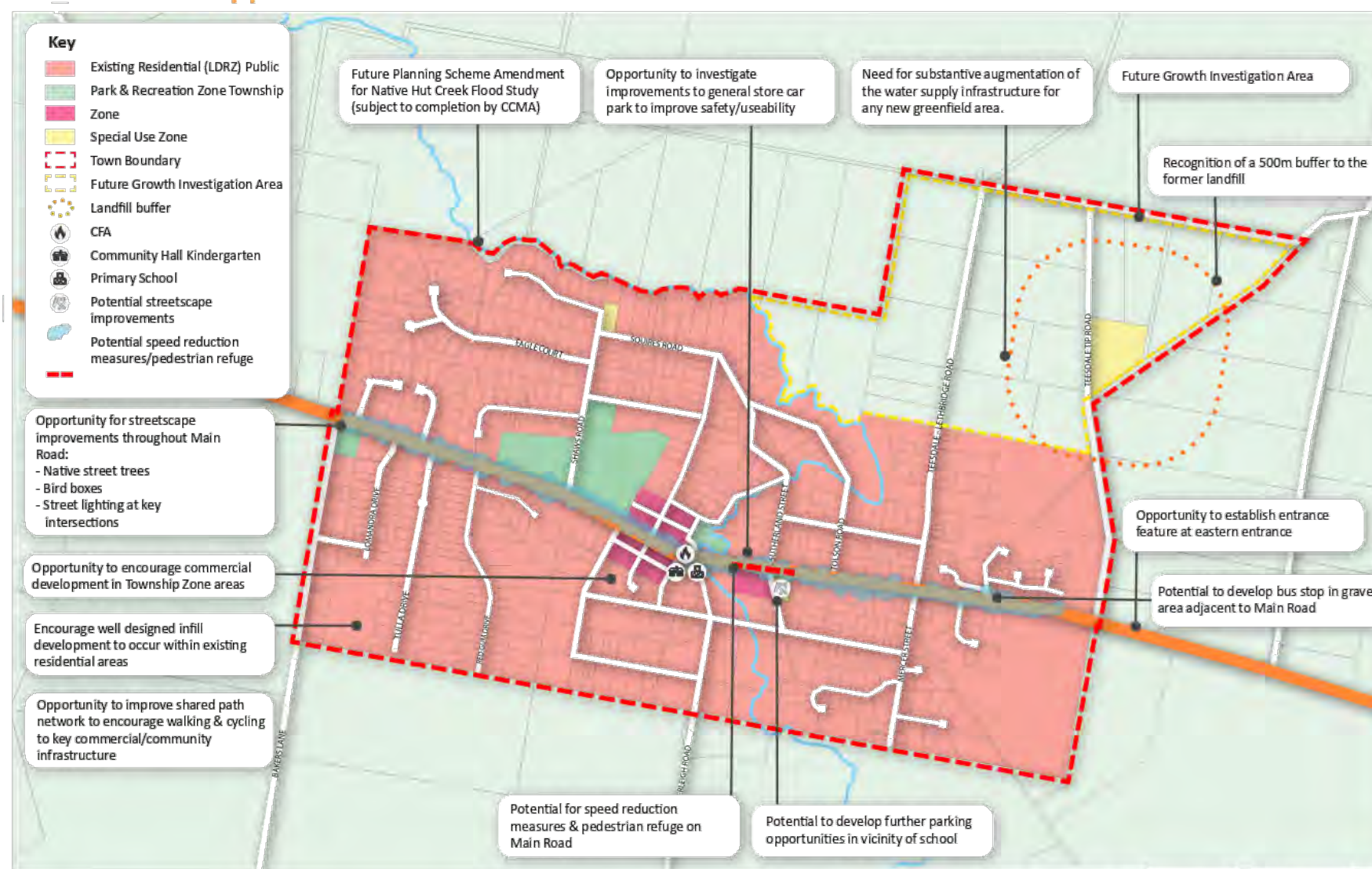


## When asked which small community project would be most beneficial to Teesdale...



The complete results of the survey are available in the Teesdale Structure Plan Community Engagement Report 2019

### 3. Issues & Opportunities



October 2021  
TEESDALE STRUCTURE PLAN  
Issues and Opportunities



TEESDALE STRUCTURE PLAN OCTOBER 2021 | 11

#### 4. Vision & Principles

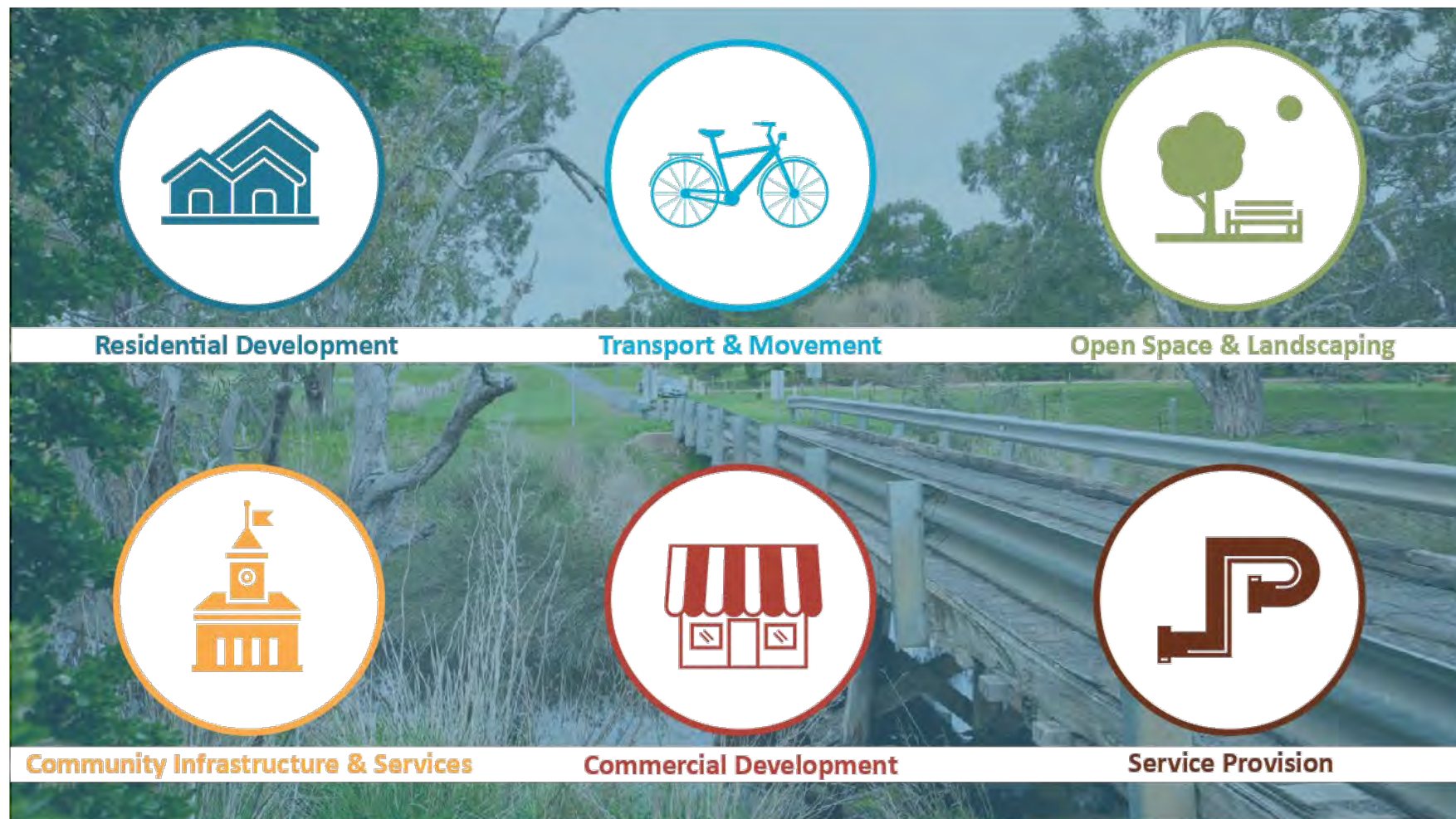
Question 7 of the Teesdale Structure Plan Community Survey asked respondents to state what kind of community they wished Teesdale to be. From these responses, a vision for Teesdale was able to be developed:



***“Teesdale will be a peaceful, family-friendly community which supports those seeking a rural lifestyle. It will have strong connection to the natural environment and surrounding localities, while ensuring land, buildings and services are used and developed sustainably. Future development will respect, value and enhance the elements that make Teesdale special.”***

### ***Principles***

The guiding principles, grouped into the following themes, will help to implement the vision for Teesdale and ensure good planning outcomes for the town:



## Residential Development



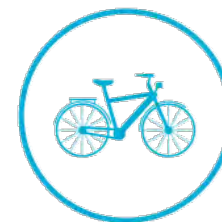
The supply of remaining greenfield land identified in the 1997 Structure Plan is sufficient to cater for 13 years of population growth at the current growth rate of 2.5% per annum. The township of Teesdale also provides for extensive potential for infill development. In order to support sustainable development, the following principles apply:

- *Ensure future growth continues to be low density, and will draw upon the landscape, character and history of the town.*
- *Avoid unplanned rezoning and ad-hoc subdivision.*
- *Avoid residential development which encroaches into the buffers of any existing noxious or hazardous uses*
- *Avoid environmental hazards where known, including steep land.*
- *Ensure development is responsive to and seeks to minimise bushfire risk.*
- *Avoid highly productive agricultural land where known.*
- *Ensure future planning anticipates impacts on existing infrastructure.*
- *Encourage infill subdivision and development.*





### Transport & Movement



Teesdale currently has a high dependency on car travel, with 79.7% using a car to travel to work. Paths within Teesdale are currently fragmented in areas. In order to ensure safe & strong connection between key services and open spaces, the following principles apply:

- *Ensure new growth maximises opportunities to connect on to existing road and path networks*
- *Ensure new growth includes modest amounts of street lighting for driver safety purposes*

### Open Space & Landscaping



Wide, tree-lined streets are an important part of Teesdale's town character. Open spaces such as Teesdale and Don Wallace Reserves provide important opportunities for socialising as well as passive & active recreation. The following principles seek to enhance and preserve Teesdale's open space and landscaping:

- *Establish low maintenance native street tree planting along roads/paths/open space in future developments.*
- *Utilise encumbered land (such as flood prone land) within greenfield sites for open space purposes where practicable.*

### Community Infrastructure & Services



Teesdale currently contains limited community infrastructure, meaning the population is reliant on nearby Bannockburn and Geelong for access to a number of higher-order services. The following principles will guide the improvement of community infrastructure:

- *Provide community infrastructure and services to meet the needs of the growing population.*
- *Leverage enhanced community facilities through developer contributions.*

### Commercial Development



Teesdale currently contains limited commercial facilities. Residents presently rely on Bannockburn and Geelong for access to additional commercial facilities. In order to provide a wide array of local services, and ensure that commercial development is respectful to the character of Teesdale, the following principles apply:

- *Encourage low order services in Teesdale to provide convenience to residents, such as a restaurant, café, pub and service station. Higher order services will continue to be provided in Bannockburn and Geelong.*
- *Encourage commercial development in the Township Zoned areas.*

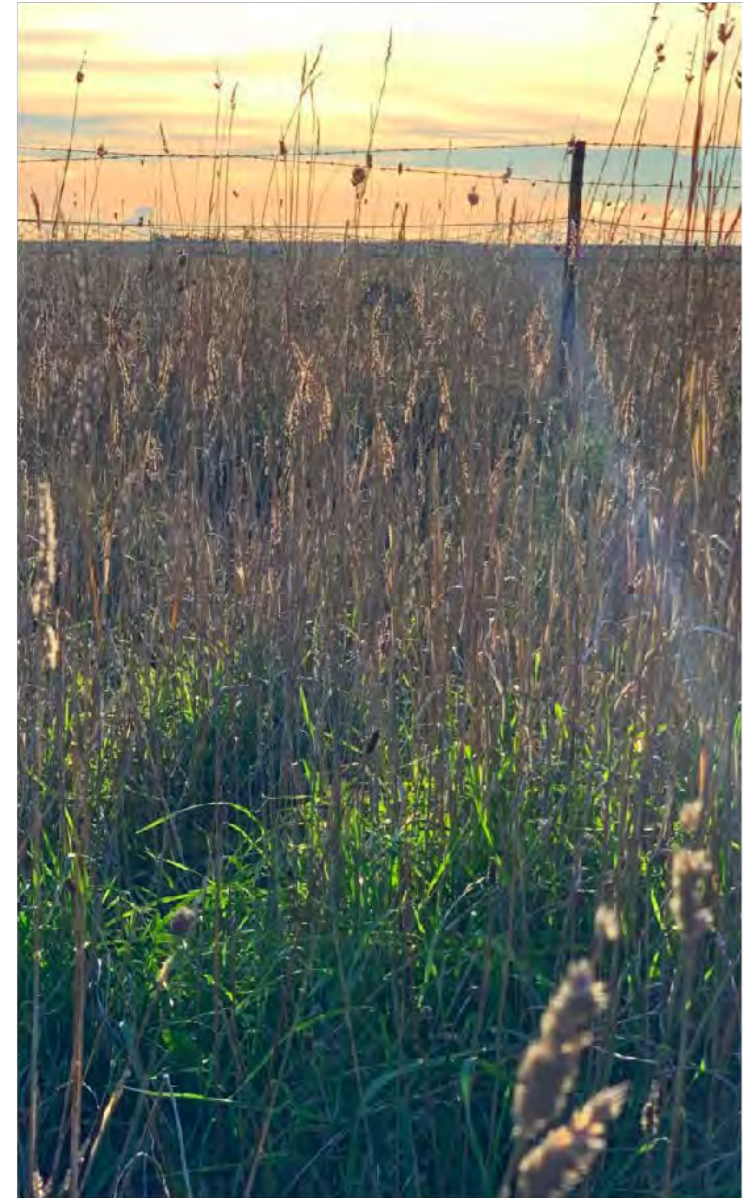


## Service Provision



As Teesdale continues to experience growth, consideration of service provision in both the short and long term is an important part of future planning for the township. The following principles will guide the delivery of services to Teesdale:

- *Provide essential services and utilities in a timely manner to support the growing population*
- *Encourage the 'user pays' principles in the provision of services and public infrastructure which is to be impacted upon as a result of development.*
- *Encourage government agencies and authorities which provide critical infrastructure and services to participate in growth area planning.*
- *Lobby for public transport in Teesdale as the population continues to grow.*



## 5. Directions for Existing Areas

### Low Density Residential Zoned Areas

The LDRZ areas of Teesdale make up the vast majority of the town. There is extensive potential for infill subdivision under the current zoning, where the minimum lot size is 4000 square metres.

Infill subdivision provides benefits including:

- Accommodating some population growth, thus reducing the need to convert agricultural land to residential development land.
- Ensuring more residents are located closer to existing services and community infrastructure.
- Lower infrastructure maintenance costs for Council.

Subdivision with good design outcomes is encouraged in the LDRZ areas. The number of driveways is encouraged to be minimized and limited to one where practicable, whilst landscaping is encouraged within driveway shafts.

In many cases it will not be possible to avoid a battle axe allotment to facilitate a subdivision, however it is possible for some lots depending on the size, shape and location of the lot.

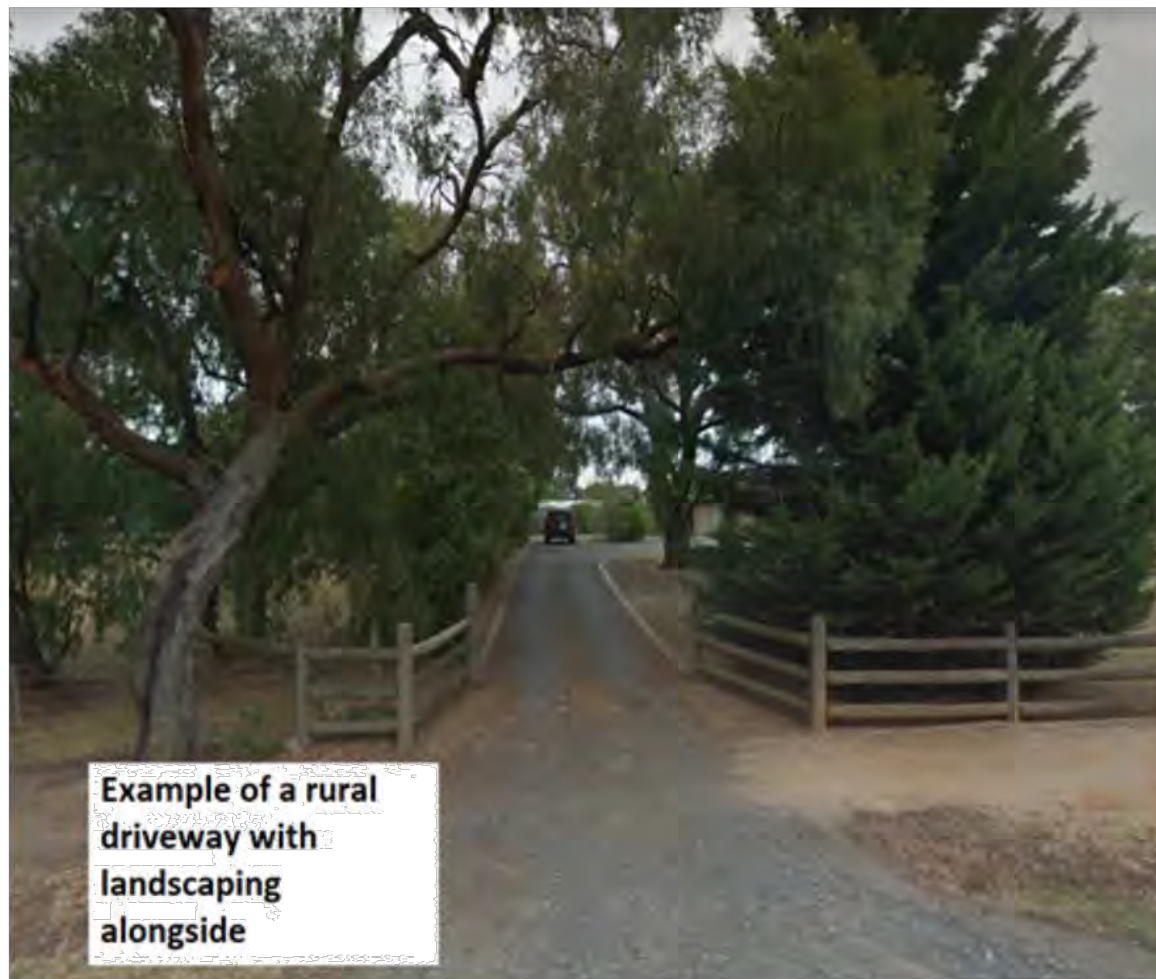


Figure 6 existing TZ & LDRZ areas

### Township Zoned Areas

The Township Zoned areas of Teesdale provide the opportunity for some forms of commercial development. Additional commercial uses are desirable for:

- More walkable/cyclable neighborhoods.
- Reduced distances between housing, workplaces, retail businesses.
- Reduced need to drive to other towns for services.
- Contribution to sense of place and community identity.

Opportunities for commercial development in the Teesdale context are somewhat constrained by:

- Majority of TZ being occupied by existing dwellings which would require conversion
- Consideration given for amenity of surrounding residential properties
- Smaller lot sizes within the town centre
- Need to accommodate an on site waste water treatment system with sufficient capacity

### Strategies

- Support commercial uses in the Township Zoned areas of Teesdale that fill a local provisioning gap and provide convenience to local residents such as a pub, restaurant, café and service station.
- Support commercial uses in the largest Township Zoned allotments where domestic waste water management systems can be more easily accommodated over a larger area.
- Support commercial uses where the intensity, scale and landscaping of the development respects the existing streetscape character and primarily residential context of the area.
- Support commercial uses that have made reasonable efforts to minimize land use conflicts with residential neighbors (as appropriate) in terms of siting, setbacks, noise attenuation, and hours of operation, signage and any other relevant considerations.



## 6. Directions for Future Growth Areas

The area titled as the “Future Growth Investigation Area” in figures 5 and 8, has been strategically identified for a growth investigation. Depending on the outcome of the investigation the land may be eligible for a residential rezoning in whole or in part. The following components of the investigation are required: land supply and demand for the township and in context of the wider municipality, native vegetation, bushfire risk, flooding, drainage, infrastructure, sewer servicing, community and social infrastructure and the landfill buffer generally in accordance with the recommendations of the panel report for Amendment C92gpla.

A rezoning proposal would need to be supported by specific requirements for rezoning, outlined below, being satisfactorily addressed.

### Context

This land is in the north eastern part of the township and is fragmented in terms of land ownership. Teesdale-Lethbridge road is the key access point for the land. Access is also available via Teesdale Tip road.

The land is generally used for rural living and farming purposes. A part of the land is also owned by Council and is a former landfill. In accordance with EPA publication 1642 “Assessing planning proposals within the buffer of a landfill” land within 500 metres of a closed landfill is likely to require an environmental audit in order to be considered for rezoning, with an associated

concern being the potential for underground gas migration.

The land fill is currently uncapped and has been flagged for eventual capping by Golden Plains Shire Council. There is no fixed timeframe for capping.

Requirements before Council will consider a rezoning proposal

Unless otherwise agreed with Council, the following requirements will apply: 1. Land owners are responsible for any rezoning proposal including the financing, preparation of and submission of Planning Scheme Amendment documents with Council, payment of advertising and planning panel costs.

2. A DPO Schedule will be required alongside the rezoning proposal to manage development outcomes.

3. The rezoning and DPO schedule amendment should be for the entire Future Growth Investigation Area.

The DPO Schedule should provide (but not be limited to) the following.

- A high level masterplan for the entire precinct included as a map at the end of the Schedule, in order to demonstrate a logical future road layout and any common drainage infrastructure (if necessary/relevant). The masterplan should include a perimeter road as a bushfire mitigation measure to ensure the site can meet the requirements of Clause 13.02-15.

- Analysis of relevant constraints for the entire precinct in support of the masterplan including flora and fauna, a buffers needs assessment, a bushfire risk assessment (to satisfy Clause 13.02-15), a utilities provision assessment, a land contamination assessment (To satisfy ministerial direction 1) and an assessment against the EPA publication “Assessing planning proposals within the buffer to a landfill” (for land within 500 metres of the former landfill).
- A traffic impact assessment and roads network plan (identifying key roads) in order to support the road network within the masterplan.
- A high level storm water management plan for the entire precinct to confirm that drainage is possible for all sites regardless of land ownership. If necessary this should include the identification of common drainage elements and an implementation plan.

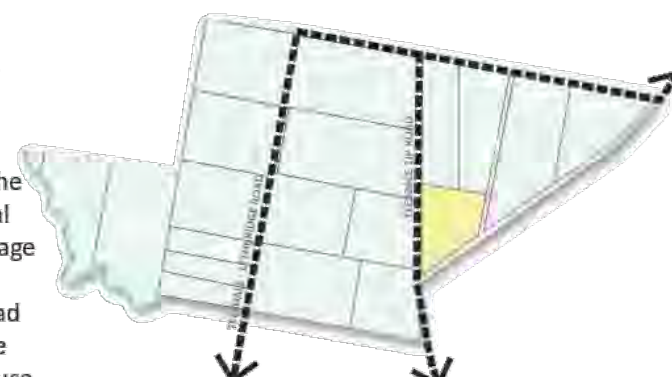


Figure 8 Future Growth Investigation Area

The proponent should consult with Council for further detail prior to preparing the application.

**Note:** *The area within 500 metres of the former landfill will require support from the EPA for any rezoning which will likely require an environmental audit to ascertain development potential. This area may be excluded from the rezoning proposal if support for the rezoning of this land by the EPA has not been provided at the time of the preparation of the rezoning proposal.*

#### Requirements for development contributions

- An S173 agreement for the collection of development contributions and the delivery of infrastructure items must be in place prior to rezoning, for all land being rezoned.
- The level of contributions will be influenced by State standard rates for Infrastructure Contributions Plans, taking into account the density restrictions in the LDRZ.
- The proponent will need to finance a traffic study to help and determine the highest priority development infrastructure items for inclusion in the agreement. Council will commission the study and the consultants preparing the study will represent Council.
- The proponent will need to finance the drafting of an S173 agreement for development contributions. Council will commission the agreement from a suitable consultancy or lawyer and the consultant or lawyer will represent Council.

- The above two costs may be deducted from the levies payable under the agreement.

#### Expectations - cooperation among land owners in the precinct

Land owners may wish to cooperate among themselves to facilitate a single rezoning proposal however this is a matter for land owners to determine. Council will consider a rezoning and DPO schedule amendment proposal across multiple land ownerships regardless of whether all/some or one land owner(s) prepares and lodge it.

The proponent is expected to include all land deemed eligible within the rezoning proposal and DPO schedule amendment. Land may be excluded from any rezoning proposal for the following reasons:

- The land owner does not want to be included or is unresponsive after genuine and reasonable efforts by the proponent to include them and the exclusion of the land will not compromise the overall functioning of the precinct in terms of key infrastructure or any other matters.

Or,

- The land is west of Teesdale- Lethbridge Road.

## 7. Planning Scheme Implementation

### Form of Amendment

The following implementation process has been identified for the Teesdale Structure Plan.

### Planning Policy Framework updates

- The Settlement Framework Map (2020) will be inserted into the Golden Plains Planning Scheme.
- Key direction from the Teesdale Structure Plan (2020) will be inserted into the Planning Scheme for existing and future areas.
- The Teesdale Structure Plan (2020) will be included as a reference document.
- Redundant direction for Teesdale from the 1997 Structure Plan to be deleted.

### Rezoning and the application of Overlay controls

Refer section 6 "Directions for Future Growth Areas"

**Key**

- Doctor's office
- CFA
- Community Hall
- Kindergarten
- Pharmacy
- General Store
- Primary School
- Low Density Residential Zone (Encourage where possible)
- Special Use Zone
- Public Parks and Recreation Zone
- Township Zone (Encourage commercial facilities)
- Land Subject to Inundation
- Native Hut Creek
- Settlement Boundary
- Future Growth Investigation Area
- Landfill Investigation Area (500m)
- Non-urban break
- Existing sand/gravel path
- Existing concrete path
- Existing sealed path



## 9. Future Actions

Short term: 0-3 years

Medium term: 3-10 years

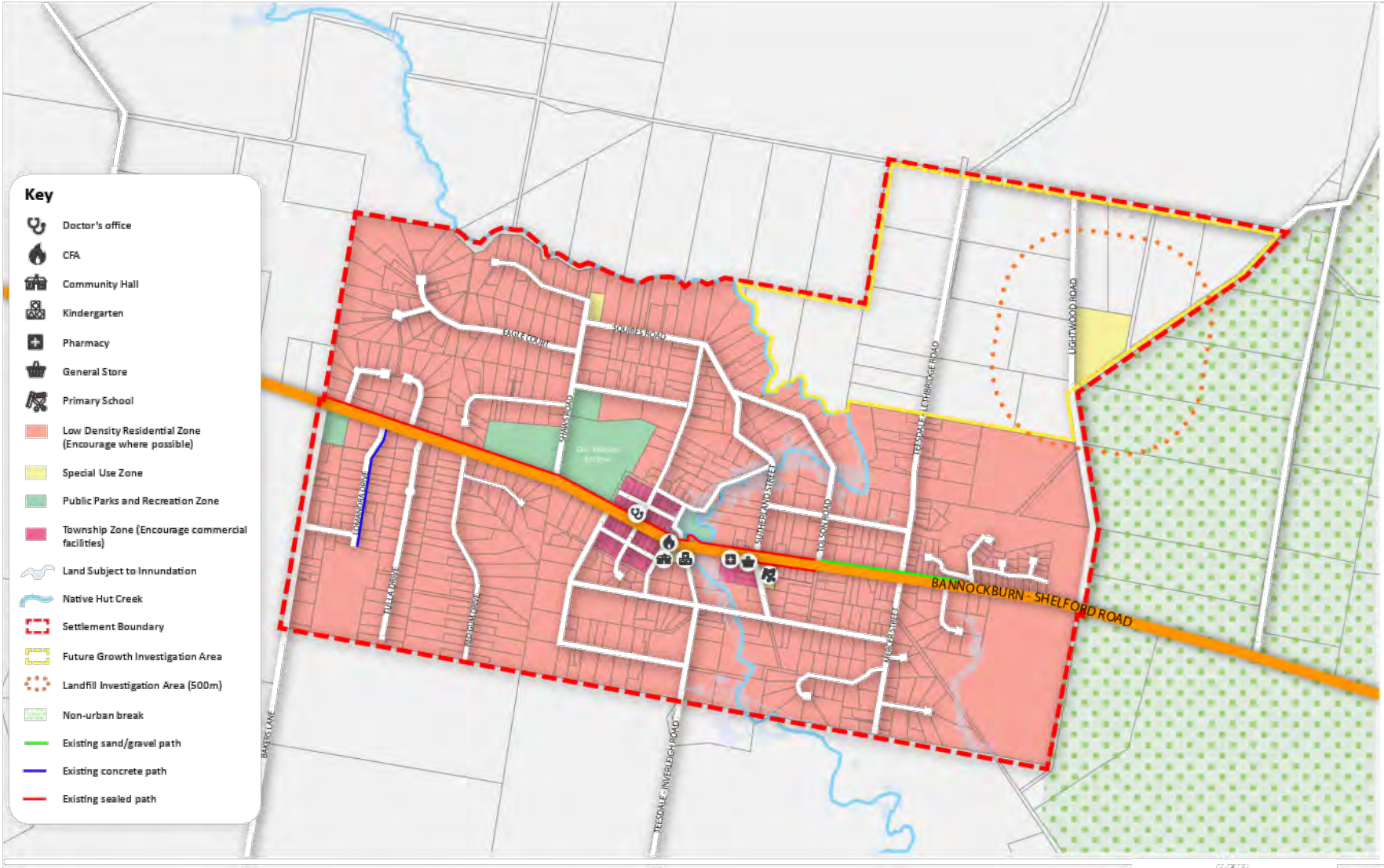
Long term: 10+ years

Ongoing: Continued action

Task	Responsibility	Indicative Time Frame	Resources	Principle Addressed
Preparation of a Planning Scheme Amendment to implement mapping from a native hut creek flood study commissioned by the CCMA.	CCMA, Council	Subject to completion of flood study by CCMA	Officer time, financial	Residential Development
Preparation of a flood study for the tributary that flows into Native Hut Creek from the West (crossing Jolly's Road), as well as a Stormwater Review for the locality.	TBD - Potentially CCMA, DELWP, Council or a combination thereof	Medium term	Financial	Residential Development, Infrastructure & Services
Collaborate with VicRoads and Transport for Victoria to provide measures to promote better traffic safety in the stretch of the town that extends from the general store to the preschool, potentially including: <ul style="list-style-type: none"> <li>• Pedestrian refuges.</li> <li>• Walk safe treatments.</li> <li>• Lower speed limits.</li> </ul>	Council, VicRoads	Short term	Officer time	Transport & Movement
Advocate to the Department of Education to consider the need for additional car parking for the primary school at appropriate locations.	Council	Short term	Officer time	Community Infrastructure & Services, Transport & Movement
Investigate the need for a better/modified car parking layout at the car park opposite the general store.	Council	Short term	Officer time	Transport & Movement
Advocate to the State Government for a regular bus service to Geelong Station for the combined populations of Inverleigh, Teesdale and Bannockburn. The bus service should include provision for people who need to get to/from Geelong for work/study in normal business hours.	Council	Short term	Officer time	Transport & Movement, Community Infrastructure & Services
Advocate to Transport for Victoria to remove gravel mounds from the strip of land on Bannockburn-Shelford road near intersection with Teesdale-Lethbridge road and convert the area to a site for school buses to stop.	Council	Immediate	Officer time	Transport & Movement, Community Infrastructure & Services
Provide a modest entrance feature at the eastern entrance to the town.	Council	Short term	Officer time, financial	Open Space & Landscaping
Undertake an analysis of the locations where a minimal number of street lights could provide best value from a traffic safety perspective	Council	Short term	Proponent time, financial, Council officer time.	Transport & Movement
Install additional street trees following preparation of a street tree planting strategy for Golden Plains Shire.	Council	Subject to preparation of a street tree strategy	Officer time, financial	Open Space & Landscaping
Acquire land adjacent to Native Hut Creek at the rezoning stage of the North East Precinct.	Council	Subject to rezoning of land	Officer time, financial	Open Space & Landscaping
Protect and enhance areas of high biodiversity in Teesdale.	Council	Ongoing	Officer time, financial	Open Space & Landscaping
Ensure the continued delivery of weed management programs throughout Teesdale, particularly along the Native Hut Creek corridor.	Council	Ongoing	Officer time, financial	Open Space & Landscaping
Ensure future development recognises Aboriginal Cultural Heritage.	Council	Ongoing	Officer time, financial	Residential Development

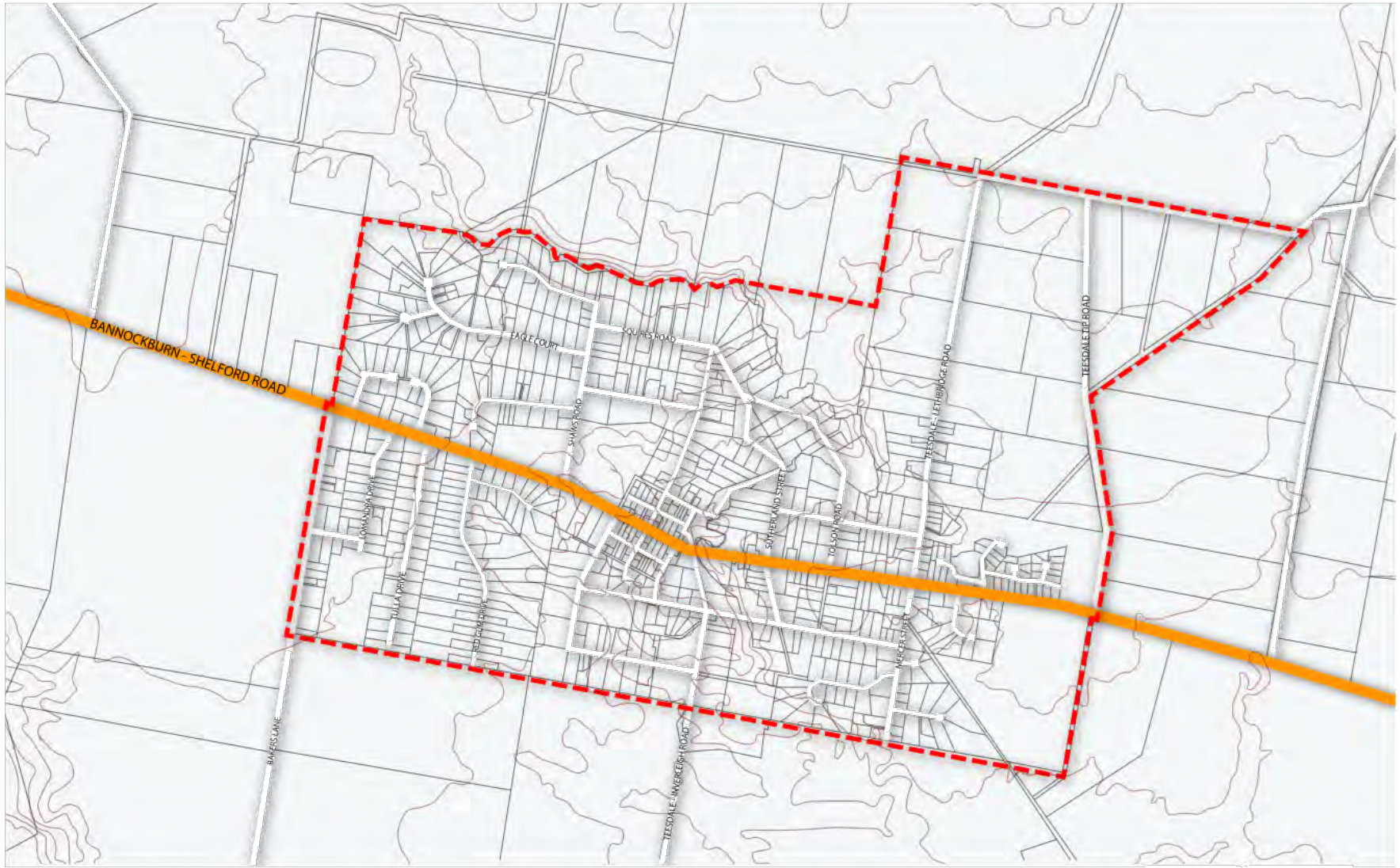
Table 2 Future Actions

## 10. Appendices



October 2021  
**TEESDALE STRUCTURE PLAN**  
Strategic Framework Plan





October 2019  
**TEESDALE STRUCTURE PLAN**  
Contours - 10m







# Golden Plains Planning Scheme Amendment C92gpla Teesdale Structure Plan

## Panel Report

*Planning and Environment Act 1987*

**27 July 2021**



**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

***Planning and Environment Act 1987***

Panel Report pursuant to section 25 of the PE Act

Golden Plains Planning Scheme Amendment C92gpla

**27 July 2021**



Lisa Kendal, Chair



Sally Conway, Member

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## Glossary and abbreviations

BAL-Low	Bushfire Attack Level Low rating under <i>AS 3959 - 2009 Construction of Buildings in Bushfire-prone Areas</i> (Standards Australia, 2009)
BMO	Bushfire Management Overlay
BPA	Bushfire Prone Area
CCMA	Corangamite Catchment Management Authority
CFA	Country Fire Authority
Council	Golden Plains Shire Council
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
DPO2	Development Plan Overlay Schedule 2
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ESO	Environmental Significance Overlay
EVC	Ecological Vegetation Class
G21 Plan	G21 Regional Growth Plan
Landfill BPEM	EPA Victoria Best Practice Environmental Management Publication 788.3, <i>Siting, design, operation and rehabilitation of landfills</i>
LDRZ	Low Density Residential Zone
McCann Brothers Trust	William McCann, Thomas McCann and Peter McCann in trust for the McCann Brothers Trust
Ministerial Direction No. 1	<i>Ministerial Direction No. 1: Potentially Contaminated Land</i>
MPS	Municipal Planning Strategy
Native Vegetation Guidelines	<i>Guidelines for the removal, destruction or lopping of native vegetation</i> , DELWP, December 2017
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Golden Plains Planning Scheme
PPF	Planning Policy Framework
PPN13	Planning Practice Note 13: Incorporated and background documents
PPN30	Planning Practice Note 30: Potentially Contaminated Land
PPN37	Planning Practice Note 37: Rural Residential Development

PPN46	Planning Practice Note 46: Strategic Assessment Guidelines, August 2018
PPN64	Planning Practice Note 64: Local planning for bushfire protection
PPN90	Planning Practice Note 90: Planning for Housing
RPC	Rocklea Pastoral Company
RPG	Ramsey Property Group
SBRA	Teesdale Strategic Bushfire Risk Assessment
Strategic Framework Plan	Teesdale Structure Plan Strategic Framework Plan (map)
TSP 1997	Teesdale Structure Plan 1997
TSP 2020	Teesdale Structure Plan 2020
TSP Background Report	Teesdale Structure Plan Background and Issues Report 2019
TSP Engagement Report	Teesdale Structure Plan Community Engagement Report 2019
VCAT	Victorian Civil and Administrative Tribunal

## Overview

Amendment summary	
The Amendment	Golden Plains Planning Scheme Amendment C92gpla
Common name	Teesdale Structure Plan
Brief description	Implement the Teesdale Structure Plan 2020 by inserting a new local policy Clause 11.03-6L (Teesdale) including the updated Teesdale Structure Plan map, removing the existing Teesdale Town Structure Plan map at Clause 02.04 (Strategic Framework Plans), modifying Clause 02.03-1 (Settlement) to include a new section on Teesdale, and including the Teesdale Structure Plan as a background document at Clause 72.08 (Background Documents)
Subject land	All land within the Teesdale township settlement boundary as shown in Figure 2
The Proponent	Golden Plains Shire Council
Planning Authority	Golden Plains Shire Council
Authorisation	19 October 2020
Exhibition	26 November 2020 to 25 January 2021
Submissions	Number of Submissions: 23 Opposed or seeking changes: 14 See Appendix A
Panel process	
The Panel	Lisa Kendal (Chair), Sally Conway
Directions Hearing	By video conference, 28 April 2021
Panel Hearing	By video conference, 10 and 11 June 2021
Site inspections	Unaccompanied, 27 May 2021
Parties to the Hearing	Golden Plains Shire Council represented Mr Geoff Alexander and Ms Laura Murphy, who called expert evidence on: <ul style="list-style-type: none"> <li>- Bushfire from Phil Walton of XWB Consulting</li> </ul> Country Fire Authority, represented by Mr Michael Boatman Ramsey Property Group, represented by Ms Stephanie Mann of Minter Ellison Rocklea Pastoral Group, represented by Mr Cameron Gray of St Quentin Consulting, who called expert evidence on: <ul style="list-style-type: none"> <li>- Landfill Gas from Andrew Wigley of Landserv</li> </ul> William McCann, Thomas McCann and Peter McCann in trust for the McCann Brothers Trust, represented by Mr Jason Black of Insight Planning Consultants Mr Cameron Steele Mr Kelvin Altmann

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Golden Plains Planning Scheme Amendment C92gpla | Panel Report | 27 July 2021

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Mr Brian and Mr John O'Shannassy, representing Josco P/L  
Ms Sarah Fisher

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Citation Golden Plains PSA C92gpla [2021] PPV

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Date of this report 27 July 2021

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## Executive summary

Teesdale is a small rural township approximately 12 kilometres west of Bannockburn and 35 kilometres north west of Geelong, and with an estimated population of 1,791 in 2019. Teesdale is the second largest town in the Golden Plains Shire and the township is recognised for planned growth in the G21 Regional Growth Plan.

Golden Plains Planning Scheme Amendment C92gpla seeks to implement the Teesdale Structure Plan 2020 into the Golden Plains Planning Scheme. The Teesdale Structure Plan 2020 establishes a vision for Teesdale, identifies key planning issues and opportunities, includes principles and recommendations for growth including development requirements for the North East Growth Precinct.

Specifically, the Amendment proposes to:

- delete the existing Teesdale Structure Plan map at Clause 02.04 (Strategic Framework Plans)
- modify Clause 02.03-1 (Settlement) to include a new section on Teesdale providing the key strategic settlement directions for the town
- include a new local policy Clause 11.03-6L (Teesdale) outlining detailed directions for the future growth of the township and a new Teesdale Structure Plan map
- modify Clause 72.08 (Schedule to the Background Documents) to include the Teesdale Structure Plan 2020 as a background document.

Twenty three submissions were received to the exhibition of the Amendment and fourteen were opposed or seeking changes. Key issues raised in submissions included:

- the role of the G21 Regional Growth Plan in guiding future development
- adequacy of estimates for demand and supply of land for future growth
- whether adequate consideration has been given to alternative land supply options for inclusion within the settlement boundary
- opposition to expansion of the Teesdale settlement boundary and township growth
- criticism of the inclusion of the North East Growth Precinct on the basis of constraints of the area
- advocacy for inclusion of specific parcels of land in the settlement boundary
- criticism of proposed infill development due to potential negative impact on character and lack of infrastructure
- concerns about protection of significant native vegetation
- concern about the adequacy of policy and strategies relating to Native Hut Creek
- management of bushfire risk, including policy response and settlement scale planning, access to safe areas and mitigation measures of new growth areas
- infrastructure planning and quantity and quality of infrastructure in Teesdale
- the effect of infill development on town character.

The Panel considered the strategic justification and merits of the Amendment, including whether it is:

- consistent with, and supports, the implementation of State, regional and local planning policy
- supported by adequate background analysis to establish a robust growth framework for Teesdale.

While the Panel agrees with Council that there is strong policy support for the Amendment in many parts of Clause 11 (Settlement) in the Planning Scheme, the Panel has not been presented with evidence that all relevant policies have been given due consideration. The Panel acknowledges the detailed consideration given to the issue of bushfire risk recognising the importance given to this matter in Clause 71.02-3 (Integrated decision making) and the need to elevate the protection of human life over all other policy considerations. The Panel finds that while there is some policy support for elements of the Amendment, there has been inadequate consideration of all policies required to determine whether the proposed growth framework is strategically justified and will result in a net community benefit.

Council relied on the growth framework established by the Teesdale Structure Plan 1997 as the starting point for the review of the Teesdale Structure Plan 2020, and acknowledged that it contained limited analysis to support its recommendations. The Panel does not accept Council's position that a non-planning matter, in this case honouring a past commitment on the settlement boundary, falls within the intention of Objective (1)(a) of the PE Act with regard to "fairness".

The Panel was presented with an Amendment that endeavoured to honour the commitments of the Township Structure Plan 1997, and this resulted in elements of the Amendment not being fully interrogated within the contemporary context of planning for growth, and elements not being revisited or updated in accordance with policy.

The Panel is concerned that in preparing the Township Structure Plan 2020 the extent of investigations and analysis of policy, opportunities and constraints has been constrained by the assumption that future growth areas are set, in accordance with the Township Structure Plan 1997, and finds that important planning considerations were not given appropriate consideration in determining the growth framework.

In summary, the Panel finds that the Teesdale Structure Plan 2020:

- is not based on an adequate assessment of supply and demand for rural residential land to determine an appropriate future level of growth and associated settlement boundary
- has not analysed existing planning controls to determine whether they are appropriate in the current policy context
- has identified many relevant planning considerations pertinent to developing an appropriate growth framework but has failed to analyse these to establish future growth areas and has instead relied on historical factors to set the settlement boundary
- has not comprehensively determined future community and physical infrastructure needs.

The Panel appreciates the challenge of resourcing updates to strategic plans, and supports the approach where only essential updates are made, and further work is postponed for subsequent stages of the planning process. Council has prepared a structure plan for Teesdale which relies on much of the detailed work being undertaken following introduction of the Amendment into the Golden Plains Planning Scheme. The Panel considers that some of the detailed work is necessary to inform and strategically justify the Amendment, and in this instance it falls short of what is required to ensure that strategic considerations have been taken into account.

The Panel accepts that Council does not currently have a settlement strategy for the southern section of the Shire, albeit Council is planning to undertake one and has been encouraged by DELWP to do so. A settlement strategy would allow Council to more fully explore Teesdale's role in accommodating a certain level and type of residential development. The Panel does not see the

lack of such a strategy as fatal to the Amendment, provided a robust investigation has been conducted to determine an appropriate level of planned growth taking into account the town's role within the municipality. The Panel considers that further work is required to understand the growth role of Teesdale in the region, associated land supply requirements for the town and the settlement boundary.

The Panel put its mind to the disadvantages of delaying adoption of the Teesdale Structure Plan 2020 and Amendment until further work had been completed to address these issues. As the Teesdale Structure Plan 2020 provides very little additional detail to the Teesdale Structure Plan 1997, the Panel considers that there is little disadvantage if introduction is delayed while further work is undertaken either on a southern settlement strategy or to better understand and analyse the opportunities and constraints around Teesdale, without fixed assumptions that rely on the Teesdale Structure Plan 1997.

The Panel considers that the extent of further work required to strategically justify the Amendment is too vast and fundamental to delay the current Amendment until it has been undertaken. It is the Panel's recommendation that the Amendment be abandoned, and a new amendment be prepared following the completion of further work by Council to underpin the Teesdale Structure Plan 2020 and associated amendment.

The Panel concludes:

Strategic justification:

- insufficient evidence has been provided to demonstrate support for the Amendment by several planning policy areas, in particular Clause 16.01-3S (Rural Residential Development)
- there has not been adequate background analysis to establish a robust growth framework for Teesdale.

Land supply, settlement boundary and North East Growth Precinct:

- the land supply and demand assessment:
  - provides evidence of an ample potential land supply to meet the role of Teesdale as a smaller settlement within the municipality
  - fails to investigate whether it is appropriate to supply additional rural residential land in Teesdale and establish a demonstrated need for a particular quantum of rural residential land
  - does not provide a reasonable basis to underpin future residential land requirements for Teesdale
- that significant changes in State policy have not been adequately taken into consideration in the preparation of the Teesdale Structure Plan 2020 and the Amendment to determine an appropriate growth framework
- that there is insufficient strategic justification to support the settlement boundary, and inclusion of the North East Growth Precinct, as shown on the Strategic Framework Plan map
- there is insufficient strategic justification to identify an appropriate location for a "non-urban break" on the Teesdale Strategic Framework Plan.

Native vegetation and Native Hut Creek:

- the Development Plan Overlay should provide for area the of land containing the Plains Grassland to the west of Teesdale – Lethbridge Road to be excised from the Strategic

Framework Plan to allow the issue of native vegetation to be further considered, as proposed by Council

- a vegetation assessment is required to inform the extent of land that can be developed and the extent to which native vegetation will need to be offset.

Bushfire risk:

- the application of the proposed local policy suggested by Council's expert witness is not clear, may impose more onerous requirements than State policy and is not supported
- settlement planning for Teesdale would benefit from an exploration of matters to improve the resilience of the community to bushfire including establishing a BAL-Low.

Infrastructure:

- it is appropriate to remove the path proposed along the Bannockburn-Shelford Road from the Strategic Framework Plan
- based on the advice from Barwon Water, the North East Growth Precinct can be serviced with water, subject to the outcomes of its regional servicing strategy
- Council should consider including a reference to the need for drainage investigation in the proposed Planning Scheme provisions
- a requirement for flood studies and associated planning scheme amendment should be included in Planning Scheme provisions, potentially in the schedule to Clause 74.02 (Further Work)
- the planning and non-planning actions in the Teesdale Structure Plan 2020 relating to traffic and car parking are appropriate
- the Teesdale Structure Plan 2020 includes a high level appreciation of the feasibility and costs of servicing infill development
- it is critical to include in the Strategic Framework Plan any infrastructure that may require development contributions to be delivered.

Landfill buffer:

- Council should consult with and obtain agreement from the EPA prior to making any changes to the wording or notations relating to the landfill buffer area on the Strategic Framework Plan in the Teesdale Structure Plan 2020.

In addition to the issues above, the Panel considers that any updated Teesdale Structure Plan should address the following:

- a rural residential land supply and demand assessment following the guidance of Planning Practice Note 37: Rural Residential Development would assist in preparing an appropriate growth framework for Teesdale
- assess the significance of native vegetation, consideration of targeted strategies in local policy and the potential need for additional Victoria Planning Provision tools to protect native vegetation
- identify and assess the values, constraints and opportunities associated with Native Hut Creek with consideration of additional specific strategies in local policy, in line with existing policy for Bruce's Creek in Bannockburn Clause 11.03-6L (Bannockburn)
- improve the resilience of the community to bushfire including establishing a BAL-Low safe area and investigating growth options to mitigate bushfire exposure of existing residential properties

- understand whether the town may be sewerred and associated timeframes, as this has critical implications for township structure planning, and ideally should be resolved prior to finalising the structure plan
- understand community and social infrastructure needs for Teesdale in the context of the broad region, and with consideration of existing and projected population and demographics, gaps and deficiencies and recommendations.

**Recommendation**

Based on the reasons set out in this Report, the Panel recommends that:

1. **Golden Plains Planning Scheme Amendment C92gpla be abandoned.**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

Golden Plains Planning Scheme Amendment C92gpla (the Amendment) seeks to implement the Teesdale Structure Plan 2020 (TSP 2020) into the Golden Plains Planning Scheme (Planning Scheme) to guide the future growth of the township. It proposes to replace content from the Teesdale Structure Plan 1997 (TSP 1997) which is now outdated. Golden Plains Shire Council (Council) is the Proponent for the Amendment.

Specifically, the Amendment proposes to:

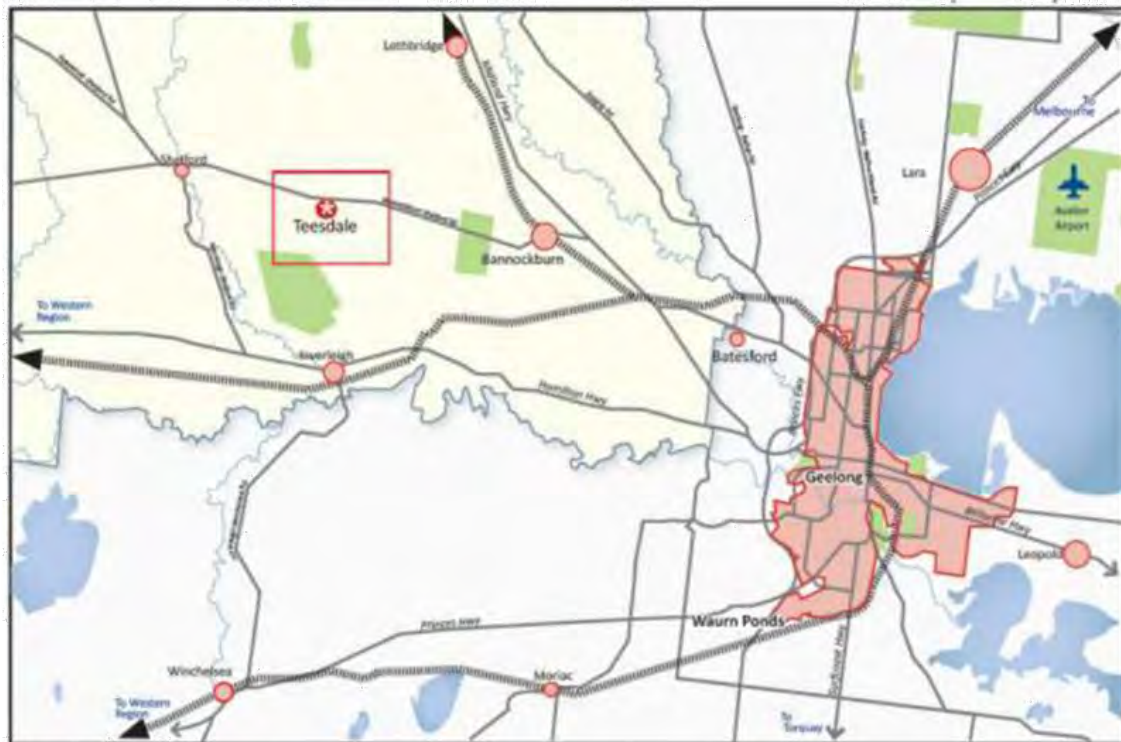
- delete the existing Teesdale Town Structure Plan map at Clause 02.04 (Strategic Framework Plans)
- modify Clause 02.03-1 (Settlement) to include a new section on Teesdale including the key strategic settlement directions for the town
- include a new local policy Clause 11.03-6L (Teesdale) outlining detailed directions for the future growth of the township and a new Teesdale Structure Plan map (Strategic Framework Plan)
- modify Clause 72.08 (Background Documents) to include the TSP 2020 as a background document.

### (ii) The subject land and context

Teesdale is small rural town located in the southern half of Golden Plains Shire approximately 12 kilometres west of Bannockburn, and 35 kilometres north west of central Geelong (see Figure 1).

The Teesdale township is unsewered and is characterised by low density rural residential type development, with a small commercial offering (general store, pharmacy and medical centre) and a primary school. Teesdale is the second largest town in the Golden Plains Shire with an estimated population of 1,791 residents in 2019.

The Amendment applies to land within the red dashed line shown in Figure 2. It includes all land within the existing Teesdale township and an area to the north east, referred to as the North East Growth Precinct. Most North East Growth Precinct land is currently used for farming purposes, with one parcel comprising the former Teesdale Landfill.

**Figure 1** Teesdale Regional Context

Source: TSP Background Report

**Figure 2** Teesdale Structure Plan area

Source: C92gpla Explanatory Report

**(iii) Teesdale Structure Plan 2020**

The TSP 2020 is intended to be read in conjunction with the Teesdale Structure Plan Background and Issues Report 2019 (TSP Background Report) and guides the future growth and development of Teesdale.

The TSP 2020:

- Sets a vision for the future of Teesdale.
- Identifies the key strategic planning issues and opportunities facing the town, including community needs and aspirations.
- Establishes principles, directions and recommendations for infill and greenfield development.
- Provides clarification of development requirements and future zoning for the growth precinct to the North East of the town identified within the 1997 Structure Plan.
- Describes the general future direction of growth beyond the current structure plan.
- Provides future actions and implementation measures.<sup>1</sup>

A high level overview of factual information is provided as context relating to flora and fauna, Native Hut Creek, agricultural land, Aboriginal cultural heritage, regional growth and policy and stakeholder engagement.

An Issues and Opportunities plan identifies the following in relation to growth planning:

- need for a future planning scheme amendment for the Native Hut Creek Flood Study
- need for substantive augmentation of the water supply infrastructure for any new greenfield areas
- recognition of the North East Growth Precinct and a 500 metre buffer to the former landfill
- car parking opportunities
- improvements to the shared path network
- opportunities for well designed infill development
- opportunities to encourage commercial development.

Guiding principles are grouped according to six themes: residential development, transport and movement, open space and landscaping, community infrastructure and services, commercial development and service provision. The principles include:

- Ensure future growth continues to be low density, and will draw upon the landscape, character and history of the town.
- Avoid unplanned rezoning and ad-hoc subdivision.
- Avoid residential development which encroaches into the buffers of any existing noxious or hazardous uses.
- Avoid environmental hazards where known, including steep land.
- Ensure development is responsive to and seeks to minimise bushfire risk.
- Avoid highly productive agricultural land where known.
- Ensure future planning anticipates impacts on existing infrastructure.
- Encourage infill subdivision and development.

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<sup>1</sup> Teesdale Structure Plan 2020, page 3

- Ensure new growth maximises opportunities to connect on to existing road and path networks.
- Ensure new growth includes modest amounts of street lighting for driver safety purposes.
- Establish low maintenance native street tree planting along roads/paths/open space in future developments.
- Utilise encumbered land (such as flood prone land) within greenfield sites for open space purposes where practicable.
- Provide community infrastructure and services to meet the needs of the growing population.
- Leverage enhanced community facilities through developer contributions.
- Encourage low order services in Teesdale to provide convenience to residents, such as a restaurant, café, pub and service station. Higher order services will continue to be provided in Bannockburn and Geelong.
- Encourage commercial development in the Township Zoned areas.
- Provide essential services and utilities in a timely manner to support the growing population.
- Encourage the 'user pays' principles in the provision of services and public infrastructure which is to be impacted upon as a result of development.
- Encourage government agencies and authorities which provide critical infrastructure and services to participate in growth area planning.
- Lobby for public transport in Teesdale as the population continues to grow.

The Teesdale Strategic Framework Plan (see Figure 5 in Chapter 4) establishes the settlement boundary, includes the North East Growth Precinct and identifies the proposed landfill buffer, encourages commercial facilities in the Township Zone, encourages low density infill residential development, and identifies proposed pathways.

The TSP 2020 states that the North East Growth Precinct has been "*strategically identified*"<sup>2</sup> for residential development and sets out requirements to accompany a rezoning proposal including the application of a Development Plan Overlay (DPO) and associated schedule. It also sets out requirements for development contributions.

The TSP 2020 concludes with a one page action plan containing both land use planning and other matters to be addressed in future years. Land use planning actions include:

- Preparation of a Planning Scheme Amendment to implement mapping from a native hut creek flood study commissioned by the CCMA.
- Preparation of a flood study for the tributary that flows into Native Hut Creek from the West (crossing Jolly's Road).
- Investigate the need for a better/modified car parking layout at the car park opposite the general store.
- Acquire land adjacent to Native Hut Creek at the rezoning stage of the North East Precinct.
- Protect and enhance areas of high biodiversity in Teesdale.
- Ensure future development recognises Aboriginal Cultural Heritage.<sup>3</sup>

<sup>2</sup> TSP2020, page 20

<sup>3</sup> TSP2020, page 23

**(iv) Post exhibition proposed changes to the Amendment**

Council considered a report on submissions to the Amendment on 23 March 2021. Council resolved to:

Authorise officers to make changes to the Teesdale Structure Plan (TSP) and Amendment C92gpla in accordance with officer recommendations identified in table 1 of this report.

Refer all submissions to an independent Planning Panel pursuant to section 23(1)(b) of the Planning and Environment Act.

Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to submissions outlined in this report.

Council submitted proposed post exhibition changes to the Amendment in its Part A submission, along with the reasons Council proposed to make the changes. These are presented in Table 1.

**Table 1 Council proposed post exhibition changes to the Amendment**

Recommended Change	Reason
Remove the depiction of paths from the Strategic Framework Plan	One submitter believed that a depiction of a future path near the main road was dangerous on the basis of 80km/h traffic and the primary school children who would use it.  Council's recreation and youth area was of the view there was some validity to the submission and that the Paths and Trails Strategy would eventually be reviewed. Depiction of paths is not critical to the structure plan
Update the background report to recognise the importance of preserving agricultural land in decisions to rezone land	Preserving agricultural land is an important goal of the planning system and is relevant in the Teesdale context (largely surrounded by farms)
Explicitly recognise a non-urban break between Bannockburn and Teesdale on the Strategic Framework Plan	This land has an important role separating the identity of Teesdale and Bannockburn that could be recognised through a formal non-urban break
On page 21 of the TSP 2020 under "Land may be excluded from any rezoning proposal for the following reasons:" propose to add in:  "The land is west of Teesdale-Lethbridge Road"	This refers to land within the North East Growth Precinct west of Teesdale-Lethbridge Road.  The land is mostly covered in rare native grasses with biological significance. These grasses may be prohibitively expensive to remove under Victoria's Native Vegetation Framework and the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .  The Structure Plan currently reads as to require one rezoning amendment be lodged for the entire North East Growth Precinct. By allowing the land west of Teesdale-Lethbridge Road to be split from the main rezoning/DPO Schedule Amendment that follows the Structure Plan process, the land subject to the native grasses can be considered in more detail as a separate matter

Recommended Change	Reason
Replace the wording "buffer" in relation to the landfill within the North East Growth Precinct with "Landfill Investigation Area" in both C92gpla and the TSP 2020	Currently there is a 500 metre "buffer" depicted in relation to the former Teesdale Tip within the North East Growth Precinct. The word "buffer" typically means land that cannot be developed. However EPA guidelines merely specify that the land within 500 metre of a landfill has to be investigated in a particular way (typically requiring an environmental audit) and that the results of the investigation will determine which land within the 500 metre range can/cannot be developed
Include a future action for a Teesdale Stormwater review in the future actions table in the TSP 2020	There are limited existing drainage assets in Teesdale, with significant amounts of infill expected (increases to impervious surfaces). Over time there will be more pressure on existing assets
Add the town boundary to the legend in the Amendment	The town boundary is already in the legend within the structure plan, and it is an oversight not to include this in the legend for the Amendment

Council further advised at the Hearing, and in its Part B submission, that it supported the inclusion of an additional policy statement on bushfire mitigation at Clause 11.03-6L (Teesdale) as suggested by Council's expert witness, Mr Walton of XWB Consulting<sup>4</sup>:

Provide an appropriate setback between a bushfire hazard and/or the rural interface and a building envelope for a dwelling to achieve an acceptable building construction standard not exceeding BAL29 for infill development.

## 1.2 Background and context

### (i) Chronology of events

Council's Part A submission included a chronology of events leading to the development of the TSP 2020 and preparation of the Amendment, which the Panel has summarised in Table 2.

Table 2 Chronology of events

Date	Actions
Mid 2019	Teesdale Structure Plan Background and Issues Report 2019 prepared
September - late 2019	Council undertook community consultation on the TSP Background Report via a hard copy survey (mailed to all residents), two Drop-in sessions, and agency consultation. A Community Consultation Report was prepared summarising the findings of consultation
Early 2020	TSP 2020 prepared
February 2020	Agency consultation on the TSP 2020
March 2020	Teesdale Strategic Bushfire Risk Assessment prepared
28 April 2020	Council resolved to adopt the TSP 2020 and prepare Amendment C92gpla
19 October 2020	Ministerial authorisation granted to prepare the Amendment

<sup>4</sup> Document 17, Expert Witness Statement XWB Consulting, page 19

Date	Actions
25 November 2020 to 25 January 2021	Amendment exhibited – 23 submissions received
23 March 2021	Council resolved to refer submissions to an independent planning panel with recommended changes
25 March 2021	Letter to Planning Panels Victoria requesting the appointment of a Panel to consider submission to the Amendment

## (ii) Teesdale Structure Plan 1997

The TSP 1997 sets the strategic land use planning direction for Teesdale and is recognised in Clause 02.04 (Strategic Framework Plans) of the Planning Scheme. The TSP 1997 identifies areas for future rural residential and low density growth, most of which have since been developed. The TSP 1997 contains limited analysis to support its recommendations, and map is shown in Figure 3.

The TSP 1997 includes the notation *“The Town Structure Plan is indicative only of desirable growth patterns. The lines show broadly the areas required for different uses but are not meant to be for statutory purposes.”* It contains strategies to direct future commercial use and development to the south side of Shelford-Bannockburn Road and to provide open space at Native Hut Creek.

The North East Growth Precinct is shown on the TSP 1997 as an area set aside for Low Density Environmental Living. A definition of this term was not given. Part of the area, adjacent to Native Hut Creek, was not given any designation and the intended use of this area is unclear. The area is not shown in the G21 Regional Growth Plan (G21 Plan). Council submitted to the Panel that it believed this area was intended for some form of residential development as it was identified by the dashed line used to delineate other residential growth areas. The area is shown with an orange line in Figure 4.

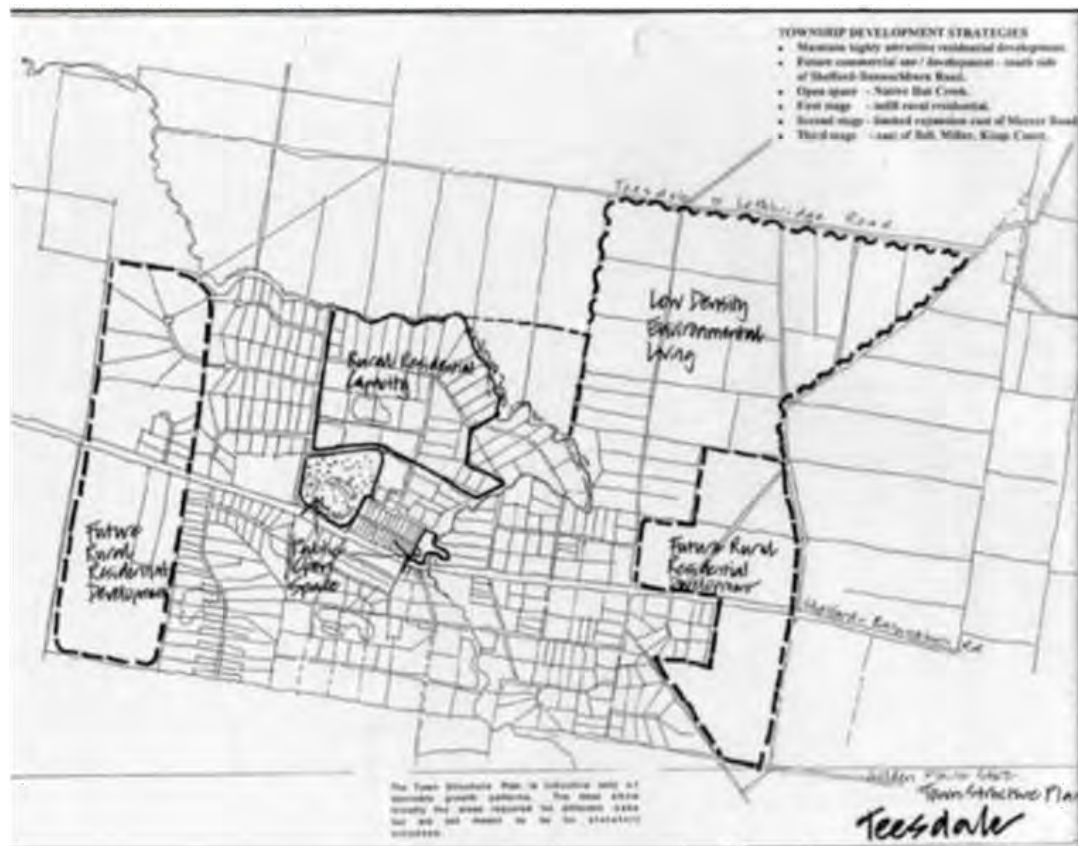
## (iii) Teesdale Structure Plan Background and Issues Report 2019

The purpose of the TSP Background Report is to present background analysis on a number of issues informing the TSP 2020. It includes a supply and demand analysis for residential land, a high level overview of environmental assets and risks, nearby land uses, past strategies, demographics, commercial land use, community infrastructure, open space, heritage and applicable planning scheme policy and controls.

Key findings relevant to this Amendment include:

- sufficient supply of greenfield residential land to cater for approximately 13 years of population growth
- extensive potential for infill subdivision
- requirement for minimum 4,000 square metre lots due to lack of reticulated sewer
- lack of commercial offerings
- need to update flood mapping associated with the Native Hut Creek Flood Study, potential need for further flood mapping
- limited physical infrastructure such as street lighting and pedestrian crossings
- reference to other Council strategies to direct upgrades to open space and community infrastructure.

Figure 3 Teesdale Structure Plan 1997



Source: Document 13, Council Part A Submission

Figure 4 Area in the TSP 1997 not shown in the G21 Regional Growth Plan



Source: Document 13, Council Part A Submission

**(iv) Teesdale Structure Plan Community Engagement Report 2019**

The Teesdale Structure Plan Community Engagement Report (TSP Engagement Report) provides a summary of findings and consultation activities undertaken in relation to the TSP Background Report.

Consultation activities included a community survey (166 responses), two conversation posts (28 attendees) and direct contact with several agencies and service providers.

The survey was the primary engagement tool. It was limited to ten questions, and asked respondents about preferences for future commercial development, entrance features, street lighting, street trees, car parking, connection to reticulated sewer, small scale community projects, an open ended question about the type of community people wished to live in, and called for suggestions for the TSP 2020.

Many respondents expressed a preference for Teesdale to retain its rural/country character with a majority opposing connection to reticulated sewer.

**(v) Authorisation**

Ministerial Authorisation to prepare the Amendment was issued on 19 October 2020 by the Department of Environment, Land, Water and Planning (DELWP). The Authorisation letter included the following conditions:

1. Amend Clause 11.03-6L Teesdale to ensure that the policy directions of Clause 11.03-6L Teesdale fully represent the guiding principles from the TSP 2020.
2. Amend Clause 02.03-1 relating to strategic directions for Teesdale consistent with the TSP 2020.
3. Confirm the inclusion of the land area in the SW corner of the proposed North East Precinct as part of the amendment, noting that this area is not included in the Teesdale Structure Plan 1997 nor depicted as 'Identified Planned Growth' in the G21 Regional Growth Plan. If the area is to be retained, Council must provide appropriate and specific planning justification for its inclusion for the consideration of DELWP and is to amend the planning scheme amendment documentation accordingly.
4. Confirm the rehabilitation status and current and intended future infrastructure/use for the former Teesdale landfill site and integrate any relevant matters regarding rehabilitation and future infrastructure/use into the TSP 2020, the proposed ordinance, and the planning scheme amendment documentation.
5. Amend the Teesdale Framework Plan in the TSP 2020 and in clause 11.03-6L Teesdale by removing reference to "Future Investigation Area" in the Key to the Framework Plan.
6. Correct all errors and inconsistencies in the TSP 2020 prior to exhibition to the satisfaction of DELWP to ensure clarity and administrative certainty.  
Examples of items requiring correction include:
  - a. Reference to 'North West' in Chapter 1 Introduction should be 'North East'
  - b. Correct the Regional Context in Chapter 1.1 Context to inform that the northern parts of Golden Plains Shire are included in the Central Highlands region, with the southern areas (including Teesdale) included as part of the G21 region.

- c. Achieve consistency in the naming of the 'North East Precinct' between the Teesdale Structure Plan 2020 and the Teesdale Framework Plan
- d. Removal of the 'Future Investigation Area' in the Key to Figure 5: Framework Plan
- e. Include the missing key to Figure 2: Aboriginal cultural heritage
- f. Include a description label of the dashed red line in the Key to Figure 5: Issues and Opportunities
7. Apply consistent naming convention of the amendment as "C92gpla" to all the amendment documentation.
8. Amend the Explanatory Report to:
  - a. include the section "How does the amendment support or implement the Municipal Planning Strategy?"
  - b. clarify whether changes have been made to the amendment to address the views of the Environment Protection Authority.
  - c. demonstrate that the amendment adequately responds to Clause 13.02-1S (Bushfire planning).
9. Ensure notice is given to the Environment Protection Authority, the Grampians and Central West Waste and Resource Recovery Group, DELWP Planning and Approvals Team (Forest Fire and Regions Group), Barwon Water, Corangamite Catchment Management Authority, Country Fire Authority, VicRoads and the Wadawurrung Traditional Owners Aboriginal Corporation.
10. Include the Teesdale Structure Plan Background Report be as a supporting document during exhibition.

### 1.3 Procedural issues

Following the Directions Hearing, the Panel issued a draft timetable<sup>5</sup> which proposed an additional hearing day to accommodate the requests to be heard from parties. Parties were invited to respond to the Panel by 12 noon on Friday 30 April 2021 regarding the additional day and proposed dates. Subsequently a timetable (version 1) was issued by the Panel on 7 May.<sup>6</sup>

Prior to the Hearing, the Panel received one late request to be heard from, which it accepted from Sarah Fisher (Submission 5)<sup>7</sup>, and one request to reduce the required time allocation at the Hearing from the Ramsey Property Group (RPG) (Submission 22). The Panel updated and issued a revised timetable (version 2)<sup>8</sup>, and a two-day Hearing was held on Thursday 10 June and Friday 11 June 2021.

### 1.4 Summary of issues raised in submissions

Twenty three submissions were received to the exhibition of the Amendment and fourteen were opposed or seeking changes. All submissions were referred to the Panel.<sup>9</sup> Thirteen were community member submissions, six were from agencies and four were developer submissions.

<sup>5</sup> Document 3, Draft Hearing Timetable

<sup>6</sup> Document 6, Directions and Timetable 7 May 2021

<sup>7</sup> Time was allocated in the timetable for Sarah Fisher to present to the Panel, however she did not attend

<sup>8</sup> Document 20, Further Directions and Hearing Timetable V2

<sup>9</sup> Document 21, Attachment 1 to Part B Submission

**(i) Agency submissions**

Council received submissions from the following agencies:

- Department of Education and Training
- DELWP
- Barwon Water
- Environment Protection Authority (EPA)
- Country Fire Authority (CFA)
- Wadawurrung Aboriginal Corporation.

The CFA requested changes to the Amendment. Minor changes to address issues raised in the initial CFA submission were proposed by Council, but at the Hearing the CFA submitted that the following key issues were unresolved:

- bushfire risk at settlement planning scale
- access to safer areas
- mitigation measures for future development areas
- local bushfire policy response.

**(ii) Individual submissions**

Key issues raised by community submitters were:

- opposition to proposed development in the North East Growth Precinct
- concerns about significant native vegetation
- concern about the adequacy of policy and strategies relating to Native Hut Creek
- opposition to further growth and expansion of the Teesdale settlement boundary
- the effect of infill development on town character
- quantity and quality of infrastructure in Teesdale, including pathways.

**(iii) Developer submissions**

Four submissions were received from developers and property owners with land around the edge of the existing township. One submission supported the Amendment, having land within the North East Growth Precinct. All submissions were lobbying for inclusion of land within the defined settlement boundary. The key issues raised were:

- adequacy of estimates for demand and supply of land for future growth
- the role of the G21 Plan in guiding future development
- whether adequate consideration has been given to alternative land supply options for inclusion within the settlement boundary
- advocacy for inclusion of specific parcels of land in the settlement boundary
- criticism of the inclusion of the North East Growth Precinct on the basis of constraints of the area
- criticism of proposed infill development due to potential negative impact on character and lack of infrastructure
- opportunities for consultation on the extent of the settlement boundary.

**1.5 The Panel's approach**

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning

Scheme. It is noted that pursuant to this Clause, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations and this has been a key consideration in the Panel's examination of submissions.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It 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 materials 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:

- Strategic justification
- Land supply, settlement boundary and the North East Growth Precinct
- Native vegetation and Native Hut Creek
- Bushfire risk
- Infrastructure
- Landfill buffer.

## 1.6 Limitations

A number of submissions requested consideration of new growth areas for Teesdale, outside of the current and proposed settlement boundary.

The Panel received a question from Mr O'Shannassy (Submission 21) on the (3 June 2021) relating to the remit of the Panel, and specifically whether:

If the panel decides that there isn't enough land availability or suitability in the Council preferred NE zone and or township infill - does the panel make a determination as what other land is to be included in the Structure plan?<sup>10</sup>

An email response from the Panel Chair was circulated to all parties, stating that:

The Panel is required to consider issues raised in relation to the Amendment as exhibited, and to make recommendations on how those issues may be addressed. Any decision relating to alternative sites would have to go through a separate Amendment process.<sup>11</sup>

The matter was discussed further in preliminary matters at the beginning of Day 1 of the Hearing, and the Panel Chair provided further advice:

- that, under the *Planning and Environment Act 1987* (PE Act), a Panel is appointed by the Minister for Planning to hear submissions made about amendments to planning schemes and to make recommendations or provide advice about whether or not the amendment should proceed
- after considering all submissions and hearing all those who wish to be heard, making site inspections and considering all information presented to it, the Panel will send the Planning Authority a written report on the Amendment. The Panel in this case has 30 business days to submit its report
- the Panel can only consider the proposal before it - any decision relating to alternative sites would have to go through a separate Amendment process, including being placed

<sup>10</sup> Document 16 – Email request for clarification about what the Panel can make determinations on

<sup>11</sup> Document 23 – Email response to J O'Shannassy

on public exhibition so that submissions can be canvassed, and potentially considered by a Panel.

Several parties raised concerns that they had not been given the opportunity to fully interrogate proposed new growth areas with Council during preparation of the TSP 2020 and Amendment, and raised the question - if not now at this Panel, then when might their issues be heard?

As required under the PE Act, the Panel has considered the issues raised in submissions and made recommendations in the context of the proposed Amendment. The Panel accepts that it can recommend that the Amendment be modified to include new growth areas if it considers these strategically justified; but considers that this would constitute a transformation of the Amendment which would require further procedural considerations.

The Panel notes submissions relating to the proposed new growth areas, but has not addressed the issues in any detail or made recommendations relating to the merit of these proposals. The Panel considers that any new proposed growth areas for Teesdale would need to be considered through a separate amendment process or a future structure planning process.

The Panel notes submissions relating to the effect of infill development on town character, and Council's response that the Amendment is seeking to encourage infill development and town character may change over time, which it considered acceptable due to benefits relating to sustainability and land use efficiency in the context of "*Teesdale already considered an example of urban sprawl*".<sup>12</sup> The Amendment does not seek to introduce any specific planning controls relating to character in the existing township of Teesdale, and the issue has not been addressed in detail by the Panel.

Issues relating to strategic justification of the Amendment are discussed in Chapter 3 and land supply and settlement boundaries are discussed in Chapter 4.

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<sup>12</sup> Document 21, Council Part B Submission

## 2 Planning context

### 2.1 Planning policy framework

Council submitted that the Amendment is supported by:

- objectives of the PE Act providing for the fair, orderly, economic and sustainable use, and development of land
- Clause 11 (Settlement):
  - delivering a framework for managing the growth of Teesdale that builds on the objectives and strategies set out in Clause 11.02 (Supply of urban land), Clause 11.02-2S (Structure planning), and Clause 11.02-3 (Sequencing of development)
  - being consistent with Clause 11.01-1R (Settlement – Geelong G21) which includes the G21 Plan, consolidating the role of Teesdale to provide for planned growth and incremental infill
  - implementing local policy at Clause 11.01-1L (Settlement) which directs growth to urban areas provided with water, sewerage and social infrastructure
- Clause 02.03-1 (Settlement):
  - providing direction for numerous small townships and settlements in Golden Plains Shire, including Teesdale
  - directing that growth will be within existing settlement boundaries, rezoning for new residential land will be limited, and infill development will be facilitated.

The Panel notes that several policies within the following clauses are also relevant (summarised):

- Clause 12.01-1S (Protection of biodiversity):
  - assisting the protection and conservation of Victoria's biodiversity
- Clause 12.01-2S (Native vegetation management):
  - ensuring that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation
- Clause 12.03-1S (River corridors, waterways, lakes and wetlands):
  - protecting and enhancing river corridors, waterways, lakes and wetlands
- Clause 12.03-1L (Waterways and wetlands)
  - protecting the quality of waterways and wetlands by using setbacks, water sensitive urban design, and other measures to avoid negative impacts from development, people or livestock
- Clause 13.02-1S (Bushfire Planning):
  - strengthening the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life
- Clause 13.03-1S (Floodplain management)
  - protecting people, assets and infrastructure from flood hazards and protecting the natural flood carrying capacity and storage function of waterways
  - protecting floodplain areas of environmental significance or of importance to river health
- Clause 14.01-1S (Protection of agricultural land)
  - protecting the state's agricultural base by preserving productive farmland
- Clause 14.02-1S (Catchment planning and management)

- assisting the protection and restoration of catchments, water bodies and groundwater.
- Clause 16.01-1S (Housing supply)
  - facilitating well-located, integrated and diverse housing that meets community needs
- Clause 16.01-1L (Housing supply in Golden Plains Shire)
  - Directing residential development to townships that have reticulated services, community facilities and convenient access to commercial and retail centres
- Clause 16.01-2S (Housing affordability)
  - delivering more affordable housing closer to jobs, transport and services
- Clause 16.01-3S (Rural residential development)
  - identifying land suitable for rural residential development
- Clause 19.02 (Community infrastructure)
  - providing fairer distribution and access to social and cultural infrastructure
  - establishing, managing and improving a diverse and integrated network of public open space that meets the needs of the community
- Clause 19.03 (Development infrastructure)
  - providing timely, efficient and cost effective development infrastructure that meets the needs of the community
  - sustainably manage water supply, resources, wastewater, drainage and stormwater through an integrated water management approach
- Clause 02.03-2 (Environmental and landscape values):
  - protecting and enhancing the natural environment (including waterways and wetlands) by protecting significant habitats and remnant vegetation and balancing conservation with development pressures, land use change and protection of people from bushfire
- Clause 02.03-3 (Environmental risks and amenity)
  - mitigating bushfire and flood risks by avoiding and discouraging development in high risk areas and where environmental values may be impacted
- Clause 02.03-4 (Natural resource management)
  - protecting the role of agricultural land as an economically valuable resource
- Clause 02.03-9 (Infrastructure)
  - directing development to areas with access to water and sewerage infrastructure
  - facilitating water and sewerage infrastructure works in unsewered townships and improving service delivery where it is lacking
- Clause 71.02-3
  - integrating the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, prioritising the protection of human life overall all other policy considerations.

## 2.2 Other relevant planning strategies and policies

### G21 Regional Growth Plan 2013

The G21 Plan provides broad direction for land use and development across five municipalities including the southern part of the Golden Plains Shire.

Council submitted that the Amendment supports the G21 Plan because it:

- implements a settlement boundary in accordance with the policy statement requiring one for all towns
- includes a settlement boundary which is consistent with the G21 Plan map for Teesdale
- limits growth in Teesdale in accordance with the requirement to limit growth in smaller towns to existing settlement boundaries.

## 2.3 Planning scheme provisions

The Amendment does not propose to rezone any land or to apply or amend an overlay.

### (i) Zones

The majority of land in the existing Teesdale township is in the Low Density Residential Zone (LDRZ). All lots within the LDRZ must be at least 4,000 square metres in area in unsewered areas. This requirement is consistent with Council's minimum lots size requirements in Council's Domestic Wastewater Management Plan (DWMP).

There are two smaller areas of land within the Township Zone (TZ). Businesses are generally sites within the TZ, although the primary land use in these areas is residential.

Land in the North East Growth Precinct is primarily zoned Farming Zone (FZ) with a portion zoned Public Use Zone 6 applying to the former Teesdale landfill site.

### (ii) Overlays

A number of overlays extend across parts of Teesdale and the North East Growth Precinct, as described in the TSP Background Report, including:

- Bushfire Management Overlay (BMO)
- Land Subject to Inundation Overlay (LSIO)
- Floodway Overlay (FO)
- Heritage Overlay (HO)
- Development Plan Overlay (DPO)
- Design and Development Overlay (DDO)
- Environmental Significance Overlay (ESO)
- Salinity Management Overlay (SMO).

These are discussed as required in relation to each issue.

## 2.4 Ministerial Directions and Practice Notes

### (i) Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of *Ministerial Direction No. 11: Strategic Assessment of Amendments*. That discussion is not repeated here.

The Amendment also needs to consider *Ministerial Direction No. 1: Potentially Contaminated Land* (Ministerial Direction No. 1) and this is discussed in Chapter 8.

*Ministerial Direction No. 19: Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the Environment, Amenity and Human Health* applies to an amendment that:

- allows the use or development of potentially contaminated land, and/or trigger the requirements of Ministerial Direction No. 1 or *State Environment Protection Policy - (Prevention and Management of Contamination of Land)*
- allows the use or development of land that could result in water, noise, air or land pollution impacts on the environment, amenity or human health, including as defined by State Environment Protection Policies
- allows the use or development of land within a buffer or separation distance for industry, including as set out in the *Recommended Separation Distances for Industrial Residual Air Emissions – Guideline – EPA Publication 1518*, as amended, and other relevant EPA guidelines
- allows the use or development of land within a buffer or separation distance for an industry engaged in materials recycling, refuse disposal, transfer station (waste and resource recovery facility), including as set out in the EPA Victoria Best Practice Environmental Management Publication 788.3, *Siting, design, operation and rehabilitation of landfills* (Landfill BPEM), as amended, and other relevant EPA guidelines.

## (ii) Planning Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

The following provides a summary of other relevant Planning Practice Notes.

### **Planning Practice Note 13: Incorporated and background documents (PPN13)**

PPN13 provides guidance on the use of incorporated and background documents. Background documents can be used as a basis for preparing local planning policies or requirements in a planning scheme, or can be mentioned in a planning scheme as a source of useful background information to a policy or control. Background documents have only a limited role in decision making as they are not part of a planning scheme and do not have the status of incorporated documents or carry the same weight. The key for determining if a document should be identified as a background document is whether it can provide useful background information or general advice to applicants or will assist in understanding a planning scheme.

The Amendment proposes to include the TSP 2020 in the Planning Scheme as a background document which is considered appropriate for a document of this nature.

### **Planning Practice Note 37: Rural Residential Development (PPN37)**

PPN37 provides guidance when planning for, or assessing proposals for, rural residential use and development. Rural residential development refers to land in a rural setting, used and developed for dwellings that are not primarily associated with agriculture. Because of its primarily residential function, rural residential development requires access to most of the normal services and infrastructure provided in urban settlements. Typically, it also generates urban residential amenity considerations. The zones usually applied to rural residential land are:

- LDRZ
- Rural Living Zone

- Green Wedge A Zone (note – can only be applied in metropolitan fringe planning schemes – Planning Practice Note 62).

The Amendment does not propose to rezone any land. It does however identify land for future residential growth and promotes low density residential development as the preferred form of settlement growth.

#### **Planning Practice Note 90: Planning for Housing (PPN90)**

PPN90 was introduced in December 2019. It provides guidance about planning to accommodate projected population and housing change. It points to policy in the Planning Policy Framework (PPF) which guides urban growth planning and in particular:

- opportunities for the consolidation, redevelopment and intensification of existing urban areas
- neighbourhood character and landscape considerations
- limits of land capability and natural hazards and environmental quality
- service limitations and the costs of providing infrastructure
- the relevant regional growth plan.

It notes that each municipality will experience the effects of growth in different ways and will need to plan for this.

#### **Other relevant practice notes**

Other planning practice notes relevant to the Amendment are:

- Planning Practice Note 30: Potentially Contaminated Land (PPN30)
- Planning Practice Note 64: Local planning for bushfire protection (PPN64).

These practice notes are further discussed in more detail as relevant to each issue.

## 3 Strategic justification

### 3.1 The issues

The issues are whether the Amendment is:

- consistent with, and supports, the implementation of State, regional and local planning policy
- supported by adequate background analysis to establish a robust growth framework for Teesdale.

### 3.2 Submissions

Council submitted that the Amendment consolidates the existing town structure and provides *"significantly improved strategic justification"*<sup>13</sup> compared with the TSP 1997 and is generally in accordance with the G21 Plan.

Council submitted that the Amendment implements *"several State Planning Policies"*<sup>14</sup> and referred the Panel to a number of sub-clauses in Clause 11 (Settlement) of the Planning Scheme, covering the supply of urban land, structure planning, sequencing of development and consistency with the G21 Plan. Council further submitted that the Amendment was consistent with local policy at Clause 02.03-1 (Strategic Directions – Settlement) of the Planning Scheme, which provides guidance for small town settlement planning, directs that growth is contained within existing settlement boundaries, limits residential land rezoning and promotes infill development.

With regard to biodiversity policy, Council submitted that consideration had been given to state-wide Ecological Vegetation Class (EVC) mapping and the presence of fauna at a high level.

Bushfire state policy was considered through the Teesdale Strategic Bushfire Risk Assessment 2020 (SBRA) and as part of the expert evidence given by Mr Walton of XWB Consulting. Both reports stated that the Amendment was consistent with State planning policy. Mr Walton gave the opinion that *"Amendment C92gpla proposes largely a policy neutral position in that it does not propose development over and above what was contemplated in the 1997 Teesdale Framework Plan which currently forms part of the planning scheme"*.<sup>15</sup>

Council noted that a proponent could currently apply to rezone land in the North East Growth Precinct due its current designation in the Planning Scheme.<sup>16</sup>

The CFA submitted to the Panel that it did not believe the Amendment was policy neutral, that the Amendment was *"enabling development in Teesdale"* and that more changes to the Amendment were required to comply with Clause 13.02-1S (Bushfire planning).

Ms Stephanie Mann of Minter Ellison, representing RPG also submitted that the Amendment was not policy neutral and the *"the inclusion or otherwise of land within the proposed township boundary has a significant, if not major, impact on the developability of land moving forward"*.<sup>17</sup>

<sup>13</sup> Document 21, Council Part B Submission, page 7

<sup>14</sup> Document 13, Council Part A Submission, page 12

<sup>15</sup> Document 17, Expert Evidence, XWB Consulting, page 3

<sup>16</sup> Document 21, Council Part B Submission, page 4

<sup>17</sup> Document 28, page 3

Ms Mann took the Panel through a detailed list of planning policy that was considered relevant to the Amendment. In addition to the settlement and bushfire planning policies referred to by Council, Ms Mann identified the following provisions:

- Clause 14.01-1S (Protection of Agricultural Land)
- Clause 16.01-2L (Location of Residential Development in Golden Plains Shire)
- Clause 16.01-3S (Rural Residential Development).

Ms Mann submitted that these policies supported the inclusion of the RPG land within the Teesdale township boundary and that Council appeared to be overly relying on a specific clause (Clause 11.01-R Settlement – Geelong G21) to exclude RPG land and other sites from further consideration as part of the growth plan.<sup>18</sup>

Mr Cameron Gray of St Quentin Consulting, representing Rocklea Pastoral Company (RPC) (Submission 20), submitted that the TSP 2020 provided “reasonable and justifiable”<sup>19</sup> direction for land in the North East Growth Precinct, with the exception of the landfill buffer distance. However, Mr Gray questioned whether sufficient strategic work had been undertaken to set a settlement boundary and non-urban break and noted a number of other deficiencies. As part of Mr Gray’s written submission to the Panel, a letter to Council was included as Appendix 2 which commented on the earlier TSP 1997:

... the Teesdale Town Structure Plan was prepared and included in the Golden Plains Planning Scheme at the time the new format planning schemes were introduced (20 May 1999). As such, the strategic directions of the Town Structure Plan and the framework to guide decision making are now woefully out of date, and in our view wildly inadequate to guide planning decision making both at present and into the future. Given the rapidly evolving role of the G21 region broadly and the ongoing growth and development of the township specifically, we have of the very strong view that the preparation of a new Structure Plan for Teesdale, to set strategic directions for the township’s future growth and development and to provide a corresponding framework to guide decision-making, is absolutely essential and well overdue.

Other developer submissions took a similar position to Ms Mann, suggesting that Council had not thoroughly considered or appropriately weighted all policy considerations and that if it had done so, additional land may have been included within the Teesdale growth framework. For example, Mr Black of Insight Planning Consultants representing William McCann, Thomas McCann and Peter McCann in trust for the McCann Brothers Trust (McCann Brothers Trust) (Submission 23) submitted that it is appropriate for potential growth areas to be investigated as part of the TSP 2020 process, and “if the panel is concerned that this hasn’t happened in an appropriate way, we submit that further work should occur now, rather than this Amendment proceeding without the full interrogation of all the options”.<sup>20</sup>

The EPA submission referred to previous advice given to Council under Ministerial Direction No. 19, set out in the letter of 15 October 2019. This advice directed Council to consider the following issues in preparing a growth framework for Teesdale:

- separation distances, and whether any existing or proposed industries may generate offsite impacts
- farming zone interface, and the need to consider amenity impacts from agricultural activities

<sup>18</sup> Document 28, Panel Hearing Submission, Minter Ellison, page 6

<sup>19</sup> Document 25, Panel Hearing Submission, St Quentin Consulting, page 6

<sup>20</sup> Document 26, Panel Hearing Submission, Insight Planning, page 8

- landfill buffer issues
- contaminated land
- potential impacts of the proposed composting facility and rock crushing facility nearby
- potential impact of animal industries.

The EPA reminded Council to consider Ministerial Direction No. 1 and the General Practice Note on Potentially Contaminated Land for future amendments however did not require additional work to be undertaken at this time.

Community submissions did not specifically question the strategic merit of the Amendment with reference to planning policy, however some of the submissions suggested that further consideration of several issues was warranted including areas of environmental significance, protection of agricultural land, infrastructure upgrades, settlement breaks and climate change.<sup>21</sup>

### 3.3 Discussion

The Panel agrees with Council that there is strong policy support for the Amendment in many parts of Clause 11 (Settlement) in the Planning Scheme. In particular, it recognises the role of Teesdale as a smaller township where growth should be contained within existing settlement boundaries and infill development should be facilitated.

Council relied on the growth framework established by the TSP 1997 as the starting point for the review of the Teesdale Structure Plan, acknowledging that it contained limited analysis to support its recommendations. This being the case, a thorough and comprehensive review of the strategic direction set by the TSP 1997 is required with regard to current planning policy to ensure that it remains relevant and justified in the present day.

The Amendment relies on the TSP 2020 and the TSP Background Report to provide the analysis and strategic justification to support its implementation.

With regard to the question of whether the TSP 2020 is robust enough to support the proposed changes to local policy, the Panel has considered whether the Plan has achieved what it set out to. The purposes of the TSP 2020 specified in the TSP Background Report state:

- Identify whether Teesdale requires additional land to support future residential or commercial development, and if so to identify the appropriate planning controls to support growth.
- Identify whether the existing planning controls in Teesdale are appropriate and to identify relevant changes if necessary.
- Take into account the objectives, principles and requirements of the Planning Scheme, the key influences affecting Teesdale and the communities vision for the town.
- Identify opportunities to improve the town not considered in existing Council Strategies, with regard to community and development infrastructure, open space and other matters with a relationship to land use planning.

The Panel considers each of these purposes separately.

In relation to whether Teesdale requires additional land, a supply and demand assessment for residential land was included in the TSP Background Report. Land supply and demand is considered by the Panel in more detail in Chapter 4. The Panel finds that while the land supply and

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<sup>21</sup> Submissions 5, 7, 8, 9, 10, 11, 12

demand assessment provides evidence of an ample potential land supply to meet the role of Teesdale as a smaller settlement within the municipality, it fails to investigate whether it is appropriate to supply additional rural residential land in Teesdale, and to establish a demonstrated need for a particular quantum of rural residential land.

The TSP Background Report discusses some of the opportunities and constraints pertinent to future commercial land supply in Teesdale. It does not identify whether additional land should be made available, but the TSP 2020 principles indicate that its role is considered as a lower order commercial provider and that no additional land is required.

There does not appear to be any analysis in either the TSP Background Report or the TSP 2020 as to whether existing planning controls are appropriate or not. The TSP Background Report identifies and explains the purpose of relevant zone and overlay provisions but does not explore their relevance in the context of current State, regional or local policy, or the vision for Teesdale. Both reports do identify the need for a future amendment to implement revised flood mapping, which the Panel understands is not available at this time.

The TSP 2020 requires consideration of current policy in the Planning Scheme and key influences affecting Teesdale, including community aspirations.

The Panel has not been presented with evidence that all relevant policies have been given due consideration. It is not clear why the TSP Background Report only references a small number of relevant State and local policies, specifically Clause 11.01-1R (Settlement – Geelong), Clause 13.02 (Bushfire), Clause 21.08 (Local Areas – Small Towns) and the Low Density Residential Subdivision Policy when there are clearly many more relevant policies in the Planning Scheme (see Chapter 2).

The Panel acknowledges that Council prepared the SBRA to inform the Amendment and thus gave more detailed consideration to the issue of bushfire risk. The Panel supports this approach in recognising the importance given to this matter in Clause 71.02-3 (Integrated decision making) and the need to elevate the protection of human life over all other policy considerations. This issue is considered further in Chapter 6.

The TSP Background Report identifies many relevant considerations in planning for growth including the natural environment, urban environment, existing strategies, planning scheme controls, supply and demand for residential land, and community input. The Panel is concerned however, that the extent of investigation and analysis of these considerations is constrained by the assumption that future growth areas are set.

In relation to the settlement boundary Council took the firm position that it was already established via the TSP 1997 and embedded within the Planning Scheme, citing support from Objective (1)(a) of the PE Act with regard to “fairness”.

The Panel does not accept Council’s position that non-planning matters, in this case honouring a past commitment, falls within the intention of Objective (1)(a) of the PE Act. The Panel finds that important planning considerations were identified (such as areas of high biodiversity significance and potential land use conflicts) but were not given appropriate consideration in determining the growth framework.

The Panel considers the proposed settlement boundary one of the critical strategic foundations underpinning the TSP 2020 and future growth for Teesdale. Chapter 4 explores this matter in more detail however, the Panel finds that there is insufficient strategic justification to support the settlement boundary as shown on the Strategic Framework Plan.

In relation to community and development infrastructure, open space and other matters with a relationship to land use planning, the TSP Background Report identified some community infrastructure, open space and physical infrastructure servicing needs and the TSP 2020 includes actions to support their provision. Infrastructure needs are considered by the Panel in Chapter 7.

The Panel makes a number of findings that raise questions about the strategic merit of the Amendment in its current form:

- the decision about whether the town will be sewerage has been raised as a possibility and has critical implications for township structure planning. This ideally should be resolved prior to finalising the structure plan
- a strategic infrastructure assessment would help inform township growth planning and should be undertaken in any review of the TSP 2020
- it would be appropriate to undertake a community and social infrastructure needs assessment for Teesdale to understand the needs of the local community in the context of the broad region, with consideration of existing and projected population and demographics, gaps and deficiencies and recommendations
- it is critical to include in the Strategic Framework Plan any infrastructure that may require development contributions to be delivered.

In summary, the Panel finds that while there is some policy support for elements of the Amendment, there has been inadequate consideration of the many other policies to determine whether the proposed growth framework is strategically justified and will result in a net community benefit. The Panel finds that the Amendment:

- is not based on an adequate assessment of supply and demand for rural residential land to determine an appropriate future level of growth
- has not analysed existing planning controls to determine whether they are appropriate in the current policy context
- has identified many relevant planning considerations pertinent to developing an appropriate growth framework but has failed to analyse these to establish future growth areas and has instead relied on historical factors to set the settlement boundary
- has not comprehensively determined future community and physical infrastructure needs.

The Panel put its mind to what would be the disadvantages of delaying adoption of the TSP 2020 until further work had been completed to address these issues. As the TSP 2020 provides very little additional detail to the TSP 1997, the Panel considers that there is little disadvantage if the TSP 1997 is retained in the Planning Scheme while the further work required is undertaken by Council either relating to a southern settlement strategy or to better understand and analyse the opportunities and constraints around Teesdale without fixed assumptions that rely on the TSP 1997.

The Panel considers that the extent of further work required to strategically justify the Amendment is too vast and fundamental to delay the current Amendment until it has been undertaken. It is the Panel's view that the current proposal be abandoned, and a new amendment be prepared following the completion of further work by Council to underpin the TSP 2020 and associated amendment.

### 3.4 Conclusions and recommendation

The Panel concludes that:

- Insufficient evidence has been provided to demonstrate support for the Amendment by several planning policy areas, in particular Clause 16.01-3S (Rural Residential Development).
- There has not been adequate background analysis to establish a robust growth framework for Teesdale.

The Panel recommends:

1. **Golden Plains Planning Scheme Amendment C92gpla be abandoned.**

## 4 Land supply, settlement boundary and the North East Growth Precinct

### 4.1 The issues

The issues are whether the:

- land supply and demand assessment provides a reasonable basis to underpin future residential land requirements for Teesdale
- settlement boundary, and inclusion of the North East Growth Precinct, as shown on the Strategic Framework Plan map is appropriate.

### 4.2 Background and context

#### (i) Policy Framework

The PPF provides clear guidance for the planning of settlements and the management of growth. Relevant strategies include:

##### Clause 11.01-1S (Settlement)

Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.

Limit urban sprawl and direct growth into existing settlements.

Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Ensure land that may be required for future urban expansion is not compromised.

##### Clause 11.01-1R (Settlement – Geelong G21)

Provide for settlement breaks between towns to maintain their unique identities.

Require a settlement boundary for all towns.

Protect critical agricultural land by directing growth to towns.

##### Clause 11.01-1L (Settlement)

Direct population growth to urban areas provided with water, sewerage and social infrastructure.

**Clause 11.02-1S (Supply of urban land)**

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

Monitor development trends and land supply and demand for housing and industry.

Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

Restrict rural residential development that would compromise future development at higher densities.

**Clause 11.02-2S (Structure planning)**

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- Take into account the strategic and physical context of the location.
- Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.
- Provide for the development of sustainable and liveable urban areas in an integrated manner.
- Assist the development of walkable neighbourhoods.
- Facilitate the logical and efficient provision of infrastructure.
- Facilitate the use of existing infrastructure and services.

**Clause 11.02-3S (Sequencing of development)**

- Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.
- Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.

**Clause 14.01-1S (Protection of agricultural land)**

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.

- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by directing housing growth into existing settlements.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - desirability and impacts of removing the land from primary production, given its agricultural productivity ...

#### Clause 16.01-1L (Housing supply in Golden Plains Shire)

Direct residential development to township areas that have:

- Reticulated water, sewerage and stormwater drainage.
- Community services and facilities.
- Convenient access to commercial and retail centres.

#### Clause 16.01-2S (Housing affordability)

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.

#### Clause 16.01-3S (Rural residential development)

Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:

- Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
- Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
- Minimising or avoiding property servicing costs carried by local and state governments.
- Maintaining an adequate buffer distance between rural residential development and animal production.

Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

The PPF sets out numerous other policy considerations pertinent to planning a settlement boundary for a town, including (but not limited to) environmental and landscape values, environmental risks and amenity, natural resource management, built environment and heritage, and infrastructure that should inform the settlement growth plan. Where raised in submissions, these matters are further explored in subsequent chapters.

The Municipal Planning Statement (MPS) provides local context for settlement planning in the Golden Plains Shire and sets out strategic directions at Clause 02.03 (Strategic Directions), including:

**Clause 02.03 (Settlement):**

There is pressure for subdivision and development outside existing townships, particularly for subdivision and hobby farm development close to Geelong and Ballarat. Residential development is not supported outside existing township boundaries.

With sufficient land being set aside for the moderate growth forecast across the Shire, no significant new areas of land need to be provided for residential development, except in Bannockburn where rezoning continues to be required to accommodate expected future growth.

Council seeks to:

- Encourage the consolidation of townships, including directing residential development to within township boundaries.
- Maintain a clear distinction between urban and rural areas.
- Avoid urban development in unserviced areas.
- Direct residential development primarily to Smythesdale in the north-west and Bannockburn in the south-east.

Settlement planning for the Shire's small towns will:

- Contain growth within existing settlement boundaries.
- Limit the rezoning of land to form new residential land.
- Facilitate infill development as shown on each township map at Clause 02.04.

**Clause 02.03-4 (Natural Resource Management)**

Council aims to support sustainable agriculture in the Shire by protecting the role of agricultural land as an economically valuable resource.

**Clause 02.03-9 (Infrastructure)**

Council aims to support the community's access to infrastructure by:

- Directing development to areas with access to water and sewerage infrastructure.
- Facilitating water and sewerage infrastructure works in unsewered townships.
- Improving service delivery to urban centre townships, including sewerage infrastructure and treated water supply where it is lacking.

Clause 02.04 (Strategic Framework Plans) includes Teesdale on the Golden Plains Strategic Framework Plan, and includes the Teesdale Structure Plan map from the TSP 1997.

PPN37 provides guidance when planning for rural residential use and development. It notes that the LDRZ is typically applied to rural residential land. PPN37 states that rural residential development requires special consideration because it can have environmental, social and economic costs that are significantly higher than those of standard residential development. It specifies that these considerations mean that the following broad questions should be answered in sequence:

- Strategy: Does rural residential development align with the overall strategic planning of the municipality?
- Housing need: How much rural residential development is required to provide appropriate housing diversity and choice to meet housing needs?
- Location: Where should new rural residential development take place?
- Subdivision and design: Is the new rural residential development subdivided and designed in an attractive setting offering high amenity and efficient infrastructure?

PPN37 notes that generally fine detailed subdivision and design matters can be considered as part of a permit application process.

## (ii) TSP Background Report

The TSP Background Report provides estimates of potential land supply based on the assumption that demand for new housing will continue at a 2.5 per cent annual population growth rate, with 2.9 residents per dwelling (average rate from 2011-2016). The TSP Background Report includes land supply estimates for land already zoned LDRZ and for the North East Growth Precinct. The Panel has summarised this information in Table 3.

Table 3 Potential Land Supply

Potential Land Supply Area	Description	Potential lot yield
1. LDRZ land – undeveloped /greenfield	158 hectares Undeveloped land within the Development Plan Overlay Schedule 2 (DPO2), including subdivided land not yet developed with dwellings Based on 60% developable area (allowance for roads, open space, drainage, etc) and 4,000 square metre lot size	237 (13 year supply)
2. LDRZ land – infill	Infill subdivision with all existing lots subdivided to maximum potential of 4,000 square metre lot size, taking into account known physical constraints	822 (not included in overall supply data as considered too unknown)
3. North East Growth Precinct	200 hectares Total land area, excluding former landfill and 500 metre buffer around the landfill. Based on 60 per cent developable area (allowance for roads, open space, drainage, etc) and 4,000 square metre lot size	300
<b>Total</b>	Total of potential land supply areas 1 and 3 Based on a population growth rate of 2.5 per cent per annum	537 (25 year supply)

The TSP Background Report identifies a number of influences which the Panel considers relevant to determining an appropriate settlement boundary for Teesdale:

- Teesdale is unsewered and there are no plans to provide reticulated sewer in the next 5 years
- the Teesdale Sheoak Nature Conservation Reserve and the Don Wallace Reserve (contiguous) within the town are the areas with the highest fuel load and affected by the BMO. There are other nearby sites however that are also densely treed including “Chinaman’s Lagoon” and the Inverleigh Flora and Fauna Conservation Reserve. In addition, many private properties have significant vegetation cover
- the Corangamite Catchment Management Authority (CCMA) has indicated that current flood mapping for Native Hut Creek is out of date
- an area to the south east of Teesdale has been recognised as strategic agricultural land in the first iteration of mapping by the State government seeking to identify, recognise and protect agricultural land within 100 kilometres of the Melbourne CBD

- there are large areas of Plains Grassland to the north and north east of Native Hut Creek and in the south west on undeveloped land zoned LDRZ. There are scattered areas of Plains Grassy Woodlands generally to the south of the town
- there is a former landfill north east of town and the default EPA buffer requirement for a closed landfill is 500 metres
- there is a small sand quarry approximately 1.6 kilometres south east of town
- there is a planning application for a composting facility east of town
- the low density nature of Teesdale means the town has a large physical footprint and walking distances can be relatively high for a town of this population size
- Teesdale provides few local employment opportunities but it has good access to nearby employment centres including Geelong, Werribee, Colac and Ballarat.

**(iii) TSP 2020**

The TSP 2020 contains the following strategic directions and actions (summarised) relevant to land supply and establishing a settlement boundary for Teesdale:

- ensure future growth continues to be low density
- avoid unplanned rezoning and ad-hoc subdivision
- avoid residential development which encroaches into buffers of existing noxious or hazardous uses
- avoid environmental hazards where known
- ensure development is responsive to and seeks to minimise bushfire risk
- avoid highly productive agricultural land where known
- ensure future planning anticipates impacts on existing infrastructure
- encourage infill subdivision and development
- ensure new growth maximises opportunities to connect on to existing road and path networks
- utilise encumbered land (such as flood prone land) within greenfield sites for open space purposes where practicable
- specific requirements which must be met for rezoning of the North East Growth Precinct
- a rezoning proposal is expected to include all land within the North East Growth Precinct as part of an amendment, with some exclusions
- ensure future development recognises Aboriginal Cultural Heritage.

The Strategic Framework Plan in the TSP 2020 (see Figure 5) shows a settlement boundary consistent with the TSP 1997 map currently in the Planning Scheme. The supply of remaining zoned greenfield land in the TSP 1997 is sufficient to cater for approximately 13 years of population growth at 2.5 per cent per annum.

Figure 5 Strategic Framework Plan



Source: TSP 2020, page 22

### 4.3 Submissions

#### (i) Land Supply and Demand

Council submitted that Golden Plains Shire does not currently have an overall or southern settlement strategy to guide growth and land supply provision for Teesdale. Council noted that while the G21 Plan provides a significant degree of direction it has not been updated or reviewed since 2013 and that the Golden Plains content in G21 Plan was not based on a Shire wide settlement strategy.<sup>22</sup>

Council submitted that the land supply and demand assessment included in the TSP Background Report determined that the existing zoned greenfield land and the North East Growth Precinct together could supply around 537 lots, or enough for 25 years supply. Council submitted that potential infill development (estimated at 822 lots) was excluded from this calculation as the intent of landowners and timing of delivery were too difficult to determine.

Council agreed with other submitters that the analysis may be *"somewhat outdated"* given it was based on 2016 Census data and that there are *"indications that Teesdale has been growing at a much faster rate"*<sup>23</sup>. Council referred to data based on water supply connections in recent years which indicated higher demand but cautioned that Council had received advice that this was not necessarily reliable.<sup>24</sup>

<sup>22</sup> Document 13, Council Part A Submission, page 17

<sup>23</sup> Document 13, Council Part A Submission, page 9

<sup>24</sup> Document 13, Council Part A Submission, page 10

Council submitted that there is quite a large supply of LDRZ land in Teesdale and throughout Golden Plains Shire, and that Council *“isn’t obligated to plan for this type of low density residential allotment”* and there *“are some disadvantages in doing so”*.<sup>25</sup>

Mr Black referred the Panel to a supply and demand assessment of LDRZ land for Teesdale prepared by Ethos Urban on behalf of their client.<sup>26</sup> The Ethos Urban assessment suggested that dwelling growth and thus demand in Teesdale is likely to be stronger than indicated by official forecasts and projections, and noted the following points:

- The study area’s proximity to the Geelong CBD, a distance of 30km.
- The significant population growth in nearby Geelong as an alternative location to metropolitan Melbourne, and this growth centred around Geelong is expected to continue.
- The study area’s rural setting appears to be increasingly valued by residents, combined with proximity to rural and coastal assets and a strong lifestyle appeal.
- Teesdale has already experienced considerable growth in the recent past and, in that regard, is an established centre for rural-residential growth.<sup>27</sup>

Mr Black identified that the supply and demand assessment estimated that forecast population growth in the study area indicated a requirement for between 20 and 30 lots per annum, and that this would result in 6.5 to 8.5 years supply. Mr Black considered that other indicators, such as recent sales and water connection data, also pointed to a stronger level of residential growth for Teesdale and that growth rates may have previously been constrained by a lack of supply. Mr Black said that:

Given that demand for rural residential lots in Teesdale is likely to exceed supply, and that this is likely to occur well before the 15 year timeframe that a strategic document such as this Structure Plan should be accommodating, consideration needs to be given to increasing the area of land identified for inclusion within the study area and Council must make provision by at least designating a future growth area.<sup>28</sup>

Council responded to a Panel direction to address the land supply and demand analysis prepared by Ethos Urban in its Part B submission. Council noted that the Ethos Urban assessment referred to a study area which was much larger than the Teesdale township, and included the towns of Inverleigh and Lethbridge. Council submitted that it was difficult to assess the validity of the growth forecasts because they did not solely relate to Teesdale. Council agreed however that the requirement for 20 to 30 lots per annum was *“plausible”* and that *“it is possible that the strong demand of the last three years might be sustained or may even grow but the exact rate of growth is unclear given the circumstances”*.<sup>29</sup>

Ms Mann referred the Panel to a report prepared by Deep End Services as part of RPG’s original submission. Ms Mann highlighted findings of the Deep End Services report which included a forecast population growth rate around 3 per cent, demand for between 35 to 60 residential lots per annum (largely based on recent water connection data), and an overall lack of supply of LDRZ land to meet this demand, based on existing infill potential and greenfield sites.<sup>30</sup>

<sup>25</sup> Document 36, Council Closing Submission, page 6

<sup>26</sup> Appendix 2, Submission 23

<sup>27</sup> Submission 23, page 3

<sup>28</sup> Submission 23, page 21

<sup>29</sup> Document 21, Council Part B Submission, page 8

<sup>30</sup> Document 28, Panel Hearing Submission, Minter Ellison, page 13

RPG submitted that while some infill development was possible, that it is also constrained by planning overlays, native vegetation, stormwater and services.<sup>31</sup>

Mr Gray submitted that there are three “disparate” assessments of demand and supply for Teesdale and the wider region, including the TSP Background Report, the Bannockburn Growth Plan and the ID Forecast, and none “directly address the issue of a 15-year supply across the municipality or whether the target of 15 years supply will be met”. Mr Gray presented an alternative supply and demand assessment for residential growth which suggested a 15 year supply for the region might not be met, and also noted that potential impacts of Covid-19 were not considered which may increase demand in regional areas. Mr Gray submitted that “there is simply no way to be precise about this critical issue, and the necessary work has not been undertaken and the necessary information is therefore not available”.<sup>32</sup>

Council referred the Panel to a recent letter it received from the DELWP in relation to a planning scheme amendment for the nearby town of Inverleigh, which recommended that Council prepare a municipal wide settlement strategy:

DELWP would like to take this opportunity to encourage council to consider the preparation of a municipal wide settlement strategy. While council has planned to accommodate projected population growth over at least a 15-year period for Inverleigh, residential land supply should be considered on a municipal basis, rather than a town-by-town basis consistent with Clause 11.02-1S (Supply of urban land). Settlement planning for individual townships is better considered as part of a municipal wide strategy.<sup>33</sup>

Council submitted that it intended to undertake a southern settlement strategy at a date yet to be determined (subject to funding and resourcing).

In contrast to submissions suggesting a lack of supply, Ms Fisher (Submission 5) in a written submission to the Panel suggested that:

The analysis of existing land supply by Council makes clear that there is ample land within the confines of the existing town boundary which can be realised via in-fill subdivision, and, by formalising the ‘Low Density Environmental Living’ land from the 1997 structure plan, (to LDRZ which is presumably today’s equivalent of the ‘Low Density Environmental Living’).<sup>34</sup>

## (ii) Settlement boundary

Council submitted that it planned to undertake a settlement strategy for the southern portion of the Shire which would resolve the question of whether Council would accept the further expansion of settlement boundaries in unsewered towns.<sup>35</sup>

However, Council submitted that the proposed growth framework and settlement boundary set by the TSP2020 (with no change from the TSP 1997) was based on sound strategy and research, is supported by State and regional policy and that:

Although Council has faced substantial and sustained pressure to expand the settlement boundary over about 2 years now, we don’t believe that the pressure has been accompanied by sufficiently compelling arguments for doing so.<sup>36</sup>

<sup>31</sup> Ramsey Property Group Submission, April 2020, page 14

<sup>32</sup> Document 25, Panel Hearing Submission, St Quentin Consulting, page 43

<sup>33</sup> Document 32, DELWP letter – Amendment C87gpla

<sup>34</sup> Document 27, Panel Hearing Submission, S Fisher, page 1

<sup>35</sup> Document 13, Council Part A Submission, page 17

<sup>36</sup> Document 36, Council Closing Submission, page 6