

Council submitted that *“it is not considered crucial to maintain long term land supply in Teesdale”*³⁷ and rejected reasons for extending the settlement boundary on this basis. Council, in its closing submission to the Panel, submitted that continuing to keep providing an endless supply of LDRZ land without an overarching settlement strategy is unreasonable.

With regard to the inclusion of the North East Growth Precinct within the proposed settlement boundary, Council stated that:

The North East Growth Precinct has been supported because it is already supported within the Golden Plains Planning Scheme and has been for approximately two decades. Land is often bought and sold on the basis of Council direction. Given the long-term selection of this area it is considered fair and reasonable.³⁸

Council conceded that the TSP 1997 which originally included the land within the settlement *“contained little analysis to support its conclusions by modern standards, including a lack of acknowledgement of the constraints identified by submitters”*. However, Council considered all of the constraints and challenges to be manageable and suggested that Section 6 (Directions for Future Growth) of the TSP 2020, which relates to the North East Growth Precinct, contained sufficient direction to manage these challenges.³⁹

Mr Altmann (Submission 11) strongly disagreed with Council’s position and submitted that constraints had not been appropriately investigated for the North East Growth Precinct, and that there has been significant changes since the land was identified in the TSP 1997 which warrant further consideration.⁴⁰ Mr Altmann suggested that there may be other more suitable areas for growth and that options needed to be discussed with the community, and asked that Council undertake a more rigorous investigation before making a final decision.

Ms Hinton (Submission 2) expressed explicit support for additional greenfield growth, while other community submissions opposed additional greenfield growth or expressed support for maintaining existing town boundaries, sometimes referring to a preference for infill development.

Several submitters expressed concern that the Amendment and settlement boundaries had not adequately considered issues relating to the protection of agricultural land.⁴¹

Mr Gray submitted that growth outside of the settlement boundary will likely consume agricultural land, which is obvious but not in itself a reason to avoid further growth. Mr Gray was not aware of any readily available evidence relating to the quality of agricultural land.

Council’s Part A submission states that a disadvantage to further growth in Teesdale is the *“relatively high impact on agricultural land from low density development, given larger areas are required”*.

While supporting the Amendment and the inclusion of the North East Growth Precinct within the settlement boundary, Mr Gray submitted that *‘questions remain in respect to whether sufficient strategic work has been done to effectively ‘lock in’ the Teesdale settlement boundary and whether this boundary should be fixed, based on the limited investigation undertaken to date’*.⁴² Mr Gray submitted that while Clause 02.03 (Strategic Directions) sought to contain growth within existing

³⁷ Document 21, Council Part B Submission, page 14

³⁸ Document 21, Council Part B Submission, page 3

³⁹ Document 21, Council Part B Submission, page 16

⁴⁰ Submission 11

⁴¹ Submission 5, 11 and 12

⁴² Document 25, Panel Hearing Submission, St Quentin Consulting, page 6

settlement boundaries, structure plans and settlement boundaries should be periodically reviewed to be consistent with Clause 11.02-1S (Supply of urban land).

Of considerable debate during the Hearing was the policy guidance attributable to the G21 Plan. Council's position was that a local amendment to the Planning Scheme could not initiate a change to township boundaries as shown on the G21 Plan and developer submissions took an alternative view that local structure planning should inform updates to the G21 Plan.

Council referenced the parts of the G21 Plan which are embedded in the Planning Scheme through Clause 11.01-R (Settlement – Geelong G21), including a map designating a settlement boundary for Teesdale. Council submitted that a local amendment with a different settlement boundary would “clash” with this clause because Council is unable to amend regional policy and that local policy should be subordinate to state and regional policy.⁴³

In conflict with its own position, Council also submitted that the Amendment would create some difference to the G21 Plan by the inclusion of the section of the North East Growth Precinct abutting Native Hut Creek (refer to Figure 4). This land was not previously given a specific designation in the TSP 1997 but was assumed to be designated for growth due to the dotted lines on the map which were used to indicate other growth areas. Council submitted:

It is unknown why the drafters of the G21 Regional Growth Plan did not include the area, though this may have been due to its lack of a specific designation in text. If the C92gpla was approved as is, it would sustain an existing inconsistency within the Planning Scheme but not create any new inconsistency.⁴⁴

Other submissions strongly disputed the position that the G21 Plan establishes overriding control for settlement planning and that it was always intended for the G21 Plan to be periodically reviewed, something which has not occurred since its adoption in 2013. Ms Mann provided sections of the G21 Plan which highlighted that it had been developed based on local structure planning. Mr Black referred to the need for regional land monitoring and review of the G21 Plan every three to five years. Mr Gray put the view that the G21 Plan was a background document rather than an incorporated document and therefore its role in specifying township boundaries should be limited.

Mr Steele (Submission 9) requested insertion of ‘non-urban break’ eastern boundary, submitting that:

It will be exceedingly disappointing if developer pressure sees a change or expansion to the town boundaries currently detailed within the Framework Plan. I view the Council's reasons for not introducing further areas for potential development as not only sound but reflective of the general sentiment of communities within our smaller towns.

In response to submissions, Council proposed to apply a non-urban break east of the settlement boundary as a post exhibition change. Mr Gray submitted that including a non-urban break in policy when the settlement boundary might come under review is inappropriate, and may be problematic if a future settlement strategy considers that some growth is warranted. This may limit investigations as to where that growth might occur, when it might be perfectly well suited to growth.

Further Mr Gray submitted that no assessment had been undertaken to assess how wide the break should be. Whilst establishment of a break is sound policy, the settlement boundary also

⁴³ Document 36, Council Closing Submission, page 2

⁴⁴ Document 13, Council Part A Submission, page 5

serves this function and mapping it in policy will prejudice future settlement strategic planning with little evidence to warrant such an approach.

Submissions from Mr O'Shannassy (representing Josco Pty Ltd) (Submission 21), Ms Mann and Mr Black all sought inclusion of land within the Teesdale settlement boundary and submitted that the TSP process had not appropriately investigated and considered the inclusion or otherwise of various parcels of land within the settlement boundary.

Ms Mann submitted that:

Given the significance of the outcome for land that is not included within the township boundary, RPG submits that it is imperative that the Panel be satisfied that the assessment of the township boundary as proposed was thorough, robust, and fully considered the merits of all potential options.

RPG submits it is entirely evident that this has not occurred.⁴⁵

Ms Mann further submitted that exclusion of land outside the existing G21 Plan 'planned growth areas' was the *"only substantive reason given for not including the RPG land within the township boundary"*.⁴⁶

Council disputed Ms Mann's submission and responded that while Council considered policy at Clause 11.01-1R (Settlement – Geelong G21) to be a key issue, that other factors as set out in its Part B submission provided substantive reasons for not considering expansion of the settlement boundary. These reasons are summarised as:

- State and regional policy direction, particularly the G21 Plan
- higher maintenance costs for lower density development
- a lack of jobs and services in Teesdale
- significant challenges for the supply of additional commercial development, potentially entrenching car dependence
- the high impact on agricultural land from low density development (sustainability and efficiency)
- community sentiment
- the extensive supply of available land in Bannockburn.⁴⁷

Mr Gray responded to each of the reasons presented by Council for maintaining the existing settlement boundary and suggested that while some reasons have planning merit they are not *"collectively or individually, compelling reasons why further growth should not be contemplated"*.

Mr Gray concluded that the Amendment sought to establish a settlement boundary:

- Without having undertaken key strategic work, identified by Council as needing to be addressed, and which would inform the role of Teesdale to accommodate growth in a broader strategic framework.
- On the basis of a demand and supply analysis which at the very least is limited and contestable in terms of Teesdale itself, and unclear in terms of the broader municipality.
- With the question of whether Teesdale can or should be sewered, an open one.
- Without any recommendations for further review or refinement of the settlement boundary.⁴⁸

⁴⁵ Document 28, Panel Hearing Submission, Minter Ellison, page 4

⁴⁶ Document 28, page 9

⁴⁷ Document 13, page 17

⁴⁸ Document 25, Panel Hearing Submission, St Quentin Consulting, page 49

Mr Gray did not however consider that the Amendment should resolve the issue of a settlement boundary. In presenting the merits of land referred to as Teesdale East for future growth, Mr Gray submitted that the land should be investigated in the future for inclusion within the settlement boundary. He requested a change to Clause 74.02 (Further strategic work) through the Amendment to include the following action with the Schedule:

Prepare a Southern Settlement by 2025, to, in part, consider Teesdale in a broader settlement strategy, with consideration of demand and supply, servicing, bushfire risk and settlement boundary in particular. This review is to consider the potential for unconstrained areas such as Teesdale East to accommodate growth.⁴⁹

Council did not support this request, submitting that this proposal is *“beyond the scope of the [the Amendment] because it refers to a different project”*.⁵⁰

Mr Black submitted that this process is a ‘full merits review’ of the Amendment and the TSP 2020, and that given a township boundary is a key feature of the Structure Plan it *“is appropriate that consideration of the township boundary occur at this time”*. Mr Black further submitted that consideration of alternative sites for inclusion in the settlement boundary should not be pushed to another day and that if further work is required it should occur now.⁵¹

Ms Mann maintained that Council had *“simply not undertaken the detailed assessment and work required to justify not including its land within the township boundary for Teesdale”*. However Ms Mann recognised that recommendations by the Panel cannot extend to a transformation of the Amendment as explained in Chapter 1.6 and therefore submitted that the options available to the Panel are:

- to recommend that the Amendment be abandoned, and not progressed until such time as Council undertakes the necessary work on other potential sites (and notice associated with that process); or
- alternatively, recommend that further work be undertaken and the matter be brought back to Panel for further consideration, if that further work does warrant the inclusion of the RPG land. This could include requiring various notification to be undertaken prior to any further consideration by the Panel.⁵²

4.4 Discussion

(i) Land Supply and Demand

Regional and local policy within the Planning Scheme clearly sets the municipal context for Teesdale as a smaller settlement where growth should generally be contained within an existing settlement boundary and where infill development should be facilitated. Teesdale is not identified as a town where significant growth should occur in the G21 Plan or through local policy in the Planning Scheme. The Panel does not agree that this means the settlement boundary can never change or be revised. State policy requires planning authorities to monitor development trends and land supply to appropriately plan for housing growth. Forecast demand and available supply is one factor that will influence the growth plan for a settlement.

The Panel has considered the various land supply and demand scenarios presented through submissions and notes that all parties generally agree that the assessment in the TSP Background

⁴⁹ Document 25, Panel Hearing Submission, St Quentin Consulting, page 50

⁵⁰ Document 36, Council Closing Submission, page 3

⁵¹ Document 26, Panel Hearing Submission, Insight Planning, page 9

⁵² Document 28, Panel Hearing Submission, Minter Ellison, page 4

Report may be outdated and that there are indications that future demand may be stronger than forecast. The Panel agrees that recent trends in both water connections data and greenfield lot sales indicate that demand is likely to be higher in Teesdale than forecast, but also supports Council's view that further analysis would be required to ascertain a revised growth forecast as land releases can cause short term spikes in demand. The Panel suggests that future analysis will also need to consider the impacts of the Covid-19 pandemic which has seen significant changing patterns of migration and dynamics of movement in regional areas.

In terms of supply the Panel notes that the non Council assessments have largely excluded the North East Growth Precinct (or large portions of) from supply calculations and therefore the number of years supply which might be available. Estimates range from 6.5 years to 11 years supply of (primarily) existing LDRZ zoned land depending on the assumptions, but all estimate that supply will be exhausted within a 15 year time period. The Panel notes that the Amendment, which includes the North East Growth Precinct, would clearly provide the opportunity for a much greater supply than these assessments take into account.

The Panel agrees with Council that State policy does not require Teesdale to provide a land supply to accommodate growth over a 15 year time frame but rather, Clause 11.02-1S (Supply of urban land) requires lot supply to be considered at a municipal rather than a township level. The Panel accepts that Council does not currently have a settlement strategy for the southern half 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 however 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 supply analysis included in the TSP Background Report provides evidence that the Amendment allows for an ample supply of land to support forecast growth in the medium term, even if demand is much higher than estimated in the assessment (and cannot meet the longer term 25 year estimate).

The Panel is concerned however, that the supply and demand assessment does not consider the potential need for this level of rural residential style development in a regional or local context. PPN37 provides clear guidance on the matters which should be considered when planning for additional rural residential development. The first questions which should be answered prior to any further analysis include determining whether rural residential development aligns with the overall strategic planning for the municipality and identifying how much rural residential land is required to provide appropriate housing diversity and choice.

Clause 16.01-3S (Rural residential development) includes a strategy that there should be a demonstrated need for rural residential development to ensure planning avoids or significantly reduces potential adverse impacts from this type of development. An assessment should at a minimum have some analysis of demand for LDRZ land in the wider region and made recommendations about an appropriate level of supply in Teesdale, taking into account a wider range of economic, social and environmental factors.

The TSP Background Report identifies that the low density nature of Teesdale means the town has a large physical footprint and Council submitted at the hearing that the town is already considered a town of "extreme urban sprawl". The assessment in the TSP Background Report assumes that

the identified growth areas from the TSP 1997 continue to form part of a reasonable level of supply without interrogating this assumption and considering the level of demonstrated need for the town. The assessment lack analysis and recommendations relating to additional supply required over and above existing zoned land to determine the need for future growth area(s) within the settlement boundary.

There may be a need for this level of LDRZ land in Teesdale, and the Panel acknowledges that there are indicators that this is the case, however the assessment does not provide the evidence to show this.

The Panel notes that the introduction to the TSP Background Report states that one of the purposes of the TSP 2020 is to *“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”*.

The Panel understands that the level of potential supply is based on the current Strategic Framework Plan derived from the TSP 1997. The Panel considers that the updated Structure Plan must consider the growth framework against existing policy provisions and not assume the status quo is necessarily consistent with current policy. This is not reflected in the content or analysis of the TSP 2020.

The Panel finds that while 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, it 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.

A rural residential land supply and demand assessment following the guidance of PPN37 would assist in preparing an appropriate growth framework for Teesdale.

(ii) Settlement boundary

Given that the Panel has concerns that a reasonable and appropriate level of supply of rural residential land has not been established, it is consequently unable to determine whether sufficient land has been included within the settlement boundary to support future growth.

Notwithstanding this position, the Panel provides comment on other issues raised about the location of the settlement boundary.

The majority of submissions supported establishing a firm settlement boundary. State policy strongly endorses this position for reasons including, but not limited to, limiting urban sprawl, encouraging a sustainable form and density for settlements and maximising the efficient use of existing infrastructure.

The Panel acknowledges that a level of background research was undertaken in the development of the TSP 2020 including identification of environmental assets at a broad level, and pertinent issues that might require further investigation such as flooding, agricultural land quality, land use conflicts, infrastructure needs, commercial land requirements and land supply. A more detailed and comprehensive bushfire assessment was also undertaken.

Issues relating to environmental assets are discussed in Chapter 5 and bushfire risk in Chapter 6.

The Panel is concerned however, that analysis of these issues and opportunities did not inform the direction for future growth and that Council relied on a non-planning reason to justify maintaining

the settlement boundary in its present location, that being its historical inclusion in the TSP 1997. The Panel is also concerned that there are significant gaps in the background research to justify the reaffirmation of the settlement boundary.

The Panel notes that Council proposes to update the TSP Background Report to recognise the importance of preserving agricultural land in any decision to rezone land, on the basis that protection of agricultural land is an important goal of planning in Victoria. The Panel supports this change.

Recognition of the value of agricultural land is critical in the TSP Background Report and TSP 2020, however recognition is not enough on its own. The value of agricultural land is interrelated with issues of settlement planning and must be used to inform township growth and delineation of the settlement boundary.

In retaining the TSP 1997 settlement boundary, Council submitted that the constraints and challenges identified for the North East Growth Precinct are manageable. The Panel is not however convinced that an appropriate level of investigation has occurred to assume this is the case, in particular for land west of Teesdale-Lethbridge Road which is not currently shown in the G21 Plan but that Council is proposing to formally include in the settlement boundary, and where environmental assets and constraints may be such that any significant development of this area is not feasible (this is explored further in Chapter 5).

Council put forward a number of reasons why an expansion of the existing settlement boundary should not be supported for Teesdale. The Panel considers that these reasons are applicable in a general sense, and may provide sound reasons for limiting growth in Teesdale. The Panel has not been presented with evidence however to demonstrate that an analysis of these factors has informed the proposed level of land supply (i.e. the potential lot yield) in the Amendment.

These matters are critical to growth planning for Teesdale, particularly given the lack of analysis to support the TSP 1997.

The Panel does not accept the premise of Council's ongoing commitment to the settlement boundary from the TSP 1997, and its justification for supporting the North East Growth Precinct boundary *"primarily because it has already been identified for growth (of some sort) over a long period"*⁵³.

The Panel has reviewed the Council's assertion that previous submissions to include land within the Teesdale settlement boundary were given detailed consideration through the Council Meeting on the 28 April 2020. The Panel notes that the report to Council states that constraints for various parcels had not been considered in detail, as the Structure Plan process had not involved a search for new land for development.

With regard to the G21 Plan, the Panel supports Council's position that elements of the Plan are embedded in the Planning Scheme and therefore provide important policy guidance. Notably the G21 Plan requires settlement breaks, a settlement boundary and the protection of critical agricultural land. The G21 Plan map is also included in the Planning Scheme which shows Teesdale as having a "planned growth area" to the north east of the existing township.

The Panel notes the absence in the Planning Scheme of references to Teesdale as a targeted growth node or larger district town, but also notes the absence of any reference to review of the

⁵³ Document 21, Council Part B Submission, page 16

G21 Plan and how often this should occur. The Panel agrees with the position of Mr Black that the G21 Plan was intended for periodic review and that some of the information presented in the Plan is now outdated. The Panel also accepts the submission of Ms Mann that the G21 Plan is not intended to be the *“overriding control which determines the exact location of planned growth for any township”*⁵⁴ and that *“the planning system should be, and RPG submits is, sufficiently flexible to respond to need and development conditions – particularly where the development proposal does not alter the overall role of the town as contemplated by the G21 Plan”*.⁵⁵

The Panel is not suggesting that new development areas can or should be considered on an ad-hoc basis subject to developer interest. Nor is the Panel saying that the Teesdale settlement boundary needs to be extended, it simply does not have enough information to know whether the boundary as proposed is adequate to accommodate growth, and nor whether it is appropriately located with regard to site constraints. The Panel considers that the G21 Plan sets the role for the various townships, and that local structure planning should determine how growth should occur in that context subject to State, regional and local policy of the current day.

The Panel emphasises and considers it critical that there have been significant changes to State policy since the TSP 1997, and since the adoption of the G21 Plan in 2013. The Panel finds that these changes have not been adequately taken into consideration in the preparation of the TSP 2020 and the Amendment. Reviewing a structure plan is the proper time to consider the impacts of changes in policy on existing growth direction, among other matters.

The Panel agrees with Mr Altmann’s that further consideration needs to be given to establishing the most suitable area(s) for future growth, if it is determined that additional LDRZ land supply is needed beyond existing zoned land.

The Panel also agrees with Mr Gray’s summary of concerns about establishing a settlement boundary through this Amendment without having undertaken key strategic work and without a comprehensive demand and supply analysis for LDRZ land. The Panel does not agree however that this Amendment should not establish a settlement boundary, and rather finds that a structure plan amendment is exactly the right time to determine a settlement boundary. The Panel does not therefore support Mr Gray’s proposal to amend Clause 74.02 to include preparation of a southern settlement strategy as the solution to this issue.

Given the Panel finds insufficient strategic justification to support the designation of the settlement boundary at this time, it also cannot support the inclusion of a ‘non-urban break’ which Council proposed to include to the east of the township. The Panel agrees with Mr Steele that provision of non-urban breaks between towns are desirable and are supported by Clause 11.01-1R (Settlement – Geelong G21) which directs planning authorities to provide for settlement breaks between towns to maintain their unique identities.

The Panel agrees with Ms Mann’s summary of the options available to the Panel given the Panel is not convinced that the proposed settlement boundary has been strategically justified.

The Panel finds that there is insufficient strategic justification to support the settlement boundary as shown on the Strategic Framework Plan map.

⁵⁴ Document 28, Panel Hearing Submission, Minter Ellison, page 11

⁵⁵ Document 28, page 12

4.5 Conclusions

The Panel concludes:

- 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.
- A rural residential land supply and demand assessment following the guidance of PPN37 would assist in preparing an appropriate growth framework for Teesdale.
- That significant changes in State policy have not been adequately taken into consideration in the preparation of the TSP 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.

5 Native vegetation and Native Hut Creek

5.1 The issues

The issues are whether the:

- area of land containing the Plains Grassland to the west of Teesdale – Lethbridge Road should be excised from the Strategic Framework Plan
- cost of offsetting native vegetation, if required, would be prohibitive for the North East Growth Precinct
- minimum buffer distance for any new development to Native Hut Creek should be 30 metres
- similar strategies for Native Hut Creek should be included in local policy, as for Bruce's Creek at Clause 11.03-6L (Bannockburn).

5.2 Background and context

(i) Policy Framework

Federal legislation

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the federal government's key environmental and biodiversity legislation focussing on the protection of matters of national environmental significance.

State policy

In considering native vegetation and waterway protection, State planning policies require:

- Clause 12.01-1S (Protection of biodiversity):
 - use of biodiversity information to identify important areas of biodiversity, and strategically valuable biodiversity sites
 - strategic planning for the protection and conservation of Victoria's important areas of biodiversity
 - ensuring that decision making takes into account the impacts of land use and development on biodiversity
 - avoiding impacts of land use and development on important areas of biodiversity
 - assisting in the identification, protection and management of important areas of biodiversity
 - assisting in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.
 - consideration of *Protecting Victoria's Environment – Biodiversity 2037*, DELWP, 2017
- Clause 12.01-2S (Native vegetation management):
 - ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation
 - ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017).
- Clause 12.03-1S (River corridors, waterways, lakes and wetlands):

- Protect the environmental, cultural and landscape values of all water bodies and wetlands.
- Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.
- Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.
- Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.
- Facilitate growth in established settlements where water and wastewater can be managed.

Local policy Clause 12.03-1L (Waterways and wetlands) includes strategies to:

- Protect the quality of waterways, including wetlands, from the impacts of development and subdivision by incorporating setbacks and water sensitive urban design.
- Protect connectivity between waterways and wetlands.
- Avoid development that isolates wetlands.
- Avoid development that results in the drainage of waterways and wetlands.
- Provide fencing to waterways and wetlands where needed to control unrestricted access by livestock or people.

Clause 14.02-1S (Catchment planning and management) includes an objective to “*assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment*” and strategies including:

- Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:
 - maintain the natural drainage function, stream habitat and wildlife corridors and landscape values
 - minimise erosion of stream banks and verges
 - reduce polluted surface runoff from adjacent land uses.

The Municipal Planning Strategy Clause 02.03-2 (Environmental and landscape values) states that the:

The municipality is home to a wealth of flora and fauna, including rare and threatened species and communities, major waterways and freshwater wetlands.

...

The quality and quantity of native vegetation, flora and fauna across the municipality is threatened by development, land use change and poor land management practices. There is a need to protect and enhance the natural environment to protect ecological processes while providing for continued land use change.

The protection and enhancement of waterways and wetlands is essential to ensure environmental values are secure and that the social and economic benefits of healthy rivers and streams are maintained.

Biodiversity will be supported by:

Protecting significant habitats and remnant vegetation from the encroachment of development.

Balancing native vegetation conservation with development pressures, land use change and protection of people from bushfire.

Clause 02.03-3 (Environmental risks and amenity) states that:

The impact of floods is increasing due to land use and vegetation changes. In particular, urban expansion, raised earthworks and the clearing of land for rural and urban development have all contributed to the increase in the instances of flooding.

Council seeks to mitigate flood risk by:

- Discouraging the intensification of land use and development in floodplains.
- Ensuring the future use and development of land prone to flooding minimises the consequences of inundation on life and property.

Clause 02.03-4 (Natural resource management), under the heading Catchment Planning and Management, states that many waterways in the municipality are in poor condition due to limited annual rainfall and excessive demand for water for both urban and rural use. Council aims to protect its catchment water quantity and quality by *“adopting an integrated catchment management approach that includes integrated water management techniques, such as stormwater re-use”*.

(ii) Flooding and Land Subject to Inundation Overlays

The FO and LSIO applies to land in the vicinity of the Native Hut Creek. This includes some of the land in the North East Growth Precinct. These overlays are generally applied to identify areas prone to flooding and flood fringe areas, to ensure that development maintains the free passage and temporary storage of floodwaters, to protect water quality and ensure development maintains or improves river, wetland and floodplain health.

(iii) State Biodiversity and Native Vegetation Guidance

Protecting Victoria’s Environment – Biodiversity 2037, DELWP, 2017 is Victoria’s lead plan for the future of biodiversity. It identifies that changing land use and development can create threats and opportunities for protecting biodiversity and native revegetation.

Planning for Biodiversity – Guidance, DELWP, 2017, is intended to assist local government to use the planning system to meet State and local objectives to protect and conserve Victoria’s biodiversity. It defines the role of the planning system in relation to biodiversity conservation and states that:

The strategic planning process is the most effective planning mechanism to protect and conserve biodiversity and to achieve the objectives of the State Planning Policy Framework (SPPF) for biodiversity. Considering biodiversity conservation and management through strategic planning allows for:

- identification of areas of higher value biodiversity at a landscape scale
- indirect and cumulative impacts of use or development on biodiversity to be understood and addressed
- the best opportunities to avoid and minimise impacts on biodiversity to be achieved by directing use and development away from higher value areas
- minimising unnecessary or complex regulation by establishing clear expectations for where use and development can occur, and/or by coordinating approvals and offsets.

It contains a tool kit for biodiversity planning and choosing an appropriate planning scheme tool.

The *Guidelines for the removal, destruction or lopping of native vegetation*, DELWP, December 2017 (the Native Vegetation Guidelines) are incorporated into all planning schemes across Victoria.

The Native Vegetation Guidelines outline the planning policy framework which requires that *“there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation”* and details the three step approach applied to achieve this:

1. Avoid the removal, destruction or lopping of native vegetation
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided
3. Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

The Native Vegetation Guidelines state that strategic planning is the most effective planning mechanism to protect and manage native vegetation and achieve the objectives of the planning policy framework.

The Native Vegetation Guidelines provide information and guidance relating to assessing the significance of native vegetation, and identifying other values including the important role that native vegetation plays in land and water management, particularly within 30 metres of a waterway and to manage erosion and salinity.

(iv) TSP Background Report

The TSP Background Report includes a map of EVCs across Teesdale and the surrounding area (see Figure 6). It states that the majority of vegetation is Grassy Woodland, with large pockets of Plains Grassland and Grassy Woodland. Over 90 indigenous flora species have been identified in Teesdale, and a number of endangered fauna species have been identified including Golden Sun Moth, Sulphur-crested Cockatoo and Spotted March Frog.

The TSP Background Report identifies the Native Hut Creek as the main waterway that runs through Teesdale, and that some of the surrounding land is flood prone.

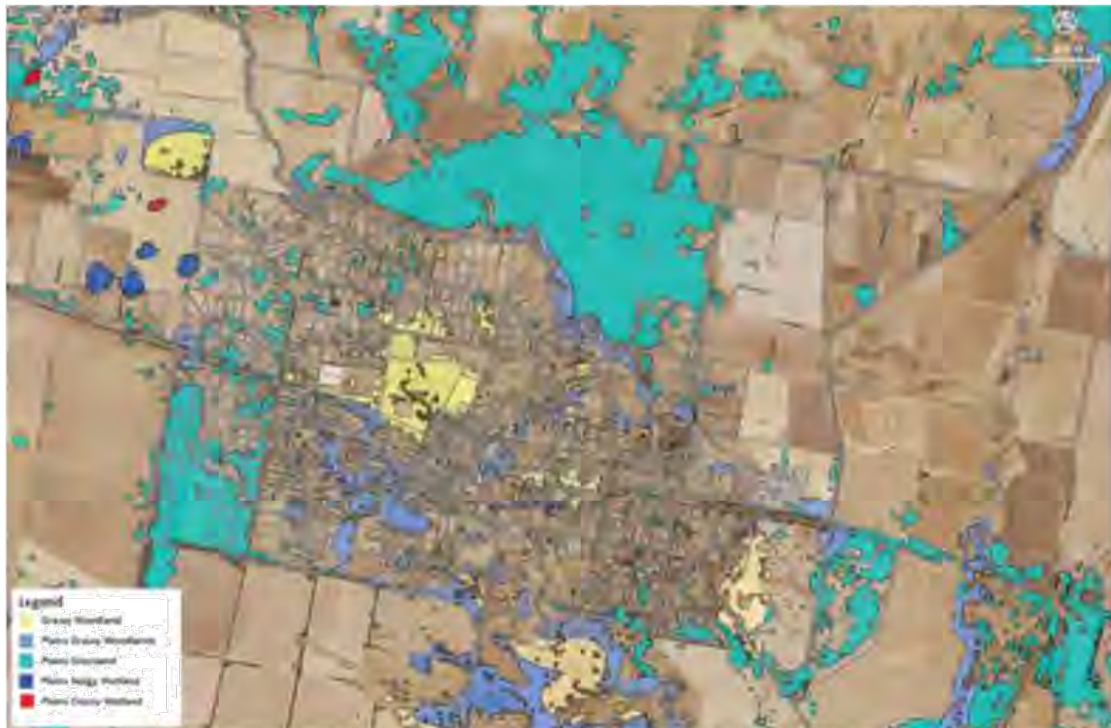
In relation to the buffers from Native Hut Creek, it states that subdivision within the vicinity of a waterway usually requires a buffer of 10 to 50 metres, and the actual distance will vary depending on the circumstances and advice from the CCMA.

The TSP Background Report identifies that the:

- Environmental Significance Overlay Schedule 2 (ESO2) applies in the vicinity of Native Hut Creek. It generally seeks to ensure that the quality and quantity of stormwater flowing into the creek will not have significant environmental consequences.
- Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) apply in the vicinity of Native Hut Creek. They generally seek to ensure that development considers flood management issues prior to any development beginning.

The TSP Background Report contains no key findings in relation to flora and fauna.

Figure 6 **Teesdale Map of Ecological Vegetation Classes**



(v) TSP 2020

Section 1.1 – Context, states that large pockets of Plains Grassland and Grassy Woodlands exist in Teesdale, and that grassy woodlands across Victoria are now exceedingly rare, with less than five per cent remaining across the Victorian Volcanic Plain. Protection of Teesdale’s unique and valuable environs is a priority for the TSP 2020.

Native Hut Creek is described for its historical use by the Tolloora People of the Wathaurung Tribe for fishing, plant gathering, social ceremonies and camping, and use as a town water supply. It is considered a highly valued environmental and cultural feature that contains important native flora and fauna, offers an opportunity for a future shared pathway along the waterway and that it is important that future development consider and preserve tangible and intangible values.

Section 6 - Directions for Future Growth Area, relating to the Teesdale North East Growth Precinct, includes a requirement for the DPO schedule to analyse relevant constraints for the entire precinct including flora and fauna.

Section 9 - Future Actions, include:

- preparation of the new planning scheme amendment for updated flood controls along Native Hut Creek
- acquiring land adjacent to Native Hut Creek when the Teesdale North East Growth Precinct is rezoned
- protecting and enhancing areas of high biodiversity in Teesdale
- continuing to deliver weed management programs throughout Teesdale, including the Native Hut Creek corridor.

(vi) Proposed planning provisions

The Amendment proposes to include new strategic directions in the Municipal Planning Strategy (Clause 02.03-1 Settlement – Teesdale) which acknowledges that the settlement of Teesdale has a *“strong connection to the natural environment”* and states that Council seeks to *“Protect the small town character, rural lifestyle, and natural environmental values that contribute to its appeal”*.

Proposed Clause 11.03-6L (Teesdale) includes the following:

- **Settlement Strategies:**

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

Ensure rezoning and development in the Teesdale North East Precinct considers constraints, roads, drainage, open space and community infrastructure, regardless of land ownership.

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

It also includes an ‘Open space strategy’ to:

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.

5.3 Submissions

(i) Native vegetation

Council submitted that the land within the Teesdale North East Growth Precinct, west of the Teesdale-Lethbridge Road, contained a significant amount of native vegetation and:

It is possible that these grasses may be removed to make way for development, though this would require satisfactory assessment against the *EPBC Act 1999* and *Victoria’s Native Vegetation Framework*.⁵⁶

In response to Directions from the Panel, Council explained in its Part B submission:

- that information about flora and fauna significance has been based on the high level State mapping, and no detailed assessment has been undertaken
- it is understood that the native grasses in the North East Growth Precinct *“would be significantly impacted on and would need to be offset if the area was developed”*
- there is a record of Golden Sun Moth and Blue Billed Duck in the area, and it is plausible that significant fauna could be discovered there
- that it does not consider the Teesdale North East Growth Precinct extensively or unusually encumbered by native vegetation compared with other growth precincts.⁵⁷

Further Council stated it was *“seeking to honour a historic and current obligation to the precinct as a growth area”* and that it was not possible to do this and *“remove some of the land identified for future development to avoid the future loss of native grasses or the possibility of significant fauna being discovered”*.

⁵⁶ Document 13, Council’s Part A Submission, page 15

⁵⁷ Document 21, Council’s Part B Submission, page 5

Ms Bloink (Submission 8) submitted that it was important to protect the open spaces, Grassy Woodlands and Chinaman's Lagoon, which are home to so many native animals, and that the increasing population of Golden Plains Shire has *"taken a huge toll on our wildlife"*.

Mr Steele requested that the significant area of Plains Grassland to the west of Teesdale – Lethbridge Road be excised from the Framework Plan, as it is listed as a critically endangered ecological community under the EPBC Act, and according to the CCMA it occupies just one per cent of its former extent. Mr Steele considered that Council has a *"stewardship role towards our environment and factoring that into planning decisions is a duty"*.

Mr Altmann advised that the area of significant vegetation west of the Teesdale – Lethbridge Road has been managed by the land owner in conjunction with government authorities to keep in its natural state. The creek running through the land would render some of the land useless for housing.

Ms Kitson (Submission 12) advised that the current landholders of the significant native vegetation cared for the land to maintain the flora and fauna, including the legless lizard.

Understanding that detailed investigations would be required, Mr Gray submitted that evidence to date suggested that there were few constraints posed by ecology. He submitted an EVC map showing vegetation identified on the land within the North East Growth Precinct (see Figure 7).

Figure 7 North East Growth Precinct EVC mapping



Source: Document 25 – Rocklea Submission

A number of submitters advocating for other growth areas made comment on the constraints and potential costs associated with offsetting the native vegetation if required in the North East Growth Precinct.

Council submitted a proposed post exhibition change to the TSP 2020, that the land west of the Teesdale-Lethbridge Road may be excluded from any rezoning proposal in the North East Growth Precinct due to the existence of native vegetation and to allow further consideration.

(ii) Native Hut Creek

Mr Steele considered that the minimum buffer distance for any new development to a waterway should be 30 metres, with consideration of the requirements of the Golden Plains Environment Strategy 2019-2027, and Clause 14.02-1S (Catchment Planning and Management) which contains a strategy to:

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

He submitted that while Native Hut Creek is noted as being highly valued and with opportunities for the town and community, *“there is little in the way of identified actions either within the Structure Plan nor the Planning Scheme for this waterway”*. In contrast there are multiple strategies in the Planning Scheme relating to Bruce’s Creek at Bannockburn.

Mr Steele considered that the indigenous overlay along the creek should be an important justification for its protection, and requested that:

- the substance of similar strategies at Bruce’s Creek be provided for Native Hut Creek
- a 30 metre minimum buffer zone be required
- consideration be given to require larger lot sizes within proximity to the waterway to minimise risk of pollution with onsite waste water treatment.

Council submitted that it agreed that State policy specifies a 30 metre vegetated buffer for natural drainage corridors.

5.4 Discussion

The TSP 2020 notes that the grassy woodlands across Victoria are now exceedingly rare, with less than five per cent remaining across the Victorian Volcanic Plain, and that protection of Teesdale’s unique and valuable environs is a priority for the TSP 2020. The land west of the Teesdale-Lethbridge Road in the Strategic Framework Plan contains an extensive area of potentially significant Plains Grassland as shown in Figure 7.

As identified by Council, the removal of native vegetation can only occur following assessment and approval in accordance with Victoria’s Native Vegetation Guidelines, and potentially the EPBC Act. Consequently inclusion of the land containing the Plains Grassland west of the Teesdale-Lethbridge Road in the Strategic Framework Plan is not necessarily an issue for vegetation protection purposes, however the extent to which the land can be developed, and the extent to which native vegetation will need to be offset (if required), will only be evident following a vegetation assessment.

A vegetation assessment will need to be undertaken in accordance with the Native Vegetation Guidelines, with consideration of the three step approach which requires avoiding, minimising and providing offsets to compensate for vegetation removal that cannot be avoided.

The Panel gives significant weight to the advice in the Native Vegetation Guidelines and *Planning for Biodiversity – Guidance* which states that strategic planning is the most effective process for protecting and managing native vegetation. The State policy objective is to “ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation”. Council’s decision to include the land in the settlement boundary, without undertaking further investigation to understand the significance of the vegetation, is inconsistent with the intent of State biodiversity policy and guidance which encourages strategic consideration of, and a range of strategies to avoid impacts of land use and development on important areas of biodiversity.

While the Panel accepts that it is not essential to undertake a detailed vegetation assessment prior to including the land in the settlement boundary, the Panel considers that it would have assisted Council in making an informed decision about whether the land should be included.

Council has proposed post exhibition changes which allow this area of land to be excised from any rezoning proposal on the basis that the land is mostly covered in rare native grasses, and that it may be prohibitively expensive to remove, and presumably, offset the vegetation removal.

Providing flexibility in the TSP 2020 for the development potential for this land to be considered separately to the balance to the North East Growth Precinct is positive to allow the issue of native vegetation to be considered in more detail. The Panel is supportive of this approach.

The Panel cannot comment on whether the cost of native vegetation offsetting would be prohibitive for the North East Growth Precinct, and this is something that would need to be considered by the developer. The Panel does not consider this a relevant planning consideration with regards to whether the land should be excised from the Strategic Framework Plan. Of relevance to planning policy is the significance of the native vegetation and requirements under the Native Vegetation Guidelines.

There appears to be a disjunction between the objective stated in the TSP 2020 to provide priority protection for the unique and natural environs of Teesdale, and the detail of proposed local strategies which provide little guidance on what is important and how it can be protected. For example local policy Clause 11.03-6L (Teesdale) includes strategies to ensure that development responds and contributes to landscape and natural features, and buffers are encouraged along Native Hut Creek where required by the CCMA. The Panel notes that there are other actions in the TSP 2020 relating to the protection and enhancement of biodiversity that may warrant inclusion in local policy, however further investigation and strategic justification would be required to underpin the introduction of additional more targeted local policy.

While the vegetation assessment can be undertaken as part of preparation of the DPO for the North East Growth Precinct, a vegetation assessment at the strategic planning stage may have provided further details and guidance on strategies to protect native vegetation in local policy. Through this assessment it may become evident that alternative Victoria Planning Provisions tools are required to appropriately protect and manage the vegetation.

As submitted by Mr Steele, Clause 11.03-6L (Bannockburn) includes Bruce’s Creek and Open Space Strategies that provide details relating to:

- protecting areas of native vegetation

- facilitating open space along Bruce's Creek and providing off road trails
- protecting view lines and vistas
- providing habitat corridors
- facilitating the acquisition of land for open space purposes
- roadway alignment
- managing fire buffer areas.

In the absence of further work or advice from Council, the Panel is not in a position to comment on or make recommendations as to what might be appropriate strategies in local policy for Native Hut Creek. It is evident however that further investigation of opportunities to protect and manage Native Hut Creek may identify strategies suitable for inclusion in local policy.

The Panel observes that a Future Action in the TSP 2020 is to acquire land adjacent to Native Hut Creek when the North East Growth Precinct is rezoned. The purpose of this land acquisition is not evident to the Panel. It may be for purposes similar to those expressed for Bruce's Creek relating to open space corridors and trails. If this is the case the Panel considers it appropriate to express this outcome in local policy rather than only in the background document to ensure that it can be required at the time of rezoning.

5.5 Conclusions

The Panel concludes:

- It is not essential that the area of land containing the Plains Grassland to the west of Teesdale – Lethbridge Road be excised from the Strategic Framework Plan for native vegetation protection purposes, however the Panel is supportive of this option as proposed by Council to allow the issue of native vegetation to be further considered.
- 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.
- The Panel cannot comment on whether the cost of native vegetation offsetting would be prohibitive for the North East Growth Precinct, and does not consider this a planning consideration.
- The minimum buffer distance of 30 metres to Native Hut Creek is required by State policy.
- The proposed local policy relating to vegetation protection is generic and a vegetation assessment may have provided greater guidance for local strategies to protect native vegetation. It may be that following this work an alternative Victoria Planning Provisions tool is required to appropriately protect and manage the vegetation.
- In the absence of further work to understand the values, constraints and opportunities associated with Native Hut Creek the Panel is not able to recommend additional specific strategies, but considers there would be merit in undertaking this work.

6 Bushfire risk

6.1 The issues

The issues are whether the Amendment:

- is consistent with settlement planning strategies at Clause 13.02 (Bushfire)
- includes appropriate bushfire mitigation measures.

6.2 Background and context

(i) Planning Policy

Clause 13.02-15 applies to all land within a designated Bushfire Prone Area (BPA), subject to a BMO or proposed to be used or developed in a way that may create a bushfire hazard. The objective of the clause is to strengthen the resilience of communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies for settlement planning include:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959 - 2009 *Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-Low rating under AS 3959 - 2009 *Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 *Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).

Clause 13.02-15 discourages settlement growth in bushfire affected areas that are also important areas of biodiversity.

Clause 13.02-15 also lists factors to be considered as part of bushfire hazard identification and assessment.

Clause 71.02-3 requires integrated decision making to address aspects of economic, environmental and social wellbeing affected by land use and development. Within this context, the clause requires planning authorities to balance conflicting objectives in favour of net

community benefit and sustainable development, however in bushfire affected areas the clause requires the protection of human life over all other policy considerations.

(ii) Bushfire Management Overlay

The BMO applies to the Don Wallace Reserve and the Teesdale Sheoak Nature Conservation Reserve. It also applies to a heavily vegetated patch north west of the township and to the Inverleigh Flora Reserve approximately 1.6 kilometres to the south of Teesdale.

The purpose of the BMO is to:

- ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire
- identify areas where the bushfire hazard warrants bushfire protection measures to be implemented
- ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

(iii) Planning Practice Notes

PPN64 (Local Planning for bushfire protection):

- provides guidance about local planning for bushfire protection
- assists councils to tailor the Local Planning Policy Framework in response to bushfire matters where necessary
- provides guidance on how to prepare schedules to the BMO.

PPN64 notes that planning authorities need to address any relevant bushfire risk when preparing a planning scheme amendment. PPN64 outlines when it might be appropriate to use local planning policy to assist with decision making. It emphasises that local policy must not duplicate State policy. It suggests that local policy may be used most effectively to address bushfire issues spatially, and in identifying how bushfire affects particular locations. It is important to note that detailed planning guidelines for individual sites are not recommended for inclusion in planning policy.

(iv) Teesdale Strategic Bushfire Risk Assessment, XWB Consulting, February 2020

The Teesdale SBRA was prepared to address bushfire risk and planning for the North East Growth Precinct and other areas generally around the periphery of the town where future growth could be considered.

The SBRA identifies that all of the Teesdale township is designated within the BPA, and that two reserves and immediately adjacent land are affected by the BMO. It also identifies three areas in the surrounding landscape which are affected by the BMO, the Inverleigh Flora and Fauna Reserve (south), the Bannockburn Flora and Fauna Reserve (east) and the Brisbane Ranges (north east) as identified in Figure 8.

Figure 8 Teesdale BPA and BMO mapping



Source: Teesdale Strategic Bushfire Risk Assessment

The SBRA identifies that the main threats to the township from bushfire or grassfire would be from:

- A grassfire from the north west running towards the township.
- A grassfire making a run to the west of the township and turning towards the township following a south westerly wind change.
- A bushfire within the Inverleigh Flora and Fauna Reserve influenced by a south westerly wind running towards the township.

For settlement planning, key findings of the SBRA are summarised as:

- development within the north east development area is considered to be a low risk location
- the bushfire risk to the Teesdale township is comparable with other small towns in the Golden Plains Shire, and limitation of development within the North East Growth Precinct in favour of another township would not contribute to a reduction in overall bushfire risk at a landscape scale
- in the context of the TSP 2020 it is not appropriate to consider alternative locations for development
- there are no areas of biodiversity impacted to accommodate bushfire mitigation measures in the north east development area
- consideration should be given to infill development within the existing township ahead of opening up new development areas around the township
- the preferred location for other new development from a bushfire perspective is to the east of the existing township along the Bannockburn-Shelford Road (highlighted green on Figure 9). This location has the least exposure to the bushfire risk identified in the SBRA
- some development could be considered to the north west of the existing township (highlighted yellow in Figure 9) as existing lots in this area have a high exposure to

grassfire due to the configuration of lots and layout of roads, provided any new development implemented bushfire mitigation to improve protection for existing lots

- development should be avoided to the south of the Teesdale township, particularly east of Teesdale-Inverleigh Road. The area is a woodland environment which on face value would meet the criteria for inclusion within a BMO. There is a higher bushfire risk within this area and any development would have impacts on native vegetation in order to provide for development and bushfire protection for new dwellings.

The SBRA also recommends bushfire mitigation measures for new greenfield development to address the interface between the hazard and residential development including sufficient separation distances, perimeter roads and fuel management.

Figure 9 Bushfire risk assessment



Source: Teesdale Strategic Bushfire Risk Assessment, February 2020

6.3 Evidence and submissions

Settlement planning

Several submissions discussed whether the Amendment adequately addressed bushfire policy, particularly in relation to settlement planning and to what extent the Amendment needed to do so.

In relation to the SBRA prepared to support the TSP 2020, Council submitted:

The assessment was requested as a matter of due diligence. As the 2020 Structure Plan does not propose to modify the boundary of the 1997 plan, it is considered that settlement planning for the town has long since been established and the assessment is therefore not a requirement.

...

It is expected that the assessment will help to inform the requirements of a future Development Plan Overlay Schedule for the Teesdale North East Growth Precinct – expressed as a requirement before Council will consider a rezoning proposal, within the Teesdale Structure Plan 2020.⁵⁸

In responding to the Panel's direction about how the Amendment addresses climate change and bushfire risk, Council submitted that changes to State policy in relation to bushfire planning and mitigation were a clear response to climate change and that meeting the requirements of State policy therefore indicate the Amendment has considered climate change.⁵⁹

Council engaged Mr Phil Walton of XWB Consulting to give expert evidence at the Hearing on bushfire matters. Mr Walton also prepared the SBRA. Mr Walton gave evidence that the Amendment is *"consistent with state planning policy in relation to bushfire planning"*. Mr Walton considered that the Amendment was *"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"* and that as a result there would be no increased risk from bushfire from the Amendment.⁶⁰ Mr Walton gave the opinion that limiting development within Teesdale in favour of another township would not contribute to a reduction in bushfire risk at a landscape scale.

Mr Walton provided the following summary of his evidence:

- The bushfire risk to the Teesdale Township is from a grassfire approaching from the north / north west or south west. There is a moderate risk to the Teesdale Township particularly properties at the township / rural interface.
- 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.
- The bushfire risk can be mitigated through interface treatments between the bushfire hazard and the township / residential development. The extent to which these can be implemented will vary depending on circumstances and the applicable planning and building controls.
- It would be appropriate to modify Amendment C92gpla to include a policy provision in relation to bushfire mitigation within Clause 11.03-6L. This follows discussions with the Country Fire Authority in relation to their submission.
- Amendment C92gpla is consistent with State planning policy in relation to bushfire planning as expressed in Clause 13.02-1S of the Golden Plains Planning Scheme.⁶¹

Mr Walton presented a map (Figure 9) which identified an area of land to the east which was the preferred development area from a bushfire perspective, and an area of land to the north west where Mr Walton considered that future development could improve bushfire resilience for existing dwellings. This area in the north west of the township, was considered particularly at risk

⁵⁸ Document 13, Council Part A Submission, page 9

⁵⁹ Document 21, Council Part B Submission, page 6

⁶⁰ Document 17, Expert Evidence, XWB Consulting, page 16

⁶¹ Document 17, Expert Evidence, XWB Consulting, page 3

from bushfire as large rural residential lots were directly abutting grasslands without perimeter roads.

The CFA presented a comprehensive submission at the Hearing about bushfire risk to Teesdale, compliance with Clause 13.02-1S and bushfire resilience, and mitigation measures for site based exposure. As identified earlier, the CFA did not agree that the Amendment was policy neutral. Rather it submitted that the Amendment was enabling development, did not *"acknowledge the change in bushfire risk overtime for Teesdale"* and was seeking to defer decisions around mitigation for the North East Growth Precinct.⁶² While not opposed to the Amendment, the CFA submitted that further policy and mitigation measures were needed as part of the Amendment to improve bushfire resilience and satisfy the requirements of Clause 13.02-1S.

The CFA submitted that the Amendment provided opportunities to create a more bushfire resilient community and that *"appropriate planning outcomes that ensure bushfire protection measures can be implemented on an ongoing basis is the most effective and economical form of fire prevention"*.⁶³

At the Hearing the CFA agreed with Mr Walton that the land to the east of the existing township would be a lower risk area from a bushfire risk perspective, but added that the yellow line in Figure 9 delineating areas where development could improve bushfire interface (north west) could be extended to other areas in the south west where there was an absence of perimeter roads.

Ms Mann highlighted Mr Walton's and the CFA's comments on development in the north west and submitted that *"accordingly RPG submits that the inclusion of its land within the township boundary would facilitate the achievement of bushfire protection objectives for Teesdale and provide a broad uplift in the mitigation of bushfire risk for the township"*.⁶⁴

The CFA noted the absence of a BAL-Low area in Teesdale for evacuation purposes and submitted that there were opportunities for Council to consider improvements to this situation in its bushfire response (the Panel notes the suggested measures would sit outside the Planning Scheme). Mr Walton gave evidence that access to safer areas were either within Teesdale township, for example the community hall, or within Bannockburn township to the east.

Site based exposure and mitigation measures

In addressing proposed bushfire mitigation measures for future development, Mr Walton identified that there is a policy difference between infill development and greenfield development in the North East Growth Precinct. There is no requirement for a planning permit for infill development outside the BMO, and that the 'Use and development control in a BPA' as set out at Clause 13.02-1S, only applies to subdivisions of more than 10 lots.

Mr Walton gave evidence that in relation to the North East Growth Precinct the site is considered to be a low risk location where mitigation measures can be implemented so as to comply with State policy. Mr Walton supported the inclusion of content within the TSP 2020 to respond to the specific risk of bushfire to the North East Growth Precinct to be addressed at the rezoning stage.

Mr Altmann submitted that the North East Growth Precinct was not a low risk area from a bushfire perspective and that in 1969 a fire had burnt right through the area burning both stock and

⁶² Document 24, Panel Hearing Submission, CFA, page 5

⁶³ Document 24, Panel Hearing Submission, CFA, page 6

⁶⁴ Document 28, Panel Hearing Submission, Minter Ellison, page 17

buildings. Mr Altmann suggested that alternative options for growth should be considered. When questioned by the Panel, neither Mr Walton nor the CFA had further information on this fire.

Mr Gray submitted that the Amendment meets the requirements set out at Clause 13.02-1S and *“incorporates appropriate measures to ensure that subsequent planning processes are capable of dealing with the more detailed considerations”*.⁶⁵

Council submitted that the TSP 2020 is a high level document and subject to further planning processes before *“the land is shovel ready”*. Council suggested the appropriate time to include bushfire mitigation measures for the North East Growth Precinct would be upon rezoning via the application of a DPO schedule, and that a DPO would have more weight than local policy. The CFA submitted that further policy should be addressed at this time by either:

- Amending the 2020 Teesdale SP to explicitly list the bushfire protection measures required for a future DPO, or
- Including the DPO as part of this amendment which includes the required bushfire protection measures.⁶⁶

Council has some concern with implementing more detailed measures for the North East Growth Precinct now suggesting that bushfire policy might change again between this Amendment and an application for rezoning. However, Council submitted that:

The matter of whether detailed measures are included at the current stage of the process or not is of limited substance to development outcomes. If the Panel is of the view that the measures should be included now, it is suggested that section 6 of the Teesdale Structure Plan – which includes specific development requirements, would be a better location than local policy primarily because we have a limit of 5000 words within local policy.⁶⁷

In regard to infill development, and after discussions between Council and the CFA prior to the Hearing, Mr Walton recommended that an additional policy could be included within Clause 11.03-6L through this Amendment in relation to bushfire mitigation:

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.⁶⁸

Council supported this proposed inclusion.

The CFA requested a further refinement:

Setbacks of 19 metres from grassland vegetation that will lead to a radiant heat exposure no greater than 12.5 kW/m².

Council did not support this proposal and responded that such a requirement may eliminate development potential for some land at the edge of town and that it would impose a more onerous requirement than for land within the BMO.⁶⁹

The CFA agreed that the mitigation measures proposed in the SBRA were generally appropriate but submitted that other requirements relating to permit roads, vegetation management, road

⁶⁵ Document 25, Panel Hearing Submission, St Quentin Consulting, page 32

⁶⁶ Document 24, Panel Hearing Submission, CFA, page 8

⁶⁷ Document 21, Council Part B Submission, page 5

⁶⁸ Document 17, Expert Evidence, XWB Consulting, page 19

⁶⁹ Document 36, Council Closing Submission, page 2

network and building envelopes should be included within the local policy proposed at Clause 11.03-6L or within a new local policy at 13.02-1L.⁷⁰

Council expressed concerns about some of the CFA proposals, for example the requirement for perimeter roads on the basis that it would potentially create a more onerous requirement than for land within the BMO.

6.4 Discussion

The Panel agrees with the CFA that the Amendment enables further development in Teesdale both by encouraging infill development and low density development in the North East Growth Precinct. The Panel also agrees with the CFA that exploring whether it is appropriate to encourage growth assessed in the context of bushfire risk is required. Clause 13.02-1S applies to all land within a designated BPA and does not exclude land on the basis of historical planning strategies. There are many recent cases where land which has been identified for future residential development is no longer considered appropriate due to the changing nature of bushfire risk, current policy direction and the need to prioritise the protection of human life over all other policy considerations. Indeed, if this re-evaluation did not occur then the new policy would be redundant.

That being said, the Panel generally agrees with Mr Walton that the Amendment is consistent with Clause 13.02-1S in relation to settlement planning. The Panel considers that the:

- bushfire risk to Teesdale township is moderate
- limiting development within Teesdale in favour of another township would not contribute to a reduction in the overall bushfire risk at a landscape scale
- North East Growth Precinct is a low risk location in that a bushfire attack level of BAL 12.5 could be achieved for the construction of future dwellings
- Amendment would not increase fire risk for existing or future residents through future land use or development.

However, given the Amendment implements a growth framework for Teesdale, the Panel agrees with the CFA that the structure planning process could have further considered opportunities to create a more bushfire resilient community. Two matters in particular could be addressed to improve bushfire resilience for the town and potentially reduce bushfire risk overall.

The first is access to a safer area assessed as BAL-Low in the event of a bushfire. All parties agreed that there is no area within the existing Teesdale township which is rated BAL-Low. Mr Walton gave the opinion that safer areas were available at the community hall and that access to nearby Bannockburn which has BAL-Low areas is readily available. The Panel notes that there is no definitive guidance in State policy as to what is an acceptable distance to a BAL-Low area and that no parties to the Hearing argued against this position. The Panel agrees with the CFA that it would be beneficial for Council to consider improvements to this bushfire response, but that the measures suggested sit outside the planning scheme framework.

The second matter is the opportunity to consider growth opportunities as identified by Mr Walton which would allow bushfire mitigation measures to be implemented that would reduce risk to existing residents.

⁷⁰ Document 24, Panel Hearing Submission, CFA, page 8

The Panel does not view these matters as detrimental to the Amendment, but rather considers that they would improve future structure planning for the town and could be addressed in a future review of the TSP 2020. In view of the discussion in Chapter 4 regarding land supply and the settlement boundary, the Panel considers that bushfire risk should be a consideration in determining an appropriate settlement boundary when land supply requirements for the town have been determined.

The Panel agrees with Council that the DPO is an appropriate tool to include specific measures for bushfire protection for a particular site. The Panel also agrees with Council that it is generally the case that a DPO would be applied to a site at the time of rezoning. The Panel notes however the limited weight applied to a background document, such as the TSP 2020, and considers that while it is acceptable to apply the DPO at the time of rezoning that any essential matters for consideration (e.g. identified risks or mitigation responses) should be included within local policy in the Planning Scheme. This is consistent with PPN13 which states that *“the substantive planning elements of the background document will have been included in the planning scheme in either the MPS, a local planning policy or a schedule”*.

In regard to the proposed inclusion of an additional local policy measure suggested by Mr Walton, and the revised version suggested by the CFA, the Panel agrees with Council that local policy should not introduce requirements which are more onerous than current State policy. PPN64 states that local policy must not duplicate State policy and may be most effective where used to address bushfire issues spatially.

The Panel is unable to support the proposed additional policy measure as suggested by Mr Walton or the CFA on the basis that it would introduce a local policy for infill dwellings that generally do not require a planning permit. The Panel is unclear as to how the policy would take effect in these instances. Where a planning permit is required due to the application of the BMO, an assessment should be undertaken in accordance with relevant policy provisions which may result in a different outcome.

Given that both the CFA and Mr Walton consider, and Council agrees, the Panel accepts the position that additional bushfire planning measures are desirable for infill development. It is clear however that the exact needs and solutions have not been determined, and the Panel considers a more prudent approach is to undertake a comprehensive assessment of risk and possible control measures to determine the requirements and most appropriate planning tool. With reference the PPN64, the Panel notes that where possible the Municipal Strategic Statement (Municipal Planning Strategy), schedules to zones and overlays and particular provision should be used in preference to local policy.

On this basis the Panel considers that the issue the proposed local policy measure is attempting to address needs further exploration and perhaps requires consideration of the application of the BMO if requirements of this standard are considered necessary. The Panel also considers that a local policy response addressing bushfire risk needs to identify the key threats (vegetation, road access or other risks) and that policy should be designed to address the specific local risk rather than proposing a general policy that could apply anywhere.

The Panel notes the recommendation of the SBRA that further development to the south, particularly to the east of Teesdale-Inverleigh Road should be avoided from a bushfire risk perspective.

6.5 Conclusions

The Panel concludes that:

- 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 safe area and investigating growth options to mitigate bushfire exposure of existing residential properties.

7 Infrastructure

7.1 The issues

The issues are whether:

- the path network is adequate and whether the path proposed along the Bannockburn-Shelford Road should be removed from the Strategic Framework Plan
- there are issues with servicing the North East Growth Precinct with water, and whether the other proposed growth areas can be serviced more efficiently
- reticulated sewerage may be considered for Teesdale in the long term
- there has been an adequate level of planning relating to drainage
- car parking provision and traffic safety has been adequately considered
- feasibility and costs of servicing infill development has been adequately considered
- Teesdale has enough community and social infrastructure to support existing and proposed residents.

7.2 Background and context

(i) Policy Framework

State planning policy requires consideration of:

- Clause 19 (Infrastructure):
 - Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely
 - Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.
 - Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.
 - Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.
 - Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.
 - Planning authorities should consider the use of development and infrastructure contributions in the funding of infrastructure.
- Clause 19.02-4S (Social and cultural infrastructure), with an objective to *"provide fairer distribution of and access to, social and cultural infrastructure"* and strategies to:
 - Identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities.
 - Ensure social infrastructure in growth areas, is delivered early in the development process and in the right locations.
- Clause 19.03-1S (Development and infrastructure contributions plans) includes an objective *"to facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans"*.

Clause 11.01-1L (Settlement) includes a key strategy to “*direct population growth to urban areas provided with water, sewerage and social infrastructure*”.

The Municipal Planning Strategy Clause 02.03-9 (Infrastructure) states that:

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.

(ii) TSP Background Report

The TSP Background Report includes details of community infrastructure and open space that exists within Teesdale, including a primary school, pre-school, community hall and walking tracks. It notes that ‘higher order’ community infrastructure such as a library is provided at Bannockburn. Other than the main road there are no footpaths in residential streets. There is a requirement for a footpath on at least one side of every road in newer subdivisions. The Golden Plains Paths and Trails Strategy (2013 – 2017) includes actions to upgrade the path infrastructure in Teesdale.

The TSP Background Report includes a summary of the Teesdale Community Plan (2016-2019), prepared by members of the community, which details a number of key local projects and aspirations for upgrade and provision of community infrastructure.

Key findings of the TSP Background Report relating to infrastructure includes:

- there are no street lights in the older parts of town, including the main road
- there is only one pedestrian crossing on the main road in front of the school
- Teesdale is unsewered and Barwon Water currently has no plans to sewer Teesdale, however “*the circumstances of the town appear to warrant consideration for sewerage over the long term*”
- if the town was sewered it would change the character of the town and allow smaller lot sizes, specifically a minimum lot size of 2,000 square metres rather than 4,000 square metres for unsewered lots. Landholders would be responsible for costs
- a flood mapping study is being finalise by CCMA, and new flood controls around Native Hut Creek will be implemented via a planning scheme amendment
- a tributary of Native Hut Creek which goes through Chinaman’s Lagoon and across Jolly’s Road has not yet been flood mapped, but warrants consideration for future flood mapping.

The TSP Background Report includes a note that “*existing Council Strategies include plans for the upgrades to the path network, as well as upgrades at the Don Wallace Recreation Reserve, Turtle Bend Park, improvements to the Teesdale Hall and an upgrade to the Leighdale Equestrian Centre. These have not been listed as key issues, as they will not be relevant to the Structure Plan – which will seek to avoid duplication with existing plans and strategies*”.

(iii) TSP 2020

The TSP 2020 Issues and Opportunities chapter identifies:

- a future planning scheme amendment for Native Hut Creek Flood Study
- the need for substantive augmentation of water supply infrastructure for any new greenfield area

- opportunity to improve car parking at the general store and primary school, and other traffic improvement measures.

Principles relating to residential development in the TSP 2020 include “*ensure future planning anticipates impacts on existing infrastructure*”.

The TSP 2020 states:

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.

Section 6 – Directions for Future Growth Area, includes the following requirements for consideration of infrastructure for the North East Growth Precinct in the schedule to the DPO:

- high level Master Plan including road layout and common drainage infrastructure
- traffic impact assessment and roads network plan
- high level stormwater management plan, including high level common drainage elements and an implementation plan.

It also includes requirements relating to development contributions, including the proponent financing a traffic study.

Section 9 - Future Actions, relating to infrastructure include:

- preparation of the new planning scheme amendment for updated flood controls along Native Hut Creek
- preparation of a flood study for the tributary that flows into Native Hut Creek from the west (crossing Jolly's Road)
- collaboration 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 pre-school
- advocacy to the Department of Education regarding improved car parking at the primary school
- investigation of the need for a better/modified car parking layout at the car park opposite the general store.

(iv) Proposed planning provisions

Proposed Clause 11.03-6L (Teesdale) includes the following:

- **Settlement Strategies:**
Ensure rezoning and development in the Teesdale North East Precinct considers constraints, roads, drainage, open space and community infrastructure, regardless of land ownership.
- **Open Space Strategies:**
Strengthen connectivity of new and existing development to the town centre core and recreation areas by enhancing pedestrian and cycling links.

7.3 Submissions

There were several submissions relating to the need for upgrade and extension of paths throughout the town.

Mr Morizzi (Submission 1) submitted that the gravel path proposed along the Bannockburn-Shelford Road should be removed from the Strategic Framework Plan as it would be dangerous. He understood that the proposed path was a recommendation in the Paths and Trails Strategy created for the 2013-17 period, but suggested many things have changed and a review of the strategy was required.

Council submitted that its recreation and youth department considered the concerns valid and agreed that the Paths and Trails Strategy would eventually be updated. Council proposed a post exhibition change to remove the path from the Strategic Framework Plan, considering that this would be dealt with through Paths and Trails Strategy.

In support of the North East Growth Precinct, Mr Gray considered that it was clear that the precinct could be serviced with water, on the understanding that the existing system must be augmented to support growth, including infill and areas on the west of the town which would require slightly less augmentation than the east of town.

Mr Gray advised that Barwon Water is working towards a servicing strategy and that water supply would be delivered in accordance with the strategy for infill and growth areas. He submitted that choice of growth areas should not be influenced by the cost of infrastructure provision alone, and that efficiency of service provision is only one of the considerations in determining areas for growth.

Mr Gray provided a copy of correspondence with Barwon Water which states that there is uncertainty about the optimum servicing strategy for growth areas and associated sources of funding, and the uncertainty in part stems from *"the fact that Teesdale is part of a broader investigation into a servicing strategy for the region, including Bannockburn, Shelford and Inverleigh; an investigation which is incomplete"* and *"uncertainty around development staging and timing"*.

Barwon Water (Submission 16) provided comments on the TSP draft and is supportive of the Amendment. The submission notes that:

... substantive potable water augmentations are required to service the Teesdale North East Growth Precinct. It is also noted that the landowners would be required to carry out further work including a utilities provision assessment before the area could be considered further. BW [Barwon Water] will work with GPS [Golden Plains Shire] and the developers of this area at that time.

RPG included in its submission an Infrastructure Servicing Assessment (January 2020) prepared by CardnoTGM. The assessment identified a number benefits of the proposed North West Precinct and disadvantages of the North East Growth Precinct, and provided comment on infill development that the existing road and path infrastructure is substandard and does not meet the needs of existing residents, and that the existing development may have significantly lower levels of drainage capacity than required, and it is difficult to provide detention to small developments is difficult, impractical and would result in ongoing maintenance imposts to Council.

The McCann Brothers Trust included in its submission an Infrastructure Servicing Assessment (January 2021) prepared by CardnoTGM. The assessment indicated that there were no servicing

constraints that would prevent the subject site from being developed for residential purposes, and that in relation to water servicing the site has advantages over the North East Growth Precinct because of its proximity to the pump station.

Josco Pty Ltd submitted that as the North East Growth Precinct was fragmented in terms of ownership, that this would create challenges in delivering and sequencing infrastructure such as roads and drainage assets.

Some submitters advocating for consideration of other growth areas emphasised that they were not arguing for the North East Growth Precinct to be excluded, but considered that an Infrastructure Servicing Assessment had not been undertaken for the town, and therefore constraints and opportunities had not been considered in preparing the TSP 2020.

Mr Gray provided an excerpt from the Council report dated 28 April 2020 adopting the TSP 2020, which stated that it may be an option for Council to consider opening up another growth front if the current land supply is close to expiring and Teesdale is sewered. If a key requirement for providing sewer to the township is community preference, Mr Gray submitted that the survey undertaken by Council showing that 76 per cent of residents preferred for the town to remain unsewered was unclear and that a more detailed assessment would be required.

The RPG submission questioned Council's assumptions and analysis of maintenance costs associated with growth areas, and considered that the recurring maintenance costs associated with greenfield development were substantially lower than that suggested in the Hill PDA advice to Council. RPG also queried whether the costs associated with infill development had been undervalued, as some costs such as demand on existing infrastructure is hard to apportion and cost.

Ms O'Kane (Submission 6) submitted that there have been a lot of issues with drainage in the new estates, and there has been inadequate planning and delivery of appropriate drainage.

Ms Bloink submitted that the rapid population growth in Teesdale had resulted in carparking issues, particularly at the primary school, and the increase in traffic is creating safety concerns for children on bikes and horses. Mr Altmann considered that an increase of traffic on the rural roads would cause issues for himself and other farmers when moving large machinery and stock, and he made several suggestions relating to the road network.

In relation to community infrastructure and facilities, submitters considered:

- the majority of residents wanted a small well serviced town (Debra Layton, Submission 7)
- it more appropriate and more cost effective to increase infrastructure in the proposed development at Bannockburn than Teesdale (Mr Steele)
- Teesdale does not have enough infrastructure now to support existing residents, let alone 800 plus additional residents (Phil Burford and Kirsty McIntyre, Submission 10)
- Teesdale lacked community facilities, and that development of the Woolbrook property would offer many opportunities (Mr O'Shannassy).

The Department of Education and Training (Submission 14) did not object to the Amendment and stated that it would continue to monitor anticipated population growth and demand for government schools in Teesdale.

In response to questions from the Panel at the Hearing about whether any social or community infrastructure planning had been undertaken to understand servicing requirements, Council advised that a social infrastructure plan for the municipality was underway and that the TSP 2020 was currently informed by Council officer opinion and identified community needs and wants.

Council submitted that the Amendment provides a framework for managing growth of Teesdale, consistent with planning policy, by:

- considering servicing limitations and opportunities
- maximising use of existing infrastructure and allowing for logical extension where required in a coordinated and cost effective manner.⁷¹

Council contended that the Amendment supported Clause 11.01-1L (Settlement) to “direct population growth to urban areas provided with water, sewerage and social infrastructure” by directing growth into the settlement boundary already determined by the TSP 1997. Further that the Amendment encouraged infill development which will result in better use of infrastructure and “higher population numbers in the vicinity of the existing modest infrastructure and commercial uses”.

Council referred to the economic modelling report prepared for the Northern Settlement Strategy (*Land Use Economic Modelling*, HillPDA Consulting, 2016) stating that “as development costs are typically paid by developers the main costs that are relevant to Council/the broader community are maintenance costs because these are carried by Council”. The economic modelling report concluded that it is significantly more cost effective for Council to maintain the infrastructure associated with conventional density lots in greenfield areas than low density lots.

In response to submissions, Council submitted that:

- greater density of the town will lead to an increase in rates and will lead to increased justification for new a better maintained infrastructure within the existing parts of the town
- path upgrades will need to be considered within the content of a planned update to the Golden Plains Paths and Trails Strategy (2013-2017)
- the proposed improved pedestrian crossing at the local shop is included as an action for Council to work with Transport for Victoria in the TSP 2020
- minimal drainage infrastructure is a valid concern and there is an action in the TSP 2020 to investigate existing drainage infrastructure.⁷²

In response to a Direction from the Panel, Council submitted that Barwon Water has no plans to provide reticulated sewerage to Teesdale. Council stated that Barwon Water will only consider providing reticulated sewerage if there is strong community support, and the survey undertaken by Council to inform the TSP 2020 indicates most respondents prefer for the town not to be sewered.

7.4 Discussion

The Panel agrees with Council’s proposal to remove the path shown on the Strategic Framework Plan on the basis that the underlying strategic work is not current and needs to be updated. While, as submitted by Council, it is not critical to the structure plan, in principle inclusion of any infrastructure that might rely on development contributions should be shown on the Strategic Framework Plan. This could be considered for future updates to the TSP 2020.

⁷¹ Document 13 – Council’s Part A submission

⁷² Document 21 – Council Part B submission

The Panel is comfortable on the advice of Barwon Water that the North East Growth Precinct can be serviced with water, albeit with some uncertainties relating to the broader servicing strategy for the region, funding, staging and timing.

The Panel considers that the preparation of a southern settlement strategy as proposed by Council, would provide clarity regarding township growth strategies for the region, including Teesdale, and is likely to assist in informing the regional servicing strategy for Barwon Water. Updating the Strategic Framework Plan will also resolve uncertainties about growth plans for Teesdale and may assist with informing the Barwon Water regional servicing strategy. The sequencing of this strategic work is important as discussed in Chapter 4.

As preparation of the TSP 2020 and the Amendment did not afford the opportunity to consider any change to the TSP 1997 settlement boundary, the Panel understands that the constraints and opportunities of servicing alternative growth areas were not considered. The Panel is not aware of any strategic work undertaken to underpin infrastructure planning to service township growth, but accepts that the intent of the TSP 2020 is to establish a framework within which this can be considered. Accordingly, Barwon Water's submission advised that a utilities provision assessment would be needed before provision of services could be considered further.

The Panel acknowledges the infrastructure assessment servicing reports undertaken by submitters for other proposed growth areas. The Panel makes no comment on whether the alternative proposed growth areas can be serviced more efficiently than the North East Growth Precinct, as this is not relevant to the Amendment.

The Panel agrees with Mr Gray that the efficiency of service provision is only one of the considerations in determining preferred areas of growth, and that contemplation of growth areas should occur in the context of a current settlement strategy and balancing considerations of relevant planning policies and strategies.

The Panel understands that Teesdale is not currently proposed by Barwon Water for reticulated sewerage, and that this is consistent with the current settlement strategy expressed in the G21 Plan. The Panel is unclear on the justification and intent of the statement in the TSP Background Report that *"the circumstances of the town appear to warrant consideration for sewerage over the long term"*.

The decision about whether the town will be sewerage has critical implications for township structure planning, and ideally should be resolved prior to finalising the structure plan. Significant strategic work is required to determine whether this is desirable and feasible, in the context of a settlement strategy for the region.

Council acknowledges that existing draining infrastructure is a valid concern, and has included an action in the TSP 2020 to investigate this. The Panel considers that further investigation into drainage is important, and supports this action. As the TSP 2020 is a background document in the Planning Scheme it has no statutory status, the Panel considers that it would be appropriate to include a reference to the need for drainage investigation in the proposed Planning Scheme further work provisions.

The Panel also notes that the TSP 2020 includes actions to prepare a planning scheme amendment for updated flood controls along Native Hut Creek, and to prepare a flood study for the tributary that flows into Native Hut Creek from the west (crossing Jolly's Road). The Panel supports these actions and considers that the requirement for this further work should be included in Planning Scheme provisions, potentially in the schedule to Clause 74.02 (Further Work).

The TSP 2020 includes a number of planning and non-planning actions relating to road network planning, traffic safety and car parking which the Panel considers appropriate.

It is clear that Council appreciates that maintaining services in low density areas is more expensive for Council and the community, and is actively encouraging infill development in Teesdale to improve the efficiency of infrastructure provision and associated maintenance costs. This approach is supported by the Panel.

Council submitted that *“greater density in the town as a result of infill would increase the rate base and will lead to increased justification for new and better maintained infrastructure within the existing parts of the town”*.⁷³ While the Panel accepts that this may be the practical outcome of increased density, it does not consider that the approach is consistent with policy which requires (amongst other things):

- planning for development of social and physical infrastructure to enable it to be provided in a way that is efficient, equitable, accessible and timely
- planning to ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure
- gaps and deficiencies in social and cultural infrastructure to be identified and addressed
- social infrastructure in growth areas, to be delivered early in the development process and in the right locations.

Planning policy requires that settlement planning includes consideration of the logical and efficient provision and maintenance of infrastructure. The Panel is confident that the process proposed by Council, including the DPO and the requirements for development contributions, will address the immediate physical infrastructure requirements for the proposed growth area, however does not consider this is adequate in the context of overall township planning. The Panel considers that a strategic infrastructure assessment would help inform township growth planning and should be undertaken in any review of the TSP 2020.

The Panel accepts and supports Council’s approach to providing limited community and social infrastructure at Teesdale, and relying on the surrounding larger settlements for higher order facilities. The Panel also understands that Council is undertaking a municipal wide social infrastructure plan which will provide the information and guidance for planning for provision social infrastructure.

Council advised that the recommendations relating to social and community infrastructure were based on Council officer opinion and the community survey. The Panel considers that planning policy requires a more strategic approach to social infrastructure planning. In the absence of a Shire wide study, 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. This assessment would consider the existing and projected population and demographics, identify and address gaps and deficiencies, and make recommendations for Teesdale.

The TSP 2020 currently:

- excludes any references to upgrades and improvements planned for the existing path network and existing recreation and community facilities, on the basis that they are not

⁷³ Document 21 – Council’s Part B submission

listed as key issues, won't be relevant to the Structure Plan and to avoid duplication with existing plans and strategies

- makes no reference to social infrastructure in the development contributions requirement of the TSP 2020.

The Panel comments that it is important to identify and document social infrastructure needs in the TSP 2020, and to include actions for implementation, if necessary cross referencing other strategies. It is critical to include any infrastructure that may require development contributions to be delivered. The Panel notes that this is consistent with the intent of the TSP 2020 which includes a principle to *"leverage enhanced community facilities through developer contributions"*. It is currently not evident through the TSP 2020 and proposed planning provisions how this will be achieved.

7.5 Conclusions

The Panel concludes:

- 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.
- Preparation of a southern settlement strategy is likely to assist in informing the regional servicing strategy for Barwon Water.
- The decision about whether the town will be sewered has critical implications for township structure planning, and ideally should be resolved prior to finalising the structure plan.
- Further investigation into drainage is important, and 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 TSP 2020 relating to traffic and car parking are appropriate.
- The TSP 2020 includes a high level appreciation of the feasibility and costs of servicing infill development.
- 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.

8 Landfill buffer

8.1 The issue

The issue is whether the reference to a 500 metre buffer around the landfill site should be removed from the TSP 2020.

8.2 Background and context

(i) Planning Policy Framework

Section 12(2)(b) of the PE Act 1987 requires a planning authority to take into account any significant effects which it considers the environment might have on any use or development envisaged in an Amendment.

Clause 13.04-15 (Contaminated and potentially contaminated land) seeks to “*ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely*”.

Strategies include:

- Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.
- Protect sensitive uses including a residential use or use as childcare centre, kindergarten, pre-school centre, secondary school or children’s playground from the effects of contamination.
- Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.

Consideration must be given to the following policy documents:

- Ministerial Direction No. 1 - *Potentially Contaminated Land*
- *National Environment Protection (Assessment of Site Contamination) Measure* (National Environment Protection Council, 1999).

Clause 13.04-2 (Air Quality Management) seeks to “*assist the protection and improvement of air quality*”.

(ii) Ministerial Directions and Guidelines

Ministerial Direction 1 – Potentially Contaminated Land states:

In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.

In terms of requirements to be met, it states that:

In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of that land are or will be suitable for that use.

Ministerial direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health (Ministerial Direction 19) (Part A) requires planning

authorities to seek the views of the EPA in the preparation of a planning scheme amendment that could:

result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

Planning Practice Note PPN30 – Potentially Contaminated Land (PPN30) refers to Ministerial Direction No. 1 and provides guidance on:

- how to identify potentially contaminated land
- the appropriate level of assessment of contamination in different circumstances
- appropriate provisions in planning scheme amendments
- appropriate conditions on planning permits.

(iii) EPA Guidelines

EPA Publication 1642: *Assessing planning proposals within the buffer of a landfill* is intended for use by planning and responsible authorities under the PE Act, stating:

It provides information and advice on assessing planning permit applications and planning scheme amendments that would lead to development within the buffer of 1 an operating or closed landfill. More specifically, it advises on what level of assessment a planning or responsible authority should require to inform its decision, and recommends a staged, risk-based approach.

The advice in this guideline is consistent with and builds on the advice to planning and responsible authorities in *Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills* (EPA Publication 788.3).

It states that closed landfills are an important planning consideration as they can potentially discharge landfill gas for more than 30 years after they accept waste, and buffers are used to separate landfills and 'sensitive land uses' and manage the risk of landfill gas.

EPA Publication 788.3 – *Siting, design, operation and rehabilitation of landfills, best practice environmental management*, is:

the source document for best-practice environmental management measures for landfills. It gives direction on the best-practice siting, design, operation, performance and rehabilitation standards for landfills in Victoria, taking into account the risk they pose to the environment, and it provides a guide for the measures required to meet legislative objectives.

It states that:

Subject to an evaluation demonstrating that the environment will be protected and the amenity of the sensitive areas will not be adversely affected, lesser buffer distances may be applied subject to a risk assessment that considers design and operational measures.

(iv) TSP Background Report

The TSP Background Report states:

Teesdale contains a former landfill within the identified "Low Density Environmental Living" area, identified for potential growth in the 1997 structure plan.

The default EPA buffer requirement for a closed landfill is for a 500 metre buffer to the landfill cells (if known) or otherwise to the site boundary.

EPA guidelines provide the potential for reduced buffers subject to environmental audits.

(v) TSP 2020

The 'Issues and Opportunities Plan' in the TSP 2020 identifies the 500 metre buffer to the former landfill. In relation to the North East Growth Precinct it is recognised that:

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

Principles in the TSP 2020 include:

- Avoid residential development which encroaches into buffers of existing noxious or hazardous uses.
- Avoid environmental hazards where known.

Section 6 – Directions for Future Growth Area, relating to the Teesdale North East Growth Precinct, includes a requirement for the DPO schedule to analyse relevant constraints for the entire precinct including *"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)"*.

The TSP 2020 includes a note that the area within 500 metres of the former landfill will require support from the EPA and any rezoning will likely require an environmental audit. If support for proposed rezoning is not received by the EPA the buffer area may be excluded from the rezoning proposal.

(vi) Proposed local policy

Reference is made to the landfill in proposed Clause 11.03-6L (Teesdale) specifically:

- Settlement Strategies:

Ensure rezoning and development in the Teesdale North East Precinct considers constraints, roads, drainage, open space and community infrastructure, regardless of land ownership.

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

The Teesdale map shows a red dotted line approximately 500 metres from the landfill, with a notation stating *"Proposed 500m landfill buffer"* (see Figure 5).

8.3 Evidence and submissions

The EPA submitted that it had already provided comment under Ministerial Direction 19 on the draft TSP 2020 in two letters to Council, and did not object to the Amendment.

At the request of the Panel, Council provided copies of the correspondence with the EPA. In its letter of 2 March 2020 the EPA stated that it acknowledged Council's adoption of its previous preliminary advice, in a letter dated 15 October 2019, relating to potential environmental, amenity and human health issues⁷⁴.

⁷⁴ Document 30 - EPA Response to Background Report & EPA response to Teesdale Structure Plan

In relation to the landfill, the EPA's letter of 15 October 2019 stated that:

The 1997 Teesdale Structure Plan identified land surrounding the 'Teesdale Tip' to potentially be rezoned for Low-Density Environmental Zone. Ensuring the required 500 metre buffer distance is applied when considering rezoning, or reduced buffers are justified and agreed upon with EPA is imperative due to the potential adverse amenity impact the tip may have on future residents and other sensitive uses allowed to occur in this locality.

Landfills have the potential to impact surrounding environment and community by discharging landfill gas for more than 30 years after they last accept waste. In the context of landfill gas, any building or structure is considered sensitive, because of the risk of explosion or asphyxiation,

Consequently, use or development near landfills require specific consideration due to the potential for landfill gas risk as well as contamination of land and groundwater which can be present for many years after their closure.

EPA publication '*Assessing Planning proposals within the buffer of a Landfill*' (EPA Publication 1642, October 2017) sets out the recommended approach for both operating and closed landfills. The four-step assessment helps responsible authorities to determine the level of assessment required. This is based on the type of proposal, size of the landfill, its type and age. Publication 1642 supports and is consistent with EPA's publication *Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills* (Landfill BPEM, August 2015).

Mr Gray's initial submission to the Amendment stated that it was clear that further investigation and liaison with the EPA was required before any real understanding of the extent of the buffer was possible. He stated that a Landfill Gas Risk Assessment was underway, with Council's consent. At the time of the Hearing this assessment had been completed, and evidence was given by Mr Andrew Wigley of Landserv in relation to the findings.

Mr Wigley attached a copy of the Landfill Gas Risk Assessment for the former Teesdale Landfill to his expert witness statement.⁷⁵ Mr Wigley explained that the purpose of the risk assessment was to:

assess the risk posed by hazardous ground gasses (namely methane and carbon dioxide) from the former landfill to the surrounding investigation area (limited to 500 m from the former landfill site boundary in any direction).

Mr Gray's written submission summarised the findings of the Landfill Gas Risk Assessment:

- a. the hazard posed by landfill gas to the proposed development area within 500 m of the former landfill is classified as 'Very Low Risk'
- b. this classification requires no special gas protection measures to be incorporated into residential, office, commercial or industrial developments
- c. the land within 500 m of the landfill is not considered to meet the definition of potentially contaminated land by its proximity to the landfill.
- d. appropriate buffer distance for landfill investigation is 20 m away from the site boundary.
- e. The landfill site itself, can be considered to be potentially contaminated.

Mr Wigley's also gave the opinion that:

- site inspections confirmed that there were no obvious signs of landfill gas impact at or around the former landfill
- no existing underground services intersect the site posing potential migration pathways for landfill gas

⁷⁵ Document 14 – Expert Witness Statement, Mr Andrew Wigley

- based on the type (predominantly inert) and volume of waste deposited, the gas generation potential of the former landfill is considered very low and is further decreasing with time
- the investigation was not designed to assess the suitability of the landfill site itself for future development and further investigation would be required if any use or public access of that site is proposed
- if an application was received to develop in close proximity to the landfill *“say within approximately 100 metres”* investigation of groundwater may be warranted to check for the unlikely exposure pathway of landfill leachate impacting groundwater and migrating beneath the applicant’s site, then migrating vertically upwards as hydrocarbon contaminant vapour and accumulating in a proposed residence on the applicant’s site. In accordance with PPN30, the applicant’s site would be considered a ‘Type B’ site, requiring *‘a site assessment from a suitably qualified environmental professional if insufficient information is available to determine if an audit is appropriate’*.

The Landfill Gas Risk Assessment report states that with consideration of EPA Publication 1642:

Should the Teesdale Structure Plan be adopted in its present form (incl. the 500 m landfill buffer), it may potentially pose unnecessary implications for applicants of future rezoning proposals and/or unfounded objections to future rezoning applications.

The EPA 788.3 buffer of 500 m is considered to be a conservative distance in that allows for the impacts of large, operating, putrescible landfills.

Tawarri Estate in Teesdale was cited as an example development undertaken by RPC, which after investigations of the adjacent former landfill resulted in a buffer of approximately 20 metres. Mr Gray submitted that:

Whilst no comparison between the two landfills is considered as part of this submission, the contrast between a scientifically determined buffer of 20m and a ‘proposed’ buffer of 500m is dramatic.

Mr Gray considered it appropriate that the TSP 2020 refers to the former landfill and future planning needs, but did not consider it appropriate or justified to refer to the 500 metre in policy *“as it can be misconstrued as a constraint to land use or development, when it is meant only to trigger an assessment, and only and environmental audit if the risk is found to be substantial”*.

He requested that:

- references to a 500 metre buffer, or proposed 500 metre buffer, be removed from the TSP 2020
- the reference on the map in proposed Clause 11.03-6L to a ‘Proposed 500m buffer’ should be removed, both in text and in the form of the dotted red line.

In relation to Ministerial Direction 1, Mr Gray submitted that in this instance it does not strictly apply as the Amendment does not propose to rezone land, and therefore *“would not have the effect of allowing potentially contaminated land to be used for a sensitive use”*. He commented that as the Amendment does facilitate a future rezoning that Ministerial Direction 1 and PPN 30 are both useful in considering how the issue should be assessed.

Mr Altmann considered that the 500 metre exclusion zone around the old tip in the North East Growth Precinct should remain, and under no circumstances should it accommodate more residential growth.

Ms Kitson submitted that the buffer should remain where it is as housing near old landfill tip sites can cause problems and cost to the Shire and community.

In relation to Ministerial Direction No. 1 (Potentially Contaminated Land), Council submitted that *"the amendment is not required to comply, however when Council considers a request to rezone land in Teesdale for the North East Precinct as identified in the Structure Plan, Council will consider if contamination is an issue through the planning scheme amendment process"*.⁷⁶

In response to submissions, Council submitted proposed post exhibition changes to replace the word 'buffer' in the Strategic Framework Plan with 'landfill investigation area'. Council justified the proposed change by stating that:

- the term buffer typically means that land cannot be developed
- the EPA guidelines require investigation within 500 metres of a landfill, and the results of the investigation will determine the land within the 500 metres which cannot be developed.

8.4 Discussion

The EPA was not a party to the Hearing. The Panel is not aware of whether the EPA accepts the Landfill Gas Risk Assessment and is satisfied with Council's post exhibition proposal to change the wording to reference an investigation area rather than a buffer around the landfill site.

As noted by Mr Gray, Council and documented in the TSP 2020, any reduction to the buffer must be agreed by the EPA. At the time of the Hearing this had not yet occurred.

The EPA's submission supported the Amendment as exhibited, which includes the word buffer and shows the 500 metre buffer on the Strategic Framework Plan.

The Panel accepts the evidence of Mr Wigley and considers that it may be appropriate to reduce the buffer from the default 500 metre buffer for closed landfills. No contrary evidence was given at the Hearing.

The Panel also considers that it may be acceptable to change the wording on the Strategic Framework Plan as suggested by Council and Mr Gray, on the basis that the area required for a buffer will be determined following the assessment of risk.

The Panel notes that if the EPA agrees, there may be other changes required to ensure references to the landfill site are current and consistent throughout the TSP Background Report and TSP 2020.

The Panel considers that the EPA must be consulted with and agree to these proposed changes prior to changes being made to the TSP 2020.

8.5 Conclusion

The Panel concludes:

- 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 TSP 2020.

⁷⁶ Document 13, Council Part A Submission, page 15

Appendix A Submitters to the Amendment

No.	Submitter
1	Mic Morizzi
2	Samara Hinton
3	Louise Patterson
4	Bianca Henningsen
5	Sarah and Pete Fisher
6	Leanne O'Kane
7	Ross and Debra Layton
8	Jodi Bloink
9	Cameron Steele
10	Phil Burford and Kirsty McIntyre
11	Kelvin Altmann
12	Caitlyn Kitson
13	Doug Clarke
14	Department of Education and Training
15	Department of Environment, Land, Water and Planning
16	Barwon Water
17	Environment Protection Authority
18	Country Fire Authority
19	Wadawurrung Traditional Owners Aboriginal Corporation
20	Rocklea Pastoral Company
21	Josco Pty Ltd, represented by Mesh Planning
22	Ramsey Property Group
23	William McCann, Thomas McCann and Peter McCann in trust for the McCann Brothers Trust

Appendix B Document list

No.	Date	Description	Presented by
1	6 Apr 21	Directions Hearing Letter	Panel
2	20 Apr 21	Draft Directions and Hearing Dates	Panel
3	29 Apr 21	Draft Hearing Timetable	Panel
4	29 April 21	Email – suggested locations for Panel site visit	Insight Planning for the McCann Brothers Trust (MBT)
5	29 April 21	Email – suggested locations for Panel site visit	Council
6	7 May 21	Directions and Timetable 7 May 2021	Panel
7	7 May 21	Email – suggested locations for Panel site visit	J O'Shannassy for B O'Shannassy
8	18 May 21	Email – notify Panel of VCAT decision to uphold EPA refusal of Works Approval for 607 Bannockburn-Shelford Road	St Quentin Consulting for Rocklea Pastoral Company (RPC)
9	20 May 21	Email to St Quentin Consulting to advise that a direction will be made on the 607 Bannockburn-Shelford Road matter	Panel
10	24 May 21	Email – suggested locations for Panel site visit	St Quentin Consulting for RPC
11	25 May 21	Email – late request to be heard	S Fisher
12	26 May 21	Email to S Fisher – accept late request to be heard	Panel
13	2 June 21	Council Part A Submission, incl. 2 attachments	Council
14	2 June 21	Expert Witness Statement – Landserv – A Wigley – Landfill Gas	St Quentin Consulting for RPC
15	2 June 21	Email – advice that party no longer calling expert witnesses	Minter Ellison for Ramsey Property Group (RPG)
16	3 June 21	Email – request for clarification about what Panel can make determinations on	J O'Shannassy for B O'Shannassy
17	3 June 21	Expert Witness Statement – XWB Consulting – P Walton - Bushfire	Council
18	3 June 21	Teesdale Strategic Bushfire Risk Assessment February 2020	Council
19	4 June 21	Email – confirmation that Hearing will be livestreamed	Council
20	7 June 21	Further Directions and Hearing Timetable V2	Panel
21	8 June 21	Council Part B Submission, including attachment and C92gpla Ordinance	Council

No.	Date	Description	Presented by
22	8 June 21	Email – Zoom link for Hearing	Council
23	9 June 21	Email to J O'Shannassy to advise on determination question and that it will be addressed as part of Preliminary Matters at the Hearing	Panel
24	9 June 21	CFA Panel Hearing Submission and attachment	CFA
25	9 June 21	Rocklea Pastoral Company Panel Hearing Submission, incl. 8 attachments	St Quentin Consulting for RPC
26	10 June 21	McCann Brothers Trust Panel Hearing Submission	Insight Planning for the MBT
27	10 June 21	S Fisher Panel Hearing Submission	S Fisher
28	10 June 21	Ramsey Property Group Panel Hearing Submission, incl. 4 attachments	Minter Ellison for RPG
29	10 June 21	VCAT Decision – Bannockburn Compost Facility	Council
30	10 June 21	EPA Response to Background Report & EPA response to Teesdale Structure Plan	Council
31	10 June 21	Evidence of DELWP no longer relying on strategic agricultural land map	Council
32	10 June 21	Letter from DELWP recommending a Shire wide settlement strategy	Council
33	10 June 21	Barwon Water Submission to Background Report, 2 attachments	Council
34	11 June 21	Josco P/L (B O'Shannassy) Panel Hearing Submission, incl. 1 attachment	J O'Shannassy for B O'Shannassy
35	11 June 21	Email chain – water supply augmentation advice to RPG	Minter Ellison for RPG
36	11 June 21	Council Closing Submission and PowerPoint presentation	Council
37	11 June 21	Attachment 5 – Ordinary Council Meeting Minutes 28 April 2020 (parts 1 and 2)	Council
38	11 June 21	Attachment 5 and 6 – Ordinary Council Meeting Minutes 28 April 2020 (parts 3 and 4)	Council
39	11 June 21	Insight Attachment to Panel Submission - flowchart	Insight Planning for the MBT
40	11 June 21	C Steele Panel Hearing speaking notes	C Steele
41	11 June 21	Post Exhibition Versions of the Teesdale Structure Plan and Teesdale Background Report	Council