

Barwon Waters Customer Charter sets out minimum flow rates for water supplies in the region. Barwon Water has advised that it will undertake the necessary upgrades as required to continue to meet water supply service levels for customers in Inverleigh. Barwon Water will determine this timing based on observed and planned growth within Inverleigh. Barwon Water does not foresee any issues in providing high quality and reliable water supply to Inverleigh for the foreseeable future.

Barwon Water's submission⁵³ did not oppose the Amendment but explained that the Future Investigation Area would require an additional water supply feed across the river and, as a consequence, early engagement with it to manage forward planning and project scheduling.

Council submitted that it would in response to Barwon Water's advice and Mr Walton's evidence, it would look to provide a water supply independent of the mains system in the event of a bushfire, including water tanks on individual properties within the BMO area as required by Clause 53.02, and potentially a number of strategically placed larger tanks on public land. It informed the Panel that Barwon Water had advised that:

The requirements for council and properties within a Bushfire Management Overlay are outside the responsibility of Barwon Water. (Barwon Water would) like council to ensure, and reiterate at Panel, that these interventions in the BMO are proposed to be completely independent of the Barwon Water network, and has nothing to do with Barwon Water.

In further correspondence (11th March 2020), Barwon Water sought a related change in the ISP which was supported by Council that amends the ISP to state:

Ensure that an alternative water supply is provided to properties within a Bushfire Management Overlay as required by Clause 53.02 that is sufficient to support firefighting operations should they be needed. The alternative water supply will be independent of the Barwon Water network and will consist of water tanks on individual properties and a number of strategically placed larger tanks on public land. The alternative supply is required as Barwon Water, like all other Victorian Water Authorities, which operate under the Water Act, is not responsible for providing an adequate water supply for firefighting in its mains. No separate fire flow component is designed into Barwon Water's water mains.

Council considered that submission suggestions that Council lobby Barwon Water for improvements to the water infrastructure in Inverleigh, including the provision of an alternative water supply from Winchelsea or south of the township were outside the scope of the Amendment.

(iii) Discussion and conclusion

The Panel considers that the ISP has been appropriately informed by the views of Barwon Water which supports the Amendment albeit with some clarifications within the ISP. The ISP contains an appropriate level of detail in relation to the provision of water supply to service the anticipated growth of the town's population. Other than reviewing future water supply for the further investigation area to the west of the town as proposed in the ISP the Panel is satisfied that Council has demonstrated that water supply will not be an issue that requires a more considered approach.

⁵³ Submission 9

The Panel supports Council's proposed enhancements to the ISP which clarify the additional water supply for firefighting purposes or for sites within the BMO that is not the responsibility of Barwon Water.

The Panel concludes:

- That the ISP and Amendment adequately address water supply issues, which will be further enhanced by Council's further changes to the ISP.

6.4 Development contributions

(i) The issue

The issue is:

- whether the ISP and Amendment have adequately considered the funding of future infrastructure and its timely provision.

(ii) Evidence and submissions

Several submissions⁵⁴ raised concerns about development contributions including both the method of collection and allocation of funds by Council.

At the Hearing, Ms Hyland re-iterated her concerns regarding Council's preference to use section 173 agreements and the reliance on a local Council Development Contributions Policy (sitting outside the Planning Scheme) rather than preparing a formal Development Contributions Plan (DCP). Ms Hyland's concerns included the transparency of the tools used and a lack of reporting about spending of contributions collected. Ms Hyland outlined some findings from a recent Victorian Auditor General's Office audit – Managing Development Contributions 2020, of which Golden Plains took part, which suggested (among other things) that *"implementing a reporting system similar to that used for the DCP and ICP programs would improve transparency and enable evaluation of councils' performance"*.

Ms Hyland submitted that despite the potential expense of a DCP, it would be a *"safer"* option than s173 Agreements for the collection of development contributions.

Submission 87 expressed similar concerns and stated that *"the Amendment as it stands does not make developer contributions and obligations clear and transparent in a way that ensures that time frames and post-sale obligations are clearly understood by the community, and that the benefit of Inverleigh in general can be seen to be underpinning Golden Plains Shire and developer agreements"*. Submission 48 also submitted that there was not a *"comprehensive strategic infrastructure plan"*.

Council submitted that while it appreciated potential benefits associated with a DCP, the yield from the Inverleigh growth areas might not justify the preparation of one. Council further noted that the *"ISP leaves the option of a DCP open. A decision has not been made on the use/non-use of a DCP"*.

Council also submitted that:

⁵⁴ Including submissions 18, 37, 42, 47, 49 and 87

The Inverleigh Structure Plan requires development contributions to be paid through a Development Contributions Plan or a Section 173 agreement (page 59). By specifying known infrastructure needs in the Inverleigh Structure Plan an effort has been made to provide additional transparency should S173 agreements be prepared in support of future rezonings. A Council Policy (Development Contributions Policy 10.4) provides additional clarity to developers and the community about Council's approach.

It was noted that Council has recently increased its contribution levy from \$1,500 per lot to \$4,500 per lot for subdivision throughout the Shire to better achieve infrastructure needs.

Mr Bolitho raised concerns about development contributions. Specifically, Mr Bolitho wanted clarification about funding of both road upgrades and upgrade of the 'Twin Bridges'. Mr Bolitho submitted that clarification of infrastructure funding and provisions was required to ensure it was provided, and in a timely manner. Mr Bolitho requested that the Amendment include a requirement for the upgrade of the 'Twin Bridges' prior to development in PGA3 and for upgrades to the Hamilton Highway at Common Road and Hopes Plains Road to be fully funded before further development in any of Barrabool, Mannagum estates or PGA3.

Mr Canavan submitted that while there was no issue with the need to upgrade the Twin Bridges, the upgrade would benefit a wider group of residents than those in PGA3 and that there should not be an obligation on the developer of PGA3 to fully fund the works. Mr Canavan supported Council's Part A submission which proposed the following wording for the ISP:

The contribution towards the upgrade or replacement of the Twin Bridges to a 15 tonne capacity to support access by emergency vehicles must be resolved prior to the land being considered for rezoning.

In a more general sense, Mr Canavan's submission to the Panel stated:

The Structure Plan does not identify a basis upon which infrastructure contributions are to be calculated and shared amongst developers in the region. To provide clarity, it is appropriate that the Structure Plan provide direction that development contributions are to be calculated on a 'developable area or per hectare basis' in each of the identified growth area.

Council submitted that the ISP sets out developer responsibilities for infrastructure improvements relating to each potential growth area. Council submitted that it is *"not seeking to impose a mandatory staging of growth areas and therefore cannot provide an exact timeframe for infrastructure development, as this will depend on the timing/order of growth area development"*.

Council added that it does not see any benefit in limiting the wording in the ISP at this stage and that it is a high level document not intended to provide specific details of contributions collection but rather flags *"specific development responsibilities associated with particular areas that developers will be required to fund"*.

(iii) Discussion and conclusion

The Panel agrees with Council that the Amendment is intended to implement high level strategy based on the ISP, which identifies key infrastructure required to support growth. More comprehensive consideration of appropriate development contributions will be required as part of the detailed planning and design of future growth areas at both the rezoning and subdivision stage.

Submitters concerns about the timely provision of infrastructure and transparent collection processes are acknowledged and appreciated. However the Panel understands that due to the uncertainty about the development, timing and potential release of new growth areas that it is not possible to assign specific costs and timelines at this stage.

The Panel understands that the preparation and administration of a development contributions scheme is a time consuming, complex and costly process for councils. The Panel notes one of the conclusions of the Victorian Auditor-General's report that for many councils voluntary or section 173 agreements are *"the only realistic option to collect contributions for infrastructure. However, these one-off agreements are not designed specifically for development contributions and are unsuitable for supporting infrastructure delivery at the scale offered by the DCP and ICP programs"*.⁵⁵

The report also found that:⁵⁶

The DCP program carries significant barriers and risks for councils. Only 24 councils collected contributions through a DCP in 2017–18 or 2018–19, despite all 79 being able to create one. Issues include the:

- cost of developing a DCP
- time it takes to develop and have a DCP ministerially approved
- complexity of DCPs and the expertise required to manage them effectively
- financial risks of entering into a DCP. For example, a DCP locks in councils to deliver infrastructure projects, even if development does not proceed and the council cannot collect levies.

A recommendation was made that a review of DCP and section 173 agreement policy advice by DELWP would assist councils to use the tools and disseminate better practice across the sector. It is noted that DELWP supported the findings and recommendations of the Auditor-General's report and plans to establish a dedicated development contributions unit.

The Panel supports Council's position that it remains open to reviewing its process for collection of development contributions in the future. In the meantime, the Panel concludes that the ISP provides a useful guide to inform future infrastructure assessments and supports the use of the Development Plan Overlay as a tool to be applied at the time of rezoning land to establish with certainty infrastructure provision requirements. The Panel supports Council's proposed change to the ISP to confirm that the upgrade of the Twin Bridges be resolved before the rezoning of PGA. This is broadly consistent with Council's recommendations for PGA3 to be nominated as a Further Investigation Area.

The Panel concludes:

- That the ISP and Amendment have adequately considered the funding of future infrastructure and its timely provision.

⁵⁵ Managing Development Contributions, Victorian Auditor-General's Office, March 2020

⁵⁶ Ibid

7 Other issues

7.1 Impacts on agriculture

(i) The issue

The issue is:

- whether the ISP and Amendment appropriately respond to interfaces with agricultural land uses.

(ii) Submissions

Many submissions considered that the reduction of lot sizes and population growth would result in potential conflicts between residents and existing agribusinesses or future agricultural enterprises within and at the edge of the township, while other submissions sought a diversity of lot sizes to accommodate productive land use and rural enterprises.⁵⁷

Mr Thornton's submission highlighted the importance of protecting productive agricultural land as a valuable resource with good connectivity to key routes. Ms Debets expressed concern that the reduction in lot size would remove opportunities for keeping horses, have hobby farms or grow boutique local produce (honey, flowers and fruit for example). Mr Wilson's submission identified several small scale organic agricultural enterprises in Inverleigh which could be affected by lack of lot size diversity or by the use of herbicides and pesticides on residential lots – Berry Organic, Vortex Veggies, Leighgrove Olives, Jennings Honey and Leigh River Roses.

Council's Part B submission identified proposed changes to Strategy 2.4 in the exhibited Clause 21.07-5 in Clause 11.03-6L to acknowledge existing agricultural land use in the town by deleting the words 'adjacent to the township boundary' as follows:

Locate and design development so that it does not impact on agricultural land use.

Council considered that tools such as section 173 agreements could be applied at rezoning or subdivision stage to acknowledge the potential off site impacts of farming activities (such as noise, use of herbicides, spray drift), a practice that it already applied in Inverleigh (DPO16).

Council added that a diversity of lot sizes and opportunity for productive rural enterprises already existed within larger Rural Living Zone lots in the northern part of the Shire and the FZ more generally.

(iii) Discussion

The PPF recognises the strategic importance of protecting the state's productive land resources. The FZ is the primary zoning tool to identify and protect productive land and related land use activities. While the Panel notes that the town boundary includes land within the FZ as noted by Council, this acts as either a holding zone for future growth and to recognise areas subject to flooding. Conversely, the LDRZ is a residential zone and while larger lots can

⁵⁷ Submissions 19, 23, 39, 42, 48, 53, 56, 57, 73 and 87

provide an opportunity for some 'hobby farm' or small-scale production or rural industry this is not its purpose.

The Panel considers that at a broader strategic level the Planning Scheme provides a clear policy direction for where a range of agricultural land uses can take place and are prioritised. The Amendment is unlikely to result in the displacement of agricultural activity and does not extend future residential growth into rural areas not previously identified for housing for over 15 years.

The Panel supports the appropriate management of housing development where it adjoins the rural edge of the town as identified in the ISP and Framework Plan and the proposed post-exhibition changes to Clause 11.03-6L to respond to agricultural land use within the settlement boundary. The Panel notes this change equally applies to all land use and development including any non-agricultural land use activities establishing within the FZ.

The Panel notes the practices of Council to explore the use of the DPO and section 173 agreements to manage the impacts of development on agriculture and consider this an appropriate use of the planning tools available to it. The Panel does not consider further changes are required to the Amendment or the ISP to respond to agriculture considering this well guided by other PPF policies.

(iv) Conclusion and recommendation

The Panel concludes:

- The ISP and Amendment appropriately respond to interfaces with agricultural land uses.

The Panel recommends:

Amend Clause 11.03-6L consistent with Council's version in Appendix D2 to:

- **Under the heading 'Economic development and tourism strategies' delete the words 'adjacent to the township boundary' relating to the impacts of development on agricultural land use.**

7.2 Commercial, industrial and employment opportunities

(i) The issue

The issue is:

- whether the ISP and the Amendment provide appropriate opportunities and direction for commercial, industrial and employment opportunities.

(ii) Evidence and submissions

A number of submissions⁵⁸ considered that the Amendment and ICP should identify and support light industry or the establishment of a Business Park Area on the town fringe.

Council submitted that while the 2005 Structure Plan identified an area for 'Rural Activity/Rural Industry' on the western side of Mahers Road, changes to the FZ now provided

⁵⁸ Submissions 29, 39 and 74

scope for consideration of such uses, while the Township Zone could accommodate light industry and rural industry opportunities.

Several submitters⁵⁹ did not support the ISP's identification of a future small supermarket site within the Structure Plan. The submission of Mr Rounds sought to limit any further expansion of Inverleigh's commercial facilities. By contrast, other submitters⁶⁰ supported the development of commercial facilities within Inverleigh.

Mr Thornton supported opportunities for local employment and creating a thriving town centre, noting that this saved people travelling to work and would reinforce the character of the place for people to work and live rather than it being a 'dormant suburb' to centres such as Geelong.

The evidence of Mr Lee identified the potential economic effects from the Amendment, including the potential additional spending flows arising from the added population base, and the potential for additional local services and job opportunities which included:

- an increase the amount of supportable retail floorspace able to be provided locally (1,000 square metres), potentially supporting a small supermarket of around 500-800 square metres
- a wider range of local services would also become supportable including a local medical centre and day care centre in the longer term, an effective doubling of primary school enrolments likely to trigger demand to expand primary school services.

Council submitted that the extent of commercial and retail growth identified in the ISP was consistent with the town's role as a 'District commercial and retail centre' as identified in the Commercial and Retail Hierarchy Framework at Clause 2.03-7 to provide the commercial and retail needs to service the surrounding area. It identified that higher order retail and services are provided in Bannockburn and Geelong and that Inverleigh "*relies on these towns as an alternative to growing beyond the small village-style of Inverleigh*".

(iii) Discussion and conclusions

The Panel accepts the evidence of Mr Lee that the Amendment and growth anticipated in the ISP is likely to generate additional demand for commercial and retail floorspace and services some of which will be met in the medium term within Inverleigh. This is likely to result in a net community benefit. Consistent with the hierarchy of retail centres and the town's proximity to Bannockburn and Geelong these centres are likely to do the 'heavy lifting' in terms of meeting at least the short to medium term demands for goods and services and employment associated with Inverleigh's growth.

The Panel acknowledges the observations of Mr Thornton and other submitters about the desirability of providing localised opportunities for employment in terms of providing a sense of community and minimising travel. The Panel considers that the ISP identifies appropriate opportunities for the modest expansion of the town centre and the ability of both the Township Zone and FZ to accommodate light industrial or rural industry uses. While no

⁵⁹ Submissions, 6, 45 and 53

⁶⁰ Submission 52 and 75

economic evidence was provided in relation to industrial growth opportunities, the modest size of the town's future population is unlikely to support a business or industrial park particularly given the existence of such centres nearby in Bannockburn and Geelong.

The Panel concludes:

- The ISP and the Amendment provide appropriate opportunities and direction for commercial, industrial and employment opportunities.
- The Amendment is likely to result in a net community benefit.

7.3 Zoning requests

(i) The issues

The issues are:

- whether the Amendment should consider zoning anomalies
- whether sites should be identified for rezoning or rezoned as part of the Amendment.

(ii) Submissions

Several submissions sought the rezoning of the portion of the Inverleigh Flora Reserve west of Teesdale-Inverleigh Road, from FZ to the Public Conservation and Recreation Zone to align the eastern portion of the Reserve. This is discussed in Chapter 5.

The Inverleigh Primary School sought to rezone land to the west of the Inverleigh Primary School to Public Use Zone (Schedule 2 – Education) from Public Use Zone (Schedule 6 – Local Government in order to accommodate the expansion of Inverleigh Primary School).

Council submitted that the ISP identifies and supports the use of the site west of the school for community use, and that any rezoning would be considered in response to a specific proposal. It noted the location and timing of any expansion of the school was the responsibility of the Department of Education and the Primary School.

VicTrack's submission⁶¹ sought several zoning anomalies be corrected by (or before approval of) the Amendment:

- land on the southern side of the railway track that is currently FZ but should be Public Use Zone 4 (Transport).
- land above Cemetery Road has been sold by VicTrack and should be rezoned to LDRZ.

Council submitted that the correction of the zoning anomalies identified by VicTrack were consistent with the Inverleigh Framework Plan and supported them through a future Planning Scheme amendment.

Mr and Mrs Irwin requested that consideration be given to establishing a review process for 'tidying up' zoning anomalies within the township including the many small FZ lots within the town boundary.⁶² The original submission was supported by a further written submission⁶³ and sought the application of the LDRZ to their property at 43 Peel Road.

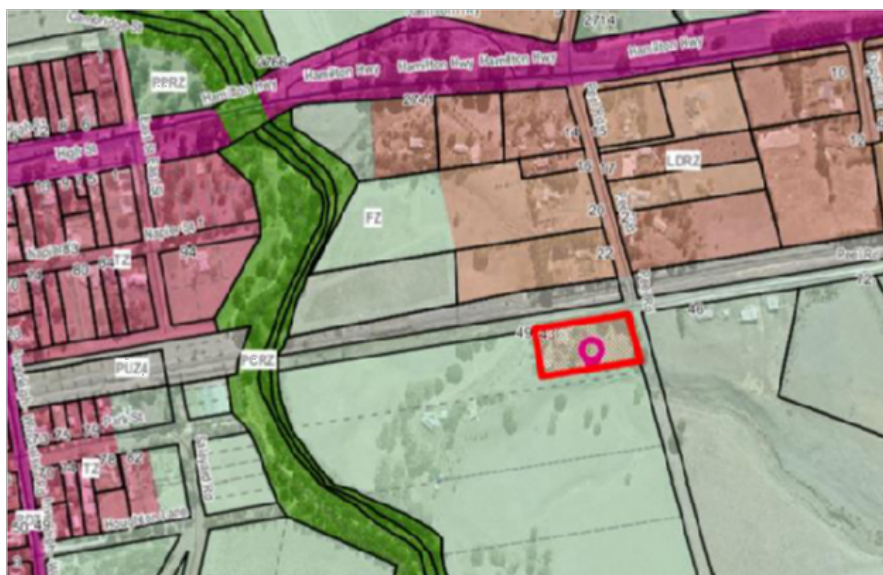
⁶¹ Submission 86

⁶² Submission 77 and Document 39

⁶³ Document 39

Council acknowledged that the FZ was applied historically within the town boundaries but that this reflected the constraints of flooding or that it acted as a 'holding zone' for longer term growth areas. It considered that while the land at 43 Peel Road lends itself to the LDRZ, the town did have a natural 'physical edge' (as shown in Figure 9) and that the inclusion of this site would set a precedent and compromise policy objectives for the town boundary.

Figure 9 43 Peel Road, Inverleigh and existing extent of the Township Zone and LDRZ



(iii) Discussion and conclusions

The ISP identifies an opportunity for land adjoining the primary school to be used for non-specific community use. This appropriately recognises that there is likely to be increased demand for community services as a result of the town's population growth. While it is also apparent that the number of students will increase over time as the town grows it is not appropriate for the ISP or the Amendment to direct the rezoning of land solely for the school's expansion when the critical planning for future school provision in Inverleigh will need to be managed by the state government. It is appropriate however, for the ISP to identify the need for an expanded school provision and to advocate accordingly. Ideally, the school should remain within or close to the town's core.

At face value, while the zoning anomaly corrections sought by VicTrack appear appropriate and logical, they are outside the scope of the Amendment, particularly when the Amendment has not sought to rezone any land. The Panel considers that Council has appropriately acknowledged that these are matters to be addressed through a subsequent Amendment. It would be inappropriate to hold up the Amendment until such anomalies are addressed.

While the Panel acknowledges the residential use of 43 Peel Road and its proximity to the town centre and other LDRZ land, it agrees with Council that there is no strategic basis for its inclusion within the settlement boundary or its designation within the LDRZ. Using the extent of the FZ, the rail line, topography and flood prone areas as a clear and distinct edge to the town's southern boundary is logical and appropriate. While it is reasonable to expect that Council would continue to examine any opportunities for FZ land on the edge of established

areas to be used for residential purposes this is unlikely to generate any noticeable land supply benefits but could comprise the rural and landscape setting of the town.

The Panel concludes:

- It is inappropriate and out of scope for the Amendment to correct any zoning anomalies. These have been appropriately acknowledged and the appropriate approach is for such anomalies to be addressed as part of a separate amendment process.
- There is no strategic basis to support the rezoning of any land through this Amendment.

7.4 DPO9

(i) The issue

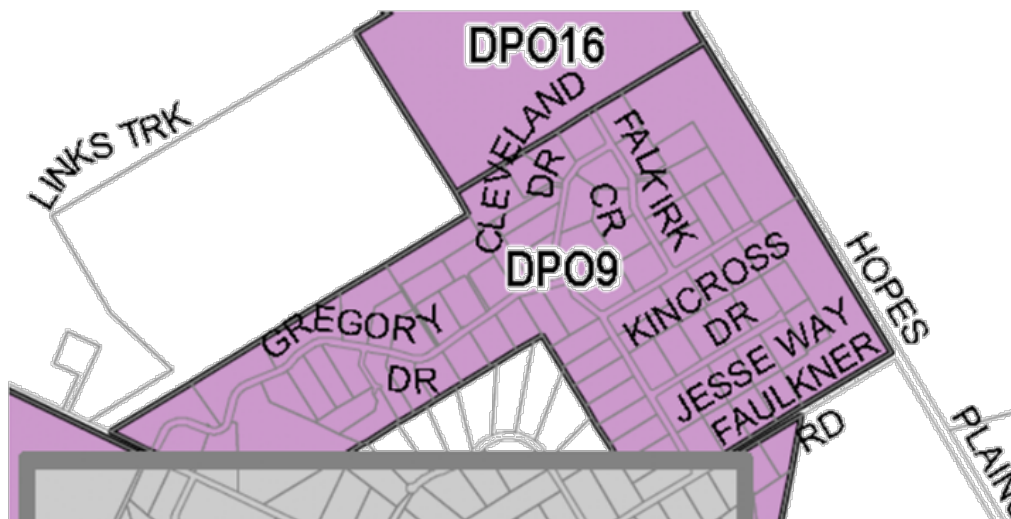
The issue is:

- whether DPO9 should be amended as part of the Amendment to reduce identified lot size provisions.

(ii) Submissions

RPG sought to amend the current provisions of DPO9 (Figure 10) to allow the further subdivision of the two larger lots abutting Hopes Plains Road and the rural interface from 2.0 hectares to 0.4 hectares to align with the proposed changes to the LDRZ schedule and the ISP.

Figure 10 Extent of DPO9



The changes sought to DPO9, which applies to part of the Barrabool Views estate, involves amending two Development Plan requirements to delete references to Hopes Plains Road (struck out text) and replace references to 1.0 hectare with 0.4 hectares and update the reference to the ISP (underlined text):

Land adjoining the Crown land comprising the Inverleigh Nature Conservation Reserve and Inverleigh Golf Course ~~and the land adjoining Hopes Plains Road~~ must be developed with minimum lot sizes of 2 hectares.

All lots outside of the 2 hectare minimum area must be at least ~~4-hectare~~ 0.4 hectares in size as shown on the Inverleigh Structure Plan ~~2005~~ 2019 and must respond to environmental considerations. Where environmental considerations are evident, lots may need to exceed ~~4-hectare~~ 0.4 hectares.

Mr Canavan considered that the change was not one of substance and would:

- tidy up the DPO9
- avoid the land affected being the only land in the whole of the Shire not covered by the broader discretion (0.4 hectares)
- allow lots not constrained by bushfire to reflect the predominant lot size and that identified in the ISP and along the rural interface.

Council supported the changes sought by RPG and proposed a post exhibition change to the Amendment to accommodate the change.⁶⁴

(iii) Discussion and conclusion

At face value, the changes to DPO9 sought by RPG and supported by Council appear straightforward, logical and broadly consistent with the intent and directions of the ISP. The Panel acknowledges the observations of Mr Canavan that the Panel has the ability to recommend changes to the exhibited Amendment. The Panel is also mindful that such a recommendation also has the ability to be more efficient and avoid the costs and timeframes of a further Amendment process which might appear relatively straightforward.

The change sought would not affect the identified 2.0 hectare lots adjoining the Inverleigh Flora Reserve and Golf Course and only affect the two lots adjoining the town's eastern rural edge and enable them to be subdivided down to 0.4 hectare lots consistent with what, through this Amendment, will be permitted on the sites to the north (PGA2) and south (PGA1).

The Panel notes that DPO9 and the LDRZ to the Barrabool View's area was the subject to Golden Plains Planning Scheme Amendment C38. The Panel for that amendment supported the amendment relying on the directions of the recently adopted 2005 Structure Plan that was the subject of a separate amendment⁶⁵ proposing 1.0 - 2.0 hectare lots and focused its considerations of the Flora Reserve and Golf Course interface.

While the changes sought by RPG may have merit in broad terms, the Panel is concerned that while they appear reasonable they were not identified in the exhibited Amendment material even though they could have been anticipated as a logical consequence of the Amendment. As a result, other parties have not had an opportunity to make submissions to such a change including adjoining land owners. This gives rise to a potential for denial of natural justice and a transformation of the Amendment. The Panel is also mindful that without further information and analysis provided by Council or RPG to justify and support such a change the Panel risks making changes that could have unintended consequences including the ability to consider any development contributions or other offsite impacts. The Panel has suggested further enhancements to the ISP to manage the rural interface and any change to the DPO9 now would not enable that issue to be considered more holistically along the town's eastern edge.

⁶⁴ Document 55

⁶⁵ Golden Plains Planning Scheme Amendment C37

While the Panel acknowledges that an option open to it to recommend that Council undertake further notice on this aspect before adoption of the Amendment, it is reluctant to do so on the basis that that issue could get tied up with broader Amendment issues. It notes that regardless of its recommendation, this avenue is still open for Council.

The Panel concludes:

- That the changes proposed to DPO9 are not within the scope of the Amendment and should be considered through a separate amendment process.

7.5 Consultation

(i) The issue

The issue is:

- whether appropriate notice of the Amendment was provided.

(ii) Submissions

Twenty eight submissions considered that that Council did not conduct adequate community consultation on the Inverleigh Structure Plan and the Amendment including an additional consultation and feedback opportunity on the ISP before the exhibition of the Amendment C87. Submissions 79 and 87 highlighted concerns about how Council had conducted its notice mail out to Inverleigh land owners and occupiers. The Panel has commented on consultation regarding the ISP in Chapter 3.

Council submitted that notice of the Amendment satisfied the requirements of the Act, the details of which it sets out in its Part A submission. It advised that it used its rates database to identify owners within and adjoining the ISP area and where the owner address did not match the property address, a notice was sent to 'the occupier'. It submitted that it corrected an error on its web page relating to the email submission address when advised and was also able to capture submitter details for those that had used the incorrect address. It noted that the correct email address was used on notices included in newspaper publications, to landowners and occupiers and DELWP's website.

(iii) Discussion and conclusion

While Council acknowledged it had made some errors in notification these were minor and of a technical nature and corrected when identified. The Panel is comfortable that Council undertook an Amendment notification process that satisfied the requirements of the Act but also extended well beyond those requirements including a 60 day notice period and notification to all land owners and occupiers within and adjoining the Inverleigh settlement boundary.

While the Panel observes that it is not the number of submissions that is relevant, but the nature of issues raised in those submissions. In this instance, 92 submissions were received. In the Panel's experience this is a large number for a whole of town strategic planning exercise. The submissions covered a wide range of issues and it is unlikely further submissions would have identified any further issues.

The Panel notes the challenges associated with the process adopted by Council to seek comments on the draft ISP through the Amendment process rather than a separate informal notification process on the ISP first. While this considerably reduces the timeframe for implementing the findings of a structure plan into the planning scheme it can result in uncertainties and a wider array of submissions. The Panel considers that this is a legitimate and not uncommon approach and Council has developed learnings from it to apply to future amendments of this sort.

The Panel concludes:

- Appropriate notice was given of the Amendment.

7.6 Aboriginal cultural heritage

(i) The issue

The issue is:

- whether the ISP and Amendment adequately considered Aboriginal Cultural Heritage matters.

(ii) Submissions

Ms Hyland's submission that the ISP (including the identified growth areas and the Flora Reserve) included up to 20 registered cultural sites and that Council should have contacted traditional owners to inform them of it. She further identified that no evidence was provided to indicate that the biolink and walkways in growth areas had been informed by an understanding of cultural significance. Ms Hyland along with Ms Windle raised concerns about how the Amendment responded to PPN37 and PPN45 *Aboriginal and Heritage Act 2006 and the Planning Permit Process, June 2015* (PPN45) leaving this responsibility to developers.

Council submitted that it has:

... responsibility for the oversight of and development of a proactive and Inverleigh district-wide approach to safe keeping of areas of Aboriginal Cultural significance that complies with Planning Practice Notes 37 and 45, and reflects the significant extent of cultural overlays in the Amendment C87 and Potential Growth areas.

It said it follows the statewide approach to Aboriginal cultural heritage where cultural heritage elements are identified at the subdivision stage. In terms of future rezoning proposals, Council would consider an additional requirement in the form of a desktop cultural heritage assessment, although this is not a legislative requirement for a rezoning application.

(iii) Discussion and conclusion

The ISP identifies that there are several sites of Aboriginal cultural significance along the rivers and through the town and that the Wadawurrung is the Registered Aboriginal Party under the *Victorian Aboriginal Heritage Act, 2006*. It identifies that areas of cultural heritage sensitivity are mapped and subdivision or certain types of development in this area require appropriate investigation and Cultural Heritage Management Plans (CHMP) to be prepared. It also identifies that areas retained for Aboriginal cultural and post-contact heritage form an important part of the town character and strongly contribute to the appeal, cultural values

and appearance of the town. Appropriate transitions and buffers are recommended to be provided between areas of significant Aboriginal cultural heritage value and urban land uses.

The Aboriginal Heritage Act provides for the protection and management of Victoria's Aboriginal cultural heritage, with processes linked to the Victorian planning system through which requires permit applicants to prepare a CHMP *"if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and if all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance"*. Clause 15.03-2 of the PPF requires a responsible authority to check whether a CHMP is required prior to determining a planning permit application and that a request to rezone land does not⁶⁶ trigger a requirement to prepare a CHMP but that a "preliminary cultural heritage assessment is strongly recommended at this stage to identify any relevant constraints and opportunities that may assist in the rezoning of land".

The Panel considers that the ISP appropriately acknowledges the significance of cultural history (both pre and post contact) to the character of Inverleigh. The Panel is satisfied that Council has undertaken the necessary steps to inform itself of the location and extent of cultural heritage sites. The Amendment does not rezone land which is the appropriate time to consider this issue (and matters identified in PPN37) supported by more detailed analysis and site specific responses. While the Panel does not consider that the ISP should be amended to require desk top cultural heritage assessments for all rezoning proposals, such an approach is reasonable for areas that are likely for areas of likely cultural heritage sensitivity including areas along waterways and escarpments (for example PGA3).

The Panel concludes that:

- The ISP and Amendment adequately considered Aboriginal Cultural Heritage matters.

⁶⁶ Panel's emphasis

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Jodi Rose-Nealy	30	Lisa Sarcevic
2	Louise Connell	31	Carole and Ernie Scheier
3	J & M Manche	32	Inverleigh Progress Association
4	Wendy Shepherd	33	High Eight Home & Living
5	Caron Rounds	34	Georgina Richardson
6	Warwick Rounds	35	John and Luanne Thornton
7	Michael Patton	36	Susanne and Robert Debets
8	Phillippa Youngs	37	Ramsey Property Group
9	Barwon Water	38	Bart Guijt
10	Lyndon Judd	39	Peter Trevaskis
11	Donald Grant	40	Rosanne Guijt
12	Russell and Suzanne Allan	41	Marc Guijt
13	Wayne and Serena Morrison	42	John Bolitho
14	Daniel and Susanne Glynn	43	James Richardson
15	Samara Duncalf	44	Melissa Rutherford
16	Matthew Evans	45	Mark and Anne-Maree Tarbett
17	Margaret and Peter McCann	46	Nicola and Tony Orr
18	Mary Hyland	47	Matthew Wilson and Anna Shaw
19	Andrea Bolton	48	Lisa Peters-Roose
20	Julieanne Ward-Moss	49	Bakerland
21	Geelong Field Naturalists' Club	50	Megan and Matthew Tank
22	Inverleigh Primary School	51	Suzanne Kelly
23	Nick O'Connell	52	Simon and Nadine Billingham
24	B and F Gibson	53	Susanne Maguire
25	Michelle O'Connell	54	Alan Green
26	Blake O'Connell	55	Doris Jarvies
27	Jesse O'Connell	56	Steve Booley
28	Jane Wright	57	Carla Booley
29	Ross Peel	58	Keith Windle

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No.	Submitter	No.	Submitter
59	Department of Transport	76	Elisabeth Jennings
60	Nick Clements (TRACT) for Mary Malakellis and Michael Thornton	77	Sam and Carly Irwin
61	Louise Blersch	78	Megan Kelly
62	Parks Victoria	79	Norman McDonald
63	Graeme Collins	80	Nola Fitzgerald
64	A and I Rolfe	81	Elizabeth McDonald
65	Inverleigh Mechanics Institute and Public Hall Committee of Management	82	Sharon Jenkins
66	Eliza Peel	83	Cameron Steele
67	Yvonne Peters	84	Friends of the Barwon Inc
68	Ross Bury	85	Country Fire Authority
69	Janine Basset	86	VicTrack
70	Helen Collins	87	Christine Windle
71	Henry Collins	88	Tim Rutherford
72	Ewen Eddy	89	Ashleigh Creek
73	Ian Jennings	90	David Andueza
74	Ewen Peel	91	Trevor Hodson
75	Leisl Wood	92	Brent McConachy*

* late submission

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Golden Plains Shire Council	Alicia te Wierik and Laura Wilks, called expert evidence on bushfire planning from Phil Walton of XWB Consulting
Country Fire Authority	Michael Boatman and Ms Luci Johnson
Andrea Bolton	
Cameron Steele	
Christine Windle	Did not appear at the Hearing and relied on their original submission
Daniel and Susanne Glynn	Participated in the Hearing but did not present a submission to the Hearing, relying on their original submission
Friends of the Barwon Inc	Trevor Hodson
Inverleigh Progress Association	Did not appear at the hearing and provided an additional written submission
John Bolitho	
Margaret and Peter McCann	Nick Clements of Tract Consultants, who called expert evidence on planning from Rob Milner of Kinetica
Mary Hyland	
Mary Malakellis and Michael Thornton	Michael Thornton
Matthew Wilson and Anna Shaw	Did not appear at the Hearing and relied on his original submission
Melissa Rutherford	
Norman McDonald	
Ramsey Property Group	Chris Canavan QC and Carly Robertson of Counsel, instructed by Stephanie Mann of Minter Ellison, who called expert evidence on: <ul style="list-style-type: none"> - strategic planning from Andrew Clarke of Matrix Planning - bushfire planning from Kylie Steel of South Coast Bushfire Consultants - land capability from Cameron Farrar of St Quentin Consulting - stormwater and services from Leigh Prosser of TGM Cardno - economics and land supply from Matthew Lee of Deep End Services
Rosanne Guijt	
Sam and Carly Irwin	Did not appear at the Hearing and provided an additional written submission

Submitter	Represented by
Simon and Nadine Billingham	Did not appear at the Hearing and relied on their original submission
Susanne and Robert Debets	Did not appear at the Hearing and relied on her original submission
Trevor Hodson	

Appendix C Document list

No.	Description	Provided by
22 January 2020		
1	Letter – Directions and draft Timetable version 1	the Panel
24 February 2020		
2	Letter – Ramsey Property Group to the Panel Chair and parties	Ramsey Property Group
26 February 2020		
3	Letter – Directions and Timetable version 2	the Panel
16 March 2020		
4	Email – Trevor Hodson to the Panel Coordinator, Planning Panels Victoria	the Panel
5	Council Part A submission	Council
6	Expert witness statement – Phil Walton	“
7	Expert witness statement – Rob Milner	McCann Family
8	Expert witness statement – Andrew Clarke	Ramsey Property Group
9	Expert witness statement – Cameron Farrar	“
10	Expert witness statement – Leigh Prosser	“
17 March 2020		
11	Expert witness statement – Kylie Steel	“
12	Email – Ramsey Property Group regarding 385 Common Road, Inverleigh and changes to evidence of Clark, Prosser and Farrar regarding references to that site	“
13	Advice that Hearing postponed	the Panel
25 March 2020		
14	Expert witness statement – Matthew Lee	Ramsey Property Group
31 March 2020		
15	Letter – Ramsey Property Group seeking Hearing to be progressed	Ramsey Property Group
16	Email – opposing Hearing proceeding via videoconference	Ms Bolton
1 April 2020		
17	Letter – Seeking feedback on options to progress the Hearing	the Panel

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No.	Description	Provided by
8 April 2020		
18	Letter – advising parties that Hearing will be adjourned until further notice	the Panel
19 May 2020		
19	Email – seeking Hearing to be progressed	Council
20 May 2020		
20	Letter – Ramsey Property Group seeking Hearing to be progressed	Ramsey Property Group
25 May 2020		
21	Letter – Notice of second Directions Hearing	the Panel
15 June 2020		
22	Letter – Draft Directions for Hearing and draft Timetable version 3	“
23	Written submission to Panel	Inverleigh Progress Association
18 June 2020		
24	Letter – Final Directions and Timetable Version 4	the Panel
25 June 2020		
25	Email and letter from John Bolitho seeking hearing deferral	Mr Bolitho
26 June 2020		
26	Email from Rosanne Guijt seeking hearing deferral	Ms Guijt
27	Email from Trevor Hodson seeking hearing deferral	Mr Hodson
28	Email from Andrea Bolton seeking hearing deferral	Ms Bolton
27 June 2020		
29	Email from Melissa and Tim Rutherford seeking hearing deferral	M & T Rutherford
30 June 2020		
30	Email - Panel position regarding hearing deferral requests	the Panel
6 July 2020		
31	Letter - Addendum to witness statement of Mr Walton	Council
8 July 2020		
32	Email - Confirmation of hearing proceedings and arrangements	the Panel
33	Letter – Version 5 of Timetable	“
34	Email – Witness Questions from Mr Hodson to Ramsey Property Group witnesses	Mr Hodson

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No.	Description	Provided by
35	Email – Panel Book link	Ramsey Property Group
9 July 2020		
36	Email – Link to join video conference for Panel Hearing	Council
10 July 2020		
37	Letter - Witness Questions Document	Panel
38	Council Part B submission	Council
13 July 2020		
39	Written submission to Panel	S & C Irwin
40	Hearing Submission and 5 attachments (C74 Panel Report, C38 Panel Report, Development Plan Overlay – Schedule 9, DPO9 Map 24, DPO9 Map 27)	Ramsey Property Group
41	4 photos	Ms Bolton
42	Witness Questions Responses Document	Ramsey Property Group
14 July 2020		
43	Berthon Park Development Plan, Berthon Park Planning Permit and Endorsed Plans	Ramsey Property Group
44	Hearing Submission (updated 15 July 2020)	Ms Guijt
45	Map of 43 Peel Road, Inverleigh	Mr Irwin
15 July 2020		
46	Email – outlining requested changes to the DPO9	Ramsey Property Group
47	Hearing Submission	Ms Hyland
48	Hearing Submission and attachment	McCann Family
49	Barwon Water Fact Sheet	Mr Hodson
50	Hearing Submission	Ms Bolton
51	Hearing Submission	Mr Hodson
52	Hearing Submission	Mr McDonald
17 July 2020		
53	Inverleigh Structure Plan – tracked changes	Council
54	Tracked changes - Clause 02.03	“
55	Tracked changes – Schedule to Clause 43.04 (DPO9)	“

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No.	Description	Provided by
56	Planning Panel – Framework Plan Changes (annotated)	“
57	Planning Panel – Framework Plan Changes (reduced)	“
58	Tracked changes - Clause 11.03-6L Inverleigh	“
59	Tracked changes - Clause 72.08	“
60	Hearing Submission	CFA
61	Email – response from L Prosser regarding stormwater flows at 230 Hopes Plains Road, Inverleigh	Ramsey Property Group
62	Further Hearing Submission	Ms Hyland
19 July 2020		
63	Hearing Submission and links to reference documents	Mr Steele
64	Hearing Submission (written and PowerPoint)	Mr Bolitho
65	Hearing Submission	Ms Rutherford
20 July 2020		
66	Hearing Submission addendum (table and aged care letter)	Mr Bolitho
67	Closing Submission (PowerPoint and Attachment A)	Council

Appendix D Council's final post-exhibition versions of Amendment documents

[Tracked Added](#)

~~Tracked Deleted~~

D1 Council's final version of Clause 02.03-1

Note: The remainder of Clause 02.03-1 is not reproduced here.

Inverleigh

Inverleigh is a rural service town that is appealing for its heritage, environmental and river environs.

The town centre has a conventional grid pattern and sits within the floodplain of the Leigh and Barwon rivers. This has constrained growth of the historic 'old township' and recent residential growth has been low density residential on the northern side of the Leigh River.

[The Inverleigh Flora Reserve is a grassy woodland. Its purpose is the conservation of indigenous plants and animals. It poses a modest fire risk to land adjoining the Bush Interface.](#)

Inverleigh is located on the Hamilton Highway and is known as the gateway to the western district. The town's proximity to Geelong and the Geelong Ring Road, along with the appeal of low density residential lifestyle opportunities are key drivers for growth in Inverleigh.

Growth areas for Inverleigh have been identified in the Inverleigh Framework Plan and these areas are located to the west and north of the town, as well as infill, outside of the floodplain.

Council intends to support Inverleigh by:

- Maintaining Inverleigh's village atmosphere and role as a meeting place.
- Supporting moderate residential growth within the town boundary.
- Protecting the historic and natural features of the town.

D2 Council's final version of Clause 11.03-6L

Inverleigh

Policy application

This policy applies to the land identified on the Inverleigh Framework Plan contained within the settlement boundary.

Objective

To encourage residential, commercial and tourism growth in Inverleigh while protecting the natural landscape in and around the town.

Settlement and residential development strategies

Support [moderate](#) residential growth within the existing defined settlement boundary consistent with the Inverleigh Framework Plan.

Economic development and tourism strategies

Encourage commercial development and community facilities to be consolidated within the existing town centre (Township Zone) through infill development.

Encourage the redevelopment of underutilised sites and where possible, the re-use of existing buildings to provide for commercial uses in the Township Zone.

Support the establishment of service related industries that meet the needs of the town and surrounding agricultural areas such as feed supplies and servicing of machinery and farm equipment.

Locate and design development ~~adjacent to the township boundary~~ so that it does not impact on agricultural land use.

Open space and natural environment strategies

Protect the natural landscape and its environmental qualities, [including the Inverleigh Flora Reserve](#), Barwon and Leigh rivers and vegetation as fundamental elements of Inverleigh.

As part of rezoning and subdivision provide public open space along the Leigh River and develop a linear pedestrian access to connect with existing pedestrian access along the river and into the town centre.

[Bushfire management strategies](#)

[Provide an interface treatment between areas of bushfire hazard and the township/residential development to mitigate bushfire risk to an acceptable level.](#)

[Ensure a sufficient separation between areas of bushfire hazard and dwellings under AS3959 – 2018 Construction of Buildings in Bushfire Prone Areas to achieve a bushfire attack level rating of BAL 12.5 for dwellings.](#)

[Support additional firefighting supplies to assist firefighting efforts.](#)

[As part of new development adjacent to the bush interface, provide for CFA firefighting vehicle access during fire season.](#)

Movement and access strategies

Create a path network that facilitates walking and cycling to the town centre, primary school, recreation reserve, open space and other key destinations within the town.

Design development to integrate with pedestrian and cycle links to improve connectivity to the town centre and key destinations.

Create a bridle path network that facilitates horse-riding around the town and through the river environs and other key destinations such as Victoria Park.

Maintain the railway reservation to ensure potential remains for a passenger rail to and from Inverleigh.

Infrastructure and services strategies

Support development that includes the provision of infrastructure and services.

Support a logical sequence of development that can efficiently access services.

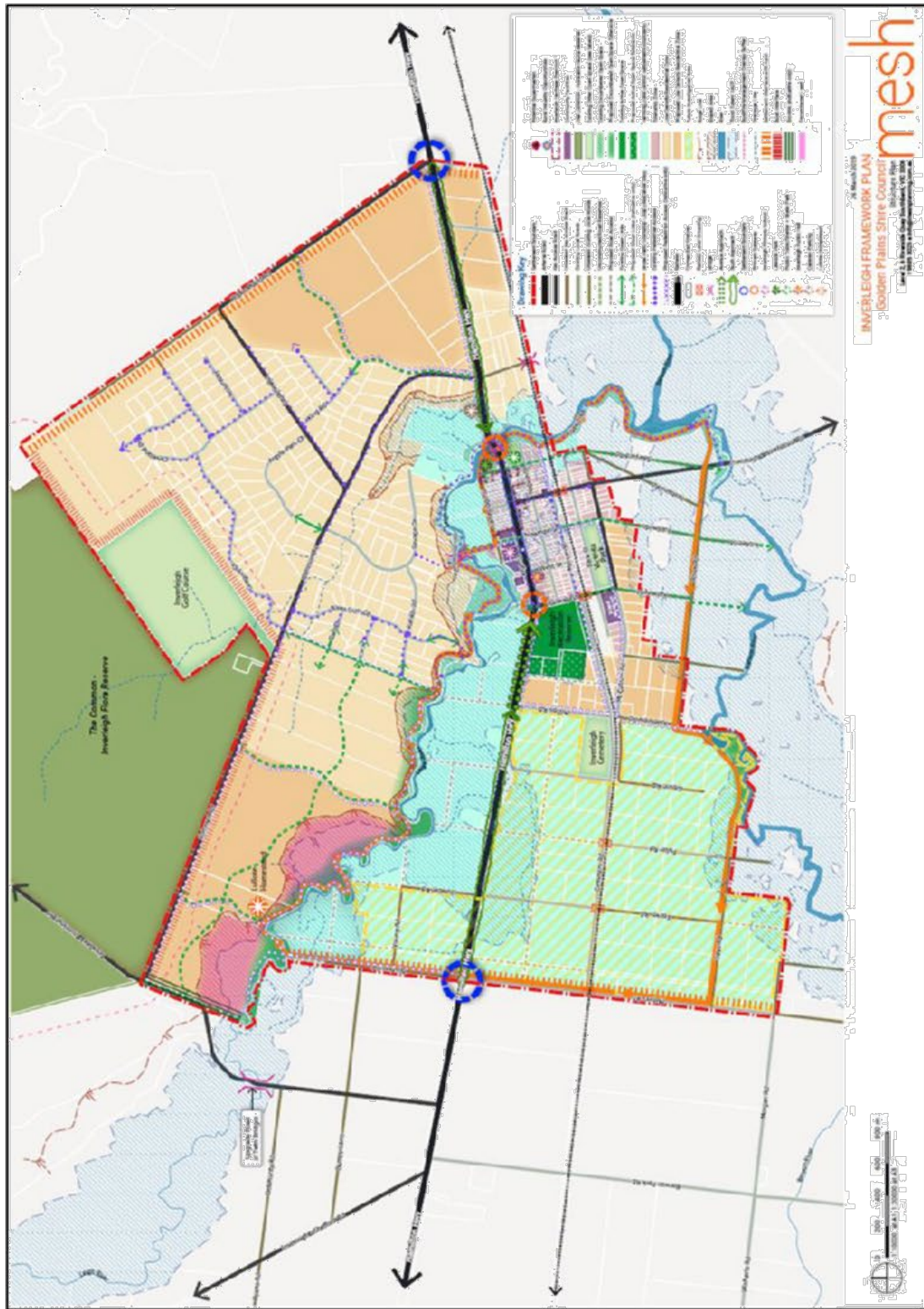
Protect the potential location of a sewerage treatment facility and its associated buffer.

Policy document

Consider as relevant:

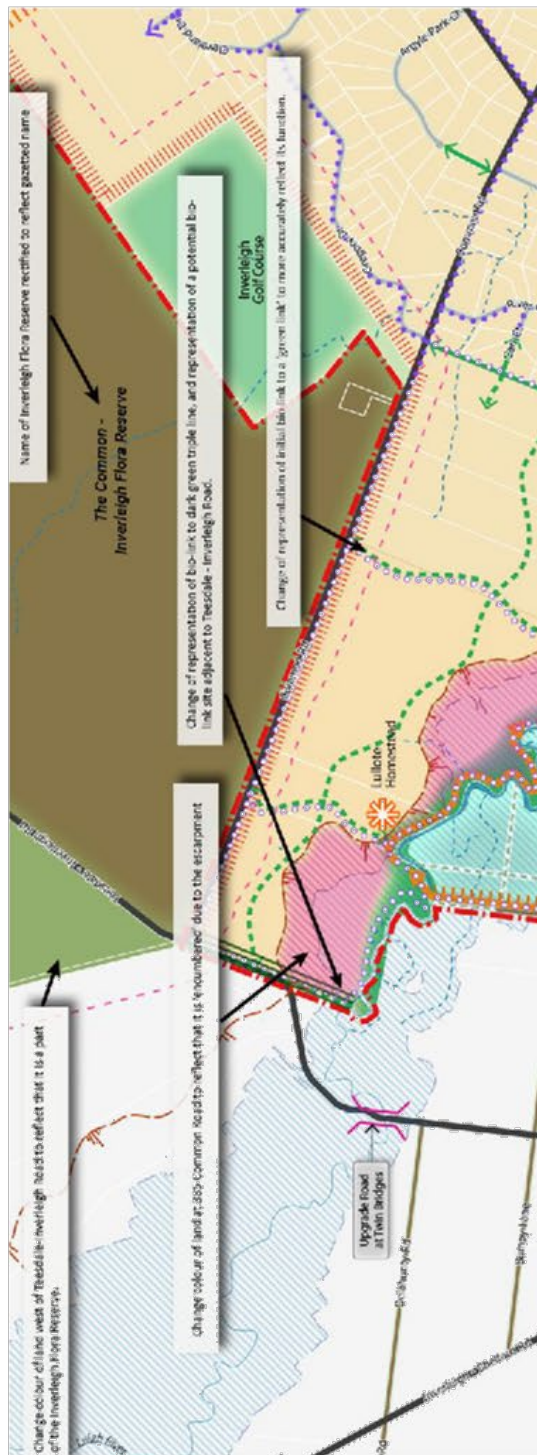
Inverleigh Structure Plan (Golden Plains Shire, 2019).

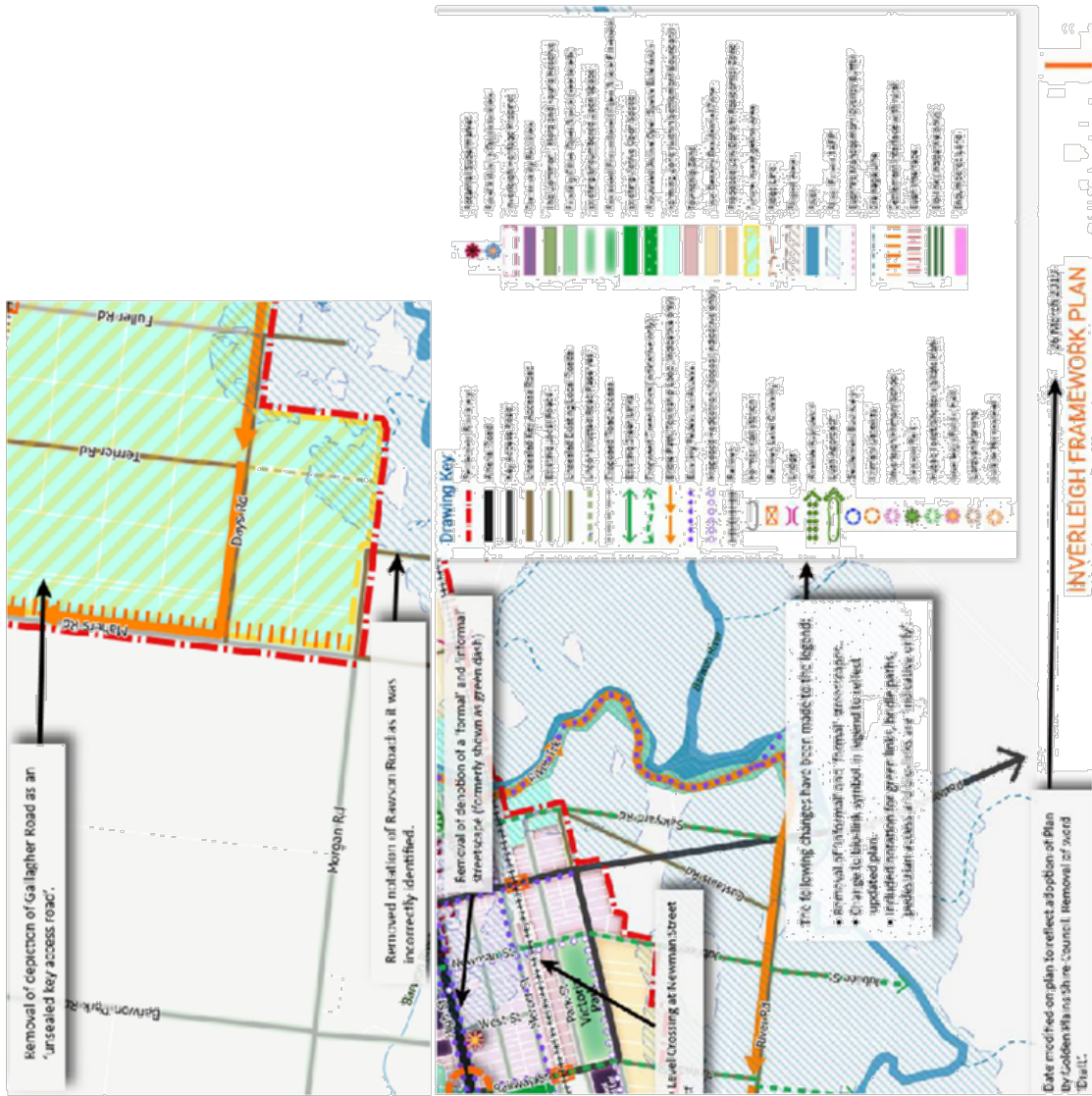
Inverleigh **Structure Framework Plan**



D3 Council's annotated changes - Inverleigh Framework Plan

Note: Reproduced in sections to assist legibility





D4 Council's final version of Schedule to Clause 72.08 (Background documents)

Background documents

Name of background document	Amendment number - clause reference
<i>Bannockburn Town Centre Investment Strategy</i> (Connell Wagner, 2008)	C46 Clauses 02 and 11
<i>Bannockburn Urban Design Framework</i> (Parsons Brinckerhoff, 2011)	C59 Clauses 02 and 11
<i>Bruce's Creek Master Plan</i> (Land Design Partnership, 2009)	C59 Clauses 02 and 11
<i>Corangamite Catchment Management Authority Floodplain Management Strategy</i> (Corangamite Catchment Management Authority, April 2002)	Clauses 02, 12, 13 and 19
<i>Corangamite Regional Catchment Strategy 2013-2019</i> (Corangamite Catchment Management Authority, 2013)	Clauses 02, 12, 13 and 19
<i>Corangamite Waterway Strategy</i> (Corangamite Catchment Management Authority, 2014)	Clauses 02, 12, 13 and 19
<i>Gheringhap Structure Plan</i> (Parsons Brinckerhoff, December 2012)	C62 Clauses 02 and 11
<i>Golden Plains Heritage Study Stage 1</i> (Lorraine Huddle, 2004)	C55 Clauses 02 and 15
<i>Golden Plains Heritage Study Stage 2</i> (Heritage Matters, 2009)	C55 Clauses 02 and 15
<i>Golden Plains Shire Background Issues Paper: North West Area Study- For Community Consultation</i> (Research Planning Design Group, 1999)	C3 Clause 02
<i>Golden Plains Rural Land Use Strategy</i> (Parsons Brinckerhoff, 2008)	C40 Clauses 02 and 14
<i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2018)	Clauses 02 and 19
<i>Inverleigh Structure Plan Review</i> (Connell Wagner, 2005 Golden Plains Shire, 2019)	C37 C87 Clauses 02 and 11
<i>Review of south east area Golden Plains Shire</i> (Parsons Brinckerhoff, 2007)	C45 Clauses 02 and 11
<i>Smythesdale Urban Design Framework</i> (Michael Smith and Associates, March 2006)	C36 Clauses 02 and 11
<i>Golden Plains Shire Strategic Directions Plan for the North-West Area</i> (Research Planning Design Group, 2000)	C3 Clause 02