

Structure Plan fails to explain, as per Clause 11.02-15 of the Victorian Planning Scheme, that the “residential land supply will be considered on a municipal basis, rather than a town-by-town basis”. As the requirement for residential land is across the whole of the Golden Plains Shire there is no *requirement* for Inverleigh specifically to have 430 lots available, much less: the 525 proposed through Potential Growth Areas 1, 2 and 3; the unquantified but potential for hundreds of lots through Potential Growth Areas 4, 5 and 6; and the potential for many more lots should current land owners subdivide given the Structure Plan proposes to decrease the minimum lot size to 0.4ha.

The volume of development could be reduced by mandating a variety in the lot sizes; 0.4ha – 4ha. The Structure Plan does include the following strategy “Plan for new residential developments to provide a diverse range of lot sizes which reflects the country lifestyle character of Inverleigh and responds to site conditions”, which is excellent, however nothing in the Plan reflects that there will actually be any variety in lot size and I have no confidence the Council will enforce this given one of the reasons for the review of the Structure Plan 2005 is the “...increasing pressure from developers for rezoning...”.

If the volume of development is not reduced significantly by having a variety of lot sizes mandated in greenfield sites, the Structure Plan must be amended to detail an absolute commitment to:

- 1a) fund the relocation of the tennis courts and building of new tennis facilities or,
- 1b) fund the building of a new Primary School, Prep to Grade 6, at McCallum Road site; and
- 2a) fund the physical expansion of the Kindergarten at the current site to offer desired (long sessions over two days as well as short day sessions over three days) and required (three year old and four-year old kinder) services or,
- 2b) fund the building of a new Kindergarten at the Public Hall grounds or co-located with the Primary School.

Furthermore, the Structure Plan must be amended to detail where the funding is coming from; Developer or Council.

The current Developer Responsibility “Contributing community and development infrastructure, either by a Section 173 agreement at rezoning, or through a Development Contribution Plan” is the only Developer Responsibility that *might* require a developer to contribute *some* funds towards Inverleigh’s educational facilities. However, under Section 5.11 Developer Responsibilities, there is a “list of infrastructure upgrades required for the continued growth of the township”; all these infrastructure upgrades are then specifically listed as a developer responsibility applicable to a specific Potential Growth Area, except one, “relocation of tennis courts to recreation reserve” (Table 1).

Table 1

"List of infrastructure upgrades required for the continued growth of the township:"	Specifically listed as a Developer Responsibility under Potential Growth Area
Intersection upgrades and street lighting upgrades at: Hopes Plains Road/Hamilton Highway, Common Road/Hamilton Highway	1 (Hopes Plain), 3 (Common Road)
Upgrade or replacement of twin bridges to a 15 tonne capacity bridge	3
Access Management Plan for the Future Investigation Area to the satisfaction of VicRoads	5
Pedestrian link along the Hamilton Highway linking Hopes Plains Road to the town centre	1
Bridle paths	4, 5, 6
Green links and pedestrian links	1&2, 3, 6 (Green links), 1&2, 3, 4, 5, 6 (pedestrian)
Bio link from Flora Reserve to Leigh River	3
Relocation of tennis courts to recreation reserve	None Listed
Gateway treatments	5
Bush approaches to entrances	1&2, 4, 6
Bushfire management as per the Strategic Bushfire Risk Assessment for Inverleigh	1&2, 3, 4, 5, 6

If no developer is being held accountable to provide funding, the cost will fall back to Council, yet Council have already stated cost has been an issue in relocating and providing new tennis courts (let alone the building of a new Primary School or Kinder). Failure to address this issue ultimately means the children of Inverleigh suffer.

Strategy 5.1 of Amendment C8/GPLA is "Support development that includes the provision of infrastructure and services", as outlined, I feel strongly that the Structure Plan does not adequately include the provision of infrastructure and services in relation to the educational facilities in Inverleigh.

APPENDIX

Attachment 1

"Class sizes July 2019" is included as an attachment and can also be found via this link:
<https://www.education.vic.gov.au/about/department/Pages/factsandfigures.aspx#link31>

Attachment 2

The State Government announcement re three-year old Kindergarten is included as an attachment and can also be found via this link:
<https://www.education.vic.gov.au/about/programs/Pages/three-year-old-kinder.aspx#link35>

Submission: Loss of faith in Golden Plains Shire and Amendment C87 best interests

I am opposed to elements of Amendment C87 to the Golden Plains Planning Scheme because the Golden Plains Shire has not performed to a standard that instils any faith in its capacity or will to represent the Inverleigh community into the future.

I favour sustainable and safe development in Inverleigh and the establishment of town boundaries and see the benefits of sustainable population growth. The Shire's rationale for amending the planning scheme to align with the definitions of the Victorian Planning Provisions is appropriate, and the areas for rezoning included in Amendment C87 is in response to demand for development. Nonetheless I believe there are deficits in what underpins the content of Amendment C87 to the Golden Plains Planning Scheme.

The Golden Plains Shire does not have a track record in the Inverleigh community of consulting in any meaningful way, of listening, and of putting the interests of the Inverleigh community above that of other projects in the shire.

According to the March 2013 Golden Plains Local Government Inspectorate Report, "Good governance is important for several reasons. It not only gives the local community confidence in its council, but improves the faith that the elected members and officers have in their own local government and its decision making processes. It also leads to better decisions, helps local government meet its legislative responsibilities and importantly provides an ethical basis for governance."¹

I have lost confidence in the internal governance of the Golden Plains Shire and its capacity to implement the objectives and strategies of the Inverleigh Structure Plan and those listed in Amendment C87 to the Golden Plains Planning Scheme, specifically 21-07-5, in the best interests of Inverleigh and its future.

My position is based on the following information in regards to 1) the quality of the Inverleigh Structure Plan, 2) the Golden Plains Shire's track record in Inverleigh of poor planning and stewardship, 3) concerns for the staging of development to meet the stated moderate growth goal of about 27 homes per year, 4) Local Government Inspectorate Report March 2019, 5) lack of transparency of agency/developer contributions, 6) failure to rezone as part of Amendment C87 the Inverleigh Flora and Fauna Reserve, 7) the inadequacy of community notification of the alignment of the proposed new clause for Inverleigh Local Planning Policy Framework, 8) poor performance in the 2019 State-wide local government survey and 9) protection of Aboriginal cultural sites.

1. Process for seeking community feedback on Amendment C87 and the labelling of the process as the Inverleigh Structure Plan

- The submission form is titled – *Amendment C87gpla – Inverleigh Structure Plan*, which has added an unnecessary level of confusion to community members who were of the belief the structure plan was being amended or was still in draft, which was and is not the case.
- The Inverleigh Structure Plan 2018/2019 (date varies throughout the Golden Plains Shire documents) is approved. Amendment C87 is noted to support the Structure Plan and the Planning Policy Framework.
- The Explanatory notes state compliance with the Clause(s) but there is a lack of definition and detail of how Amendment C87 actually complies, rather an overuse of expansive and passive action statements such as, "There is no public transport to Inverleigh², however Amendment C87 seeks to promote a housing market that meets the needs of the community" and "Amendment C87 is consistent with the broad principles of biodiversity protection and retention of existing native vegetation".
- Amendment C87 Inverleigh specific changes in Clause 21, reduces the objectives from 6 to 5, and the strategies from 38 to 14. The rationalizing of the planning document may be in line with Victorian Government advice; however it does not appear to align with the Structure Plan. The Structure Plan has 19 principles (pages 49 – 57), 33 objectives and 49 strategies. The reduction of the objectives and the strategies by over 50% effectively removes protections for the community in the operationalizing of the Structure Plan. The clear intent of Amendment C87 is rezoning for development and reducing the minimum lot size.

¹ Local Government Inspectorate Report March 2013, page 7.

² Of note, there is a Friday return bus from Inverleigh to Geelong of very short duration.

- The Amendment C75 Panel accepted the argument against the deferral of Amendment C75 because the amendment conformed with the then existing structure plan (2005)³.
- The conformity of Amendment C87 with the Inverleigh Structure Plan 2018/2019 is untested.
- Amendment C87 also removes any reference to policy guidelines, application of zones and overlays or implementation and further strategic work. It is not clear where this information will appear in planning documents available to residents of Inverleigh once development overlays are removed.
- I have concerns arising from the complete removal of strategies related to The Inverleigh Fauna and Flora Reserve. The area is managed by Parks Victoria, however the decisions and impacts of Amendment C87 approval will affect this area and vice versa.
- It is also unclear why the Golden Plains Shire in its stated goal of reassuring the Inverleigh Community of its future, that it has chosen to not address the rezoning of the northern area of the Inverleigh Fauna and Flora Reserve from farming zone to align it with the rest of the Reserve which is zoned as public conservation and resource zone.
- The Structure Plan lists the Inverleigh Community Plan as a key reference point in strategic plans and representation of the community's priorities, however it is a 2013 document, is therefore 6 years old and was, according to the document itself, to be updated every two years (page 6). There is no evidence there has been an evaluation of priorities met or of their ongoing relevance.
- The map included in the Structure Plan is incorrect and Inverleigh local residents have already met with Golden Plains Shire strategic planning staff, in an attempt to point out the factual errors and request corrections. It is a reasonable expectation that the approval of Amendment C87, in the context of the explanatory notes stating a new Inverleigh Structure Plan will not occur for another 15 years and will likely only be triggered by a lack of available land for further development, be based on a factual accurate Structure Plan.⁴
- The inadequacy of the community notification of the alignment of the proposed new clause for the Inverleigh Local Planning Policy Framework. It is noted on the Golden Plains Shire website at the bottom of Amendment C87 Explanatory notes that, "The Local Planning Policy Framework (LPPF) is currently under review and there is potential that the changes from the LPPF review will coincide with changes resulting from Amendment C87 gpla. A draft of the proposed new clause for Inverleigh under the LPPF review is provided below."⁵ Reference to policy guidelines, application of zones and overlays and further strategic work is not included as is clarity about community feedback.

2. A track record of poor planning and stewardship

- Inverleigh Streetscape was an urban/suburban design completed by MESH, the same company who completed the development feasibility study⁶ referred to in the Inverleigh Structure Plan. The streetscape plan was set aside following a coordinated community pushback and forced consultation and is yet to be removed from the Structure Plan⁷.
- The streetscape plan was not developed in consultation with the Inverleigh community and included design changes that lacked any common sense or reflected the activities that make up Inverleigh. Examples include farming equipment being unable to move along the Hamilton Highway; the wind turbine transport from Corio Quay not being able to park or move safely along the Hamilton Highway, and reduction of the truck, transport and tourist van parking.
- Most importantly, this streetscape plan was not funded, was best described as aspirational and the plan development cost upwards of \$70,000. Money that could have been directed to fixing drains and roads and general maintenance which has not been maintained to standards for years⁸, refer transcript of community meeting.

³ Golden Plains Planning Scheme Amendment C75 Panel Report 28 March 2018, page 13.

⁴ www.goldenplains.vic.gov.au/sites/default/files/C87gpla%20Explanatory%20Report.pdf

⁵ www.goldenplains.vic.gov.au/sites/default/files/C87gpla%20Explanatory%20Report.pdf

Strategic planning page - www.goldenplains.vic.gov.au/residents/my-home/planning/strategic-planning, downloaded 30 September 2019

⁶ Inverleigh Structure Plan - Development Feasibility Study Package - Attachment K.

⁷ Strategic planning page - www.goldenplains.vic.gov.au/residents/my-home/planning/strategic-planning, downloaded 30 September 2019

⁸ Golden Plains Shire confirmed minutes 23 July 2019.

- Very recently the Golden Plains Shire has requested community input into the Inverleigh Works Plan via a survey on social media and its website giving the community opportunity to identify 1) potholes of concern, 2) select between recycled plastic bollards, seats or treated wood and 3) if we want a bike rack. It goes on to say:

To deliver significant improvement to drainage in the Inverleigh Streetscape would require structural infrastructure such as kerb and challenging [sic]. During the community consultation in March, survey respondents clearly stated [sic] they did not want major infrastructure changes in downtown Inverleigh. Within the current annual road and drainage maintenance program budget, Council will complete a routine clean out of the drains in downtown Inverleigh in 2019.

- I believe that this is not an accurate reflection of the community consultation regarding drainage, which included fixing the worst areas of the drains. A clean out of the drains as part of the maintenance program should have long been a routine maintenance scheduled task which was completed, and it has not been. I admit however it is an actual promise of action when compared to the streetscape plan, which was unfunded, aspirational and inappropriate.
- The open drains and repeated flooding on parts of Common Road since earlier greenfield development⁹ could have been reduced if compliance with the *Infrastructure Design Manual*, which the Golden Plains Shire signed up to in 2013, was required as part of the development plan, associated schedules and enforced prior to compliance certification.
- The corrective action undertaken by Golden Plains Shire to fix the open drains and flooding on parts of Common Road does not comply with the *Infrastructure Design Manual*, results in pooling for longer than recommended, was inadequately completed¹⁰, and not risk assessed¹¹ because there was not enough money. The current community response and concerns over safety would have been avoided.
- The Golden Plains Shire includes the *Infrastructure Design Manual* as a reference document. According to the Golden Plains Shire, "Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. Reference documents have only a limited role in decision making as they are not part of the planning scheme. They do not have the same status of incorporated documents or carry the same weight."¹² This allows the Golden Plains Shire to not meet the requirements of the *Infrastructure Design Manual*.
- The Schedule 16 to Clause 43.04 Development Plan Overlay for Hopes Plains Road is the only Schedule to date that has included the requirement for compliance with the *Infrastructure Design Manual*, which may suggest some improvement in expectation from the strategic planning staff and commitment by the Golden Plains Shire.
- Inadequate planning and costing of infrastructure requirements associated with new subdivisions, and specification of developer contributions resulted in \$300,000 being diverted (following Ministerial approval with Council deeming there was no higher priority applicable under the Country Roads and Bridges program) from the allocated funding share under the Country Roads and Bridges program to pay for the shortfall for the roundabout in Bannockburn, which was noted by VicRoads to be directly attributable to the Golden Plains Shires lack of planning, "56. (i) VicRoads have also stated that the current traffic volumes at the intersections are primarily due to the extensive residential developments in Bannockburn, for which Council should have planned better in terms of developer contributions to fund expected infrastructure."¹³
- The lack of maintenance and improvements to roads in Inverleigh and district is reflected in its 2018 Customer Satisfaction Survey results of unsealed roads, sealed local roads, community decisions, consultation and engagement and lobbying identified as the areas for focus and improvement¹⁴.
- The Structure Plan is in the main unfunded and Golden Plains Shire has not provided detail or strategic planning in how it will secure or work with the community to secure the funding.
- The Inverleigh Community Plan 2013, listed short term priorities for the community which included a focus on roads, parking, drainage, walking tracks etc. Some have been achieved, however some of the

⁹ Golden Plains Planning Scheme Amendment C74 Panel Report sections 4.3 and 4.4.

¹⁰ Infrastructure Design Manual sections 12.9.2, 20.3.3, 20.3.4, 20.3.5.

¹¹ Golden Plains Shire minutes 23 July 2019.

¹² Golden Plains Shire website downloaded 4 October 2018.

¹³ Golden Plains Shire minutes 28 January 2014.

¹⁴ J006-43 Customer Satisfaction Survey 2018 – Golden Plains Shire, page 14.

basic priorities such as the school crossing improvements; drainage works to fix clogging and outflow from the primary school have not. School children still on wet days have to walk around flooded paths at the school crossing.

- My confidence in adherence to the spirit of reasoning in approving Amendment C74 by the Panel is low. According to the Panel report, the objections were rejected in relation to bushfire and gave the following rationale:
 - However, under Clause 32.03-3 (Subdivision), the minimum lot size defaults to the Schedule to the zone, which for Inverleigh refers to the ISP, which designates lots sizes of 1 to 2 hectares¹⁵.
 - The policy requires buffer zones around future subdivisions close to the Inverleigh Nature Conservation Reserve and Inverleigh Golf Course and vegetation management with a minimum lot size of 2 hectares for lots adjacent to these areas¹⁶.
 - The Amendment is supported by strategic directions in the Golden Plains Planning Scheme for the site to be rezoned and developed for low density residential development. The current minimum lots sizes under the Low Density Residential Zone (LDRZ) of 1 to 2 hectares (2.5 to 5 acres) allows the site to be developed in a manner that reflects the character and amenity of Inverleigh. The application of the Development Plan Overlay Schedule 16 (DPO16) will guide how the site can be developed in a manner responsive to bushfire risk and stormwater management¹⁷.
- The Panel noted:
 - The Amendment (C74) does not propose to alter the Schedule to the LDRZ hence low density residential subdivision, under the Amendment, is limited to 1 to 2 hectares. These limits reduce the extent of population growth that might be exposed to bushfire risk. They also allow space on lots and between dwellings in subdivision design to manage vegetation and put in place appropriate bushfire protection measures.¹⁸
- According to the Golden Plains Shire¹⁹ the Amendment C74/Schedule 16 development plan is yet to be received.
- It is unclear if the minimum lot size reduction to 0.4 hectares will enable the building of lots in this subdivision that are outside of the Panel's recorded 1 - 2 hectare lot sizes that afforded a protection that would reduce the extent of population growth that might be exposed to bushfire risk etc.
- It is also a fact that the lot size of 1 – 2 hectares is not clearly articulated in Schedule 16 to Clause 43.04 of the Golden Plains Shire Planning Scheme.
- It is not unreasonable for me to believe that a delay in submitting the development plan may include some intent to take advantage of the Amendment C87, 0.4-hectare minimum lot size, which would undermine the Panel's rationale for deciding bushfire safety would be ensured by lot sizes of 1-2 hectares. I do not know that this is the case, but if it is it suggests an abject disregard for the safety of the Inverleigh community.

3. Staging of development

- A staging plan is required as part of a development plan prior to obtaining a permit however there is no clear staging plan for Inverleigh over the life of the structure plan which would support the Golden Plains Shire's position that decisions will not be made in isolation without regard to the big picture²⁰. The Inverleigh Structure Plan identifies the goal for growth over a 15-year period (which aligns with Victorian Planning Provisions 11.02-15) and a forecast of dwellings over 20 years at about 27 new houses per year.²¹

¹⁵ Golden Plains Planning Scheme Amendment C74 Panel Report, page 11.

¹⁶ Golden Plains Planning Scheme Amendment C74 Panel Report, page 18.

¹⁷ Golden Plains Planning Scheme Amendment C74 Panel Report, page 1 and 10.

¹⁸ Golden Plains Planning Scheme Amendment C74 Panel Report, page 22.

¹⁹ Email from Senior Strategic Planner Golden Plains Shire in confirming the EPA Contamination Report was part of the Schedule 16 which was yet to be received, dated 26 September 2019.

²⁰ Inverleigh Structure Plan 2018/?2019 – page 5.

²¹ Inverleigh Structure Plan, page 38, "Planning is required to ensure there is sufficient land available to meet forecast demand and to plan to accommodate projected population growth over at least a 15-year period providing clear direction on locations where growth should occur."

- The requirement for residential land is across the whole of the Golden Plains Shire and Inverleigh is assigned 525 lots proposed through Potential Growth Areas 1, 2 and 3 with unknown additional numbers through Potential Growth Areas 4, 5 and 6. The subdivision at 385 Common Road was rezoned in Amendment C75 from farming to low density residential and expression of interest is already underway. Hopes Plains Road was rezoned from farming to low density residential in Amendment C74 and the development plan and Schedule 16 requirements are yet to be submitted.²²
- This situation will provide the opportunity for agency/developer(s) to be building across both new subdivisions and releasing land at rates greater than the stated moderate goal of (about) 27 new homes per year.
- I do not have confidence that the Golden Plains Shire has the ability, will (it needs to raise revenue) or capacity to resist developer(s)/agency's pressure and through approval permits, limit the predicted growth to the stated moderate population growth of about 27 new homes annually for the life of Amendment C87 and Structure Plan. Based on the low level of general accessibility of development plans (public display is not required in Victoria, however they are normally available onsite and in business hours at the Shire Offices upon request), 173 agreements and reporting of compliance at certification by the Golden Plains Shire, the ability of the Golden Plains Shire to achieve the C87 Amendment Infrastructure and Service Strategies 5.1 and 5.2 is low.²³
- The Structure Plan lists non-monetary infrastructure upgrades required for the continued growth of Inverleigh in Developer Contributions (5.11). There is no transparency of, or a plan based on a formula or evidence-based definitive costing model that gives any indication that the Golden Plains Shire has a timeline for achieving these or that the need for them is linked to the number of dwellings built each year. For example, the upgrade to the Common Road/Hamilton Highway intersection is a priority in the Inverleigh Community Plan 2013, the 2005 Inverleigh Structure Plan and is noted in the current Structure Plan as a developer responsibility for Potential Growth Areas 1 & 2 (page 60) and 3 (page 61).
- The Structure Plan includes, "Transport for Victoria advised that in regard to roads, the intersection of the Hamilton Highway and Common Road requires an upgrade. Further development of land along Common Road must include an upgrade to this intersection to cater for its increasing catchment" (page 30).
- I am not entitled to know as a member of the community when this is to occur, or if it is on a "project" or operational plan for this to occur. The Structure Plan states, "Before Council will consider any rezoning of land between Hopes Plains Road and Common Road, an agreement must be made determining the funding arrangements by landowner(s)/developer(s) for the construction and sealing of Hopes Plains Road (page 60)" yet amendment C75 rezoned 385 Common Road and Schedule 15 to Clause 43.04 Development Plan Overlay only includes "A traffic assessment that addresses the traffic that will be generated from the development of the land, how this will impact the local street network and what, if any, mitigation measures are required." The traffic assessment suggested a 7.5.2 Urban Channelised T-junction – Short Lane Type CHR(S)²⁴ and does not go so far as to comment on impacts on local street networks.
- I am expected to trust the Golden Plains Shire will abide to needs and ensure the upgrade is achieved however whether this is to occur after one year, coincide with initial development or by certification (which given the one subdivision is noted to be in 3 stages with 5 future stages and about 137 dwellings, approximately 51 dwellings in initial stages) could be years in achieving the upgrade.²⁵
- Schedule 16 Clause 43.04 Development Plan Overlay, for Amendment C74 Potential Growth Area 2, does include the requirement for, "The construction of upgrade treatments at the intersection of Hopes Plains Road and the Hamilton Highway prior to the issue of Statement of Compliance for the first stage of subdivision. The payment of a \$95,000 contribution for the maintenance of Hopes Plains Road prior to the issue of Statement of Compliance for the first stage of subdivision. This is clearly a much-improved operationalizing of the objectives and strategies of the Structure Plan however it is unclear how the sum of \$95,000 was reached. Was this a sum arrived at based on thorough costings,

²² Golden Plains Planning Scheme Amendment C75 Panel Report 28 March 2018.

²³ Golden Plains Planning Scheme 21.07-5, page 18 Amendment C87 proposed changes.

²⁴ VicRoads Supplement to Austroads Guide to Road Design – Part 4 Rev. 2.2
Golden Plains Shire Confirmed Minutes attachment: Item 7.7 – AH.2 25 June 2019.

²⁵ Golden Plains Shire Confirmed Minutes attachment: Item 7.7 – AH.2 25 June 2019.

will it provide maintenance of the road for one year, two years, the life of the subdivision or the life of the Structure plan? If not, will cost move to the residents or simply, as is the experience to date, be left in a poor state or diverted elsewhere²⁶.

- A similar lack of transparency of thinking and of consultation with the community and other agencies is the predictable impact of Amendment C87 on the kindergarten and primary school. The Structure Plan solution to the lack of onsite expansion land is to spilt the school campus because it appears to be the most convenient solution. It is an unsound, unsafe and unimaginative option. For example, requiring a developer to build tennis courts at the Inverleigh Reserve and free up the land next to the school which the community and school could support and work toward establishing expansion with the responsible agencies, would achieve two of the strategies of the structure plan and the Amendment C87, being consolidation of development within the town centre, including community and social facilities and resolve the school's constraints in terms of enabling growth (page 43 of Structure Plan).

4. Inspectorate Report

- The Local Government Golden Plains Shire Inspectorate Report March 2019 Identified 1) the CEO had not had a performance review since 2017, 2) that there was no objective auditing of individual staff use of procurement cards, 3) identified Councillors had not met their legislative requirements for interest returns, 4) the stated governance oversight of councillor expenses and reimbursements by the CEO was not supported by objective auditing, 5) that community grant assessments were being completed but by whom was not known, 6) there was non-compliance with the Public Records Act/document keeping including digital and non-digital, and 7) compliance with the council procurement policy and Section 186 of the Act including no list of contracts, and tender panel members not being those who completed the assessments, lack of signed confidentiality and conflict of interest declarations, or appropriate delegate sign off.
- Regards procurement practices, the report is particularly clear about the Golden Plains Shire's suboptimal practices including a request made to council some four months prior to the report date for the provision of a list of lump sum contracts awarded by council in excess of \$25,000 for the previous two-year period that could not be provided by the Golden Plains Shire. The August 2018 Response has completed most of the recommendations to date²⁷, which should translate into improved governance of its internal processes and accountabilities.
- Nonetheless, as recently as 24 September 2019, the unconfirmed minutes record the instrument of delegation (embedded in the procurement policy dated 24 September 2019) was changed to allow the CEO's financial limitation under the delegation be doubled from \$200,000 to \$400,000 for awarding a single item/contract. The motion was a 3:3 councillor vote, with the Mayor casting his vote in favour of the motion and then exercised his casting vote to carry the motion.²⁸
- The support for this decision was in part attributed to the improved and recent internal procurement processes and policy development (also dated 24 September 2019) following the inspectorate report recommendations which have not been in operation for any length of time and have not been evaluated as effective.

5. Developer contribution oversight and transparency

- The Golden Plains Shire's policy for guiding the collection of development contributions does not have any formal Infrastructure Contributions Plans (ICP's) or Development Contributions Plans (DCP's)²⁹, rather working within a 173 Agreement. My concern is not the use of the 173 Agreement to secure infrastructure and development contributions outside of a schedule but as this agreement is

²⁶ Golden Plains Shire Confirmed Minutes 23 July 2019.

²⁷ Golden Plains Shire Response to the Inspectorate Report:

www.goldenplains.vic.gov.au/sites/default/files/Council%20Response%20-%20Progress%20Report%20-%20August%202019.pdf

²⁸ Golden Plains Shire unconfirmed minutes for 24 September 2019 downloaded on 30 September 2019.

²⁹ Golden Plains Shire Annual Report page 104.

www.goldenplains.vic.gov.au/sites/default/files/GPSC%20Annual%20Report%202018_19.pdf

subject to seal, it is not a transparent process. Councils that use a Development Contribution Plan report to the Minister and this is tabled in Parliament³⁰.

- Reporting on the content and compliance with 173 Agreements at certification is not available unless under a Freedom of Information application.
- The reasonableness of the level of influence of landowner(s)/agencies on the decision-making of the Golden Plains Shire is unclear.
- The Golden Plains Shire Policy Manual Development Contributions (10.4) states all funds are deposited into an account and maintained as part of discretionary component of Retained Earnings.
- According to the policy, the last review was in May 2016 (as opposed to an amendment) in response to the State Government's desire to reduce complexity, increase transparency and standardize levies across a range of development settings³¹. The minutes include, "This policy will provide an interim measure until the development of an Infrastructure Contributions Plan for Council is formalised." There is nothing to suggest this has been completed or a formal decision made not to complete it.
- The lot costings are unchanged since 2016. Given the cost of land in Inverleigh has increased markedly since that time, and it is reasonable to estimate that 0.4 hectare lots could result from the Amendment C87 rezoning, and that there would be more lots resulting in increased profit for the owner(s)/agency³². It is also reasonable that the Golden Plains Shire Policy Manual Development Contributions cost per lot be reviewed regularly to reflect this increase in predicted profits.
- Reporting of development contributions is via the Auditor General audit for the annual report and reports culminative figures only. It therefore remains that the Inverleigh community is unlikely to know what has been asked for, when and whether at the certification point the agreement was complied with or if any monetary contributions were actually spent to directly benefit the Inverleigh community or directed elsewhere.
- The Golden Plains Shire has the power and option to improve the communication of information about agency/developer(s) contributions types and outcomes.

6. Failure to rezone as part of Amendment C87, the Inverleigh Flora and Fauna Reserve

- In meeting the needs for residential land and development, the Golden Plains Shire has amended land from farming to low density residential, has removed objectives and strategies (other than fire related) for any consideration of the Inverleigh Flora and Fauna Reserve which is a significant part of the lives of the residents of Inverleigh and many visitors.
- The Golden Plains Shire claims it is in the interest of the Inverleigh Community to be assured of its future, that the areas of growth and the logical sequence will all be clear through rezoning and establishment of a town boundary.
- There is an apparent lack of will by the Golden Plains Shire to rezone the northern part of the Inverleigh Flora and Fauna Reserve from farming to public conservation and resource zone in line with the southern part of the Inverleigh Flora and Fauna Reserve.
- Rezoning this land as part of Amendment C87 would be appropriate and go some way to instilling some confidence that the Golden Plains Shire has listened and realised priorities for the community of Inverleigh.
- The public conservation and resource zone (Clause 36.03 Planning Practice note 42 – Applying the Rural Zones - Planning Schemes) includes, "This zone provides for places where the primary intention is to conserve and protect the natural environment or resources. It also allows associated educational activities and resource-based uses." The Inverleigh Flora and Fauna Reserve has registered critically endangered flora.

7. Poor performance in the 2018 local government Customer Satisfaction survey

- My concerns about the capacity of the Golden Plains Shire to support and represent the community of Inverleigh equitably and appropriately, is supported by the Customer Satisfaction Survey 2018

³⁰ www.planning.vic.gov.au/policy-and-strategy/development-contributions

³¹ Golden Plains Shire Minutes 24 May 2016 downloaded 4 October 2019.

³² www.ahuri.edu.au/__data/assets/pdf_file/0018/2097/AHURI_Final_Report_No140_Counting-the-costs-planning-requirements,-infrastructure-contributions,-and-residential-development-in-Australia.pdf

Golden Plains Shire which concluded, "Golden Plains Shire Council's performance on most measures is in line with average ratings for Large Rural Group. However, in the areas of overall performance, Council performs significantly lower than the group average" and "Golden Plains Shire Council's performance is significantly lower than State-wide averages for councils across all core measures."³³

8. Protection of Aboriginal cultural sites

- The Golden Plains Shire states it works with Aboriginal Affairs Victoria and local co-operatives to identify Aboriginal cultural heritage sites and determine areas of high or low archaeological sensitivity.³⁴ The Golden Plains Shire supported a Heritage review which was "settlement" specific and has a comprehensive list of registered sites and the Structure Plan and Amendments reflect the intent to protect and maintain it with a Heritage Plan and register³⁵.
- Regards Aboriginal Cultural Heritage, the Golden Plains Shire does not have a comparative shire or even district wide approach. The Golden Plains Shire Amendment C87 places the requirement for the safe keeping and identification of these sites with each landowner/developing agency (which risks inconsistency in approach and a narrow focus), by way of an overlay on each piece of land. Landowners (often along with lifestyle changes) and developer(s) are unequivocally focused on making a profit and there is no evidence the best interest of the traditional custodians and the safekeeping of these sites has been met through overlay requirements.
- There are approximately 20 Aboriginal sites recorded previously in the Inverleigh area and are registered with Aboriginal Affairs Victoria (AAV) however the details and information are not readily available nor has there been a mapping of potential additional sites.
- Inverleigh is subject to an extensive Aboriginal cultural significance overlay.
- As part of the 2005 review of the Inverleigh Structure Plan it was recommended that 1) a survey and report regarding important Aboriginal cultural heritage sites should be undertaken, 2) for planning purposes, an archaeologist should be engaged to undertake a desktop assessment, 3) that known sites would be presented on a map and the information used to highlight zones of high or low archaeological sensitivity, 4) that subsequent archaeological investigation would be field survey of areas proposed for development and include consultation of the Wathaurong Aboriginal Cooperative, 5) that appropriate measures should be undertaken to ensure new development does not adversely impact on such sites and 6) a cultural heritage assessment could be a requirement of a Development Plan Overlay on any sites proposed to be rezoned and developed (this appears to have been actioned by the Golden Plains Shire).
- The C75 amendment rezoned 385 Common Road, which is part of Potential Growth Area 3 and includes four of the registered Aboriginal sites and is believed to be the site of a conflict in which Aboriginal Peoples died³⁶.
- The Flora and Fauna Reserve and Potential Growth Area 6 also have registered sites.
- Planning Practice Note 37, Rural Residential Development specifies any proposal must include an adequate assessment of the locality's landscape and heritage values and the potential for impacts, or that landscapes or places classified by the National Trust of Australia or included in the Victorian Heritage Register or registers maintained by the Office of Aboriginal Affairs Victoria or the Australian Heritage Council must not be proposed for rural residential development without consultation with those organisations³⁷. There is no evidence this takes place **prior** to a proposal or amendment, including those approved through Panel review - C74, C75 and the current Amendment C87.
- The development overlay only requires an owner/agent to complete a review of greenfield to a specific subdivision and not that bordering on or impacted by the development/subdivision. For example, there is no evidence the proposed positioning of the biolink for 385 Common Road or the planned river front walkways etc was informed by an understanding of the cultural significance of the Inverleigh area, or the areas bordering on the developments and any registered sites.

³³ www.goldenplains.vic.gov.au/sites/default/files/J00643%20CSS%202018%20Golden%20Plains%20Shire%20Council%20Report.pdf

³⁴ Golden Plains Planning Scheme 21.07-5; 21/12/2017 C76.

³⁵ www.goldenplains.vic.gov.au/residents/my-home/planning/heritage-planning

³⁶ Lonsdale, Joan *Gateway to the West*, Inverleigh progress Association, 1978, page 5.

³⁷ www.planning.vic.gov.au/resource-library/planning-practice-notes

- The Planning Practice Note 45 states:

A request to rezone land does not trigger a requirement to prepare a CHMP. A preliminary cultural assessment is strongly recommended at this stage to identify any relevant constraints and opportunities that may assist in rezoning of land.³⁸
- There is no evidence any preliminary cultural assessment of all the Amendment C87 rezoning areas or of Inverleigh has been completed by the Golden Plains Shire.
- The C75 amendment rezoned 385 Common Road and the development plan was subject to and informed by a list of plans that did not include cultural significance plans or knowledge.

I believe strategies for increasing the confidence in the Golden Plains Shire to advocate for and meet the needs of the Inverleigh community by the rezoning in Amendment C87, but also in previous Amendments C74 and C75, should be considered as part of the approval and that these strategies include:

- The Golden Plains Shire correct the factual errors of the Structure Plan.
- The Golden Plains Shire rezone as part of Amendment C87, the section of the Inverleigh Flora and Fauna Reserve bounded by Inverleigh/Teesdale Road, Woolbrook Track and Bakers Lane, from farming to public conservation and resource zone.
- The Golden Plains Shire take responsibility for the oversight of and development of a proactive and Inverleigh district-wide approach to the 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 rezoned and Potential Growth areas.
- The Golden Plains Shire Policy Manual Development Contributions (10.4) be reviewed to adjust the cost per lot contribution and/or "in kind" negotiations, to reflect the estimated increased profit for owners/agency(s) from the Amendment C87 minimum lot size of 0.4 hectares rezoning.
- The Golden Plains Shire requires as part of greenfield subdivision and issuing of planning permits to communicate to the Inverleigh community:
 - Agreed upon timeframes associated with the subdivision developer contributor infrastructure outcomes and "in kind" agreements.
 - Report on an annual basis, developer(s) contributions obtained as part of a greenfield subdivision development in Inverleigh as a result of the rezoning associated with the Structure Plan for the life of the Structure Plan, and was it spent for the purpose for which it was obtained and to the benefit of the Inverleigh community.
 - Provide a public report at Certification and Statement of Compliance stages for each greenfield subdivision that identifies any changes to the planning permit, any failures to comply with the approved development/subdivision plan, post-market issues and any lessons to be learned to inform the next and following stages of the staged development of the rezoned land in Amendment C87 for the life of the Structure Plan or about 15 years.
 - Report annually the alignment of subdivisions to the logical, orderly sequence of growth and adherence to the goal of a moderate growth rate.

³⁸ A subdivision includes high impact activities as defined by the Aboriginal Heritage Regulations. Planning Practice Note 45 page 2.

AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN

SUBMISSION FORM – The impact on the sustainability and health of small scale intensive agricultural businesses.

I am opposed to elements of Amendment C87 to the Golden Plains Planning Scheme for the following reasons:

Inverleigh has a diverse group of intensive small scale agricultural businesses which, given a situation where there is a lack of diversity in block sizes, are at an increased risk of a decrease in their sustainability and health. Diversity in block sizes is essential to allowing people the country lifestyle choice and encouraging the Council's own position of supporting and promoting productive and sustainable agricultural and rural enterprises (See 3.9 Golden Plains Rural Land Use Strategy). Examples of such businesses are as follows:

- a. Berry Organic in Savage Drive Inverleigh, are a mid-sized family owned and operated 5 acre Berry Organic Farm, producing premium quality Certified Organic Berries. Even though this is considered a non-traditional berry growing location, it has not deterred this family from growing outstanding quality berries. These fruits are renowned for their superior quality and flavour. Excess fruit is made into the Berry Organic range of jams and chutneys which are all certified 100% organic. Certified organic vegetables and other fruits may also be on offer.
- b. Vortex Veggies is a 16 acre certified Australian Demeter Biodynamic family owned and operated market garden since 1997, in Weatherboard Road, Inverleigh. They have consciously remained a manageable size operation so as to remain hands on in all areas of production and to maintain the integrity and quality of their produce. ABC TV's Landline featured this Inverleigh business on the 18th August 2019. With rezoning in Weatherboard Road to LRDZ areas after the broiler farm closes in 2020, it will result in most of that Road being surrounded on 3 sides by homes.
- c. Leighgrove Olives is a family owned and operated boutique olive grove, located on a picturesque stretch of the Barwon River. The 4500 tree olive grove is producing extra virgin olive oil of the finest quality. The cool climate conditions with a long, slow ripening period, together with the rich pastoral soils, results in oil of particularly deep, full flavoured characteristics. With more than ten different olive tree varieties originating from Tuscany, Greece and Spain, the range of flavours and styles of oil makes each season's harvest an exciting time at Leighgrove. Some are very fruity, whilst others are quite peppery and robust, each with its own character. In a true boutique way, the family's aim is to offer the finest quality they can achieve in a choice of styles to suit both differing tastes and culinary uses – to compliment all cooking. They are not bound by big supermarket demands for exactly the same taste each year – indeed the annual variations in temperatures, rainfall and quantities of fruit harvested are a welcome addition to the exclusive nature of their oil. The well-documented health benefits obtained by incorporating extra virgin olive oil into your daily diet is reason enough to insist on the best available product. Being a no-cholesterol monounsaturated fat, it contains the 'good fats' which in turn fight the 'bad fats'. The high level of Polyphenols are antioxidants which enhance the activity of the immune system. To ensure the retention of these, these olives are grown in accordance with modern, environmentally responsible practices, harvested at peak condition and processed quickly under modern hygienic conditions. This attention to

quality is what makes the difference to the final product – another reason to look for small, boutique grown oil where the grower knows the trees and the product intimately, and is not constrained by the demands of large-scale mass productions, where uniqueness of product is so often lost. On this same property The Farmgate Olive Shop sell home cure manzanillo or kalamata olives, sicilian olive relish, olive salt and dukkah all made by Leighgrove Olives, as well as soaps, skin creams and moisturisers, French provincial table linen and gifts.

- d. Jennings Honey is a family owned and operated bee keeping business situated on 2.3 acres in Common Road. The Jennings Family have kept bees for the past 25 years. They manage their own apiaries and their bees produce the best quality honey possible from healthy hives. Only the surplus is harvested, so the bees stay healthy. Their honey contains pollen, is 100% pure Australian and is cold extracted and a real hit with locals and visitors to the Inverleigh Lifestyle and Produce Market.
- e. Leigh River Roses is a family owned and operated business on Hopes Plains Road, Inverleigh. Grown in full sun on the fertile Western Plains of Inverleigh, Leigh River Roses grow roses the way nature intended – full of colour and full of scent. They grow a large range of garden roses in every palette, including the highly sought after, David Austin Roses. Their collection has been specifically chosen for their scent, colour and suitability as a cut flower – roses that will delight your senses – and are highly sought after at markets all around Geelong and district.

With the planned increase in population, associated with a blanket approval of 0.4 ha blocks, this will result in a lack of diversity of block size. With new homes and gardens comes the predicted increase in the frequency of use of herbicides and pesticides in people's gardens. The impact of such herbicides and pesticides on biodynamic and organic businesses from prevailing winds, will be detrimental to the health of these businesses. It would take approximately 2 years for these businesses to have their accreditation status restored if testing showed the presence of contaminating herbicides and pesticides. Therefore, overlays need to be put in place regarding the use of non-organic pesticides and herbicides within the areas of planned development.

Diversity in block sizes is essential to allowing people the country lifestyle choice (something that was repeatedly highlighted in the Golden Plains Shire Inverleigh Structure Plan 2017 survey results) and encouraging the Council's own position of supporting and promoting productive and sustainable agricultural and rural enterprises (See 3.9 Golden Plains Rural Land Use Strategy). A blanket 0.4 hectare block size results in no future businesses of these types which is contrary to both documents mentioned above.

<https://www.goldenplains.vic.gov.au/sites/default/files/RESULTS%20OF%20THE%20INVERLEIGH%20STRUCTURE%20PLAN%20SURVEY%202017.pdf>

Structure Plan Submission – Diversity of lot size

Summary

I am opposed to elements of Amendment C87 to the Golden Plains Planning Scheme, as it does not provide any form of compromise between “Inverleigh as we know it” and “Inverleigh as is proposed” in the Structure Plan, in relation to lot sizes. I believe the Structure Plan contradicts itself and is misleading when suggesting there will be lot sizes larger than 0.4ha in the proposed LDRZ areas.

Submission

I am opposed to elements of Amendment C87 to the Golden Plains Planning Scheme, as it does not provide any form of compromise between “Inverleigh as we know it” and “Inverleigh as is proposed” in the Structure Plan, in relation to lot sizes. I believe the Structure Plan contradicts itself and is misleading when suggesting there will be lot sizes larger than 0.4ha in the proposed LDRZ areas.

The Structure Plan states “...State Planning Policy requires Council to ensure a sufficient supply of urban land is available.....to accommodate projected population growth over at least a 15 year period....” The Structure Plan fails to explain, as per Clause 11.02-1S of the Victorian Planning Scheme, that the “residential land supply will be considered on a municipal basis, rather than a town-by-town basis”. As the requirement for residential land is across the whole of the Golden Plains Shire there is no *requirement* for Inverleigh specifically to have 430 lots available, much less: the 525 proposed through Potential Growth Areas 1, 2 and 3; the unquantified but potential for hundreds of lots through Potential Growth Areas 4, 5 and 6; and the potential for many more lots should current land owners subdivide, given Amendment C87GPLA proposes to decrease the minimum lot size to 0.4ha.

In the Structure Plan a Residential Development Principle notes “Residential development will continue to incorporate the existing landscape as a design objective through maximising the retention of landscape features such as trees, ridgelines and waterways and using larger lots *where necessary* to achieve this outcome”. “Where necessary” implies the default will be to have lots of the minimum allowable size (0.4 ha) and it will only be by exception that a lot will be larger than 0.4ha. Yet the correlating Residential Development Strategy notes “Plan for new residential development to provide a diverse range of lot sizes which reflects the country lifestyle character of Inverleigh and responds to site conditions”. The Principle and the Strategy do not align; one plans for a diverse range of lot sizes, the other only allows a variation from the minimum lot size by exception.

As noted in the Structure Plan and from the Inverleigh Structure Plan 2017 Community Survey (Attachment 1) there are a variety of views on lots sizes; “...some residents want to subdivide because they don’t want to manage large lots, others want to retain the 1 ha minimum lot size” and 53% of residents do not want greenfield development (37% No development + 16% Infill development (only). Furthermore since the 2005 Inverleigh Structure Plan the community still “...wants to retain the values and character that make Inverleigh popular”, one element being the option of larger lot sizes.

To consolidate the above points I believe the Structure Plan must be updated to include an additional Residential Development Strategy; it would read “At the development planning permit stage the Council will advocate on behalf of the Inverleigh community for, and ensure, diversity of lot size”.

This proposal would: allow for actual diversity in lot size; it would show that the Council has listened to the community and is genuinely attempting to “maintain Inverleigh’s rural village atmosphere” vs succumbing to pressure from developers (who have no interest in the towns’ values and vision), and it would be a compromise between “old” (1-2ha minimum) and “new” (0.4ha minimum). The Council has the powers and is able to make the *choice* to have larger block sizes, as 0.4ha is the minimum for un-sewered LDRZ; it is not the required size nor is it the only allowable size.

AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN**SUBMISSION FORM - Impact on The Common**

I am opposed to the approval of elements of Amendment C87 to the Golden Plains Planning Scheme because of the potential impact of the rezoning on the 1050 hectare Reserve known as the Inverleigh Nature Conservation Reserve, the Inverleigh Flora and Fauna Reserve or the Inverleigh Common, and locally and colloquially as The Common.

In addition, the impact of the omission in the amendment to address the anomaly of the northern section of The Common (Inverleigh-Teesdale Road and Bakers Lane) being zoned as farm land, when it is within the boundary of The Common and is looked after by Parks Victoria. The area of The Common south of the Inverleigh-Teesdale road is zoned as Public Conservation and Resource Zone (PCRZ). It is reasonable in the context of the Golden Plains Shire's stated role and goal of reassuring the Inverleigh Community of its future, that safeguarding The Common and its significance to the community by including the rezoning as part of the amendment.

I also have concerns of the complete removal of strategies related to The Common. The area is managed by Parks Victoria, however the decisions and impacts of Amendment C87 approval will affect this area and vice versa.

The Structure Plan lists the Inverleigh Community Plan as a key reference point in strategic plans and representation of the community's priorities, however it is a 2013 document, is therefore 6 years old and was, according to the document itself, to be updated every two years (page 6). There is no evidence there has been an evaluation of priorities met or of their ongoing relevance.

INVERLEIGH NATURE CONSERVATION RESERVE FLORA

Inverleigh is also famous for its 1,000ha reserve, three kilometres north of the township. **The Inverleigh Nature Conservation Reserve** was originally declared as the Inverleigh Common in the 1860's to provide a source of firewood for locals as well as somewhere to graze stock in times of drought. The wildflowers that are found there are so rare and numerous that it is now protected and it is illegal to collect firewood or graze stock. The Common is a space without facilities which is intentional.

The Common has significant and enduring connections with the Inverleigh Community and the community requires reassurance that the development of the land surrounding the Common is respectful, considers current environmental issues and aims to sustain the biodiversity of its flora and wildlife. This is captured through Recollections of The Common by three older gentlemen, whose families have lived here for generations.

West of the Inverleigh Common on Common Road is farmland that is now proposed to be subdivided into 0.4 ha blocks. Whilst wandering dogs cause problems with native animals, the major threat to native wildlife is cats. Domestic and feral cats can travel several kilometres at night or during the day. One conservative figure is that in

established suburban areas each house cat will kill at least 80 birds each year (Melbourne Zoo figures)¹

The Golden Plains Shire Amendment document and Structure Plan aims for a moderate growth of approximately 27 homes per year. If 50% of those new homes have a domestic cat, in the first year, an additional 1,080 birds will die in the first year, 2,160 in the second year, 3,240 in the third year and on, up to 20,000 per year by the end of the planned development.

Councils are introducing cat curfews and other initiatives to limit prowling and reduce the number of native animals and birds cats kill.

The City of Greater Geelong, The City of Kingston, The City of Greater Bendigo have all introduced a cat curfew between sunset and sunrise. Before implementing their cat curfew, the Mitchell Shire Council recently conducted a survey which showed 70% of people supported a cat curfew from sunrise to sunset bringing them in to line with many other Victorian Councils who have overnight or permanent curfews in place.

This problem is not isolated to Inverleigh with the Golden Plains Shire having a number of Reserves with endangered wildlife needing protection from cats as the population of cats associated with urbanisation increases.

We therefore recommend the following:

- Overlays on all properties opposite the Reserve requiring the owners of cats to install cat nets on their properties²
- And in particular Golden Plains Shire implement sunset to sunrise curfews on cats, and
- That the curfew is enforced

The Inverleigh Common is home to many native animals, all of whom are at increased risk of harm, from human population density and proximity, and loss of habitat. Road kill and maiming of our native wildlife increases each year because of an increase in the numbers of humans and their cars and their proximity to the Common. People come to live in Inverleigh to be on the land and enjoy open spaces and proximity to wildlife and nature. Police have been called out to shoot wildlife who have no chance of survival. Surf Coast Animal Rescue Service (SCARS) perform between 700- 1000 wildlife rescues a year. They have stated that there has been a 30% increase in road trauma to wildlife in the Surf Coast Shire associated with increased urbanisation.

¹ <https://mobile.abc.net.au/news/2019-09-20/nuisance-cats-in-council-crosshairs-in-adelaide/11527730?pfmredir=sm>

<https://www.abc.net.au/news/2019-09-20/nuisance-cats-in-council-crosshairs-in-adelaide/11527730>

² <https://catnets.com.au>

Rural Roads Victoria does not collect data on wildlife injuries and death associated with urbanisation and have sought this data from SCARS who do collect it.

Based on SCAR's experience and knowledge regarding wildlife injuries and death associated with urbanisation, they suggest the following remediations:

- Change Common Road's speed limit to no more than 60 kilometres an hour for the length of Common Road. This will give drivers the chance to avoid hitting wildlife and even if wildlife is hit, will give them a better chance of survival.
- A devoted 400m wildlife corridor on the westernmost part of the property 385 Common Road linking the Reserve with the River at its closest point and using the farmland west of the Inverleigh-Teesdale Road as a buffer zone, where wildlife are kept apart from human activity.

BIO-LINK

According to the Inverleigh Structure Plan³ page 41, "A Bio-link of a substantial width of at least 60 metres is to be provided as part of the proposed future rezoning and development of land in Common Road. The location of the Bio-link should align with existing vegetation and be of sufficient width to accommodate increased planting to allow wildlife to travel from the Flora Reserve to the Leigh River as well as provide for pedestrian and maintenance/emergency vehicle access and also be wide enough for the edges to be mown and maintained in a fire-risk reduced state, without compromising the sustainability of the link as a wildlife corridor."

However, according to the Biolink Alliance,

With rising global temperatures ensuring that species can move to more suitable habitat is essential. This means being able to move large distances (200-400 km). So we need to re-connect our important natural places at large scales. Maintaining genetic diversity is also vital for birds, wildlife and plants to be able to adapt to climate change. Habitats need to be connected to allow populations to share their genes. Connection of habitats is key to the long-term health of our ecosystems and the species they contain. Only through keeping them healthy will they be able to continue to provide fresh drinking water, storage of carbon, pollination of plants and crops and all the other things we rely on them for. 'Connectivity conservation' is a new and inclusive approach to address conservation on a large scale. It is about finding ways of restoring and reconnecting habitat, across land tenures, that benefits both people and nature⁴.

The 60-metre green link is not an exclusive wildlife corridor. According to SCARS there should be a major bio-link along the western boundary of the 385 Common

³

<https://www.goldenplains.vic.gov.au/sites/default/files/Inverleigh%20Structure%20Plan.pdf>

⁴ <https://biolinksalliance.org.au>

Road subdivision which would be vegetated and planted out, as this borders on rural land and where the Reserve comes closest to the River, linking the Reserve to the River. In the recognition of the effects of climate change, the Common does not have a year around water source for animals and it is essential that they are enabled to safely access to the river in periods of drought in line with what they have been doing for centuries.

ENDANGERED FLORA IN THE RESERVE

The Inverleigh Nature Reserve is home to an array of flora and fauna of which at least one species is on the endangered species list, refer Attachment 4.⁵ Prominent among the wildflowers found in the Inverleigh Nature Conservation Reserve are its orchids. There are over 50 different species here, the rarest being the Dwarf Spider Orchid. Another rare Spider Orchid which is named after the town is the Inverleigh Spider Orchid (*arachnorchis* sp Inverleigh), photos.mnr.id.au/2007/10/13/. This superb pink and white plant flowers between September and October, stands over 30 cm tall and is pollinated by a small thynnid wasp that is tricked into thinking it is mating with a female wasp of its species.

The Dwarf Spider Orchid (*Caladenia pumila*) is listed as "critically endangered" under the Commonwealth Government Environment Protection and Biodiversity Conservation Act 1999 (EPBC) Act⁶. After the orchid was first described in 1922, numbers declined until only two specimens were known in 1933. There were no records of the species from then and the species was presumed extinct. In 2009, two specimens were found in the Inverleigh Flora and Fauna Reserve. Efforts are being made to increase numbers. The main threats to the species are habitat degradation, trampling, competition with other species and a lack of genetic diversity.

IMPLICATIONS OF THE PLANNING SCHEME ON THE COMMON

The Planning Scheme amendments do not address the potential harm to the biodiversity of the Common with the rezoning and development and farming into 0.4 ha blocks. Urbanisation brings with it an increased demand for recreational space and a variety of activities in the space, such as off-road vehicle use, including motor bikes, illegal camping and gatherings in the Common which increase the risk of fires and damage to flora and the disruption to wildlife.

To mitigate the risk to wildlife and flora we therefore recommend the following, as part of the C87 Planning Scheme Amendments:

- Overlays on all properties opposite The Common requiring the owners of cats to install cat nets on their properties
- The Golden Plains Shire implement sunset to sunrise curfews on cats, and
- That the curfew is enforced
- A 173 Agreement for a Developer Contribution to establish a community-led Caretaker Program to work with Department of Environment, Land, Water and Planning and Parks Victoria to mitigate any potential problems to wildlife

⁵ <https://www.recreatingthecountry.com.au/wild-plants-of-inverleigh.html#>

⁶ <http://www.environment.gov.au/biodiversity/threatened/species/pubs/4155-listing-advice.pdf>

- and fauna associated with the urbanisation as a result of the Amendments already included in the Golden Plains Planning Scheme for 385 Common Road and 230 Hopes Plains Road, and future developments around The Common including Inverleigh and Teesdale.
- Rezoning of the north sector of the Common from farmland to Public Conservation and Resource Zone (PCRZ) as part of the Amendment C87 approval.

I am opposed to elements of Amendment C87 to the Golden Plains Planning Scheme as the Strategic Bushfire Risk Assessment underpinning the Inverleigh Structure plan is based on outdated strategies and old data. Further evidence of this is provided below. Without a current and realistic assessment of the bush fire risk in Inverleigh, the development of the potential growth areas discussed in the Inverleigh Structure plan should be halted. Consequently, I believe Amendment C87 should be abandoned until the Inverleigh Structure Plan and underpinning documents are accurate.

The Strategic Bushfire Risk Assessment is based on weather records dating back over least 10 years, and was developed following an outdated version of Planning Practice Notice 64. The *State Bushfire Plan 2014* concludes that “the bushfire risk in Victoria is increasing”. This suggests that the bush fire risk for Inverleigh as documented in the Strategic Bushfire Risk Assessment underpinning the Inverleigh Structure plan is underestimated because it is based on old data and outdated guidelines. Evidence provided in this submission suggests that decisions made around future development and infrastructure in the Inverleigh Structure Plan are invalid because they are not were not based on a current and sound Bush Fire Risk Assessment. These decisions should therefore be reviewed using an up to date and accurate Strategic Bushfire Risk Assessment using recent weather data and following recent guidelines. Moreover, the updated version of Planning Practice Notice 64 advises against planning developments in high bush fire risk areas and areas with one access/egress, making Growth Area 3 no longer an option for development.

Underestimation of days over 35 °C

The Strategic Bushfire Risk Assessment underpinning the Inverleigh Structure Plan refers to high fire risk days as days with strong north-west wind, low humidity, high temperature (over 35 °C). The Strategic Bushfire Risk Assessment states that these conditions are met an average of 7 days per year. Using the Bureau of Meteorology database for *Sheoaks, closest weather station at 22.2 km from Inverleigh as source*, the number of days where temperatures over 35 °C were recorded since 1990 are plotted in **Figure 1a**, with a slightly different visualisation in **Figure 1b** (data from¹).

The trendline in **Figure 1b** shows an upwards trend in the number of days where temperatures exceeds 35 °C were recorded, agreeing with Emergency Management Victoria’s statement in *State Bushfire Plan 2014* that ‘the bushfire risk is increasing’. Some simple mathematics show that the last time the 10-year average of days over 35 °C was seven was in 2007, while the 5-year average has exceeded seven days since 2006. When looking at recent years, 11 days over 35 °C were recorded in 2018; and 14 high temperature days with the temperature reaching over 35 °C have already been recorded until September 2019. Again, data sourced from the Bureau of Meteorology website ¹.

¹

http://www.bom.gov.au/jsp/ncc/cdio/weatherData/av?p_nccObsCode=122&p_display_type=dailyDataFile&p_startYear=2013&p_c=-1519765258&p_stn_num=087168

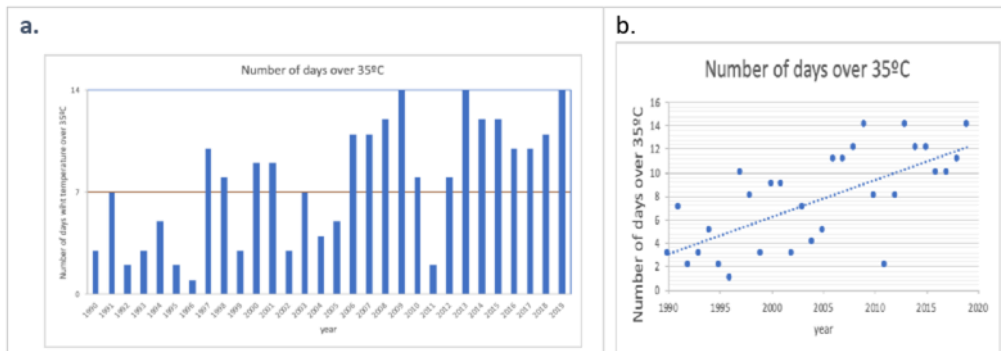


Figure 1 Number of days over 35 °C. Left: bar chart showing the average of 7 days claimed in the Bushfire Risk Assessment underpinning the proposed Inverleigh Structure Plan. Right: trendline confirming upward trend. Data for Sheoaks, closest weather station at 22.2 km from Inverleigh ¹.

The Strategic Bushfire Risk Assessment underpinning the Inverleigh Structure Plan refers to high fire risk days as days with strong north-west wind, low humidity, high temperature (over 35 °C). In addition to the gross underestimation of the number of high fire risk days, it should also be noted that none of the three bush fire cases around Inverleigh studied in the Bush Fire Risk Assessment actually occurred at high temperature days. In the Strategic Bushfire Risk Assessment, case 1 occurred under mild conditions (temperature not stated); case 2 occurred at a cool day (27°C); and case 3 occurred at a warm but not high temperature day (33°C). In the light of these three cases, the validity of the definition of high fire risk days as days with high temperature (over 35 °C) as used in the Bush Fire Risk Assessment should be questioned.

Lightening as risk

Lightening is the major cause of bush fire, and considering historic data shows a bush fire in the Common was caused by lightening, highly relevant to the bushfire risk. With global warming, the frequency of thunder storms is decreasing but 25% more of the strongest storms can be expected, accompanied with a 5% increase in lightning². This risk is not mentioned in the Bushfire Risk assessment underpinning the Inverleigh Structure Plan.

Outdated version of Planning Practice Notice 64

The Strategic Bushfire Risk Assessment prepared in support of the Inverleigh Structure Plan is based on an outdated version of Planning Practice Notice 64. The newer, 2015 version states that "Older plans and strategies that seek to justify planning proposals will need to be carefully considered if the State planning policy for bushfire impacts on the suitability of their content." I would like to suggest Golden Plains Shire takes this advice and that the bush fire risk assessment is re-done using a current approach. In the context of the Strategic Bushfire Risk Assessment prepared in support of the Inverleigh Structure Plan, it is important to consider the policy context of Planning Practice Notice 64 (2015) cited below:

"The State planning policy for bushfire seeks to strengthen community resilience to bushfire through planning decisions. Its overarching strategy is to prioritise the protection of human life over other

² https://www.giss.nasa.gov/research/briefs/delgenio_07/

policy considerations when assessing the risk from bushfire. Key strategies to guide strategic and settlement planning include ensuring that the risk from bushfire is reduced to an acceptable level.

Ministerial Direction No. 11 Strategic Assessment of Amendments applies to planning scheme amendments. It is supported by Planning Practice Note 46: Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments. In preparing a planning scheme amendment a planning authority must address any relevant bushfire risk and determine whether the changes proposed will result in any increase to the risk to life, property and community infrastructure from bushfire.

The Strategic Bushfire Risk Assessment prepared in support of the Inverleigh Structure Plan fails to determine if the proposed changes, development in potential growth areas 1-6, increases the risk to life, property and community infrastructure. Specifically, the bush fire risk for Growth Area 3, indicated as the highest risk of bushfire under scenario's 1 and 2 due to its proximity to the Inverleigh Flora and Fauna Reserve (the Common) is underestimated. The impact of increasing the number of residents in the potential growth areas on the chance of current residents evacuating in a safe and orderly manner is neglected.

Due to reasons detailed in Appendix 1, the Common provides a significant bush fire risk. Despite providing a wild life refuge and unique habitat for many species including rare orchids, the Common carries a legacy of poorly executed and irregular fuel reduction burns. This has resulted in an excessive fuel load, and a high degree of connectivity of fuel at the ground and near-ground level, increasing its bush fire risk rating. Additionally, it has been subject to infestation by Acacia Paradoxa, a native wattle that is known to release highly flammable vapours during warm days. While an Acacia Paradoxa eradication program is in place, no information is provided of the efficacy of this particular program as sole bush fire mitigation strategy, nor of its impact on the bush fire risk rating of the Common. Responsibility for continuation of this program and annual Acacia Paradoxa removal targets are also not documented.

In addition to its elevated bush fire risk due to its proximity to the Common, Growth area 3 is not suitable for development as limited egress options provide an additional threat to life in case of a bush fire in the Common. The Bushfire Risk Assessment relies on Common Road and Inverleigh-Teesdale Road (provided the Twin Bridges are upgraded, details around financial and executive responsibility as well as timelines remain unclear) for access for firefighting equipment and egress for residents.

The functionality of the northern end of Common Road, the section intended to serve as fire break between the Common and Growth Area 3, is likely to be severely compromised with a bush fire in the Common, as illustrated with a map of the

area with arrows indicating the flow of smoke, ashes and ember under northerly, easterly and north-westerly wind



conditions in

Figure 2.



Figure 2 Map of the Common and Common Road with arrows indicating showing the direction ember, ash and smoke will be sent from the Common in case of a bushfire. Under Northerly and Easterly winds, the north-western part of Common Road will not be usable. With North-Westerly winds, the functionality of Common Road as a whole could be severely compromised due to smoke, ashes and ember.

In a scenario of easterly winds, Common Road will be the sole egress for all residents the northern part of Common Road will be filled with smoke and spot fires due to ember

attacks. In all bush fire scenarios, Inverleigh-Teesdale road is unlikely to provide a safe egress in the direction of Teesdale, as this will lead through the Common and hence through the fire. Under bush fire conditions with northerly to easterly winds, the section of Inverleigh-Teesdale Road connecting Common Road with The Hamilton Highway across the Twin Bridges will be exposed to smoke and ember attack, and not function as egress. With northwesterly winds, Common Road as a whole will be prone to impose bottlenecks to fleeing residents as smoke, ashes and ember will be blown along the direction of escape. Lastly, the Leigh River prevents residents from Growth Area 3 from escaping on foot. This assessment agrees with the statement made by then councillor Guinane (Bannockburn Shire) that abandoned the development of Growth Area 3 because of the cost of building an additional bridge to allow residents to cross the Leigh river, the only way to provide a safe second egress, were too high. In conclusion, Common Road will be the sole access and egress during a bush fire in the Common for current and new residents. This imposes a significant risk on human life.

Planning Practice Notice 64 (2015) recommends, *“Directing development to the lowest risk locations is the most effective way to prioritise the protection of human life. This should be the key strategy to enhance resilience to bushfire.”* The Inverleigh Structure Plan and Amendment 87, however, identify Potential Growth Area 3, for the first stage of development. Moreover, Amendment C87 specifically applies to decreasing the block size to facilitate higher population density, proposing to put more lives at increased risk. Growth area 3 is located in close proximity of the Common, a bush fire risk as documented in the Bushfire Risk Assessment. Growth area 3 will effectively have only one egress in case of a fire in the Common. The worked example provided with Planning Practice Notice 64 (2015) specifically advises to avoid areas with a single access/egress for development (please refer to “The Gully” in the example). This demonstrates that the selection of potential growth area 3 for development starting with the sale of blocks on 256 Common Road as proposed in the amendment not in-line with Victorian Planning Guidelines.

Planning Practice Notice 64 (2015) specifically mentions planners that *“development pressure may potentially conflict with the bushfire hazard”*. It is of particular concern that the proposed ‘developer-led’ development in Growth Area 3 has put the Golden Plains Council under significant pressure from the developer. This is evidenced in the minutes Ordinary Council Meeting 26 March 2019³. Residents attending this meeting witnessed a developer stating “he would walk if the minimum block size would not be decreased from 1 Ha to 1 acre”. This suggests significant pressure from the developer on the council in this developer-led development. This developer aims to increase the population density in a growth area with recognized high bush fire risk, prioritizing revenue over human life. It is uncertain if the assessments and decisions made by council and shire have made were in the best interest of the Inverleigh population, or of the developer. An enquiry should be made to establish if planning authorities were under pressure from a developer in the preparation of the Inverleigh Structure Plan, its Bush Fire Risk Assessment and Amendment C87. An independent panel should confirm the bush fire risk has been adequately and independently considered and if all potential conflicts of interest have been declared.

³ www.goldenplains.gov.au/sites/default/files/Council%20Agenda%20260319_pg1_62_0.pdf

Insection 3.2

Insection 3.2, Landscape Context, the landscape 1 and 5 km around Inverleigh is taken into account. Planning Practice Notice 64 (2015) recommends a significantly larger area, namely to assess landscape factors 1, 10 and 20 km around the assessed area. This part of the risk assessment should be re-done in-line with current guide lines.

The Draft Inverleigh Development Plan is based on the assessment of the fire risk as 'medium', based on the current Victorian Fire Risk Register. This assessment is based on Inverleigh Township, and not specific to the proposed growth areas. The bushfire scenarios presented for the proposed growth areas indicate all areas are at elevated bushfire risk compared with the township. Moreover, the Area 3 is at significantly higher risk due to its position on a hill, proximity to the Common and sole access/egress under most prevailing wind conditions. As such, the assessment of "Medium fire risk" for the Inverleigh township should not be applied to Growth Area 1-6 without considering their individual fire risks. The Bush Fire Risk Assessment underpinning the Inverleigh Structure Plan should be re-done assigning individual bush fire risks for the proposed growth areas rather than applying the bush fire risk assessment for the township to all growth areas. These individual bush fire risk assessments should then be used to prioritize (or abandon) Growth Areas based on an unacceptable risk of loss of human life in the event of a fire.

Section 3 Analysis and Evaluation

Pages 40 and 41 fail to articulate whether the risk for each of the potential growth areas 1-6 has been reduced to an acceptable level. Choices between the growth areas appear not to have been made based on bush fire risk but based on availability of land and interested developers. This contradicts with the guidelines provided in Planning Practice Notice 64 (2015), which emphasizes the priority of protecting of human life over development pressure.

The bushfire risk assessment relies on Common Road as access for firefighting equipment and egress for residents. With the functionality of the northern end of Common Road likely to be compromised in case of a bush fire in the Common Inverleigh-Teesdale road is unlikely to be accessible and safe (Figure 2). Easterly winds make Common Road the sole egress for residents as the escape route over the two ridges will be eliminated. Northerly and north-easterly winds will also invalidate Inverleigh-Teesdale Road as egress.

Common Road is unlikely provide access and egress to a fire in the Common. The example in Planning Practice Notice 64 (2015) recommends avoidance of areas with a single access/egress for development (the gully in the Gumnut example), meaning the selection of potential development area 3 as first area for development on 256 Common Road as proposed in the amendment not in-line with Victorian Planning Guidelines.

The risk of compromised access to the alternative escape routes needs to be articulated in section 3.

Considering the Common serves as only egress under severe fire conditions, it is unlikely CFA captains will send fire crews up Common Road during a bush fire in the Common. Sending crews in would not only put the crew at significant risk, the fire trucks would also hinder evacuating residents that are fleeing the fire. In the event of a bush fire in the Common, smoke and ember will further fuel panic, increasing the risk of accidents and

hence road blockages, compromising the functionality of Common Road as egress. The assessment the intersection with the Hamilton Highway is the only bottle neck on Common Road is unrealistic, as fallen trees and branches due to ember, spot fires and car accidents from panicked residents leaving their properties all can cause bottlenecks all along Common Road. This risk to human life in case of a bush fire in the Common should be articulated in more depth in Section 3.

Following the development of Mannagum Estate, water pressures along Common Road have dropped. It is not documented in the Bush Fire risk Assessment nor the Structure Plan/Amendment 97 if the water supply can guaranteed with further development in Inverleigh, particularly in growth Area 3. The consequences of this (potentially the reliance on tank water) on defending human life and property should be assessed.

Considering the 2018 Strategic Bushfire Risk Assessment for the Inverleigh Structure Plan is outdated, factually incorrect and does not comply with Planning Practice Notice 64 (2015), the assessment is not valid. This undermines the validity of the Inverleigh Structure Plan. Because of the demonstrated increase in bushfire risk over the past decades, basing the Bush Fire Risk Assessment on outdated data and recommendations resulted will have led to an underestimation of the Bush Fire Risk. The Strategic Bushfire Risk Assessment underpinning the Inverleigh Structure Plan should be re-done following recommendations articulated in Appendix 3 in Planning Practice Notice 64 (2015). In particular, the decision for intensification of development of areas where the risk to life, property and community infrastructure cannot be managed, hence Growth Area 3, should be revisited.

Infrastructure and other requirements to mitigate the bush fire risk should be clearly detailed in the new bush fire risk assessment. After this, the Inverleigh Structure Plan needs to be adjusted to incorporate recommendations from the Bush Fire Risk Assessment, including clearly articulated responsibilities between the developer, Golden Plains Shire, PV DELWP and other parties, financial management strategies and enforceable timelines. Only then, new developments can be considered, making Amendment C87 premature and inappropriate.

APPENDIX 1 BUSHFIRE RISK IN THE COMMON

Fire risk in The Common - Inverleigh Flora and Fauna Reserve

The Fire Risk in the Inverleigh Flora and Fauna Reserve is managed by DELWP/PV, with fuel reduction burns conducted in 2006, 2009, 2010 and 2015. Mistakes made during the 2009 fuel reduction burn left a legacy of dead, dry timber. With the exception of the 2009 burn which covered approximately 13% of the reserve, other burns covered <5% of the area. The 2009 Victorian Bushfire Royal Commission Report proposes an annual rolling target of a minimum of 5 % of public land (2009 Victorian Bushfire Royal Commission Report, Final Report Summary). This minimum of 5% is conservative, and below the scientifically determined effective fuel reduction burning of 10-15% (Packham, 2010, Some observations on the effectiveness of fuel reduction burning in Southern Australia). The importance of fuel management also underpins the residual risk assessment done for the West Central district by DELWP⁴. The sparse fuel reduction burns up to 2015, followed by its abandoning, illustrate that the management of the Common has fallen short of the recommended fuel reduction burn targets, and hence fails to consider protecting human life at the highest priority. Taking the risk prediction information provided by DELWP, this lack in fuel removal will have significantly increased the fire risk⁴.

The Strategic Bushfire Risk Assessment underpinning the Inverleigh Structure Plan fails to indicate fuel reduction burns are significantly behind target. The Safer Together website indicates the rapid increase in bushfire risk when fuel is not removed, as well as the time it takes before this risk drops again⁴. Considering the backlog in adequate management in the Common since the highest recorded Victorian bushfire risks in the mid-2000's, the risk imposed by the Common on the Inverleigh Community, in particular those living along Common Road, can be expected to be above the Victorian average. The Strategic Bushfire Risk Assessment also does not mention the elevated fuel load as a legacy of the 2009 fuel reduction burn as an additional risk. It also does not incorporate this shortfall in assessing the fire risk, which is merely based on a historic assessment of the Inverleigh township.

Considering the high level of connectivity of fuel at ground and near ground level, the bush fire risk of the Common should have been rates as extreme. Combined with, under prevalent bush fire conditions, only a single access/egress (Common Road) and poorly maintained tracks inside the reserve, the likelihood the CFA commander will decide against a crew to the Common in case of a bush fire. Poor maintenance of the Common has put life and property at risk.

Acacia Paradoxa

The Common contains Acacia Paradoxa, a native plant that has been on the noxious weed register. This yellow flowering shrub contains oils with a flash point at 35°C, 14° below that of eucalyptus. Its presence elevates the bush fire risk, particularly under extreme weather

⁴ <https://www.safertogether.vic.gov.au/landscapes/west-central>

conditions^{5,6}. The Bush Fire Risk Assessment reports that since 2015, fuel reduction burns in the Common were replaced by selective removal of *Acacia Paradoxa*. No details are provided on the amount of *Acacia paradoxa* removed (as tonnage and % of estimated total). Its capacity to regrow or future removal targets and corresponding responsibility are also not included in the Bush Fire Risk Assessment nor the structure plan/amendment C87. The efficacy of selective removal of bushfire prone *Acacia Paradoxa* as sole bush fire risk mitigation strategy is not reported. Searches in the public domain and scientific literature (scopus search conducted on 17/9/2019, *Acacia Paradoxa* management provides 7 hits, none in relation with bushfire management) also failed to reveal any evidence that removal of *Acacia Paradoxa* is a bush fire mitigation risk. Documents agree *Acacia Paradoxa* should be avoided in a bush fire resilient gardens (see for example^{7,8}) and that removal is the best *Acacia Paradoxa* management strategy⁹. Concerns remain that the selective removal of *Acacia Paradoxa* alone does not remove the large amount surface and near-surface fuel originating from the dead trees and other shrubs throughout the Common. The high level of connectivity of the dry, near surface fuel makes this an extreme fire hazard (Overall fuel assessment guide, Department of Sustainable Development and Environment, 2010). The removal of *Acacia Paradoxa* as bush fire mitigation risk as proposed in the Bush Fire Risk Assessment underpinning the Inverleigh Structure Plan is therefore not valid, undermining the technical validity of the document.

Track Maintenance

The Strategic Bushfire Risk Assessment indicated that the tracks in the Common are well maintained to provide access. The condition of the tracks in the Common is poor due to sparse maintenance. Parts of the Eastern and Old Teesdale tracks are eroded with >40 cm deep holes, making accessible with 4WD vehicles impossible, let alone fire trucks. These tracks will complicate effective bush fire management in the likely event of a fire in the Common.

Climate change

Despite the *State Bushfire Plan 2014* conclusion that “the bushfire risk in Victoria is increasing”, the Inverleigh Structure Plan and Amendment C87 fail to include measures to counteract this increasing risk. With climate change, the number of extreme weather events is expected to increase, as already evidenced by the increase in days with temperature over 35 °C per year, with a 10-year average in 2007, and 11 and 14 days recorded in 2018 and 2019 (until September) respectively. Lightning is the major cause of bush fire, and considering

⁵ The Effects of Alien Shrub Invasions on Vegetation Structure and Fire Behaviour in South African Fynbos Shrublands: A Simulation Study B. W. van Wilgen and D. M. Richardson *Journal of Applied Ecology* Vol. 22, No. 3 (Dec., 1985), pp. 955-966

⁶ Evaluating the invasiveness of *Acacia paradoxa* in South Africa, *South African Journal of Botany* 75, 3, 2009, Pages 485-496 R.D.Zenni J.R.U.Wilson J.J.Le Roux D.M.Richardson <https://doi.org/10.1016/j.sajb.2009.04.001>

⁷ <https://www.surfcoast.vic.gov.au/03-community/emergencies-and-safety>

⁸ https://www.naturalresources.sa.gov.au/files/sharedassets/botanic_gardens

⁹ Moore, J. L., Runge, M. C., Webber, B. L. and Wilson, J. R. (2011), Contain or eradicate? Optimizing the management goal for Australian acacia invasions in the face of uncertainty. *Diversity and Distributions*, 17: 1047-1059. doi:[10.1111/j.1472-4642.2011.00809.x](https://doi.org/10.1111/j.1472-4642.2011.00809.x)

historic data shows a bush fire in the Common was caused by lightening, highly relevant to the bushfire risk. With global warming, the frequency of thunder storms is decreasing but 25% more of the strongest storms can be expected, accompanied with a 5% increase in lightning¹⁰. This risk is not mentioned in the Bushfire Risk assessment.

Population Density

Amendment 87 proposes the decrease of the minimum block size to 1 acre, effectively increasing population density. This contradicts information discussed for Amendment 74, where limiting the size to 1 to 2 hectares is used to reduce the extent of population growth that might be exposed to bushfire risk .¹¹ Considering the bush fire risk imposed by the Common, development of Potential growth area 3 should be reconsidered, in line with Golden Plains rulings for other development areas.

Egress

Common Road and Inverleigh Teesdale Road are marked as egress in the event of a bushfire in the Common. Inverleigh-Teesdale road is unlikely to provide a safe egress towards Teesdale, as this will lead through the Common and hence through the fire. In a scenario of easterly winds, the north-western part of Common Road will be filled with smoke and spot fires due to ember attacks. Under bush fire conditions with northerly and north-easterly winds, the section of Inverleigh-Teesdale Road connecting Common Road with The Hamilton Highway across the Twin Bridges will be exposed to smoke and ember attack, and will not function as egress. With the likely scenario of north westerly winds, the functionality of whole of Common Road is in doubt as ember, ash and smoke are likely to travel down Common Road towards the Hamilton Highway. These scenarios are depicted in Figure 3. This means that under the most likely bush fire scenarios, Common Road will be the sole egress for all residents. This is a serious risk and lives are likely to be lost, particularly if a bottleneck forms anywhere on Common due to fallen branches/trees, smoke or accidents due to panicking residents evacuating. The risk of incidents during evacuation increases rapidly with the number of cars evacuating, arguing against the proposed high-density residential development in growth area 3. The risk to life and property as a result of Common Road as sole egress, nor bottlenecks caused by ember attacks, fallen trees or panicking residents are not articulated in the Strategic Bush Fire Assessment.

¹⁰ https://www.giss.nasa.gov/research/briefs/delgenio_07/



Figure 3 Map of the Common and Common Road with arrows indicating showing the direction ember, ash and smoke will be sent from the Common in case of a bushfire. Under Northerly and Easterly winds, the north-western part of Common Road will not be usable. With North-Westerly winds, the functionality of Common Road as a whole could be severely compromised due to smoke, ashes and ember.

The proposed development will increase the number of residents evacuating through Common Road (more than double). These residents will first have to flee into the bush fire affected area at the northern end of Common Road, which is intended to serve as fire break, and use this to connect with the rest of Common Road as egress. This decision. appears to put human life at risk and conflicts with planning and development policies including Victorian Planning Practice Note 64.

No Refuge in Inverleigh

The Strategic Bushfire Risk Assessment fails to mention there is no shelter/refuge in Inverleigh. Additionally, documents provided by Golden Plains Shire suggest there is a safe refuge¹¹. The current CFA advise for Inverleigh residents to travel down the Hamilton Highway to Geelong because ‘there are NO designated Neighbourhood Safer Places – Places of Last Resort at Inverleigh’¹².

It is unclear if the Hamilton Highway will allow for safe and orderly evacuation, particularly under poor visibility conditions. Additionally, no provisions are made in Amendment C87 for the development of a refuge in Inverleigh to minimize the reliance on the Hamilton Highway in the event of a bush fire. The panel discussions in Amendment 74¹¹ discuss access to a near and safe refuge as elemental to rezoning that area as residential”. If it would have been known that safe access was not available to a safe refuge within close proximity to the site, the Panel may have had a very different conclusion regarding the Amendment.”¹¹ This makes availability of a refuge quintessential for Growth area 3 as proposed in Amendment

¹¹ <https://www.goldenplains.vic.gov.au/sites/default/files/Golden%20Plains%20C74%20Panel%20Report.pdf>

¹² https://cfaonline.cfa.vic.gov.au/mycfa/Show?pageId=publicDisplayDoc&fname=2017/CIG-BSW-Inverleigh-3_00_78605.pdf

C87, still the refuge is not mentioned in the Structure Plan, Bush Risk Assessment or Amendment.

In conclusion, the Strategic Fire Risk Assessment underpinning the Inverleigh Structure Plan grossly underestimates the bush fire risk imposed by the Common. Fuel reduction burns have not been conducted in line with recommendations from the Royal Commission into the 2009 Victorian Bush Fires nor the DELWP strategic Bushfire Management Plan. Proposed alternative strategies (incl. selective *Acacia Paradoxa* removal) have not been evaluated on effectiveness as bushfire mitigation strategy, tracks in the Common have not been maintained, egress options not thoroughly evaluated. Additionally, the fact there is no bush fire shelter in Inverleigh has been overlooked.

I am opposed to elements of Amendment C87 to the Golden Plains Planning Scheme as it does not demonstrate adequate provisions for bush fire risk management, including the management of the Inverleigh Flora and Fauna Reserve, the provision of adequate infrastructure, and egress for current and future residents in the event of a fire in the Common.

The Inverleigh structure plan states that under 3.8 State Planning Policy Clause 13.02 – Bushfire that the proposals for *residential growth in Inverleigh are appropriate from a bushfire risk perspective, provided measures indicated in the Assessment are taken* to minimise risk to residents based and emergency services. The ‘measures’ including plans, timeframes and distribution of responsibility for planning, budgeting and execution across Golden Plains Shire, DELWP, Parks Victoria and the developer are not detailed in the Inverleigh Structure Plan or Amendment C87, making policing and enforcement impossible. I also believe that the bush fire risk for the Common is underestimated, with arguments detailed below. This underestimation has significant follow-on effects on the assessment of growth area 3 as ‘appropriate’ for development. Lastly, despite the *State Bushfire Plan 2014* conclusion that “the bushfire risk in Victoria is increasing”, the Inverleigh Structure Plan and Amendment C87 fail to include measures to counteract this increasing risk.

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Road will not be usable. With North-Westerly winds, the functionality of Common Road as a whole could be severely compromised due to smoke, ashes and ember.

The proposed development will increase the number of residents evacuating through Common Road (more than double). These residents will first have to flee into the bush fire affected area at the northern end of Common Road, which is intended to serve as fire break, and use this to connect with the rest of Common Road as egress. This decision appears to put human life at risk and conflicts with planning and development policies including Victorian Planning Practice Note 64.

No Refuge in Inverleigh

The Strategic Bushfire Risk Assessment fails to mention there is no shelter/refuge in Inverleigh. Additionally, documents provided by Golden Plains Shire suggest there is a safe refuge⁸. The current CFA advise for Inverleigh residents to travel down the Hamilton Highway to Geelong because 'there are NO designated Neighbourhood Safer Places – Places of Last Resort at Inverleigh'⁹. It is unclear if the Hamilton Highway will allow for safe and orderly evacuation, particularly under poor visibility conditions. Additionally, no provisions are made in Amendment C87 for the development of a refuge in Inverleigh to minimize the reliance on the Hamilton Highway in the event of a bush fire. The panel discussions in Amendment 74⁸ discuss access to a near and safe refuge as elemental to rezoning that area as residential". If it would have been known that safe access was not available to a safe refuge within close proximity to the site, the Panel may have had a very different conclusion regarding the Amendment."⁸ This makes availability of a refuge quintessential for Growth area 3 as proposed in Amendment C87, still the refuge is not mentioned in the Structure Plan, Bush Risk Assessment or Amendment.

In conclusion, the Strategic Fire Risk Assessment underpinning the Inverleigh Structure Plan grossly underestimates the bush fire risk imposed by the Common. Fuel reduction burns have not been conducted in line with recommendations from the Royal Commission into the 2009 Victorian Bush Fires nor the DELWP strategic Bushfire Management Plan. Proposed alternative strategies (incl. selective Acacia Paradoxa removal) have not been evaluated on effectiveness as bushfire mitigation strategy, tracks in the Common have not been maintained, egress options not thoroughly evaluated. Additionally, the fact there is no bush fire shelter in Inverleigh has been overlooked. Amendment C87, the Strategic Bushfire Risk Assessment and the Inverleigh Structure Plan all fail to provide clarity who carries responsibility for management and assessment of the bushfire risk of the Common. The Inverleigh community needs to be presented with a clear management plan for the Common, clearly articulating the risk mitigation strategies, their scale and periodicity as well as clearly identify responsibilities for execution, monitoring and payment. Additionally, the residual risk of the Common needs to be assessed and reported back to the community on an annual basis. Considering the Common comprises of bushland, the existing bush fire risk assessment conducted for Inverleigh township cannot be transferred to the Common and adjacent areas without further review and careful considerations of fuel, landscape and other factors. Amendment C87 and approval of any new developments in Inverleigh should only be evaluated once a clearly articulated and independently reviewed bush fire management strategy has been communicated with residents and implemented. Once the strategy has been implemented, the Strategic Bush Fire Risk Assessment needs to be re-done to define areas for new development, earmarking those that do not impose additional risk on life and property.

⁸ <https://www.goldenplains.vic.gov.au/sites/default/files/Golden%20Plains%20C74%20Panel%20Report.pdf>

⁹ https://cfaonline.cfa.vic.gov.au/mycfa/Show?pagelid=publicDisplayDoc&fname=2017/CIG-BSW-Inverleigh-3_00_78605.pdf

[REDACTED]

14 October 2019

The Responsible Officer
Planning Division
Golden Plains Shire
2 Pope Street
BANNOCKBURN VIC 3331

By email enquiries@gplains.vic.gov.au

Dear Planning Officer and Councillors,

GPSC PLANNING SCHEME AMENDMENT C87

My wife and I own a 2 acre house and land in the current LDRZ zone in Inverleigh off Common Road. We specifically chose Inverleigh when we moved from Melbourne because of the LDRZ lot sizes. We also were impressed with the Covenants over our subdivision and similar ones we saw in properties off Faulkner Road. This is a precious amenity that is threatened by the C87 proposals and we object to the proposed adoption of 1 acre lot sizes in the C87 proposals.

Primary submission C87 should be deferred

C87 is not currently in a state of preparation where it can be responsibly considered by and endorsed by Council. Further work is clearly required as will be clear from the many informed responses from the Inverleigh Action Group, the Inverleigh Progress Association and the submissions from individuals about Bushfire protection, Road safety, education, water and environment, public transport, old age care and wildlife amongst others.

The Consultants engaged by Council have not properly researched many aspects of the C87 outcomes. Nor have relevant and vital financial and other guarantees about funding the promised infrastructure imperative for these proposals to be endorsed, and community safety, amenity and Council's ability to deliver services.

These matters should have been explored, with proper community engagement and consultation prior to the C87 being advertised so that they could be addressed holistically with the Community, State and Federal government agencies and Council itself. This would have been consistent with Council's own Engagement Strategy document.

Instead Council conducted a community engagement about the detail of the C87 and Structure Plan in a cynical way, reminiscent of the recent ABC TV series Utopia which encapsulated the process. A listening post in Inverleigh was only advertised on Council's own Facebook page and not advertised consistently with the C87 proposal itself. Consequently 4 people attended. Subsequent polite invitations to engage by community groups including the Inverleigh Progress Association, Action Group and individuals were serially rebuffed by Council saying that the provisions of the Local Government Act had been met.

The sad thing is that the critical safety and funding issues identified in these submissions should have been explored and sorted out before C87 was advertised and not after it.

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C87 should be deferred until the matters raised in the submissions have been properly explored. The Panel or VCAT is not the proper forum or process. The expense to Council, ratepayers and Inverleigh residents would be oppressive, and previous experience of C75 shows why.

Funding

GPSC is one of the worst performing and financially vulnerable local authorities in Victoria. Its own 2019/20 Budget Papers and community submissions show the budget stress it faces. The C87 proposal does not establish how these promises, particularly around roads, education, parks etc. envisaged in C87, will be delivered.

Council information provided to me by the Director Assets as part of the Streetscape Plan & C74 application show that the cost of the Hamilton Highway intersection work at Hopes Plains and Common Road will amount to many hundreds of thousands of dollars. The Twin Bridges work likewise. C87 has no objective guarantee that the Developers will pay for this work and how much they will be required to pay. The Department of Transport has already formally advised Council that it has no budget for the work. Council's budget papers show it has no capacity to pay.

C87 poses very significant road safety challenges for the Hamilton Highway that were identified as part of the Streetscape Process, and Council has expert advice about that which is not disclosed in this Amendment.

The risk to Inverleigh Residents and other users of the Hamilton Highway must not be hand passed to the State Government.

C87 specifically states that it is driven by Developers and Developer demand. In the absence of budgetary appetite by the State Government and Council, the Developer should be required to guarantee that it will fund the real cost. A cost that has not even been properly assessed in the advertised material.

Town boundaries

We support the retention of town boundaries as C87 provides.

LDRZ lot sizes

We strongly oppose the minimum lot size in future LDRZ subdivisions to 1 acre. The State Government does not mandate all subdivisions having a minimum size and Council itself has done this in the Manse subdivision in Shelford.

C87 does not provide any form of compromise between "Inverleigh as we know it" and "Inverleigh as is proposed" in the Structure Plan, in relation to lot sizes. Like other submitters we strongly believe the Structure Plan contradicts itself and is misleading when suggesting there will be lot sizes larger than 0.4ha in the proposed LDRZ areas

There is no clarity about the position and status of Covenants in existing LDRZ Subdivisions. Especially where minimum lot sizes are protected by Covenants to 2 acres. Council has been putting misleading statements about saying that the existing covenants, put in for good town planning protection reasons, "are not worth the paper they are written on". Does this mean that Council intends to revoke them? What is the legal advice that supports these contentions? Who will pay the costs of the Supreme Court applications to remove the covenant protection?

Separately, it is inequitable that developers and landowners on broad acre farms can subdivide into 1 acre small blocks with no restriction, whereas those in other subdivisions off Common Road face financially draining legal costs of Supreme Court proceedings if there are objections to a subdivision of a 2 acre lot into two 1 acre lots.