

**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 DELWP<sup>4</sup>. 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 risk<sup>4</sup>.

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 again<sup>4</sup>. 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

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

conditions<sup>5,6</sup>. 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<sup>7,8</sup>) and that removal is the best *Acacia Paradoxa* management strategy<sup>9</sup>.

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

<sup>5</sup> 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

<sup>6</sup> 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>

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

<sup>8</sup> [https://www.naturalresources.sa.gov.au/files/sharedassets/botanic\\_gardens](https://www.naturalresources.sa.gov.au/files/sharedassets/botanic_gardens)

<sup>9</sup> 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 lightning<sup>10</sup>. 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.<sup>11</sup> 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.

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<sup>10</sup> [https://www.giss.nasa.gov/research/briefs/delgenio\\_07/](https://www.giss.nasa.gov/research/briefs/delgenio_07/)

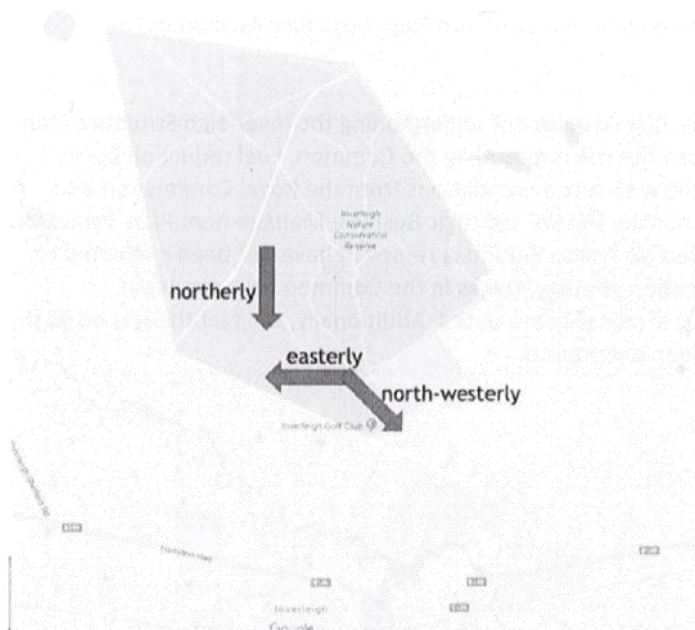


Figure 3 Map of the Common and Common Road with arrows indicating showing the direction ember, ash and smoke will be sent from the Common in case of a bushfire. Under Northerly and Easterly winds, the north-western part of Common Road will not be usable. With North-Westerly winds, the functionality of 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 refuge<sup>11</sup>. 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’<sup>12</sup>.

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 74<sup>11</sup> 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.”<sup>11</sup> This makes availability of a refuge quintessential for Growth area 3 as proposed in Amendment

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

<sup>12</sup> [https://cfaonline.cfa.vic.gov.au/mycfa/Show?pagelD=publicDisplayDoc&fname=2017/CIG-BSW-Inverleigh-3\\_00\\_78605.pdf](https://cfaonline.cfa.vic.gov.au/mycfa/Show?pagelD=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.



## AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN

### SUBMISSION FORM

PLEASE PROVIDE YOUR DETAILS BELOW

Name: .....	
Address: .....	
Contact telephone number: .....	
Email: .....	

PLEASE PROVIDE YOUR SUBMISSIONS BELOW

I have outlined my areas of concern below:

**Bush Fire Risk and Strategic Bush Fire Risk Assessment**  
 Amendment C87 to the Golden Plains Planning Scheme fails to adequately assess the bush fire risk imposed by Inverleigh Nature Conservation Reserve (The Common). The bush fire risk is underestimated, the proposed bush fire risk mitigation strategy is unsound, and Common Road will serve as only access/egress for residents from Common Road, Mannagum Estate and potential Growth Area 3, as alternatives will be inaccessible due to smoke and ember attack.  
 Amendment C87 to the Golden Plains Planning Scheme should be withdrawn because it builds on outdated information and planning practices. The Strategic Bushfire Risk Assessment underpinning the Amendment and its associated Structure Plan was conducted using an outdated strategy and weather data that are more than a decade old. Moreover, the current version of Planning Practice Notice 64 advises against planning developments in high bush fire risk areas and in areas with one access/egress, eliminating Growth Area 3 as an option for development.

**Educational Facilities Impact**  
 The number of children living in Inverleigh, and therefore the number of children wishing to attend Inverleigh Primary School, will increase by a minimum of 30% but easily up to 60% over the duration of the Structure Plan, yet there are no definitive commitments made to accommodate this growth.

**Retain Town Boundary**  
 I confirm I support Strategy 1.1 of Amendment C87 to the Golden Plains Planning Scheme. I think it is imperative the existing township boundary of Inverleigh is maintained to retain and preserve our small country town lifestyle and our small, but highly valued, community, as well as protect the natural landscape and environment features unique to our town, as we know it.

**Inverleigh Flora and Fauna Reserve Impact**  
 Amendment C87 to the Golden Plains Planning Scheme has the potential for detrimental impacts on the 1050-hectare Reserve known as the Inverleigh Nature Conservation Reserve and locally as The Common. These include the effects on registered critically endangered flora, sustainability of biodiversity and the safety and health of the Common's wildlife, and omission of rezoning the northern section of The Common from farming zone. The submission expands on these issues and provides some mitigations strategies to be considered with any new development.

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**Sustainability and Health of small-scale intensive agricultural businesses**

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 (something that was repeatedly highlighted in the Golden Plains Shire Inverleigh Structure Plan 2017 survey results). It is imperative that we protect, maintain and allow into the future, Golden Plains Shire’s own position of supporting and promoting productive and sustainable, diverse and intensive small scale 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.

**Unsewered lots**

I think it is imperative, from an environmental and conservation perspective, due to the potential leeching of septic runoff to the Leigh River (and through to the Barwon River) from the natural slope on Common Road toward the Leigh River, with unsewered blocks posing a risk of contamination of our local natural waterways, that an investigation on the cumulative output from the septic systems and their likely impact on the river should be done as part of the assessment and viability for this development to proceed. Data collection from Site CO\_LEI017 should be resumed ASAP to ensure data-driven insight in environmental changes and stormwater quality monitoring undertaken.

**Sustainable development in Inverleigh**

The current condition of the waterways running through and around Inverleigh are already under threat with relevant reports identifying the Leigh and Barwon rivers that large percentages are at poor or very poor condition, this report goes on to list the Key threats to the waterways as “Altered flow rates, eroded banks, damaged riparian vegetation and reduced water quality through sedimentation and effluent contamination”. Future development will further impact these “High Value and Priority Waterways”. If this alarms you, please read my overview on sustainable growth in Inverleigh and relevant facts that support my view.

**Diversity of lot size**

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.

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

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 which undermines the premise of Amendment C87 and the protections for the community. Supporting information includes 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 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.

**\*Please attach additional pages as necessary**

Signature..... Date .....

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**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.

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."<sup>1</sup>

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 Inverleigh<sup>2</sup>, 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.

<sup>1</sup> Local Government Inspectorate Report March 2013, page 7.

<sup>2</sup> 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)<sup>3</sup>.
- 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.<sup>4</sup>
- 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."<sup>5</sup> 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 study<sup>6</sup> 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 Plan<sup>7</sup>.
- 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 years<sup>8</sup>, refer transcript of community meeting.

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

<sup>4</sup> [www.goldenplains.vic.gov.au/sites/default/files/C87gpla%20Explanatory%20Report.pdf](http://www.goldenplains.vic.gov.au/sites/default/files/C87gpla%20Explanatory%20Report.pdf)

<sup>5</sup> [www.goldenplains.vic.gov.au/sites/default/files/C87gpla%20Explanatory%20Report.pdf](http://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](http://www.goldenplains.vic.gov.au/residents/my-home/planning/strategic-planning), downloaded 30 September 2019

<sup>6</sup> Inverleigh Structure Plan - Development Feasibility Study Package - Attachment K.

<sup>7</sup> Strategic planning page - [www.goldenplains.vic.gov.au/residents/my-home/planning/strategic-planning](http://www.goldenplains.vic.gov.au/residents/my-home/planning/strategic-planning), downloaded 30 September 2019

<sup>8</sup> 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 development<sup>9</sup> 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 completed<sup>10</sup>, and not risk assessed<sup>11</sup> 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."<sup>12</sup> 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."<sup>13</sup>
- 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 improvement<sup>14</sup>.
- 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

<sup>9</sup> Golden Plains Planning Scheme Amendment C74 Panel Report sections 4.3 and 4.4.

<sup>10</sup> Infrastructure Design Manual sections 12.9.2, 20.3.3, 20.3.4, 20.3.5.

<sup>11</sup> Golden Plains Shire minutes 23 July 2019.

<sup>12</sup> Golden Plains Shire website downloaded 4 October 2018.

<sup>13</sup> Golden Plains Shire minutes 28 January 2014.

<sup>14</sup> 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 hectares<sup>15</sup>.

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 areas<sup>16</sup>.

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 management<sup>17</sup>.

- 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.<sup>18</sup>
- According to the Golden Plains Shire<sup>19</sup> 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 picture<sup>20</sup>. The Inverleigh Structure Plan identifies the goal for growth over a 15-year period (which aligns with Victorian Planning Provisions 11.02-1S) and a forecast of dwellings over 20 years at about 27 new houses per year.<sup>21</sup>

<sup>15</sup> Golden Plains Planning Scheme Amendment C74 Panel Report, page 11.

<sup>16</sup> Golden Plains Planning Scheme Amendment C74 Panel Report, page 18.

<sup>17</sup> Golden Plains Planning Scheme Amendment C74 Panel Report, page 1 and 10.

<sup>18</sup> Golden Plains Planning Scheme Amendment C74 Panel Report, page 22.

<sup>19</sup> 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.

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

<sup>21</sup> 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.<sup>22</sup>
- 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.<sup>23</sup>
- 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)<sup>24</sup> 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.<sup>25</sup>
- 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,

<sup>22</sup> Golden Plains Planning Scheme Amendment C75 Panel Report 28 March 2018.

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

<sup>24</sup> 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.

<sup>25</sup> 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 elsewhere<sup>26</sup>.

- 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 split 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 date<sup>27</sup>, 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.<sup>28</sup>
- 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)<sup>29</sup>, 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

<sup>26</sup> Golden Plains Shire Confirmed Minutes 23 July 2019.

<sup>27</sup> 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](http://www.goldenplains.vic.gov.au/sites/default/files/Council%20Response%20-%20Progress%20Report%20-%20August%202019.pdf)

<sup>28</sup> Golden Plains Shire unconfirmed minutes for 24 September 2019 downloaded on 30 September 2019.

<sup>29</sup> Golden Plains Shire Annual Report page 104.  
[www.goldenplains.vic.gov.au/sites/default/files/GPSC%20Annual%20Report%202018\\_19.pdf](http://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 Parliament<sup>30</sup>.

- 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 settings<sup>31</sup>. 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)/agency<sup>32</sup>. 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

<sup>30</sup> [www.planning.vic.gov.au/policy-and-strategy/development-contributions](http://www.planning.vic.gov.au/policy-and-strategy/development-contributions)

<sup>31</sup> Golden Plains Shire Minutes 24 May 2016 downloaded 4 October 2019.

<sup>32</sup> [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](http://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."<sup>33</sup>

#### 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.<sup>34</sup> 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 register<sup>35</sup>.
- 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 died<sup>36</sup>.
- 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 organisations<sup>37</sup>. 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.

<sup>33</sup> [www.goldenplains.vic.gov.au/sites/default/files/J00643%20CSS%202018%20Golden%20Plains%20Shire%20Council%20Report.pdf](http://www.goldenplains.vic.gov.au/sites/default/files/J00643%20CSS%202018%20Golden%20Plains%20Shire%20Council%20Report.pdf)

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

<sup>35</sup> [www.goldenplains.vic.gov.au/residents/my-home/planning/heritage-planning](http://www.goldenplains.vic.gov.au/residents/my-home/planning/heritage-planning)

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

<sup>37</sup> [www.planning.vic.gov.au/resource-library/planning-practice-notes](http://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.<sup>38</sup>
- 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.

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



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## AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN SUBMISSION FORM

PLEASE PROVIDE YOUR DETAILS BELOW

Name: ..... [REDACTED] .....

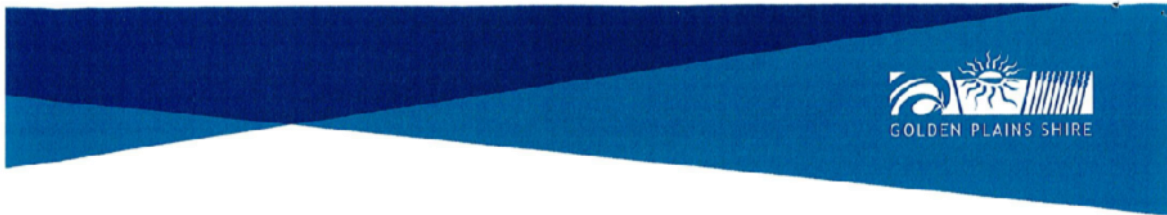
Address: ..... [REDACTED] .....

Contact telephone number: ..... [REDACTED] .....

Email: ..... [REDACTED] .....

PLEASE PROVIDE YOUR SUBMISSION BELOW:

AS a third generation member of the Inverleigh community, I believe that the proposed Amendment C87gpla to the Golden Plains Planning Scheme will have a detrimental affect on the amenity, infrastructure and aesthetic of Inverleigh as we now know it. Areas of concern are also detailed in the attachment. I am all for retaining the existing settlement boundary. I am for MODERATE population growth in the town within the existing boundary. I am **NOT** in favour of removing the minimum lot sizes of 1-4 hectares from areas zoned or earmarked for Low Density Residential Zone so that the minimum lot size of this zone defaults to the State Planning Policy minimum of 0.4 hectares, as I believe this is Developer driven and



will <sup>have</sup> be a huge detrimental impact on our whole community. Just the fact that this amendment has been raised (upon pressure from the developers) has already created a negative atmosphere amongst the community. Council is contradicting the results of the survey undertaken in 2018, whereby residents chose to live here for its rural village atmosphere and large lots, by presenting this proposed amendment. A diversity of lot sizes should be investigated for the extension of the Low Density Residential Zone from the Township Zone and Inverleigh Recreation Reserve in a westerly direction towards Phillips Road and Riverview Road. The majority of residents, as evident from the survey on the Town Structure Plan, only wish for Inverleigh to retain its small country town atmosphere rather than become a developer's blight on the landscape. The developers leave to move on to the next money making venture without a care for the resulting damage to our community. The GPS will not put infrastructure in place in a timely manner.

\*Please attach additional pages as necessary to cope with the increased population.

Signature: [REDACTED] Date: 16/10/19



## AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN SUBMISSION FORM

Name: [REDACTED]  
 Address: [REDACTED]  
 Contact telephone number: [REDACTED]  
 Email: [REDACTED]

I have outlined my areas of concern below:

**Bush Fire Risk and Strategic Bush Fire Risk Assessment**  
 Amendment C87 to the Golden Plains Planning Scheme fails to adequately assess the bush fire risk imposed by Inverleigh Nature Conservation Reserve (The Common). The bush fire risk is underestimated, the proposed bush fire risk mitigation strategy is unsound, and Common Road will serve as only access/egress for residents from Common Road, Marnagum Estate and potential Growth Area 3, as alternatives will be inaccessible due to smoke and ember attack. Amendment C87 to the Golden Plains Planning Scheme should be withdrawn because it builds on outdated information and planning practices. The Strategic Bushfire Risk Assessment underpinning the Amendment and its associated Structure Plan was conducted using an outdated strategy and weather data that are more than a decade old. Moreover, the current version of Planning Practice Notice 64 advises against planning developments in high bush fire risk areas and in areas with one access/egress, eliminating Growth Area 3 as an option for development.

**Educational Facilities Impact**  
 The number of children living in Inverleigh, and therefore the number of children wishing to attend Inverleigh Primary School, will increase by a minimum of 30% but easily up to 60% over the duration of the Structure Plan, yet there are no definitive commitments made to accommodate this growth.

**Retain Town boundary**  
 I confirm I support Strategy 1.1 of Amendment C87 to the Golden Plains Planning Scheme. I think it is imperative the existing township boundary of Inverleigh is maintained to retain and preserve our small country town lifestyle and our small, but highly valued, community, as well as protect the natural landscape and environment features unique to our town, as we know it.

**Inverleigh Flora and Fauna Reserve Impact**  
 Amendment C87 to the Golden Plains Planning Scheme has the potential for detrimental impacts on the 1050-hectare Reserve known as the Inverleigh Nature Conservation Reserve and locally as The Common. These include the effects on registered critically endangered flora, sustainability of biodiversity and the safety and health of the Common's wildlife, and omission of rezoning the northern section of The Common from farming zone. The submission expands on these issues and provides some mitigations strategies to be considered with any new development.

*Handwritten mark*



**Sustainability and Health of small-scale intensive agricultural businesses**

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 (something that was repeatedly highlighted in the Golden Plains Shire Inverleigh Structure Plan 2017 survey results). It is imperative that we protect, maintain and allow into the future, Golden Plains Shire's own position of supporting and promoting productive and sustainable, diverse and intensive small scale 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.

**Unsewered lots**

I think it is imperative, from an environmental and conservation perspective, due to the potential leeching of septic runoff to the Leigh River (and through to the Barwon River) from the natural slope on Common Road toward the Leigh River, with unsewered blocks posing a risk of contamination of our local natural waterways, that an investigation on the cumulative output from the septic systems and their likely impact on the river should be done as part of the assessment and viability for this development to proceed. Data collection from Site CO\_LE017 should be resumed ASAP to ensure data-driven insight in environmental changes and stormwater quality monitoring undertaken.

**Sustainable development in Inverleigh**

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**Diversity of lot size**

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 IDRZ areas.

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

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 which undermines the premise of Amendment C87 and the protections for the community. Supporting information includes 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 steging of development to meet the stated moderate growth goal of 27 homes per year, 4) Local Government Inspectorate Report March 2019, 5) lack of transparency of agency/developer contributors, 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.

\*Please attach additional pages as necessary

Signature: [Redacted] Date: 16/10/19



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## AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN SUBMISSION FORM

PLEASE PRINT OR TYPE YOUR NAME AND ADDRESS

Name: [REDACTED]

Address: [REDACTED]

Contact telephone number: [REDACTED]

Email: [REDACTED]

PLEASE PRINT OR TYPE YOUR COMMENTS

I have outlined my areas of concern below:

**Bush Fire Risk and Strategic Bush Fire Risk Assessment**  
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\*Please attach additional pages as necessary

Signature



Date

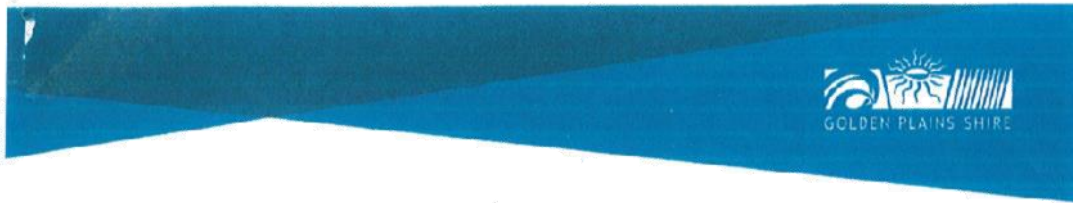
14/10/19

☎ 5220 7111

📍 PO Box 111, Bannockburn VIC 3331

🌐 goldenplains.vic.gov.au

✉ enquiries@gplains.vic.gov.au



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## AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN SUBMISSION FORM

PLEASE PRINT OR TYPE CLEARLY

Name: [REDACTED]

Address: [REDACTED]

Contact telephone number: [REDACTED]

Email: [REDACTED]

PLEASE PRINT OR TYPE CLEARLY

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\*Please attach additional pages as necessary

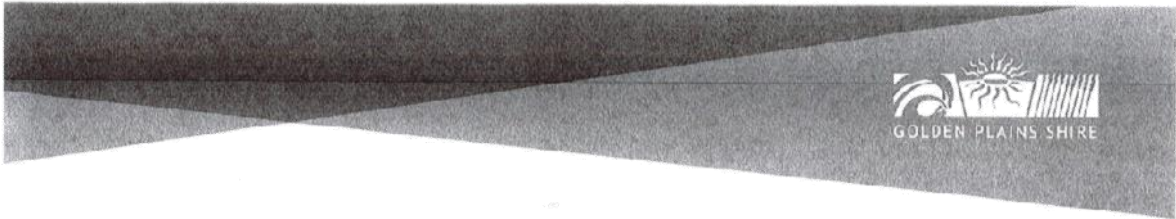
Signature:  Date 11 10 2019

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PO Box 111, Bannockburn VIC 3331

goldenplains.vic.gov.au

enquiries@gplains.vic.gov.au



## AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN SUBMISSION FORM

Name: [REDACTED]

Address: [REDACTED]

Contact telephone number: [REDACTED]

Email: .....

I do not support the proposed amendment C87gpla on the following grounds.

Removing the minimum lot sizes of 1.4 hectares to a minimum of .4 hectares will be detrimental to the quality of the rural living aspects of Inverleigh. Inverleigh has a very rural feel and this is one of the major reasons many residents including myself, choose to live here.

Reducing lot sizes creates many negative results traffic, stormwater drainage, pressure on already limited infrastructure and increasing problems for local wildlife and flora.

This amendment contradicts all positive aspects that have made Inverleigh a good place to live.



Regarding planned development work on Common rd,  
as we are currently working through organic  
certification application processes, we cannot allow  
any contaminated stormwater to enter our  
property. The proposed settling-retarding dam  
located adjacent to my property will negatively  
impact on my income if additional stormwater  
is allowed to flow.

**\*Please attach additional pages as necessary**

Signature  Date 13/10/2019.



## AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN SUBMISSION FORM

PLEASE PROVIDE YOUR DETAILS BELOW

Name: .....  
 Address: .....  
 Contact telephone number: .....  
 Email: .....

PLEASE PROVIDE YOUR SUBMISSION BELOW:

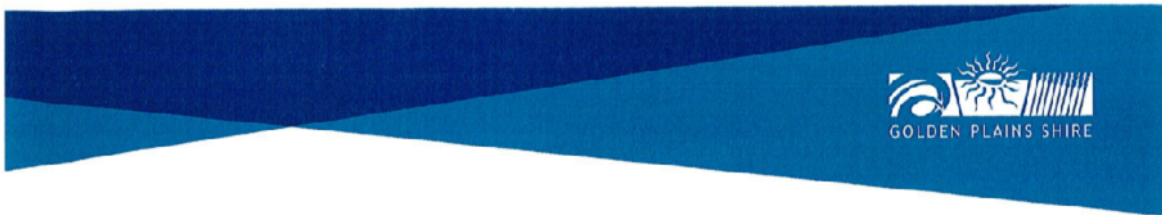
THANK YOU FOR the opportunity to make comments on the proposed Planning changes.

Overall a lot of good ideas such as the Biolink and any possible extension of the current public access on the north side of the Leigh river.

Also good to see Agricultural land is protected.

Some of the issues that are not adequately addressed are as follows.

- High fire risks of Common. More info needed on the setbacks and other measures taken to minimize risks of fire.



- Lack of water currently from town supply, especially on hot days. Won't help the fire situation. Water needs a big upgrade if much more housing is to be built.

Common Rd + Popes Plains road need major works done to carry a lot more traffic.

Also Twin bridges on Teesdale rd need overhaul

- Possibly have slightly larger block sizes closer to the river to help with seepage from septic tanks.

- No real mention of light industry.

Good to see the west side of town is being encouraged. Water once again is an issue there.

Please keep the community informed with progress.

So far so good.

Thank you,

\*Please attach additional pages as necessary

Signature 

Date 13-10-2019.



# AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN

## SUBMISSION FORM

PLEASE PROVIDE YOUR DETAILS BELOW

Name: [REDACTED]

Address: [REDACTED]

Contact telephone number: [REDACTED]

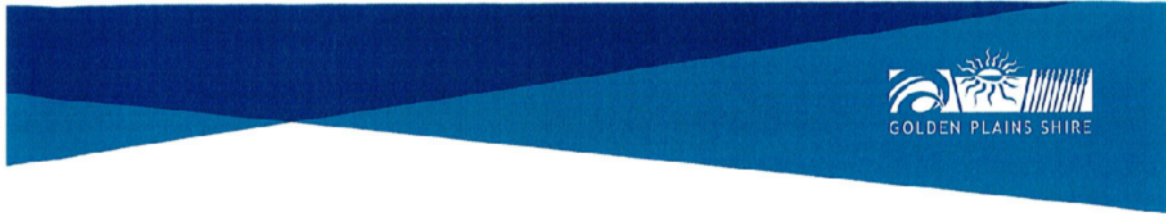
Email: [REDACTED]

PLEASE PROVIDE YOUR SUBMISSION BELOW:

WITH THE INCREASED DEMAND, HOW ARE THE FOLLOWING ISSUES GOING TO BE ADDRESSED?

- WATER PRESSURE (CURRENTLY SO BAD I CAN <sup>NOT</sup> RAN HOSE THEN ONE HOSE AT A TIME ON 2.5 ACRES)
- INTERNET SPEED - PHONE LINES
- ROADS
- LOCAL SHOPPING
- POST OFFICE WITH NO LOCAL DELIVERY AND WAIT ON PO BOXES





A large rectangular area containing horizontal dotted lines, intended for handwritten notes or a signature.

**\*Please attach additional pages as necessary**

Signature.....  ..... Date ..... 2-10-2019 .....



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# AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN

## SUBMISSION FORM

①

PLEASE PROVIDE YOUR DETAILS BELOW

Name: [REDACTED]

Address: [REDACTED]

Contact telephone number: [REDACTED]

Email: [REDACTED]

PLEASE PROVIDE YOUR SUBMISSION BELOW:

I oppose removing the minimum lot size from 1-4 hectares to the State Planning Policy minimum of 0.4 hectares. The proposed subdivision of the land adjacent to the Inverleigh Conservation Reserve, part of it has been rezoned to 0.4 hectares lots and the remainder is still zoned farming. I oppose rezoning the remainder of the land on the following grounds. As this land is adjacent to the Inverleigh Reserve and the high River it contains significant habitat for the native animals eg kangaroos and wallabies that live in the Reserve. They need access to the river that the proposed subdivision which contains one 60m bridge in a stretch of land that is 2.5 km long. Developing this land further will deprive the kangaroos & wallabies from water and

PTO



②

remnant grasslands. Therefore I propose that the land be protected under Schedule 1 to Clause 42-02 Vegetation Protection Overlay <sup>of the 4185 Planning Scheme.</sup> which states to protect remnant grasslands. The proposed changing of the remainder of 385 Common Rd from Farming Zone to Low Density Residential Zone does not/will not conserve or enhance the area. It does not/will not preserve the natural habitat environment or vegetation. It does not/will not recognise the vital role that these grasslands have in conserving the local native flora and fauna in the provision of food. It does not or will not follow the recommendation of under the Flora and Fauna Guarantee Act.

\* Rezoning the remainder of 385 Common Rd Inverleigh from Farming Zone to Low Density Residential Zone 0.4 hectares will is in contradiction of the Golden Plains Planning Scheme 15-01-55 it does not recognise, support and protect neighbourhood character and cultural identity and sense of place

\*Please attach additional pages as necessary

Signature 

Date 13-10-2019



③

of Inverleigh as a rural, country town  
 The siting and scale of the proposed future zoning and subdivision is in direct contradiction of 15-01-65 of the Golden Plains Planning Scheme.  
 As per Golden Plains Planning Scheme under Subdivision Design 15-01-35 the proposed minimum size 0.4 hectare and future zoning of farming land to Low Density Residential Zone does not achieve the objective of attractive, safe, accessible, diverse and sustainable, there is no diversity of block sizes, Common Rd is not safe, it is not sustainable for the local kangaroos and wallabys that rely on the remnant grassland for food. The density of housing and the loss of wildlife due to collision with increased traffic and loss of habitat will detract from the quality of life/living to Inverleigh it is renowned for its wildlife and relaxed country lifestyle.

\*Please attach additional pages as necessary

Signature [REDACTED] Date 13-10-2019



## AMENDMENT C87gpla – INVERLEIGH STRUCTURE PLAN SUBMISSION FORM

PLEASE PROVIDE YOUR DETAILS BELOW

Name: [REDACTED]

Address: [REDACTED]

Contact telephone number: [REDACTED]

Email: [REDACTED]

PLEASE PROVIDE YOUR SUBMISSION BELOW:

In making further adjustments to land size and zoning, consideration should be given to 'tidying up' any zoning anomalies that may exist in the township.

Our current residential address is an example of this; 2 acres of land but zoned as FARM/AG. This land given size and use should be re-zoned LOR2 to be consistent with other land across the township.

A review process would be developed to help us scenarios such as this.