



AGENDA

Ordinary Council Meeting

6.00pm Tuesday 26 March 2019

VENUE:
Bannockburn Shire Hall
Council Chambers
12 High Street, Bannockburn

NEXT ORDINARY COUNCIL MEETING
6.00pm Tuesday 23 April 2019

Copies of Golden Plains Shire Council's Agendas & Minutes
Can be obtained online at www.goldenplains.vic.gov.au

Code of Conduct Principles

WORKING TOGETHER

We Councillors will:

- acknowledge and respect that a diversity of opinion exists among us;
- recognise that each of us has different life experience, knowledge and values, and that all of these contribute collectively to our discussions;
- behave with courtesy towards each other, Council officers and our citizens;
- conform to the policy and precedents that guide the conduct of meetings;
- attend punctually and participate in all relevant meetings, workshops and briefings;
- share reasonably in the representation, ceremonial and hosting tasks of the full Council; and
- honour the majority decisions made by the Council, irrespective of our own position, and explain these decisions frankly to the community, once made.

BEHAVING WITH INTEGRITY

We Councillors will:

- identify our financial and personal interest, or potential interest, in any matter that comes before the Council;
- be honest and truthful;
- comply with laws and the regulations deriving there from;
- respect Council property and be frugal in its use, where allowed;
- avoid using our position for personal gain or to achieve advantage over others or to obtain preferential treatment;
- be sympathetic to the legitimate concerns of our citizens;
- act impartially when making decisions and have due regard to the needs of the community as a whole, rather than that of narrow vested interest; and
- acknowledge the role of Council officers in providing advice to us and in implementing Council decisions.

MAKING COMPETENT DECISIONS

We Councillors will:

- without diminishing the short term focus, approach decisions with due regard to the long term needs of the municipality;
- form policies with regard to the needs of the entire Shire;
- direct our attentions to the strategic and statutory needs of the municipality rather than short term, transient, operational issues;
- seek to fully inform ourselves on the issues before Council before making a decision;
- take all reasonable steps to improve our knowledge of matters relevant to our municipal duties; and
- use and respect the professional knowledge of Council officers and other advisers to Council.

Order Of Business

1	Opening Declaration	5
2	Acknowledgement of Country	5
3	Apologies and Leave of Absence	5
4	Confirmation of Minutes	5
5	Declaration of Conflict of Interest	5
6	Business Reports for Decision	6
6.1	International Women's Day recognition	6
6.2	Delegates Report - 26 February 2019 to 25 March 2019.....	7
6.3	Amendment C74 - Adoption of the Amendment and Receipt of the Panel Report	8
6.4	Adoption of Inverleigh Structure Plan	63
6.5	G21 Regional Hockey Strategy - Adoption	234
6.6	Community Engagement Strategy Update (2016-2020) - Annual Review.....	292
6.7	Council Plan (2017-2021) Annual Review	294
6.8	Communications and Marketing Strategy 2019-21 (Adoption).....	296
6.9	Rural Councils Transformation Projects - Lodgement of Business Cases	310
6.10	Teesdale-Lethbridge Road - Road Widening Works (Contract No. GPS-RFT-02-2019) - Awarding of Tender.....	314
6.11	Audit & Risk Committee - Allowances for Independent Members	318
6.12	Assembly of Councillors	320
7	Notices of Motion	323
	Nil	
8	Petitions	323
9	Confidential Items	323
	Nil	

1 OPENING DECLARATION

We the Councillors of Golden Plains Shire declare that we will undertake, on every occasion, to carry out our duties in the best interest of the community and that our conduct shall maintain the standards of the code of good governance so that we may faithfully represent and uphold the trust placed in this Council by the people of Golden Plains Shire.

2 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the traditional Wadawurrung owners of this land. Council pays its respects to Wadawurrung Elders both past and present and extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.

3 APOLOGIES AND LEAVE OF ABSENCE**4 CONFIRMATION OF MINUTES**

That the minutes of the meeting of Council, 26 February 2019 as circulated, be confirmed.

5 DECLARATION OF CONFLICT OF INTEREST

6 BUSINESS REPORTS FOR DECISION

6.1 INTERNATIONAL WOMEN'S DAY RECOGNITION

File Number:

Author: Georgie Fuller, Events Officer

Authoriser: Steven Sagona, Acting Community Services Director

Attachments: Nil

International Women's Day was held on Friday 8 March 2019, celebrating the social, cultural, economic and political achievements of women while also campaigning for greater progress towards gender equality.

As part of International Women's Day celebrations, Council undertook a social media campaign in the lead up to 8 March which featured eleven local women who were invited to participate in filmed interviews about their activities and achievements. The women invited to participate were identified by Council staff based on geographic spread across the shire and other factors such as their engagement in community and Council activities, or professional achievements.

The eleven women featured in ten videos which generated more than 7,000 views across the Council and Mayor Facebook pages alone, with potential reach on Council's Twitter feed of up to 3,000 people per video. The series was also well supported and shared by local organisations such as G21 and Geelong Regional Libraries.

A compilation of the interviews will be shown at the Council meeting and is available at <https://www.goldenplains.vic.gov.au/news/international-womens-day-video>

Each of the eleven women have been invited to the Council Meeting to be presented with a certificate of acknowledgement by the Mayor on behalf of Council: The eleven women are:

- Dr Fiona Gray (Maude)
- Julie Kaye (Works in Bannockburn)
- Zoe Lugg (Shelford)
- Patti Manolis (Batesford)
- Barbara Phillips (Inverleigh)
- Diane Ritchie (Meredith)
- Ailish Seaton (Teesdale)
- Noeline Trevor (Bannockburn)
- Kylie Turville (Linton)
- Lauren Ware (Steiglitz)
- Claire Whiteley (Teesdale)

In addition, councillors have nominated three other local women for acknowledgement:

- Alice Knight OAM (Linton)
- Shannon Robinson (Bannockburn)
- Andrea Van Der Meer (Teesdale)

6.2 DELEGATES REPORT - 26 FEBRUARY 2019 TO 25 MARCH 2019

File Number: 78-07-002
Author: Sharon Naylor, Executive Assistant - Chief Executive Officer
Authoriser: Eric Braslis, CEO
Attachments: Nil

Cr Owen Sharkey

26 February Council Meeting
1 March CHCV Meeting to Incorporate
3 March Avalon Air Show
4 March Bannockburn Probus Club AGM
6 March Committee for Ballarat Member meeting
7 March Tourism Greater Geelong and the Bellarine Board meeting
14 March Meeting with Stuart Grimley MP
15 March Meeting with Gayle Tierney MP
18 March Local Government Round Table Forum
19 March Councillor Briefing meeting
22 March Tourism Greater Geelong and the Bellarine Chairman's lunch
25 March Reception for the MAV Technology National Conference

6.3 AMENDMENT C74 - ADOPTION OF THE AMENDMENT AND RECEIPT OF THE PANEL REPORT

File Number:**Author:** Laura Wilks, Strategic Planning Team Leader**Authoriser:** Greg Anders, Director Assets and Amenity**Applicant:****Owner:****Proposal:** Rezone Land from Farming Zone to Low Density Residential Zone and apply the Design and Development Overlay Schedule 5 and the Development Plan Overlay Schedule 16**Location:** Lot 1 on TP372637J and Lot 1 on TP397040G at 230 Hopes Plains Road, Inverleigh**Attachments:**

1. C74 Panel Report
2. C74 Amendment Documents

RECOMMENDATION

That Council;

1. Receive the Panel Report for Amendment C74, noting the recommendations contained within.
2. Adopt Amendment C74, shown as Attachment 2 in accordance with the Panel Report, to rezone land at 230 Hopes Plains Road, Inverleigh from Farming Zone to the Low Density Residential Zone, and applies the Design and Development Overlay Schedule 5 (DDO5) and the Development Plan Overlay Schedule 16 (DPO16) to the subject land.
3. Request the Minister for Planning to approve Amendment C74 in accordance with Section 31(1) of the Planning and Environment Act 1987.

EXECUTIVE SUMMARY

Amendment C74 proposes to rezone part of the land at 230 Hopes Plains Road, Inverleigh from Farming Zone to the Low Density Residential Zone. This report invites Councillors to consider the recommendations from a Panel report dated 16 January 2019 prepared in relation to Amendment C74. A resolution is required before the Amendment can be sent to the Minister of Planning for approval.

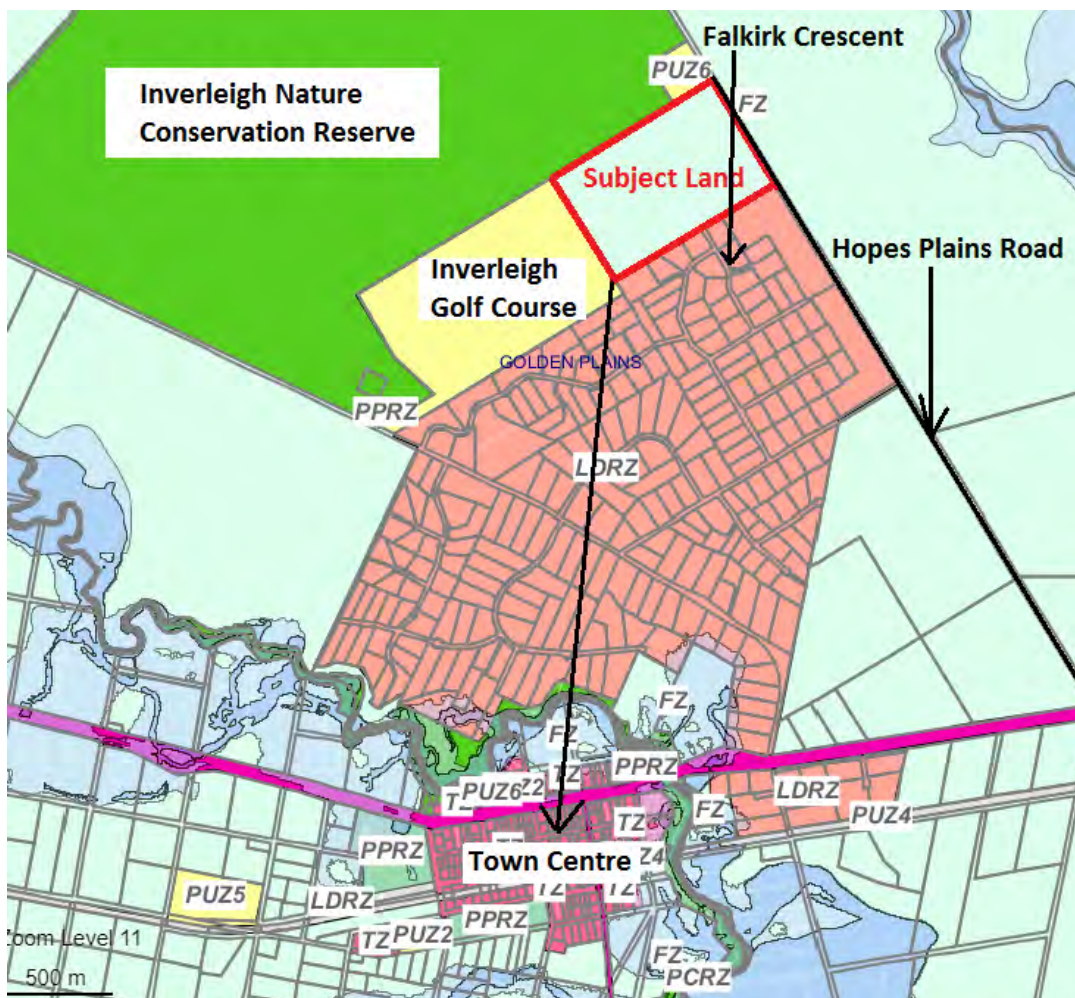
BACKGROUND INFORMATION

The amendment proposes to apply the DPO16 to the subject land. The DPO16 requires that a development plan be lodged prior to subdivision. It includes a number of requirements for the provision of basic infrastructure and ensures consideration of infrastructure requirements across the site and in regard to existing nearby land. It requires demonstration of the staging of future development and the provision of a number of specific background reports. It also requires the entering into of a Section 173 agreement as a condition of a planning permit for subdivision, which includes amongst other matters the upgrade of the Hamilton Highway and Hopes Plains Road intersection, sealing of a section of Hopes Plains Road and a contribution towards the ongoing maintenance of Hopes Plains Road. A copy of the proposed DPO16 is provided at attachment 2.

The amendment also applies the existing Design and Development Overlay Schedule 5 (DDO5). The DDO5 is an existing schedule which applies to Low Density Residential Zoned areas in Golden Plains Shire. This schedule requires a planning permit for a dwelling if certain minimum setbacks are not met in relation to roads, boundaries and dwellings not in the same ownership.

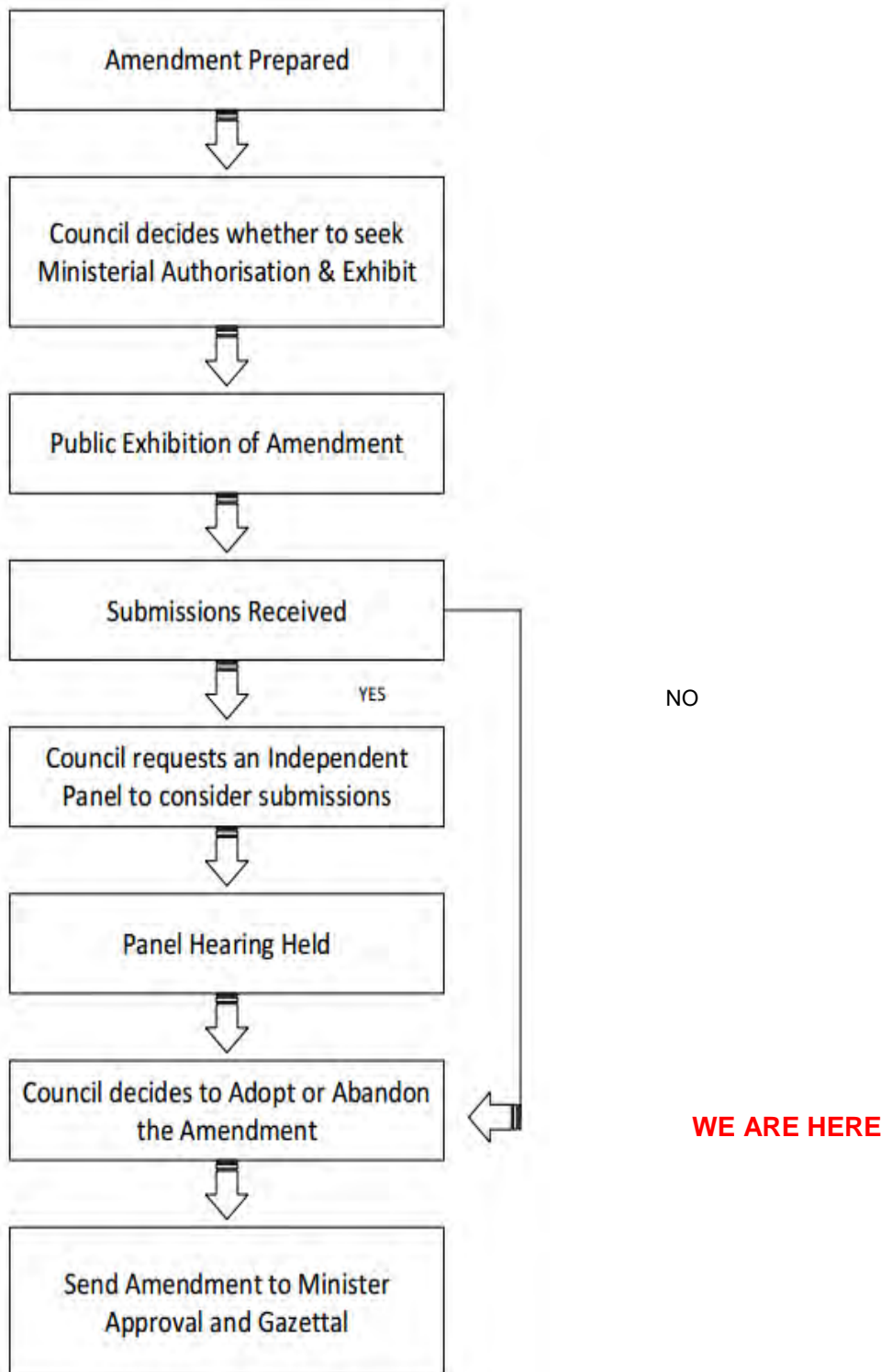
The amendment land (the site) has an area of 41.7 hectares and is located approximately 2.7 kilometres north-east of the Inverleigh town centre. The current Inverleigh Structure Plan is included in the schedule to the LDRZ and requires the land to be developed with 1 hectare lots, or where the land adjoins the Inverleigh Flora and Fauna reserve and Inverleigh Golf Course 2 hectare lots. It is anticipated the developer will only apply for a planning permit to subdivide the land if and when the minimum lot size is removed as a result of the new Inverleigh Structure Plan. The new Structure Plan proposes to allow lots to have an area of 4000 square metres consistent with the LDRZ. Land capability assessments have determined that with careful planning, lots with a minimum area of 4000 square metres would be capable of treating waste water within allotment boundaries. At 4000 square metres the likely yield of the land is between 60 to 70 new lots.

The Map below identifies the location of the land subject to the rezoning in the context of the Inverleigh Township.



Map 1: Subject land in relation to Inverleigh

The key steps in the Amendment process are summarised below:



The Amendment was supported by technical assessments that addressed bushfire planning, cultural heritage, land capability, stormwater management, traffic and vegetation. Amendment C74 was exhibited in accordance with the requirements of Section 19 of the Planning and Environment Act 1987. Eight (8) submissions were received during the exhibition period. Two (2) submitters presented to a Panel Hearing held on 17 December 2018.

The Panel Report provided at Attachment 1 was received by Council on 16 January 2019. The report was circulated to those individuals who appeared at the Panel Hearing on 29 January 2019.

DISCUSSION

The Panel supports the adoption of the Amendment subject to some minor changes to the exhibited DPO16. In summary the changes to DPO16 are as follows:

- The inclusion of a requirement for a perimeter road constructed to an all-weather standard on the western, northern and eastern boundaries.
- Stormwater discharging from the site to be limited to pre-development flows or less.
- The requirement for a Land/Bushfire Management Plan.
- The requirement for an environmental site assessment.

The final DPO16 for adoption is provided as part of Attachment 2. This version has been reviewed by DELWP to ensure it is consistent with the ministerial direction on form and content.

CONSULTATION

Any further consultation with regards to the amendment is not required. Further consultation with the CFA and the applicant will be required to ensure the Development Plan and future subdivision is to the satisfaction of the responsible authority and the CFA (where necessary). This is particularly relevant for the consideration of the 6 metre wide emergency access and egress perimeter road.

CONFLICT OF INTEREST

In accordance with Section 80B of the Local Government Act 1989, the Officer preparing this report declares no conflict of interest in regards to this matter.

CONCLUSION

Council has received the Panel report for Amendment C74 which recommends the application of the Development Plan Overlay Schedule 16 with some changes as discussed. This recommendation is supported by Council Officers.

Planning and Environment Act 1987

Panel Report

Golden Plains Planning Scheme Amendment C74
230 Hopes Plains Road, Inverleigh

16 January 2019



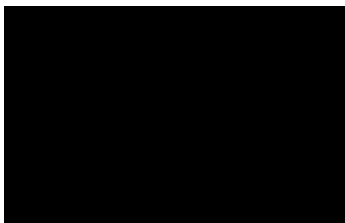
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Golden Plains Planning Scheme Amendment C74

230 Hopes Plains Road, Inverleigh

16 January 2019



Contents

	Page
1 Introduction.....	0
1.1 The Amendment.....	0
1.2 Summary of issues raised in submissions	3
1.3 Post-exhibition changes to the Amendment	4
1.4 Issues dealt with in this Report	4
2 Planning context	6
2.1 Planning policy framework.....	6
2.2 Other relevant planning strategies and policies	9
2.3 Planning scheme provisions	10
2.4 Amendment VC148	11
2.5 Ministerial Directions and Practice Notes.....	11
2.6 Discussion and conclusion.....	12
3 Bushfire risk.....	13
3.1 The issue.....	13
3.2 Bushfire planning policy.....	13
3.3 Evidence and submissions.....	16
3.4 Discussion	22
3.5 Conclusions.....	24
4 Stormwater management	25
4.1 The issue.....	25
4.2 Stormwater management policy.....	25
4.3 Submissions.....	26
4.4 Discussion	28
4.5 Conclusions.....	29
5 Form and content of Development Plan Overlay Schedule 16	30
5.1 Post-exhibition changes	30
Appendix A Submitters to the Amendment	
Appendix B Document list	
Appendix C Panel preferred version of Schedule 16 to the Development Plan Overlay	



List of Figures

	Page
Figure 1 The site and context within Inverleigh.....	1
Figure 2 Extent of BMO mapping on the site.....	1
Figure 3 Inverleigh Structure Plan, 2005.....	10
Figure 4 A potential fire scenario extracted from Council’s draft Strategic Bushfire Risk Assessment for the Inverleigh Structure Plan, 2018.....	17
Figure 5 Proposed response measures to bushfire risk.....	20
Figure 6 Drainage sub-catchments.....	26
Figure 7 Conceptual stormwater drainage treatment.....	27

Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
AEP	Annual Exceedance Probability
BMS	Bushfire Management Statement
BRAR	Bushfire Risk Assessment and Response to Clause 13.02
Council	Golden Plains Shire Council
DELWP	Department of Environment, Land, Water and Planning
DDO	Design and Development Overlay
DPO	Development Plan Overlay
EPA	Environment Protection Authority
FZ	Farming Zone
ISP	Inverleigh Structure Plan, 2005
ISP, 2018	Inverleigh Structure Plan, 2018 Review
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
PCRZ	Public Conservation and Resource Zone
PPF	Planning Policy Framework
PUZ	Public Use Zone
SMP	Stormwater Management Plan



Overview

Amendment summary	
The Amendment	Golden Plains Planning Scheme Amendment C74
Common name	230 Hopes Plains Road, Inverleigh
Brief description	Rezone the land from Farming Zone to Low Density Residential Zone and apply Schedule 5 of the Design and Development Overlay and introduce and apply Schedule 16 of the Development Plan Overlay
Subject land	Lot 1 TP372637J and Lot 1 TO397040G, part of 230 Hopes Plains Road, Inverleigh
The Proponent	[REDACTED]
Planning Authority	Golden Plains Shire Council
Authorisation	13 February 2018
Exhibition	Initial exhibition 23 March to 12 May 2017 without development Plan Overlay Schedule 16 and re-exhibition 15 August to 25 September 2018 with the inclusion of Development Plan Overlay Schedule 16
Submissions	Number of Submissions: eight (8) Opposed (unresolved issues): two (2). Refer to Appendix A
Panel process	
The Panel	[REDACTED]
Directions Hearing	Bannockburn, 26 November 2018
Panel Hearing	Bannockburn, 17 December 2018
Site inspections	Unaccompanied, 26 November 2018
Appearances	[REDACTED]
Citation	Golden Plains Planning Scheme PSA C74 [2019] PPV
Date of this Report	16 January 2019



Executive summary

Golden Plains Planning Scheme Amendment C74 (the Amendment) seeks to rezone land described as Lot 1 TP372637J and Lot 1 TP397040G, part of 230 Hopes Plains Road (the site), Inverleigh from the Farming Zone to the Low Density Residential Zone to facilitate low density residential development on the site. The Design and Development Overlay Schedule 5 (Low Density Residential Zone Setback) is proposed to be applied to the site and the Development Plan Overlay Schedule 16 (Barrabool Views North) is proposed to be introduced into the planning scheme and applied to the site.

Key issues raised in submissions included:

- Bushfire risk
- Stormwater management.

Although there was some expression of concern from the Country Fire Authority (CFA) that the Amendment had failed to strategically consider bushfire risk, the Panel found that Council and the Proponent (the Ramsey Property Group) had utilised the Panel process to undertake a substantial amount of work to address bushfire planning policy and the strategic merits of the Amendment.

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.

The Panel notes that, although the whole of the site would be rezoned to LDRZ under the Amendment, the planning control framework established under DPO16 does not necessarily mean that all of the site would be developed because of the need to accommodate appropriate bushfire risk mitigation measures. These measures include provision of acceptable defendable space areas and additional buffer setbacks that respond to the broader landscape risk to bushfire.

Regarding stormwater management, the Panel is satisfied that the provisions of DPO16 under the Amendment can appropriately address this issue and that stormwater flows from any future development of the site can be managed to avoid aggravating downstream flood risks.

The Panel concludes:

- The Amendment has appropriately addressed bushfire planning policy through the Panel process, as sought by the CFA. Documentation prepared by Council and the Proponent including the expert evidence of Ms Steel has ensured that bushfire risk has been considered at a strategic level and also somewhat on a statutory level through the preparation of a Bushfire Management Statement.
- Bushfire policy in relation to settlement planning requires the protection of human life, as a priority to be considered above all other policies. This includes the current

strategic policy in the planning scheme that identifies the site as a location for future population growth. The Panel is satisfied this has been undertaken.

- The Amendment has demonstrated that it is consistent with ensuring that population growth and development is directed to a low risk location, being one that has been assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre and an area where a BAL 12.5 rating can be achieved.
- The provision of a perimeter road is appropriate along the western, northern and eastern boundaries of the site and constructed to an all-weather standard. The Panel also supports other post-exhibition changes suggested by Council, the Proponent and the CFA to respond to bushfire risk. This includes the provision of any additional buffer setback of development from the Inverleigh Nature Conservation Reserve to reflect its role in the broader landscape contribution to bushfire risk. Any additional setback should be assessed in consultation with the CFA and to Council's satisfaction.
- Stormwater management can be appropriately provided under the Amendment through the provisions of Development Plan Overlay Schedule 16.

Overall, the Panel supports the Amendment subject to changes to Schedule 16 to the Development Plan Overlay to incorporate appropriate post-exhibition changes.

Recommendations

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

- 1. Golden Plains Planning Scheme Amendment C74 be adopted as exhibited subject to the following change:**
 - a) Amend the Development Plan Overlay Schedule 16 as shown in the Panel preferred version at Appendix C of this report.**

1 Introduction

1.1 The Amendment

(i) Amendment description

Amendment C74 to the Golden Plains Planning Scheme (the Amendment) applies to part of 230 Hopes Plains Road, Inverleigh and described as Lot 1 TP372637J and Lot 1 TP397040G (the site). Figure 1 shows the location of the site and its context within Inverleigh.

The Amendment proposes to rezone the site from Farming Zone (FZ) to Low Density Residential Zone (LDRZ). The Amendment also seeks to apply Schedule 5 (Low Density Residential Zone Setbacks) to the Design and Development Overlay (DDO5) and introduce and apply Schedule 16 (Barrabool Views North) to the Development Plan Overlay (DPO16).

The site is currently partly affected by the Bushfire Management Overlay (BMO), which is to be retained and unaffected by the Amendment¹ (refer to Figure 2).

The Amendment request was lodged by the Ramsey Property Group (the Proponent). The purpose of the Amendment is to facilitate low density residential development in an area that was identified in the Inverleigh Structure Plan 2005 (ISP) as *longer term growth area (1-2 ha)*.

The DDO5 is a current overlay control in the Golden Plains Planning Scheme (the planning scheme) and seeks to protect the low density residential character and amenity of the area by applying various setbacks from roads, boundaries and dwellings that are not in the same ownership. These setbacks seek to ensure a sense of space within the area.

The DPO16 was not proposed under the Amendment during the initial exhibition. Its introduction and application was a result of the recommendations made by the Panel for Amendment C75². It sought the application of DPO15. Council considered it prudent to re-exhibit the Amendment to include DPO16 to improve guidance for planning the future development of the site.

Accordingly, DPO16 requires that a development plan be lodged prior to subdivision. It includes a number of requirements for the provision of basic infrastructure and ensures consideration of infrastructure requirements across the site and nearby land. It requires details on the staging of future development and the provision of a number of specific background reports. It also requires the entering into of a Section 173 Agreement pursuant to the *Planning and Environment Act 1987* (the Act) as a condition of a planning permit for subdivision, which includes amongst other matters the upgrade of the Hamilton Highway and Hopes Plains Road intersection, sealing of a section of Hopes Plains Road and a contribution towards the ongoing maintenance of Hopes Plains Road.

¹ The BMO was applied over part of the site under Amendment GC13 on 3 October 2017, after the initial exhibition and before the re-exhibition of the Amendment.

² The Panel Report on Amendment C75 was dated 28 March 2018.

Figure 1 The site and context within Inverleigh

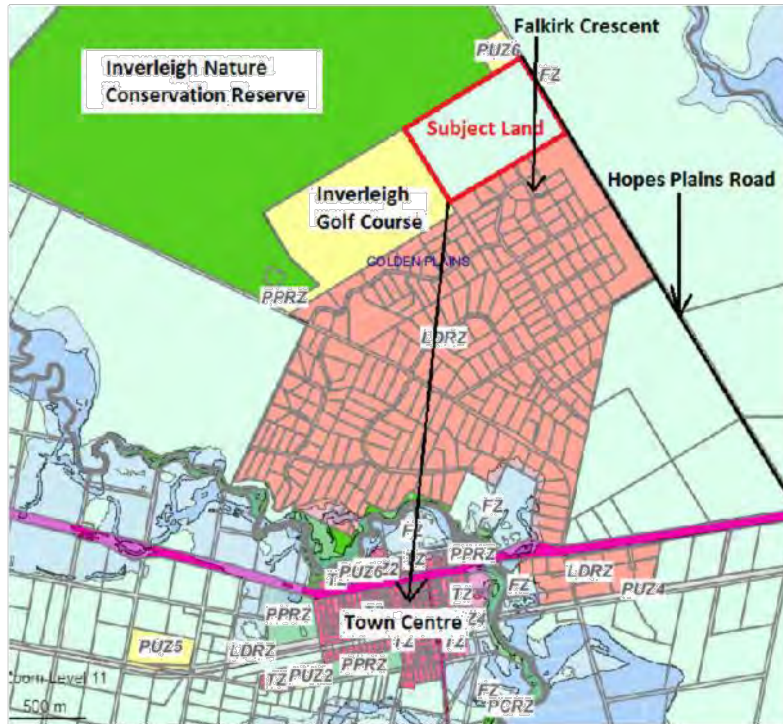
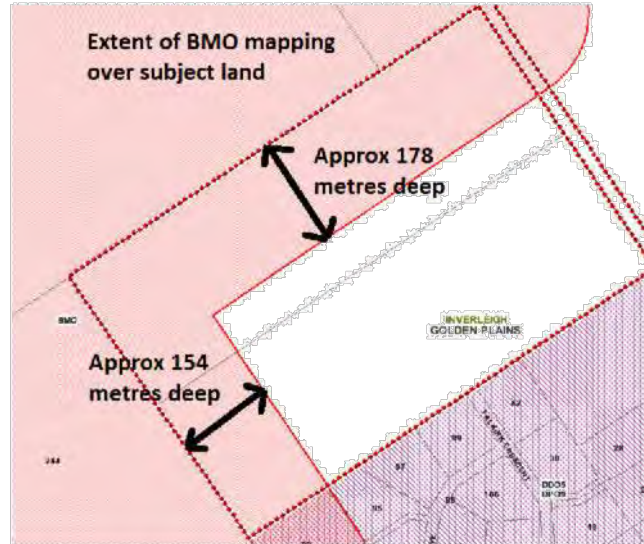


Figure 2 Extent of BMO mapping on the site



(ii) The Amendment land

The Amendment land (the site) has an area of 41.7 hectares and is located approximately 2.7 kilometres north-east of the town centre of Inverleigh.

Inverleigh lies at the junction of the Barwon and Leigh Rivers and is constrained by active floodway areas that limit development. Development is also constrained by the lack of a reticulated sewerage system resulting in the low density residential character evident with new development where on-site treatment and disposal of wastewater prevails.

The site is generally cleared farming land, rectangular in shape, with frontage to an unconstructed section of Hopes Plains Road. Currently the only constructed road providing access to the site is off Falkirk Crescent. Falkirk Crescent is accessed through the existing Barrabool Views Estate to the south.

The site is relatively flat with the majority of the land sloping gently from west to east and parts from north to south. There are a few scattered native and exotic trees and a shed currently located on the site.

The site is currently in the FZ with the BMO applying to part of the land adjacent to the northern and western boundaries.

The Inverleigh Nature Conservation Reserve is located to the north of the site. This land is primarily situated within the Public Conservation and Resource Zone (PCRZ) and is Crown land managed by Parks Victoria. Opposite the site, to the east, is farming land within the FZ, also with the address 230 Hopes Plains Road. This land is not subject to the Amendment and falls outside of the Inverleigh settlement boundary. To the south of the site is the newly developed and developing low density residential Barrabool Views and Manna Gum Estates. To the west is the Inverleigh Golf Course, situated in the Public Use Zone 7 (other public use) (PUZ7).

(iii) Supporting reports to the Amendment

David Lock Associates prepared the Amendment request in September 2016 on behalf of the Proponent. It referred to the following technical assessments:

- Land Capability Assessment, St Quentin Consulting Pty Ltd, June 2016
- Stormwater Management Plan (SMP), TGM Group Pty Ltd, July 2016
- Traffic Impact Assessment, Trafficworks Pty Ltd, July 2016
- Bushfire Planning Assessment, Ecotide Pty Ltd, June 2016 and addendum dated July 2018
- Cultural Heritage Advice, Dig International, September 2015
- Vegetation Assessment, Mark Trengrove Ecological Services, July 2016.

Some of the key issues that arose from these reports were:

- With careful planning, lots with a minimum recommended area of 4,000 square metres would be capable of treating wastewater within property boundaries
- A stormwater management system could be developed which utilises an overland flow swale drain system with three retarding basins, one near each legal point of discharge. The system would ensure no worsening of existing stormwater peak discharge during a 1 per cent AEP storm event
- The Traffic Impact Assessment has assumed approximately 80 future residential lots within the subject land. Council consider that, in reality the likely yield is between 60 and 70 lots. Regardless, the traffic report recommends intersection upgrades

will be required to support the development at the Hamilton Highway and Hopes Plains Road intersection

- The site is within a Bushfire Prone Area however at the time of drafting the original Bushfire Assessment to support the proposal the site was not subject to the BMO (the BMO now partially extends into the site). The primary bushfire threat is from the nearby Inverleigh Nature Conservation Reserve. With regard to bushfire protection, a number of measures are identified:
 - Setbacks from boundaries that correspond to the bushfire hazard
 - Future lot design and arrangement that maximises and overlaps the potential area for defensible space
 - A potential road network within the site that conforms to Country Fire Authority (CFA) access conditions for subdivisions
 - A water hydrant system that complies with the CFA requirements for subdivisions
 - Compliance of future perimeter lots to conditions that generally align with the BMO requirements
- There are no Aboriginal archaeological sites recorded on the site
- There are five (5) scattered native trees on the site. While it is intended that these trees will remain, should they be removed future vegetation loss State regulations would require a small offset, equivalent to 0.042 general biodiversity equivalent units. There is a small amount of degraded exotic vegetation onsite.

The David Lock Associates report synthesised the above information and included a site analysis and opportunities and constraints plan to support the rezoning and to demonstrate the suitability of the subject land for low density residential development.

1.2 Summary of issues raised in submissions

The key issues raised in the submissions of the various parties are briefly summarised as follows:

- Effects and impacts on the local road network and the intersections of Hopes Plains Road and the Hamilton Highway and Common Road and the Hamilton Highway
- Potential contamination of the site due to past agricultural land use
- Impacts from flooding exacerbated by additional stormwater generated from future development that may follow the proposed rezoning
- Concerns that the Amendment does not adequately address the impact of bushfire and does not comply with the bushfire policies in the planning scheme or the BMO. The CFA submission sought a Panel review to:
 - Ensure the protection of human life is prioritised over other land use planning objectives and that the Amendment is appropriate given the bushfire risk in the wider landscape
 - Undertake an adequate assessment of bushfire risk
 - Determine whether the Amendment provides sufficient protection from bushfire risk through the proposed planning controls.

1.3 Post-exhibition changes to the Amendment

Following the second exhibition of the Amendment and as part of its response to submissions, Council determined, at its meeting on 23 October 2018 to make a number of post-exhibition changes to DPO16. These included:

- Correction of the reference to the Environment Protection Authority (EPA) *Publication 891.4 Code of Practice – Onsite Wastewater Management*.
- The inclusion of a requirement for an environmental site assessment and further environmental audit, if considered necessary. This inclusion is under Clause 2.0 (Conditions and requirements for permits).

In addition, Council proposed the following additional changes to DPO16 in its Part A submission:

- Inclusion of the following conditions under Clause 2.0 (Conditions and requirements for permits):
 - An additional requirement under the Section 173 Agreement for upgrading the intersection of Common Road and the Hamilton Highway, including the provision of street lighting
 - Add a requirement for road reserve widths created in any subdivision of the site to be a minimum of 25 metres
 - Require all stormwater discharging from the site and to the south through the existing subdivision to be limited to 50 per cent of the 1 per cent Annual Exceedance Probability (AEP) pre-developed flow or 0.20 cubic metres per second (cumecs) whichever is the lesser.

As part of the circulation of bushfire expert evidence, the Proponent circulated a version of DPO16 containing post-exhibition changes which included updates of the bushfire provisions in Clause 2.0 (Conditions and requirements for permits) and Clause 3.0 (Requirements for development plan).

At the Hearing, Council tabled a further revised version of DPO16 deleting the requirement for upgrading the intersection of Common Road and Hamilton Highway (this has been addressed under Amendment C75) and to require the upgrading of the intersection of Hopes Plains Road and Hamilton Highway prior to the first stage of subdivision of the site.

Also at the Hearing, the CFA suggested a number of changes to DPO16 should be considered if the Amendment is supported by the Panel.

The Panel notes that it is required to consider the exhibited version of the Amendment and the submissions made to the Amendment. In doing so, the Panel has had regard to all submissions (including Council's responses to those submissions) with respect to possible variations to the DPO16.

These changes are further considered later in the report.

1.4 Issues dealt with in this Report

The Panel has assessed the Amendment against the principles of net community benefit, sustainable development and the prioritisation of the protection of human life over all other policy considerations in bushfire affected areas, as set out in Clause 71.02-3 (Integrated

decision making) of the planning scheme and relevant for the subject land and this Amendment.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Bushfire risk
- Stormwater management
- Form and content of the Development Plan Overlay Schedule 16.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework (PPF), which the Panel has summarised and considered below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in Section 4 of the Act by facilitating the orderly development of land for residential use in Inverleigh. It implements the outcomes for low density residential development in the ISP and addresses current shortages of suitably zoned residential land in Inverleigh.

The site is located within a Bushfire Prone Area and also partly affected by the BMO shown in Figure 2. The Amendment has addressed bushfire risk through a number of reports including a Bushfire Management Statement prepared as part of expert evidence.

Clause 11 (Settlement)

The Amendment supports Clause 11 by:

- Facilitating rezoning of land from farming to low density residential use that is currently within the settlement boundary of Inverleigh (Clause 11.01-1S – *Settlement*)
- Assisting to alleviate land supply pressure by providing residential zoned land, in an area identified in the ISP, to accommodate future residential growth (Clause 11.02-1S – *Supply of urban land*). Inverleigh is experiencing a shortage of suitably zoned land for residential growth. The close proximity of Inverleigh to Geelong (30 kilometres), improved access with the Geelong Ring Road and the appeal of low density residential living is driving population growth. Inverleigh has experienced population growth of around 24.6 per cent between 2011 and 2016. This means more residential land is needed. Council advised that the growth pressures on the town have resulted in a review of the ISP (ISP, 2018). The ISP, 2018 is to consider the most effective use of land within the settlement boundary of Inverleigh
- Providing for a minimum lot size that allows for on-site wastewater management and avoids compromising future development at higher densities. Council advised that the ISP, 2018 review may consider lot sizes to allow for higher residential densities subject to environmental constraints (Clause 11.02-1S – *Supply of urban land*)
- Facilitates a logical sequencing of further low density residential development to the north of the existing adjoining low density residential Barrabool Views and Manna Gum Estates (Clause 11.03-3S – *Sequencing of development*).

Clause 12 (Environmental and Landscape Values)

The Amendment supports Clause 12 by:

- Generally avoiding significant impacts on biodiversity by largely avoiding the need to remove native vegetation from the site (Clauses 12.01-1S – *Protection of biodiversity* and 12.01-2S – *Native vegetation management*). The vegetation

assessment supporting the rezoning request identified five scattered native trees on the site. The rezoning from FZ to LDRZ will enable lot design that can retain significant vegetation on the site

- Ensuring the protection of the Barwon River and other waterways and presenting low risks to water quality through appropriate on-site wastewater management (Clause 12.03-1S – *River corridors, waterways, lakes and wetlands*). The Amendment will result in additional residential land supply at least 2 kilometres from the Barwon River (the nearest river) to the south and at least 900 metres from Native Hut Creek (the nearest creek) situated east and is supported by a Land Capability Assessment and Stormwater Management Plan to ensure water quality is appropriately managed.

Clause 13 (Environmental Risks and Amenity)

The Amendment supports Clause 13 by:

- Minimising interface amenity conflict with rural land to the east of the site through application of DPO16 which includes a requirement for a Section 173 Agreement that requires a land/bushfire management plan and acknowledgement by future landowners of adjoining rural land uses and the implications of living adjacent to operating farming land. Rural interface issues may also be minimised by the buffer provided by Hopes Plains Road and the 1 to 2 hectare minimum lot sizes required with future subdivision design
- Addressing bushfire risk associated with woodland in the Inverleigh Nature Conservation Reserve to the north and the Inverleigh Golf Course to the west, and grassland areas in farming areas to the east through appropriate bushfire planning (Clause 13.02-1S – *Bushfire planning*). The provision for careful subdivision design can assist in reducing bushfire risk including development buffers and setbacks from more fire prone areas, sufficient water supply for fire fighting and adequate access for residents and emergency services. This is a key issue which is further considered in the chapter on bushfire risk
- Managing the impacts on flooding from stormwater through the preparation of a Stormwater Management Plan that provides for appropriate management of stormwater associated with future development of the site (Clause 13.03-1S – *Floodplain management*). Stormwater is proposed to be managed through retardation basins that can retain stormwater for treatment of nutrients and allows for slow release at rates equivalent to pre-development levels of flow
- Including a requirement, as a post-exhibition change to DPO16, for a permit condition requiring an environmental site assessment for potential contamination (Clause 13.04-1S – *Contaminated and potentially contaminated land*). The site has been predominantly used for farming purposes such as cropping and grazing. Issues of potential contamination flow from comments received in the submission from the EPA who noted that the Amendment, as exhibited, did not address potential contamination and suggested that Council will need to determine whether past agricultural uses such as fuel storage and chemical use are likely to have resulted in any contamination.

Clause 14 (Natural Resource Management)

The Amendment supports Clause 14 by:

- Limiting the loss of, and impacts on productive agricultural land (Clause 14.01-1S – *Protection of agricultural land*). Inverleigh is an existing town, with relevant infrastructure and suitable land for future residential development. While the Amendment rezones land from FZ to LDRZ in accordance with the ISP, the site is not considered to be critical in terms of agricultural productivity as it is constrained by size (at around 40 hectares) and by adjoining residential development (Barrabool Views and Manna Gum Estates). The site is not considered to have any particularly significant productive qualities and is currently utilised for broad acre cattle grazing. The current farming practice of broad acre cattle grazing to the east of the site, can still continue to operate
- Application of DPO16 which includes a requirement for a Section 173 Agreement that requires a land/bushfire management plan and acknowledgement of adjoining rural land uses. Rural interface issues may also be minimised by the buffer provided by Hopes Plains Road and the 1 to 2 hectare minimum lot sizes required with future subdivision design
- Appropriately protecting water quality through a Land Capability Assessment that can demonstrate lot sizes and subdivision design is capable of managing wastewater (Clause 14.02-2S – *Water Quality*).

Clause 16 (Housing)

The Amendment supports Clause 16 by:

- Ensuring the protection of agricultural land and environmental values through rezoning of land that is located within the settlement boundary of Inverleigh, identified and supporting by strategic planning under the ISP, and where a need for additional low density residential land is demonstrated (Clause 16.01-5S – *Rural residential development*).

Clause 18 (Transport)

The Amendment supports Clause 18 by:

- Promoting the use of sustainable modes of transport through the encouragement of population growth in Inverleigh (Clause 18.01-2R – *Transport system – Geelong G21*).

Clause 19 (Infrastructure)

The Amendment supports Clause 19 by:

- Managing stormwater and wastewater in an integrated manner (Clause 19.03-3S – *Integrated water management*). Future lot design will allow for appropriate areas for on-site wastewater management. Stormwater management has been considered in the Stormwater Management Plan prepared as part of the rezoning request. The Amendment includes the DPO16 which will also require stormwater management to consider downstream effects and minimise flood risks
- Providing appropriate infrastructure to support low density residential development (Clause 19.03-2S – *Infrastructure design and provision*). The site is connected to an

area with existing water infrastructure. With no reticulated sewerage system, each lot will need to be supplied with individual wastewater treatment systems, which Council considers appropriate and identified in the Land Capability Assessment as acceptable. The site is also capable of being adequately drained, with designs required to accord with engineering requirements during the subdivision phase.

The Amendment appropriately reflects the intent of State policy with the proposal for rural residential development in an area that is anticipated by the ISP and the planning scheme and can address all environmental issues. The David Lock Associates report has demonstrated there is a lack of LDRZ land supply which is the main driver of the ISP, 2018 review.

Clause 21 (the Municipal Strategic Statement)

The Amendment supports the Municipal Strategic Statement (MSS) by:

- Containing new low density residential development within the settlement boundary of Inverleigh (Clause 21.01-3 – *Vision and strategic framework plan*)
- Providing for low density residential development on a site where it is anticipated under the ISP and planning scheme and where a range of lot sizes that will respond to the environmental and character constraints of the land can be designed (Clause 21.02 - *Settlement*). The site is located within the settlement boundary of Inverleigh and the proposal to rezone to LDRZ will maintain the existing low density character of residential development within the town by supporting lot sizes typical of existing development
- Containing development within the identified growth area of Inverleigh and protecting the natural environment supported by the application of the DDO5 and DPO16 in association with a low density residential rezoning (Clause 21.07-5 – *Inverleigh*).

Clause 22 (local planning policies)

The Amendment supports local planning policies by:

- Addressing as part of the next planning phase for the land when a Development Plan and future subdivision proposals take into consideration issues relating to land capability, lot size and character (Clause 22.09 – *Low Density Residential Subdivision Policy*).

The Amendment is consistent with the MSS and local planning policies. From a strategic perspective, the LDRZ rezoning is consistent with Clause 21.07-5 which identifies the land as a longer-term growth area within the context of settlement planning for Inverleigh.

2.2 Other relevant planning strategies and policies

(i) Inverleigh Structure Plan, 2005

The Inverleigh Structure Plan, 2005 (ISP) provides guidance for the development of the site. Figure 3 shows the ISP.

Council submitted that the Amendment supports the ISP because:

- The proposed rezoning reflects the logical sequencing of low density residential development progressively northwards to the current settlement boundary of Inverleigh
- The rezoning achieves the intent of the ISP for the site to be developed for low density residential purposes.

(ii) Inverleigh Structure Plan review

The ISP, 2018 review is in early development stages that has involved engagement with the community. A draft Structure Plan is available however the final documentation is yet to be formally completed. Council advised the Panel the need for the review has been driven by the lack of land supply (particularly LDRZ land) and to review the minimum lot sizes (1, 2 and 4 hectares) that have been used to develop other LDRZ estates. The review is being undertaken within the context of:

- Retaining the existing town growth boundary
- Reviewing minimum lot sizes
- New flood mapping
- Incorporating findings of other strategic work.

Figure 3 Inverleigh Structure Plan, 2005



2.3 Planning scheme provisions

A common purpose in zones and overlays is to implement the Municipal Planning Strategy (MPS) and the PPF. Council has not yet prepared an MPS.

(i) Zones

The land is proposed to be rezoned to the LDRZ. The purpose of the LDRZ is:

- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Generally, the minimum lot size under the LDRZ is 4,000 square metres. 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.

(ii) Overlays

The site is currently subject, in part, to the BMO. The purposes of the BMO are:

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

(iii) Other provisions

Relevant particular provisions include:

- Clause 53.02 (Bushfire Planning).

2.4 Amendment VC148

Amendment VC148 was gazetted on 31 July 2018, after the Amendment was first exhibited and just prior to the second exhibition. VC148 made substantial changes to the structure and content of the planning policy framework, as well as other provisions in the Planning Scheme. Council updated the references to Amendment VC148 as part of its Part A submission to reflect the requirements of Amendment VC148 at the Hearing. The Panel supports these submissions. Council should review the Amendment documentation carefully prior to adoption to ensure that they are consistent with the changes introduced by Amendment VC148.

2.5 Ministerial Directions and Practice Notes**Ministerial Directions**

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, June 2015 (PPN46). That discussion is not repeated here.

Council submitted that the Amendment is consistent with:

- *Ministerial Direction 1 (Potentially Contaminated Land)*
- *Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.*

Planning Practice Notes

Council submitted that the Amendment is consistent with:

- *Planning Practice Note 30 (PPN30) Potentially Contaminated Land, June 2005*
- *Planning Practice Note 37 (PPN37) Rural Residential Development, June 2015.*

With respect to *Planning Practice Note 64 Local planning for bushfire protection (PPN64)*, further discussion is provided in the chapter dealing with bushfire risk.

2.6 Discussion and conclusion

The ISP and Clause 21.07-5 provide a sound strategic framework for the rezoning of the land for rural residential development.

As broad acre grazing land, the Panel accepts that Council has satisfied itself the environmental condition of the land is suitable for its intended use and there is no potential for land contamination. This is further reinforced through the comments received from the EPA and the requirements included in the post-exhibition changes proposed by Council to DPO16.

The Panel notes the David Lock Associates report addresses the requirements of PPN37, as it contains a site and context description, reviews current planning strategy, analyses housing need, will facilitate the protection of natural resources and protection of areas of environmental and landscape significance, reviews the capability of the land and integrates with existing rural residential areas.

The Amendment includes the DPO16, which can appropriately guide the future development of the site.

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is supported by strategic policy in the planning scheme and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Bushfire risk

3.1 The issue

Between the initial exhibition and re-exhibition of the Amendment, two significant changes occurred to the Golden Plains Planning Scheme; the first was Amendment GC13 gazetted on 3 October 2017 which expanded the coverage of the BMO to partly affect the site as shown in Figure 2 (previously the overlay extended only to the southern limit of the Inverleigh Nature Conservation Reserve) and secondly, Amendment VC140 was gazetted on 12 December 2017 which updated the State policy in relation to *Bushfire* (Clause 13.02).

In addition, the site is also within a Bushfire Prone Area designated in accordance with regulations under the *Building Act 1993*.

The bushfire risk of the site is reflected by its direct abuttal to the woodland environments of the Inverleigh Nature Conservation Reserve to the north and the Inverleigh Golf Course to the west³ and from grassland environments associated with agricultural land to the east. Land to the south was classified in the bushfire evidence as low bushfire risk due to the managed vegetation associated with existing low density residential development.

The Panel has reviewed the impact of the changes to State policy relating to bushfire risk. It has also examined the threshold issue of whether a residential zoning should be supported on land identified as having a high level of risk from bushfire relative to other areas in Inverleigh.

The main issue in contention between Council, the Proponent and the CFA is whether the site presents a risk from bushfire considered unacceptable for further residential development to proceed and hence, the level of consistency with bushfire planning policy and how such risk should be managed.

The issues are:

- Is the Amendment consistent with State policy?
- What is the most appropriate form of bushfire control for the site?

3.2 Bushfire planning policy

Clause 13.02 addresses bushfire risk. In addition, the BMO provisions at Clause 44.06 and the Bushfire Planning provisions at Clause 53.02 are relevant.

The Panel has considered the policy and controls, to the extent where they are relevant to the matters involved with the Amendment.

Clause 13.02-1S (Bushfire planning) has the overall objective *to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the*

³ The Panel was advised that the Inverleigh Golf Course was a non-irrigated semi-vegetated area that was classified in the bushfire evidence as woodland for the purposes of bushfire risk assessment.

protection of human life. Supporting this objective, the policy includes strategies relating to protection of human life, bushfire hazard identification and assessment, settlement planning, areas of biodiversity conservation value and use and development in a Bushfire Prone Area.

The concept of protecting human life as a policy priority is also given fundamental meaning under the policy requirement for integrated decision making in Clause 71.02-3 of the planning scheme. This principle sits alongside the other key integrated decision making principles of net community benefit and sustainable development.

Policy under Clause 13.02-1S is to be applied to all planning and decision making under the Act where it relates to land in a Bushfire Prone Area, the BMO or where a proposed use or development may create a bushfire hazard. This gives the policy direct application to decision making associated with a range of matters including this Amendment.

Under protection of human life, the policy includes the following strategies:

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

These reflect on the damage and destruction that a bushfire can have, including loss of life. It reinforces the priority to protect human life from bushfire. One only has to consider the devastation following bushfires such as Black Saturday (2009), Ash Wednesday (1983) and Black Friday (1939), to name a few, that have wreaked havoc with loss of life, property, infrastructure and biodiversity.

The Panel notes that these strategies relate to the overall aim of prioritising the protection of human life and to do so on a broad level for decision making at all stages of the planning process, which includes both strategic and statutory planning. In particular, they support directing population growth to low risk locations and ensuring availability of safe access to areas away from bushfire threats.

The policy requires identification of bushfire hazard and appropriate risk assessment. This is done by, amongst other means:

- Applying best science to identify vegetation, topographic and climatic conditions that create bushfire hazards
- Applying the BMO where the extent of vegetation can create an extreme hazard
- Considering bushfire hazards on the basis of:
 - landscape basis within 20 kilometres and up to 75 kilometres of a site;
 - local conditions within 1 kilometre of a site;
 - neighbourhood conditions within 400 metres of a site; and
 - the site for development.
- Consulting with emergency management agencies and fire authority
- Ensuring planning scheme amendments, amongst others, properly assess bushfire risks and include appropriate bushfire protection measures

- Not approve development where an applicant or proponent has not satisfactorily addressed the bushfire policies and controls.

These strategies seek to ensure that risk from bushfires is considered not solely from a site or immediate local perspective, but also from a wider landscape perspective, where often management of bushfire risk falls outside of the direct control of individual landowners. It relates to the nature, location and extent of vegetation (whether trees or grasses) and their influence on fires runs and the relationship between fire fronts forming in the landscape as well as fire speed and behaviour with respect to generation of ember attack and radiant heat formation and exposure.

Relevant to the Amendment, the policy includes the following strategies relating to settlement planning:

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 *Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).
- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 *Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS3959-2009 *Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).

These strategies are more specific to settlement planning. They continue to prioritise protection of human life. However this is implemented with emphasis on directing population growth to areas of low risk, which are identified as areas that have a radiant heat flux less than 12.5 kilowatts per square metre or Bushfire Attack Level of 12.5 (BAL 12.5), based on the Australian Standard AS3959-2009 *Construction of Buildings in Bushfire-prone Areas*. Similarly, amendments should not be approved where they result in intensification of development in locations which have more than BAL 12.5.

Other strategies also seek to ensure safe access to BAL-LOW areas or safe havens where life can be protected from bushfires and ensuring that there are no increases in risk exposure from bushfires for existing and future residents, property and communities.

3.3 Evidence and submissions

The position of the CFA in its submission responding to exhibition of the Amendment emphasised the need for strategic assessment of bushfire risks and that a Panel process would facilitate such assessment. Accordingly, both Council and the Proponent have undertaken much work on bushfire risk assessment in the lead up to, and during, the Hearing. Council prepared a draft *Strategic Bushfire Risk Assessment for the Inverleigh Structure Plan* (to support the ISP, 2018 review). Similarly, the Proponent called expert evidence on bushfire from Ms Kylie Steel, Bushfire Consultant from South Coast Bushfire Consultants, which included an updated *Bushfire Management Statement* (BMS) and a *Bushfire Risk Assessment and Response to Clause 13.02* (BRAR).

Accordingly, the Panel has had the benefit of a substantial amount of work on the merits of the Amendment with regards to bushfire risk and from the submissions and evidence to assist the Panel's consideration of the policy framework on bushfire planning.

Fundamentally, the CFA's submission was that the Amendment proposes to rezone a site which is in the worst location in terms of bushfire risk in Inverleigh. Figure 4 shows modelling undertaken by Council to demonstrate a potential fire scenario shown by the yellow lines associated with hot strong north or north-westerly winds with high temperatures and low relative humidity. It shows that a fire running through the Inverleigh Nature Conservation Reserve has potential to impact the site. The Panel notes this modelling, but also observes that this risk already exists not only to the site but to parts of the existing low density residential areas in the town.

The CFA considered the Amendment had not been driven by a strategic assessment of bushfire risk or the bushfire policies under Clause 13.02 and does not meet the policy objectives. The CFA initially sought to suggest the Amendment should not proceed. This view took the parties by surprise at the Hearing, given the CFA's initial submission to exhibition of the Amendment. However, the CFA withdrew from this position, but retained the view that bushfire risk had not been appropriately considered in the Amendment.

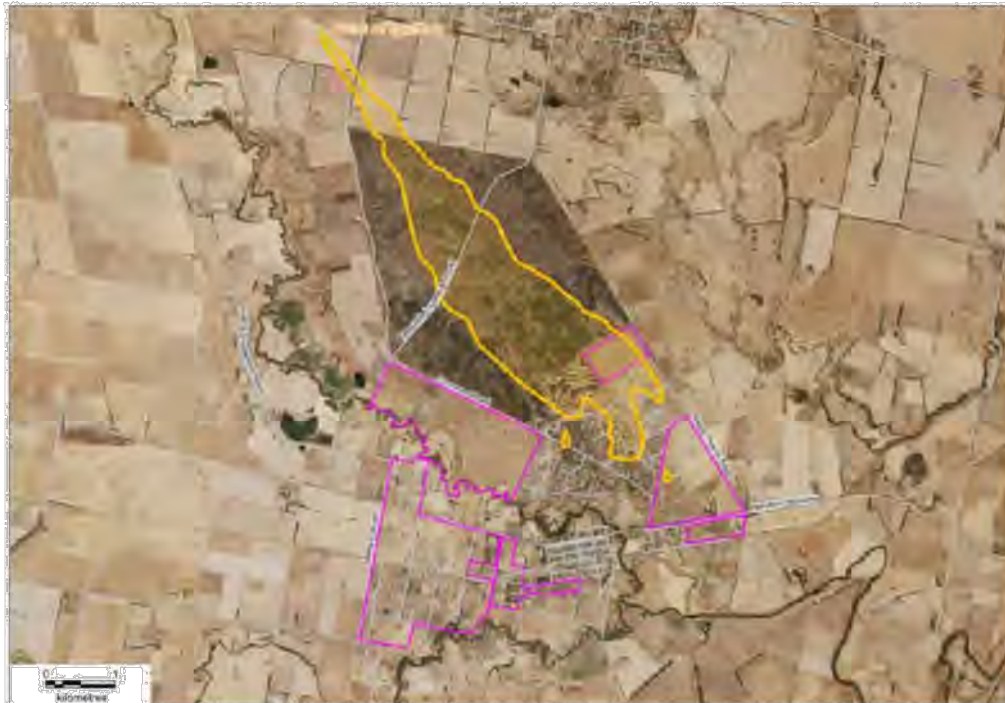
The CFA considers the location of the site adjacent to vegetation associated with both the Inverleigh Nature Conservation Reserve to the north and to a lesser extent the Inverleigh Golf Course to the west presents a significant risk from bushfire.

The Inverleigh Nature Conservation Reserve is approximately 1,000 hectares in size and supports woodland vegetation on gently undulating terrain. It contains high fuel loads that could support fire runs of approximately three (3) kilometres in length through the vegetation to the north and north-west.

Mr [REDACTED], Town Planning Consultant, on behalf of the CFA, submitted that such a bushfire could not grow in size or scale, for example, as that of the Murrindindi fire which impacted Kinglake and Marysville on Black Saturday, due to the size of the reserve.

The CFA consider the combination of uncertainty regarding fuel management within the reserve and the broader landscape risk that the reserve has on the site makes it the highest risk location in Inverleigh at a neighbourhood and settlement scale.

Figure 4 A potential fire scenario extracted from Council's draft Strategic Bushfire Risk Assessment for the Inverleigh Structure Plan, 2018



██████████ submitted that the Amendment has not been considered as part of an overall assessment that includes alternative locations for development that present as lower risk to bushfire. He noted that Amendment C75 Part 1 was recently gazetted which rezoned land between Common Road and the Leigh River and located south-west of the Inverleigh Nature Conservation Reserve for similar development. ██████████ also noted that Council was updating the ISP with the 2018 review, which includes other areas for residential development. ██████████ submitted that these actions suggest that other alternative locations are available in Inverleigh to provide additional residential development, with these alternative areas considered lower risk compared to the site.

Regarding availability of safer places, the CFA's view was that, although safe access to the south, through existing low density residential estates would be possible towards the centre of town, such access may be subject to ember attack and smoke haze impacting visibility during a bushfire event. ██████████ considered this would be an ongoing risk if the Amendment proceeded. ██████████ did admit that the provision of access from the site was probably better than many other areas across the State.

██████████ accepted that the Amendment would direct new development to an area that, on site-based exposure to bushfire, would be capable of achieving a BAL 12.5 rating subject to provision of appropriate defensible space, development setbacks from the north, west and east, managed vegetation and provision of a perimeter road on the western, northern and eastern edges of any future subdivision. ██████████ submitted that, these elements, together with

provision of access roads to the south and away from any fire threat would assist in reducing bushfire risk.

Both Council and the Proponent submitted that the identification of the site for rezoning to low density residential purposes has clear strategic support under the current 2005 ISP.

██████████, Lawyer from Minter Ellison on behalf the Proponent (the Ramsey Property Group) submitted the site falls within the settlement boundary of Inverleigh. The town is recognised under Clauses 21.01 and 21.02 of the planning scheme as a *District Commercial and Retail Centre*, the second highest category for urban expansion and growth within the town hierarchy in the Shire. Planning for future growth is guided under Clause 21.07-5 (Inverleigh) which identifies the site as an area for future low density residential development with a 1 to 2 hectare lot size range. 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.

The Proponent relied upon the suite of controls that would be in place with the Amendment, including the requirement under DPO16 for approval of a Development Plan prior to any permit being granted for subdivision, as well as the continued requirements of the BMO and Clause 53.02 (Bushfire Planning). ██████████ submitted the framework of planning controls would ensure that bushfire risk is also addressed as part of any statutory planning approvals process and should provide comfort to the Panel that bushfire risk can be appropriately addressed.

██████████ submitted bushfire risk has also been addressed on a strategic level by:

- Ensuring the growth area layout minimises interface risks between higher threat vegetation and buffers by use of vegetation management buffers and access arrangements
- Ensuring sufficient separation distances between fuels and development
- Ensuring well-constructed and laid out access and egress is provided with minimum seven (7) metre wide sealed roads
- Ensuring fully constructed access to Hopes Plains Road and construction of part of Hopes Plains Road itself to the east to allow rapid departure from the site if required
- Ensuring an all-weather perimeter road is provided around the northern and western boundaries of the site
- Ensuring water supply into the growth area.

██████████ considered these actions would assist in reducing bushfire risk to the town and improve bushfire resilience through improved access, water supply, vegetation management and community surveillance of the area associated with future development of the site.

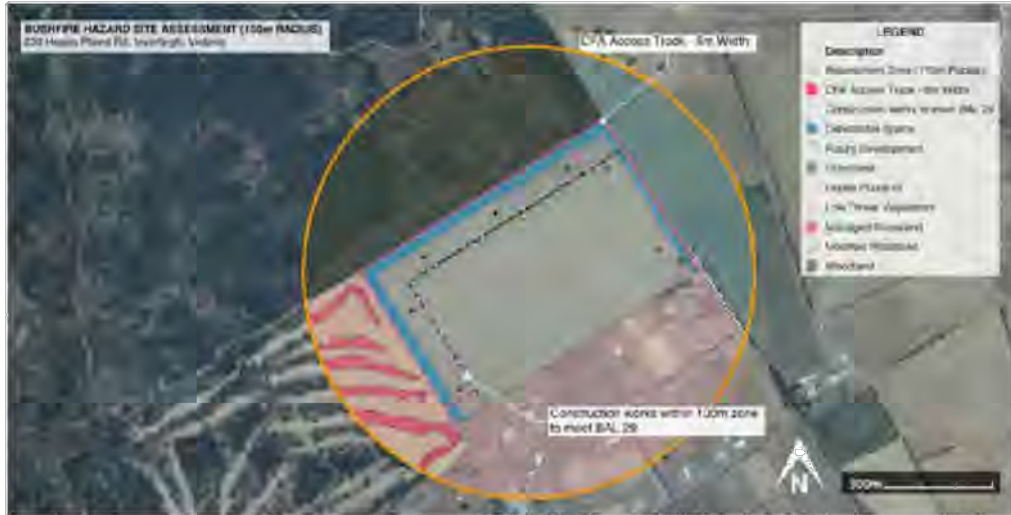
██████████ provided bushfire evidence that described the nature of the bushfire risk of the site and locality and the following responses to bushfire protection measures:

- Extreme bushfire weather in southern Australia is historically consistent with strong hot northerly winds and the introduction of a south westerly wind change. A south westerly wind change would not significantly impact the site as the vegetation to

- the south west is largely managed to a low threat condition due to existing low density residential development
- Fire runs of approximately 3 kilometres are possible through woodland vegetation to the north and north-west
 - The woodland vegetation is likely to produce ember attack within the surrounding landscape. The spread of embers would be dependent on the strength of bushfire induced winds and is likely to impact the outer perimeter of the site
 - The terrain influences the ability for embers to be launched ahead of a fire front and start spot fires within the surrounding landscape. The relatively flat topography of the site means the opportunity for significant embers to be launched are limited
 - The Inverleigh Golf Course is located to the west of the site and supports managed grassland and woodland. The vegetation is connected to the Inverleigh Nature Conservation Reserve and it would not significantly moderate a fire front. The vegetation within the Inverleigh Golf Course has been classified as woodland vegetation for the purposes of the assessment
 - East of the site is farmland that support grassland vegetation. The outlying areas beyond the Inverleigh settlement area are also dominated by grassland vegetation. Although the threat of a grassland fire is present in this area, due to the eastern location, the likelihood of a significant fire from this area would be limited as fire fronts from the east are generally less numerous in Victoria
 - South of the site is existing low-density residential development, the vegetation within this area is managed to a low threat condition and it is assumed that this would continue
 - The increased risk to the site from the Inverleigh Nature Conservation Reserve and the broader landscape to the north and north-west require additional mitigation measures to increase resilience to ember attack from the northern and western interface. This includes providing the following additional mitigation measures in DPO16 to provide future residents with a higher level of assurance that habitable buildings will be resilient against bushfire attack:
 - Perimeter Access - Provide emergency access and egress for six metres around the north and west of the proposed development site. The access must be trafficable, clear of obstructions and gated at all entry points. The access must be in accordance with the CFA requirements.
 - Defendable Space - Defendable space for a BAL of 12.5 must be managed in accordance with Clause 53.02-5 Table 6 to the western, northern and eastern boundaries for a distance of 33m to the north and west and 22m to the east.
 - Reserves or public open space within the development - Vegetation within future reserves and/or surrounding retention basins must be managed as per defendable space requirements from the Clause 53.02-5 Table 6.
 - BAL 29 Construction Standard within 100m of the northern and western boundary - All habitable buildings within 100m from the northern or western boundaries are required to comply with a BAL of 29 from AS 3959-2009 Construction in Bushfire Prone Areas.
 - Vegetation Management – All future subdivision must manage vegetation in accordance with the vegetation management conditions of Clause 53.02-5 Table 6, with the exemption of perimeter planting (5m from a boundary).
 - Outbuildings - Construction of outbuildings within the designated Defendable Space Zone to the north and west is not permitted.

These works are shown in Figure 5.

Figure 5 Proposed response measures to bushfire risk



Council submitted that it had undertaken an assessment of bushfire risk generally for Inverleigh as part of the ISP, 2018 review. The work has not been exposed to any public scrutiny or consultation, nor has the ISP, 2018 been adopted by Council or proposed in any amendment process. Hence, the Panel considers these documents are not ‘seriously entertained’ proposals and have been given the weight commensurate with their current status.

Despite the embryonic nature of the above strategic work, the Panel has found a degree of consistency between the findings in these documents with that of the evidence presented by Ms Steel. In particular, Council’s assessment identified the requirement to achieve a BAL12.5 rating would require 33 metres of defendable space to be provided to the north and west and 19 metres to the east. This closely matches the 33 and 22 metres defendable space areas identified in [redacted] evidence.

Council’s strategic assessment identified six (6) growth areas in Inverleigh that includes the site and the land recently rezoned under Amendment C75. Three other sites located in the southern area of the town were identified as having a range of constraints including fragmented ownership, inadequate buffers to rural land uses and access difficulties due to transport infrastructure. One growth area to the south-east of the site appears to offer few physical constraints. However Council was of the view that this area would offer a limited supply of land to satisfy the growth demands experienced in the town.

[redacted], Strategic Planning Coordinator on behalf of Council submitted that the outcomes of Council’s strategic assessment identified that the site was appropriate in terms of bushfire risk subject to:

- Ensuring growth area layout minimises interface between higher threat vegetation and assets through the use of vegetation management buffers on private land

and/or perimeter roads and appropriate allotment layout that minimises the number of properties directly exposed to fire on the interface

- Ensuring sufficient separation distances between woodland fuels and development are established and can be maintained through existing planning scheme mechanisms (e.g. easements, building envelopes, Section 173 agreements) or fuel management provisions on private land (e.g. fire prevention notices)
- Ensuring well-constructed and laid out access is provided with minimum 7 metre wide sealed roads
- Ensuring fully constructed access to Hopes Plains Road to the east to allow rapid access and egress in case the area is threatened by fire
- Using a constructed perimeter road as part of the buffer between the woodland fuels and private property
- Ensuring vehicular access between the Inverleigh Nature Conservation Reserve and the constructed road network
- Ensuring the ability of the road network to handle rapid evacuation of most residents under high stress conditions
- Ensuring the road network can provide for responding CFA resources (e.g. weight limits, turning circles, cul-de-sacs)
- Ensuring water supply (pressure and volume) into the growth area is sufficient to support fire fighting operations should they be needed.

Generally, there was agreement between Council and the Proponent regarding the changes to DPO16 suggested in [REDACTED] evidence. Notably, [REDACTED] submitted Council considered the change requiring all habitable buildings within 100 metres of the northern and western boundaries of the site being constructed to a BAL29 rating would make a valuable contribution to reducing risks to residents.

However, with regards to a perimeter road, although there was agreement about provision of such a road, there was a divergence of opinion over its construction standard and means of implementation and ongoing management.

[REDACTED] gave evidence that a perimeter road would form a low threat area around future development and provide access for fire fighting and a clear control line from which to conduct hazard reduction burning operations. [REDACTED] advised that the Proponent instructed her that a formal perimeter road is not a financially viable option for the proposed development. Suggested construction could include forming a cleared grassed trafficable road of 6 metres width.

[REDACTED] submitted that Council considers such a road would not adequately protect the safety of residents and created uncertainty regarding management of the road in terms of whether it should be the responsibility of future individual residents, a future owner's corporation, the Council or some other entity. [REDACTED] submitted that Council considers a properly constructed sealed perimeter road should be provided on the northern and western boundaries, consistent with Approved Measure AM5.3 under Clause 53.02-4.4 (Subdivision objectives).

With respect to bushfire protection measures, [REDACTED] submitted it would be appropriate to include the following on the basis of the heightened bushfire risk due to the site's location:

- Provision of defensible space management to be required across the whole of the site to ensure a low-fuel condition that reflects the risk of ember attack
- Locking in the defensible space setbacks and requiring consideration of a greater buffer setback that reflects bushfire risk associated with the broader landscape
- Provision of a perimeter road for not only the northern and western boundaries but also along the eastern boundary of the site
- Provision of accessways within the site that allows access to the south away from the bushfire hazard and integration of these accessways within the site to Falkirk Crescent to the allow access to safer areas further south.

3.4 Discussion

The Panel acknowledges that the changes to bushfire policy under Clause 13.02 has 'raised the bar' in terms of considerations allowing population growth in areas that are subject to bushfire risk. This is both in respect to prioritising the protection of human life and also with respect to ensuring population growth is directed to areas that are low risk in terms of bushfire.

The Amendment highlights the tension between existing policy, that identifies land for future residential development and new policy that introduces directions that need to be considered that potentially jeopardises such existing policy.

Inverleigh is experiencing growing pains flowing from improved accessibility and proximity to growth occurring in Geelong. The lack of reticulated sewerage infrastructure in Inverleigh currently limits the intensity of growth that the town may accommodate. This means residential development is necessarily low density. The Amendment 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.

With respect to settlement planning, the position of the CFA is noted. However, the Panel considers the policy to direct population growth to areas of low bushfire risk is embellished in the policy by reference to areas that can achieve a BAL 12.5 rating and associated radiant heat flux that is identified in the policy as representing a low risk environment in terms of bushfire risk.

The location of the site and the design of the any future subdivision can be managed through the DPO16 and the requirement for a development plan that demonstrates the achievement of a BAL 12.5 rating. The Panel agrees with the evidence of [REDACTED] that this can be achieved for this Amendment.

Certainly the location of the site abutting woodland vegetation in the Inverleigh Nature Conservation Reserve, where it is probably unlikely that vegetation would be continuously managed in a manner that suppresses bushfire risk, heightens bushfire risk. Thus making

any decision to intensify residential growth appear somewhat incongruous to the policy to direct such growth to low risk locations. However, the site has the area to accommodate the required defendable space areas of 33 metres to the west and north and 22 metres to the east that can achieve a BAL 12.5 rating and appropriately provide acceptable mitigation of bushfire risk to future low density residential development. The Proponent's suggestion to require dwellings within 100 metres of the west and northern boundaries to be constructed to a BAL 29 standard is also considered by the Panel to assist with reducing this risk.

The Panel's support regarding the appropriateness of the site for rezoning would not be as forthcoming if the threat of bushfire hazard was evident from other directions around the site such as the south-west, or that the site was bordered by woodland vegetation on more than the western and northern abutments, or that the access from the site was bordered by lengthy areas of substantial treed vegetation. Similarly, if 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.

This is not the case. The Panel is satisfied that the bushfire planning policy has been appropriately addressed. Bushfire threat which has the potential for neighbourhood destruction is primarily from one direction, associated from the Inverleigh Nature Conservation Reserve. The threat from the Inverleigh Golf Course remains, however it does not present as a significant risk due to the fact that it does experience some regular management associated with fairways and greens that has an effect on reducing the extent of bushfire threat.

As demonstrated by the potential fire scenario modelling shown in Figure 4, the prospect of bushfire threat is somewhat real. Planning for the Amendment through DPO16 and the various suggested post-exhibition changes from Council, the Proponent and the CFA seek to improve the resilience of future low density residential development to such risk.

The Panel considers the proposed changes to DPO16 regarding bushfire risk have merit. With regards to the perimeter road, the Panel notes the suggestion made by [REDACTED] for the road to be required to be of an all weather construction. The Panel agrees and notes that Table 5 relating to *Vehicle access design and construction* under Clause 53.02-5 (Tables: Defendable space, construction, water supply, vehicle access, vegetation management and outbuilding construction requirements) provides guidance where the length of access exceeds 30 metres such access should be constructed to an all-weather standard. The Panel considers such a standard does not encompass a grassed formation but at the least a gravel or crushed rock surface, sufficient to be incorporated as part of the defendable space area identified in [REDACTED] evidence.

The Panel also agrees with the changes suggested by [REDACTED] and notes that the presence of the nature reserve woodland makes it clear that the whole of the site will need to manage vegetation in accordance with the requirements of Table 6 – *Vegetation management requirement* of Clause 53.02-5. The Panel notes the site is currently cleared farmland with only a few scattered trees and observed during its inspection that the land is well managed grassland in this regard. The vegetation requirements under Table 6 are not overly onerous with landowners still able to undertake landscaping that include planting shrubs and canopy trees. The potential landscape outcome is similar to other areas in Inverleigh where the low

density residential character includes an open landscape on those areas that have developed on previously cleared farming land (there are other areas in the town where remnant areas of scattered canopy trees have been retained, which is not the case here).

The Panel agrees with the CFA that an additional buffer between future development and the northern boundary is required to have better regard to the broader landscape effect on bushfire risk. It is noted that [REDACTED] considers the requirement for dwelling construction to BAL 29 rating attempts to have regard to this issue however, the Panel considers additional separation is required to ensure a more responsive development design is provided. The Panel notes the bushfire planning provisions do not provide much guidance on this and considers the involvement of the CFA and Council in determining an appropriate buffer in addition to the defendable space areas identified in [REDACTED] evidence is warranted as part of DPO16.

3.5 Conclusions

The Panel concludes:

- The Amendment has appropriately addressed bushfire planning policy through the Panel process, as sought by the CFA. Documentation prepared by Council and the Proponent including the expert evidence of [REDACTED] has ensured that bushfire risk has been considered at a strategic level and also somewhat on a statutory level through the preparation of a Bushfire Management Statement.
- Bushfire policy in relation to settlement planning requires the protection of human life, as a priority to be considered above all other policies. This includes the current strategic policy in the planning scheme that identifies the site as a location for future population growth. The Panel is satisfied this has been undertaken.
- The Amendment has demonstrated that it is consistent with ensuring that population growth and development is directed to a low risk location, being one that has been assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre and an area where a BAL 12.5 rating can be achieved.
- The provision of a perimeter road is appropriate along the western, northern and eastern boundaries of the site and constructed to an all-weather standard. The Panel also supports other post-exhibition changes suggested by Council, the Proponent and the CFA to respond to bushfire risk. This includes the provision of any additional buffer setback of development from the Inverleigh Nature Conservation Reserve to reflect its role in the broader landscape contribution to bushfire risk. Any additional setback should be assessed in consultation with the CFA and to Council's satisfaction.

Overall, the Panel supports the Amendment subject to changes to Schedule 16 to the Development Plan Overlay to incorporate appropriate post-exhibition changes.

4 Stormwater management

4.1 The issue

Stormwater infrastructure within Inverleigh and the area south of the site primarily comprises a combination of open drains, detention basins and pipe and/or box culverts under roads and discharges via open drains to Common Road and eventually to the Leigh River.

Stormwater discharge from new residential developments and how they are managed particularly in terms of minimising flooding is an issue raised by a submitter.

The issue is:

- Whether stormwater management under the Amendment appropriately mitigates effects on downstream flooding?

4.2 Stormwater management policy

Stormwater management on land in the LDRZ is governed by State policy under Clause 19.03-35 (Integrated water management) and Clause 21.06-2 (Development infrastructure). Clause 32.03-6 (Decision guidelines) under the LDRZ includes the requirement under subdivision to consider the standards of Clauses 56.07-1 to 56.07-7. Of direct relevance are the provisions of Clause 56.07-4 (Stormwater management objectives).

These policies and provisions fundamentally seek to sustainably manage water resources including stormwater having regard to quality, quantity and downstream effects including minimising flood risks. Provision is to be made for appropriate water management infrastructure at the subdivision design stage and that stormwater quality and quantity is managed through a mix of on-site measures and developer contributions at a scale that will provide the greatest net community benefit.

Council's local policy seeks to apply best practice stormwater management in development and include reference to the Infrastructure Design Manual (refer to Objectives 2 and 3 and associated strategies under Clause 21.06-2).

Under Clause 56.07-4 stormwater is expected to be managed:

- To minimise damage to properties and inconvenience to residents from stormwater.
- To ensure that the street operates adequately during major storm events and provides for public safety.
- To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
- To encourage stormwater management that maximises the retention and reuse of stormwater.
- To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Under this same clause, Standard C25 provides relevant performance requirements for stormwater management design and function and if satisfied achieves the above objectives

under this provision. Hence, this Standard provides direct guidance over how any stormwater system is design and the parameters that are required to be met.

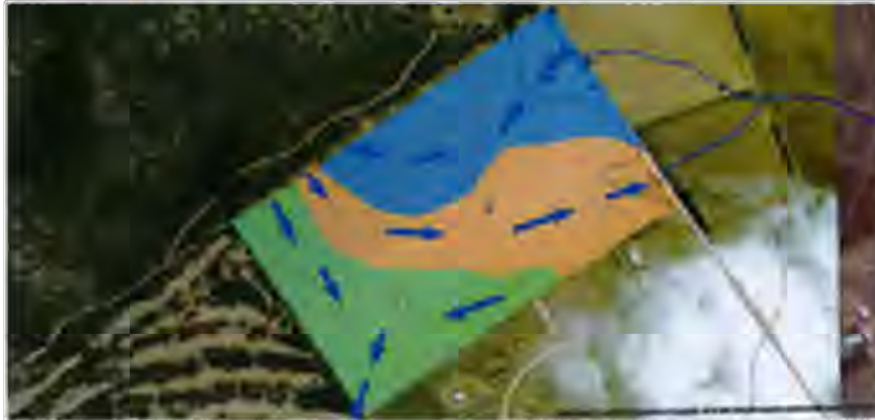
4.3 Submissions

██████████ who reside in the Barrabool Views Estate south of the site submitted that they have experienced flooding (in March 2017) from stormwater flows exceeding the current swale drain infrastructure along roadsides which have flowed over and onto their land causing stress and damage. They submitted that they seek to ensure that the stormwater from any development on the site flowing from the Amendment is retained on-site or discharged to an alternative location away from the Argyle and Faulkner Road catchment (to the south within the Barrabool Views Estate). They also consider that any stormwater retained on the site could be used for irrigation purposes on the Inverleigh Golf Course.

██████████ submitted that stormwater drainage flow onto the Rutherford land is not a matter for the Proponent to manage, but is for Council to address. He considered that DPO16 will require the provision of a stormwater management strategy to accompany any future Development Plan for the site, which will require the future development of the site to manage its own stormwater. ██████████ submitted that as a result, there should be no additional impact on the Rutherford property as a result of the future subdivision of the site.

Council drew the Panel’s attention to the Stormwater Management Plan (SMP) prepared in support of the rezoning request by TGM Consulting. The SMP shows the site split into three sub-catchments as shown in Figure 6.

Figure 6 Drainage sub-catchments

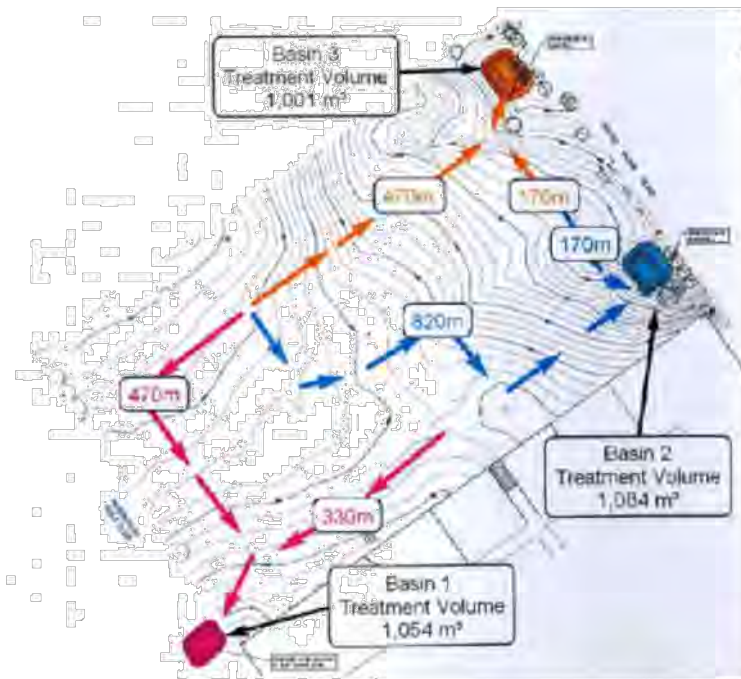


Sub-catchment area 1 is that part of the site that drains southwards towards the Barrabool Views Estate and to the Rutherford’s property. Sub-catchment area 1 drains approximately 13.5 hectares. The SMP identifies that the pre-development stormwater runoff flows as a peak discharge from a 1 per cent AEP storm event from this sub-catchment would be approximately 0.40 cubic metres per second. The SMP has estimated that based on such a discharge flow rate, a detention basin be constructed with a volume of 1,054 cubic metres to

achieve pre-development levels of stormwater discharge from the developed condition of the site (refer to Figure 7).

Supporting the above design, TGM Consulting advised by letter dated 22 November 2018 (Document 10) that the detention basin design would ensure no increase in the peak flow rate due to development.

Figure 7 Conceptual stormwater drainage treatment



TGM Consulting further stated that the pre-development stormwater flow could be further reduced by ‘oversizing’ the basin and increasing its volume capacity by approximately 20 per cent and increasing the volume storage to approximately 1,264 cubic metres⁴. They also mentioned that by locating the detention basin within the Inverleigh Golf Course, an opportunity would be created for the water to be used for irrigation purposes.

██████ submitted that to avoid potential for aggravating downstream flooding from stormwater, a more appropriate planning outcome would be to require a higher standard of detention for sub-catchment area 1, such that the discharge from this part of the site, post-development is attenuated to a target flow of 50% of 1% AEP pre-developed flow or 0.20 cumecs. ██████ submitted this would have the effect of requiring the sub-catchment area 1 detention basin being increased in volume, likely to be in the order of approximately 2,000 cubic metres and with a net additional construction cost of approximately \$10,000.

⁴ An additional 210,000 litres or 210 cubic metres.

██████████ submitted that changes to DPO16 could include the following conditions under Clause 2.0 (Conditions and Requirements for Permits):

- Road Reserve width must be a minimum of 25 metres.
- All stormwater discharging from the subject site and to the south through the existing subdivision shall be limited to 50% of the 1% AEP pre-developed flow or 0.20 cumecs whichever is the lesser.

In response, ██████████ advised that the Proponent accepted the road reserve width as logical in terms of providing space for the carriageway, swale drains and other road and associated infrastructure. However the imposition of specific requirements for any detention basin was inappropriate at the Amendment stage and for inclusion within DPO16. ██████████ submitted that stormwater matters can be dealt with at the Development Plan and planning permit stages. As a result, it is premature to insert this form of specific condition at this stage of the process when drainage matters are yet to be subject to detailed design.

4.4 Discussion

The Panel acknowledges the plight of ██████████ and the detrimental experiences they have had with respect to flooding from stormwater. The Panel also acknowledges that Council has undertaken works within the existing stormwater system to attempt to alleviate such issues.

The management and operational flaws, whatever they may be, of existing stormwater management infrastructure is not the issue before the Panel.

In terms of stormwater and how it is managed, this is fundamentally an issue that would be addressed at a later approval stage than that of rezoning under the Amendment. However, it is appropriate for the Panel to ensure that it is satisfied that stormwater and its management from the site, as a result of the rezoning proceeding and development potentially occurring, can be appropriately managed.

In this respect, the Panel is satisfied that stormwater can be appropriately managed.

Provision of a requirement in DPO16 for a Stormwater Management Plan to be prepared to inform a Development Plan and subsequently with detailed stormwater design submitted for approval at the subdivision stage(s) provides sufficient assurance that the issue can and will be addressed.

The Panel is also satisfied that pre-development levels of stormwater discharge flows can be managed through appropriate infrastructure such as a detention basin. The disagreement evident between the Council and the Proponent regarding detailed design and sizing and location of any detention basin is a matter to be addressed later in the development process and no doubt guided by Standard C25 under Clause 56.07-4 of the planning scheme.

The Panel notes that maintaining pre-development levels of stormwater discharge from the developed state of the site should provide some solace to ██████████ that any development of the site flowing from the Amendment should not aggravate existing issues with respect to downstream flooding from stormwater.

The Panel also notes that provision of detention basin(s) may present an opportunity to assist with bushfire mitigation and the potential use for irrigation purposes on the Inverleigh

Golf Course that may also facilitate bushfire mitigation. This is an opportunity that should be explored by Council, the Proponent and the Inverleigh Golf Club.

4.5 Conclusions

The Panel concludes that:

- Stormwater management can be appropriately provided under the Amendment through the provisions of Development Plan Overlay Schedule 16.

5 Form and content of Development Plan Overlay Schedule 16

5.1 Post-exhibition changes

Following exhibition of the Amendment, the Panel process has led to close scrutiny of Schedule 16 to the DPO. Council, the Proponent and the CFA have made suggested changes to DPO16 relating to matters raised in submissions, to bushfire mitigation and stormwater management. These have been described in Section 1.3 and Chapters 3 and 4.

The majority of the suggested changes are agreed amongst the parties. The exceptions relate to the nature of the perimeter road and detention basin sizing.

The suggested changes from the CFA have been agreed to by the Panel and should be incorporated into DPO16.

The Ministerial Direction on the Form and Content of Planning Schemes, issued under section 7(5) of the Act, requires, under Clause 11, that a Schedule must be in the format set out in Annexure 2 of the Ministerial Direction. The Schedule for Clause 43.04 in Annexure 2 includes Clause 1.0 relating to Objectives. The Panel notes that the DPO16 does not contain any objectives. Hence, the Panel considers Schedule 16 should be reviewed by Council and amended as necessary to meet the Form and Content Direction.

Appendix C contains a form of DPO16 that has the changes supported by the Panel incorporated and is the Panel's preferred version of the control (noting the comments above regarding the Ministerial Direction on the Form and Content of Planning Schemes).

The Panel recommends that:

- 1. Golden Plains Planning Scheme Amendment C74 be adopted as exhibited subject to the following change:**
 - a) Amend the Development Plan Overlay Schedule 16 as shown in the Panel preferred version at Appendix C of this report.**

Appendix A Submitters to the Amendment

No.	Submitter
1	[REDACTED] (subsequently withdrawn)
2	Environment Protection Authority, South West Region (provided a submission to each exhibition period)
3	Transport for Victoria, Barwon South West Region (provided a submission to each exhibition period)
4	[REDACTED]
5	Country Fire Authority, West Region
6	Department of Environment, Land, Water and Planning, Grampians Region

Appendix B Document list

No.	Date	Description	Provided by
1	17/12/2018	Council Part A submission	
2	"	Council Part B submission	"
3	"	Revised Development Plan Overlay Schedule 16	"
4	"	Stormwater Catchment Plan	
5	"	Panel Report on Golden Plains C75	
6	"	Development Plan Overlay Schedule 15	"
7	"	Statement of Expert Evidence on Bushfire, 10 December 2018	
8	"	Bushfire Management Statement – 230 Hopes Plains Road, Inverleigh by South Coast Bushfire Consultants, 10 December 2018	"
9	"	Bushfire Risk Assessment and Response to Clause 13.02 – 230 Hopes Plains Road, Inverleigh by South Coast Bushfire Consultants, 10 December 2018	"
10	"	Letter dated 22 November 2018 from TGM Group Pty Ltd on stormwater issues	
11	"	Submission on behalf of the	"
12	"	Country Fire Authority Submission	
13	"	Submission for	

Appendix C Panel preferred version of Schedule 16 to the Development Plan Overlay

This version accepts changes suggested by Council, the Proponent and the CFA and considered by the Panel to the exhibited version of DPO16. The mark-ups shown are the Panel's recommended changes with the Panel's additions shown in blue underline while deletions are shown in red strikethrough.

SCHEDULE 16 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO16**.

BARRABOOL VIEWS NORTH

1.0 Requirement before a permit is granted

A Development Plan must be approved by the responsible authority prior to a planning permit being granted to subdivide land into two (2) or more allotments, or prior to granting a planning permit for a dwelling or ancillary building.

2.0 Conditions and requirements for permits

A permit to subdivide land must include conditions regarding the following:

- A perimeter road constructed to an all-weather standard must be provided on the western, northern and eastern boundaries of the development plan area with no development to adjoin an area of bushfire hazard unless separated by a perimeter road.
- All residential development must be serviced with sealed roads and footpaths to the satisfaction of the responsible authority.
- A concrete footpath must be provided along one side of each proposed road within the subdivision.
- Construction and sealing of Hopes Plains Road from the entry to the subject site to the corner of Faulkner Road to the satisfaction of the responsible authority.
- Road Reserve widths must be a minimum of 25 metres.
- All stormwater discharging from the subject site and to the south through the existing subdivision shall be limited to pre-development flows or less in accordance with recommendations of a Stormwater Management Plan approved by and to the satisfaction of the responsible authority.
- A section 173 agreement(s) must be prepared to the satisfaction of the responsible authority. The agreement(s) must be prepared and registered at the cost of the land owner. The agreement(s):
 - Implements the requirements of the Land/Bushfire Management Plan ~~for all lots abutting the Inverleigh Golf Course and Inverleigh Nature Conservation Reserve~~ to the satisfaction of the responsible authority, including in relation to:
 - the maintenance and management of the proposed 6 metre emergency access and egress perimeter road;
 - the requirement to construct all habitable buildings within 100 metres of the northern, western and eastern boundaries of the Development Plan area to a standard of Bushfire Attack Level (BAL) 29 in accordance with Australian Standard 3959-2009;

- provision and management of defensible space to a standard of BAL 12.5 for all lots within 100 metres of the northern, western and eastern boundaries in accordance with Clause 53.02;
- management of vegetation on all lots within the Development Plan area in accordance with Clause 53.02-5 Table 6;
- any recommended buffer setbacks in addition to setbacks associated with defensible space of residential development from bushfire hazards from the broader landscape bushfire risk; and
- the prohibition of buildings, including outbuildings, being constructed within the northern, western and eastern interface defensible space areas.
- Acknowledges the adjoining rural land uses and the implications of living adjacent to an operating farming property. The agreement will inform all future owners of the proposed lots that at times there may be off-site affects associated with the neighbouring rural use.
- Requires the upgrade of the intersection of Hopes Plains Road and the Hamilton Highway be completed prior to statement of compliance for the first stage of the subdivision and to the satisfaction of VicRoads and the responsible authority.
- Requires a contribution of \$95,000 to be paid at statement of compliance of the first stage of the subdivision to the responsible authority for the ongoing maintenance of Hopes Plains Road.
- An environmental site assessment of the land must be carried out by a suitably qualified environmental professional to the satisfaction of the responsible authority, and provide information including:
 - Detailed assessment of potential contaminants on the relevant land; and
 - Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit in accordance with Part IXD of the Environment Protection Act 1970 of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.
- Where the environmental site assessment determines an environmental audit is required, any subsequent permit for the subdivision, use or development of land must ensure that where residual contamination remains, it is managed through:
 - Ensuring the permit aligns with the list of suitable land uses on the associated Certificate or Statement of Environmental Audit issued under part IXD of the Environment Protection Act 1970, and;
 - Ensuring the conditions on land use and development, as specified in the abovementioned Certificate or Statement of Environmental audit, where relevant to the proposed permit, are translated into a condition(s) on that permit.

3.0 Requirements for development plan

A development plan must include the following requirements:

- Provide a site analysis and design response that demonstrates how the proposed subdivision and development will integrate with the adjoining residential development.
- Provide a subdivision layout design that makes provision for at least two north-south access roads to enable movement away from bushfire risk associated with the Inverleigh Nature Conservation Reserve and for road access to integrate with existing residential development to the south with road connection to the south that is in addition to access to Hopes Plains Road.
- A stormwater management plan detailing how stormwater will be collected and treated within the subdivision and identifying the proposed methods for disposing of stormwater to the satisfaction of the responsible authority.

- A Flora and Fauna Management Plan that:
 - Identifies and provides assessment of the health and recommended treatment for all scattered trees in the Low Density Residential Zone.
 - Identifies vegetation protection envelopes for all lots containing mature trees. All vegetation envelopes must be wholly contained within the subject lot.
- A Land Capability Assessment undertaken in accordance with [Environment Protection Authority Publication 891.4 Code of Practice – Onsite Wastewater Management](#), or as amended, which demonstrates that wastewater can be treated and retained within each proposed allotment to the satisfaction of the responsible authority.
- A Landscape Plan incorporating the Flora and Fauna Management Plan recommendations and the location and species of proposed vegetation. Proposed species are to be to the satisfaction of the responsible authority.
- A Land/~~Bushfire~~ Management Plan must be prepared by an appropriately qualified professional and applied to all lots ~~abutting the Golf Course and Inverleigh Nature Conservation Reserve~~, within the Development Plan in consultation with the Country Fire Authority (CFA) and the responsible authority and to the satisfaction of the responsible authority. The Plan must include requirements for:
 - ~~provision of defensible space to BAL 12.5 for those lots adjoining the Inverleigh Golf Course, Inverleigh Nature Conservation Reserve and Hopes Plains Road reserve. The interface defensible space areas within these lots must be clear of buildings, including outbuildings;~~
 - ~~assessment and provision of recommended additional buffer setbacks of residential development from bushfire hazards arising from the broader landscape bushfire risk;~~
 - ~~provision of a 6 metre wide emergency access and egress perimeter road constructed to an all-weather standard around the western, northern and eastern boundaries of the Development Plan area to the satisfaction of the responsible authority and the CFA. The perimeter road must be:~~
 - ~~trafficable to allow emergency vehicle access and egress;~~
 - ~~clear of any obstructions; and~~
 - ~~gated at all entry points;~~
 - ~~all habitable buildings to be constructed within 100 metres of the northern, western or eastern boundaries to comply with a standard of BAL29;~~
 - ~~vegetation management within all lots to be undertaken in accordance with the vegetation management conditions of Clause 53.03-5, Table 6;~~
 - ~~vegetation management of all future reserves and /or surrounding detention basins to be undertaken in accordance with the defensible space requirements set out in Clause 53.02-5, Table 6; and~~
 - ~~other details regarding planting, fencing, management of domestic pets and weeds.~~
 - ~~the maintenance of a fire buffer and must include detail regarding fencing, vegetation protection measures, planting, drainage, management of domestic pets and weeds and ensure direct access to crown land is minimised.~~
- The staging of development.
- An overall design response that incorporates all of the appropriate elements into a single plan demonstrating how the development responds to these requirements. The overall design response must show access to the subject site directly from Hopes Plains Road.

4.0 Reference

Infrastructure Design Manual (as revised), Local Government Infrastructure Design Association.

GOLDEN PLAINS PLANNING SCHEME

~~1.1~~
Proposed C74

SCHEDULE 16 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO16**.

BARRABOOL VIEWS NORTH**1.0 Objectives**

~~1.1~~
Proposed C74

None specified.

2.0 Requirement before a permit is granted

~~2.1~~
Proposed C74

None specified.

3.0 Conditions and requirements for permits

~~3.1~~
Proposed C74

The following conditions and/or requirements apply to a permit to subdivide land:

- An all weathered perimeter road must be constructed on the western, northern and eastern boundaries of the development plan area.
- All residential development must be serviced with sealed roads that have a minimum road reserve width of 25 metres.
- A concrete footpath must be provided along one side of each proposed sealed road within the subdivision to the satisfaction of the responsible authority.
- Construction and sealing of Hopes Plains Road from the entry to the subject site to the corner of Faulkner Road to the satisfaction of the responsible authority.
- All stormwater discharging from the subject site and to the south through the existing subdivision shall be limited to pre-development flows or less in accordance with recommendations of a Stormwater Management Plan approved by and to the satisfaction of the responsible authority.
- A section 173 agreement(s) must be prepared to the satisfaction of the responsible authority. The agreement(s) must be prepared and registered at the cost of the land owner. The agreement(s):
 - Implements the requirements of the Land/Bushfire Management Plan to the satisfaction of the responsible authority, including in relation to:
 - the maintenance and management of the proposed 6 metre emergency access and egress perimeter road;
 - the requirement to construct all habitable buildings within 100 metres of the northern, western and eastern boundaries of the Development Plan Overlay area to a standard of Bushfire Attack Level (BAL) 29 in accordance with Australian Standard 3959-2009;
 - provision and management of defendable space to a standard of BAL 12.5 for all lots within 100 metres of the northern, western and eastern boundaries in accordance with Clause 53.02;
 - management of vegetation on all lots within the Development Plan Overlay area in accordance with Clause 53.02-5 Table 6;
 - any recommended buffer setbacks in addition to setbacks associated with defendable space of residential development from bushfire hazards from the broader landscape bushfire risk; and

GOLDEN PLAINS PLANNING SCHEME

- the prohibition of buildings, including outbuildings, being constructed within the northern, western and eastern interface defensible space areas.
- Acknowledges the adjoining rural land uses and the implications of living adjacent to an operating farming property. The agreement will inform all future owners of the proposed lots that at times there may be off-site affects associated with the neighbouring rural use.
- Requires the upgrade of the intersection of Hopes Plains Road and the Hamilton Highway be completed prior to statement of compliance for the first stage of the subdivision and to the satisfaction of VicRoads and the responsible authority.
- Requires a contribution of \$95,000 to be paid at statement of compliance of the first stage of the subdivision to the responsible authority for the ongoing maintenance of Hopes Plains Road.

4.0 Requirements for development plan

~~4.1~~
Proposed C74

A development plan must include the following requirements:

- Provide a site analysis and design response that demonstrates how the proposed subdivision and development will integrate with the adjoining residential development.
- Provide a subdivision layout design that makes provision for at least two north-south access roads to enable movement away from bushfire risk associated with the Inverleigh Nature Conservation Reserve and for road access to integrate with existing residential development to the south with road connection to the south that is in addition to access to Hopes Plains Road.
- Provide an overall plan that incorporates the Stormwater Management Plan, Flora and Fauna Management Plan, Landscape Plan, Onsite Wastewater Management, Land/Bushfire Management Plan and staging of development.
- Access must be directly from Hopes Plains Road.
- Development must not adjoin an area of bushfire hazard unless separated by a perimeter road.
- An environmental site assessment of the land must be carried out by a suitably qualified environmental professional to the satisfaction of the responsible authority, and provide information including:
 - Detailed assessment of potential contaminants on the relevant land; and
 - Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit in accordance with Part IXD of the Environment Protection Act 1970 of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.
- Where the environmental site assessment determines an environmental audit is required, prior to the issue of a statement of compliance, advice must be provided to the responsible authority confirming:
 - A Certificate of Environmental Audit has been issued in accordance with Section 53Y of the Environment Protection Act 1970; or
 - A Statement of Environmental Audit has been issued in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

GOLDEN PLAINS PLANNING SCHEME

- Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the issue of a statement of compliance. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.
- A Stormwater Management Plan that:
 - Details how stormwater will be collected and treated within the subdivision and identifying the proposed methods for disposing of stormwater to the satisfaction of the responsible authority.
 - Identifies how all stormwater discharging from the subject site and to the south through the existing subdivision shall be limited to pre-development flows or less.
- A Flora and Fauna Management Plan that:
 - Identifies and provides assessment of the health and recommended treatment for all scattered trees in the Low Density Residential Zone.
 - Identifies vegetation protection envelopes for all lots containing mature trees. All vegetation envelopes must be wholly contained within the subject lot.
- A Landscape Plan incorporating the Flora and Fauna Management Plan recommendations and the location and species of proposed vegetation. Proposed species are to be to the satisfaction of the responsible authority.
- A Land Capability Assessment undertaken in accordance with Environment Protection Authority Publication 891.4 Code of Practice – Onsite Wastewater Management, or as amended, which demonstrates that wastewater can be treated and retained within each proposed allotment to the satisfaction of the responsible authority.
- A Land/Bushfire Management Plan must be prepared by an appropriately qualified professional and applied to all lots within the Development Plan Overlay in consultation with the Country Fire Authority (CFA) and the responsible authority and to the satisfaction of the responsible authority. The Plan must include requirements for:
 - provision of defensible space to BAL 12.5 for those lots adjoining the Inverleigh Golf Course, Inverleigh Nature Conservation Reserve and Hopes Plains Road Reserve. The interface defensible space area within these lots must be clear of buildings, including outbuildings;
 - assessment and provision of recommended additional buffer setbacks of residential development from bushfire hazards arising from the broader landscape bushfire risk;
 - provision of a 6 metre wide emergency access and egress perimeter road constructed to an all-weather standard around the western, northern and eastern boundaries of the Development Plan Overlay area to the satisfaction of the responsible authority and the CFA. The perimeter road must be:
 - trafficable to allow emergency vehicle access and egress;
 - clear of any obstructions; and
 - gated at all entry points;

GOLDEN PLAINS PLANNING SCHEME

- all habitable buildings to be constructed within 100 metres of the northern, western or eastern boundaries to comply with a standard of BAL29;
 - vegetation management within all lots to be undertaken in accordance with the vegetation management conditions of Clause 53.02-5, Table 6;
 - vegetation management of all future reserves and / or surrounding detention basins to be undertaken in accordance with defensible space requirements set out in Clause 53.02-5, Table 6; and
 - other details regarding planting, fencing, management of domestic pets and weeds.
- The staging of development.

5.0 Reference

~~4.4~~
Proposed C74

Infrastructure Design Manual (as revised), Local Government Infrastructure Design Association.

