

Agenda

Special Meeting of Council
for Hearing Submissions
Tuesday 7 July 2026

Video conference
Commencing at 6:00pm

Council:

Cr Libby Stapleton (Mayor)
Cr Paul Barker
Cr Mike Bodsworth
Cr Phoebe Crockett
Cr Joel Grist
Cr Liz Pattison
Cr Tony Phelps
Cr Adrian Schonfelder
Cr Leon Walker

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1 Procedural Matters

1.1 Present

1.2 Opening

I would like to acknowledge that we meet on Wadawurrung Country and that the Surf Coast municipality also includes the traditional Country of the Gadubunud and Gulidjan people of the Eastern Maar Nation. I pay my respects to their Elders, past, present and emerging.

Surf Coast Shire Council is committed to walking with Traditional Owners on a reconciliation journey that recognises and celebrates culture and the unique land, sea and waterway Country of the Surf Coast.

I would also like to acknowledge any Aboriginal People attending or viewing this meeting tonight.

1.3 Pledge

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

1.4 Apologies

1.5 Conflicts of Interest

Note to Councillors and Officers

Declaration of Interest

In accordance with Section 130 of the Local Government Act 2020 (the Act), there is an obligation to declare a conflict of interest in certain situations including matters being considered by Council.

A conflict of interest can be a general conflict of interest under section 127 of the Act, or a material conflict of interest under section 128 of the Act.

A Councillor, a non-Councillor member of a delegated committee or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner contrary to their public duty.

A Councillor, a non-Councillor member of a delegated committee or member of Council staff has a material conflict of interest in respect of a matter if they or another affected person (as defined in section 128(3)) would gain a benefit or suffer a loss depending on the outcome of the matter.

Please note that some general exemptions apply and are set out in section 129 of the Act.

Disclosure of Interest

A Councillor must make full disclosure of a conflict of interest by either advising Council at the meeting immediately before the matter is considered at the meeting, or advising the Chief Executive Officer in writing prior to the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the

room and notify the Chairperson that they are doing so. This notification must include the nature of the conflict and whether the interest is a general or material conflict of interest.

A Council officer must disclose the conflict of interest when providing information and before the information is considered.

Councillors and Council staff will also be required to complete a conflict of interest declaration form.

2 Reports

2.1 PG26/0003 - Amending The Sands Comprehensive Development Plan

Council Plan	Strategic Direction - High Performing Council Strategic Direction - Sustainable Communities
Author's Title:	Principal Statutory Planner
General Manager:	Chris Pike, General Manager Placemaking and Environment
Division:	Placemaking and Environment
Department:	Planning and Compliance
Attachments:	Nil

Officer Conflict of Interest: No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

Status: This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

Purpose

1. The purpose of this report is to hear submissions relating to Planning Application PG26/0003 (the Application).

Recommendation

That Council receives and notes the submissions to Planning Application PG26/0003.

Summary

2. The Application seeks to amend the Comprehensive Development Plan (CDP) approved under Schedule 2 to the Comprehensive Development Zone (CDZ2) applying to land in The Sands Estate, Torquay.
3. The proposed amendment of the CDP, specifically alters the golf course land addressed as 2 Sands Boulevard to:
 - 3.1. Increase the area of Residential and Medium Density precincts at 14 locations by reducing the Golf Course Precinct
 - 3.2. Alter the lot schedule from containing a mix of 400 Residential lots and 200 Medium Density lots to a combined 600 residential lots. The specification of 100 residential hotel lots and 700 total lots remains unaltered.
4. The CDP may be amended under CDZ2 to the satisfaction of the responsible authority.

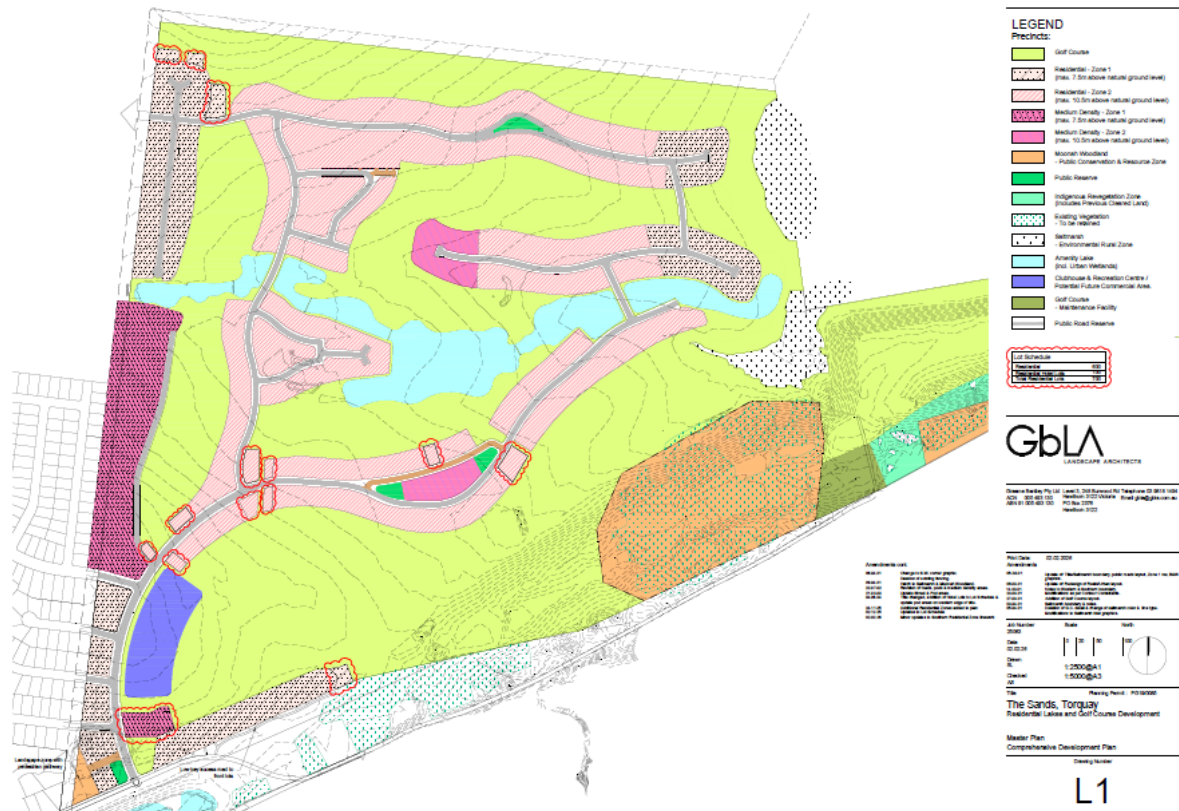


Figure 1 – Proposed amended Comprehensive Development Plan, red clouding identifies changes (Source: Supplied)

5. The Application is not subject to notice requirements under the *Planning and Environment Act 1987* (the Act), however Council has exhibited the application and invited public submissions to inform assessment and decision making. The application was exhibited on the Surf Coast Shire website and at Council’s Civic Centre in April-May 2026 for at least 4 weeks. It remains available to view and submissions may still be made.
6. Notice of exhibition was sent by mail to the owners and occupiers of land within The Sands and of land adjoining 2 Sands Boulevard. Notice was also twice published in the Surf Coast Times.
7. As of 10 June 2026, 169 submissions have been received to the Application. Most submissions are from owners or occupiers of land within The Sands. Two of the submissions are from community groups (Greater Torquay Alliance and Surfrider Foundation). A copy of submissions (with private information redacted) has been provided to the applicant.
8. Concurrent with the Application, two planning permit applications have been made for 2 Sands Boulevard. Planning Permit Application 26/0006 (PPA 26/0006) seeks approval to subdivide the land to create 23 lots, remove native vegetation and construct works on Council owned land in the Public Conservation and Resource Zone. Planning Permit Application 26/0007 (PPA 26/0007) seeks approval to use, construct and subdivide 9 dwellings on a lot proposed to be created by PPA 26/0006.
9. Notice of these two permit applications has been given in accordance with the requirements of the Act.

10. A similar number of objections has been received for each application and many of the submissions have been made in respect of all three applications. A large number of submissions refer to four applications, but this is incorrect.
11. This report does not address the objections to the permit applications.
12. In addition to public exhibition, the Application was sent to external authorities – Barwon Water, CFA, Department of Transport and Planning (DTP), Department of Energy, Environment and Climate Action (DEECA), Powercor and Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) – for their expert input and potential interest in the Application. Responses have been received from Barwon Water, CFA and DEECA.

Summary of Submissions:

13. The public submissions uniformly oppose the Application. The affected properties of submitters within or adjacent The Sands are plotted in Figure 2.



Figure 2 – Affected properties of submitters (Source: Council)

14. The main issues raised across these submissions are summarised as follows:
 - 14.1. **Consistency with CDZ2 and the approved Comprehensive Development Plan** – The proposal is inconsistent with the intent and operation of CDZ2 and the approved CDP. The land subject to the proposal forms part of the estate’s planned open space, landscape setting or golf course land, conversion to residential use would represent a material departure from the approved structure.
 - 14.2. **Cumulative intensification of development** – Considered together, the amendment and associated permit applications would increase the residential yield of the estate, reduce the extent and function of open space, and alter the spatial, environmental and landscape structure of The Sands
 - 14.3. **Loss of planned open space** – The land proposed for development is not surplus or incidental land, rather it performs an important role in providing visual and spatial relief, maintaining landscape continuity, supporting ecological values and reinforcing the open, low-density character of the

estate. The loss of these areas is described as permanent and unjustified, with submitters contending that no adequate planning basis has been demonstrated for their redevelopment.

- 14.4. **Section 173 Agreement** – The agreement is intended to secure the long-term integrity and coordinated development of the estate, including the protection of open space, landscape character and the relationship between built form and the golf course environment. It is submitted that the proposal conflicts with both the intent and effect of that agreement by introducing development into areas intended to remain open or function as part of the golf course setting.
- 14.5. **Neighbourhood character and estate identity** – The Sands was approved, promoted and developed as a low-density, open-space-integrated coastal community centred on a golf course landscape. It is argued that the introduction of additional dwellings into areas not originally intended for residential use would erode the approved estate character, reduce openness and dilute the distinctive coastal and landscape-based identity of the estate. Submitters state that this would undermine the planning rationale on which residents purchased within the estate and alter the visual identity of the broader development.
- 14.6. **Residential amenity impacts** – Cited impacts include increased traffic generation, greater parking demand, increased noise and activity, loss of outlook and visual amenity, diminished privacy and a reduction in the perceived openness and spatial quality of the estate. Some submitters also express concern regarding broader impacts on property values and the residential expectations associated with living in The Sands Estate.
- 14.7. **Traffic and infrastructure** – A number of submitters question whether the existing road network and estate infrastructure can appropriately accommodate the additional traffic and activity generated by the proposal. These submissions suggest that traffic assessments do not fully account for cumulative growth in the wider Torquay area, seasonal peak conditions, estate-specific parking pressures and pedestrian/cyclist safety. Concerns are also raised with the availability and capacity of sewer infrastructure.
- 14.8. **Environmental impacts and biodiversity** – The proposal would lead to removal of native vegetation, fragmentation of habitat and loss of wildlife corridors currently used by kangaroos and a range of bird species. In particular, concern is raised regarding impacts on kangaroo movement through the estate and effects on bird habitat, including for species such as honeyeaters, rosellas, cockatoos, kestrels, wetland birds and tawny frogmouths. The likely consequences identified include displacement of wildlife, increased road conflict, habitat loss, increased lighting and noise, and greater predation risk from domestic animals associated with additional dwellings.
- 14.9. **Native vegetation and policy compliance** – Related to environmental concerns, submitters argue that the proposal has not satisfactorily demonstrated compliance with Clause 52.17 (Native Vegetation). It is submitted that the application material does not adequately address the requirements to avoid vegetation removal, minimise impacts or justify proposed offsets.

- 14.10. **Karaaf Wetlands** – Additional development could increase stormwater runoff and freshwater discharge, with associated risks of ecological degradation and altered salinity balance. It is further submitted that there are already existing concerns about development-related impacts on the wetlands and that the cumulative effect of further intensification has not been adequately addressed.
 - 14.11. **Precedent and planning integrity** – If open space or golf course-related land within The Sands is converted to residential use through this amendment, it may become more difficult to resist future encroachment into other open areas.
 - 14.12. **Strategic and policy conflict** – Inconsistency with broader strategic and policy documents, including the Environmental Management Plan, the Surf Coast Statement of Planning Policy, the Urban Futures Strategy, the State Planning Policy Framework, Ministerial Direction 21, and the Planning Guidelines for Golf Course Conversion (2020).
 - 14.13. **Financial justification advanced by the applicant** – Submissions that such matters do not constitute valid planning grounds and that the proposal appears directed to private financial or commercial outcomes rather than a demonstrated planning need or public benefit.
15. The submission from Barwon Water is structured in the manner of a referral response to a planning permit application. It generally offers no objection subject to water and sewer servicing conditions being met. Relevant information is a note that Lot L (Tennis Court) is unable to be serviced with sewer and water. Lot L, also referred to in other documents as Lot MD, is the proposed Medium Density precinct to the south of the clubhouse.
 16. CFAs submission notes that there are areas of land subject to change in the amended CDP that are within a bushfire prone area [some land is also within the Bushfire Management Overlay] that typically requires a review of bushfire policy. CFA defers to Council to determine the appropriate mechanism to undertake this review.
 17. The submission from DEECA is made as:
 - 17.1. An expert authority and policy holder for Victoria's native vegetation regulations
 - 17.2. On behalf of the Minister for Environment as landowner for Crown land in Victoria including the adjoining Breamlea Flora and Fauna Reserve (BFFR)
 - 17.3. Representing the views of Great Ocean Road Coast and Parks Authority (GORCAPA) as manager of the BFFR
 - 17.4. As a referral authority in respect of PPA 26/0006 for the subdivision of land in Schedule 1 to the Environmental Significance Overlay and Salinity Management Overlay.
 18. In summary, the submission highlights the high conservation and biodiversity significance of the Karaaf Wetlands as part of the BFFR and the known adverse impacts that are occurring from stormwater inflows from north Torquay and The Sands including vegetation dieback and changes in vegetation communities. It refers to the work occurring to reduce stormwater inflows into the wetlands, including urban stormwater harvesting and reuse to divert stormwater away from the wetlands. The submission, in

this context, raises concern with the introduction of additional stormwater flows from the proposed development in exacerbating existing impacts.

19. DEECAs submission acknowledges the findings and recommendations of the two stormwater management plans submitted with the applications but highlights that the wetland is a highly sensitive receiving environment with even small changes potentially contributing to cumulative impacts over time. It also raises concern with the capacity to achieve projected outcomes in the long term with the effectiveness of proposed systems contingent on ongoing operation, maintenance and compliance at the individual lot scale introducing uncertainty. It requests an independent peer review of stormwater impacts.
20. In respect of native vegetation, the submission notes that opportunities appear to exist to retain native vegetation, particularly in relation to Lot Group A [adjacent the Esplanade] and encourages consideration of whether further avoidance or minimisation measures could be achieved.
21. Councillors have been provided with full copies of all submissions received.