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>> Good evening, everybody. I'd like to welcome everyone watching this Special Council Meeting. My name is Councillor Liz Pattison, and I'm the Mayor of the Surf Coast Shire. The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung people and the Gulidjan and Gadubanud peoples of the Maar nation. The main council offices in Torquay are on Wadawurrung country. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of years, and have nurtured these places, and I am so grateful that we can be here today living and working in such a beautiful part of the world. The Surf Coast Shire is committed to walk with the traditional owners of these lands in a genuine journey for reconciliation. Tonight, we will be hearing from those who wish to speak to their written submissions regarding the following items: Item 1 - Planning Permit Application 21/0333 - use and development of a retirement village, removal of native vegetation, and removal of a reservation from land under Section 24A of the Subdivision Act - Cypress Lane Torquay. And item 2 - proposed discontinuance and sale of Cypress Lane Torquay and sale of a portion of Reserve No. 3. To facilitate public access, this meeting is being livestreamed and the recording will be available on council's website. If a submitter does not wish to be video-recorded, it is their responsibility to turn off their video function and use audio only. Live captioning will accompany the livestream. Councillors are bound by the behaviour and obligations under our Code of Conduct, so please direct any questions or comments you have through me as the Chair, and I will endeavour to ensure that everybody has an opportunity to speak whilst also making sure we stick to time. The following procedures will apply during this meeting: Each submitter who has registered to speak will be admitted into the meeting and given five minutes to present their submission. When the timer on the screen reaches five minutes, you must stop your presentation. The timer will turn orange when you have one minute left as a bit of a warning, and then red when there is 10 seconds remaining. It would be really helpful if you could keep an eye on the timer and stick to those times, because we have lots of people speaking. Councillors will then be invited to ask questions directly related to your submission if needed. In the interest of time, we will try to keep the questions brief so we can move through all of the submitters in a fair and reasonable way. I ask that all participants remain on mute when they are not speaking, just to allow the meeting to run smoothly. If a speaker has any technical problems which are not resolved quickly, they will be removed from the meeting and contacted by a member of council staff. If the issues are resolved, the speaker will be invited to deliver their presentation that end of the meeting. This Special Council Meeting is not a workshop and it should not be necessary for officers to be asked to make comment on the submissions. However, if there are any questions of officers, they should be directed through me as the Chair. Councillors will not be making any decisions in relation to the matters heard tonight. Decision-making will occur at a future council meeting once all relevant information has been received and reviewed. I will now recite the 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. We now move on to apologies. Are there any apologies for the meeting tonight?

>> I've had an apology from Councillor Barker. He isn't able to attend, but he will be viewing those hearings, because it will be reported, so he'll be able to keep abreast of the hearings. Can I have a mover for Councillor Barker's apology, please? Councillor Allen, thank you. And a second? Councillor Gazzard. All those in favour? Thank you. That motion is carried unanimously. Do we have any conflicts of interest for tonight's meeting? No? Thank you. If a councillor or officer has a conflict of interest, they need to declare it now and do so just before the motion is discussed. But we have none, as indicated. We'll now move on to our first report and, relating to the Planning Permit Application 21/0333 - use and development of a retirement village, removal of native vegetation, and removal of a

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reservation from land under Section 24A of the Subdivision Act - Cypress Lane Torquay. So there were 113 submissions received for this item. 10 submitters, including the applicant, have requested to speak on this particular one tonight. And our first speaker is Sue O'Shannassy on behalf of the Greater Torquay Alliance. Could Sue please be admitted into the meeting? Hi, Sue, if you're comfortable, you can turn your video on and take yourself off mute.

>> SUE O'SHANNASSY: How's that? Can you hear me?

>> We can. You've got the paper in front of the video - that might be on purpose, it's up to you. Oh, we can see you now.

>> SUE O'SHANNASSY: Is that better?

>> Thank you.

>> SUE O'SHANNASSY: Can I just be clear here that we are now talking about the planning application, not the sale of land?

>> LIZ PATTISON: That's right, that's what we're talking about

>> SUE O'SHANNASSY: I was expecting it the other way around, that's all.

>> LIZ PATTISON: Apologies. This one is for the planning application. I'll pass it over to you.

>> SUE O'SHANNASSY: OK. I would like to start - which I thought I was starting on the other one - I wish to acknowledge the traditional owners on the land of which each person is attending or viewing this meeting today, and pay respects to elders past and present. Now I have to go to a different one... This is a combined GTA and 3228 Residents Association verbal submission for the planning application 21/0333. I'm a committee member of both those associations. No-one else was able to attend tonight, so it's been left up to me, and I decided the easiest way was to combine both our submissions, which you should have on the application - hopefully it'll cut the time down a little bit as well. So I'll just start now, Liz. Thank you for the opportunity to speak to our submissions to the planning application for retirement village in Coombes Road Torquay. As a committee member of both 3228 Residents Association and GTA, I will combine our verbal submissions on both of our individual submissions, as there is considerable overlap. I will also try not to repeat those points which have previously been examined - I thought would be previously examined - in the sale-of-land hearing in relation to the confusing process that council chose to undertake. A reminder of this later. We have chosen tonight to speak to support those residents who live west of the development and those all who live south in Deep Creek, who will be impacted if this proposal proceeds. Both the committee of the Greater Torquay Alliance - GTA - and the committee of 3228 Residents Association - object to the planning application for a 3-Torrie, 196-dwelling retirement village at the above mentioned address. We both acknowledge there is a place for retirement villages in the Surf Coast Shire, but the scale and density of this development exceeds what is expected in this location and zone. Accommodations for seniors could be still achieved without the sale of any land, and with a more appropriate density and scale - say, 2-storey - as long as the current residents in the area agree with this sort of use. Of course, the profit to the developer may make it an unattractive proposition. We also acknowledge the reduction in building of the main apartment clubhouse building, the main building being shifted away from the western boundary and villa and townhouses being reduced from three storeys to two storeys. So, from three storeys and two storeys to 1- and 2-storeys. We consider the height and density are still far too great for this low-density residential zone site. The density is almost 15 times greater than the surrounding LDRZ - low-density residential zone - area. No 3-storey developments have been allowed in the vicinity of the development site, and we consider three storeys is out of character for the area. We are concerned about what information has been presented in relation to this proposal. The committee and councillors have the right to receive accurate information. Unfortunately, there has been information provided that is inaccurate or ill-informed.

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We are concerned that the vote regarding the public sale of land in February 23 meeting could have been based upon current and previous information that was at best confusing or, even worse, false. Today, I am listening again to that part of the February 2022 council meeting relating to the in-principle agreement to sell the publicly owned land to the developer. The CEO of the Surf Coast Shire, when questioned by Councillor Bodsworth about valuation, stated that the land in question would require rezoning. The councillor asked for confirmation didn't know - is a rezoning required? We haven't been able to find any reference to the applicants requesting a rezoning. We are therefore surprised that this application is out to community consultation if the zoning is not right for this project. Or is the information incorrect? In answer to a councillor's question about access for pedestrians to Deep Creek, they were told that the development would not be a gated community. However, the revised plans from March 23 show vehicle and pedestrian gates at Coombes Road main entrance into other pedestrian gates around the site. In the GTA submission, it was noted that the applicants' planning report makes several references to aged care accommodation. We understand the application is for a retirement village with no aged care facilities. The two uses are quite different. This is misleading. Or are we just confused? Stormwater has become a contentious issue in Torquay. The effects of mismanaged stormwater discharge has shown up in our waterways particularly by -- the craft wetlands. The GTA submission goes into considerable detail and highlights concerns about the method of management of stormwater in a proposed development, and the likely detrimental effects on Deep Creek. With further urban development planned within its catchments such as Biodie Drive, West of state, which by the way may also include retirement living and an aged care facility, adding to the concerns for Deep Creek. How will stormwater be managed? The applicants' planning report refers to a site stormwater management plan, but we have been unable to find it. The GTA's submission also raises queries about the CCMA assessment for this development. We do endorse their recommendation for a waterway management plan for Deep Creek and are interested in what the detail might contain. Considering the development that is already proposed, such a plan should ensure the long-term protection of designated waterways and minimise future maintenance requirements for any reserve created over the waterways. With recent discussion of Deep Creek being used to drain some of the Torquay North stormwater that is impacting upon the wetlands, a management plan is vital. I urge you to have a close look at the detail in our submission. The GTA's submission on the sale of land gives a detailed example of the cost of entry and exit to a new retirement village in Armstrong Creek. Even in Armstrong Creek, retirement village requirement is in the 600-700-plus range. Torquay would be expected to cost considerably more, being a desirable place to live and with higher land values. This price is for the building only, not the land. There is also a \$480 monthly charge that doesn't include council rates, contents insurance, or electricity. On exit, residents can lose up to 32.5% of the sale price as an exit fee, plus other costs. We're now seeing prices in Kittsbrook retirement Village in excess of \$1 million for a unit. Owning and managing a retirement village is a lucrative business, with owners and operators able to sell a property multiple times. If this development goes forward, it won't provide affordable housing for those currently living in the Surf Coast Shire, as suggested by councils. We hope all councillors are familiar with the Surf Coast's distinctive landscape statement planning policy, which has also been discussed, and expect that - well, I was expecting it to be discussed earlier - having endorsed the Surf Coast statement of planning policy, will act to facilitate the intent of the statement of planning policy. Council must be mindful of the marine and coastal policy 2020, which is now in force, and applies 5km inland of the high watermark. It is no longer acceptable to to accept minor ongoing impacts because, together, they can add up to a significant impact on natural features, water quality and native habitats. Also, the EPA document 1739.1 - Urban Stormwater Management Guidance - now in force, which requires stormwater volume, not just stormwater quality, to be addressed when discharging into sensitive environments. Recapping the issues discussed re the sale of land earlier tonight that affect the planning application - sorry, haven't had that opportunity yet, but will later - the decision to give in-principle support for the sale of public land was made without adequate consideration of community views. The matter of the Cypress Lane Reserve and part of the reserve should have been made before the planning application. The perception of a predetermined outcome by the planning application by applying possible conditions to sale land of may be interpreted as bias in decision-making and...

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>> I'll have to get you to finish up there, because we've given you 10 minutes, because you did both together. But thank you very much for your presentation.

>> SUE O'SHANNASSY: Can I just ask a question, Liz? In the information I received, there was supposed to be - if it's a planning application, 10 minutes. But, anyway, I'm speaking - I'm using my five and five, but I thought it was 10. You might want to check that anyway.

>> LIZ PATTISON: Yeah, I think the submitter gets - yeah, sorry, there's five minutes. So we did give you 10, because I understood and appreciate that.

>> SUE O'SHANNASSY: That's OK.

>> LIZ PATTISON: Thank you for presenting to us tonight. Do councillors have a question for Sue? No? Thank you, Sue. I just wanted to point out, on the Cypress Lane website, there's a number of FAQs, and it does go in one of them "How is the land currently zoned and will it need to be rezoned?" So, if there's some clarification around that for a retirement village, a permit is required - it doesn't need to be rezoned. There's more information for your interest on the FAQs on the website.

>> SUE O'SHANNASSY: OK. I'm sure other people will be interested as well. Thanks, Liz.

>> LIZ PATTISON: Great. OK. Thanks, Sue. That takes up the first two, because Sue was speaking twice, on behalf of Greater Torquay Alliance as well as 3228 Residents Association. I will now ask Peter Brighton to be admitted, please. Hi, Peter. If you could turn on your video and unmute yourself, that would be wonderful.

>> PETER BRIGHTON: Thought I was there...! How's that?

>> LIZ PATTISON: Great. Thank you, Peter. I'll now pass it over to you to present.

>> PETER BRIGHTON: Thank you very much. Sue's taken a little bit of my thunder, but I guess my major concern about this area is the effect on Deep Creek. Council has had a substantial amount of fairly rapid education in the area of stormwater over the last year or so, and a bit of an experience about the sorts of rainfalls that we get in Torquay in very short periods of time. Last year, between October and November, we received six months' worth of Torquay's annual rainfall in two months. These things are not unusual. I've lived in the area for 40 years and I've seen this four or five times in the time that I've been here. I'm concerned that the access to Deep Creek is going to be restricted. There's going to be essentially - even though they say it's not, it's going to be a gated and restricted community. And so the existing application, or existing access to Deep Creek, is going to be really severely restricted. It was gifted to council in good faith, and I think the people that gifted it would be very disappointed that it's going to be lost. But council needs to understand that Deep Creek is a water course. It's there as a natural way to get water away from this area and all the way down to the coast. But undeveloped land only runs off about 15%. This land is going to be incredibly overoccupied with impermeable surfaces, roofs, pathways, decks - all that sort of stuff - and it's up around the 75% to 80% that will be run off. That's a massive amount of water. The thing that council needs to understand is it's not just one area that we're talking about. We've got Deep Creek, which starts up near Frog Hollow, then the new proposed Biodie Drive development, this development, the one across the road in Coombes Road which has sort of come onstream just recently, and now we're talking about getting water from the Carrath into these areas. We can't just look into these areas, these developments, in isolation. We have to look at these areas as a whole and see - what is the impact all the way downstream? If you go into Deep Creek now, you can see already areas of erosion to the land, and that's to the detriment of this particular area. I'm just looking through the bits that I've done... Look, I don't think - a lot of councillors and council officers most probably haven't been in the council long enough to realise the amount of water that can flow. I've been here long enough to remember the tragic death of the diver just up the road trying to help control the flood in Deep Creek some 25-30 years ago. These are massive amounts of water that can

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come down in these periods of time. So we need to look at all of the places along there, and we really have to make sure that we don't make decisions now that we're going to have to fix up with hundreds of thousands of millions of dollars in the future, in the same way that's happened in North Torquay with the Carrath and the sands and all those sorts of areas. There's been some talk that people think this is potentially likely to solve some of the affordable housing - I think that's just a complete and utter furphy. Anybody who's had to wend their way through one of these things with an ailing parent realises they're not for the faint-hearted, and they're certainly not for the poor. The other area - if you look at that area, and it's very steep - if you've been there, it's really steep, it's going to require either a lot of fill or a lot of cut to make it suitable for building. That's going to create the potential for a large amount of sediment in a relatively small area. Council is already battling with sediment in some of the water infrastructure, stormwater infrastructure areas, that they've got within the shire. And if this gets itself damaged, then we're in severe - we have severe problems with the water flow from upstream going downstream. The thing has to be managed and my suggestion would be, if this proposal gets ahead, that the developer be subjected to a fairly substantial bond and make sure that they adhere to all of the regulations that need to be adhered to. Because a very large bond in the vicinity of millions of dollars will certainly focus their attention. I guess that's my time. Thank you, folks!

>> LIZ PATTISON: Thank you, Peter. Appreciate you bringing attention to stormwater and the cumulative effects of stormwater. Councillor Hodge, do you have a question for Peter?

>> ROSE HODGE: Yes, Peter. Thank you for your submission. Looking behind you - is that the type of development you'd want to have on the land?

>> PETER BRIGHTON: No, this is my wife's computer and that's her village in Italy.

>> ROSE HODGE: Thank you. It brought back memories of the death. Was it in the dam?

>> PETER BRIGHTON: My understanding is they were building parts of the wall for the dam and parts of the overflow structure. And the dam was supposed to fill in a couple of months, but it filled in a week. And it was, um, running risks that the dam wall may break and so brought in a diver from Geelong. I don't know exactly the circumstances, but I suspect that the water flows were so great that he got caught under water and, sadly, drowned.

>> ROSE HODGE: Yeah. Thanks, Peter, and thank you for your submission.

>> PETER BRIGHTON: Cheers.

>> LIZ PATTISON: Alrighty. Thank you, Peter, for your submission tonight. We now welcome Karan Dawson to join us. Thank you, Karan. If you could take yourself off mute and show your video, that would be great. Karan, did you hear me? We're ready for your presentation. If you could take yourself off mute and turn on your video, please...?

>> KARAN DAWSON: Can you hear me now?

>> LIZ PATTISON: We can, yes. Once you're comfortable, you can turn your video on.

>> KARAN DAWSON: How's that?

>> LIZ PATTISON: That's great. We'll pass it over to you now, Karan.

>> KARAN DAWSON: Thank you for the opportunity to speak with you all. My property adjoins the proposed development and I'm very much against it, of course, because of the nature of the development. It was land that was zoned low-density. It previously was rural/residential when we bought our property here some 25 years ago. And we all bought and invested in this area because it was a rural/residential area and we wanted the space. So, with that in mind, we've invested our life savings and all of our efforts to build our property, to plant our gardens, to be here in this space. We enjoy the amenity of that place. I was also part of the body corporate that gifted the land in question

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to council. And I'll talk about that later on but, in terms of the development proposal, the developer has amended some things but, in principle, it's not really a lot different from 210 apartments or villas to 196 - it's not a great reduction, and the centre To 196 is not a great loss in reduction and the centre clubhouse is still four levels. You just change the labels. You end up with four levels. Changing the labels doesn't change the design of the building. The other thing that concerns us is the amount of traffic that will come out of that development. Potentially 390 cars a day. With workers, with rubbish trucks, with residents coming in and out going to work. Lifestyle Village may be for some. I question the design. It looks very much like the salt at Grossmans Road which looks like building blocks. It's not amenable to a retirement village, 2-storey houses. I don't know any over 55s who choose to live in a 2-storey house. The other aspect that concerns me is they have asked for consideration on the basis they're going to put disabled housing in there. That's a bit of a furphy because I don't know any disabled people who would choose to live in a 2-storey house if access is a point and if a fire gets into there, the power goes off and they'll be death traps. The only reason the developer is proposing six units for disabled because it can access free funding through the state and federal governments to add in disability housing. It makes it a very financially lucrative idea for him. The other concern is traffic coming out on to Coombes Road. When the owner, Mr Brodie, subdivided that land into the one-acre lots, the condition of that subdivision was that VicRoads put a requirement on him to shift the driveway and have the road, Cypress Lane, come out. Nothing was allowed to come out onto that road. Now you're asking us to accept a maximum of 14 cars that would have been part of the original idea for Mr Brodie and now we're looking at over 300 cars a day coming out there. It will be dangerous. I don't know if the developer has had CFA input into what they should have done there, with regards to fire risk, habitat. We gifted that land to council on the understanding it would be green open space. The body corporate's desire was for always community access. We need more green open spaces, not less. This council has prided itself on being for the environment. Your environmental credentials will suffer badly if you go ahead with this proposal. Also, it has to be said that there is a great determination by many of the community if this proposal does be approved, it will end up in VCAT. We will take you to VCAT to stop this. It's fairness we say there's a great risk for everyone here if this proposal is, goes ahead. Thank you for your time.

>> LIZ PATTISON: Any questions for Karan?

>> ROSE HODGE: Being on the body corporate, what's your vision or your knowledge of how did the developer get all the land? Was it one person to buy it off or how did the developer, quoit a few blocks. I was wondering how that sort of occurred?

>> KARAN DAWSON: When the body corporate dissolved and we had given the strip of nature reserve to council, Joe Brodie was still in ownership of his shares of the body corporate. Since Joe and Pat died, his beneficiaries, his estate, was managed by one executor, one member of the Brodie family, Mel Brodie. He sold it to these developers against the will of the rest of the family. It's very contentious because this land, there was always a vision by Joe Brodie. He was an environmentalist. He wanted to leave his mark as being a beautiful place for people to live, that they'd look after the environment and look after the creek, we would have beautiful lifestyle area around with lots of trees and lots of development. So to have a high-density proposition put forward like this is really abhorrent to the intentions of what the original land owner had when he subdivided this land and under all the permits that he had at the time from council, the restrictions were always very much about low density. And so we all brut into this area and took up Joe's dream and part of his vision, believing that the low-density would remain, it was a rural residential and we bought here and the planning scheme would be respected and have integrity. To find that might be different now is quite abhorrent to us.

>> LIZ PATTISON: Thank you. Appreciate your response to it. We appreciate your presenting to us tonight. We're going to move on to our next presenter. Thank you for coming on. Can we ask for Peter Donnelly to be admitted for his presentation?

>> PETER DONNELLY: Can you hear me?

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>> LIZ PATTISON: Yes. Video on, please?

>> PETER DONELLY: Start video.

>> LIZ PATTISON: Thank you.

>> PETER DONELLY: Thank you for the opportunity to be able to talk on this. I'm just a general Torquay resident and these sort of developments concern me quite a bit. I guess we should all go back to the old Torquay saying that we don't want to destroy what we come to enjoy. And I think this is one of these cases of high residential development in a very sensitive area and also the area being zoned low-density, residential area, so it goes against the grain I think of the policy of what we are as a council and as a community we should be doing everything to look after the environment and the Surf Coast. I know people forget that there's not many councils named by natural elements like the surf and the coast. It's incumbent on the council and the community to take all care of that. So, yeah, very concerned about having such high-density urban dwellings in this area. You probably know that it does slope into the creek. And some of the earlier speakers talked, the run-off down in the creek would be quite substantial. And I could see it quite destructive -- substantial. And I could see it quite destructive for the flora and fauna and biodiversity in the sensitive creek area. All the way down to Fishermans Beach. You can go down there and you can see the erosion already down to the beach. And if you walk there, like I regularly do, you've got sort of a creek crossing now right into Whites Beach which is making it quite difficult for a lot of the walkers. So here we're going to have a lot more run-off, stormwater run-off. And obviously down that area, my grandkids and my kids, we swim down there. It's a good swimming beach. I'd hate to see environmental, more environmental damage and erosion caused down there. I'll also, I'm concerned that this land was gifted to the council. Then the council is turning its back on the local communities. And selling it to a developer. What really irks us all is it will be a gated community and we are virtually going to be locked out of these reserve areas where it's a good little spot. I take my dog. And my wife regularly walks down there. And it's great to get how busy the esplanade gets and it's very hard, sometimes you can't swing a cat without walking your dog. So these sort of things are a bit secret to the local community. And the loss of that area would be very concerning. Also, it raises the point about the Karaaf wetlands and what is going on there? And the state environment which was released last year in July by Tanya Plibersek, saying the deteriorating state of the environment is a concern. And being a tourist area and a lot of visitors coming to the area, that we should be doing everything to protect these areas also. Marine 2020 coastal marine Victorian, marine coastal policy, also says basically to try and avoid development within that 5km zone from the high water mark. And this is, and also the building heights are also of concern. It's going to be an eye sore. And just to reiterate that I think if the council should really - you've got a planning environment, planning department. To me I know we should be changing that to environment and planning. There should be more, more care for the environment and the environment should come first before planning. But that's probably it from my submission, please.

>> LIZ PATTISON: I appreciate you taking the time to present to us. Anyone have a question for Peter? Thank you, Peter. You've raised some important issues. Access is so important. It's such a special place. I wanted to draw your attention on the Cypress Lane, on our Surf Coast website and there's facts around Cypress Lane and one of them is access to Deep Creek. There will still be access if things progress through Jetty Line and Piper Lane. There's information that can answer people's questions. I understand it's real important we maintain access. In case you weren't aware I wanted to draw your attention to that one. You've raised some really important questions. Thank you. Can we now have

>> JOHN FOSS: Please be admitted? -- please have John Foss please be admitted?

>> JOHN FOSS: Hello.

>> LIZ PATTISON: Hi. Can you turn on your video?

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>> JOHN FOSS: It is on. I can't see a timer. There it goes. Good evening, councillors. I thank you for the opportunity to speak in relation to this particular matter. It's a bit like Grundhog Day for me. 20 years ago I was sitting not quite where you were sitting, but sitting in the old council chambers when we had Mr Davie come in with a cohort of planners and developers and such. And he pitched to council his idea for a retirement village of sorts on what was once the old Zealy Bay Caravan Park. So I feel like I've been here before. And we thrashed out that particular proposal and council-t time had many questions. Some of those have already been raised by some of the speakers and some of the community members. One of the big ones was we could not see how you could have retirement village with so many double storey houses. That made no sense. It raises a whole lot of questions around mobility, particularly for old people. My father is in his 80s. He's had to downsize from a house which had steps to a simple flat house where he could easily get around. So I'm really not sure the motivation behind - I'm still mystified by the motivation back then 20 years adwo. And the motivation now to offer up as retirement double storey villas. I don't think they're practical, certainly from a mobility perspective. They make so sense. I think it's interesting to understand that whilst a developer is talking up this perceived need in the future, the fact is last time he came to council with a proposal of this nature and he ended up not selling many of those villas at all. As it was he went back to council and ended up, it's my understanding the land was sold. All those places were sold. To come up with a perceived need deserves scoutane. Certainly from council, because I srnal don't think a man is there and it raises other questions about is this the best place to build a high-density retirement village on the coast? There is ample opportunity for many of developments of this nature and of this type. We can see them in Armstrong Creek and I srnal think if you were to build a modern facility of this type, it makes far more sense to build in Armstrong Creek where you're closer to a lot more infrastructure, a lot more public transport and much, much closer to some of the excellent health facilities and in Geelong which would help meet the needs of anybody staying here. So in many ways I see this as a complete overdevelopment of the site. The community members have spoken quite clearly and Karan spoke quite cloorly about the history behind this land and why it should stay low density res. Perhaps be enhanced with more environmental values, restored revegetation would be something that would benefit the community. We know the buildings are too high and it breaches Victorian state planning. We know it is in con flict that skz all proposals that come before council are designed to reserve, protect and conserve our unique features. So I think there's no strategic justification at all for this particular development. It's simply too big, in the wrong spot, it imposes on the amenity of local members. It will be an eye sore to visitors who have to drive past it in Torquay. And I think there are plenty of options and plenty of alternative sites away from Torquay that can be found. Torquay is a surf town, a coastal town. This constant desire by developers to come in here with big structures, bulky structures, it doesn't make sense. It's ridiculous. Five minutes up the road this development would srnal fit in to Armstrong Creek. It is not relevant and nor should it fit in to Torquay. The question for council is this development offers opportunity for the environment, this development opportunities for the community, and this development offers opportunities for developers. The question is which horse are you going to back? Thank you.

>> LIZ PATTISON: Thank you for your presentation, you raised some important issues. Do councillors have a question? Councillor Stapleton?

>> LIBBY STAPLETON: I'm interested in alternative locations, just so I'm clear on what you're saying. Is the suggestion that when people reach retirement age, if they're wanting to downsize, whether it's a development like this or somewhere else, are you suggesting they should be looking for Armstrong Creek for that opportunity rather than Torquay, is that it?

>> JOHN FOSS: Developers need to be offering up these opportunities in Armstrong creek. It's not suited to Torquay. The second part to your question, if we have locals who are looking to keep elderly members in the community, council should be exploring options like allowing in higher larger lots, granny flats, studios and that sort of thing. There is that demand. Why are we trying to meet that depland by building a huge 3-storey facility up on the highway when council right now could be making plans and moving ahead with changes to the planning scheme to allow



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people to build a granny flat out the back or a studio and an extension which would allow elderly members of their family to stay and live with them? That is a much better outcome for families and families out there would welcome the opportunity of having, the flash term is microhousing but within old Torquay or parts of it. Something that has not been explored. Yes, the need is there. How will we address it? Could it be done in 10 or 20 ways than building this big high-density development on the highway?

>> LIZ PATTISON: We appreciate you coming in and speaking with us. We now ask Mark Mathews be admitted in place. If you could unmute yourself, Mark, that would be great. We can't quite hear you, Mark. If you wanted to try again?

>> MARK MATHEWS: Can you hear me now?

>> LIZ PATTISON: Yes.

>> MARK MATHEWS: I have a powerpoint to share. Thank you very much. I'll just get it up now. And I want to make sure I have the settings right. One more setting I need to adjust. One more setting just to get the video there. Click. Great. I think you can see that now.

>> LIZ PATTISON: We can.

>> MARK MATHEWS: Thank you very much. I'm a local resident and I feel strongly against this as an and I'm passionate about inappropriate developments. So Cypress Lane is definitely not the right place for this development. I want to give a bit of neighbourhood context here. There's a bit of a video that should come through showing that Cypress Lane here is a site that's 3km from downtown Torquay. At the moment, it's an undeveloped site and there's not as part of the remaining element of it and it is very key that's in low density residential zone. As a quirk of the planning scheme, the applicant does have a right to apply to put a residential village here and as others have said, putting 196 dwellings on this, where if it weren't low density residential with the current ruling, maybe a maximum of 22 to 25 dwellings could go on the current site. So I feel it's over the odds the developer coming in and taking advantage of that quirk. Going on to a little bit more on this, we can see - sorry. Cypress Lane, we're going to the vision. I won't spend a lot of time there. We can see he had 10 lots. The current lots of acreage, 10 families living there on that and the road is already there. The storm water is already there. What's not there is the sewer but that's why it's one acre on the old rules. We can see there that there's the public reserve that needs to be acquired by the applicant. There's the road reserve that also needs to be acquired by the applicant. And I'll give a bit more context. This shaded area, that's what's actually known as 3A Blackwattle Mews. That was, that is the current Deep Creek Reserve that many of us use quite regularly and that was what was gifted to the shire. The little L shape bit is what the developer wants to get hold of. Why do I not want it here? It's too big -- not want it here? It's too big, too dense. I have another video to show. I've spent a bit of time creating a 3D model using all the drawings that the developer has supplied and thank you very much for the detail there. We can see 160 dwellings. Many of them semidetached and two large apartment blocks. The bulk is large. It's very close together. And especially on the southern tip here, where the slope comes down the hill, look how close together they are. I'll put a little car in front of each one to show how tight it all is. Swinging around to look at the vantage from the north. It's almost like another suburb. That's how dense it is. So, low-density residential limits would limit it to around 25 blocks. What the applicant is proposing to put 196 dwellings on. Eight times more dense than what the current low density residential rules would allow. That's the same applicant as also being the developer. A similar number of dwellings but it is 2.5 times more dense than elsewhere. As I said before, very little open space around the dwellings. And the updated application, which there's been mention of reduced height. A lot of this has gone underground. There's a swimming pool, basement parking and we go down to look at lot D, there's even in lot D the parking and some of the dwellings are almost hidden underground. I actually can't see the timer here. I'm going a bit blind. Just swinging around to show lot, what we have down the bottom here. We have two apartment blocks on the right-hand side. D1 and D2. These two storeys from the north

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side. Three storeys facing from the southern side. So anyone walking along Deep Creek, walking along there path on the Surf Coast Highway, three sides they'll see three storeys.

>> LIZ PATTISON: I really appreciate all there work you've done. You've run out of time. It's been grit to see the three dimension there.

>> MARK MATHEWS: Three storeys more than 10m high. Sorry. There was a bit more to go. Thank you.

>> I'm enjoying the presentation and would like to see the rest of it.

>> LIZ PATTISON: How much longer have you got?

>> MARK MATHEWS: Is thatback on the screen? So looking at the southern end, 9.9m, so the applicants measured from the existing ground level. There's probably 3,000 cubic metres of excavation to dig these two D1 and D2. I have shown 9.9m there. A little bit more on aged Caro retirement village. There's little that describes it as an aged care facility. It's a lifestyle facility. There's nothing in there that suggests it would be suitable for people who need assisted support or people with disability needs. There's not oorcb very much space for aged care providers. This is definitely an over-55s lifestyle village. The proposed Briody West development looks like a much more comprehensive aged kear provider. They commissioned themselves I think, the applicant, and suggests the only source of supply for retirement beds will come from this particular development. Briody Drive West has it in their development plan. I probably won't go too much into Deep Creek. This is very, very important to that we don't make another Karaaf Wetlands debacle. There's very little about how the stormwater will be managed. Two parts to that - through the construction period which will be lengthy. All we've got to look forward to manage this is very little or no detail on how it will work. The only way to truly protect Deep Creek is to not allow something this large and risky to proceed. Thank you very much.

>> LIZ PATTISON: Thank you. I appreciate all the effort with the 3D animation. Do we have any questions for Mark?

>> HEATHER WELLINGTON: That was very helpful. I wonder if you'd be happy for us to-a copy of thet and perhaps we could work with the applicants to determine whether there's any disagreement on the scale or size or whatever? I found it very useful.

>> MARK MATHEWS: Definitely. I can drup a flash drive with the whole powerpoint and embedded videos into the Shire offices.

>> HEATHER WELLINGTON: Thank you. I did have one more question. I think you yoused a word in relation to a quirk of the planning scheme or something of that nature, I think in relation to the ability to...

>> MARK MATHEWS: It was more a retirement village is an allowable use enboth normal residential but also in low-density residential. I called it a quirk in that because the application is allowed, the applicant has come in and gone not considered the existing low-density residential characteristics of the surrounding neighbourhood. It's come in and I'm going to throw in as many as I can to turn as large a profit as I can.

>> HEATHER WELLINGTON: Is it you view that there shouldn't be large-scale residential villages?

>> MARK MATHEWS: At an appropriate scale for the site.

>> Thank you.

>> LIZ PATTISON: Thank you, Mark. We appreciate your presentation. We will now move on to Ron Lowe. Can Ron please be admitted into the meeting? Hi, Ron. If you could turn yourself off mute and turn on your video, if you're comfortable with that, that would be great.

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>> RON LOWE: Can you hear me?

>> LIZ PATTISON: We can.

>> RON LOWE: The video...?

>> LIZ PATTISON: That's good, yes.

>> RON LOWE: You got me?

>> LIZ PATTISON: Yes. Over to you.

>> RON LOWE: Alright. Away we go. So, as we know, the submission states about the 196 villas and apartments that are going to be built, as the application. I've looked at the calculations and, look, even if this was a residential area, in Toni Sincock's calculations, it would be around about 120 dwellings would be suitable for an area of this size, with 6.5 - which is in the target range. But then we've got another 76 apartments which are going to go in with 1- and 2-bedroom units, with a 3-storey clubhouse. That pushes it right into the range of the high-density residential area. So this is a far cry from a low-density residential in which it's zoned now. It's outside the DAL and SPP guidelines. So I've based all my information on the planning scheme policies such as the P&E Act, the Planning and Environment Act, Distinctionive Areas Landscape, Statement of Planning Policy, and the Surf Coast Planning Scheme. When it comes to implementing them, it does not seem to apply to everybody. I've discovered a conflict of policies which allows a developer to override some of the shire policies by the use of the word "retirement village". Yet when it comes to implementing them, it does not seem to apply - sorry, reading the same thing again... Cypress Lane is part of a green wedge, a land that runs from Anglesea Road through to the Surf Coast Highway, with coastal characteristics and values it. Comprises of half of one-acre blocks providing for bird life and wildlife. Points that I'd like to raise over the development of the land which I think is inappropriate for the block - it's an appropriate block for the retirement village. The southern slope is too steep. This has not been addressed by Toni Sincock in the response letter. The amount of fill needed to level the site on the south-west corner will tower over the properties in Jetty Lane, and I estimate this fill to be up to 4.5m high which, as you can imagine, would push the housing up high, and that'll just tower over the whole of the Deep Creek Reserve. This will continue across the block to the east, changing the topography of the land and significantly to accommodate the development. The developer has not tried to nestle the enter the landscape across the southern slope, which will also tower above the Deep Creek Reserve. We then have a tennis court and a car park on the south-west boundary, with no screening. We've got hardly -- It hardly fits into the ambiance of the Deep Creek Reserve. The SPP states that the development is in minimal change areas, which is defined by already existing LBRZ zone should be of low-rise on large lots and designed to fit in with existing coastal characteristics of the area. The 3-storey clubhouse and units are hardly low-rise - they will dominate the ridge line and landscape. The SPP states, "Development should not dominate the ridge line in areas designated under the DAL, and this should be single-storey at best and eliminate the 76 units." I'm aware that they are exempt from neighbourhood character and res code policies, but coastal character and values I feel are totally different, and the area does not lend itself to intense development. The changing of the topography of the land running down to Deep Creek Reserve, the landscape there has been no attempt to nestle into the surrounding slope - only 2-storey villas along the boundary are cut in, and they will also tower over the Deep Creek Reserve, destroying the overall vista and ambiance of the reserve. As this development is over-55s retirement village, it doesn't offer any benefit to the overall community, as it is an exclusive, gated community. To say that the development is for people who have lived here and stay close to familiar surroundings doesn't make sense and lacks diversity. With the developer -- Will the developer have some sort of criteria for locals-only? Realistically, it will only be for those who can afford to live there, likely sea-changers from outside the area which won't solve the housing or development crisis. Will they guarantee a quota for local residents when the land is sold? In response, Toni Sincock also refers to the development as aged care, which it is not. It does not offer any care or medical services, and no social benefit to the overall or immediate

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community. I think the councillors need to take into account the health and wellbeing of the immediate residents, with construction to take at least 10 years. The noise, dust and pollution...

>> LIZ PATTISON: I'll just get you too finish up there.

>> OK. Five seconds. The noise, dust and pollution affecting our daily lives such as a long sustained period will be for 6 days a week, 50 weeks a year for the whole 10-year period that they'll take to build this thing. The effects on Deep Creek flora and fauna from pollution and construction is yet to be seen, but I hope the shire will regularly inspect the area - maybe they should consider a large bond if there's a large incident, or poor work practices could be done at the developer's expense. Thank you very much. (LAUGHS)

>> LIZ PATTISON: Thank you very much. Do we have any questions? No?

>> All good. Cheers.

>> LIZ PATTISON: Thank you for coming in and presenting to us.

>> Ta. Thank you.

>> LIZ PATTISON: I'll now ask for Toni Sincock and Leigh Prosser, who are presenting on behalf of the applicant. Can they please be admitted to the meeting? Toni and Leigh, can you take yourself off mute and put your video on, please? Thank you. Yes, we can see you there. I don't know that we can hear you. Oh, yes, great. We can hear you.

>> LEIGH PROSSER: Can you hear us?

>> LIZ PATTISON: Yes, we can.

>> LEIGH PROSSER: Thank you. Toni Sincock and Leigh Prosser. Thanks, firstly, for the opportunity to present to you tonight. There's a large range of issues and, with the 10 minutes that we've got, we don't expect to be able to go through all of those. We have got a written submission which will also follow tonight's meeting. We'll try and step you through, perhaps, some of the primary issues. We'll start with design - the height, the density, building scale and so on. I think, firstly, we've got to acknowledge that the low-residential density zone does actually permit a retirement village. Interestingly, there's nothing within the planning scheme - there is no policy within the Surf Coast Planning Scheme - that in fact discourages this use in this zone. That's obviously played out in development of Kithbrooke in the past. From a zoning perspective, the use is permitted and the context of the site is really important. And we've said that from the very beginning. The context of this site is not a low-density site isolated from the remainder of Torquay, remainder of the township. We've got general residential zones to the east and to the south. We've got commercial and industrial development 300m to the north. We've got the main road on our immediate eastern rebuttal. The context of this site is really important in terms of what might be developed on the site. In terms of the building height and so on, the low-density residential zone doesn't prohibit 3-storey development. It doesn't prohibit 3-storey development if each of these lots was to be developed. There's nothing within the scheme that specifically seeks to limit the height of buildings in this instance. What we have done is taken from the objections and the submissions that came in and had another look at how we can redesign or relocate buildings within the site to better respond to the surrounding context. And in that regard, we've got primarily single-storey buildings. We've got the community building now centred within the site. We've got single-storey buildings right along that western boundary. And then along the southern boundary where we had 3-storey, they're down to a 2-storey. So they're 7.5m above natural ground level. It was said earlier that there are three storeys in that location. There's three level - there is a basement - but at no point is there a 3-storey building. The main community building comprises two main wings. The western wing has been dropped down to a 2-storey building lot. There's a single-storey joining element on the southern side. And then there's a small 3-storey building on the eastern side along the eastern wing. What we've got is a total of 176 Singhal or double-storey townhouses or apartments. There's only 20 apartments within that 3-storey

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building. We say it's reflective of a really significant change in the application, and achieves the desired objectives for a maximum of 2-storey form generally throughout this site. From a density and site coverage perspective, again there's nothing in the scheme that sets a density provision for a retirement village in this zone. But what we've got is a 38.5% building site coverage. And that's really low. That's not high-density. 60% is standard residential density sort of development. 70% is getting up into your sort of high-density development. So that lower-density development is a direct result of the consideration of that sort of balance between built form and landscaping. It was said earlier that we're levelling the site. Can I just say - we're not levelling the site. We're following the topography of the site. For a vegetation perspective, we're removing approximately 80 trees. We had an ecologist walk over the site. There's nothing of significance on the site. As the ecologist pointed out, it's a substantially modified environment now. In terms of garden area - again, the garden area is an assessment tool that's usually used in a residential zone, but we're using it here just to provide comparison. We've got 45.2% gardening area. And that's 29,393 square metres of gardening area within the site. There was talk about a gated community and loss of access to Deep Creek. Certainly it is a gated community, as with Kithbrooke. The vehicular gates are closed at dusk. There's a pedestrian gate next door - that pedestrian gate's never closed. And that's the intention here. We've provided access through - and as we've said to council officers - the intention is to retain public access through the site and we're open to talking about how that might be provided permanently. The statement of planning policy at the marine coastal policy have both been raised tonight. If I can talk to both of them really briefly - the DAL provided a protected settlement bound tree the township. The site lands within the boundary significantly, and doesn't fall within five of the six significant landscape areas within that statement. The proposal on the use and development is permitted by the current zone. We don't seek to rezone. We have considered bushfire risk. We have considered building height. These are all matters that fall ought of the DAL. We've got generous boundary setbacks and we've got landscaping within those setbacks. DAL doesn't override the planning scheme. As I said earlier, these facilities do exist in these zones throughout the state. Really briefly in terms of the marine and coastal policy - it doesn't discourage development within the settlement boundary. And we are within that settlement boundary. It doesn't discourage development within Torquay. I might hand to Leigh, 'cause I've taken most of the time. If there's any time left, I'll go back to some of the smaller issues.

>> LEIGH PROSSER: Thank you very much, everyone, for your time tonight. I'm here to talk about stormwater. First of all, all stormwater from the site is to be treated to best practice and to the primary scheme and to council's requirements. We have altered the discharges from the earlier submission so that now all stormwater discharge from the site goes into existing pipe constructions. There's no new pipe and no works into Deep Creek and there's no external works needed to be done from there. What that actually does is it does eliminate some sheet-flow that currently flows out the east and crosses onto Surf Coast Highway and the pedestrian path down there, which is causing some erosion - so it actually helps eliminate some existing issues around that. The flows in Deep Creek, the peak flows are actually marginally reduced from the current flows coming off-site, and there's no impact on those overall flows. Deep Creek itself is quite different to Karaaf Wetlands in that there's no downstream storages or wetlands that have that saline environment where that increase in freshwater has the issues. It's a very different scenario to what's happening in Karaaf. Probably can turn back to you, Toni.

>> TONI SINCOCK: OK. To a couple of the other issues that were raised in relation to the height of buildings and the placement of disabled people into the facility. We're not specifically putting disabled people into this retirement village. What we're doing is providing a lift in any of those 2-storey buildings so that, if a person was of lower mobility, then that person could live in that townhouse. So there's only 11 two-storey townhouses, but they all have lifts. I guess the idea is that, as you move out of one of the 2-storey townhouses or as mobility might reduce, then that option would be to move to one of the other single-storey buildings. In terms of affordable housing, that's sort of been thrown out a bit tonight as well. We're not providing public housing. What we've got is apartments as an alternative entry point. So, the apartments would generally be at a lower value, I guess, than the stand-alone buildings, but there's no public housing, as such. But there was discussion with some of the housing agencies as to whether or not they could purchase units and accommodate people in that genuine sort of affordable housing, but

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that doesn't work in terms of them owning the land within the retirement -- Retirement Villages Act. Just in terms of the need for this - people in the Surf Coast don't necessarily want to move to Geelong. There is a clear need for additional accommodation for aged people. We provided a report prepared by Macroplan that there's an undersupply of 340 dwellings by 2036. This is based on 2016 census data. As we know, the population has grown. The desire to move to the Surf Coast has grown since 2016. So 340 dwellings extra required by 2036 for aged. By 2026 - three years' time - 100 retirement dwellings are required. I think I'm already out of time. So, thank you.

>> LIZ PATTISON: Thank you so much, Toni and Leigh, for your presentation and discussing some of the items raised through the other presentations. We've got a couple of questions. Councillor Hodge?

>> ROSE HODGE: Thank you very much, Toni. I think I had about 30 questions and I think you answered about 13 of them in your presentation. The only other ones I've got is - your aged care facility, which you're doing. Have you actually got, like when we look at Kithbrooke and when we look at Star of the Sea, they actually have not hospice but something like that. Is there anything like that in your design?

>> TONI SINCOCK: No, there's not.

>> ROSE HODGE: The other thing I wanted to ask was - a 10-year build - is that on the books? Or did you hope to sort of do that earlier than that?

>> TONI SINCOCK: I think the hope would be to build earlier than that. I mean, it is also demand-led. And it can't be - it's a big facility, it can't be provided all at once - but certainly I think I can say from my client's perspective, he's not wanting to drag it out for 10 or 15 years.

>> ROSE HODGE: Would you - I know with Kithbrooke, a lot of the infrastructure went in later than some of the housing - would you ensure that the infrastructure, like the clubhouse and that community, was done before townhouses were built?

>> TONI SINCOCK: I think Stage 1 is the northern end of the property, the single-storey apartments. The clubhouse, I think, falls within - I'll just clarify - Stage 2, yeah.

>> ROSE HODGE: How many years is it between Stage 1 and Stage 2, just roughly?

>> TONI SINCOCK: They much pretty much at the same time - there'll be a slight delay into Stage 2, but we're not talking years.

>> ROSE HODGE: OK. Thank you. Thank you so much. Ta.

>> TONI SINCOCK: Thank you.

>> LIZ PATTISON: Thank you. Councillor Allen?

>> GARY ALLEN: Thank you for your presentation. Sorry, I missed the percentage of units that are double-storey.

>> TONI SINCOCK: There's 11 townhouses that are 2-storey.

>> GARY ALLEN: 11. OK, thank you.

>> LIZ PATTISON: Council er Bodsworth?

>> MIKE BODSWORTH: Thank you. Two questions. One is around trees. We mentioned the removal of some trees. I'm wondering if you're able to describe where trees would be retained, where you've got in mind to retain trees for existing trees for screening and for amenity. The second question is whether you can outline what kind of

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contribution you're thinking of making to help residents access surrounding services without having to use cars? Like pathways for bikes and mobility scooters and walking? Thanks.

>> TONI SINCOCK: Just in terms of the trees - the vegetation along the west side of the property, the mature cypress - we're looking to retain those. In the long-term management plan, there'll be a need to gradually replace those as they die. I think we remove 80 trees in total, and there's planting of 127 medium and large trees, and then smaller trees and shrubs and so on along with that. There was, I think, a desire within some of the submissions, to certainly look at keeping more of the cypress trees around the entry of the site and across the front of the site. We deliberately didn't do that, only because the Surf Coast Planning Scheme generally encourages us to replace exotic and weed species with natives. That's the path we've gone down - we're open to having discussion around those if there is a desire to retain more. Sorry, what was the second part of that question?

>> MIKE BODSWORTH: What kind of contribution are you thinking of making to pathways to allow residents to access nearby facilities and services without having to rely on cars?

>> TONI SINCOCK: There hasn't been a discussion around a financial contribution to pathways. That hasn't actually been raised with us at all. There is a plan to have a bus that will move people from the site to shops and other services and so on.

>> MIKE BODSWORTH: And what kind of pathways on-site, then, Toni?

>> TONI SINCOCK: Pathways on-site?

>> MIKE BODSWORTH: Would you just be using the road network for the dual purpose?

>> LEIGH PROSSER: There's a combination of the road network, which obviously is very localised streets, and there's also the independent path network that traverses through the site as well.

>> MIKE BODSWORTH: Thank you.

>> LIZ PATTISON: Thank you. Correct me if I was wrong - Councillor Stapleton next?

>> LIBBY STAPLETON: Thank you. Thanks, Leigh and Toni. A really quick question, Toni, around the number of storeys. I'm pretty sure that the clubhouse is a 3-storey building. I think early in your presentation - I'm sure it was just an error - I think you said at no point there is no 3-storey buildings in the development. I just wanted to clarify.

>> TONI SINCOCK: No, no, sorry. The eastern wing of the community building is absolutely 3-storey. All the other townhouses and so on and the apartments down in the south-east corner are at no point more than 2-storey.

>> LIBBY STAPLETON: Great. Thank you for clarifying that.

>> LIZ PATTISON: Councillor?

>> Thank you very much. I was wondering about your comment about site coverage. I think you said there was less site coverage than in a normal residential development? I mean, the visual sort of model that was put up in a previous presentation looked to be very high-density. So I just wondered - I mean, is that something that we can get clarified?

>> TONI SINCOCK: Within the plan, we have got some maps that have building site coverage, landscape areas, garden area, et cetera. And those calculations have come directly from the architect. So they're incredibly accurate. We're really comfortable that they're correct. There is a lot of landscaping within the site. And there are some fairly substantial boundary setbacks. So, comparing it to a residential context, it's certainly at a much lower density than a normal residential development.

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>> HEATHER WELLINGTON: In a non-residential burden or residential zoning development?

>> TONI SINCOCK: From a standard residential development. It's been compared to typical residential subdivision.

>> HEATHER WELLINGTON: OK. Thank you.

>> LIZ PATTISON: Thank you for your presentation, Toni and Leigh. We appreciate you going through in detail the concerns that were raised and talking about the stormwater for the site. That finishes the presentations for this section. We have no more submissions tonight on the planning aspect. We have a recommendation before us that was put forward in the agenda. Can I have a mover of the motion, please? Councillor Allen. Is that as per the recommendation?

>> GARY ALLEN: As per the recommendation.

>> LIZ PATTISON: Great. And Councillor Gazzard, you're the seconder for that? Yes? So, I'm just wondering - I might read out that recommendation. The recommendation is that council receives the notes of submission relating to the planning -- to the Planning Permit Application 21/0333 for the use and development of a retirement village, removal of native vegetation, and removing of a reservation from the land under Section 24A of the Subdivision Act, and considers the submissions in report regarding Planning Permit Application 21/0333 at a future council meeting. So I'll now put that motion to the vote. All those in favour? Thank you. The motion is carried. We now move on to the proposed continuance and sale of Cypress Lane Torquay and the proportion of Reserve No. 3. 73 submissions were received for this item. Eight submitters, including the applicant, have registered to speak tonight. We will ask Karan Dawson to present on this report. Can we have Karan Dawson, please? Hi, Karan. If you could turn your mute watch and your video on, that -- mute off and your video on, that would be wonderful.

>> KARAN DAWSON: There we go. Are we right?

>> LIZ PATTISON: Thank you. I'll pass it over to you now.

>> KARAN DAWSON: Thank you. This will be a little bit convoluted, because I'm sure I got carried away and mentioned some of this before. But context of the land as it was gifted to council by body corporate, as we've already discussed - the particular land is very important to the local community. It is also very important for the wildlife that live there, and there are some endangered species down there. The council has promoted itself as green-credentialled and caring for the environment, which we applaud, and so our concerns are, for me, the remnant native vegetation is home to a family of kookaburras and the echidnas that live along the land into the creek, plus many other species, are nocturnal and come out at night. Before deciding to sell off the land, it would be important to involve Deakin University's environmental researchers do to do an environmental impact study, including day and night observations, to quantify the inhabitants of that ecosystem. We don't really have any hard data about the nocturnal species, but there's certainly a lot in council information and in the local wildlife people about daytime stuff. The community information meeting that hosted by the developers at Kithbrooke - I was present, Mr Abbot was asked did he approach council officers to buy the land in question or did a council officer approach him to say they would sell it to him? His response to the question was, "No, it went to public tender." My major concern about that is that someone is fibbing. There's definitely not a truth in that statement. If council had put it to public tender, surely we would have known. And you'd have already made a decision about this. So I query the integrity of this applicant. If he can prove that it went to public tender, then I'll take it back. This is a vital part of the biolink, this land. And the pollution that would end up down the creek and into the ocean is just horrendous to think that we would have - imagine down at the beach at Fishermans Beach and Whites Beach the potential for algae blooms the potential for run-off from this site. It is just such a special place - you cannot seriously consider selling it to this developer. And he also stated at that meeting that he doesn't require this land to proceed with his development - he would just change



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his plans. If he can say that then obviously he doesn't need to have the land and council doesn't need to sell it and we don't need to lose the amenity of accessing Deep Creek through Cypress Lane. Thank you for listening.

>> LIZ PATTISON: Amazing perspective. Questions for Karan? No. Thank you. We will now move onto, we will talk with John Foss. Can he please be admitted?

>> JOHN FOSS: Bang, bang. Good evening, councillors. Thank you. Once again, thank you for being there. I know what it's like to sit there and hear lots and lots of submissions. So you have my sympathies. You do a wonderful job. This particular development will be a disaster for the local environment. There's no doubt the removal of trees is entirely inappropriate. As I said in my previous discussion, the way I see it, rather than building a rather large overscale development on site, it would be great if council could retain the open space areas. There deed, replant it out. We're seeing significant loss of biodiversity and there's been multiple reports come out over the years. I have referenced those reports in my submission. The Australian State of the Environment Report, from 2016 stated that population density comes environmental pressures and the danger of losing our coast to death. By continuing to add developments of this size and scale, it is putting enormous pressures on the environment, taking away habitat, reducing biodiversity. It will have a significant impact on Deep Creek. We have already seen the problems with the Karaaf Wetlands. If you were to look at the mouth of Deep Creek, even what we're seeing is significant scouring of the entrance to Deep Creek. It is undercutting the cliff face there heading towards the esplanade. If you were to multiply and increase the amount of run-off, and we all know with climate change, it's not just a case of it rains more, but it rains more heavily. We'll see significant rain events down the track. Not many storm water systems can cope. We will see significant impacts and scouring and impacts at the mouth of Deep Creek and along towards Whites Beach. Building such a large facility and I take onboard what they say, but this is going to really increase the amount of run-off. And the velocity of the run-off. It is very steep down towards the back of the site and the treatments that have been discussed are not appropriate. So it will impact Deep Creek. Like I said, the opportunity I see is I think the developers should show some goodwill to the people of Torquay, withdraw their submission and look for opportunity further afield. And allow this area to be maintained as open space. And indeed allow for the people of Torquay to have the opportunity to go down there, revegetate it out and really create a significant positive natural environment which the Surf Coast can be proud of. We can't keep building like this on the coast. We can't. If the Surf Coast shire is to maintain its values and green principles, it has to knock back this development. It will have significant impacts on the environment. The construction of this development will develop significant carbon emissions. It will be car reliant, which will create more pollution from vehicles. I think if you're getting to be fair about what the Surf Coast stands for, you have to knock back both the sale of the land and also knock back this development. That will do.

>> LIZ PATTISON: Appreciate you presenting again to us. Do any councillors have a question for John? No, thank you for your time.

>> JOHN FOSS: Thank you. We will now talk with Mae Forsey, I. Can you please come into the session? Hi, if you could take yourself off mute and on video. That would be great if you're comfortable.

>> MAE FORSEY: OK. Good evening, councillors. I would like to object to the sale and the sale of a portion of reserve number 3 for the proposed development to continue. I'm a 10-year-old resident and care deeply about the surrounding wildlife which is often disregarded because it is seen every day. But if there are, even if there are many trees and animals on earth, every tree cut down or potential habitat removed contributes to deforestation, global warming and animal extinction. Part of this land was gifted from my ground parents to enjoy access to the creek. Cypress Lane, selling it, means you must cut down many of the cypress trees. It contributes to deforestation and other concerning environmental matters. Damaging the environment, even the smallest of things, affects native animals. Not just the ones in the cypress trees, it affects many other habitats around the area. Buzz of noise pollution, cutting down trees and altering the natural ground level. The surrounding environment is the perfect home for many

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marsupials such as sugar gliders and possums. They need all the safe habitats they can get because of the bushfires in 2019 and 2020 that's really affected the species. Many birds live in surrounding trees, including cypress trees that must be cut down for the proposed development to continue. Growing up beside Cypress Lane I would often see many birds such as parrots, cockatoos and kookaburras flying and nesting. Many other animals will be affected if this development is to continue, as well as plants due to the potential pollution of Deep Creek. The weather event known as El Niño is coming soon and it affects animals and ecosystems as well. This imagined event is worse than ever because of global warming and climate change. I understand the plans for this development were made with good intent but as I previously mentioned the environment is taken for granted and it needs to be handled with care. Consider the large picture of how this affects what could be the only planet to ever exist to have trees I don't see why public land should be a part of this development and why the beautiful cypress trees and surrounding environment should be damaged for this project's continuation. Thank you. That's it.

>> LIZ PATTISON: Thank you. I really appreciate your presentation and talking to us around your concerns around the environmental impacts of the development and the cypress trees. Do any councillors have a question for Mae? Councillor Bodsworth?

>> MIKE BODSWORTH: Not really a question but I want to thank you and glad to hear from a 10-year-old on these issues and you raised really important issues. Clear points. I don't have any questions about them. Thank you.

>> LIZ PATTISON: Thank you. We really appreciate you coming along and obviously put a lot of work into your submission. It was very clear and some really good points. Thank you. Can we please have Sue O'Shannassy? Sue, did you want to do combined again?

>> SUE O'SHANNASSY: I have two separate ones. We will see how we go. I'd like to start with how good is Mae? A future councillor perhaps. OK. I'll start with the GTA. We object to the sale of this land for the reason outlined in our submission. And I don't intend to repeat it. We're still of the opinion that there is an outcome of a predetermined outcome despite the many assurances from council that there's been no commitment made to the developer. The in principle support was voted on at the February 22 meeting. The justification was given to give the developer confidence to move forward with their planning application. But there is no such consideration given to community. The vote at that meeting was 5-4 which is an indication not all councillors were convinced that this was the correct way forward. To avoid the perception of a predetermined outcome, community consultation should have proceeded any in principle support. Council could have asked for community input on the potential sale prior to declaring their intention to sell. This could have been done in a very short time frame of four weeks. And informed councillors of the concern from residents. The opportunity for providing affordable housing if this development proceeds has been a constant call from the start of the process. Provided not appearing in any motion or in principle support, or the current motion to sell. If councillors expect the sale of land that will facilitate the development of the retirement village will provide affordable housing, then they should provide evidence and show how this will be achieved. The high cost of entry into existing villages in Torquay and surrounds, together with the increasing building costs is unlikely that the developer will be willing to provide many, if any, affordable homes. The Surf Coast Shire Housing Strategy includes social housing, policy, affordability and accommodation, affordable accommodation action plan. What analysis in these documents shows the decrease in rental accommodation is partly due to the rising properties listed on Airbnb. Is this an area council can have influence over? If the land is sold the vision of Joe and Pat Briody will be destroyed. Council is considering selling land gifted to them by the residents for the benefit of a private company. Council hasn't adequately explained the implications of 173 agreement to control conditions of sale. What happens once the land is transferred to the developer and they seek changes to the development at VCAT? We would really like to know how that's going to be handled. Council's planning scheme and council plan makes much of the need to facilitate community and recreation facilities, including public open space in a timely matter. To enable healthy lifestyles. The land sale will facilitate the loss of open space and greatly increase the number of residents that will reside in the area, creating a larger deficit of public open space. The community and nature need more open space,

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not less. What will be the end result if councillors vote to sell the land to the developer? The developer will be able to proceed with their plans. The full extent which will not be known by the community until council decides on the planning application. The community will lose access to Cypress Lane and the piece of public open space which will most likely be required which was most likely required by council as part of the original subdivision. That will no longer exist. The expectations of those who decide the subdivision and those who currently live there will be destroyed by a high density development which under normal circumstances will not be subject, would be subject to an application for rezoning. The residents of the south of Deep Creek will be subjected to excessive light pollution and unwelcome views. The wildlife corridor that exists will be affected. The health of Deep Creek will be uncertain. The perceptions and the planning application will persist. There may be no affordable housing provided as suggested by council officers and councillors. Nor will it address the housing crisis in the shire.

>> LIZ PATTISON: Do you want me to put the next five minutes on or how will you want to structure it?

>> SUE O'SHANNASSY: I'll keep rolling on.

>> LIZ PATTISON: We'll reset the timer?

>> SUE O'SHANNASSY: I can't see the timer.

>> LIZ PATTISON: It's in the top corner of your screen.

>> SUE O'SHANNASSY: I'm using my iPad. I can't see it. A bit of a warning perhaps.

>> LIZ PATTISON: I'll give you a one-minute warning. I'll let you know when you have a minute left.

>> SUE O'SHANNASSY: I'll continue on. What will be the end result of council's vote not to sell the land to the developer? The developer will have to rethink his plans to include continued access to Cypress Lane and the reserve. The health of Deep Creek will be maintained. The nearby residents' lives won't be impacted. The wildlife will not have their habitat impacted, access to affordable housing will not be impacted, the perception of a predetermined outcome for the sale of the land and the planning application will be negated. So I'll just continue on. With the GTA submission. Who also object to the sale of this land for the reasons outlined in the submission. We're still of the opinion that there is a perception of a predetermined outcome which I'll move on a little bit with because I've already discussed some of it. To avoid a perception of a predetermined outcome, community consultation should have proceeded in principle support. Council could have asked for community input on a potential sale. The opportunity for providing affordable housing in this development proceed if this housing development proceeds has been a constant call from the start of the process. If council is expected the sale of the land that will facilitate the development of a retirement village is going to provide affordable housing, then we should have had evidence of that. It's been really misleading I think that this development might provide affordable housing. It really is, it's not evident how that would happen. Not at all. Our submission shows the high cost of entry into existing retirement villages in Torquay and surround, together with the increasing building costs, is unlikely the developer will be willing to provide many, if any, affordable homes. What analysis has there been done by the Surf Coast Shire? You do have a social housing policy and an affordable accommodation action plan. And the analysis by those documents show the increase in Airbnbs are what are increasingly causing affordable housing to decrease. Or affordable rentals in any case. If the land is sold, the division of Joe and Pat Briody will be destroyed. Those who bought into the vision feel betrayed. The council can now consider land that was gifted to them for the benefits of a private company. For their profits. Council hasn't adequately explained the implications of 173 agreement which they suggest can control the conditions. What happens once the land is transferred to the developer? And they seek changes to the development of VCAT? This is not adequately explained to the community. Council planning scheme and the council plan makes much need to facilitate community and recreation facilities including public open space to enable healthy lifestyles. The land sale will facilitate a loss of public open space.

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>> LIZ PATTISON: You've got one minute.

>> SUE O'SHANNASSY: I'd like to I think Toni said it doesn't override the planning scheme. That's not my understanding. Perhaps councillors need to have a bit of a look at that. Yeah. What will be the end result? I think we have already covered that. I just urge councillors to have a really good look at the statement of planning policy, and listen to people like young Mae who are krned about the environment. This development is, if the land is sold, and you can't talk about one without talking about the other. For what purpose is this land to be sold? You really need to take a step back and look at what will be the final result. It's not going to provide housing affordable housing as suggested.

>> LIZ PATTISON: We really appreciate your submission and I'm letting you know your time sup. Thank you for that. And council Gazzard, a question for Sue?

>> KATE GAZZARD: Thank you for both your submissions. Could you remind us how many people own the 3228 Resident Association and how many people you're representing tonight?

>> SUE O'SHANNASSY: That's a really hard question and I'm happy to take it on notice and provide you with that information. I don't think that's at all important. We're here to support the people who live in that area. We have been to a couple of rallies where residents from the south of Deep Creek who work, there was a lot of those people there, because they're going to be impacted just as much as the neighbours to the west. We don't just remember our members. We get lots of requests to help people out who aren't members. So it's not really relevant. We're here to actually support those residents who are going to be impacted by this. But I'm happy to provide you with that information, Kate, if you would like it. We've had that question before. Happy to supply it. Because I'm representing both the Residents Association and the GTA today. Would you like me to email you that information?

>> LIZ PATTISON: Thank you. I'm sure that would be good. Appreciate that. And the wider audience that you reflect. Thank you, Sue. Do we have other questions for Sue? No. Thanks, Sue, for your time and I appreciate you coming on twice and speaking to us tonight. We'll now move onto Peter Donnelly. Hi, Peter, if you could take yourself off mute and turn on your video, that would be great.

>> PETER DONELLY: Sorry, not too good with the technology. I'll only take a couple of minutes on this one. I fully support the previous speakers, especially John Foss. He is spot on about protecting the environment here and council and the community. We're all in one. It's the Surf Coast, it's a place we really have to protect. Not only for the local residents but all the thousands of visitors, locals, communities. And I also want to say about I spend a bit of time and I was actually scanning through some of my files there and there were 3,000 submissions and it was 93% to 95% supported the protection of Sfring Creek. That was based all on environmental feelings and I think the council just had to say that was only two years ago. So you can count on problem 93% to 95% of the community, saying the environment of the Surf Coast, the landscapes and creeks and waterways is something we all must be first in protecting. And I think the council needs to be representative of the community and there's not much more to say. It's just basic logic that you understand the community sentiment about the environment and the protection of these lands and the Surf Coast for not just for the local community, but for all the visitors that we have nearby. And that's probably all I need to say on that. Thank you.

>> LIZ PATTISON: Thank you, Peter. Have you a question for Peter?

>> ROSE HODGE: Can I thank you for doing things differently? Your song. I know you sang to me as well. Thank you.

>> PETER DONELLY: If the council is to reject it, I will rewrite the words for you and do a new song. That's a bit of an encouragement. Thank you.

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>> LIZ PATTISON: Appreciate that. Thank you. We will get Ron Lowe to join usession now, please. I'll pass it over to you now.

>> RON LOWE: I look out my front window and that's what we see every waking moment of the day when we're up eating our breakfast, when we're having our dinner, the Blackwattle Mews is what we look at and the wildlife and the trees, we see all that. We walk up there every day, maybe not every day, but we walk up there most days. To say there's other access to the, we like walking up there. Number one, up the street, when you walk up Cypress Lane, there's the parrots and so much bird life that lives up that area. And you walk down along the Blackwattle Mews area and walk past the tree plantation there and the amount of bird life in there is amazing. It is a habitat, they are habitat trees. And they support habitat and bird life like you wouldn't believe. So when we sit there we always have binoculars looking for birds and all the wildlife stuff that way. And the amount of people that we see walking up there, to the council to say that it's no longer required, I would dispute that highly. Because thours people who drive there to bring their dogs there for walks and people who walk through there every day and walk their dogs. And it's highly used and still, it is certainly not, no longer required. That's for sure. To sell it off for this development would be a travesty. I haven't got much I want to say because it's all been said. We need to protect our environment and open spaces. There's not much else I can tell you. That's about it. Alright. Thank you very much.

>> LIZ PATTISON: A question for Ron. Councillor Hodge?

>> ROSE HODGE: Thank you for that. Can I thank you for your submission with the drawings on it and whatever. I thought that was really good of your view. But you must realise whether it's this one, there will be developments on that land somewhere along the line.

>> RON LOWE: We never thought that was going to be a development there. We have always thought when we bought it, low density residential area and there would be 10 houses up there and maybe a couple of sheds or whatever. That we expected. But from what our expectations are, and you think there's certainty in a planning process, it all gets pulled out from under your feet. And it doesn't seem fair that we all base our life around -- base our life around what we think the rules and the laws of the land and just to have it all pulled away from you like that. I'm not against development. Without development I wouldn't be here because as a tradie, that's what we work on. But when it's unsustainable development like this, it is just crazy. As Mark said, you could have 20 to 25 blocks of land and be far more suitable what's proposed at the moment. I do thank you for that question. Appreciate that. Thank you.

>> ROSE HODGE: Thank you.

>> LIZ PATTISON: Thank you for your time presenting to us. If you could take yourself off mute, Peter Brighton.

>> PETER BRIGHTON: I have changed the background. That's an ordered from the back paddock. I have made two submissions. And I guess the mayor opened up tonight with an acknowledgment to country and thanking the Indigenous population for being custodians of this area. And now we're discussing something which as far as I'm concerned is going to throw that, throw mud in the face of that particular acknowledgment. We're going to sell a piece of land or parts of a piece of land to enable a developer to build high density, very high density dwellings. Despite what I think it was, it was Toni who was saying this development was really only low density and wasn't as high density as normal domestic density. I didn't understand her argument there and I still don't understand the argument. When Nick spoke about the water treatment, of which there appears to be no water treatment facilities at all on site, they're just utilising existing stormwater, the very nature of this site with massive amounts of impermeable area is it will create massive amounts of additional stormwater which is only going to end up in Deep Creek. You've only got to have a look at Deep Creek to see it's deep because of the amount of water there. It's been eroded over time. There's a fairly substantial amount of erosion all the way down in various parts as it goes around bends and corners. If we start adding massive amounts of water to it from the Briody Drive, then this one, the North

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Torquay one on Coombes Road and the Karaaf water going in there, this will be a disaster that not you folks, because you won't be around, but the councillors in the future will have one hell of a battle trying to sort out. In the same way you've got battles now with decisions and activities that have taken place over the last 10 years in Torquay. And the other thing that really, I read the minutes of the February meeting, and I was particularly drawn to the valuations of this land and whoever valued this land was not cognizant of the current land values and wasn't the valuer that valued my property in Jan Juc. It's valued at nearly \$600,000. And you want to say that you've got 1,790 square metres of land that you will flog off for \$4,000. That's just crazy. \$for 400,000. That's just crazy. Tell them they're dreaming. I would give you \$400,000 for it now. Try and tell that to little young couple up in North Torquay trying to scrape together some money to buy a block of land, a small bluc of land, when told by somebody that the local council is flogging off 1,700 square metres of land to a local developer for \$380,000. That's just not right. It can't be right. There's nothing immoral, nothing illegal, nothing improper about council and ratepayers sharing in the windfall profits of these developers. By you selling this land to this developer for what is essentially a pittance, you were going to give this land developer a windfall profit of millions and millions of dollars. There is nothing immoral, illegal, improper about council and ratepayers sharing in the windfall profits. Besides, I can guarantee the developer will pay a lot more than those valuations that I saw in February. Besides, you folks have a pool to pay for. You're going to need some money. Given the land prices, I reckon \$6 million would be realistic. If you were to base the prices on my little 320 square metre block in Torquay, I reckon north of \$10 million would be even a better price. So I reckon be fair, be reasonable, knock it back and I urge you to reconsider this sale. Cheers.

>> LIZ PATTISON: Thank you.

>> PETER BRIGHTON: Any questions?

>> LIZ PATTISON: We appreciate the enthusiasm.

>> PETER BRIGHTON: We need to let it develop the way the Briody planned to let it develop and into large 10 properties.

>> LIZ PATTISON: A question fr you.

>> What's the name of the orcered in your -- orchid.

>> PETER BRIGHTON: I will tell you an email with the name.

>> LIZ PATTISON: We have an apology from Joe and Mary-Anne. They went be presenting. And Grant Norris is not online and it appears he went be available to present. We now move on to John Cicero. Can you please come online? Hi, John, if you could take yourself off mute and put on your video, that would be great?

>> JOHN CICERO: Thank you. Thank you for the opportunity to address you this evening. My name is John Cicero. I'm here on behalf of Coombes Road Propriety Limited which is the registered propriety of the 10 lots that can beaccessed off Cypress Lane. The submissions council has received, both in writing and tonight, opposing the proposed discontinuance and sale are based we say largely on irrelevant considerations. That is this council cannot lawfully make a decision on whether or not to discontinue either orboth sides, having regard to the planning merits of the retirement village application. No doubt as the council will have been advised the two matters are separate and distinct with a separate and distint considerations applying to each. Let me test it this way. Council's decision on whether or not to discontinue and sell either of both Cypress Lane and the Reserve Bank does not fetter -- reserve does not fetter or refuse the application of the retirement village. The community has had the opportunity to make comment on the retirement village and in thevent council were to issue a notice of decision to grant a permit, then that decision of course can be appealed to VCAT. If council resolves not to discontinue, either Cypress Lane or the reserve, then my client would need to amend its current application to excise the land that comprises Cypress Lane

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and the reserve. This it can do. It has a contingency plan. And therefore if the council were to resolve, that would not be an impediment to my client proceeding with its current application. Albeit amended to exclude the land in Cypress Lane and reserve and would replan a public road and the reserve would retain that status. What we say the key issue for the council in relation to the issue of discontinuance, is whether or both of Cypress Lane and the reserve is required for pedestrian, vehicle or other public use. Or is able to serve a purpose to advance a current or future strategic outcome for this neighbourhood. What we say is if the clear answer is no. It provides no vehicle or pedestrian access beyond its southern abuttal with lots 38A, 41A and 41B on the relevant plan of subdivision. It doesn't end to Deep Creek for example. It is only a road and a reserve that serves the lots on that plan of subdivision. That's not to say that other people might not use either the road or the reserve. After all, it is still a public road. And the reserve is still freely accessible. But, if you look at the way that that road and the reserve was structured, it clearly was structured to serve the lots on that subdivision. And in essence this reflects its origin as common property, a common property road and reserve as part of a cluster subdivision now for those of us who are old enough to remember an act called the cluster subdivision back in the 1970s. The history would appear to show in the 1990s the then body corporate agreed unanimously in December of 1993 to transfer the common property to the then city of Greater Geelong which had given commitments to have the land vested in the council early in October 1993. Clearly the council's amalgamation process stalled the discussions and they were reactivated with the Surf Coast Shire in the early 2000s. Culminating in the resubdivision of the land. The free hold in both Cypress Lane and the reserve and the free hold of Deep Creek, and reserving or transferring to the council that Deep Creek Reserve in particular as an asset for the community. But to be recognised that the reserve was not vested as public open space but only as a pedestrian access arrangement for Cypress Lane residents to Deep Creek. Notwithstanding its status, as a public road and public reserve, we say it has not served any public purpose since some 16 years ago. It's not to say that there hasn't been some use by the public over that time of either Cypress Lane or the reserve. But it's pretty clear when you look at the history of it and look at the context that it has a very limited if any role to serve as a public access way. What is apparent is the reserve in question connects Cypress Lane to Deep Creek via a dug leg which was created to provide access to the creek. That's its origin. That's why the dog leg exists to create we say the ability of residents of Cypress Lane to access Deep Creek because Cypress Lane does not connect as a road to Deep Creek. All other residents were similarly provided access via other reserves to Deep Creek at the end of their respective lanes. Public access beyond the subdivision is retained to Deep Creek via the pedestrian path on the west side of Torquay Road and it provides access to the creek from members of the public who are arriving from northern Torquay along the Torquay Road. There is no change to access for these members of the public. For residents within the subdivision north of Coombes Road, they maintain access over Coombes Road and through to the creek. Residents arriving from further west of, remain access via Piper Lane or GT Lane. In the event of the discontinuance of the road, all residents beyond Cypress Lane maintain easy access to and from the creek. This is not going to deny those residents the access they currently enjoy through these other reserves and roads. Put simply we say there is no benefit to the public to maintain Cypress Lane as a public road and to maintain the reserve to access to the creek. It is a public access that is not yielding any benefit to the public. On the contrary, the sale of these assets would generate a significant income to the council. I'm instructed in excess of \$2 million. At the end of the day the council has a process it will follow as part of its proper governance for the sale of this asset. My client is the logical potential buyer but not the only buyer -- buyer but not the only buyer potentially of the road and the reserve. And it will be sold in accordance with council's good governance and practice at a market rate. I'm not sure where you got your numbers from, Peter, but that's not clearly my instructions and obviously the council will be required to follow due process and its own governance model when it comes to disposing of a public asset such as the Cypress Lane and the reserve. So, we say that money that can be, that would be obtained from the sale of these public assets could be put towards improvement in the local area. If the council so wants. To the public realm that is indeed needed, valued and used. That's where the money should go. The clear net community benefit favours the discontinuance and disposition of both Cypress Lane and the reserve. Their future use, if privately owned, whether by my client or someone else, can be tested through another process and submitted council will take into account any relevant

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consideration if it were to consider the planning merits of the retirement village application of my client in deciding whether or not it will continue Cyprus Len or remove the dedication from the reserve. Thank you for the opportunity to address you and to listen to our submission.

>> LIZ PATTISON: Thank you. I appreciate you getting through the important points. Do we have a question?

>> MIKE BODSWORTH: Thank you. As we heard earlier on, it's foreseen that a vehicle gate would be closed in the evening at the site. If the development goes ahead. But the pedestrian gateway would be left open to provide pedestrian access through the site. Are you aware of any discussion or potential to make that a more formal arrangement for maintaining ongoing pedestrian permeability of the site given from what we've heard so far, leaving a gate open is not a lot to give for pedestrian access?

>> I haven't been involved in the planning application process but I can speak in relation to my experience with these areas where land is retained in private ownership. But there's an arrangement for part of the land to be publicly accessible at all times or at times that are agreed to with the council. So there are a number of mechanisms that are available, that can ensure that whatever is agreed, whether it is 24 hours or whether restricted hours or whether the arrangement is, can be put into place via an appropriate condition and/or an agreement. Not unusual.

>> MIKE BODSWORTH: You've been involved in any discussion with that?

>> No. But I understand my client, and there have been some discussion with council officers and no doubt those discussions can be brought to an agreed position on the way that public access would be managed through the site.

>> MIKE BODSWORTH: Thank you, John.

>> LIZ PATTISON: Do we have any other questions for John from councillors? No. Thank you, John, for your time presenting on behalf of the applicant. I have just had a message, Karen Briody apparently has her hand up. I can't see you. We didn't have you listed down as speaking. Did you have a question or were you perhaps, if you let Karen enter. Can you hear me?

>> Hello.

>> LIZ PATTISON: Hi.

>> My name is Karen Briody. Darren was getting to speak on my behalf. I'd like to drop three minutes on to you if I could.

>> LIZ PATTISON: That's fine.

>> Have you got, can you see me?

>> LIZ PATTISON: No. If you could turn on your video that would be great.

>> I don't know where it is. It's gone.

>> LIZ PATTISON: If you just speak, that's fine. We can all hear you clearly. Now you have got yourself on mute.

>> Hi. How are you going? I'm actually in Perth in Western Australia. So I'm a bit further away than all you guys. Just a bit of a context. Admittedly, I left Torquay in the late '70s. To work, for my career and I've travelled Australia and been back and forwards a lot and with Mum and Dad being there for many years up until Dad passed away in 2012 and Mum in 2018. We were right up there in recent times. Just a bit of context seeing most of the council I think, Ms Hodge is the only lady I'm aware of, are fairly new. Dad bought the land in the 1950s. He missed out on three soldier settlement farms closer to Ballarat but bought there. Strangely enough, Mum had been a teacher at North Geelong



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primary school and boarded prior to them meeting. When they did meet they married. Raised five children. That was my playground and all of us kids. Deep Creek. Dad was an environmental warrior and really his commitment to the environment right through from when I was a little kid, right through to before, just before he died. He would always be bringing home injured birds or injured everything. We had a min agry of wildlife thereat would come in. Back in those days there wasn't WIRES. Dad would pick them up off the road and recover them. He was a bush vet and repair and put in plaster and plaster of Paris broken legs of kangaroos and things back in there day. The sdun of the lanes was to determine a lifestyle of homes with development to a corridor of natural flora and fauna, allowing easy access to the creek and the Deep Creek general. Cypress Lane to retain the fire trail would also be something that I would be very concerned if it wasn't. Notmany of you there I would imagine would be well aware of the fires back in, I think the '70s of some sort. Late '60s early and '70s. It nearly took out Torquay. And back in the '40s a significant fire that went through Torquay. If there was a Black Saturday and you had 300 odd residents in that property getting out one gate to a highway, a road and a highway, a major road and a highway, it would be very, very distressing. I kneas a kid we had sugar gliders, possums, echidnas. As I said, as pets and also there was thousands of them up and down that creek from and right down to Whites Boch. It's also worth noting that the grass trees down by just at the edge of where Reserve 3 is, there was a significant bundle of cluster of grass trees there which were painted for and I think there might even be a painting of that in the council chambers somewhere. They were Heritage Listed. Has anybody gone there and understood that? Which also does krn me that if that was Heritage Listed or had a Heritage Overlay on it, what is the status of it now? I would like to congrrrchilate young Mae. She's a legend and you would hope and pray she will be a councillor in 20 years. Thank you. I just hope and pray for my dad and mum, they both loved that environment there and the commitment that they made with all, they used to interview the prospective owners to make sure they were getting to behave themselves and lock after the environment. Dad used to gobsmack me with his environmental warrior stuff. I do hope and pray the Cypress Lane and the fire trail will remain as part of us, the community. Thank you.

>> LIZ PATTISON: Thank you. It's great to get that history and learn about that. Do any councillors have a question? Thank you so much for coming on and speaking with us. Appreciate you taking the time all there way from Western Australia. Councillors, there are no more speakers for the item tonight. We-a recommendation before us and that is that council receives notes of submissions to the potential continuation of sale of Cypress Lane Torquay and reserve number 3 and considers the submissions in the report regarding the potential discontinuation and sale of Cypress Lane Torquay and sale of a portion of reserve number 3 at a future council meeting. Do I have a mover of a motion for that or another motion? Councillor Hodge, as per the motion? Yep. Seconded by councillor Bodsworth. All those in favour? And the motion is carried. Well, that is the end of our business for tonight. So I declare the meeting closed at 8:25pm. Thank you to all the presenters and for those listening. Thank you very much. Goodbye.