

Minutes

Special Council Meeting for
Hearing of Submissions
Tuesday 7 March 2023

Video Conference

Zoom

Commenced at 6:00 pm

Council:

Cr Liz Pattison (Mayor)
Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Adrian Schonfelder
Cr Libby Stapleton
Cr Heather Wellington

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1 Procedural Matters

1.1 Present

Cr Liz Pattison (Mayor)
Cr Gary Allen
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Libby Stapleton
Cr Heather Wellington

Chief Executive Officer - Robyn Seymour
General Manager Placemaking and Environment - Chris Pike
Acting General Manager Strategy and Effectiveness - Damian Waight
Acting Manager Integrity and Governance - Jake Brown
Governance Officer - Jess Menzel
Governance Officer - Stacey Ylstra
Strategic Land Use Planning Coordinator - Karen Hose
Principal Strategic Planner - Samantha Natt

Speakers

Nick Morris
Kathryn Williamson
Julie Stewart
Matt Benson
Fleur Batties
Simon Loader (Applicant)

Not in attendance:

Cr Paul Barker
Cr Adrian Schonfelder

1.2 Opening

Mayor Pattison opened the meeting.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung People and the Gulidjan and Gadubanud Peoples of the Eastern Maar. The main Council offices in Torquay are on Wadawurrung Country. We wish to acknowledge the Traditional Owners of the lands on which each person is attending or viewing this meeting today, and pay respect to Elders past and present. Council also acknowledges other First Nations People that may be attending the meeting today.

1.3 Pledge

Mayor Pattison recited 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.

1.4 Apologies

Council Resolution

Moved Cr Hodge, Seconded Cr Allen

That an apology be received from Cr Schonfelder.

CARRIED 5|0

For	Against	Abstained
Cr Allen Cr Bodsworth Cr Hodge Cr Pattison Cr Stapleton	Nil	Nil

Cr Wellington joined the meeting at 6:08pm.

1.5 Conflicts of Interest

Nil.

2 Reports

2.1 Application for Approval of an Amended Development Plan for the Briody Estate West, Torquay (PG20/0013)

Council Plan	Theme Two - Healthy Connected Community Strategy 3 Facilitate the provision of social infrastructure and open space to enable healthy lifestyles. Strategy 5 - Make it easier for people to move around our towns and in nature without relying on cars
	Theme Three - Environmental Leadership Strategy 7 - Protect significant habitats, landscapes and biodiversity Strategy.
	Theme Four - Sustainable Growth Strategy 11 - Protect heritage and township character.
Author's Title:	Principal Strategic Planner
General Manager:	Chris Pike, General Manager Placemaking & Environment
Division:	Placemaking and Environment
Department:	Integrated Planning
Attachments:	1. Order of Speakers 7 March 2023 [2.1.1 - 1 page]

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

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

Purpose

The purpose of the Special Council Meeting for Hearing Submissions is to consider submissions made in relation to an application to amend a Development Plan for the Briody Drive Estate West, Torquay (PG20/0013).

Background

The land in the Briody Drive West area was rezoned from Low Density Residential Zone to Residential (now General Residential Zone) in 2012 to facilitate redevelopment of the land at higher residential densities consistent with the strategic directions at the time. A development plan for the Briody Drive Estate West was approved by Council in November 2017 pursuant to Development Plan Overlay 10 (DPO10).

Since the approval of the development plan in 2017, land ownership within the area has significantly changed. An application has been submitted to amend the approved development plan on behalf of Summerset Villages (Number 2) Pty Ltd who have acquired a significant proportion of the land in the development plan area.

The current application seeks to amend the approved development plan to incorporate a Retirement Village on 8.51 hectares of land in the centre of the site to replace some of the residential subdivision previously approved. The Retirement Village will consist of approximately 231 individual residential units, a Residential Aged Care Facility (80 beds) and Independent & Assisted Living Apartments (60 units). The remainder of land in the development plan will continue to provide for conventional residential subdivision (approximately 346 lots).

The amended development plan also replaces the previously approved treatment wetland to serve the eastern catchment located in the north eastern corner adjacent to Briody Drive and Illawong Drive, with a linear strip reserve (with public access through) and an underground water quality treatment device. A drainage reserve with a wetland and sediment pond to treat the water will be provided in the western catchment adjacent to Deep Creek, which will replace the detention and treatment basin in the approved plan.

Neither the Surf Coast Planning Scheme nor the *Planning and Environment Act 1987* include requirements for referral or public notice requirements for development plans. However, it is Council's policy to informally refer development plans to relevant authorities and place development plan applications on public exhibition for a period of at least 28 days.

The development plan was informally advertised and placed on public exhibition from 28 October 2022 until 25 November 2022. Notices were sent to all owners/occupiers within the development plan area and immediately surrounding the site, and a notice was published in the Surf Coast Times. The application was also referred to all relevant public authorities.

2 submissions were received from the following public authorities:

- Corangamite Catchment Management Authority (CCMA) have raised no objections to the application although recommend council consider the maintenance and end of life arrangements for proposed assets. It is also noted that the CCMA is likely to request adequate energy dispersion to manage this risk as part of the Works on Waterways approval process. A Waterway Management Plan is recommended for Deep Creek which would be a Council plan.
- Country Fire Authority (CFA) have objected to the defensible space requirement being incorporated into the developable area on the eastern property boundary of 150 Briody Drive. The applicant is in the process of amending the layout to incorporate the required changes to include a perimeter road along the eastern boundary of 150 Briody Drive.

A submission from the Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) has also been received supporting the proposal in principle and requesting a condition or similar is applied to ensure that all Heritage Management Conditions in the approved *Cultural Heritage Management Plan* be adhered to.

A total number of 25 submissions from 27 submitters were received. This number includes 2 from landowners within the development plan area, 2 submissions from community organisations: the Greater Torquay Alliance (representative of 10 community groups) and Torquay Coast Action and the remainder from other local residents.

A copy of all submissions has been provided to the applicant. A summary of the main issues raised in the submissions is provided below. Some aspects of the development plan did receive support from some submitters and this is also mentioned below.

Issues

Key issues raised in the submissions include:

Provision of Retirement Village/Aged Care Facility

- Objection to provision of another retirement village and high-density residential living area in Torquay where there is no demand.
- Lack of detail relating to retirement village, including additional recreation facilities.
- Increased density due to retirement village (and no off-set through increased open space).
- Queries regarding setbacks to be provided.

There is some support for the retirement village, although based on various proviso's including that it should be of high architectural quality, well managed and well maintained, as well as providing additional public open space.

General Residential Subdivision Areas

- Concern regarding high densities, small lot sizes and narrow roads (as in recent, nearby subdivisions and inner-city developments).
- Lack of detail on multi-unit site.

Stormwater Management Issues, Flooding and Impact on Deep Creek

- Objections to lack of detention of stormwater on site and removal of eastern drainage basin (and proposed outfall to Deep Creek) which will result in higher water flows rates and velocities into Deep Creek. Basin should be retained as in the approved plan.
- Impact on creek will be compounded by increased high density development from the retirement village and reduced permeable areas.
- Concerns that the Stormwater Management Strategy is based on outdated Flood Impact Assessment (dated August 2019) and makes incorrect/outdated assumptions to base the approach to flow conveyance and retardation at the site. Development since 2019 and other proposed large development including aged care facility in Cypress Lane have not been considered.
- This plan assumes only a 'minor' increase of flows from the site which is incorrect.

- Impact from increased significant rainfall events should be considered.
- Concern regarding increased water flows on Deep Creek and the properties abutting Deep Creek including bank stability and creek bed erosion.
- Erosion at mouth of creek and dunes where it runs onto Fisherman's beach could be exacerbated.
- Increased fresh water flow will likely increase pollutants in the sea water negatively impacting recreational activities.
- Concern regarding potential impact on ecology, fauna, flora, biodiversity and landscape in Deep Creek including rare and threatened species and no studies have been undertaken (Surf Coast Distinctive Area and Landscape Statement of Planning Policy indicates Deep Creek is an area of biodiversity significance).
- Impact of potentially draining the Esplanade wetlands to Deep Creek for the purpose of diverting stormwater away from the Karaaf Wetlands should be considered.
- New Regulatory & Guiding Documents have not been considered (specifically Marine and Coastal Policy 2020, the Surf Coast Distinctive Area and Landscape Statement of Planning Policy, and Urban Stormwater Management Guidance - June 2021). These indicate cumulative impacts must be addressed and managed.
- Inadequate water quality treatment proposed which will not adequately protect the water quality in Deep Creek. Queries regarding whether there are recent studies to support the adequacy of underground treatment units.
- Past inadequacy of storm water infrastructure design and maintenance should be considered (Karaaf Wetlands and Frog Hollow Estate).
- Flooding and drainage failures in the area may not be alleviated.

Traffic/Highway Issues

- Inaccurate traffic estimates and outdated modelling in Traffic Report.
- Concerns regarding impact of increased traffic from the amended development plan compared to the approved development plan which will have a significant impact on local environment/neighbourhood.
- Concerns regarding capacity of the existing road network (Briody Drive, Illawong Drive, Grossmans Road) and intersections to accommodate increased traffic.
- Alternate traffic flows, diverted onto Grossmans Road or Messmate Road, should be considered.
- Concerns regarding school precinct and congestion.
- Concerns surrounding active transport options (particularly safe bicycle routes), and lack of public transport.
- Concerns regarding Briody Drive/Illawong Drive Intersection (Replacement of the eastern drainage reserve with housing will exacerbate existing safety/visibility issues at junction).
- Concerns regarding Briody Drive Upgrade.
- Queries regarding whether retirement village staff and visitors, as well as servicing vehicles been included in traffic estimates. Significant increase in truck traffic from aged care component are cited as a concern.
- Concerns surrounding lack of parking.
- Lack of safe crossings in the area.

- Impact of future rezoning of the northern side of Briody Drive to GRZ should be considered.

There is some support for bike lanes on Briody Drive (which should be provided at the outset).

Open Space Issues

- Objection to loss of open space from removal of eastern drainage reserve which will result in a loss of amenity at eastern end of development, a hard urban edge between existing and new development, reduction of flora/fauna in the area and no ability to plant trees or increase biodiversity. Open space should be provided in this location.
- Insufficient open space/ parkland for such a large increase in residents, particularly children.

One submitter welcomes re-location of the local park as it provides an opportunity to protect vegetation and provide a softening of the interface between the GRZ and LDRZ.

Impacts on vegetation

- Concerns regarding loss of significant number of trees.
- Consideration must be given to protection of mature trees that are not threatened species and retention of established non indigenous planted windbreaks.
- Concern regarding loss of areas of Grassy Woodland and Heathy Woodland.
- Opportunity for a wildlife corridor linking Deep Creek and Spring Creek should be considered.
- Retirement village increases demand to remove vegetation.

Other Issues

- Lack of consultation and community engagement (particularly occupiers adjoining Deep Creek).
- Impact on coastal township from excessive and inappropriate development.
- Proposal has a lack of regard to surrounding environment.
- Impact of climate change should be considered.
- Concern regarding potential access shown to future development on land immediately east on the northern side of Briody Drive.
- Lack of information regarding the developers in the development plan area.
- Obstruction of views.
- Impact on adjoining land to north at 247 Messmate Road (which contains the Deep Creek corridor). Appropriate boundary fencing should be provided.

All submissions have been provided to Councillors. The issues raised in the submissions will be considered in detail in a report to be presented at a future Council meeting (date to be determined).

Recommendation

That Council:

1. Receives and notes the submissions relating to application PG20/0013.
2. Considers the submissions in a report regarding application PG20/0013 at a future Council meeting.

Council Resolution

Moved Cr Hodge, Seconded Cr Allen

That Council:

1. Receives and notes the submissions relating to application PG20/0013.
2. Considers the submissions in a report regarding application PG20/0013 at a future Council meeting.

CARRIED 6|0

For	Against	Abstained
Cr Allen Cr Bodsworth Cr Hodge Cr Pattison Cr Stapleton Cr Wellington	Nil	Nil

3 Close of Meeting

Mayor Pattison closed the meeting at 7:07pm.