

## Submission: Loss of faith in Golden Plains Shire and Amendment C87 best interests

I am opposed to elements of Amendment C87 to the Golden Plains Planning Scheme because the Golden Plains Shire has not performed to a standard that instils any faith in its capacity or will to represent the Inverleigh community into the future.

I favour sustainable and safe development in Inverleigh and the establishment of town boundaries and see the benefits of sustainable population growth. The Shire's rationale for amending the planning scheme to align with the definitions of the Victorian Planning Provisions is appropriate, and the areas for rezoning included in Amendment C87 is in response to demand for development. Nonetheless I believe there are deficits in what underpins the content of Amendment C87 to the Golden Plains Planning Scheme.

The Golden Plains Shire does not have a track record in the Inverleigh community of consulting in any meaningful way, of listening, and of putting the interests of the Inverleigh community above that of other projects in the shire.

According to the March 2013 Golden Plains Local Government Inspectorate Report, "Good governance is important for several reasons. It not only gives the local community confidence in its council, but improves the faith that the elected members and officers have in their own local government and its decision making processes. It also leads to better decisions, helps local government meet its legislative responsibilities and importantly provides an ethical basis for governance."<sup>1</sup>

I have lost confidence in the internal governance of the Golden Plains Shire and its capacity to implement the objectives and strategies of the Inverleigh Structure Plan and those listed in Amendment C87 to the Golden Plains Planning Scheme, specifically 21-07-5, in the best interests of Inverleigh and its future.

My position is based on the following information in regards to 1) the quality of the Inverleigh Structure Plan, 2) the Golden Plains Shire's track record in Inverleigh of poor planning and stewardship, 3) concerns for the staging of development to meet the stated moderate growth goal of about 27 homes per year, 4) Local Government Inspectorate Report March 2019, 5) lack of transparency of agency/developer contributions, 6) failure to rezone as part of Amendment C87 the Inverleigh Flora and Fauna Reserve, 7) the inadequacy of community notification of the alignment of the proposed new clause for Inverleigh Local Planning Policy Framework, 8) poor performance in the 2019 State-wide local government survey and 9) protection of Aboriginal cultural sites.

### **1. Process for seeking community feedback on Amendment C87 and the labelling of the process as the Inverleigh Structure Plan**

- The submission form is titled – *Amendment C87gpla – Inverleigh Structure Plan*, which has added an unnecessary level of confusion to community members who were of the belief the structure plan was being amended or was still in draft, which was and is not the case.
- The Inverleigh Structure Plan 2018/2019 (date varies throughout the Golden Plains Shire documents) is approved. Amendment C87 is noted to support the Structure Plan and the Planning Policy Framework.
- The Explanatory notes state compliance with the Clause(s) but there is a lack of definition and detail of how Amendment C87 actually complies, rather an overuse of expansive and passive action statements such as, "There is no public transport to Inverleigh<sup>2</sup>, however Amendment C87 seeks to promote a housing market that meets the needs of the community" and "Amendment C87 is consistent with the broad principles of biodiversity protection and retention of existing native vegetation".
- Amendment C87 Inverleigh specific changes in Clause 21, reduces the objectives from 6 to 5, and the strategies from 38 to 14. The rationalizing of the planning document may be in line with Victorian Government advice; however it does not appear to align with the Structure Plan. The Structure Plan has 19 principles (pages 49 – 57), 33 objectives and 49 strategies. The reduction of the objectives and the strategies by over 50% effectively removes protections for the community in the operationalizing of the Structure Plan. The clear intent of Amendment C87 is rezoning for development and reducing the minimum lot size.

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

<sup>2</sup> Of note, there is a Friday return bus from Inverleigh to Geelong of very short duration.

- The Amendment C75 Panel accepted the argument against the deferral of Amendment C75 because the amendment conformed with the then existing structure plan (2005)<sup>3</sup>.
- The conformity of Amendment C87 with the Inverleigh Structure Plan 2018/2019 is untested.
- Amendment C87 also removes any reference to policy guidelines, application of zones and overlays or implementation and further strategic work. It is not clear where this information will appear in planning documents available to residents of Inverleigh once development overlays are removed.
- I have concerns arising from the complete removal of strategies related to The Inverleigh Fauna and Flora Reserve. The area is managed by Parks Victoria, however the decisions and impacts of Amendment C87 approval will affect this area and vice versa.
- It is also unclear why the Golden Plains Shire in its stated goal of reassuring the Inverleigh Community of its future, that it has chosen to not address the rezoning of the northern area of the Inverleigh Fauna and Flora Reserve from farming zone to align it with the rest of the Reserve which is zoned as public conservation and resource zone.
- The Structure Plan lists the Inverleigh Community Plan as a key reference point in strategic plans and representation of the community's priorities, however it is a 2013 document, is therefore 6 years old and was, according to the document itself, to be updated every two years (page 6). There is no evidence there has been an evaluation of priorities met or of their ongoing relevance.
- The map included in the Structure Plan is incorrect and Inverleigh local residents have already met with Golden Plains Shire strategic planning staff, in an attempt to point out the factual errors and request corrections. It is a reasonable expectation that the approval of Amendment C87, in the context of the explanatory notes stating a new Inverleigh Structure Plan will not occur for another 15 years and will likely only be triggered by a lack of available land for further development, be based on a factual accurate Structure Plan.<sup>4</sup>
- The inadequacy of the community notification of the alignment of the proposed new clause for the Inverleigh Local Planning Policy Framework. It is noted on the Golden Plains Shire website at the bottom of Amendment C87 Explanatory notes that, "The Local Planning Policy Framework (LPPF) is currently under review and there is potential that the changes from the LPPF review will coincide with changes resulting from Amendment C87 gpla. A draft of the proposed new clause for Inverleigh under the LPPF review is provided below."<sup>5</sup> Reference to policy guidelines, application of zones and overlays and further strategic work is not included as is clarity about community feedback.

## 2. A track record of poor planning and stewardship

- Inverleigh Streetscape was an urban/suburban design completed by MESH, the same company who completed the development feasibility study<sup>6</sup> referred to in the Inverleigh Structure Plan. The streetscape plan was set aside following a coordinated community pushback and forced consultation and is yet to be removed from the Structure Plan<sup>7</sup>.
- The streetscape plan was not developed in consultation with the Inverleigh community and included design changes that lacked any common sense or reflected the activities that make up Inverleigh. Examples include farming equipment being unable to move along the Hamilton Highway; the wind turbine transport from Corio Quay not being able to park or move safely along the Hamilton Highway, and reduction of the truck, transport and tourist van parking.
- Most importantly, this streetscape plan was not funded, was best described as aspirational and the plan development cost upwards of \$70,000. Money that could have been directed to fixing drains and roads and general maintenance which has not been maintained to standards for years<sup>8</sup>, refer transcript of community meeting.

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

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

<sup>5</sup> [www.goldenplains.vic.gov.au/sites/default/files/C87gpla%20Explanatory%20Report.pdf](http://www.goldenplains.vic.gov.au/sites/default/files/C87gpla%20Explanatory%20Report.pdf)

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

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

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

<sup>8</sup> Golden Plains Shire confirmed minutes 23 July 2019.

- Very recently the Golden Plains Shire has requested community input into the Inverleigh Works Plan via a survey on social media and its website giving the community opportunity to identify 1) potholes of concern, 2) select between recycled plastic bollards, seats or treated wood and 3) if we want a bike rack. It goes on to say:

To deliver significant improvement to drainage in the Inverleigh Streetscape would require structural infrastructure such as kerb and challenging [sic]. During the community consultation in March, survey respondents clearly stated [sic] they did not want major infrastructure changes in downtown Inverleigh. Within the current annual road and drainage maintenance program budget, Council will complete a routine clean out of the drains in downtown Inverleigh in 2019.

- I believe that this is not an accurate reflection of the community consultation regarding drainage, which included fixing the worst areas of the drains. A clean out of the drains as part of the maintenance program should have long been a routine maintenance scheduled task which was completed, and it has not been. I admit however it is an actual promise of action when compared to the streetscape plan, which was unfunded, aspirational and inappropriate.
- The open drains and repeated flooding on parts of Common Road since earlier greenfield development<sup>9</sup> could have been reduced if compliance with the *Infrastructure Design Manual*, which the Golden Plains Shire signed up to in 2013, was required as part of the development plan, associated schedules and enforced prior to compliance certification.
- The corrective action undertaken by Golden Plains Shire to fix the open drains and flooding on parts of Common Road does not comply with the *Infrastructure Design Manual*, results in pooling for longer than recommended, was inadequately completed<sup>10</sup>, and not risk assessed<sup>11</sup> because there was not enough money. The current community response and concerns over safety would have been avoided.
- The Golden Plains Shire includes the *Infrastructure Design Manual* as a reference document. According to the Golden Plains Shire, "Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed. Reference documents have only a limited role in decision making as they are not part of the planning scheme. They do not have the same status of incorporated documents or carry the same weight."<sup>12</sup> This allows the Golden Plains Shire to not meet the requirements of the *Infrastructure Design Manual*.
- The Schedule 16 to Clause 43.04 Development Plan Overlay for Hopes Plains Road is the only Schedule to date that has included the requirement for compliance with the *Infrastructure Design Manual*, which may suggest some improvement in expectation from the strategic planning staff and commitment by the Golden Plains Shire.
- Inadequate planning and costing of infrastructure requirements associated with new subdivisions, and specification of developer contributions resulted in \$300,000 being diverted (following Ministerial approval with Council deeming there was no higher priority applicable under the Country Roads and Bridges program) from the allocated funding share under the Country Roads and Bridges program to pay for the shortfall for the roundabout in Bannockburn, which was noted by VicRoads to be directly attributable to the Golden Plains Shires lack of planning, "56. (i) VicRoads have also stated that the current traffic volumes at the intersections are primarily due to the extensive residential developments in Bannockburn, for which Council should have planned better in terms of developer contributions to fund expected infrastructure."<sup>13</sup>
- The lack of maintenance and improvements to roads in Inverleigh and district is reflected in its 2018 Customer Satisfaction Survey results of unsealed roads, sealed local roads, community decisions, consultation and engagement and lobbying identified as the areas for focus and improvement<sup>14</sup>.
- The Structure Plan is in the main unfunded and Golden Plains Shire has not provided detail or strategic planning in how it will secure or work with the community to secure the funding.
- The Inverleigh Community Plan 2013, listed short term priorities for the community which included a focus on roads, parking, drainage, walking tracks etc. Some have been achieved, however some of the

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

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

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

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

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

<sup>14</sup> J006-43 Customer Satisfaction Survey 2018 – Golden Plains Shire, page 14.

basic priorities such as the school crossing improvements; drainage works to fix clogging and outflow from the primary school have not. School children still on wet days have to walk around flooded paths at the school crossing.

- My confidence in adherence to the spirit of reasoning in approving Amendment C74 by the Panel is low. According to the Panel report, the objections were rejected in relation to bushfire and gave the following rationale:
  - However, under Clause 32.03-3 (Subdivision), the minimum lot size defaults to the Schedule to the zone, which for Inverleigh refers to the ISP, which designates lots sizes of 1 to 2 hectares<sup>15</sup>.
  - The policy requires buffer zones around future subdivisions close to the Inverleigh Nature Conservation Reserve and Inverleigh Golf Course and vegetation management with a minimum lot size of 2 hectares for lots adjacent to these areas<sup>16</sup>.
  - The Amendment is supported by strategic directions in the Golden Plains Planning Scheme for the site to be rezoned and developed for low density residential development. The current minimum lots sizes under the Low Density Residential Zone (LDRZ) of 1 to 2 hectares (2.5 to 5 acres) allows the site to be developed in a manner that reflects the character and amenity of Inverleigh. The application of the Development Plan Overlay Schedule 16 (DPO16) will guide how the site can be developed in a manner responsive to bushfire risk and stormwater management<sup>17</sup>.
- The Panel noted:
  - The Amendment (C74) does not propose to alter the Schedule to the LDRZ hence low density residential subdivision, under the Amendment, is limited to 1 to 2 hectares. These limits reduce the extent of population growth that might be exposed to bushfire risk. They also allow space on lots and between dwellings in subdivision design to manage vegetation and put in place appropriate bushfire protection measures.<sup>18</sup>
- According to the Golden Plains Shire<sup>19</sup> the Amendment C74/Schedule 16 development plan is yet to be received.
- It is unclear if the minimum lot size reduction to 0.4 hectares will enable the building of lots in this subdivision that are outside of the Panel's recorded 1 - 2 hectare lot sizes that afforded a protection that would reduce the extent of population growth that might be exposed to bushfire risk etc.
- It is also a fact that the lot size of 1 – 2 hectares is not clearly articulated in Schedule 16 to Clause 43.04 of the Golden Plains Shire Planning Scheme.
- It is not unreasonable for me to believe that a delay in submitting the development plan may include some intent to take advantage of the Amendment C87, 0.4-hectare minimum lot size, which would undermine the Panel's rationale for deciding bushfire safety would be ensured by lot sizes of 1-2 hectares. I do not know that this is the case, but if it is it suggests an abject disregard for the safety of the Inverleigh community.

### 3. Staging of development

- A staging plan is required as part of a development plan prior to obtaining a permit however there is no clear staging plan for Inverleigh over the life of the structure plan which would support the Golden Plains Shire's position that decisions will not be made in isolation without regard to the big picture<sup>20</sup>. The Inverleigh Structure Plan identifies the goal for growth over a 15-year period (which aligns with Victorian Planning Provisions 11.02-1S) and a forecast of dwellings over 20 years at about 27 new houses per year.<sup>21</sup>

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

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

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

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

<sup>19</sup> Email from Senior Strategic Planner Golden Plains Shire in confirming the EPA Contamination Report was part of the Schedule 16 which was yet to be received, dated 26 September 2019.

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

<sup>21</sup> Inverleigh Structure Plan, page 38, "Planning is required to ensure there is sufficient land available to meet forecast demand and to plan to accommodate projected population growth over at least a 15-year period providing clear direction on locations where growth should occur."

- The requirement for residential land is across the whole of the Golden Plains Shire and Inverleigh is assigned 525 lots proposed through Potential Growth Areas 1, 2 and 3 with unknown additional numbers through Potential Growth Areas 4, 5 and 6. The subdivision at 385 Common Road was rezoned in Amendment C75 from farming to low density residential and expression of interest is already underway. Hopes Plains Road was rezoned from farming to low density residential in Amendment C74 and the development plan and Schedule 16 requirements are yet to be submitted.<sup>22</sup>
- This situation will provide the opportunity for agency/developer(s) to be building across both new subdivisions and releasing land at rates greater than the stated moderate goal of (about) 27 new homes per year.
- I do not have confidence that the Golden Plains Shire has the ability, will (it needs to raise revenue) or capacity to resist developer(s)/agency's pressure and through approval permits, limit the predicted growth to the stated moderate population growth of about 27 new homes annually for the life of Amendment C87 and Structure Plan. Based on the low level of general accessibility of development plans (public display is not required in Victoria, however they are normally available onsite and in business hours at the Shire Offices upon request), 173 agreements and reporting of compliance at certification by the Golden Plains Shire, the ability of the Golden Plains Shire to achieve the C87 Amendment Infrastructure and Service Strategies 5.1 and 5.2 is low.<sup>23</sup>
- The Structure Plan lists non-monetary infrastructure upgrades required for the continued growth of Inverleigh in Developer Contributions (5.11). There is no transparency of, or a plan based on a formula or evidence-based definitive costing model that gives any indication that the Golden Plains Shire has a timeline for achieving these or that the need for them is linked to the number of dwellings built each year. For example, the upgrade to the Common Road/Hamilton Highway intersection is a priority in the Inverleigh Community Plan 2013, the 2005 Inverleigh Structure Plan and is noted in the current Structure Plan as a developer responsibility for Potential Growth Areas 1 & 2 (page 60) and 3 (page 61).
- The Structure Plan includes, "Transport for Victoria advised that in regard to roads, the intersection of the Hamilton Highway and Common Road requires an upgrade. Further development of land along Common Road must include an upgrade to this intersection to cater for its increasing catchment" (page 30).
- I am not entitled to know as a member of the community when this is to occur, or if it is on a "project" or operational plan for this to occur. The Structure Plan states, " Before Council will consider any rezoning of land between Hopes Plains Road and Common Road, an agreement must be made determining the funding arrangements by landowner(s)/developer(s) for the construction and sealing of Hopes Plains Road (page 60)" yet amendment C75 rezoned 385 Common Road and Schedule 15 to Clause 43.04 Development Plan Overlay only includes "A traffic assessment that addresses the traffic that will be generated from the development of the land, how this will impact the local street network and what, if any, mitigation measures are required." The traffic assessment suggested a 7.5.2 Urban Channelised T-junction – Short Lane Type CHR(S)<sup>24</sup> and does not go so far as to comment on impacts on local street networks.
- I am expected to trust the Golden Plains Shire will abide to needs and ensure the upgrade is achieved however whether this is to occur after one year, coincide with initial development or by certification (which given the one subdivision is noted to be in 3 stages with 5 future stages and about 137 dwellings, approximately 51 dwellings in initial stages) could be years in achieving the upgrade.<sup>25</sup>
- Schedule 16 Clause 43.04 Development Plan Overlay, for Amendment C74 Potential Growth Area 2, does include the requirement for, "The construction of upgrade treatments at the intersection of Hopes Plains Road and the Hamilton Highway prior to the issue of Statement of Compliance for the first stage of subdivision. The payment of a \$95,000 contribution for the maintenance of Hopes Plains Road prior to the issue of Statement of Compliance for the first stage of subdivision. This is clearly a much-improved operationalizing of the objectives and strategies of the Structure Plan however it is unclear how the sum of \$95,000 was reached. Was this a sum arrived at based on thorough costings,

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

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

<sup>24</sup> VicRoads Supplement to Austroads Guide to Road Design – Part 4 Rev. 2.2

Golden Plains Shire Confirmed Minutes attachment: Item 7.7 – AH.2 25 June 2019.

<sup>25</sup> Golden Plains Shire Confirmed Minutes attachment: Item 7.7 – AH.2 25 June 2019.

will it provide maintenance of the road for one year, two years, the life of the subdivision or the life of the Structure plan? If not, will cost move to the residents or simply, as is the experience to date, be left in a poor state or diverted elsewhere<sup>26</sup>.

- A similar lack of transparency of thinking and of consultation with the community and other agencies is the predictable impact of Amendment C87 on the kindergarten and primary school. The Structure Plan solution to the lack of onsite expansion land is to spilt the school campus because it appears to be the most convenient solution. It is an unsound, unsafe and unimaginative option. For example, requiring a developer to build tennis courts at the Inverleigh Reserve and free up the land next to the school which the community and school could support and work toward establishing expansion with the responsible agencies, would achieve two of the strategies of the structure plan and the Amendment C87, being consolidation of development within the town centre, including community and social facilities and resolve the school's constraints in terms of enabling growth (page 43 of Structure Plan).

#### **4. Inspectorate Report**

- The Local Government Golden Plains Shire Inspectorate Report March 2019 Identified 1) the CEO had not had a performance review since 2017, 2) that there was no objective auditing of individual staff use of procurement cards, 3) identified Councillors had not met their legislative requirements for interest returns, 4) the stated governance oversight of councillor expenses and reimbursements by the CEO was not supported by objective auditing, 5) that community grant assessments were being completed but by whom was not known, 6) there was non-compliance with the Public Records Act/document keeping including digital and non-digital, and 7) compliance with the council procurement policy and Section 186 of the Act including no list of contracts, and tender panel members not being those who completed the assessments, lack of signed confidentiality and conflict of interest declarations, or appropriate delegate sign off.
- Regards procurement practices, the report is particularly clear about the Golden Plains Shire's suboptimal practices including a request made to council some four months prior to the report date for the provision of a list of lump sum contracts awarded by council in excess of \$25,000 for the previous two-year period that could not be provided by the Golden Plains Shire. The August 2018 Response has completed most of the recommendations to date<sup>27</sup>, which should translate into improved governance of its internal processes and accountabilities.
- Nonetheless, as recently as 24 September 2019, the unconfirmed minutes record the instrument of delegation (embedded in the procurement policy dated 24 September 2019) was changed to allow the CEO's financial limitation under the delegation be doubled from \$200,000 to \$400,000 for awarding a single item/contract. The motion was a 3:3 councillor vote, with the Mayor casting his vote in favour of the motion and then exercised his casting vote to carry the motion.<sup>28</sup>
- The support for this decision was in part attributed to the improved and recent internal procurement processes and policy development (also dated 24 September 2019) following the inspectorate report recommendations which have not been in operation for any length of time and have not been evaluated as effective.

#### **5. Developer contribution oversight and transparency**

- The Golden Plains Shire's policy for guiding the collection of development contributions does not have any formal Infrastructure Contributions Plans (ICP's) or Development Contributions Plans (DCP's)<sup>29</sup>, rather working within a 173 Agreement. My concern is not the use of the 173 Agreement to secure infrastructure and development contributions outside of a schedule but as this agreement is

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

<sup>27</sup> Golden Plains Shire Response to the Inspectorate Report:

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

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

<sup>29</sup> Golden Plains Shire Annual Report page 104.

[www.goldenplains.vic.gov.au/sites/default/files/GPSC%20Annual%20Report%202018\\_19.pdf](http://www.goldenplains.vic.gov.au/sites/default/files/GPSC%20Annual%20Report%202018_19.pdf)

subject to seal, it is not a transparent process. Councils that use a Development Contribution Plan report to the Minister and this is tabled in Parliament<sup>30</sup>.

- Reporting on the content and compliance with 173 Agreements at certification is not available unless under a Freedom of Information application.
- The reasonableness of the level of influence of landowner(s)/agencies on the decision-making of the Golden Plains Shire is unclear.
- The Golden Plains Shire Policy Manual Development Contributions (10.4) states all funds are deposited into an account and maintained as part of discretionary component of Retained Earnings.
- According to the policy, the last review was in May 2016 (as opposed to an amendment) in response to the State Government's desire to reduce complexity, increase transparency and standardize levies across a range of development settings<sup>31</sup>. The minutes include, "This policy will provide an interim measure until the development of an Infrastructure Contributions Plan for Council is formalised." There is nothing to suggest this has been completed or a formal decision made not to complete it.
- The lot costings are unchanged since 2016. Given the cost of land in Inverleigh has increased markedly since that time, and it is reasonable to estimate that 0.4 hectare lots could result from the Amendment C87 rezoning, and that there would be more lots resulting in increased profit for the owner(s)/agency<sup>32</sup>. It is also reasonable that the Golden Plains Shire Policy Manual Development Contributions cost per lot be reviewed regularly to reflect this increase in predicted profits.
- Reporting of development contributions is via the Auditor General audit for the annual report and reports culminative figures only. It therefore remains that the Inverleigh community is unlikely to know what has been asked for, when and whether at the certification point the agreement was complied with or if any monetary contributions were actually spent to directly benefit the Inverleigh community or directed elsewhere.
- The Golden Plains Shire has the power and option to improve the communication of information about agency/developer(s) contributions types and outcomes.

#### **6. Failure to rezone as part of Amendment C87, the Inverleigh Flora and Fauna Reserve**

- In meeting the needs for residential land and development, the Golden Plains Shire has amended land from farming to low density residential, has removed objectives and strategies (other than fire related) for any consideration of the Inverleigh Flora and Fauna Reserve which is a significant part of the lives of the residents of Inverleigh and many visitors.
- The Golden Plains Shire claims it is in the interest of the Inverleigh Community to be assured of its future, that the areas of growth and the logical sequence will all be clear through rezoning and establishment of a town boundary.
- There is an apparent lack of will by the Golden Plains Shire to rezone the northern part of the Inverleigh Flora and Fauna Reserve from farming to public conservation and resource zone in line with the southern part of the Inverleigh Flora and Fauna Reserve.
- Rezoning this land as part of Amendment C87 would be appropriate and go some way to instilling some confidence that the Golden Plains Shire has listened and realised priorities for the community of Inverleigh.
- The public conservation and resource zone (Clause 36.03 Planning Practice note 42 – Applying the Rural Zones - Planning Schemes) includes, "This zone provides for places where the primary intention is to conserve and protect the natural environment or resources. It also allows associated educational activities and resource-based uses." The Inverleigh Flora and Fauna Reserve has registered critically endangered flora.

#### **7. Poor performance in the 2018 local government Customer Satisfaction survey**

- My concerns about the capacity of the Golden Plains Shire to support and represent the community of Inverleigh equitably and appropriately, is supported by the Customer Satisfaction Survey 2018

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

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

<sup>32</sup> [www.ahuri.edu.au/\\_\\_data/assets/pdf\\_file/0018/2097/AHURI\\_Final\\_Report\\_No140\\_Counting-the-costs-planning-requirements,-infrastructure-contributions,-and-residential-development-in-Australia.pdf](http://www.ahuri.edu.au/__data/assets/pdf_file/0018/2097/AHURI_Final_Report_No140_Counting-the-costs-planning-requirements,-infrastructure-contributions,-and-residential-development-in-Australia.pdf)

Golden Plains Shire which concluded, “Golden Plains Shire Council’s performance on most measures is in line with average ratings for Large Rural Group. However, in the areas of overall performance, Council performs significantly lower than the group average” and “Golden Plains Shire Council’s performance is significantly lower than State-wide averages for councils across all core measures.”<sup>33</sup>

## 8. Protection of Aboriginal cultural sites

- The Golden Plains Shire states it works with Aboriginal Affairs Victoria and local co-operatives to identify Aboriginal cultural heritage sites and determine areas of high or low archaeological sensitivity.<sup>34</sup> The Golden Plains Shire supported a Heritage review which was “settlement” specific and has a comprehensive list of registered sites and the Structure Plan and Amendments reflect the intent to protect and maintain it with a Heritage Plan and register<sup>35</sup>.
- Regards Aboriginal Cultural Heritage, the Golden Plains Shire does not have a comparative shire or even district wide approach. The Golden Plains Shire Amendment C87 places the requirement for the safe keeping and identification of these sites with each landowner/developing agency (which risks inconsistency in approach and a narrow focus), by way of an overlay on each piece of land. Landowners (often along with lifestyle changes) and developer(s) are unequivocally focused on making a profit and there is no evidence the best interest of the traditional custodians and the safekeeping of these sites has been met through overlay requirements.
- There are approximately 20 Aboriginal sites recorded previously in the Inverleigh area and are registered with Aboriginal Affairs Victoria (AAV) however the details and information are not readily available nor has there been a mapping of potential additional sites.
- Inverleigh is subject to an extensive Aboriginal cultural significance overlay.
- As part of the 2005 review of the Inverleigh Structure Plan it was recommended that 1) a survey and report regarding important Aboriginal cultural heritage sites should be undertaken, 2) for planning purposes, an archaeologist should be engaged to undertake a desktop assessment, 3) that known sites would be presented on a map and the information used to highlight zones of high or low archaeological sensitivity, 4) that subsequent archaeological investigation would be field survey of areas proposed for development and include consultation of the Wathaurong Aboriginal Cooperative, 5) that appropriate measures should be undertaken to ensure new development does not adversely impact on such sites and 6) a cultural heritage assessment could be a requirement of a Development Plan Overlay on any sites proposed to be rezoned and developed (this appears to have been actioned by the Golden Plains Shire).
- The C75 amendment rezoned 385 Common Road, which is part of Potential Growth Area 3 and includes four of the registered Aboriginal sites and is believed to be the site of a conflict in which Aboriginal Peoples died<sup>36</sup>.
- The Flora and Fauna Reserve and Potential Growth Area 6 also have registered sites.
- Planning Practice Note 37, Rural Residential Development specifies any proposal must include an adequate assessment of the locality’s landscape and heritage values and the potential for impacts, or that landscapes or places classified by the National Trust of Australia or included in the Victorian Heritage Register or registers maintained by the Office of Aboriginal Affairs Victoria or the Australian Heritage Council must not be proposed for rural residential development without consultation with those organisations<sup>37</sup>. There is no evidence this takes place **prior** to a proposal or amendment, including those approved through Panel review - C74, C75 and the current Amendment C87.
- The development overlay only requires an owner/agent to complete a review of greenfield to a specific subdivision and not that bordering on or impacted by the development/subdivision. For example, there is no evidence the proposed positioning of the biolink for 385 Common Road or the planned river front walkways etc was informed by an understanding of the cultural significance of the Inverleigh area, or the areas bordering on the developments and any registered sites.

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

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

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

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

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



- The Planning Practice Note 45 states:
  - A request to rezone land does not trigger a requirement to prepare a CHMP. A preliminary cultural assessment is strongly recommended at this stage to identify any relevant constraints and opportunities that may assist in rezoning of land.<sup>38</sup>
- There is no evidence any preliminary cultural assessment of all the Amendment C87 rezoning areas or of Inverleigh has been completed by the Golden Plains Shire.
- The C75 amendment rezoned 385 Common Road and the development plan was subject to and informed by a list of plans that did not include cultural significance plans or knowledge.

I believe strategies for increasing the confidence in the Golden Plains Shire to advocate for and meet the needs of the Inverleigh community by the rezoning in Amendment C87, but also in previous Amendments C74 and C75, should be considered as part of the approval and that these strategies include:

- The Golden Plains Shire correct the factual errors of the Structure Plan.
- The Golden Plains Shire rezone as part of Amendment C87, the section of the Inverleigh Flora and Fauna Reserve bounded by Inverleigh/Teesdale Road, Woolbrook Track and Bakers Lane, from farming to public conservation and resource zone.
- The Golden Plains Shire take responsibility for the oversight of and development of a proactive and Inverleigh district-wide approach to the safe keeping of areas of Aboriginal cultural significance that complies with Planning Practice Notes 37 and 45, and reflects the significant extent of cultural overlays in the Amendment C87 rezoned and Potential Growth areas.
- The Golden Plains Shire Policy Manual Development Contributions (10.4) be reviewed to adjust the cost per lot contribution and/or “in kind” negotiations, to reflect the estimated increased profit for owners/agency(s) from the Amendment C87 minimum lot size of 0.4 hectares rezoning.
- The Golden Plains Shire requires as part of greenfield subdivision and issuing of planning permits to communicate to the Inverleigh community:
  - Agreed upon timeframes associated with the subdivision developer contributor infrastructure outcomes and “in kind” agreements.
  - Report on an annual basis, developer(s) contributions obtained as part of a greenfield subdivision development in Inverleigh as a result of the rezoning associated with the Structure Plan for the life of the Structure Plan, and was it spent for the purpose for which it was obtained and to the benefit of the Inverleigh community.
  - Provide a public report at Certification and Statement of Compliance stages for each greenfield subdivision that identifies any changes to the planning permit, any failures to comply with the approved development/subdivision plan, post-market issues and any lessons to be learned to inform the next and following stages of the staged development of the rezoned land in Amendment C87 for the life of the Structure Plan or about 15 years.
  - Report annually the alignment of subdivisions to the logical, orderly sequence of growth and adherence to the goal of a moderate growth rate.

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