

**LONSDALE GOLF COURSE
REDEVELOPMENT
ENVIRONMENT EFFECTS STATEMENT
GREATER GEELONG PLANNING SCHEME
AMENDMENT C67
PERMIT APPLICATION 1313/2009**

INQUIRY REPORT


30 MAY 2012

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INQUIRY REPORT



.....
Alan Thatcher, Member



.....
Helen Weston, Member

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Abbreviations

Legislation	
EE Act	<i>Environment Effects Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Act 1999</i>
FFG Act	<i>Flora and Fauna Guarantee Act 1988</i>
P&E Act	<i>Planning and Environment Act 1987</i>
Planning Scheme Terms	
DPO	Development Plan Overlay
EES	Environment Effects Statement
EMF	Environmental Management Framework
EMP	Environmental Management Plan
ESO	Environmental Significance Overlay
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MSS	Municipal Strategic Statement
NVF	Native Vegetation Framework
PN	Practice Note
PPRZ	Public Park and Recreation Zone
RCZ11	Rural Conservation Zone Schedule 11
R1Z	Residential 1 Zone
SEPP	State Environmental Planning Policy
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
SUZ3	Special Use Schedule 3
WMO	Wildfire Management Overlay
Government Agencies	
AAV	Aboriginal Affairs Victoria
ANZECC	Australian and New Zealand Environment Conservation Council
CCB	Central Coastal Board
DPCD	Department of Planning and Community Development
DSE	Department of Sustainability and Environment
DSEWP&C	Department of Sustainability, Environment, Water, Population and Communities (Commonwealth)
EPA	Environment Protection Authority
PV	Parks Victoria

Submitters and expert witnesses

BCN	Bellarine Catchment Network
BLA	Brett Lane and Associates
BOQ	Borough of Queenscliffe
BW	Barwon Water
GFNC	Geelong Field Naturalist Club Inc.
COGG	City of Greater Geelong
LGC	Lonsdale Golf Club Inc.
QCA	Queenscliff Community Association
QEF	Queenscliff Environment Forum Inc.

Other Terms

AHD	Australian Height Datum
CAMBA	China-Australia Migratory Birds Agreement
CASS	Coastal Acid Sulphate Soils
CCMA	Corangamite Catchment Management Authority
EVC	Ecological Vegetation Classes
EVC 858	Coastal Alkaline Scrub
EVC 914	Estuarine Flats Grassland
EVC 9	Coastal Saltmarsh
ha	hectares
JAMBA	Japan-Australia Migratory Birds Agreement
km	kilometres
NVMF	Victoria's Native Vegetation Management – A Framework for Action
m	metres
TRG	Technical Reference Group
WSUD	Water Sensitive Urban Design

1. Summary and Recommendation-in-Chief

The Lonsdale Golf Club Inc. (LGC) proposes a major redevelopment of its existing golf course site at Point Lonsdale. The proposal is to provide a residential subdivision of approximately 100 lots at the front of the site at Fellows Road and to upgrade and extend the existing golf course beyond the current site to the south west and north east towards Lake Victoria.

LGC has been required to prepare an Environment Effects Statement (EES) by the Minister for Planning and has applied to City of Greater Geelong (COGG) for a planning scheme amendment to rezone the subject land and introduce a Development Plan Overlay (Amendment C67). Application for a planning permit for two two lot subdivisions (1313/2009) has also been made.

In addition, assessment for the project is required under the Commonwealth *Environment Protection and Biodiversity Act 1999* (EPBC Act) because the proposal has a potential impact on listed threatened species and listed migratory species. The Commonwealth has accredited the EES prepared pursuant to the *Environmental Effects Act 1978* (EE Act) to assess the relevant impacts under the EPBC Act.

The EES, planning scheme amendment and application for planning permit were advertised concurrently and 168 submissions were received by Planning Panels Victoria and forwarded to COGG for consideration. COGG categorised the submissions as follows:

- Support for the proposal – 140;
- Objections to the golf course because of concerns about adverse environmental impacts - 13; and
- Objections raising concerns about the amenity and traffic issues from the proposed redevelopment, particularly the residential subdivision - 20.

The Minister for Planning appointed an Inquiry to consider the EES under section 9 of the *Environment Effects Act 1979* (EES Act) on 23 November 2011 and the same members of the Inquiry were appointed under delegation from the Minister for Planning on 24 November 2011 to consider the combined planning scheme amendment and planning permit application. The Inquiry consisted of:

- Chairperson: Mark Marsden;
- Member: Alan Thatcher; and
- Member: Helen Weston.

The Inquiry Hearings were held on 7, 8, 9, 13, 14, 15 and 22 February 2012 at the COGG Council Chambers and at the LGC.

After the Hearing, Mr Marsden had to take extended leave due to illness, and was not be able to contribute to the completion of the report. Mr Thatcher and Ms Weston completed the report and submitted it to the Minister for Planning and the COGG.

Should the planning scheme amendment and planning permit be approved based on the environmental assessment process, the project will be subject to further detailed approvals and investigations including:

- A planning permit to remove native vegetation under Clause 52.17 of the Greater Geelong Planning Scheme;
- A Development Plan for the residential development and upgraded and extended golf course;
- A planning permit for the residential subdivision; and
- A number of detailed environmental reports required to be submitted and approved as part of the Development Plan.

Accordingly, not all matters of detail will be resolved as part of this Inquiry process.

The Inquiry's key finding is that:

- 1. Based on material presented in the EES and supporting documentation, the Revised Landscape Masterplan of 22 February 2012 and proposed Environmental Management Framework, the likely environmental impacts of the proposed redevelopment on state and national environmental matters, are acceptable.**

Accordingly, the Inquiry recommends:

- 1. Subject to the recommendations in this report, Amendment C67 to the Greater Geelong Planning Scheme be adopted and a permit issued for Planning Permit Application 1313/2009.**

Part A: Background

2. Background

2.1 The Environment Effects Statement

The LGC proposes a major redevelopment of its existing golf course site at Point Lonsdale. The proposal is to provide a residential subdivision of approximately 100 lots at the front of the site at Fellows Road and to upgrade and extend the existing golf course beyond the current site to the south west and north east towards Lake Victoria (see Figure 1).

On 16 May 2003, the former Minister for Planning determined that an Environment Effects Statement (EES) pursuant to the *Environment Effects Act* 1978 was required for the proposal.

The EES did not proceed to exhibition at that stage pending resolution of planning issues pertaining to coastal settlement boundaries. The EES was re-instigated in 2009.

The project also required assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act). The controlling provisions under the Act are:

- Sections 18 and 18A (Listed threatened species and communities); and
- Sections 20 and 20A (Listed migratory species).

The Commonwealth has accredited the Victorian EES to assess the relevant matters of national environmental significance under the EPBC Act. Once the EES process is complete and the Victorian Minister for Planning has made his assessment, the Commonwealth Minister for the Environment will decide whether to approve the proposal under the EPBC Act.

Preparation of the EES was assisted by a Technical Reference Group (TRG) to provide advice on:

- the scope of the environmental investigations required;
- the adequacy of the draft EES documentation;
- conformity of the proposal and EES studies with relevant policy and statutory requirements; and
- an appropriate program for community consultation.

Figure 1: Proposed layout (exhibited)



The TRG comprised representatives from:

- Department of Planning and Community Development (DPCD);
- Department of Sustainability and Environment (DSE);
- City of Greater Geelong (COGG);
- Central Coastal Board (CCB);
- Aboriginal Affairs Victoria (AAV);
- Parks Victoria (PV);
- Barwon Water (BW);
- Environment Protection Authority (EPA);
- Corangamite Catchment Management Authority (CCMA);
- Borough of Queenscliffe (BOQ); and
- Department of Sustainability, Environment, Water, Population and Communities (DSEWP&C) (Commonwealth).

The EES was exhibited concurrently with the combined planning scheme amendment and planning permit application.

2.2 The Amendment

Amendment C67 to the Greater Geelong Planning Scheme is proposed in order to facilitate the Lonsdale Golf Course Redevelopment.

Amendment C67 proposes the following:

- Rezone part of the existing golf course (approx 7.7ha) from Special Use Zone Schedule 3 (SUZ3) to Residential 1 Zone (R1Z) to facilitate residential development;
- Rezone part of the existing golf course (0.8ha) from Special Use Zone Schedule 3 (SUZ3) to Public Park and Recreation Zone (PPRZ) to provide public open space for the new residential development;
- Rezone the land adjacent to the existing golf course from Rural Conservation Zone Schedule 11 (RCZ11) to Special Use Zone – Schedule 3 (SUZ3) to facilitate the extended boundaries and redevelopment of the Lonsdale Golf Course; and
- Apply a new Development Plan Overlay (DPO) to the whole of the application site, to ensure that the whole of the land is developed in accordance with an approved Development Plan.

The Application is accompanied by a Section 173 Agreement which has detailed requirements for the future residential subdivision of that portion of the land to be rezoned Residential 1.

The planning authority is COGG and the Proponent is the LGC.

2.3 The planning permit application

Application for planning permit 1313/2009 seeks to:

- Subdivide part of the subject site to excise the proposed future residential land to facilitate its future development; and
- Subdivide rural land adjacent to the existing golf course to facilitate its inclusion within the extended Lonsdale Golf Course.

2.4 Exhibition of the EES/Amendment/permit

The EES, Amendment C67 and Planning Permit Application (1313/2009) were placed on public exhibition from 18 August to 3 October 2011.

Public notices appeared in the *Geelong Advertiser*, *Herald Sun* and *The Australian* on 15 August 2011, the *Geelong Independent* on 12 August 2011, the *Bellarine Echo* on 18 August 2011 and the *Victorian Government Gazette* on 18 August 2011.

A letter and notice were sent to adjoining landowners in the COGG and the BOQ, relevant Ministers, referral authorities and community groups on 11 August 2011.

Copies of all documentation (including a summary brochure and CD of the EES) were made available at COGG and DPCD offices in Geelong, Melbourne and Ocean Grove, the Queenscliff Library and on COGG's website.

2.5 Submissions

A total of 168 submissions was received and are categorised as follows:

- Support for the proposal – 140;
- Objections to the golf course extension because of concerns with adverse environmental impacts - 13; and
- Objections raising concerns about the amenity and traffic issues from the proposed redevelopment, particularly the residential area - 20.

Submissions in support of the proposal raised the following issues:

- The proposal will improve the amenity of the township;
- The club is a local institution, provides activities and is important to tourism, and has been in existence for 80 years;
- The proposal will help ensure financial viability of the club; and

- The proposal will contribute to the protection of wildlife and the monitoring of bird life.

Submissions that objected to the proposal raised the following issues:

- Impact on migratory and resident shorebird population;
- Issues affecting quality of Lake Victoria, including increased human disturbance;
- Removal of native vegetation and trees will destroy the natural characteristics of Fellows Road and impact on bird habitats;
- Concerns about amenity and stormwater management;
- Soil erosion;
- Object to driveways exiting at Fellows Road and believe there should be one entrance;
- Effect of 100 houses on the Point Lonsdale community, including traffic control and additional driveways;
- Protection of Ramsar wetlands sites; and
- Protection of the Orange-bellied Parrot.

2.6 The Inquiry

The Inquiry was appointed to consider the EES by the Minister for Planning under section 9 of the EE Act on 23 November 2011. The same Inquiry was appointed to consider the combined planning scheme amendment and planning permit application (sections 153, 155 and 96B of the *Planning and Environment Act 1987*) under delegation from the Minister for Planning on 24 November 2011.

The Inquiry consisted of:

- Chairperson: Mark Marsden;
- Member: Alan Thatcher; and
- Member: Helen Weston.

As mentioned, the hearings concluded on 22 February 2012. The Inquiry requested further information post-Hearing and final submissions on this material were received on the 13 March 2012. On 17 April 2012 it became clear that the Chair, Mr Marsden, would be taking extended leave due to illness.

The Chief Panel Member wrote to parties on 30 April 2012 proposing that the two remaining members would complete the report and submit it to the Minister for Planning and City of Greater Geelong. The letter requested any comment on the proposal and, apart from a confirmation email from the Proponent, no comments were received.

Consequently, the two remaining members, Mr Thatcher and Ms Weston, have completed this report to the Minister for Planning and City of Greater Geelong.

2.7 The Inquiry's Terms of Reference

The Inquiry is required to:

- (i) *Inquire into and make findings regarding the potential environmental effects (impacts) of the proposed project, including impacts on relevant matters of national environmental significance (NES) under the EPBC Act. Among other matters, the Inquiry is to provide findings on:*
 - *Any adverse impacts on relevant matters of NES likely to result from the project and alternatives examined in the EES;*
 - and*
 - *Feasible mitigation measures, changes to the project or procedures that could be applied to prevent, minimise or compensate for adverse effects on matters of NES.*
- (ii) *Recommend any modifications to the project, including in relation to siting and design as well as environmental mitigation and management measures and conditions of approval under Victorian law, which would be needed to achieve acceptable environmental outcomes, within the context of applicable legislation and policy.*
- (iii) *Recommend whether the project should proceed in light of its expected effects, assuming the measures recommended under (ii) were implemented.*

2.8 The Public Hearing

A Directions Hearing was held on 8 December 2011 at City of Greater Geelong Chambers. The Inquiry Hearings were held on 7, 8, 9, 13, 14, 15 and 22 February 2012 at City of Greater Geelong Chambers and LGC.

The Inquiry heard the parties listed in Table 1 below.

Table 1: Parties heard by Inquiry

Submitter	Represented By
Lonsdale Golf Club Inc.	Mr Greg Tobin, solicitor of the firm Harwood Andrews, who called the following witnesses: <ul style="list-style-type: none"> • Mr Robert Milner, town planning, 10 Consulting Group • Mr Michael Clayton, golf course design, Ogilvy Clayton • Mr Christian Wallis, coastal acid sulfate soils, Golder Associates • Mr Greg Hoxley, groundwater hydrology, Sinclair Knight Merz • Mr David Sheehan, surface, water, Sinclair Knight Merz • Mr Nathan Woolcock, traffic engineering, Traffix Group • Mr Phillip Liston, landscape design and environmental management plan, Phillip Liston & Associates
City of Greater Geelong	Mr Ian McCartney, Senior Strategic Planner and Mr Peter Smith, Coordinator Strategic Planning
Geelong Field Naturalists Club Inc.	Dr Bruce Lindsay, President, and Mr Barry Lingham who called the following witness: <ul style="list-style-type: none"> • Mr Mark Trengove, ecology, Mark Trengove Ecological Services
Queenscliff Community Association	Ms Joan Lindros
Mr Ian C Hudson	
BirdLife Australia	Dr Golo Maurer, Shorebirds 2020 Project Manager
Geelong Environment Council Inc.	Ms Joan Lindros, President
Bellarine Catchment Network	Ms Sue Longmore OAM
Queenscliff Environment Forum	Ms Chris Johnson
Mr James W Coghlan	
Mr Charles Varley	
Mr Vic Richards	
Ian McKenzie and Alison Sinclair	
Mr Chris Harper	

Ms Julie Serpell and Mr Jamie Dobbyn advised they were unavailable to attend at the scheduled time. They submitted a further written submission and DVD which included an oral presentation of their submission.

The Point Lonsdale Coastal Spaces Group advised the Panel that they did not wish to be heard in a letter dated 14 February 2012 (Document 44).

A list of all written submissions to the proposal is included in Appendix A.

2.9 Site inspections

The Inquiry inspected the site and surrounding areas, making an accompanied site inspection on Thursday 2 February 2012 and an unaccompanied site inspection on 14 February 2012.

2.10 Further directions

In response to the LGC tabling an amended proposal to use additional land for shorebird habitat under a covenant with the adjoining landowner on the last day of the Hearing on 22 February 2012, the Inquiry provided parties to the Hearing seven days to make written submissions on the amended proposal and the Proponent a further seven days in which to respond to the submissions made. Accordingly, written submissions were received by close of business Friday, 2 March 2012 and the Proponent's response was to be received by close of business on Friday, 9 March 2012 (and was actually received on 13 March 2012).

3. What is proposed?

3.1 The proposed development

3.1.1 Exhibited proposal

In general terms, the proposal is to provide for the ultimate development of some 100 residential allotments on higher, more elevated golf course land fronting Fellows Road. It is also to extend the existing golf course onto land to the north, west and the south of the current course around the edge of Lake Victoria.

The proposal will involve a substantial extension and reconstruction of the existing golf course. It will require the removal of existing vegetation (both native and exotic) for the golf course extension and the residential subdivision and the replanting/rehabilitation of land not affected by fairways and greens.

The application was made by LGC to ensure its long term sustainability as a well established focus of recreation and community activity within both the township of Point Lonsdale and the wider Bellarine Peninsula.

To do so, the LGC believes a substantial financial injection is required to upgrade the golf course, its design, land management and landscape which cannot be achieved through its membership fees, hence the proposal to realise income from the proposed residential subdivision along the Fellows Road site frontage.

3.1.2 Amendments to proposal

During the Hearing, the LGC made two significant changes to the Masterplan.

On Monday, 16 February 2012, the LGC tabled a Revised Landscape Masterplan to reduce the amount of native vegetation to be removed where Hole 15 was to be located (See Figure 2).

Under the revised proposal, the change to the amount of native vegetation to be removed was provided by BLA, as shown in Table 2.

Table 2: Changes to removal of native vegetation

Ecological Vegetation Class (EVC)	Coastal Alkaline Scrub (EVC858)	Coastal Alkaline Scrub (EVC858)	Coastal Saltmarsh (EVC9)	Estuarine Flats Grassland (EVC914)
Conservation significance	Very high	High	Very high	High
Original Area Removed (ha)	2.30	0.98	1.38	1.54
Original Area Removed (Hha)	1.24	0.37	0.94	1.05
Amended Area removed (ha)	1.41	0.62	1.38	1.11
Amended Area Removed (Hha)	0.75	0.18	0.94	0.75

On Wednesday 22 February 2012, which was the last day of the Hearing, LGC tabled a further change to the Masterplan. The changes to the plan were:

- Relocation of the 12th tee to a minimum distance of 27 m from the southern shore of Lake Victoria;
- The relocation of the 13th tee to a minimum distance of 45 m from the southern shore of Lake Victoria; and
- An area to the west of the land being acquired by the LGC to be secured by a conservation covenant in perpetuity.

With respect to the additional land to the west, Mr Tobin for the Proponent stated that further discussions had occurred with the owners of this property (Estate of Marjorie Susan McNaught) to include a right to burden that land with a covenant in perpetuity, either through a Trust for Nature covenant (LGC's preferred mechanism), or, if Trust for Nature is unwilling to enter a covenant, an agreement made pursuant to section 173 of the *Planning and Environment Act 1987*. It is proposed that this area will be improved and protected as habitat for avifauna in particular via exclusion of stock, vermin control, weed control and other works.¹

In terms of the impact on vegetation, the amended proposal is as follows²:

¹ Harwood Andrews letter dated 23 February 2012 to Planning Panels Victoria

² Based on estimates prepared by the Landscape Architect, Mr Liston

- There is currently approximately 52.21 ha of vegetation (native and non-native vegetation) across the proposed development area (golf course and subdivision);
- Post development there will be 48.24 ha of vegetation (native and non-native vegetation), or a reduction of 3.7 ha;
- There will be a net loss of 8.5 ha of non-native vegetation, primarily close to the Fellows Road end of the subject site; and
- There will be a net increase in native vegetation across the site of 4.53 ha (net increases of 2.02 ha of Coastal Alkaline Scrub, 0.19 ha of Estuarine Flats Grasslands and 2.32 ha of Coastal Saltmarsh).

It is noted that these figures for the increase of native vegetation do not include any planting on the proposed conserved habitat to the west or the vegetation buffer strip on the northern boundary, within the residential subdivision.

3.2 The subject site and surrounds

The subject land is located at 69 Fellows Road Point Lonsdale on the Bellarine Peninsula. Point Lonsdale is approximately 30 km east of Geelong and 105 km from Melbourne (see Figure 2).

The existing Lonsdale Golf Course has a total area of 45.7 ha. Of this area, 8.9 ha is currently under lease and the remaining 36.8 ha is held in freehold title. The course is in two parcels, the larger parcel located to the north east of Gill Road with a smaller parcel located to the south west. The golf course has a frontage of approximately 406 m to Fellows Road, and is, in-part, bounded by existing residential development to the north east and south west. The municipal boundary between COGG and BOQ is along Fellows Road.

The site adjoins the western edge of the existing Point Lonsdale township. The site is generally bounded by Emily Street to the north east, Fellows Road to the south east, the Buckley Foreshore Reserve to the south west and the Lonsdale Lakes Nature Conservation Reserve to the north west (which includes Lake Victoria).

The existing golf course does not abut the Lonsdale Lakes Nature Conservation Reserve, as it is separated from the reserve by a small parcel of land in separate ownership.

In addition to the land currently leased as part of the existing golf course, the LGC intends to purchase two parcels of freehold rural land abutting the existing golf course: one located to the north east and one to the south west of the existing course. This land will be incorporated as part of the re-developed golf course.

The parcel of freehold land located to the north east of the existing golf course is bounded by Emily Street to the south east, Lonsdale Lakes Nature Conservation Reserve to the north west, the existing golf course to the south west and an established residential area to the south east and associated drainage lagoon, located on COGG land.

The parcel of freehold land located to the south west of the existing golf course, also proposed to be purchased and incorporated into the proposed re-developed golf course, is part of a larger title, bounded by the Lonsdale Lakes Nature Conservation Reserve to the north east and the Buckley Foreshore Reserve to the south west. The part of the larger title proposed to be purchased generally encapsulates that part of the existing golf course located to the south west of Gill Road.

4. Legislative and policy context

This section of the report considers the policy context for the EES and Amendment and focuses on the strategic and policy issues. It assesses how the EES and Amendment meet the objectives of the Planning Scheme. The following sections of this report include a brief appraisal of relevant sections of the State Planning Policy Framework (SPPF), the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF), and the appropriate zone and overlay controls.

4.1 Legislative Framework

4.1.1 Commonwealth legislation

The redevelopment of the Lonsdale Golf Course is a 'controlled action' that requires assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The relevant triggers for assessment under the EPBC Act are:

- Sections 18 and 18A (Listed threatened species and communities); and
- Sections 20 and 20A (Listed migratory species).

The Commonwealth Delegate agreed to accredit the Victorian EES process to meet the assessment requirements under the EPBC Act. Once the EES process is complete, the Commonwealth Minister will determine whether to approve the proposal under the EPBC Act.

4.1.2 Victorian legislation

The former Minister for Planning determined that an EES is required under the *Environment Effects Act 1978* (EE Act) because of the environmental sensitivity of the proposed development.

The *Planning and Environment Act 1987* (P&E Act) contains a number of objectives relevant to the proposal. Under Section 4(1) the objectives of planning in Victoria are:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*

- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- (g) *to balance the present and future interests of all Victorians.*

4.2 Planning policy framework

4.2.1 State Planning Policy Framework

A number of clauses of the SPPF in the Greater Geelong Planning Scheme are relevant to the proposal.

The objective of *Clause 11.02-3 Structure Planning* is to facilitate the development of an urban area in accordance with an adopted Structure Plan.

Clause 11.03-1 Open Space Planning aims to provide sufficient open space to cater to the physical and social recreation needs of the residents of the proposed residential rezoning. It includes the following strategies:

- *Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, treatment of waste water to reduce turbidity or pollution and preservation of vegetation;*
- *Protect large regional parks and significant conservation areas;*
- *Protect the overall network of open space by ensuring that where there is a change in land use or in the nature of occupation resulting in a reduction of open space, the overall network of open space is protected by the addition of replacement parkland of equal or greater size and quality;*
- *Develop open space to maintain wildlife corridors and greenhouse sinks.*

Clause 12.01 Biodiversity details policies to protect and enhance the environmental and habitat values of the Lonsdale Lakes Nature Conservation Reserve (which includes Lake Victoria), a wetland habitat

identified as likely to provide habitat for species of International, National and State significance.

Specifically, *Clause 12.01-1 Protection of Habitat* has the following objective:

- *To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.*

This clause lists a number of strategies, including:

- *Assist the protection of conservation values of national parks and conservation reserves;*
- *Assist the conservation of the habitats of threatened and endangered species and communities as identified under the Flora and Fauna Guarantee Act 1988, including communities under-represented in conservation reserves such as native grasslands, grassy woodlands and wetlands;*
- *Ensure that any changes in land use or development would not adversely affect the habitat values of wetlands and wetland wildlife habitats designated under the Convention on Wetlands of International Importance (the Ramsar Convention) or utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China- Australia Migratory Birds Agreement (CAMBA).*

In addition, *Clause 12.01-2 Native Vegetation Management* has the objective *To achieve a net gain in the extent and quality of native vegetation.*

Clause 13.01-1 Climate Change Impacts has the objective *to plan for and manage the potential coastal impacts of climate change* and aims to ensure that new development is located and designed to take account of the impacts of climate change on coastal hazards such as the combined effect of storm tides, river flooding, coastal erosion and sand drift.

The land proposed to be rezoned for residential development as part of Amendment C67 varies in height between 7m and 15m and is above the 5 m Australian Height Datum (AHD). As a result, consideration of Ministerial Direction No 13 is not required.

Clause 17.01-1 Business and *Clause 17.03 Tourism* encourage developments which meet the community's needs for entertainment and tourist development which maximises employment opportunities and provide economic, social and cultural benefits (and which build upon surrounding urban and rural activities and cultural and natural attractions).

Clauses 19.03-2 Water Supply, Sewerage, Drainage and Clause 19.03-3 Stormwater seek to provide developments with physical infrastructure efficiently and effectively with no detrimental environmental effects.

4.2.2 Local Planning Policy Framework

The following clauses of the LPPF are relevant to the proposal:

Clause 21.02 *City of Greater Geelong Sustainable Growth Framework* sets the context for the future development of the municipality and in particular seeks to *set clear settlement boundaries and consolidate development within those boundaries in a managed way.*

Clause 21.05 *Natural Environment* is relevant as the intention of the Development Plan Overlay (DPO) is to assist the retention and conservation of the Lonsdale Lakes Nature Conservation Reserve. This is to ensure that the residential development facilitated by this proposal will incorporate best practice Water Sensitive Urban Design (WSUD) principles and will minimise the amount of runoff from the urban design entering waterways.

Specifically, Clause 21.05-2 *Waterways* has the objective to:

- *protect, maintain and enhance waterways, rivers, wetlands and groundwater;*
- *protect connectivity between waterways and wetlands;*
- *reduce the amount of runoff from urban development and improve the quality of stormwater runoff entering waterways, estuarine and marine waters.*

In addition, Clause 21.05-3 *Biodiversity* has the objective *to protect, maintain and enhance the biodiversity of the Municipality.*

Furthermore, the objectives of Clause 21.05-4 *Coastal Environments* are:

- *To protect, maintain and enhance the coast, estuaries and marine environment;*
- *To respect and manage coastal processes.*

Clause 21.05-5 *Climate change* has the stated objective *to plan for and adapt to the impacts of climate change.*

Clause 21.06 *Settlement and Housing* notes that that the municipality will need to accommodate an additional 63,000 persons by 2020. This level of population growth will generate demand for approximately 41,000 new dwellings. One of the Strategies in Clause 21.06-2 *Urban Growth* is *to ensure development occurs within designated settlement boundaries.*

In Clause 21.06-3 *Urban Consolidation*, one of the objectives is to *provide for the consolidation of existing urban areas in a managed way*.

Clause 21.07 *Economic Development and Employment* notes that *tourism is a key part of the economy of the Geelong region. The region includes major tourism destinations such as the Bellarine Peninsula and the coast. It also notes that tourism activities in rural and coastal areas must be carefully managed to so as not to compromise the natural environment and/or agricultural activities*.

Clause 21.07-4 *Economic Growth Corridors* aims to *facilitate development in the City's Strategic economic growth sectors, one of which is listed as Tourism*.

In Clause 21.08 *Development and Community Infrastructure*, reference is made of the need to provide a safe and accessible open space network for the new residents.

Clause 21.08-3 *Development Contributions* makes reference to the need to *provide development and community infrastructure in a timely manner and provide services that respond to the changing needs of the City's population*.

In Clause 21.08-4 *Open Space* reference is made of the need to provide land for open space and open space linkages where appropriate.

Clause 21.14 *The Bellarine Peninsula* is intended to be updated to reflect recommendations of the adopted *Point Lonsdale Structure Plan* and also to include a new *Point Lonsdale Structure Plan* map, which will provide strategic justification for the proposal.

4.3 Planning scheme provisions

4.3.1 Zones

The following zones are relevant to the proposal (along with their stated purposes):

Special Use Zone Schedule 3 which will apply to the entire redeveloped golf course:

- *To provide for the use and development of private golf courses;*
- *To ensure that the use and development of land for the purpose of private golf courses does not prejudice the amenity of surrounding areas.*

Residential 1 Zone which will apply to the proposed residential area:

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households;*

- *To encourage residential development that respects the neighbourhood character; and*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

Rural Conservation Zone which applies to a substantial part of the subject site including the northern part of the existing golf course and other rural land along the lake foreshore to the south west:

- *To conserve the values specified in the schedule to this zone;*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values;*
- *To protect and enhance natural resources and the biodiversity of the area;*
- *To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality;*
- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area; and*
- *To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.*

Farming Zone which applies to land south of Gill Road:

- *To provide for the use of land for agriculture;*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provisions; and*
- *To protect and enhance natural resources and the biodiversity of the area.*

Public Park and Recreation Zone which will ultimately apply to the Public Open Space within the residential subdivision:

- *To recognise areas for public recreation and open space;*
- *To protect and conserve areas of significance where appropriate; and*
- *To provide for commercial uses where appropriate.*

4.3.2 Overlays

The following Overlays are relevant to the proposal (along with the stated objectives):

Environmental Significance Overlay (ESO) – Schedules 1 and 2

The objectives are:

- *To identify areas where the development of land may be affected by environmental constraints; and*
- *To ensure that development is compatible with identified environmental values.*

ESO1 applies to Areas of Flora and Fauna Habitat of Geological and Natural Interest. Clause 1.0 of the Schedule *Statement of environmental significance* states that areas to which this Overlay applies *contain remnant vegetation, marsh flats, bird and wildlife habitats and corridors, natural scrub heathland vegetation and river and streamside corridors.*

The part of the subject land to which the ESO1 applies is substantially cleared farmland with small areas of scattered remnant vegetation in the farmland to the south of Gill Road.

ESO2 applies to areas of High Value Wetlands and Associated Habitat Protection. Clause 1.0 of the Schedule *Statement of environmental significance* states that areas to which this Overlay applies are considered significant because one or more of the following apply:

- *The site is a wetland of regional, state, national and international significance;*
- *The site forms part of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site and is listed under the Convention on Wetlands (Ramsar Iran, 1971). These wetlands provide important habitat for migratory birds, waterfowl and endangered species. They are also remnants of wetland types that were once much more extensive in the Geelong region and elsewhere in Victoria, contain a high diversity of plant and animal species and conserve the genetic diversity of particular species;*
- *The site is habitat for species listed under an international agreement for the conservation of plants or animals, e.g. the Japan-Australia Migratory Bird Agreement (JAMBA), the China-Australia Migratory Bird Agreement (CAMBA) and the Convention on the Conservation of Migratory Species on Wild Animals (the Bonn Convention);*

- *The site is part of or is nominated for inclusion in the East Asian-Australasian Shorebird Site Network;*
- *The site is habitat for a threatened native plant or animal species or is a threatened plant or animal community, e.g. species and communities listed in the Fauna and Flora Guarantee Act 1988;*
- *The site contains habitat that is an extension of, or which provides a buffer to, wetland communities identified above.*

The part of the subject land to which ESO2 applies is occupied by a series of wetlands adjoining Lake Victoria which appear to substantially be in areas of previous shell-grit extraction, together with areas of remnant and re-established vegetation communities.

A permit is required to construct a building or carry out works on land to which this Overlay applies.

Significant Landscape Overlay (SLO) – Schedule 11

The objectives are:

- *To identify significant landscapes;*
- *To conserve and enhance the character of significant landscapes.*

Schedule 11 to the Significant Landscape Overlay applies to Lake Victoria and Yarram Creek areas, essentially extending east of Ocean Grove to the Point Lonsdale township and north to the Yarram Creek Valley which is north east of the Bellarine Highway.

Under this Overlay, a permit is required to construct buildings and works and destroy, remove or lop vegetation, all unless exempted by the Schedule. The LGC's proposals are likely to ultimately trigger a permit pursuant to this Overlay, particularly for the new clubhouse, new maintenance complex, works associated with construction of the new course and some vegetation removal.

The Decision Guidelines emphasise the need to protect views from Shell Road and minimise visual intrusion and include reference to proposals which may be visible across Lake Victoria.

Land Subject to Inundation Overlay (LSIO)

The objectives are:

- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority;*

- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity;*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made; and*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

A planning permit is required to construct a building or carry out works on land affected by this Overlay.

The LSIO substantially applies to flood prone land around the edge of Lake Victoria and extends to the rear of residential zones to the north of the existing golf course. Fairways and golf holes to be constructed around the edge of Lake Victoria will need to have regard to potential flood levels as part of their detailed design.

Wildfire Management Overlay (WMO)

The objectives are³:

- *To identify areas where the intensity of wildfire is significant and likely to pose a threat to life and property;*
- *To ensure that development which is likely to increase the number of people in the overlay area:*
 - *Satisfies the specified fire protection objectives;*
 - *Does not significantly increase the threat to life and surrounding property from wildfire;*
 - *To detail the minimum fire protection outcomes that will assist to protect life and property from the threat of wildfire.*

A planning permit is required to construct a building or carry out works associated with a range of uses to demonstrate fire protection requirements will be implemented. The Overlay only applies to a small portion of the subject land and it appears the Club's proposals would not generate the need for a permit under this overlay.

³ Note since the planning permit was exhibited new bushfire provisions (Bushfire Management Overlay or BMO) have been introduced at Clause 44.06. Transitional provisions at Clause 44.06-08 cover this application.

4.3.3 Particular provisions

The following particular provisions in the scheme are relevant to the Amendment:

- Clause 52.01 – Public open space contribution and subdivision;
- Clause 52.03 – Specific sites and exclusions; and
- Clause 52.17 – Native vegetation.

4.3.4 General provisions

There are no general provisions relevant to the Amendment.

4.4 Other planning strategies

There are a number of State and local planning strategies relevant to the proposal.

Coastal Spaces Inception Report and Coastal Spaces Recommendations Report

In May 2005, the previous State Government released the *Coastal Spaces Inception Report* which confirmed and clarified the Government's policy as expressed in the *Victorian Coastal Strategy*. A further report, the *Coastal Spaces Recommendations Report* was released in April 2006. In particular, the Inception Report articulated some key planning and land use policies which need to be considered in determining any Planning Scheme Amendment. These include:

- *Directing residential development to existing settlements within defined township boundaries;*
- *Minimising the overall impact of use and development on the coast;*
- *Protecting the most sensitive areas and significant landscapes between settlements;*
- *Providing social services, community facilities, transport and other physical infrastructure and/or utilities; and*
- *Achieving sustainable coastal development that meets the hierarchy of principles for coastal planning and management as set out in the Victorian Coastal Strategy.*

Victorian Coastal Strategy

The *Victorian Coastal Strategy 2008* is the State Government's policy for coastal, estuarine and marine environments in Victoria. It provides a long-term vision for the planning, management and sustainable use of Victoria's coast and the policies and actions for Victorian over the next five years to

help achieve that vision. It also provides a framework to assist in the development and implementation of other locally and regionally specific strategies and plans such as management plans, Coastal Action Plans, and planning schemes.

Bellarine Peninsula Strategic Plan 2006-2016

The *Bellarine Peninsula Strategic Plan 2006-2016* is a broad community plan for the Peninsula developed in recognition of significant growth pressures in the area. The plan includes a vision and actions for each town on the Peninsula. These visions have been used by COGG as part of the preparation of detailed Structure Plans for each township on the Peninsula.

Objectives of the *Bellarine Peninsula Strategic Plan* include:

- *Celebrate and grow community spirit;*
- *Provide all residents and visitors with the opportunity to participate actively in community life;*
- *Retain, enhance and educate local communities on the process of preparing structure plans for towns and dealing with urban and rural interfaces;*
- *Develop effective and innovative communication and consultation processes between the City of Greater Geelong and the Bellarine Peninsula communities;*
- *Retain rural landscapes, protect and respect town boundaries;*
- *Develop well connected, multi-modal transport options within townships and across the Peninsula;*
- *Improve quality of life for residents through better access to communications infrastructure.*

The Point Lonsdale community vision (outlined in the *Bellarine Peninsula Strategic Plan*) states that Point Lonsdale will be *A village type coastal location with reduced impact on the environment. A place of green vistas, unspoilt coastal views, negotiable by walking paths and not impacted by clustered development and traffic congestion.* Among its key objectives include:

- *Maintain the current integrity of Point Lonsdale – ensure a long-term strategic approach to planning (both development and form) which protects current land use zones;*
- *Retain existing green wedge and rural vistas.*

Environment Management Strategy 2006-2011 and Wetlands Strategy 2006

The *Environment Management Strategy 2006-2011* includes the Geelong Sustainability Framework which contains COGG's definition of sustainability, a series of Sustainability Principles, and an Environment

Management Policy and Action Plan. These Sustainability Principles include:

- *Recognise the importance of the diversity of Geelong's biodiversity and acknowledge the need to protect, restore and enhance the diversity and resilience of our natural systems;*
- *Use all natural resources sustainably and dispose of any wastes responsibly;*
- *Encourage access to facilities, services, goods and other people in ways that minimise impacts on the environment;*
- *Protect human health and amenity through safe, clean and attractive environments and quality health services focused on prevention as well as cure.*

The *Environment Management Strategy* makes reference to parts of the Structure Plan area under Waterways and Wetlands, acknowledging the environmental significance and sensitivity of Swan Bay, a Ramsar wetland and making reference to the wetlands between Ocean Grove and Point Lonsdale.

The Strategy states that through the Planning Scheme, COGG should investigate the protection of the chain of wetlands, making reference to the wetlands between Ocean Grove and Point Lonsdale that have been identified as environmentally significant. In relation to Swan Bay and other saline wetlands, the Strategy states that it should be established as Council policy that stormwater be managed in a way that does not compromise the salinity of primarily saline wetlands.

The *Wetlands Strategy 2006* provides a framework for Council to protect and enhance the biodiversity and ecological values of the City's wetlands. Wetlands are highlighted as being important for conservation and biodiversity and ecological productivity. Wetlands provide flood control, stormwater protection, climate change mitigation, recreation and tourism uses and cultural value. There are many varying threats to wetlands including drainage or modification, commercial development, salinisation industrial effluent and flood mitigation works and activities. The Strategy provides targets, strategic objectives, goals, approaches and actions in order to ensure the ongoing protection of wetlands within the City. Lake Victoria and Swan Bay are identified as priority wetlands of the Geelong Region.

Under Strategic Objective 2, *Integration of wetland into major sustainable development proposals*, the Strategy mentions the pressure around Swan Bay and Lake Victoria for urban development which has already grown close to the wetlands, creating further pressure from human use and conflicts

through close proximity. The Strategy recommends planning for growth with consideration of the impact on specific wetlands.

Point Lonsdale Structure Plan

The COGG and the BOQ have jointly prepared a Structure Plan for the Point Lonsdale Township – initially as a consultation draft dated September 2008 and subsequently by adoption of the Structure Plan dated April 2009.

The LGC's proposals were fully considered as part of the preparation of the Structure Plan (e.g. page 44 Part C Background Report) but more particularly in Section 3.5 (pages 9-12 part A Structure Plan). This section of the Structure Plan discusses the issue of defining the Settlement Boundary under the headings Strategic Directions, Community Views, Projected Population Growth, Physical, Landscape and Environmental Constraints, Urban Growth Criteria and Analysis of Proposed Developments.

4.5 Strategic Assessment Guidelines

The purpose of the Strategic Assessment Guidelines (Practice Note 46, January 2011) is to provide a consistent framework for the evaluation of a proposed planning scheme amendment and the outcomes it produces.

The Guidelines require the Inquiry to consider:

- Why is an amendment required?
- Does the amendment implement the objectives of planning and address any environmental, social and economic effects?
- Does the amendment comply with all the relevant Minister's Directions?
- Does the amendment support or implement the SPPF?
- Does the amendment support or implement the LPPF?
- Does the amendment make proper use of the VPP?
- How does the amendment address the views of any relevant agency?
- Does the amendment address the requirements of the *Transport Integration Act 2010*?
- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Inquiry has considered the response to the Strategic Assessment Guidelines included in the exhibited Explanatory Report for the Amendment, together with submissions on the guidelines from Council. The Inquiry considers whether the Amendment has strategic policy justification in Chapter 8.

4.6 Compliance with Practice Notes

The following Practice Notes are relevant to the consideration of this Amendment:

- Applying the Incorporated Plan and Development Plan Overlays (January 2003) – PN23;
- Applying the Special Use Zone (February 1999) – PN03; and
- Biodiversity (March 2002) – PN19.

The Amendment complies with the relevant practice notes.

5. Identification of issues

5.1 Issues raised in submissions

Supporting submissions

The majority of submissions (140 in total) expressed support for the amendment and plans being put forward by the LGC. These submissions expressed the view that the club plays an important role in the sporting, social and community life of Point Lonsdale and the surrounding district. A number of submitters were retirees who indicated that they particularly enjoy the social aspects of being a club member. Community organisations made reference to the club's willingness to support community and charity events utilising the club's clubhouse and golfing facilities.

Many of the supporting submissions highlighted the importance of ensuring that the club remains viable and that there is also a need for it to upgrade its facilities to remain competitive with other golf clubs in the region so it is able to continue to attract members and visitors. Supporting submitters also commented on the importance of the golf club to local tourism and employment.

Objecting submissions

In terms of objecting submissions, thirteen related to the construction of new fairways and greens within the wetlands around the edge of Lake Victoria. These submissions were from environmental groups including the Bellarine Catchment Network, Geelong Field Naturalists Club, BirdLife Australia, Victorian Wader Study Group Inc, Geelong Environment Council, Point Lonsdale Coastal Spaces Group, Queenscliff Environment Forum Inc, Queenscliff Community Association and Bellarine Branch Greens Victoria, along with submissions from local residents.

Environmental issues

Environmental issues raised in submissions were:

- Inadequate recognition has been given to the biodiversity values of the site generally and the regional environmental context of the Ramsar listed wetland system on the Bellarine Peninsula;
- Potential loss of biodiversity values resulting from the construction of five golf holes (numbers 4, 5, 13, 14 and 15) in sensitive wetland areas;

- Serious impact on bird habitat (breeding, foraging, roosting, migration) including that of the Orange-bellied Parrot, Hooded Plover and other waders and water birds;
- Major earthworks will affect salt marsh vegetation and potentially cause pollution to Lake Victoria and adjoining wetlands;
- Impact on endangered and significant Coastal Moonah Woodland where vegetation needs to be removed to create hole 15;
- Human disturbance to the significant bird populations as a result of increased numbers of people being present in sensitive areas;
- Potential for pollution from fertilizers and pesticides used on the golf course and the spread of introduced grasses and weeds into environmentally sensitive areas;
- The proposal does not comply with State and Council environmental policies, the existing Overlay controls (ESO2) contained in the Greater Geelong Planning Scheme and the Native Vegetation Management Framework as applied in recent VCAT decisions and the EPBC Act;
- Impact on stormwater management surrounding Gill Road; and
- Less sensitive sites are available to enable the golf club to redevelop its course (on its own site and adjoining cleared land in the Farming zone).

Planning issues

Twenty submissions either objected to the proposal to rezone the Fellows Road frontage of the golf course to Residential 1 or raised concerns about specific issues or impacts which would result from the proposed residential development. The submissions from residents adjoining the club's northern boundary or opposite and nearby in Fellows and Gill Roads, raised the following issues:

- Loss of amenity, in particular the change in appearance of the site from an attractive golf course to a conventional residential subdivision;
- Impact on the character of Fellows Road, including an increase in traffic due to new houses;
- Impact on existing views currently available across the golf course from nearby residential properties and from Fellows Road;
- Loss of vegetation in particular established trees both on the subject land and within the Fellows Road and associated safety issues. In addition, removal of vegetation on Fellows Road and Gill Road will destroy the appearance of the west side of Fellows Road;
- Detailed comments on subdivision design and layout as shown on the exhibited Concept Plan forming part of the amendment documentation, e.g. requesting a service road along the Fellows Road frontage, one access only to the new subdivision from Fellows Road (i.e. no direct access for

residential properties), and proposed grid layout not imaginative and out of character with Point Lonsdale subdivisions;

- DDO controls (similar to Queenscliff's) required over future residential development to ensure it is sympathetic to and in keeping with the character of Point Lonsdale;
- Whether Point Lonsdale has sufficient infrastructure to cope with the additional population generated by both the Stockland and golf course developments; and
- No further third party appeal rights will be available under the DPO.

Agency submissions

Key points raised in agency submissions were:

- The major issues raised by DSE are that the EES does not adequately address options to avoid the need to clear vegetation of very high conservation significance as required under the Native Vegetation Management Framework and that there will be a need to restrict the impact on bird habitat when preparing future Environment Management Plans; and
- The EPA submitted that more detailed work is required on the following aspects - the club's options for augmentation of the golf course watering system, the means of managing acid sulfate soils if they are encountered during construction and addressing an historic tip site.

5.2 Structure of this report

This Report deals with the issues under the following headings:

Part A: Background

Chapter 2	Background
Chapter 3	What is proposed?
Chapter 4	Legislative and policy context
Chapter 5	Identification of issues

Part B: Project and decision-making framework

Chapter 6	Rationale for the project
Chapter 7	Decision making framework: net community benefit and sustainable development

Part C: Planning issues

Chapter 8	Does the proposal have strategic planning policy justification?
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Chapter 9	Will the proposal have acceptable amenity impacts on surrounding residents?
Chapter 10	Will the proposal have acceptable traffic impacts?
Chapter 11	Should a permit be granted for the subdivisions?
Chapter 12	Are the social impacts acceptable?
Chapter 13	Will net community benefit be achieved?

Part D: Environmental impacts

Chapter 14	Are the flora and fauna impacts acceptable?
Chapter 15	Are the hydrological and water quality impacts acceptable?
Chapter 16	Are there any unacceptable impacts on matters of National Environmental Significance?
Chapter 17	Can the environmental impacts be managed?
Chapter 18	Recommended environmental mitigation and management measures

Part E: Terms of Reference and summary of recommendations

Chapter 19	Response to the Terms of Reference
Chapter 20	Summary of findings and recommendations

5.3 Scope of Inquiry's consideration

The Inquiry's primary role in this process is to make recommendations to the Minister for Planning on the EES, an accredited Commonwealth assessment, and to make recommendations to COGG on the planning scheme amendment and the application for the two lot subdivisions.

Should the Inquiry's recommendations be supported, there are other statutory planning approvals required, including:

- Approval of a Development Plan for the residential development and the golf course under the DPO;
- Approval of an application for a planning permit for the residential subdivision of the land;
- Approval for any buildings and works; and
- Approval of an application to remove native vegetation under Clause 52.17 of the Planning Scheme.

In addition, there will be other requirements under the DPO, including:

- A construction management plan;
- A tree protection plan;
- A native management offset plan;
- A project environmental management plan;

- An earthworks Masterplan;
- Landscape and revegetation plans;
- Stormwater management plans;
- A nutrient and irrigation management plan;
- A maintenance schedule; and
- Coastal Acid Sulfate Soils management plan.

A Cultural Heritage Management Plan (CHMP) will be required under the *Aboriginal Heritage Act 2006*.

Having regard to the stage of the process to date and the approvals frameworks that are to apply if the planning scheme amendment and two lot subdivisions are approved, based on consideration of matters including the assessments of the EES by relevant State and Commonwealth Ministers, LGC will be required to submit further detailed information to COGG and other relevant authorities before any native vegetation can be removed and before the construction of the residential development and golf course are able to proceed. Accordingly, not all matters of detail will be resolved as part of this Inquiry process.

Part B: Project and decision making framework

6. Rationale for the project

6.1 What is the issue?

The LGC submitted that the residential development is necessary to raise funds to expand and enhance the golf course. The LGC contended that unless there were significant improvements to the golf course, it would be unable to attract sufficient members and players for the golf club's financial viability. There were a large number of submissions in support of the LGC's proposal, albeit most of these submitters were members of the club. Other submitters expressed concern that the Club has not provided a clear business case to demonstrate that the project will address its financial problems while others considered there are other options to improve the club's financial viability.

6.2 Evidence and submissions

On behalf of the LGC, Mr Tobin provided a brief history of the development of the Club. The Club commenced operation in the 1920s and originally accommodated a nine hole golf course. In the 1930s and 1950s, the course was progressively expanded to 18 holes.

From the 1980s, the Club began to experience complaints from nearby residents about stray golf balls as the Point Lonsdale township expanded around the course. As a risk management measure, the Club closed a number of holes that were adjacent to houses in Fellows Road, Gill Road and Diggora Court and re-configured the course.

As a result, Mr Tobin submitted that the current LGC course is a compromised golfing layout. There is a larger proportion of shorter holes, the holes are often banked side to side and the course is, in a playing sense, *the worse for it*.

Further, the Club has a declining membership – from 1,272 in 1979 to approximately 550 now with a large percentage of members aged 55 years and older.

Mr Tobin tabled the 2011 *LGC Annual Report* which includes a note (Note 20) that the Club's future financial viability is increasingly dependant on the successful implementation of the re-development. The Annual Report also includes a note that the Club has secured finance to enable the Club to meet its operating cash requirements and to fund the re-development.

The LGC called Michael Clayton of Ogilvy Clayton, a professional golf course designer, to give evidence on the problems with the existing course, the challenges facing the Club and the proposed new layout. He provided evidence that a number of golf courses, both here and in the United States, are either closing down or being re-developed because of declining membership of clubs and fewer casual players. One specific example provided was the Geelong Golf Club, located in inner Geelong, which had closed in recent years because of a failure to decide to either relocate or re-develop.

Mr Clayton stated that golf clubs need to attract members and compete with surrounding courses in order to be sustainable. In the 1970s, the LGC would have expected to attract much visitor play because Barwon Heads was the only regional course seen as being superior. Since that time, there have been two high standard courses built on the Bellarine Peninsula at Thirteen Beach and at Barwon Heads.

Mr Clayton considered that a 1,000 playing membership is a realistic target for the LGC given a competitive course and growth of the surrounding area through the Stockland development known as The Point⁴ and the proposed residential development of the golf course land (COGG, in its submission, noted that the projected permanent population of the Point Lonsdale township is for a further 1229 persons taking into account the Stockland development, urban infill and medium density development as well as the golf course land).

With respect to the proposed layout of the course (as presented in the EES), Mr Clayton stated that it is designed to be enjoyable and challenging for a broad range of golfing abilities, rather than to provide difficulties. One of the challenges was to provide the course with sufficient length. It is proposed to increase the length of the course from 5,688 to 5,832 m, *an ideal length for membership and visitor play*. He stated that it is important to create a man-made construction that looks indistinguishable from nature. Accordingly, he submitted that the new course has been designed to retain as much of the indigenous vegetation as possible. He considered the proposed design, when constructed, would be capable of a place in the top 30 or 40 golf courses nationally.

Against this background, Mr Tobin said:

The question is therefore raised – what future then for the LGC in its current incarnation? The LGC has presented its case throughout this

⁴ The Point development by Stockland includes approximately 600 dwellings as well as a retirement village of 170 units and 120 aged care units.

project and as recently as at exhibition as being that the redevelopment is ultimately a question of viability. This is not to overstate the case.

Some submitters expressed concern that the LGC had not provided a clear business case to demonstrate that the project will address its financial problems while others considered that there are other options to improve the club's financial viability. For example, the Geelong Environment Council (GEC) submitted that there was no financial analysis of what works would be required to improve the existing golf course and that no alternatives for the design and layout of the course are examined.

Chris Harper, a resident of Gill Road, submitted that the commercial survival of a private club should not be a relevant consideration for the Inquiry. He stated that the LGC wants to take value from the majority of the community that has no interest in it and transfer it to the small minority of the community that are members. He considered the LGC should raise their fees to a level comparable to other clubs rather than proceed with a residential development that will have adverse impacts on the environment and community infrastructure.

Similarly, the Queenscliff Environment Forum Inc. (QEF) submitted that the proposal will benefit the LGC members but will have little benefit to the broader Queenscliff community given the environmental impacts. The QEF also questioned whether the project is financially viable and whether the LGC has the financial capacity to undertake and complete the entire project.

On the other hand, Ms Serpell and Mr Dobbyn, who reside in Diggora Court, submitted that the proposal will make the club extremely wealthy given the amount of revenue to be generated by the sale of the residential lots. They contended that it is incumbent on the LGC to prove to the community that it needs to undertake a development of such a major consequence to a small community. They also referred to an earlier scheme where the existing golf course was to be re-developed, the existing club house re-furbished and a smaller residential subdivision was proposed.

6.3 Discussion

In the Inquiry's view, the LGC has provided an adequate explanation for the rationale of the project.

From the figures provided by the LGC, there has been a large decline in club membership in the past 30 years and this has had a significant impact on the club's financial viability. The financial statements in the 2011 *LGC Annual Report* clearly show that the Club is in a precarious financial position.

Further, the changes to the layout of the course resulting from the encroachment of residential development has compromised the quality of the course for players and the club now faces stronger competition as a result of redevelopment of courses at Thirteenth Beach and Ocean Grove.

The Inquiry notes that the proposal that has been developed by the LGC to provide a residential development together with an upgrade of the golf course is similar to a number of other recent proposals by golf clubs in Victoria, including, for example, Wonthaggi and Mildura. It appears that unless some golf clubs are proactive in raising funds to upgrade courses they could close, as has occurred with the Geelong Golf Club.

While there may be other options in terms of the size of the residential subdivision and the manner in which the golf course is re-designed, the Inquiry considers its main role is to assess whether or not the proposal put forward in the EES and planning scheme amendment is acceptable rather than to explore any number of options that may exist.

Similarly, the Inquiry does not consider that it has a role in assessing whether or not LGC should relocate, as other clubs in metropolitan Melbourne have done. The Inquiry notes that where clubs have relocated, the existing golf courses have been re-developed substantially with housing, such as the former Croydon golf course.

In response to the submissions that the benefits of the redevelopment are restricted to the golf club members and that there is a cost to the wider community because of the potential adverse planning and environmental impacts of the proposal, the Inquiry is satisfied that the LGC is an important part of the Point Lonsdale community that provides a popular recreational and entertainment facility not just restricted to club members. As is discussed in the following chapters, the Inquiry is satisfied that the proposal will have acceptable amenity, environmental and social impacts.

The Inquiry notes that there were conflicting submissions that the LGC was either raising more money than was necessary for financial viability or was not raising sufficient funds necessary to ensure a high quality development and allocating sufficient funds to ensure on-going management and maintenance for the sensitive environment.

It is not the role of the Inquiry to provide an oversight as to the specific financial aspects of the proposal and whether there are alternative options for the financing of the upgrade of the course other than by a residential development. However, the Inquiry is satisfied that the LGC has turned its mind to the need to ensure the project is financially viable in order to achieve a high quality course and to ensure that there are sufficient funds to address

the environmental impacts on an on-going basis. The Inquiry makes further comments on the on-going management and maintenance of the course in Chapter 18.

6.4 Finding

The Inquiry finds:

- 2. The LGC has provided an adequate justification for the rationale of the proposed redevelopment.**

7. Decision-making framework: net community benefit and sustainable development

7.1 What is the issue?

The Inquiry has been appointed to consider the planning merits of the proposal under the State *Planning and Environment Act 1987* (P&E Act) and the environmental impacts under the State *Environment Effects Act 1978* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

For the proposal to be supported, the Inquiry will need to be satisfied that the proposal will:

- Result in a **net community benefit** pursuant to the planning legislation; and
- Be consistent with the principles of **sustainable development** and that any residual environmental impacts after implementation of mitigation measures will be acceptable pursuant to the environment legislation.

7.1.1 Net Community Benefit

Clause 10 of the SPPF states that:

*The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of **net community benefit** and sustainable development.*

There is no definition of net community benefit in the P&E Act or SPPF. However, the Victorian Civil and Administrative Tribunal (VCAT) has often applied the concept as a process of weighing up the benefits and disbenefits of a proposal and making a decision as to whether the benefits outweighed the disbenefits to support a proposal. For instance, see *University of Melbourne v Minister for Planning* (Red Dot) 2010 VCAT 469.

However, in more recent cases, the Tribunal has held that net community benefit is not a 'test' as such, but a guideline for decision-making among other considerations. For instance, in *Prizac Investments & Ors v Maribyrnong CC* (Red Dot) [2009] VCAT 2616, the Tribunal said at paragraph 140:

Under Cl.11 it is the State Government's expectation that planning and Responsible Authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development. We accept Mr Townshend submission that Cl.11, itself, is not a prohibition on the grant of a permit in the absence of net community benefit. Rather he claimed, policies are meant to guide the decision making, not dictate outcomes. We acknowledge a proposal does not necessarily fail if an applicant cannot demonstrate a net benefit, particularly in a case where there may be a neutral outcome

Further, the Victorian Supreme Court and VCAT have both held that planning should be concerned with achieving acceptable outcomes as distinct from 'ideal' outcomes. In *Rozen v Macedon Ranges SC* [2010] VSC 583, Osborne J stated⁵:

In Knox City Council v Tulcany Pty Ltd, I observed:

*The planning scheme does not require an ideal outcome as a prerequisite to a permit. If it did, very few, if any, permits for development would ever be granted and there would be difficult differences of opinion as to whether the outcomes were in fact ideal. The Tribunal is entitled to grant a permit where it is satisfied that the permit will result in a **reasonably acceptable outcome** (emphasis added) having regard to the matters relevant to its decision under the planning controls.*

In *The University of Melbourne v Minister for Planning (Red Dot)* [2011] VCAT 469, VCAT stated⁶:

*As the Supreme Court observed, the test of **acceptable outcomes** (emphasis added) is informed by the notions of net community benefit and sustainable development. An outcome may be acceptable despite some negative characteristics. ...*

In *Richmond Icon v Yarra CC (Red Dot)* [2011] VCAT 2175, VCAT stated:

Hence, this proposal can be acceptable even if, in the eyes of some of the community, it has some negative characteristics or outcomes. A planning outcome that is 'Pareto optimal', i.e. a change that offers the greatest benefits for some individuals without making anyone else worse off than they were in the first instance, would be ideal. However, the complexities of cities are such

⁵ At paragraph 174

⁶ At paragraph 78

that outcomes of this nature are rarely possible. Hence, the correct or preferable outcome should not be equated with an ideal outcome.

7.1.2 Sustainable development

A comprehensive definition of sustainable development is provided in Section 3A of the EPBC Act as follows:

*The following principles are **principles of ecologically sustainable development**:*

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;*
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation [the precautionary principle];*
- (c) the principle of inter-generational equity--that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;*
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;*
- (e) improved valuation, pricing and incentive mechanisms should be promoted.*

A framework for considering whether the proposal will be consistent with these principles of sustainable development is provided by the evaluation objectives included in the EES *Assessment Guidelines*⁷ for the proposed redevelopment of the Lonsdale Golf Course. These objectives are:

- In general, to avoid and/or minimise potential adverse environmental impacts, and to restore the environment to acceptable levels taking into account other long-term environmental influences and relevant government requirements;*
- To minimise and compensate for adverse ecological effects on significant native vegetation (communities or species), including Coastal Saltmarsh and Coastal Alkaline Scrub (Moonah Woodland);*
- To minimise adverse impacts on known sites of Aboriginal or post-settlement cultural heritage;*

⁷ Department of Sustainability and Environment (October 2003) *Assessment Guidelines Environment Effects Statement for the LGC Proposed Redevelopment*.

- *To minimise adverse impacts on the water quality of Lake Victoria and surrounding wetlands during both construction and operational phases;*
- *To minimise adverse impacts on migratory waterbirds, the OBP [Orange Bellied Parrot], and any other species that are of State and/or National significance (p13).*

In relation to evaluation criteria, the Guidelines provided the following guidance:

As part of the EES preparation by the proponent, these objectives might usefully be translated into more specific performance criteria to guide the EES studies and evaluation of alternative measures. In particular the criteria should address:

- *Environmental, social and economic outcomes in the short, medium and long term: and*
- *Relevant provisions of Victorian and Commonwealth legislation, policies and strategies (p13)*

A number of submitters at the Hearing submitted that the proposed redevelopment would be inconsistent with the 'precautionary principle' – one of the key principles of sustainable development.

Section 391 of the EPBC Act states that the precautionary principle is *that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.*

Under the EP Act, the precautionary principle is defined as:

If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

- (2) *Decision making should be guided by-*
 - (a) *a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and*
 - (b) *an assessment of the risk-weighted consequences of various options.*

A very similar definition of the precautionary principle is found in *Intergovernmental Agreement on the Environment (1992)*. The precautionary principle is a 'principle of environmental policy' under that Agreement.

Clause 12 of the SPPF states that:

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia's Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Both the LGC and GFNC referred to the New South Wales Land and Environment Court case *Telstra v Hornsby Shire Council* (2006) 76 NSWLR as the leading case that considered the application of the precautionary principle. In that case, the Court said:

The application of the precautionary principle and the concomitant need to take precautionary measures is triggered by the satisfaction of two conditions precedent or thresholds: a threat of serious or irreversible environmental damage and scientific uncertainty as to the environmental damage. These conditions or thresholds are cumulative. Once both of these conditions or thresholds are satisfied, a precautionary measure may be taken to avert the anticipated threat of environmental damage, but it should be proportionate: N de Sadeleer, Environmental Principles: From Political Slogans to Legal Rules, Oxford University Press, 2005 at p. 155.

7.2 Evidence and submissions

Some submissions were made to the Inquiry as to the decision-making framework that should be applied in assessing the proposal. Most of the submissions concentrated on the environmental decision making framework.

In his opening submission, Mr Tobin, on behalf of the LGC, submitted that the onus was on the club to demonstrate that there will be no adverse impacts from the development or that, where there are adverse impacts, they can be satisfactorily dealt with, managed or mitigated.

On behalf of the GFNC, Dr Lindsay did not take issue with Mr Tobin's submissions but submitted the issue of impacts need to deal not only with direct and/or immediate impacts but also with:

- Cumulative and indirect impacts (for example, compounding impacts over time, consequential impacts on other areas, such as increased habitat

pressures elsewhere if habitat has become compromised or unavailable);
and

- Impacts that include the failure to improve or enhance environmental outcomes (i.e. impacts that fail to take into account intergenerational effects).

With respect to the precautionary principle, Dr Lindsay usefully submitted that the *Telstra* case (referred to above) articulated the following elements⁸:

- a. *The two preconditions for application of the principle are where there is a 'threat of serious or irreversible environmental damage and there is the requisite degree of unscientific uncertainty'.*
- b. *At this point, the onus is shifted on the proponent to show that the risk of development on the environment is not significant. Preston CJ held that:

A decision-maker must assume that the threat of serious or irreversible environmental damage is no longer uncertain but is a reality. The burden of showing that this threat does not in fact exist or is negligible reverts to the proponent of the economic or other development plan, programme or project.*
- c. *Third, once the preconditions are established, the principle obliges preventative action.*
- d. *Fourth, the principle does not imply a total absence of risk, and precaution may operate by degrees, taking into account 'the combined effect of the degree of seriousness and irreversibility of the threat and the degree of uncertainty'. Generally, 'the magnitude of environmental damage is...inversely proportional to the likelihood of the risk in order for precaution to be triggered'.*
- e. *Fifth, precautionary action is governed by a proportionality of response: 'the concept of proportionality should not go beyond what is appropriate and necessary in order to achieve the objectives in question'.*
- f. *Further, in respect of the threat of serious or irreversible damage, it is merely the risk that is sufficient to activate the principle, although this precludes the 'threat of negligible environmental damage'.*
- g. *Where there is not considerable unscientific uncertainty but the threat of damage is likely, preventative measures will still apply to control or avoid the damage but this is distinct from precautionary reasons for those measures.*

⁸ At paragraph 33 of GFNC submission

From this perspective, Dr Lindsay made a number of criticisms of the exhibited EES documents and submitted that they failed to adequately respond to the precautionary principle.

Mr Tobin did not take issue that the precautionary principle applied in this case, but said:

.. the precautionary principle requires close consideration for it is, in LGC's respectful submission, too frequently relied upon as a prohibitory statement when it is in fact a statement premised on the notion of mitigation where risk exists.

7.3 Discussion

In the Inquiry's view, it is appropriate that the proposal to redevelop the Lonsdale Golf Course is assessed having regard to both the net community benefit and sustainable development concepts.

With respect to the net community benefit concept, it is proposed to identify the benefits and disbenefits of the planning scheme amendment to rezone the land to facilitate the development in determining whether or not the proposal will result in an acceptable outcome.

The net community benefit concept also applies to the application for the two, two lot subdivision, however it is considered that this is a relatively straightforward matter and does not require detailed consideration against net community benefit.

Based on the Terms of Reference (see Section 2.7) and the issues raised in submissions, the Inquiry has adopted the approach of addressing the issues where the proposal was identified as likely to have environmental impacts and, if so, what mitigation measures are proposed to ensure that residual impacts would be acceptable relative to applicable standards or guidelines such as the ANZECC water quality guidelines and the Native Vegetation Management Framework.

In relation to the discussion on the 'precautionary principle', the Inquiry considers that Dr Lindsay's analysis of the *Telstra* case is a useful approach in determining whether the development should proceed, be changed subject to appropriate mitigation or be rejected. Accordingly, the environmental impacts will be considered against each of the 'steps' identified by Dr Lindsay in the chapters in Part D of this report.

However, the Inquiry is mindful of Mr Tobin's remarks that the precautionary principle should not be seen as necessarily prohibiting a project: as the concept implies, it can also mean "proceed with caution."

7.4 Finding

The Inquiry finds that:

- 3. The proposal should be assessed having regard to the net community benefit concept in relation to the planning issues and principles of sustainable development in relation to the environmental impacts.**

Part C: Planning issues

8. Does the proposal have strategic planning policy justification?

8.1 What is the issue?

There have been a number of changes to the State and local planning policy frameworks since the redevelopment of the Lonsdale Golf Course was first proposed in 2002. Indeed, one of the reasons why the earlier request for an amendment was withdrawn was because of lack of strategic planning policy support for the proposal. It is appropriate and necessary that the proposal is assessed against the current strategic planning policy framework.

8.2 Evidence and submissions

Both COGG and the LGC submitted that the proposal substantially complies with the relevant sections of the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) as follows:

SPPF

Clause 11.02-3 (Structure planning): it will facilitate the development of an urban area in accordance with an adopted Structure Plan.

Clause 11.03-1 (Open space planning): it will provide sufficient open space to cater to the physical and social recreation needs of the future residents within the proposed residential rezoned land.

Clause 12.01 (Biodiversity): it will protect and enhance the environmental and habitat values of the Lonsdale Lakes Conservation Nature Reserve⁹, a wetland habitat identified as likely to provide for species of International, National and State significance.

Clause 13.01-1 (Climate change impacts): it will ensure that new development is located and designed to take account of the impacts of climate change on coastal hazards such as the combined effect of storm tides, river flooding, coastal erosion and sand drift.

Clause 17.01-2 (Business) and 17.03 (Tourism): it will maximise the employment and long term economic, social and cultural benefits of

⁹ This is variously referred to under various names in submissions including Lonsdale Lakes State Nature Reserve. The Panel uses the name above throughout the Report.

enhancing the golf course for Point Lonsdale residents and as tourist destination.

Clause 19.03-2 (Water supply, sewerage, drainage) and 19.03-3

(Stormwater): it will provide developments with physical infrastructure efficiently and effectively with no detrimental environmental impacts.

In addition, **Clauses 12.02-1 and 12.02-2** call up the *Coastal Spaces Strategy* (2006) and *Victorian Coastal Strategy* (VCS) (2008) as adopted State policies relevant to the Amendment. Some of the key directions of the *Coastal Spaces Strategy* are:

- Directing residential development to existing settlements within defined township boundaries;
- Minimising the overall impact of the use and development on the coast;
- Protecting the most sensitive areas and significant landscapes between settlements;
- Providing social services, community facilities, transport and other physical infrastructure and/or utilities; and
- Achieving sustainable coastal development that meets hierarchy of principles for coastal planning and management as set out in the Victorian Coastal Strategy.

The VCS identifies Point Lonsdale as a coastal settlement with a 'low growth' capacity. 'Low growth' is defined within the VCS as being '*growth contained within existing urban or appropriately zoned land primarily through infill capacity and renewal within defined settlement boundaries*'.

Both COGG and the LGC submitted that the Amendment was consistent with these two policies. COGG stated that:

The Amendment and permit are also consistent with the Victorian Coastal Strategy 2008 by not encroaching on any section of undisturbed coastline; maintaining the substantial break to the nearest townships; not increasing the extent of urban zoned land outside the township boundary; and protecting significant environmental features, including native vegetation and waterways.

LPPF

Clauses 21.02 (Sustainable Growth Framework), 21.06 (Settlement and Housing) and Clause 21.06-3 (Urban Consolidation): it will consolidate development inside the Point Lonsdale township boundary in accordance with the objectives of these sections.

Clause 21.05 (Natural Environment): the DPO will assist the retention and conservation of the Lonsdale Lakes Nature Conservation Reserve, will ensure that the residential development will incorporate best practice Water Sensitive Urban Design principles and will minimise the amount of runoff from the urban development entering waterways. The Amendment also avoids facilitating residential development in areas at risk of coastal erosion or inundation from flooding, storm surge or rising sea levels.

Clause 21.07 (Economic Development and Employment): the upgraded golf course, clubhouse and associated facilities are likely to attract visitors to the Bellarine Peninsula.

Clause 21.08 (Development and Community Infrastructure): it will provide a safe and accessible open space network for new residents within the rezoned residential land.

Clause 21.14 (The Bellarine Peninsula): this clause is intended to be updated to reflect recommendations of the adopted *Point Lonsdale Structure Plan* and also include a new *Point Lonsdale Structure Plan* map, which will provide strategic justification for the proposal.

COGG submitted the Amendment was consistent with other adopted COGG strategies relevant to the Amendment include:

- *Bellarine Peninsula Strategic Plan 2006 – 2016;*
- *Environmental Management Strategy 2006 – 2011 and Wetlands Strategy 2006;* and
- *Point Lonsdale Structure Plan.*

The *Bellarine Peninsula Strategic Plan* is a broad community plan for the Peninsula developed in recognition of significant growth pressures in the area. The plan includes a vision and actions for each town on the Peninsula. These visions have been used by COGG as part of the preparation of detailed structure plans for each township on the Peninsula, including Point Lonsdale.

The *Environment Management Strategy 2006 – 2011* includes the Geelong Sustainability Framework which includes COGG's definition of sustainability, a series of sustainability principles and an environmental management policy and action plan.

The overall objectives of the strategy are to:

- Ensure all decisions made by COGG consider the environmental, social and economic implications (the triple bottom line approach);
- Promote sustainability and Best Practice Environmental Management throughout all of COGG's operations and services; and

- Establish thorough and robust sustainability provisions within the Greater Geelong Planning Scheme and strategic planning documents.

The *Wetlands Strategy 2006* provides a framework for COGG to protect and enhance the biodiversity and ecological values of the City's wetlands.

The *Point Lonsdale Structure Plan* was adopted by COGG on 28 April 2009 and was subsequently adopted by the BOQ in July 2009. The Structure Plan was exhibited in Amendment C165 to the Greater Geelong Planning Scheme and was submitted to the Minister for Planning for approval in December 2011 and is still awaiting approval.

A key element of the Structure Plan is to provide direction for future growth and to define the settlement boundaries for the township. The land to be rezoned as part of this Amendment is included within the proposed settlement boundary.

The Panel that considered Amendment C165 stated that:

The Point Lonsdale Settlement Boundary has been designated having regard to the current Golf Club residential subdivision concept plan and alignment with the existing westward urban edge established by adjoining residential zoned land allowing for minor adjustments to respond to site constraints. Golf course activities and facilities outside the Settlement Boundary including club house, parking, golf holes and the like may be permitted outside the Settlement Boundary as part of a permit/EES process.

Some submitters to this amendment contended the proposal was contrary to key COGG policy documents or that insufficient weight was being given to these policy documents. For example, the GEC submitted that the Environmental Significance Overlay was being ignored because the Environmental Management Strategy and the Wetlands Strategy were only reference documents.

The QEF contended that the Wetlands Strategy has been in existence for seven years and should be relied upon. It was noted that the Wetlands Strategy includes objectives that there be no net loss of wetlands and that no waterways or wetlands are to be drained or filled in.

Further, the QEF considered the proposal to be contrary to the VCS because the removal of native vegetation was contrary to Principle 1 to protect significant environment and cultural values and contrary to Principle 4 because development on the coast should be confined to existing modified or resilient environments where the impact can be managed.

In response to these submissions, the LGC submitted that it is important to note that reference documents referred to should not be given the same weight as policy documents in the planning scheme. The LGC referred to the Bass Coast C90 Panel report, which stated¹⁰:

It is clear that reference documents exist to provide background to the provisions of the Planning Scheme. They are not operative controls and should not be applied as such. They cannot be given the same weight as the text of the Planning Scheme.

8.3 Discussion

The Inquiry considers the proposal has strong State and local strategic planning support.

At the State level, the proposal complies with the VCS which states that in settlements with 'Low Growth Capacity', which includes Point Lonsdale, growth is contained within existing urban or appropriate zoned land primarily through infill capacity within defined settlement boundaries.

The Inquiry considers the proposed residential development fronting Fellows Road to be effectively infill development because it will be located between existing residential development to both the north and south of the subject land.

At the local level, the preparation of the Point Lonsdale Structure Plan provides a clear settlement boundary for the township and the proposed residential development is within the township boundary.

The Inquiry considers that the Structure Plan is a 'seriously entertained planning proposal' given that it has been adopted by both the COGG and the BOQ and has been submitted to the Minister for Planning for approval through Amendment C165.

The Inquiry also considers that the re-development of the golf course has strong State and local policy support. An upgrade of the course should provide a boost to visitor numbers and become a drawcard for tourists and the Inquiry is satisfied that the environmental impacts can be adequately addressed as discussed later in detail in this report.

With respect to COGG's adopted policies, including the Bellarine Peninsula Strategic Plan 2006 – 2016, the Environmental Management Strategy 2006 – 2011 and Wetlands Strategy 2006, the Inquiry agrees with the comments of the Bass Coast C90 Panel that, because these policies are reference documents

¹⁰ Bass Coast C90 (PSA) [2009] PPV 83

in the planning scheme, they are to be used as background documents to provide a context to decision making as distinct from using them as planning controls to say yes or no to development.

8.4 Finding

The Inquiry finds that:

- 4. The proposal to redevelop the Lonsdale Golf Course has State and local strategic planning policy justification.**

9. Will the proposal have acceptable amenity impacts on surrounding residents?

9.1 What is the issue?

Property owners whose residential properties adjoin the north-eastern boundary of the LGC raised concerns about the potential loss of amenity that would result from the 100 lot residential subdivision in the eastern section of the Golf Course land.

Other concerns were raised about the proposed residential development in relation to:

- The potential loss of established native vegetation on, respectively, the treed character of Fellows Road and the 'country lane' amenity of Gill Road;
- The potential loss of established native and exotic vegetation on the section of the golf course that is proposed for residential development; and
- The design and layout of the proposed subdivision was variously labelled unimaginative, old fashioned and not consistent with the established character of Point Lonsdale.

9.2 Evidence and submissions

Amenity issues

Proponent

In the EES, one of the key objectives proposed for the LGC Redevelopment was *to ensure connectivity of residential development in a manner compatible with the preferred neighbourhood character of Point Lonsdale* (EES Vol 1, 60). Chapter 15 of the EES addressed the issue of 'Amenity' and responded to the EES Assessment Guideline 4.6.7 Amenity Impact.

The landscape character of the surrounding residential areas was described in Chapter 15 as *...defined by informal coastal vegetation, a soft engineered streetscape (including the absence of footpaths and kerb and channel), modest residential buildings, and a pedestrian scale reinforced by the varying topography and dense coastal vegetation which create short view lines* (EES Vol 1, p280).

The impacts of the proposed development on neighbourhood amenity were addressed specifically in relation to each of the existing residential areas abutting or adjacent to the LGC. The impacts identified included visual impact and change of outlook, loss of vegetation, traffic increases and movements, traffic noise access. Specific design and/or mitigation measures were presented in relation to each identified impact, including:

North-east of subject site

- Retention of existing vegetation along the perimeter of the golf course located 5 m south west of the back fences of the properties with additional locally sourced indigenous species planted to enhance this vegetated strip;
- Setback of the new clubhouse precinct by approximately 90 m, together with the vegetated strip, would ensure the existing outlook from these dwellings is maintained; and
- Separation of the car park from the residential areas to the north-east by approximately 50 m and planting of vegetation within the setback to reduce impact of vehicle noise on nearby residences.

South-east of the subject site

- Retention of existing vegetation, where possible, along the north west side of Fellows Road and provision elsewhere of a 5 m wide vegetated strip northwest of proposed residential boundary; and
- Provision of a roundabout at the intersection of the combined access to the new residential area and the LGC with Fellows Road and Kirk Road to facilitate safe and efficient vehicle movements.

South west of the subject site

- Retention of existing vegetation, where practicable, along north-east side of Gill Road;
- Provision elsewhere of a 5 m wide vegetated strip north west of proposed residential boundary which will also act as a buffer for dust and noise from traffic during the construction stage of the project; and
- The number of new dwellings with driveways to Gill Road will be kept to a minimum to reduce additional traffic volume on unsealed Gill Road.

The Landscape Masterplan prepared for the LGC redevelopment by Philip Liston Landscape Consultants (originally in January 2011 and revised in February 2012) primarily addressed the landscape character of the golf course itself and made only passing reference, through the presentation of Key Design Issues, to the clubhouse Precinct and the Subdivision Precinct. The latter design issues included general matters that should be addressed in

the layout and design of the residential subdivision and, arguably, covered by the provisions of the DPO.

Mr Milner, in his evidence on behalf of the Proponent, noted that, in his experience:

...the displacement of a golf course as a neighbour will evoke a mixed reaction. Some will experience and express disappointment at the loss of an outlook and the ambience of a course. For others there may be some relief and greater sense of security brought about by the cessation of stray golf balls entering properties.

Mr Milner concluded that the amenity of residential neighbours to the north-east would be protected by the combination of the provisions of DDO14 - Dwellings over 7.5 m, the setback of the clubhouse, the provision of a 5 m wide tree buffer to provide assured screening and a minimum building setback, and the proposed lot sizes with a depth of 36 m.

Mr Milner noted that the reasons for the choice of the location of the 0.8 ha area of public open space at the conjunction of the golf course, the clubhouse and the residential subdivision included:

- The location *...should be used to maintain a sense of long term open space for some of the neighbouring properties that have historically abutted the golf course;* and
- It can be used to provide separation and amenity protection for proximate neighbours.

In relation to the issue of the lack of detail provided about the clubhouse precinct, Mr Milner stated that a similar level of control over the development of this precinct would exist under the provisions of the DPO and the existing zoning of Special Use 3 – Private Golf Course.

Councils

The COGG, in its submission to the Inquiry, responded to issues raised about impacts of the residential development on existing residential amenity. COGG noted that along both the northern boundary of the LGC and opposite in Fellows Road, very few houses have been designed to take advantage of an outlook across the golf course.

COGG acknowledged that the proposed residential development would result in a very significant change in appearance as it is converted from a golf course to residential use. COGG noted that a number of DPO Schedule provisions and conditions in the Section 173 Agreement are designed to provide some degree of amenity and vegetation protection to reduce adverse visual impacts *...as much as possible.*

COGG agreed with the intention of the proposed 5 m buffer along the north-east boundary to provide amenity protection for existing adjoining dwellings and along Fellows and Gill Roads but that its implementation required clarification.

COGG submitted that it did not support the application of DDO 14 (related to building height) to new residential areas.

The BOQ, which supports the general concept, submitted that no vegetation of high or very high conservation significance should be removed. COGG also submitted that the location of crossovers should minimise the removal of Moonahs in the road reserves.

Submitters

Amenity concerns raised in submissions related to the following areas and issues.

Properties adjoining north-east boundary of LGC

- Loss of current views over treed environs of LGC and peaceful environment;
- Loss of significant open space and loss of direct access to the course currently enjoyed from Kelsey Court;
- Proposed small park will attract more activity than golf course;
- Proximity to clubhouse precinct and LGC car park and that dwellings will be affected by noise;
- Operation of proposed 5 m buffer along this boundary and suggestion that there needs to be a wider buffer between existing and planned residential areas; and
- Suggestion that all existing trees within 10 m of boundary should be retained.

Fellows Road frontage

- Loss of native vegetation - in some submissions characterised as 'clearfelling' - and bird habitat along Fellows and Gill Road reserves. This loss of vegetation would be inconsistent with Point Lonsdale landscape character;
- Opposition to residential subdivision and loss of open area which will result in whole length of Fellows Road being one large urban strip;
- Negative impact of future residential area on amenity of existing residential properties on eastern side of Fellows Road;
- Increased traffic will result in an urban rather than rural feel; and

- The proposed residential development will seriously impact on the amenity and character of Fellows Road and Point Lonsdale.

Gill Road frontage

- Loss of native vegetation and bird habitat along Gill Road reserve.

There was also general concern about the transformation of this area of Point Lonsdale to an intensively developed urban area.

Not all submitters who raised concerns about potential impacts on their residential amenity objected to the redevelopment of the golf course, recognizing the important recreational and community value of the Golf Club.

Layout of the proposed subdivision

Proponent

In relation to the design of the proposed subdivision, Mr Milner, in his evidence, discussed the alternative residential layouts presented in Figures 4.6 to 4.9 in the EES. He concluded that the current layout addresses and improves on each of the concerns raised about the 2002 concept, namely; in relation to a series of court-based developments; a walkway network at the back of many lots; and it relied on a shared access to the golf course and clubhouse.

Mr Milner further indicated that he did not support extending the open space as a narrower band between the northern residential boundary and the new subdivision.

In his submission to the Inquiry, Mr Tobin for the LGC noted that *the design of the subdivision is highly resolved but not absolutely final* and the Inquiry could recommend changes to the concept plan which would then be secured by the DPO to the extent that any Development Plan submitted must be generally in accordance with:

- The LGC Environment Effects Statement and Technical Appendices A-I (Jan 2011);
- The Minister's Assessment under the *Environment Effects Act 1978* of the LGC development; and
- The LGC Proposed Redevelopment New Course Concept Plan Drawing No. 319951 dated 30 December 2010.

Councils

The COGG, which is supportive of the redevelopment concept, indicated in-principle support of the LGC's preferred indicative residential subdivision layout. However, through its presentation to the Inquiry and during the Inquiry hearing, they suggested a number of changes to the DPO Schedule that would address concerns raised about the amenity and layout of the residential subdivision.

The BOQ, which is also supportive of the concept, noted that the design of the intersection at the subdivision entrance must be to its satisfaction and that the DPO Schedule should require a service road along the Fellows Road frontage.

Submitters

Issues raised included:

- Concerns about the residential lot layout including:
 - Unimaginative and unattractively designed residential subdivision requiring removal of significant vegetation;
 - Estate should not be grid style but planned similarly to the area south of Gill Road;
 - No medium density lot fronting Gill Road; and
 - Residential area should be re-designed with retention of all existing vegetation along Fellows and Gill Roads and houses looking into the subdivision and not fronting these two roads.
- Concerns about the Gill Road frontage including:
 - Lots fronting Gill Road should be restricted to single storey to protect residential amenity;
 - Don't want drainage works on south side of Gill Road – this should be picked up in DPO;
 - Concerned about 5 m buffer along Gill Road;
 - Comments on s. 173 Agreement on the design of Gill Road; and
 - Link road to Gill Road should be removed.
- Specific concerns about the Fellows Road frontage including:
 - A service road should be provided along the Fellows Road frontage;
 - Retention of Fellows Road in its natural vegetated state;
 - Concerns about numerous driveways along Fellows Road; and
 - Preference for a single entrance/exit to estate and golf club.
- Concerns about lack of details about clubhouse precinct; and

- Concern about loss of vegetation in residential development area and potential loss of vistas.

9.3 Discussion

As many of the amenity issues raised by submitters are related to the ultimate design and layout of the residential subdivision, the Inquiry now considers these issues in an integrated manner.

The Inquiry accepts that there will be changes to the local visual environment along the boundaries of the LGC and the interfaces with adjoining existing residential development. As COGG indicated in its submission to the Inquiry, even after approval of the rezoning to Residential 1, there will be further and much more detailed approvals to be gained for the residential component (see Section 5.3). The critical task in the preparation of the suite of plans that will comprise the Development Plan under the DPO Schedule will be developing a design which respects and reflects the existing character of the Point Lonsdale area.

The Inquiry notes that the Proponent has nominated a number of measures to mitigate these changes so that, ultimately, the new residential development will integrate with the existing Point Lonsdale residential environment. The Inquiry also notes that merely as a result of contemporary preferences for housing design, bulk and materials, new residential development will result in a different 'feel' to this localised residential environment.

However, the Inquiry has some concerns about how some of the proposed measures are proposed to be implemented and whether desired outcomes will be achieved. These issues are discussed here.

Vegetated strip along northwest boundary

The Inquiry had some initial concerns about how the proposal to provide a 5 m wide strip of vegetation along this perimeter will be maintained in the longer term. It is presumed that the intent of the relevant provision in the DPO-required Landscape Masterplan is that the developer will initially plant this vegetated strip but what practical measures will be in place to ensure the longevity of this planting are not clear to the Inquiry. As indicated in Section 5.3, should the Inquiry's recommendations be supported, there are other statutory planning approvals required and this issue should be addressed in those more detailed approvals.

In relation to the COGG's suggestions in its right of reply that building envelopes be placed on title for those lots that interface with existing

residential development, the Inquiry observes that with a required 5 m vegetated strip imposed on these lots, there may be little flexibility for the location of buildings/houses on these lots.

In the ultimate formulation of the Development Plan for the residential subdivision, especially the Building and Landscape Design Guidelines, the Inquiry recommends that there be informal consultation with adjoining property owners in relation to the detailed provisions to be included in the various plans required under the DPO Schedule to ensure that mutually beneficial outcomes are achieved for the design of the new residential subdivision.

Fellows Road frontage

The Inquiry notes the concerns about the potential loss of vegetation along this frontage as well as the proposal for a service road to avoid an increase in private crossovers with resultant vegetation loss.

As there were conflicting views on the service road issue from the two Councils and other submitters, the Inquiry has concluded that a service road is not a required or appropriate solution for the Fellows Road frontage because:

- Other sections of Fellows Road to both the north and south of the LGC do not have a service road;
- There is no need in traffic management terms for a service road along the Fellows Road frontage; and
- There are detailed design approaches that can be employed to ensure that vehicular access to lots fronting Fellows Road can be achieved in a manner that ensures retention of existing vegetation identified in the Landscape Masterplan for the residential subdivision.

The Inquiry considers that the DPO Schedule will provide sufficient protections in relation to existing vegetation along Fellows Road and that it will be in the interest of the future developer that careful consideration be given to the visual and design integration of the new residential subdivision so that it complements the existing neighbourhood character of this section of Point Lonsdale.

Gill Road frontage

In relation to the Gill Road frontage, the Inquiry agrees with COGG's suggestions in its 'right of reply' in response to issues raised by Mr Harper that:

- It had no objection to the removal of the direct road access to the new residential area from Gill Road provided that:

- The existing two road accesses to Fellows Road are retained; and
- Provision is retained for pedestrian access through to the new subdivision and future clubhouse at this location in Gill Road.
- The suggestion that the 5 m wide vegetated buffer where proposed to be provided along both Gill and Fellows Road be incorporated into a road reserve under COGG's ownership had merit and could be included as a requirement of the Urban Design Masterplan for the residential subdivision required under the DPO Schedule.

In relation to the suggestion that there be no medium density lot located on the Gill Road frontage, the Inquiry suggests that in the preparation of the Urban Design Masterplan required under the DPO Schedule, consideration be given to the inclusion of criteria to guide the location and development of medium density lots so that they are located appropriately and not just 'scattered' around the subdivision.

Clubhouse precinct

In relation to the concern that there was insufficient detail about the development of the clubhouse precinct in the EES and the documentation for Amendment C67, the Inquiry notes the point made by Mr Milner that, essentially, the same level of control would exist over this precinct under the current controls as under the proposed controls. However, while the provisions under the DPO are likely to be the same if not more extensive than under the current zoning, the essential difference is that there is the opportunity at the planning permit stage under the existing zoning for third party involvement but under the DPO, this situation will not exist. For this reason as well as other issues raised about potential impacts of the clubhouse precinct on existing residences, the Inquiry recommends that the DPO include an additional clause requiring a detailed layout plan of the clubhouse precinct and car parking areas and related landscaping and proposed built form of the clubhouse.

9.4 Findings and recommendations

The Inquiry finds that:

- 5. A service road is not a required or appropriate solution for the Fellows Road frontage.**
- 6. The amendments to the DPO Schedule proposed by COGG (as presented in the version presented on 7 February 2012) should be incorporated into the final version.**

The Inquiry recommends that:

- 2. COGG undertakes an informal consultation process with adjoining property owners in relation to the detailed provisions to be included in the various plans required under the DPO Schedule to ensure that mutually beneficial outcomes are achieved for the design of the new residential subdivision.**
- 3. The amendments to the DPO Schedule proposed by the COGG (as presented in the version presented to the Inquiry on 7 February 2012) should be incorporated into the final version of this Schedule.**
- 4. The following wording be included in the DPO Schedule in relation to the Golf Course Layout and Landscape Masterplan:**
 - A detailed layout plan of the clubhouse precinct and car parking area and related landscaping and proposed built form of the clubhouse.**
 - Prior to the approval of the Development Plan, COGG should conduct informal consultation with nearby landowners and occupiers.**

10. Will the proposal have acceptable traffic impacts?

10.1 What is the issue?

The proposed 100 lot residential subdivision and the expected increase of the number of golf club members and casual players will result in an increase of traffic volumes. The key issues are whether the existing road network is able to accommodate the expected increase of traffic, whether the proposed internal road network and access points are appropriate and whether sufficient on-site car parking is provided.

10.2 Evidence and submissions

Proponent

The EES (Section 16.5) proposed that all existing access points to the LGC land will be discontinued and three new access points are proposed being a main and subsidiary entry from Fellows Road and one from Gill Road. Minimal impact on public bus services were anticipated other than the minor relocation of a bus stop.

The Traffic Engineering Assessment (EES Appendix H) concluded that sufficient parking can be provided on site to meet peak demands associated with both the residential and golf club uses consistent with the requirements set out in the relevant sections of the Greater Geelong Planning Scheme.

In order to safely accommodate cumulative additional traffic generated by both the residential and golf course components, it was proposed in the EES that a roundabout be provided at the main vehicular access point on Fellows Road where it intersects with Kirk Road. This traffic treatment was considered appropriate to deal with traffic movements to and from the proposed development.

Mr Milner, on behalf of the Proponent, submitted that, relative to the policy context, the expected performance of the proposed development on transport issues has been met. He further submitted that the proposal to extend safe walking trails around the site and linking to the foreshore of Lake Victoria would be a community benefit arising from the proposal.

Mr Woolcock of the Traffix Group, who was called to give traffic evidence, concluded that, in his opinion, there are no traffic constraints to approval of

the rezoning. However, he did indicate that he would not be opposed to the Gill Road and/or the secondary (southern) Fellows Road vehicle connection being removed if required.

Councils

The COGG submitted that Fellows Road, as one of the major collector roads in Point Lonsdale, would be safely able to accommodate the additional traffic generated by the proposed residential development on the LGC land. In its 'right of reply', COGG submitted that it would not have any objection to the road access from Gill Road to the residential subdivision provided there is retention of:

- The existing two road accesses to Fellows Road; and
- Provision for pedestrian access through to the residential subdivision and the future club house at that location.

The BOQ submitted that the DPO should require a service road along the Fellows Road frontage. COGG also stipulated that the design of the intersection (roundabout) at the subdivision entrance must be to its satisfaction.

Submitters

A number of local residents raised concerns about traffic impacts in their written submissions. Some local resident submitters addressed the Inquiry on this issue, including Mr McKenzie and Ms Sinclair (who also indicated they spoke for Mr and Ms Robson), Mr Harper and Mr Coghlan.

The main concerns raised in submissions were:

- The Development Plan Overlay should contain a requirement for the provision of a service road running parallel with Fellows Road, similar to that provided in Jetty Road in Drysdale;
- A traffic control item should be provided at the proposed subdivision entrance road from Fellows Road to the satisfaction of the BOQ;
- Gills Road should be constructed with a pavement width that reflects a rural road, with no kerbing, gutters or footpaths and that speed inhibitors are installed;
- The proposed connection to Gill Road should be removed as it serves no purpose other than to encourage unnecessary vehicular use;
- Buses stopping at the bus stops on Fellows Road currently utilise approximately half of the traffic lane;
- The proposal to have direct property access to Fellows Road will force motorists to illegally cross a double centre line to access properties; and

- The proposal to provide approximately 17 additional driveways to Fellows Road will increase congestion along a road where traffic currently speeds.

10.3 Discussion

The traffic assessment indicates that the total traffic generation from all elements of the proposed development can be safely accommodated by the existing road network and one roundabout located at the Fellows Road and Kirk Road intersection. On this basis the Inquiry supports the proposal that this be the only vehicular entrance to the development. In traffic distribution terms, there seems little to be gained by having a secondary entrance further south on Fellows Road. However, the Inquiry observes that a secondary access point would be useful from an emergency access perspective if, for some reason, traffic was blocked at the roundabout at Fellows Road and Kirk Road. It may be possible that this secondary/emergency access be provided through Gill Road.

In response to the suggestion of the need for a service road, the Inquiry agrees with Mr Woolcock's opinion that such a road is unwarranted on traffic engineering grounds and that it would be an unusual traffic engineering outcome adjacent to a single carriageway road. Further, the Inquiry notes COGG's comments in its right of reply that Jetty Road in Drysdale will carry substantially more traffic than Fellows Road.

In terms of providing direct vehicular access to the residential lots facing Fellows Road, the Inquiry agrees with Mr Woolcock that this design pattern is no different to the existing residential sections of Fellows Road which have direct access. Further, the Inquiry agrees with Mr Woolcock that direct access will not result in traffic congestion and that, if anything, the need for residents to access their properties will slow through-traffic down.

In relation to Gill Road, the Inquiry notes the Proponent's willingness to construct this road to ensure its rural character is retained. Given the small amount of traffic that will use this road, particularly if there is no direct vehicle access to the subject site, the Inquiry considers there is no justification for speed control devices.

The Inquiry supports COGG's suggestion that a pedestrian/cycle access point be provided at the Gill Road access point. As noted above, the Inquiry considers this access could also serve as an emergency access. The Inquiry suggests that this link be provided in a manner that respects the existing vegetated character of Gill Road.

Finally, the Inquiry agrees with Mr Woolcock that the temporary stopping of buses for passengers may have the effect of slowing down through-traffic. The potential need to relocate the bus stop, as a result of the new driveways to the residential properties, may provide an opportunity to undertake a more detailed review of the impact of the bus stop on road safety.

10.4 Finding and recommendation

The Inquiry finds that:

- 7. There are unlikely to be any significant adverse traffic impacts of the proposed development subject to an appropriately designed roundabout provided as the main access point to Fellows Road from the LGC and the residential subdivision at Kirk Road.**

The Inquiry recommends that:

- 5. The vehicular access point to the proposed residential subdivision from Gill Road be deleted and a pedestrian/cycle and potentially emergency access point be provided at this location in a manner that respects the existing vegetated character of Gill Road.**

11. Should a permit be granted for the subdivisions?

11.1 What is the issue?

As part of the approvals required for the LGC proposal, a planning permit application was lodged for two, two lot subdivisions, namely:

- To subdivide part of the existing LGC land to excise an area of 8.194 ha (Lot 1) to facilitate the future residential development of this land with the residual 20.86 ha (Lot 2) being part of the original golf course which would be redeveloped variously as golf course, clubhouse precinct and related car parking; and
- To subdivide rural land to the south of the existing LGC land and of Gill Road to facilitate the inclusion of this land within the redeveloped and extended golf course.

The issue for the Inquiry's consideration is whether this subdivision application should be approved.

A related issue is that, resulting from the second subdivision, the residual rural land south of Gill Road not included in the LGC proposal (Lot 2) would continue to be in two zones (with the existing eastern zone boundary continuing not to align with the title boundary) and both residual areas would be below the minimum subdivision size for each applicable zone. This situation is contrary to accepted planning practice and there are several statutory planning mechanisms for resolving this situation.

11.2 Evidence and submissions

The proposed subdivisions and were described in the EES (p119) together with the reasons supporting them, namely:

- *a 2 lot subdivision (Lot 1 TP840797C) to provide for future residential subdivision (in conjunction with the residential zoning);*
- *the subdivision of rural land adjacent to the existing golf course to facilitate its inclusion in the redeveloped Lonsdale Golf Course (EES p119).*

The issue of the planning provisions for the residual rural land (Lot 2) was not addressed in the EES.

Mr Milner, in his evidence to the Inquiry, identified the issue of the zoning of residual land (Lot 2) and suggested that this situation could be handled in one of several ways; for example, by a change to the Amendment by adding to the Schedule to the Rural Conservation Zone - Schedule 11 (RCZ11) that the subject land is exempt from the minimum subdivision size of 80 ha.

Council

COGG noted the need for the two, two lot subdivisions to facilitate land acquisition for the golf course expansion and the residential development of the lots on the eastern section of the existing LGC land.

At the Hearing, the COGG agreed that there was an issue related to the zoning and other statutory planning provisions for the residual rural land (Lot 2) and suggested that there were options to deal with this matter under either Clauses 52.03 (Specific sites and exclusions) or 64.03 (Subdivision of land in more than one zone) of the Greater Geelong Planning Scheme.

11.3 Discussion

Acceptability of proposed subdivision

The draft Planning Permit included with the exhibited material indicated that the permit would allow subdivision generally in accordance with the endorsed plans. The endorsed plans were identified as Figures 7 and 8 in the Planning Report prepared by CPG dated 30 December 2010.

Other conditions on the draft Planning Permit related to standard conditions required under Clause 66.01-1 of the Planning Scheme relating to provision of services, existing and proposed easements, and certification of the plan of subdivision.

As the proposed subdivision is essentially an enabling mechanism and the allotment boundaries accord with both the originally proposed and subsequently revised layout of the LGC redevelopment as presented at the Hearing, the Inquiry considers that the proposed subdivision is appropriate and acceptable. The only change that the Inquiry recommends is that the reference to endorsed plans in any Planning Permit issued should be updated to ensure that the latest and appropriate subdivision plans are identified.

Planning provisions relating to rural lots

The issue related to the rural lots are essentially technical statutory planning matters and do not affect the broader environmental and strategic planning issues raised by the LGC proposal.

As a result of the proposed 'rural' subdivision of the land to the south of Gill Road, the existing 73.45 hectare lot would be subdivided into two lots:

- Lot 1 of 20.59 ha that would be acquired by the LGC and rezoned from Rural Conservation Zone Schedule 11 (RCZ11) to Special Use Zone – Schedule 3 (SUZ3); and
- Lot 2 of 52.84 ha that would remain largely in the RCZ11 with a small section to the east that would remain in the Farming Zone.

In the Greater Geelong Planning Scheme, the minimum subdivision size under RCZ11 is 80 ha and under the Farming Zone 40 ha.

The Inquiry agrees that this issue should be resolved as part of the on-going approval process.

To bring the proposed residual Lot 2 into conformity with the Planning Scheme, there are several options, namely:

- By an amendment to the current Amendment C67 by adding to Schedule 11 to the Rural Conservation Zone that the part of Lot 2 remaining within this zone is exempt from the minimum subdivision size of 80 ha;
- Clause 52.03 which provides for the inclusion of specific controls designed to recognize extraordinary circumstances and/or to achieve a particular land use and development outcome; and
- Clause 64.03 controls the subdivision of land in more than one zone and states:

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

As the Clause 52.03 approach to date has been mainly used in the Planning Scheme to facilitate the delivery of major infrastructure projects such as the Geelong Ring Road, the Inquiry considers that this would not be the most appropriate planning provision to resolve the current situation.

The provisions of Clause 64.03 are available should there be a future proposal to subdivide the rural land to the south of the LGC.

The Inquiry considers that it would be appropriate to include in Amendment C67 a site-specific reference to Lot 2 in Schedule 11 to the RCZ to acknowledge that this parcel is below the minimum size allowable in this zone. The Inquiry does not consider that such a change would represent a significant change to the Amendment.

11.4 Finding and recommendations

The Inquiry finds that:

- 8. The proposed two two lot subdivision is acceptable and appropriate to facilitate implementation of the proposed LGC development.**

The Inquiry recommends:

- 6. The reference to the endorsed plans in any Planning Permit issued be updated to reflect the most up to date plans.**
- 7. An amendment be made to Amendment C67 to include a site specific reference in Schedule 11 to the Rural Conservation Zone to Lot 2 in the Rural Subdivision Plan as being exempt from the minimum subdivision size.**

12. Are the social impacts acceptable?

12.1 What is the issue?

It is appropriate to consider whether the proposal to provide an additional 100 residential lots into the Point Lonsdale township and to provide an upgraded golf course with new club room facilities will have a positive, negative or neutral social impact.

12.2 Evidence and submissions

Proponent

Following consultation with stakeholders, the EES identified a number of perceived benefits and disbenefits to the proposal. Some of the main benefits identified were:

- Re-development is essential to long-term viability of the club;
- The proposal is planned to be implemented in an environmentally sensitive manner;
- Facilities will improve and the golf course will work better;
- Development will be able to keep the club involved in competitions;
- The proposal will generate employment opportunities; and
- The new club house can be used for social activities.

Some of the perceived potential disbenefits identified were:

- Expansion of the population of Point Lonsdale;
- Impact on amenity and destruction of the natural character of the area;
- Increased traffic and impacts on road safety; and
- Proposed housing too close existing housing and no adequate buffer is provided.

The EES concluded that the proposal will have a number of positive social impacts, including generating employment, retaining and enhancing an important recreational and community service facility and improving open space linkages between existing urban areas and the proposed development.

Council

The COGG noted that there was considerable community support for the club in its quest to provide for its long term financial viability and that it is a very important community asset for residents and visitors to Point Lonsdale.

In addition, COGG is requiring that a community infrastructure contribution of \$900 per lot is to be paid under a section 173 Agreement. It is understood that the funds generated from the contribution will be allocated to the community centre to be constructed on the nearby Stockland development.

With respect to the impact on community infrastructure, Mr Milner gave planning evidence on behalf of the LGC that the residential development of the site is relatively small (six times less than the Stockland development) and that the need for health or educational facilities on the land is not warranted.

Submitters

The submissions to the EES and Amendment reflected the issues raised in the EES document.

As noted in Chapter 6, there were a large number of submissions – mainly from members of the Golf Club - that supported the proposal because it would ensure the on-going viability of the golf club in providing an important recreational and community facility. Other submitters considered the proposal would only benefit the golf club members and at an environmental and amenity cost.

Other submitters including Ms Serpell and Mr Dobbyn submitted that the Point Lonsdale township will be worse off if the project proceeds. Ms Serpell and Mr Dobbyn questioned whether there was a need for an additional 100 plus residential lots given the number of existing vacant lots and the Stockland development, most of the employment generated by the construction will be sourced from outside the town and the club's membership should increase to viable levels with 600 lots being developed at the Stockland site.

12.3 Discussion

In the Inquiry's view, the proposal will result in a positive social impact because the redevelopment should result in substantial improvement to a well-established recreational and community facility.

While the redeveloped course will benefit Club members in the first instance, the upgraded golf course is available to visitors and the wider community.

Visitors to the course will need to drive through the residential area to gain entry to the course, however the golf club is not and is not planned to be a “gated” site that prevents people from using the Club’s facilities.

The Inquiry also considers that an important feature of the proposal is the upgraded club house which is and will continue to be used for both community and private functions.

The Inquiry notes that many submissions in support of the proposal were from members of the golf club. However, it is not insignificant that many of these members have long standing and close ties to the Point Lonsdale community in which the golf club is a key social facility.

While the proposed residential development, in the view of some submitters, will change the character of Point Lonsdale, the Inquiry considers that, provided it is designed and implemented with regard to the social and environmental character of Point Lonsdale, the residential development will have some social positive outcomes. These outcomes are principally additional housing availability and diversity and a setting adjacent to a redeveloped golf course – a residential location that is likely to be valued by future residents.

In terms of economic benefits, the construction will provide employment opportunities whether the workforce is sourced locally or from the wider Bellarine region. An increased population should provide some increase in retail and entertainment expenditure locally. While the economic benefits may be difficult to quantify, it could not be said there will be economic disbenefits. These issues were addressed in Chapter 13 of the EES which concluded that the proposed redevelopment would have a number of economic benefits in terms of employment generation, flow on expenditure and increased tourist visits.

There is no doubt that the proposal developed by the LGC has some detractors. The Inquiry considers it is important that the Club continually involves the community in providing information in relation to the implementation of the development as recommended in Section 9.4.

12.4 Finding

The Inquiry finds that:

- 9. The redevelopment of the golf course will have a positive social impact.**

13. Will net community benefit be achieved?

13.1 What is the issue?

The issue is whether the Inquiry is satisfied that the proposed rezoning and application of a new DPO to facilitate redevelopment of the Lonsdale Golf Course and development of a 100 lot residential subdivision will result in a net community benefit. This assessment is based on the test, as discussed in Section 7.2.1 of this report, of whether a proposal is likely to have, in planning terms, 'acceptable' or 'reasonably acceptable' outcomes (Note: conclusions about the overall environmental impacts of the proposal are addressed in Chapter 17 in relation to the acceptability of environmental impacts).

13.2 Evidence and submissions

Proponent

The Proponent argued that the numerous submissions in support of the proposal recognise the importance of the LGC to the community and the need to reinvigorate the LGC. The submissions also note that the proposed residential rezoning is supported by the Point Lonsdale Structure Plan. The Proponent submitted that community need exists for the proposed development, stating that the LGC is "*a place where various groups and individuals from Point Lonsdale and the surrounding region can gather together and enjoy camaraderie, recreation and friendship that is synonymous with a country club of this sort*". In the calendar year of 2011, the LGC hosted 104 functions benefiting a wide section of the community, and is a significant community institution. Retention of expenditure within Point Lonsdale will allow the LGC to compete more successfully with other courses such as 13th Beach, and provide for ongoing employment. The Proponent considered that there is an overall environmental benefit arising from the project, and that the subdivision will also create an overall benefit.

Council

COGG suggested that the proposed redevelopment will have a positive net community benefit through the following:

- Provision of enhanced community and recreation facilities for local residents and visitors to the area;
- Further strengthen the club as a community focal point;

- Provision of additional housing opportunities within the Point Lonsdale township and the associated multiplier effects of increased population on local regional and businesses; and
- Creation of employment opportunities both during construction (particularly of the residential development) and also the ongoing operation of the club's upgraded facilities.

COGG commented that the club needs to redevelop some of its existing land for residential purposes to generate funding to finance the improvements to the golf course and its clubhouse and to remain financially viable into the future. COGG considered that there is considerable community support for the club in its quest to provide for its long term financial viability and that it is a very important community asset for residents and visitors to Point Lonsdale.

Submitters

A large number of submitters expressed support for the amendment and plans being put forward by the golf club. Many of these submitters were golf club members and expressed the view that the club plays an important role in the sporting, social and community life of Point Lonsdale and the surrounding district. A number of submitters were retired and stated that they value the social aspects of being a club member, and community organisations made reference to the club's willingness to support community and charity events utilising the club's clubhouse and golfing facilities. Many of the supporting submissions emphasised the importance of ensuring that the club remains viable and that there is also a need for it to upgrade its facilities to remain competitive with other golf clubs in the region so it is able to continue to attract members and visitors. Supporting submissions also commented on the importance of the golf club to local tourism and employment.

Objecting submitters including some environmental groups raised concerns about the club's proposals and their potential impact on the environment from the proposed construction works and the ongoing management and maintenance and introduction of further human activity into areas of significant bird habitat. They also commented on loss of amenity, for instance particular the change in appearance of the site from a golf course to a conventional residential subdivision, and the impact on the character of Fellows Road and traffic impacts on Fellows and Gills Roads. They also questioned whether Point Lonsdale has sufficient infrastructure to cope with the additional population generated by the Stockland and golf course developments.

13.3 Discussion

Based on the documentation and views expressed, the Inquiry has found that:

- The proposed redevelopment of the golf course and related facilities to be facilitated by the residential subdivision have strong policy support from the SPPF and LPPF;
- The potential amenity impacts of the residential development identified in submissions are likely to be such that they should be able to be 'designed out' through the Development Plan process and any residual impacts managed appropriately through the various plans to be produced pursuant to the DPO Schedule;
- There are unlikely to be any significant traffic impacts of the proposed development particularly if design refinements in relation to access points on Fellows and Gill Roads are implemented;
- In general terms, the two, two lot subdivision is acceptable and appropriate to facilitate implementation of the proposed LGC development;
- The proposed redevelopment of the golf course and its clubhouse facilities will have social benefits for the Point Lonsdale community; and
- The proposed residential development will add to housing availability and diversity in the Point Lonsdale area.

In terms of net community benefit, the Inquiry considers that a redeveloped golf course and upgraded facilities will have benefits for the Point Lonsdale community in general as well as for the current and future members of the golf club. In addition, the ultimate provision of approximately 100 additional residential lots (including some lots for medium density dwellings) will contribute to supply, choice and diversity in the Point Lonsdale housing market.

13.4 Finding

The Inquiry finds that:

- 10. The proposed rezoning and application of a new DPO to facilitate redevelopment of the Lonsdale Golf Course and development of a 100 lot residential subdivision will result in a net community benefit.**

Part D: Environmental impacts

14. Are the flora and fauna impacts acceptable?

14.1 What is the issue?

As stated in Chapter 5, the key concern of many submitters was in relation to the environmental impacts of the proposal, particularly the impact on the habitat of threatened species of avifauna and the potential for golfing activity to disturb threatened species of avifauna.

In this Chapter, it is proposed to consider whether:

- The removal of native vegetation meets the Net Gain principles of *Victoria's Native Vegetation Management – A Framework for Action* (NVMF) to avoid, minimise and offset;
- The development will have a significant impact on either threatened or listed species of certain flora; and
- The development will have a significant impact on the habitat of threatened species of avifauna and whether golfing activity – that is, the presence of groups of people hitting golf balls into the air, will significantly disturb threatened species of avifauna.

It is also proposed to consider the impacts against relevant legislative objectives, policy guidelines and case law and whether mitigation measures can be developed and implemented to ensure the environmental impacts are able to be managed.

At the outset, it is important to bear in mind that the Proponent made two significant changes to the design and layout of the golf course during the course of the Hearing. These changes responded to concerns raised in submissions that the environmental impacts were not acceptable and that the development failed to meet relevant objectives, policies and guidelines.

14.2 Evidence and submissions

14.2.1 Removal of native vegetation

Proponent

The subject land supports remnant native vegetation and regenerating vegetation and habitats considered to be of conservation significance.

A number of flora and fauna reports have been commissioned by LGC, including a 2002 report by Hill and Timewell (Biosis Research Pty Ltd).

The EES contains a *Consolidated Flora and Fauna Assessment* (2011) by Brett Lane and Associates (BLA). This report reviewed the Hill and Timewell report as well as previous reports prepared by BLA. Mr Lane also prepared an expert witness statement for the Inquiry hearing. During the Inquiry hearing, Mr Lane tabled an amended report following changes the LGC made to the golf course layout to reduce the amount of native vegetation proposed to be removed.

While a subsequent planning permit will be required to remove the remnant native vegetation, BLA assessed the proposal under the Native Vegetation Framework (NVMF). This requires a three step approach of 'Net Gain' based on:

- Adverse impacts on native vegetation should be **avoided**, particularly removal of vegetation;
- Where impacts cannot be avoided, impacts should be **minimised** through responsive planning and design, with input from relevant experts; and
- Appropriate **offsets** need to be identified to compensate for native vegetation removal.

In addition, the NVMF states the clearing of native vegetation of Very High Conservation Significance will not be permitted unless exceptional circumstances apply and the clearing of native vegetation of High Conservation Significance is generally not permitted.

Approximately 41 ha of intact native vegetation was recorded on the subject land by BLA.

The subject land supports three Ecological Vegetation Classes (EVCs):

- Coastal Alkaline Scrub (EVC 858);
- Estuarine Flats Grassland (EVC 914); and
- Coastal Saltmarsh (EVC 9).

Coastal Alkaline Scrub is part of the Coastal Moonah Woodland Community which is listed under the *Flora and Fauna Guarantee Act 1988* (FFG Act).

Coastal Alkaline Scrub has been cleared from most of the site and currently occurs as secondary or remnant patches on the higher ground or as naturalised occurrences on land that has had its natural height increased as a consequence of the former shell grit extraction works. The quality of this EVC varies across the site from poor on farmland in the south west to high along the dune escarpment south of the Lake Victoria shoreline. While the

Coastal Alkaline Scrub has been cleared from most of the site, it is a prominent feature of the landscape along the dune escarpment.

Coastal Saltmarsh is widespread in association with the flats of the Lake Victoria shoreline. It has also successfully colonised the shores of the saline waterbodies created by shell grit extraction.

Under the exhibited proposal, it was estimated that 6.2 ha of intact native vegetation would be removed which equates to 3.6 habitat ha under the NVMF.

Under the revised proposal to the golf course layout that was tabled by LGC during the Hearing, Mr Lane provided two calculations of the extent of remnant vegetation removal. The first calculation is where all of the vegetation is assessable and the second calculation is where only the vegetation assessable under DSE's Technical Information Sheets of 2010 and 2011¹¹ is included (summarised in Table 2 and explained in more detail below).

On behalf of the LGC, Mr Tobin drew the Inquiry's attention to DSE's failure to acknowledge the existence of these two Technical Information Sheets in calculating the extent of offsets required in their written submission and presentation to the Inquiry. By applying the criteria in the Technical Information Sheets, the extent of native vegetation subject to the net gain requirements under the NVMF is reduced.

Mr Lane submitted that:

- The definition of remnant vegetation in the Technical Information Sheets means that the areas of native vegetation on land mined for shell grit (the landform has been modified) is not included in the definition of remnant vegetation; and
- The three step approach does not apply to the shell grit mined areas as those areas qualify for exclusion. As a quarry floor it is a disturbed area and such modified areas are not subject to habitat hectare assessment.

In the first calculation – which does not take into account the criteria in the Technical Information Sheets - the proposal would result in the removal of:

- 1.41 ha (0.75 habitat ha) of Very High Conservation Significance Coastal Alkaline Scrub;

¹¹ *Native Vegetation – Technical Information sheet – Artificial substrates, temporary loss and areas of regeneration* (DSE) April 2010) and *Native Vegetation – Technical Information Sheet (Defining protected, retained or lost scattered trees – Assessment of modified wetlands – Clarifying like-for-like requirements of the Framework* (DSE) November 2011

- 0.62 ha (0.18 habitat ha) of High Conservation Significance Coastal Alkaline Scrub;
- 1.38 ha (0.94 habitat ha) of Very High Conservation Significance Coastal Saltmarsh; and
- 1.11 ha (0.75 habitat ha) of Very High Conservation Significance Estuarine Flats Grassland.

In the second calculation – which takes into account the criteria in the Technical Information Sheets - the proposal would result in the removal of:

- 0.09 ha (0.07 habitat ha) of Very High Conservation Significance Coastal Alkaline Scrub;
- 0.62 ha (0.17 habitat ha) of High Conservation Significance Coastal Alkaline Scrub;
- 0.07 ha (0.05 habitat ha) of Very High Conservation Significance Coastal Saltmarsh; and
- 0.03 ha (0.02 habitat ha) of Very High Conservation Significance Estuarine Flats Grassland.

The subject land also supports 292 scattered trees and it is proposed to remove 218 scattered trees. Most of these trees are located in the proposed residential area.

The offset targets for the removal of native vegetation under the two calculations are:

Calculation 1:

- 1.50 habitat ha of Coastal Alkaline Scrub;
- 0.27 habitat ha of Coastal Alkaline Scrub;
- 1.88 habitat ha of Coastal Saltmarsh; and
- 1.50 habitat ha of Estuarine Flats Grassland.

Calculation 2:

- 0.14 habitat ha of Coastal Alkaline Scrub;
- 0.26 habitat ha of Coastal Alkaline Scrub;
- 0.10 habitat ha of Coastal Saltmarsh; and
- 0.04 habitat ha of Estuarine Flats Grassland.

It is proposed that the removal of native vegetation is offset through improved management in retained areas of native vegetation. The gains available under the two calculations are as follows:

Calculation 1:

- 4.08 habitat ha of Coastal Alkaline Scrub;

- 0.40 habitat ha of Coastal Alkaline Scrub;
- 1.99 habitat ha of Coastal Saltmarsh; and
- 1.41 habitat ha of Estuarine Flats Grassland.

Calculation 2:

- 4.08 habitat ha of Coastal Alkaline Scrub;
- 0.40 habitat ha of Coastal Alkaline Scrub;
- 1.99 habitat ha of Coastal Saltmarsh; and
- 1.41 habitat ha of Estuarine Flats Grassland.

In his evidence, Mr Lane stated that low-level management measures including retaining canopy trees and excluding stock grazing is required for Coastal Alkaline Scrub and Coastal Saltmarsh but for Estuarine Flats Grasslands a high level of management is required. Management measures identified by Mr Lane for the Estuarine Flats Grasslands include:

- Agreed biomass reduction frequency;
- Control all grazing threats;
- Maintain current high threats herbs/grasses;
- Eliminate all high threat woody environmental weeds;
- Eliminate all high threat environmental weeds;
- Control all other high threats; and
- Retain leaf litter.

Finally, Mr Tobin criticised DSE for not raising its concerns about the removal of native vegetation for the proposal during the TRG consultative process. Mr Tobin tabled a letter from DSE dated 7 December 2011 that did not raise any of the major issues that DSE subsequently raised in its written submission and its presentation to the Inquiry.

Submissions

Comprehensive submissions on native vegetation were made by DSE, GFNC, QCA, GEC, BCN and QEF.

In addition, GFNC called Mr Mark Trengove of Mark Trengove Ecological Services to give evidence on flora and fauna.

In relation to the exhibited proposal for the redevelopment of the golf course site, Mr Brooks (on behalf of DSE) submitted that the EES does not adequately demonstrate that it has applied the 'avoid' step in the NVMF.

Further, he submitted that the project is not considered to be of State significance by DSE which may justify consideration for the removal of

native vegetation of Very High Conservation Significance. A list of projects where approval for the removal of native vegetation of Very High Conservation Significance had been granted was provided by Mr Brooks. Such projects included precinct structure plans, infill development (including the Point Lonsdale Stockland development), major roads, windfarms and a quarry.

Mr Brooks submitted that there are alternative layouts to the golf course to reduce the extent of native vegetation removal and the ability to acquire other land should also be pursued.

In relation to the revised proposal to reduce the extent of native vegetation removal, Mr Brooks submitted Mr Lane's calculations to be *generally accepted* subject to further time to review the figures.

Mr Brooks acknowledged the two Technical Information Sheets would require the NVMF three-step approach to be set aside, *but Clause 52.17's broader Purpose and Decision Guidelines, including those related to habitat values still apply.*

As to the NVMF three step approach, Mr Brooks submitted that the revised proposal *goes some way to avoiding and minimising the removal of native vegetation.* However, he also stated that in relation to the 0.19 ha (0.14 habitat ha) of native vegetation of Very High Conservation Significance to be removed *DSE is not persuaded that the project has greater than local significance in these terms.*

On behalf of the GFNC, Dr Lindsay presented a comprehensive submission that was highly critical of the proposed design and layout of the golf course as exhibited in the EES. He stated that:

We submit that, in light of the arguments and evidence we have put, there is a very real prospect of serious harm to those EVC's whose remnants are impacted by this proposal.

and further:

We submit that, in respect of these important patches of native vegetation, the preferred approach would be to retain its present integrity and build on that, maintain the 'critical mass' of the ecological communities that presently exist as a base for further improvement....

In addition, Dr Lindsay referred to the VCAT decision *Reeve v Hume CC* (Red Dot) [2009] VCAT 65. Dr Lindsay submitted that the implication of the *Reeve* decision is that there is *in effect a requirement of avoidance of native vegetation removal or clearing in areas of high or very high conservation significance and that there is onus on a proponent in such cases to take an innovative approach to*

development in such circumstances. He noted that the Panel¹² recommendation to approve the nearby Stockland residential development occurred prior to the *Reeve* decision.

In his expert witness statement, which was based on the exhibited proposal, Mr Trengove's concerns were as follows:

- The proposed clearing of the Coastal Alkaline Scrub EVC will lead to further fragmentation, decrease in size of remnants and inevitable degradation of the remaining vegetation due to 'edge effects';
- The lack of discussion of factors such as ongoing degradation and impact of residential development in the Net Gain analysis;
- The proposal does not constitute 'exceptional circumstances' for removal of very high conservation value remnant vegetation under the NVMF, it does not comply with avoiding remnant vegetation clearing under the three step process for the NVMF and that no offset management plan has been submitted;
- Greater consideration needs to be given to the retention of existing scattered Moonah trees; and
- Impacts of increase human presence and associated pressures.

Following the changes to the design of the golf course layout that were tabled by the Proponent on 13 February 2012, Dr Lindsay acknowledged that the changes went some way to addressing the GFNC's submissions that the proposal did not meet the 'avoid' principle in the NVMF.

A number of the submissions made by the local environmental groups expressed concern that the exhibited proposal did not comply with relevant State and local policies to protect native vegetation and should be refused. Concerns were also raised about the Golf Club's ability to ensure the proposed management measures were adequately funded and that relevant expertise was available.

14.2.2 Impact on threatened flora

Proponent

The main issue is the impact of the proposal on national and State significant flora species.

In its 2002 survey, Biosis Research found:

- No flora species of national significance; and

¹² *Stockland Waterways and Residential Development, Point Lonsdale: Report of the Panel*

- Two flora species of state significance:
 - Coast Wirilda (*Acacia retinoides* var. *uncifolia*)
 - Salt Lawrencia (*Lawrencia spicata*)

In addition Biosis found:

- No flora species of national conservation significance were recorded from the Flora Information System (FIS) within five km of the subject site;
- The EPBC Act online database indicated four nationally significant flora species from a two kilometre buffer of the subject site (including the Maroon Leek-orchid (*Prasophyllum frenchii*) but none were considered likely to exist in the subject site); and
- Six additional flora species of State Conservation Significance were recorded from the FIS within a five kilometre radius. Five may occur on the subject site and all would be likely to occur within the saltmarsh/grassland communities with one, Coast Bitter-bush (*Adriana quadripartita*) within the Moonah Woodland.

BLA undertook a review of the Biosis surveys and identified five EPBC Act and/or FFG Act listed species as potentially occurring on the site. The species considered likely to occur on the site were Curly Sedge, Leafy Greenhood and Maroon Leek-orchid. None were found in targeted surveys of the site in 2002, 2003 and 2009. Seven DSE listed species recorded were: Salt Lawrencia, Marsh Saltbush, Yellow Sea-lavender, Tiny Arrowgrass, Prickly Arrowgrass, Coast Bitter-bush and Coast Wirilda.

Submissions

Mr Trengove, who provided an expert witness statement for the GFNC, raised concerns that no surveys had been undertaken in spring, the time of year when he considered plants species were most likely to be identified. He also observed that the surveys were undertaken during drought years. Flora species he considered likely to be on the subject site were State significant species such as the Maroon Leek-orchid and the Leafy Greenhood.

The Flora and Fauna Action Statement for the Leafy Greenhood (*Pterostyllis cucullata*) tabled by Mr Trengove describes the typical habitat of the coastal populations as stabilised sand dunes under open to closed scrub of Coast Tea-tree or Moonah with an open ground stratum. The Maroon Leek-orchid is described as occurring in grassland or grassy woodland.

14.2.3 Impact on avifauna habitat and disturbance to avifauna

The key issues are the impact of the proposed redevelopment of the golf course on avifauna habitat and potential disturbance to avifauna by golfing activity.

In considering these issues, the Inquiry notes the role of Lake Victoria and its ephemeral wetlands (salt pans, sandpits and ponds) adjacent to the southern shores of the lake as integral and important component of the Ramsar environs.

Impact on avifauna habitat

Proponent

Remnant vegetation and wetlands on the site provide habitats of significance for fauna including avifauna. Based on the Hill and Timewell report (2002), BLA identified the following habitats in the consolidated flora and fauna report included in the EES:

- Coastal woodland;
- Sedgeland;
- Saltmarsh;
- Natural wetland;
- Artificial wetland;
- Planted trees and shrubs; and
- Introduced grassland.

BLA note that the non-wetland habitats support common and widespread mammal, bird and reptile species with few significant species likely to be present.

However, BLA consider the wetlands are the most notable fauna habitats. This includes Lake Victoria and its shoreline including the areas previously mined for shell grit. BLA consider the former shell grit areas have *created additional, artificial wetlands habitats*.

BLA concur with the Hill and Timewell (2002) report conclusions that:

- The wetlands of Lake Victoria provide habitat for a range of birds of national significance. Species known to have occurred include the Hooded Plover and Orange-bellied Parrot in addition to a number of EPBC Act listed migratory bird species;
- The wetlands provide habitat for the following waterbird species listed under the FFG Act and on the DSE threatened species advisory list; Little

Tern, Fairy Tern, Caspian Tern, Pacific Gull, Royal Spoonbill, Little Egret, Great Egret, Australasian Shoveller, Hardyhead and Musk Duck; and

- The wetlands provide habitat for: Gull-billed Tern, Lewin's Rail, Baillon's Crake, Blue-billed Duck and White-bellied Sea-eagle.

The consolidated BLA flora and fauna report includes a review of existing information regarding the range of fauna species, including a desktop review, an initial walkover survey and surveys undertaken by BirdLife Australia and Hewish.¹³

In addition, the BLA consolidated flora and fauna report includes data from surveys undertaken in 2003/04. The surveys were based on nine distinct segments around the eastern, western and southern shores of Lake Victoria. The more detailed surveys were undertaken in Segments 3 and 6, where the majority of the proposed works to the golf course would occur. Segment 3 is where it is proposed to locate Holes 4 and 5 and Segment 6 is where it is proposed to locate Holes 13 and 14 (now Holes 12 and 13).

Species were divided into three categories: shorebirds (e.g. plovers, curlews, sandpipers, stilts avocets and snipes), waterfowl (ducks, geese, swans, grebes and coots) and waterbirds (all other water-dependent species).

Due to a significant change in climatic conditions and an increase of water levels in Lake Victoria, additional surveys were undertaken in late 2011. The results of the 2003-04 and the 2011 survey were summarised in Mr Lane's expert witness report.

In explaining the differences of the survey results, Mr Lane stated:

In 2003-2004 Lake Victoria water levels were low due to the drought conditions that Victoria was experiencing. Shorebirds favour low water levels that allow them to wade across exposed mudflats to forage. Numbers would therefore be expected to be higher in 2003/2004 compared to 2011/2012.

Due to several years of high rainfall, commencing in 2009, water levels at Lake Victoria have risen. Based on this, habitat availability for shorebirds would be expected to decrease as higher water levels reduce the available habitat for shorebirds. Deeper water is favoured by waterfowl.

As expected, shorebird numbers decreased as the water levels rose, and waterfowl numbers increased. No significant difference occurred in waterbird numbers between the two periods.

¹³ Parks Victoria Technical Series No 10. *Fauna Values of the Three Sub-Coastal Wetlands on the Bellarine Peninsula: Lake Victoria, Freshwater Lake and St Leonards Salt Lagoon* prepared by Marilyn J Hewish, Arthur Rylah Institute for Environmental Research, November 2003.

In relation to survey results for Segments 3 and 6, Mr Lane stated:

Whilst shorebird numbers decrease slightly between the two surveys at Segment 3, a sharp increase in shorebird number was recorded at Segment 6 between 2003/2004 and 2011/2012. At both sites waterbird numbers were low and relatively constant between the two surveys.

With respect to the Orange-bellied Parrot, it is generally understood that Coastal Saltmarsh provides key habitat. The BLA consolidated flora and fauna report in the EES notes that known occurrences have been recorded in the survey area with the last known record occurring in 1989.

No Orange-bellied Parrots were observed in any saltmarsh around Lake Victoria during the targeted survey but there are two records of the species at the Queenscliff Golf Club on Swan Island (both occurred in spring 2003). Mr Lane concluded:

This suggests strongly that Lake Victoria has not been used frequently or consistently by the species.

With respect to the Hooded Plover, Mr Lane noted that Lake Victoria has been identified as important habitat in the non-breeding season as it is a key flocking site and refuge for juvenile birds. While this species were observed in the 2003 surveys, none were observed in 2011 which was not unexpected given these surveys were outside the breeding season.

Mr Lane also proposed a number of specific measures that should be undertaken to minimise any impacts on avifauna that are detailed in Document 41 (Table 6) and further refined at the hearing to include, as a precaution during construction to constrain construction activities within a 100m of the shoreline to occur outside the breeding season.

In its final presentation to the Inquiry on 22 February 2012, the Proponent in response to the environmental issues raised during the hearing concerning the potential impact on avifauna tabled a Revised Landscape Masterplan and proposal for the creation of a perpetual conservation reserve on private land immediately abutting the western boundary of the golf course. This involves an agreement between the LGC and the Estate of Marjorie Susan McNaught, being part of the land described in Lot 1 on TP822391 (see hatched area in Figure 3). This covenant is to include a management plan to exclude stock, undertake rabbit/vermin and weed control, and measures to improve habitat.

Figure 3: Revised layout with covenanted land shown (yellow cross hatch) (tabled on 22 February 2012)



Submissions

Comprehensive surveys of avifauna around Lake Victoria have also been undertaken by GFNC and BirdLife Australia. Surveys have been undertaken since 1981 and the Hewish report (2002) published a major review.

There were no submissions that fundamentally contradicted the BLA avifauna survey results. However, the GFNC submitted that the some of the important survey results relied upon by BLA *are down-played or dismissed as lacking in detail and informative only at a 'general level'*. On behalf of the GFNC, Dr Lindsay stated that the Hewish report *should be accorded primacy in datasets on relevant bird species*.

In addition, Dr Lindsay was critical that the 2002 Biosis report contained many significant limitations and the consolidated flora and fauna report contained in the EES documents had not taken into account recent scientific work.

The GFNC in its presentation at the hearing further subdivided BLA's segment 3 for the south east ponds complex into six ponds (ponds 3A to 3F) with the main concerns being disturbance during construction and regular flushing of birds by golfers. The club also described the south west ponds as comprising ponds 6A and 6B. Pond 6A is in the area of the proposed golf course extension and its concern was the closeness to the shoreline of the proposed Hole 14 and, particularly, potential for impact of disturbance on the feeding zone between the edge of the vegetation and the waterline. Pond 6B, further to the west, is outside the proposed golf course development and is an area identified as a breeding area for Hooded Plover along sandy beaches, breeding habitat for Red-capped Plover, roosting zone for Banded Stilts and potential habitat for the Orange-bellied Parrot if release programs are initiated in the future.

Many submitters did not agree with Mr Lane's findings that the golf course would not have a significant impact on avifauna habitat. For example, Dr Lindsay stated that:

Habitat loss and/or degradation will be especially significant at the southeast and southwest ponds. Habitat loss (loss of feeding and roosting areas) will occur in particular via in-fill of ponds and/or adjacent areas for the purposes of constructing golf courses/holes. At the southwest ponds ('Segment 6' in the FFA), this direct loss will be substantial and will likely affect at least Hooded Plovers (FFG protected), Little Egrets (FFG and treaty-protected) and Common Greenshank (treat protected). In-fill and course construction at the southeast ponds will also be significant ('Segment 3'). At that site, habitat loss or degradation

will affect a wider range of species....Loss of wader habitat has not been quantified in the EES, but we submit that any loss of habitat for treaty-protected species by in-fill at these ponds is inconsistent with the legal tests to be met under the EPBC Act and the VPPs.

On behalf of the BCN, Ms Longmore submitted that incremental loss of wetlands and associated vegetation communities across the Bellarine landscape has greatly fragmented important wetland and vegetation corridors, putting huge pressures on the wetlands that remain. BCN's position is that:

BCN considers that any expansion of the golf course into the wetlands adjoining Lake Victoria will be detrimental to wetland values and will consequently devalue Lake Victoria, and at a landscape scale fragment wetland connectivity to Swan Bay Ramsar wetland.

Further, some submitters questioned Mr Lane's evidence that the areas mined for shell grit should be accorded lesser significance in providing habitat given that these areas have naturally regenerated since mining ceased more than 40 years ago. Dr Lindsay stated that these areas should be considered both actual and potential habitat and that disturbance is a relevant issue because it poses a serious threat to protected species, especially migratory and resident waders and the Orange-bellied Parrot.

On behalf of BirdLife Australia, Dr Maurer submitted that, based on modelling,¹⁴ the last winter strongholds of the Orange-bellied Parrot are Lake Connewarre, Lake Victoria, Swan Bay and the Werribee Treatment Plant. While the potential occurrence of the Parrot was cited as less for Lake Victoria (20-40% likelihood as contrasted to greater than 40% for the other three) the lake was seen as a key link in the chain of the Orange-bellied Parrot winter habitat. Dr Maurer said that this year's mainland population was 11 birds with seven being seen from Werribee to Lake Connewarre.

Mr Lingham provided figures from Hewish (2003) that over 5% of the estimated Hooded Plover population¹⁵ is found at Lake Victoria. Dr Maurer from BirdLife Australia submitted that the Hooded Plover is sedentary and territorial. Hewish (2003) reported that Hooded Plovers occur regularly on the ponds and levees on the south western shore; being used for shelter during rough weather and as a possible nest site.

In response to the Revised Landscape Masterplan tabled by the Proponent on 13 February 2012 to change the configuration of Holes 13 and 14 and reduce

¹⁴ Ehmke G (2009). Potential occurrence of habitat models for the Orange-bellied Parrot in south-eastern mainland Australia. Birdlife Australia, Melbourne.

¹⁵ Total population for Victoria is approximately 600.

the extent of native vegetation removal, Dr Lindsay acknowledged that the changes would provide a better outcome for native habitat. However, the GFNC was still not convinced the Proponent had achieved an appropriate balance between the need to redevelop the golf course and the protection of the environment have regard to relevant legislative and policy objectives and policies.

In response to the changes tabled by the Proponent on 22 February 2012 to secure additional land for habitat, the GFNC made the following written submission:

We understand that these further revisions have been proffered in response to submissions by various submitters, and include measures to mitigate impact on protected avifauna (in particular in relation to disturbance) and to provide measures for enhancement of native vegetation and faunal habitat in this area.

The GFNC position remains that the preferable outcome would not be not to site holes in the southeast or the southwest ponds, but we acknowledge that the course design as now described on the revised plans represents an acceptable environmental outcome to the GFNC in relation to the site as a whole.

BirdLife Australia also confirmed that:

The amended plans proposed by the Lonsdale Golf Club and summarised in our letter amount in their entirety to an acceptable response for the OBP and shorebird issues, given the constraints the Golf Club is facing for its development and we are happy to advise on their implementation to ensure the desired beneficial outcomes for these species.

BirdLife Australia strongly supported the registration of a Trust for Nature covenant on the land to provide in perpetuity protection of the conservation values of the site and rejected the alternative proposal for a Section 173 agreement as not providing the same level of perpetual protection. Other submitters representing local environmental groups were not convinced the amendments to the proposal would address environmental impacts to an acceptable degree and maintained their opposition to the development.

Golfers disturbing avifauna

Proponent

In his evidence, Mr Lane stated that disturbance by golfers has the potential to reduce waterbird usage of shallow water habitats adjacent to the proposed new golf holes in the former shell grit areas. He considered that because the number of golfers who can play on a hole at any one time is restricted,

disturbance will be comparable to current levels of human activity. His main findings are that:

- Observations of the reactions to shorebirds to pedestrian disturbance indicate that they temporarily depart from a zone within approximately 40 m of the source of disturbance;
- When the largest number of birds is present, water levels in the lake are low and the distance between the high water mark and golfing activity will be approximately 200 m;
- Accordingly, when the lake is of greatest value to waterbirds, the probability of a significant impact is low;
- A much lower number of shorebirds may be subject to irregular disturbance (due to the irregularity of golfer activity and the irregularity of bird usage of the adjacent habitats across proposed Holes 4 and 5 and 12 and 13, which tend to more favoured by shorebirds during periods of higher lake levels when total numbers on the lake are smaller);
- A low ridge wall will be constructed on the northern end of parts of the golf course (Holes 4, 5, 7 and 12 and 13) which will be planted with Coastal Alkaline Scrub as a screening belt; and
- There is an opportunity to more tightly control access to the lake shore and therefore reduce potential disturbance noting that currently walkers and dogs are able to freely access the area.

To minimise disturbance, he noted the potential to restrict current informal pedestrian access along the Lake Victoria foreshore and that vegetated screens be provided surrounding the tee at Holes 4 and 5, Hole 7 and Holes 12 and 13. He recommended that a low ridge be constructed along the Lake Victoria boundary that will be planted with Coastal Alkaline Scrub as a screening belt.

In addition, the Proponent proposed that the new Holes 12 and 13 (Figure 3) be redesigned to increase the distance between golfing activity and Lake Victoria.

Submitters

There were a number of submitters who expressed concern about the potential disturbance by golfing activities on shore birds. Dr Lindsay submitted that:

- The critical times of year during which migratory birds are using or present at Lake Victoria and the adjacent ponds are the summer and early autumn periods, which are the times of year when golf course use would be likely at its highest;

- There is a real likelihood that golfing activity, including sudden and rapid motions of players hitting golf balls, the motion of golf ball themselves and sudden noises would be disruptive of migratory species; and
- Further, disturbance will occur by maintenance that involve machinery such as mowers, which emit considerable noise.

In his presentation to the Inquiry, Mr Lingham stated that:

It would be expected that the presence of golfers would disturb any birds feeding or roosting within about 70 m. This is due to the ducks, herons, egrets and cormorants being more skittish than waders and less tolerant of human presence. If one bird flies, the rest take off as part of their defence mechanisms against attack from predators.

Further, Mr Lingham stated that he undertook an ad hoc disturbance test where he stood on a mound near the edge of the shoreline making no rapid movement and observed that shorebirds such as Banded Stilt and Teal moved about 100 m away and that no birds fed in the water between the island (about 100 m offshore) and the shore except for a few Red-necked Stint on the actual shoreline. He said that many hundreds of birds were feeding in the zone before he moved in to the field of view.

However, Mr Lingham did generally concede:

It is possible that the birds may, in time, partially adapt to the presence of golfers, but this is unknown.

On behalf of BirdLife Australia, Dr Maurer submitted that fright and flight distances for various types of shorebird ranged from 19 m for the smaller species (eg terns) to 125 m for larger species (eg egrets).

In addition, both GFNC and BirdLife Australia stated that there was a real risk migratory species will not be able to acquire enough resources and energy for their return journeys or they may abandon the use of this site entirely. For example, Dr Maurer stated a number of species weight gain for the journey, as follows:

- Red-necked Stint (25 grams) - 28% weight gain;
- Bar-tailed Godwit (330) - 45%
- Great Knot (150) - 72%
- Ruddy Turnstone (120) - 72%

Mr Des Peters, on behalf of Parks Victoria, submitted that the 2007 Management Statement for the Lonsdale Lakes Nature Conservation Reserve is due to be reviewed. He indicated that the future management direction is to restrict access to visitors around the southern shoreline to protect

conservation significance and that the overriding consideration is to prevent and minimise disturbance to wildlife.

In response to the changes to the plans tabled by the Proponent on 13 February 2012 and 22 February 2012, the GFNC stated that:

In relation to the re-siting of Holes 12-13, although some uncertainty remains in respect of precise impacts, it is likely that the increased distance from the lakeshore and the island at this point will mitigate disturbance of protected species using the lakeshore and the island for feeding, roosting etc. We understand that some screening vegetation will still be planted near to the lakeshore at this point.

In relation to the proposal to acquire the right to burden additional land, it is our opinion that, properly managed and rehabilitated, this area will enhance faunal habitat and provide a net benefit to flora and fauna at the development site as a whole. We note that the intention is to bind the additional land in perpetuity.

14.3 Discussion

14.3.1 Removal of native vegetation

As can be seen from the figures provided by Mr Lane, the original proposal in the EES resulted in the removal of 3.19 ha (1.81 habitat ha) of native vegetation and the revised proposal reduces the extent of native vegetation removal to 0.81 ha (0.31 habitat ha). While these changes have been made somewhat belatedly, the Inquiry is satisfied that the revised proposal demonstrates a substantial shift towards meeting the 'avoid' principle under the NVMF.

In response to DSE's and other submitters' comments that the LGC should pursue other land to better meet the 'avoid' principle, the Inquiry would agree that a better option, in terms of avoiding the removal of native vegetation, would have been to acquire more of the farmland to the south west. The Inquiry notes that the early planning of the design of the golf course layout would have occurred at about the same time the NVMF was introduced into Victoria's planning system.¹⁶

However, the Inquiry also notes that, from the information available to the Inquiry, DSE did appear to raise concern about the option of pursuing alternative land during the consultative process given DSE's letter dated 7 December 2011 to Harwood Andrews tabled by Mr Tobin.

¹⁶ The NVMF was introduced in 2002 which was at about the same time that the proposal would have been designed for preparation of the EES in 2003.

Notwithstanding, as stated in Chapter 6, the Inquiry considers that its main role is to assess whether or not the proposal put forward in the EES and planning scheme amendment is acceptable rather than to explore any number of alternative options that may exist, including any option to acquire alternative land.¹⁷

The Inquiry does not consider that it is necessary to make a finding as to whether or not the proposal is of State significance in terms of justification for the removal of native vegetation of Very High Conservation Significance. In the Inquiry's view, the impact of the amended proposal, which reduces the amount of native vegetation removal, including reducing the amount of native vegetation of Very High Conservation Significance to 0.14 habitat ha in BLA's scenario 2 (Coastal Alkaline Scrub), is relatively minor. Further, the Inquiry notes the capacity to achieve an on-site offset target for the native vegetation of Very High Conservation Significance is larger than that required under the NVMF.

It is also noted that there does not appear to be any published criteria by DSE that provides guidance as to whether a project may be of State significance.

With respect to VCAT's *Reeve* decision, the Inquiry considers that it has marginal relevance given it was a residential development only (as distinct from the current proposal which mainly concerns a golf course in terms of native vegetation impact). Further, the Inquiry has found that the amendments to the proposal that significantly reduce the extent of native vegetation removal satisfies the 'avoid' principle.

The Inquiry considers that DSE's comments in its right of reply on the application of the Technical Information Sheets in calculating the extent of native vegetation removal to be ambiguous and unhelpful. In the Inquiry's view, it is appropriate that the criteria used in the Technical Information Sheets are applied and that, accordingly, the extent of native vegetation removal should be based on Mr Lane's Scenario 2 figures.

The Inquiry is also satisfied that the amended proposal will largely address a number of concerns raised by Mr Trengove. The amended proposal substantially reduces the fragmentation of the Coastal Alkaline Scrub EVC. Mr Trengove's other concerns relating to 'edge effects' and other on-going impacts should be able to be addressed through management measures in the EMP.

¹⁷ The Panel considers the amended proposal to use additional land for fauna habitat under a covenant tabled at the last day of the Hearing is not an alternative proposal but a change to the current proposal.

The Inquiry agrees with submissions that a critical feature to meeting the offset requirements will be the successful implementation of the management and maintenance of the native vegetation on the site. In the Inquiry's view, this will require the Club to ensure its mindset is not simply about maintaining a recreational facility but managing a significant environmental asset. This means the Club will need to allocate sufficient financial resources and employ the necessary expertise as well as develop transparent reporting mechanisms. Accordingly, the EMP will be a critical mechanism in ensuring the NVMF objectives are met (see Chapter 18).

Finally, the Inquiry note that because a planning permit is required to remove the native vegetation under Clause 52.17 of the planning scheme that there is more opportunity to make a further detailed assessment of the proposal, including by DSE.

14.3.2 Impact on threatened flora

While the presence of the Curly Sedge and Leafy Greenhood has not been established on the site and there is no suitable community for the Maroon Leek-orchid, the Inquiry considers that the protection and enhancement of the Coastal Alkaline Scrub is likely to be the most appropriate way of providing a habitat for the species.

In response to Mr Trengove's concerns about the time of year the surveys were undertaken, the Inquiry considers that it would be important for surveys to be carried out in the spring, the time of year when plants species such as the orchids are likely to be recorded, to provide a comprehensive listing of the flora so that appropriate management measures can be included in the EMP for the Coastal Alkaline Scrub.

14.3.3 Impact on avifauna habitat and disturbance to avifauna

Impact on avifauna habitat

There is no dispute that the southern parts of Lake Victoria and its foreshore provide important habitat for threatened and listed species of avifauna where it is proposed to extend the golf course.

While it may be only a relatively small part of the entire Lake, the Inquiry considers that the southern shoreline must be considered in a wider context of the Bellarine waterways and wetlands system and that its significance should not be underestimated.

Further, the Inquiry considers that the modified pond areas resulting from the former shell grit mining activities provide important habitat as it clear

that these areas have naturally regenerated over the past 40 years with Coastal Saltmarsh and Estuarine Flat Grasslands.

The Inquiry considers that the various avifauna surveys results presented to the Inquiry by BLA for the Proponent and by the GFNC were not necessarily contradictory. If anything, the more detailed surveys presented by Mr Lingham on behalf of the GFNC provided a greater level of depth of understanding to the surveys undertaken by BLA.

The main issue in dispute has been in relation to the potential impacts of removing native vegetation and extending the golf course to create new Holes 4 and 5 and 12 and 13.

In the Inquiry's view, it is appropriate to consider this matter having regard to the two major changes that were made to the proposal during the course of the Hearing.

In relation to the revised siting of Holes 12 and 13 (originally 13 and 14), the Inquiry considers that a significant improvement to the proposal is achieved by reducing the extent of removal of the Coastal Moonah Woodland Community between Holes 13 and 14 as originally proposed. Whereas it was originally proposed to remove this vegetation as part of the fairway to original Hole 15, the extent of vegetation to be removed is now limited to providing a 4 m wide track. On the issue of the nature of the agreement, the Inquiry favours the proposal for a trust for Nature for Nature covenant on the land to provide in perpetuity protection of the conservation values of the site.

However, the Panel recognises that the LGC has yet to make an approach to the Trust for Nature and, in any event, should a covenant through that approach not be achieved, there are other statutory frameworks available to achieve the intended long term conservation outcomes for the land.

Further, the Inquiry notes that the proposal to construct an elevated semi-transparent boardwalk between Holes 13 and 14 will reduce the impact on the Coastal Saltmarsh.

In addition, the Inquiry notes that the protection, restoration and active management of the extensive Coastal Alkaline Scrub along the escarpment, which will occur as part of the offset management plan, should enhance the quality of this habitat for fauna.

In relation to the acquiring the right to burden additional land to the west, the Inquiry considers that this area will potentially enhance faunal habitat and provide a net benefit to the development site as a whole. Indeed, the Inquiry finds that this aspect of the proposal has been a critical change that

gets the proposal “over the line” because it provides potential habitat by improvements to management and rehabilitation.

With respect to the Orange-bellied Parrot, the Inquiry finds that despite the fact that it has been many years since there has been a recorded siting of this species in the immediate area, the Coastal Saltmarsh provides an important potential habitat for this species. The Inquiry is satisfied that while the new golf holes in the south west ponds could have potential impact on the Orange-bellied Parrot foraging habitat, the addition of the area covered by a conservation covenant should ameliorate any loss of Coastal Saltmarsh and should not affect the potential of this vegetation to provide potential habitat for the Orange-bellied Parrot.

With respect to the Hooded Plover, the Inquiry considers that the reduction of the extent of native vegetation removal and the minimal infill of the ponds should continue to provide potential suitable habitat. Concerns about impact of potential disturbance are discussed below.

Disturbance of avifauna

The Inquiry notes the difference of opinions between Mr Lane and other experienced bird watchers such as Mr Lingham with respect to the impact of golfing activities on avifauna.

While Mr Lane’s opinion was subject to an expert report and cross-examination, the Inquiry is reluctant to give his opinion much more weight than the submissions made by Mr Lingham given there is no conclusive scientific research that proves golfing activities will disturb different species to different degrees. Mr Lane’s opinions are simply based on his observations, as are Mr Lingham’s.

The Inquiry undertook two site separate site inspections of the Lake Victoria foreshore at Holes 4 and 5, and 12 and 13. It observed that flocks of birds in the water would seem to take flight at more than 40 m. However, it was not necessarily evident whether it was this human activity (which was simply walking and talking) or some other activity that gave rise to the flight. It was noticed that after a few minutes the birds would generally return to the area from which they took flight.

Given the submissions by GFNC and BirdLife Australia about the potential impact of a bird’s capacity to undertake overseas migration if they are continually expending energy from disturbance, the Inquiry agrees with submissions that there must be a significant degree of caution.

However, the Inquiry gives considerable weight to the submissions made by the GFNC and BirdLife Australia that the changes to Holes 12 and 13 tabled

by the Proponent on the last day of the Hearing on 22 February 2012, together with the proposed berm and screening vegetation, will mitigate disturbance of protected species using the foreshore and island for breeding and feeding.

Further, the Inquiry considers that the 'offer' put by Mr Tobin to further relocate the Hole 5 by approximately 15 m away from the adjacent pond should be pursued.

The Inquiry is not convinced that a fence should be constructed on top of the berm. As noted by BirdLife Australia, a fence may create a sense of enclosure to birds which are used to open spaces. A solid fence is also likely to have a negative landscape impact.

Finally, the Inquiry notes that while Parks Victoria submitted that the management direction for Lake Victoria is to restrict access to visitors around the southern shoreline, it notes that no concrete actions were put forward such as extending the reserve beyond the waterline to create a buffer area. Notwithstanding, the Inquiry considers that the limitations on the number of golfers that can play a hole at any one time (which is typically no more than eight) should not result in excessive disturbance to avifauna. In addition, the Inquiry considers the proposal for the covenanted land to provide habitat for avifauna will effectively provide a buffer for an important part of the southern shoreline of Lake Victoria.

14.4 Findings and recommendations

The Inquiry finds that:

- 11. The Revised Landscape Masterplan, the proposal for a conservation covenant on land abutting the western boundary and the proposed mitigation measures are all essential elements that combine to provide an acceptable environmental outcome for LGC's proposed redevelopment.**
- 12. Acquiring the right to burden additional land to the west of the golf course with a covenant for conservation in perpetuity has been a critical change that gets the proposal 'over the line' because it provides potential critical avifauna habitat by improvements to management and rehabilitation of this land.**

The Inquiry recommends that:

- 8. Approval of the Lonsdale Golf Club proposal be subject to the creation of a private conservation reserve in perpetuity involving an agreement between the Lonsdale Golf Club and**

the Estate of Marjorie Susan McNaught, being part of land described in Lot 1 on TP822391, and that the agreement include a management plan to exclude stock, undertake rabbit/vermin and weed control, and other appropriate measures to improve habitat.

- 9. The Lonsdale Golf Club's Revised Landscape Masterplan, as tabled at the Inquiry Hearing on 22 February 2012 be adopted as the basis for further detailed project planning.**
- 10. The mitigation measures as presented by Mr Brett Lane in expert evidence be incorporated into the development of the Environment Management Framework.**
- 11. The Lonsdale Golf Club allocate sufficient resources and employ the necessary expertise to protect and enhance remnant vegetation and habitat and further refine mitigation measures for avifauna for screening to minimise disturbance of avifauna for the proposed golf course redevelopment and the proposed private conservation reserve.**
- 12. Hole 5 on the redeveloped golf course be located 15m north from the adjacent pond to reduce the impact on the coastal saltmarsh and bird habitat.**

15. Are the hydrological and water quality impacts acceptable?

15.1 What is the issue?

The main issues are the potential hydrological and stormwater impacts on the proposed development site and its environs, risk of exposure of acid sulfate soils and the potential importing of contaminated soil.

15.2 Evidence and submissions

Proponent

Site contamination, surface and groundwater are addressed in the EES. In addition, the Proponent called expert witnesses on hydrogeology, surface water and acid sulfate soils.

Hydrology

Mr Greg Hoxley, Sinclair Knight Merz, appeared as an expert witness on hydrology for the Proponent. Mr Hoxley's findings were that:

- The proposed golf course will have small to negligible impact on groundwater condition and that these effects are likely to have negligible off-site impacts;
- The primary impacts on hydrology will be to change the distribution across the site;
- The proposed urban development will most likely result in a reduction in recharge at the south eastern end of the site due to the reduced area open to rainfall;
- The four new holes at the north western end of the site will add a very small amount of recharge to the northern end of the site as a result of irrigation of the course;
- The proposed new water storage ponds for stormwater will most likely add to recharge in the vicinity of the ponds;
- Groundwater extraction may be able to balance any additional recharge to groundwater and that the extraction can be done within the current licence¹⁸;

¹⁸ The Lonsdale Golf Course has an existing licence for the extraction of 92ML of groundwater per year from five groundwater bores.

- The proposed irrigation management methods will result in a lower (or at worst equal) nutrient load input to the groundwater; and
- As the groundwater to the north of the site is highly saline these changes will not have any material impact on groundwater as it affects Lake Victoria and thus should have no impact on the water quality or quantity of Lake Victoria.

Mr Hoxley described Lake Victoria as hyper-saline and having high concentrations of nutrients and that groundwater discharge to the lake was unlikely to have any measurable effect on water quality.

These findings are consistent with earlier work by reported in the EES Technical Report (Appendix E) *Lonsdale Golf Course Hydrogeological Assessment*. This described the proposed changes as a modification to an existing system and estimated the groundwater recharge will only increase by 1.3% with a negligible impact on the groundwater flow system, and through it, the environment.

The EES contains a range of proposed mitigation measures (Table 10-5) to address the hydrology and water quality for both the construction and operation of the proposed golf course.

Surface water

Mr David Sheehan, Sinclair Knight Merz, appeared as an expert witness on surface water for the Proponent.

Mr Sheehan outlined the proposal for the construction of five water storage basins with a total active storage of 20ML with the function of these basins being to capture stormwater run-off from the whole site to:

- Irrigate the golf course;
- Minimise any increase in average discharge of run-off and nutrients to Lake Victoria; and
- Prevent any increase in peak storm discharge to Lake Victoria.

Mr Sheehan divided the site into catchments A, B and C. There is proposed to be a storage basin in three locations (see Figure 4) with:

- One basin (1ML) in location 1 to capture run-off from Catchment A covering the north western part of the residential development and adjoining open space. This would normally be empty with the captured run-off being pumped to location 3. The purpose is to provide airspace (available empty capacity) to accommodate peak storm discharges and reduce peak pumping capacity to convey run-off from this basin to location 3;

- One basin (3ML) in location 2 that will capture run-off from Catchments B and C encompassing the rest of the residential development and the existing golf course which covers the higher parts of the site. This basin will act in a similar capacity to Location 1; and
- Three basins in location 3 with a total active storage of 20ML and airspace of approximately 3.5ML to provide further capacity to accommodate peak storm discharges.

The total active storage of 20ML is projected to meet most of the normal needs for irrigating the golf course (the total annual demand is estimated at 40ML) with any shortfall in demand being provided by bore water or from the reticulated town water supply.

Mr Sheehan said that fertilising the new golf holes will increase the nutrient discharge to Lake Victoria but that this will be offset by a reduction of nutrient discharge from the existing holes in catchment A which will no longer discharge to the lake under the proposed residential development.

In terms of any impacts on the level of Lake Victoria, Mr Sheehan found that:

- The fill used to create the new golf holes would result in an estimated inconsequential maximum flood level increase in Lake Victoria of 0.05m;
- No increase in overall storm runoff to Lake Victoria;
- No increase in stormwater discharge to the lake in an average year with inconsequential increase in wet years and decrease in dry years; and
- No increase in nutrient discharge to the lake.

Mr Sheehan made reference to proposed stormwater measures discussed in the EES Technical Report (Appendix G) *Lonsdale Golf Course: Residential Development Point Lonsdale – Draft Site Stormwater Management Plan*. This was prepared by the Coomes Consulting Group to outline suggested stormwater conveyance through the proposed residential development and give confidence to the COGG in progressing with the planning process. At that time the Coomes Consulting Group found that the golf course itself has ample space to adequately retard, retain, treat and reuse the stormwater.

Acid sulfate soils

In the EES it is acknowledged that it is likely that coastal acid sulfate soils (CASS) are present but, as no significant soil excavations are proposed, it is not expected that these soils will be encountered. It is stated that the preferred management strategy for dealing with CASS is avoidance through design and construction measures, and if acid sulfate soils are expected to be found then appropriate testing should be undertaken by a suitably qualified person.

Figure 4: Proposed storage basins



Mr Wallis, from Golder Associates, an expert witness for the Proponent, presented evidence on the issue of acid sulfate soils.

Mr Wallis described the likely occurrence on the site based on three terrain units:

- Alluvial flood plain and swamps (Terrain Unit 1) where the probability of CASS is considered 'likely';
- Transition zone between dunes and swamps (Terrain Unit 2) where the probability of CASS is considered 'possible'; and
- Aeolian dunes (Terrain Unit 3) which constitute higher section of the site where the presence of CASS is considered 'unlikely'.

Mr Wallis spoke to the DSE *Victorian Best Practice Guide for Assessing and Managing Coastal Acid Sulfate Soils* (October 2010) and, in particular Figure 1, the flow diagram for the CASS risk identification process. He said activities that might pose a risk are excavation and fill that can expose the acid soils to the air and subsequent oxidation.

Mr Wallis said some investigations had found acid sulfate soils and he was not prepared to assign a 'remote' likelihood of risk. He indicated that, in accord with the DSE best practice guidelines, that a *Stage A - Preliminary Hazard Assessment for CASS* should be done. This assessment will determine the level of the risk and whether works can proceed with the necessary approvals or a *Stage B - Detailed soil assessment of CASS* is required.

Submissions

Groundwater and surface water

The main concerns raised in submissions were the potential impact from fertilisers and pesticides used for turf management to enter the ponds and Lake Victoria. The concern with fertiliser is the promotion of the growth of algae which in its worst form can lead to toxic algal blooms. In the case of pesticides the concern is such contaminants entering the food chain and ultimately being consumed by avifauna using the ponds and Lake Victoria.

The Inquiry notes that this issue is recognised in the COGG Planning Scheme. The Rural Conservation Zone (RCZ11) is currently applied on private land around the shoreline of Lake Victoria which includes the existing and proposed extension of the golf course. The purpose of this zone, as described in Schedule 11, is 'to ensure that the ecological system of the Lake is protected from adverse run-off and effluent discharge' and also specifies that a permit is required for earthworks which can alter flows, points of discharge or increase saline discharge. In addition, an Environmental Significance

Overlay (ESO2) is in place which is concerned (*inter alia*) with protection of water quality and that any future proposed development needs to minimise pollution through the establishment of best practice performance standards and monitoring regimes.

The EPA in its submission advised that for:

- Surface water issues the relevant State Environment Protection Policies (SEPPs) are *SEPP (Waters of Victoria)* including *SEPP Schedule F6 (Waters of Port Phillip Bay)*. The beneficial use of primary concern to this proposal is 'Substantially natural ecosystems with some modification'. Schedule F6 raises potential issues with relation to sewage, stormwater and sediment management; and
- Groundwater issues the relevant SEPP is *SEPP (Groundwaters of Victoria)* and the primary beneficial use is 'Maintenance of ecosystems'. Key issues identified by the EPA were:
 - The salt content of the groundwater and the need for desalination in order to obtain a water quality consistent with a salinity level of 1500 mg/L; and
 - Groundwater extraction could induce more saline groundwater into the bore if not carefully managed.

The COGG detailed that a Stormwater Drainage Masterplan is part of the requirements under the proposed Development Plan Overlay (DPO26). Through this COGG would be seeking to require that such a plan will need to demonstrate that there will be no decrease in run-off water quality and that existing downstream flows are limited to pre-development levels to prevent impacts on the surrounding sensitive environments, including Lake Victoria. COGG is also proposing that DPO26, as part of a Golf Course Layout and Landscape Masterplan, requires a Nutrient and Irrigation Management Plan, and that this plan would detail fertiliser use for turf management and demonstrate no adverse impacts on Lake Victoria or surrounding natural vegetation communities.

Acid sulfate soils and contaminated soils

The main concern identified by submitters was over potential for contaminated soils to be imported to the site for fill.

The EPA advised that for contaminated land management, the key issues are:

- The history of use of part of the land as tip site and the risk of potential contaminants; and
- Potential disturbance of acid sulfate soils from excavation and from any lowering of the water table.

The COGG recognised both the issues of potential contaminated fill and acid sulfate soils and in their submission included within the proposed DPO26 revisions including a requirement under the 'Golf Course Layout and Landscape Masterplan' for:

- Detailed testing to be undertaken to assess the extent of areas likely to be affected by coastal acid sulfate soils to the satisfaction of DSE and EPA; and
- That any fill bought from off-site be subject to the approval of DSE and EPA.

15.3 Discussion

The Inquiry acknowledges the concerns by submitters about potential nutrient impacts on Lake Victoria and the issue of acid sulfate soils and potential impact on the ecosystems of the ponds.

On these issues, the Inquiry accepts:

- The expert findings on hydrology that:
 - The proposed golf course will have small to negligible impact on groundwater conditions and that these effects are likely to have negligible off-site impacts or modification to the existing system; and
 - The proposed irrigation management methods will result in a lower (or at worst) equal nutrient load input to the groundwater.
- The thrust of the expert evidence on surface water and considers that on the weight of this evidence that the proposed system to be put in place for stormwater management is highly unlikely to result in either reduction in water quality or significant increase in flood levels for Lake Victoria; and
- The evidence by Mr Wallis on coastal acid sulfate soils and his proposal that in accord with the DSE best practice guidelines, a Stage A - Preliminary Hazard Assessment for CASS should be done. This will determine the CASS risk level and whether a more detailed soil site assessment is required or works can proceed with the necessary approvals. In the case of the works proceeding mitigation measures may be necessary for any site excavation or fill works. These issues can be managed through the EMP.

15.4 Finding and recommendation

The Inquiry finds that:

13. The hydrological and water quality impacts are acceptable and the issues can be managed through nominated additions to the proposed Environmental Management Framework.

The Inquiry recommends that:

13. The following elements be added to the to the Environmental Management Framework for the proposed Lonsdale Golf Course redevelopment:

- Groundwater monitoring of water quality be undertaken and mitigation measures identified to address any decrease in water quality;
- A Stormwater Drainage Masterplan be prepared and approved;
- A Coastal Acid Sulfate Soil Hazard Assessment be undertaken in accord with DSE's *Victorian Best Practice Guide for Assessing and Managing Coastal Acid Sulfate Soils* (October 2010);
- A Nutrient and Irrigation Management Plan be prepared that will enable a systematic response to any surface and groundwater monitoring that indicates any increase in nutrients load to the ponds and Lake Victoria; and
- Any fill to be imported to the site be subject to the approval of DSE and EPA.

16. Are there any unacceptable impacts on matters of National Environmental Significance?

16.1 What is the issue?

The general impacts on flora and fauna are discussed in Chapter 14 where the Inquiry has drawn a number of conclusions. This chapter specifically relates to the Lonsdale Golf Course Redevelopment as a 'controlled action' under the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999*.

The controlling provisions are:

- Sections 18 and 18A (Listed threatened species and communities) – the Orange – bellied Parrot is listed as Critically Endangered; and
- Sections 20 and 20A (Listed migratory species) – 32 migratory bird species listed in the EPBC Act were identified by the Proponent as potentially using the area.¹⁹

The Commonwealth in July 2003 accredited the Victorian EES to assess the relevant matters.

16.2 Evidence and submissions

Orange-bellied Parrot

Proponent

In the EES it states that the EPBC guidelines indicate that impacts to the Orange-bellied Parrot are considered significant if, *inter alia*, they:

- *Lead to a long term decrease in the size of the population.*
- *Reduce the area of occupancy of the species.*
- *Fragment an existing population into two or more populations.*
- *Adversely affect habitat critical to the survival of a species.*
- *Disrupt the breeding cycle of a population.*
- *Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.*

¹⁹ See Table 19 in the BLA Consolidated Flora and Fauna Assessment in the EES documents.

- *Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat.*
- *Introduce disease that may cause the species to decline, and*
- *Interfere with the recovery of the species.*

Mr Lane, in his evidence to the Inquiry hearing (Document 41, p27), said that:

*There are a number of records of the Orange-bellied Parrot (*Neophema chrysogaster*) for the Lonsdale Lakes Flora and Fauna Reserve, including Lake Victoria (see Table 1). Compared with nearby Swan Bay and Swan Island, the number of records at Lake Victoria of this species is much lower. The lake has been searched regularly as part of the Orange-bellied Parrot Recovery Team's regular census of potential habitats each winter and there have been a small number of records. It was not recorded by Hewish (2002) in her winter surveys, nor was it recorded in the regular surveys undertaken after June 2003 for the current investigation. As its occurrence on the shores of the lake is not regular, it is considered to be of Potential National Significance for this species. Were it to use the lake more regularly in the future, this would confirm its national significance.*

Mr Lane reiterated at the Inquiry hearing that the three key habitat areas for the Orange-bellied Parrot in Victoria are the Spit Nature Conservation Reserve, Swan Island saltmarsh and Lake Connewarre. He submitted that the saltmarsh in the subject area is not prime habitat (being early succession) and there is only evidence of intermittent use by the Orange-bellied Parrot.

Submissions

Mr Lingham for the GFNC identified concern about the importance of the south west ponds complex where Orange-bellied Parrots have been historically sighted and where Shrubby Glasswort (*Sclerostegia arbuscula*) vegetation alongside the ponds is potential habitat for the parrots if captive release programs are initiated in the future.

As discussed in Chapter 14 Dr Maurer for BirdLife Australia identified Lake Victoria as forming one part of a series of wetlands forming the last winter stronghold of the Orange-bellied Parrot, albeit with Lake Victoria cited as a lower potential occurrence (20-40% likelihood as contrasted to greater than 40% for the other three). Dr Maurer said that this year's mainland population was 11 birds with 7 being seen from Werribee to Lake Connewarre. The main threats to the parrot were seen as loss of habitat, disturbance and predation.

The GEC also highlighted the recording of Orange-bellied Parrot feeding on the saltmarsh around Lake Victoria and emphasised the importance of the importance of the existing saltmarsh vegetation as they understand that saltmarsh is very difficult to replace and recruit²⁰.

The Bellarine Catchment Network²¹ considered that both the removal of Estuarine Flats Grassland will result in the loss of protective cover for the Orange-bellied Parrot and that removal of Coastal Saltmarsh would result in the loss of critical foraging habitat.

The QCA²² referred to Hewish (2003) which comments on the south western ponds complex as being sheltered and relatively undisturbed and supporting extensive areas of saltmarsh including Shrubby Glasswort and Beaded Glasswort. Further Hewish identifies both the south-east and south west pond complexes as being important habitat for the Orange-bellied Parrot.

Ehmke (2009)²³ found in key findings that Orange-bellied Parrot:

- Now appears to be totally reliant on Beaded Glasswort (*Sarcocornia quinqueflora*), Austral Seablite (*Suaeda australis*), and Shrubby Glasswort (*Tecticornia arbuscula* syn *Sclerostegia arbuscula*). All these were recorded by BLA for the subject site;
- Prefers foraging habitats very close to shorelines and water within 50m for saltmarsh habitats; and
- Tussock forming sedges and rushes (*Juncus* sp. and *Triglochin* sp) offer cover to birds while foraging which is thought to be important as shelter from windy conditions and perhaps aerial predators.

Ehmke highlights the need for restoration of saltmarsh habitats and that food plants do not need to have a saturated cover as the Orange-bellied Parrot is observed to consistently forage on habitats with less than 50% cover of key food plants.

Listed Migratory Birds

Proponent

In the EES, it says that the EPBC impact significance guidelines indicate that an action will be significant if it will:

²⁰ Document 51

²¹ Document 53

²² Document 41

²³ Document 13.

- *Substantially modify (including fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate and area of important habitat for a migratory species;*
- *Result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species; or*
- *Seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) or an ecologically significant proportion of the population of migratory species.*

In the EES, the Proponent considered that:

- The habitat loss for migratory avifauna would be very small in comparison to the available habitat around Lake Victoria;
- During peak migratory periods shorebird activity will be approximately 200m from the construction areas and habitat loss would be projected to be minimal; and
- While shorebirds may react to disturbance by avoidance behaviour and thereby leading to habitat loss that this could be addressed through erecting screens around construction areas.

Mr Lane in evidence said that Lake Victoria is internationally significant for the Red-necked Stint and Banded Stilt and is of national, state and regional significance for a further 25 waterbirds or wetland dependent species. He said that a bird usage survey conducted by BLA had shown that the natural lake shores are used by the vast majority of waterbirds with the highest numbers in summer and autumn and that the south east and south west pond areas accounted for a small percentage of the total bird count for the lake as a whole. The Red-necked Stint and Banded Stilt were recorded as 9% and 0.04% respectively.

Submissions

BirdLife Australia in their submission to the Inquiry maintained that all migratory shorebirds are EPBC listed and that Australia is bound by international treaties to protect the birds and their habitat, and shorebirds are declining worldwide. Two species specifically addressed by BirdLife Australia are the Red-necked Stint and the Sharp-tailed Sandpiper. In conclusion they saw the proposal as devaluing Lake Victoria and the Ramsar wetland system and its role in protecting threatened shorebird species under Commonwealth legislation and international treaties. BirdLife Australia were specifically concerned about the potential impact on migratory shorebirds from:

- Reduced feeding quality with stormwater harvesting potentially making the remaining mosaic of mudflats and puddles unviable and fertilisers producing algal blooms;
- Predation from domestic pets; and
- Disturbance from golfers and new residents. They provided a diagram showing shorebird fright and flight distances for different categories of shorebirds. They saw the potential use of the Moonah Woodland belt along the escarpment as a natural blind to reduce disturbance and hence not developing the new golf holes in the south west ponds area.

The GFNC in a detailed analysis of the south east and south west ponds areas identified their major concerns as loss of habitat and disturbance during construction and on an ongoing basis by golfers.

Other objectors raised similar concerns.

Revised Landscape Masterplan

The GFNC acknowledged that the further revisions in response to submissions did include measures to mitigate impacts on protected avifauna (in particular in relation to disturbance) and to provide measures for enhancement of native vegetation and faunal habitat in this area. The position of GFNC was that while the preferable outcome would be not to site holes in the southeast or the southwest ponds, the revised plan represents an acceptable environmental outcome in relation to the site as a whole subject to strict environmental controls and further surveying and monitoring of flora, fauna and water quality occurring through conditions on the development.

The GFNC had previously identified Pond 6B (as part of the south west ponds) which would be encompassed by the conservation covenant. They had identified this area as breeding area for Hooded Plover along sandy beaches, breeding habitat for Red-capped Plover, roosting zone for Banded Stilts and potential habitat for the Orange-bellied Parrot if release programs are initiated in the future.

BirdLife Australia identified the proposed new holes in the south west ponds complex as their major concern as being a presently relatively unvisited area where birds will be most vulnerable to disturbance by golfers. They still firmly believe that these holes should be located on farmland but recognise that the Golf Club's attempts to acquire the land have been unsuccessful. BirdLife Australia acknowledged that the Proponent had responded to issues raised during the hearing and has proposed changes will reduce the impact of golfing activities on shorebirds and, in particular, the importance of a safe refuge for shorebirds by entering into an in-principle agreement to protect and improve additional shorebird habitat on the adjoining Estate of Marjorie

Susan McNaught. Also they emphasized that any plans for the site should aim to maintain very limited access to allow its use as a refuge for threatened birds.

Other environmental community organisations and DSE still objected to the proposed development.

16.3 Discussion

Orange-bellied Parrot

The Inquiry considers the dominant issue that has come out of submissions objecting to the proposal is what is viewed as the unacceptable impact on avifauna of the construction of golf holes in the two new areas for expansion of the course, known from Hewish (2003) as the south east and south west ponds.

For the south east ponds, the discussion of fauna impacts was focussed on avifauna using the six ponds in this complex. The concerns here were the impact of fill on saltmarsh communities and disturbance of the migratory avifauna from Lake Victoria utilising the ponds. In terms of disturbance, it was evident to the Inquiry from the site inspection that there is already regular disturbance by people from nearby residential development utilising the area for recreational walking, including with dogs. The Inquiry does consider that the issue of the impact of fill on the ponds needs to be addressed, especially as margins of the ponds have Saltmarsh Vegetation which provides important habitat values for this wetland ecosystem and notes that the Proponent, in putting forward the Revised Landscape Masterplan on the final day of the hearing, did offer to move the construction of hole 5 back from the abutting pond. The Inquiry finds that while there would be significant temporary disturbance to avifauna during construction of golf holes 4, 5 and 6, that in the operation of the golf course with appropriate course rules and signage, the incremental level of disturbance from golfers using the course on the avifauna values of this ephemeral wetland area and adjacent Lake Victoria is unlikely to be significant.

In relation to the south west ponds, it is quite evident to the Inquiry from site visits and evidence (including aerial photographs) that the south west ponds, in contrast to the south east ponds, have very limited access and, as such, are relatively isolated from human disturbance. The Inquiry considers that the scientific evidence that the south west ponds provide suitable habitat for the Orange-bellied Parrot is sound and observed healthy Coastal Saltmarsh community's regeneration on the site inspection.

The Inquiry has heard the argument from the expert witness for the Proponent that these ponds are not significant habitat for the Orange-bellied Parrot with the key habitat being at Lake Connewarre, Swan Bay and the Werribee Treatment Plant. And that accordingly the proposed development for holes 12 and 13 is not an issue and that this is further supported by the lack of sighting during survey work. The Inquiry does not support this finding, placing weight on the position of GFNC and BirdLife Australia and recognising that the habitat for winter foraging along the Victoria and South Australia coast line is very limited.

The Inquiry does consider, however, that the Revised Landscape Masterplan, with the proposed conservation covenant on private property abutting the proposed extension of the golf course in the south west, will significantly mitigate the potential for impacts on the Orange-bellied Parrot. The Inquiry sees this as happening through both the protection of existing habitat and, most importantly, the capacity for habitat enhancement. In addition, the application of the conservation covenant controls land use on this private land to uses consistent with conservation of the Orange-bellied Parrot into the long term.

In Table 3, the Inquiry has summarised its findings against the Significant Impact Criteria for 'Critically endangered and endangered species' under the EPBC Act.

Table 3: Assessment of potential impact on the Orange-bellied Parrot (OBP)

Significant Impact Criteria	Initial proposal	Revised proposal	Management measures
<p>Lead to a long term decrease in the size of the population.</p> <p>Adversely affect habitat critical to the survival of a species</p> <p>Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline</p> <p>Interfere with the recovery of the species.</p> <p>Reduce the area of occupancy of the species</p>	<p>Potential to be part of a cumulative loss of severely deleted foraging habitat along the SA and VIC coastline and contribute to long term decline in population size.</p> <p>Although the OBP has not been seen recently, past siting provide evidence that the area does provide suitable foraging habitat for the OBP that is in close vicinity to and situated between the known key habitats of Lake Connewarre and Swan Bay.</p>	<p>Provides for regeneration of saltmarsh vegetation on the subject site and protection and enhancement in perpetuity of potential habitat on private land immediately to the west of the subject site.</p>	<p>Provision for protection and regeneration of remnant Coastal Saltmarsh vegetation as part of the EMF.</p> <p>Establishment of a conservation covenant on private land with known habitat values for the OBP immediately abutting the western boundary of the proposed golf course expansion and part of the south west ponds complex.</p>
Fragment an existing population into two or more populations	There is no existing population on the subject site		
Disrupt the breeding cycle of a population	The OBP breeds in Tasmania		
Result in invasive species that are harmful to a critically endangered or endangered species becoming established in the endangered or critically endangered species' habitat	The main issue here was the potential for increased human disturbance by golfers and course maintenance. There is provision for screening of the new holes from Lake Victoria to reduce the potential for disturbance. The other issue was the potential for generally increased public access. The design does not allow for any construction of public vehicular or pedestrian access.	<p>Provides for protection and enhancement in perpetuity of potential habitat on private land immediately to the west of the subject site.</p> <p>Along with the proposed screening, the new holes 12 and 13 have been modified to increase their distance for the lake shoreline.</p>	<p>Establishment of a conservation covenant on private land with known habitat values for the OBP immediately abutting the western boundary of the proposed golf course expansion and part of the south west ponds complex.</p> <p>New holes 12 and 13 have been modified to increase their distance for the lake shoreline.</p>
Introduce disease that may cause the species to decline.	There was no evidence of this presented at the Inquiry hearing.		

Migratory avifauna

The Inquiry agrees with expert evidence from the Proponent that given the application of best storm water and practice turf management as part of the EMP that there should not be any appreciable reduction in water quality in the ponds.

There was no evidence provided that suggested that the south-east and south west ponds were critical to the survival of ecological populations of migratory waterbirds, as distinct from the Orange-bellied Parrot and Hooded Plover.

The Inquiry accepts that there will be some disturbance to water birds using the south east and south west ponds during construction and that will need to be addressed in the EMF and while no conclusive scientific evidence was provided concerning the longer term impact of golfers that it can be minimised by a combination of mitigation measures, including screening and constraints on golfer access to sensitive areas.

The Inquiry agrees with the Proponent that the habitat loss for migratory waterbirds would be small in comparison to the available wetland habitat on and around Lake Victoria and considers that the proposal will not seriously threaten an ecologically significant proportion of the populations of these migratory birds using Lake Victoria.

Overall the Inquiry does not consider that there is any evidence that the proposal will:

- Substantially modify, destroy or isolate an area of important habitat for a migratory species;
- Result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species; or
- Seriously disrupt the lifecycle of an ecologically significant proportion of the population of migratory species.

16.4 Findings and recommendation

The Inquiry finds that:

- 14. In relation to the Orange-bellied Parrot, the Revised Landscape Masterplan, with the proposed conservation covenant on private property abutting the proposed extension of the golf course in the south west, will significantly mitigate the potential for impacts on this species. The Inquiry sees this as being achieved through both**

the protection of existing habitat and, most importantly, the capacity for habitat enhancement. In addition, the application of a conservation covenant to control land use on this private land will be consistent with conservation of the Orange-bellied Parrot in the long term.

- 15. In relation to Listed Migratory Species, this proposal will not seriously threaten an ecologically significant proportion of the populations of the migratory birds using Lake Victoria.**

The Inquiry recommends that:

- 14. In relation to the Orange-bellied Parrot, approval of the proposal should be subject to:**

- Completion of a conservation covenant on land abutting the south west boundary of the expanded golf course;**
- Documentation of the proposed mitigation measures for protection and enhancement of Orange-bellied Parrot habitat;**
- Inclusion in the Environmental Management Framework of mitigation measures for the protection and regeneration of Coastal Saltmarsh vegetation as habitat for the Orange-bellied Parrot, introduction of screening between the new Holes 4, 5, 12 and 13 and Lake Victoria to reduce potential for disturbance by golfers, and exclusion of public access to the south west ponds area.**

17. Can the environmental impacts be managed?

17.1 What is the issue

As stated in Chapter 7, the Inquiry will need to be satisfied that the environmental impacts of the proposal will be able to be managed consistent with relevant standards and guidelines pursuant to environmental legislation and consistent with the principles of sustainable development.

17.2 Assessment

In undertaking this assessment, the Inquiry considers the key identified environmental impacts and nominated mitigation measures. The responses contained in this assessment are based on the findings of the Inquiry from *Part D: Environmental Impacts* of this report.

The Inquiry considered that the Lonsdale Golf Course proposal exhibited issues that raised the question of a potential threat of serious or irreversible damage to migratory waterbirds using Lake Victoria and major concern about the potential consequences on habitat suitable for the Orange-bellied Parrot. In both these cases, the Inquiry considered there was a lack of existing scientific evidence to reach any definitive position and did not consider that the Proponent was able to show that the proposal contained in the EES would not pose a serious environmental risk for the Orange-bellied Parrot and the habitat of migratory waterbirds.

The Inquiry finds that the Proponent, in presenting a Revised Landscape Masterplan at the end of the hearing, recognised the serious environmental risk and presented preventative action that will greatly lessen the risk for serious or irreversible damage by protecting and enhancing habitat for the Orange-bellied Parrot.

The Inquiry considers that the Revised Landscape Masterplan contains a response that is proportional and appropriate to protecting and enhancing scarce habitat for the Orange-bellied Parrot and addresses the serious threat to the Orange-bellied Parrot population of loss of suitable foraging habitat.

The Inquiry is also satisfied that other threats such as disturbance by golfers and the general public will be addressed through the EMF.

17.3 Discussion

The focus for the Inquiry has been the level of threat posed to the future survival of the Orange-bellied Parrot population which has fallen to very low numbers and has scarce suitable and relatively undisturbed foraging habitat along the Victorian coastline.

It is the Inquiry's view that the proposal for a conservation covenant on land adjacent to the expanded golf course will enhance the protection of private land with potential Orange-bellied Parrot habitat in perpetuity from any existing or future land use that is likely to be inconsistent with conservation values. This is recognised by the GFNC which provided a very detailed analysis of the environmental issues in the subject site and also accepted by BirdLife Australia as an environmentally sound outcome.

As stated in Chapter 15, the Inquiry considers that the hydrological and water quality impacts are acceptable and the issues can be managed through nominated additions to the EMF.

As stated in Chapter 16, the Inquiry does not consider that the proposal poses an unacceptable level of threat to migratory shorebirds that use Lake Victoria.

In relation to the proposed residential subdivision, the Inquiry notes that after any approval of the planning scheme amendment and subdivision of the residential 'super lot', there is an extensive and detailed planning process required to prepare the Development Plan and supporting design and environmental management plans. Accordingly, the Inquiry is of the view that, provided relevant environmental management measures are implemented during the construction period, there are unlikely to be any significant environmental impacts in the short or longer terms. In relation to the residential subdivision, once occupied, the Inquiry considers that it is unlikely that there would be any significant environmental, social or traffic impacts.

17.4 Findings

The Inquiry finds that:

- 16. The Revised Landscape Masterplan represents an opportunity to provide a significant additional area of suitable land for the protection and enhancement of habitat for the Orange-bellied Parrot in perpetuity and subsequently lowering the risk of habitat loss and disturbance by the proposal to an acceptable level.**

17. The proposal, as modified, does not represent an unacceptable risk to the Orange-bellied Parrot.

18. Recommended environmental mitigation and management measures

18.1 Issues

The Assessment Guidelines for the EES require an EMF be prepared including relevant Environment Management Plans (EMPs) and performance requirements for the proposed works.

The Terms of Reference required, *inter alia*, the Inquiry to provide findings on feasible mitigation and management measures to achieve acceptable environmental outcomes.

The two major issues for the proposed golf course development are the need to mitigate the potential for impact on habitat suitable for the Orange-bellied Parrot and disturbance of the avifauna of Lake Victoria.

Other important issues relate to the adoption of best practice to ensure that aspects such as irrigation and fertiliser application for turf management and storm water runoff from the redeveloped golf course do not detrimentally impact on water quality of the former shell grit ponds and Lake Victoria.

While there will be environmental matters to be managed during construction of the residential subdivision, these are not considered to be significant or different to matters often encountered in such developments.

18.2 Evidence and submissions

Proponent

Mr Phillip Liston, Philip Liston Landscape Consultants, prepared a Draft EMP Guidelines document for the proposed LGC redevelopment included as *Appendix C – Draft Environmental Management Plan 2011* to the EES. Mr Liston appeared as an expert witness for the Proponent and tabled a revised draft of the EMP Guidelines (January 2012). The stated aim of these guidelines is to identify environmental issues associated with the proposed redevelopment at LGC and provide guidelines, recommendations and actions to address these issues.

The tabled draft EMP Guidelines provides a description of site specific issues for geology, site contamination, hydrology and water quality, flora and fauna, cultural heritage, economics and tourism, social matters, landscape

and transport. While the document divides the site into seven management zones, the Inquiry found that this approach is not followed through and the document is structured as 23 Key Environmental Management Regimes. These regimes are presented in a summary form in Appendix 1 to Mr Liston's document that divides the development into four areas, namely, the golf course, residential subdivision, clubhouse precinct and maintenance facility. Mr Liston said that these Guidelines were informed by a range of specialist studies as tabled in the technical reports to the EES and previous studies for the project.

Council

The COGG recommended that the EMF prepared for the Stockland Point Lonsdale Residential and Waterways Project by Golders Associates be used as a guide for the LGC project. The Stockland EMF is described as providing an overarching framework for the Project Environment Management Plan (PEMP) and subordinate Contractor Environment Management Plans (CEMPs). The Inquiry considers the structure plan provided in Stockland EMF (*Figure 2 – Project Specific and General Framework for Environmental Management of the Site*) in Appendix B of this Inquiry Report provides a useful diagrammatic presentation of the EMF.

For the Stockland project, it was envisaged that the EMF would run from the approval of the Planning Scheme amendment and the DPO with its schedules. The EMF details the minimum requirements (goals, environmental control measures, inspection and monitoring, and performance indicators) for environmental management procedures in the CEMPs and encompasses the management of the lake system, groundwater, soils, terrestrial ecology, cultural heritage, air quality, noise and the site generally. It also includes provision for reporting and notification of non-compliance.

The COGG also tabled a revised schedule for DPO26 that contains proposed plans and requirements for permits that will be central to delivering the mitigation and management measures for achieving acceptable environmental outcomes (Table 4).

Table 4 DPO proposed plans and other requirements for permits

Planning permit for subdivision
Urban Design Masterplan
Landscape Masterplan
Stormwater Drainage Masterplan
Construction Plan
Tree Protection Plan
Native Vegetation Offset Plan
Requirements to enter into a Section 173 Agreement
Development of a golf course area
Golf Course Layout and Landscape Masterplan
Project Environmental Management Plan
Earthworks Masterplan
Construction Management Plan
Landscape and Revegetation Plan in accordance with the Landscape Masterplan
Stormwater Management Plans generally in accord with the Drainage Masterplan
Native Vegetation Offset Plan
Nutrient and Irrigation Management Plan
Maintenance schedule for the ongoing maintenance of all landscape and natural areas
Coastal Acid Sulphate Soils Management Plan to the satisfaction of DSE and EPA
Details of a layer of clean fill to be placed over the historic tip site adjacent to the fourth hole to the satisfaction of the EPA
Earthworks Masterplan

Submissions

In its submission to the Inquiry hearing, DSE noted that in its opinion *‘the document is generally adequate and appropriate for the purpose and for this Project’*. DSE made a number of specific comments on a range of matters within the EES version of the EMP Guidelines document which included:

- The need for a programmed audit, including timing and triggers;
- The need for a Vegetation Offset Management Plan that will be required to DSE satisfaction in connection with a future planning permit for removal of native vegetation; and

- Monitoring of groundwater and surface water regarding potential nutrient loading of groundwater and the water quality of Lake Victoria. And the coordination of this with any monitoring programs by Parks Victoria for the lake.

The EPA emphasised the need to address the EMP issues both through the construction and ongoing operation of the proposed golf course and, in particular, the need to consider further relevant EPA publications relating to major construction sites, sediment control (includes potential contaminated stormwater run-off) and water and soil sampling.

Other submissions, apart from one case generally questioning the robustness of the EMP, did not raise any detailed matters.

18.3 Discussion

A major and pivotal mitigation measure, as discussed earlier in the Inquiry report, is the proposed creation of a perpetual conservation reserve on private land immediately abutting the south western boundary of the expanded golf course.

This discussion, however, focuses on the EMF Guidelines and its role in bringing together all mitigation measures to be implemented on the site of the proposed golf course redevelopment both during construction and for ongoing operation.

The Inquiry considers that the revised draft EMP Guidelines document (January 2012) is comprehensive in its scope but is structurally confusing, overly complex and, in its current form, does not provide a useful basis for the structure of the EMF.

The Inquiry considers that the EMF prepared for the Stockland Point Lonsdale Residential and Waterways Project (Appendix B) provides a sound example of what the EMF for the LGC proposal needs to include. The Inquiry considers that this EMF structure incorporating the thrust of the environmental management strategies in the EMP Guidelines, the requirements under DPO26, and the commitments made by the Proponent in the expert reports and arising out of the Inquiry hearing will provide a robust approach to determining and documenting the mitigation measures.

In this context, the Inquiry will not be addressing the detail of the management regimes encompassed in the EMP Guidelines but will concentrate on the major mitigation measures for flora and fauna that emerged during the Inquiry hearing.

The Inquiry considers that the EMF should include preparation of a Native Vegetation and Fauna Habitat Management Plan to include:

- Protection and enhancement of the connectivity of the existing areas of Coastal Alkaline Scrub:
 - There is a continuous corridor of Coastal Alkaline Scrub from Emily Street to the coastal dunes as shown on the Landscape Masterplan (Figure 3) and special attention needs to be paid to managing the access between Holes 11 and 12 and Holes 13 and 14 in particular to maintain conditions to allow for movement of native fauna along this corridor.
- Protection and enhancement of salt marsh and waterbird habitat by:
 - Edges of new golf holes abutting ponds need to be benched in a manner that will provide gently sloping shorelines suitable for salt marsh regeneration and foraging habitat for waterbirds.
 - Setting of Holes 4 and 5 at least 15m to the north to move away from the edge of the ponds to protect salt marsh habitat.
- Reduction of potential disturbance to waterbirds on the shoreline of Lake Victoria close to the golf course:
 - During the construction phase, activities within 100m of the Lake Victoria shoreline (based on the water level at the time) to be restricted to the period when the migratory shorebirds and Hooded Plovers do not regularly use the lake in significant numbers.
 - Establishment of a low ridge on the northern edge of the golf course focussed on Holes 4, 5, 7, 12 and 13 to reduce the potential for disturbance to avifauna on Lake Victoria and planted with Coastal Alkaline Scrub.
- Protection of the Orange-bellied Parrot habitat in the area of the south west ponds:
 - During the period from April to September annually, should the Orange-bellied Parrot be found in the salt marsh in or near any construction works, the scheduling and location of works is to be adjusted to minimise disturbance to the birds present.
- Development of a monitoring program and related reporting procedures for flora and fauna management.

The Inquiry considers that the Native Vegetation and Fauna Habitat Management Plan could usefully be based on the template for the Native Vegetation Precinct Plan in the *Biodiversity Precinct Structure Planning Kit 2010*. Such a plan would bring together and replace all the separate plans under DPO26 that are intended to deal with native vegetation.

The Inquiry is also cognisant of concerns raised in submissions about potential impacts of fertiliser application on the golf course on water quality

and the need to ensure that adequate monitoring of water quality in the ponds and Lake Victoria is carried out along with development of procedures for reporting of any non-compliance with performance standards and identification of mitigation measures. The Inquiry supports the DSE comment about the need for a programmed audit, including timing and triggers for non compliance.

The Inquiry appreciates the offer from the GFNC to provide its services with the planning of the proposed private conservation reserve. The Inquiry strongly supports the development of a process by the Proponent for liaison with environment groups that have detailed local knowledge and expertise that would assist with achieving sound environmental outcomes for the proposal both within the subject site and on nearby Lake Victoria.

18.4 Findings and recommendations

The Inquiry finds that:

- 18. The creation of a private conservation reserve to the south west of the expanded Lonsdale Golf Course will be a major mitigation measure pivotal to achieving acceptable environmental outcomes for the proposal.**
- 19. In conjunction with DPO26 and tied to the approval of planning permit with relevant conditions, the Environmental Management Framework structure, as described for the Stockland Point Lonsdale development, will provide a sound approach for achieving acceptable environmental outcomes. The content of the Environmental Management Framework will need to incorporate the environmental management strategies in the Environmental Management Plan Guidelines and the mitigation measures identified in the EES technical and expert witness reports and during the Inquiry hearing.**

The Inquiry recommends that:

- 15. An Environmental Management Framework structure generally consistent with that shown in Appendix B be adopted by the Proponent.**
- 16. The Environmental Management Framework for the proposed Lonsdale Golf Course redevelopment include a Native Vegetation and Fauna Habitat Management Plan based on DSE's Native Vegetation Precinct Plan that includes the incorporation of mitigation measures from the EES technical**

reports and expert witness reports and during the Inquiry hearing in relation to:

- **Protection and enhancement of the connectivity of the Coastal Alkaline Scrub from Emily Street in the north to the coastal dunes in the south.**
- **Protection and enhancement of salt marsh and waterbird habitat within the golf course redevelopment area.**
- **Reduction of potential disturbance to waterbirds on the former shell grit ponds and Lake Victoria.**
- **Protection of the Orange-bellied Parrot habitat on the south west ponds.**
- **Development of a monitoring program and reporting procedures for flora and fauna management.**

17. The Environmental Management Framework include a monitoring program for water quality that also sets performance indicators and mitigation procedures in the event of non-compliance.

18. The Environmental Management Framework include a programmed audit including timing and triggers for non-compliance.

19. The Proponent be encouraged to involve and use the local detailed knowledge and expertise from community environmental groups such as the Geelong Field Naturalists Club.

Part E: Terms of Reference and summary of recommendations

19. Response to terms of reference

The Terms of Reference (see Section 2.7) required the Inquiry to perform the tasks set out in Table 5. This table also indicates the Inquiry's response to each of these Terms of Reference.

These tasks have been performed during the course of the Inquiry's work and a detailed response is included in the content of the various issues chapters in the report.

As a result of Term of Reference III, the Inquiry considers that, subject to the detailed recommendations for mitigation and project design that have been made, the environmental effects of the project can be managed to achieve acceptable environmental outcomes.

Table 5 The Inquiry's response to the Terms of Reference

Term of Reference	Inquiry response
<p>I. Inquire into and make findings regarding the potential environmental effects (impacts) of the proposed project, including impacts on relevant matters of national environmental significance (NES) under the EPBC Act. Among other matters, the Inquiry is to provide findings on:</p>	<p>The relevant triggers for assessment under the EPBC Act are:</p> <ul style="list-style-type: none"> ▪ Sections 18 and 18A (Listed threatened species and communities); and ▪ Sections 20 and 20A (Listed migratory species).
<ul style="list-style-type: none"> ▪ any adverse impacts on relevant matters of NES likely to result from the project and alternatives examined in the EES; and 	<p>Removal of native vegetation</p> <p>The Inquiry does not consider that it is necessary to make a finding as to whether or not the proposal is of State significance in terms of justification for the removal of native vegetation of Very High Conservation Significance. In the Inquiry's view, the impact of the amended proposal, which reduces the amount of native vegetation removal, including reducing the amount of native vegetation of Very High Conservation Significance to 0.14 habitat ha in BLA's scenario 2 (Coastal Alkaline Scrub), is relatively minor. Further, the Inquiry notes the capacity to achieve an on-site offset target for the native vegetation of Very High Conservation Significance is larger than that required under the NVMF.</p> <p>Orange-bellied Parrot</p> <p>With respect to the Orange-bellied Parrot, the Inquiry finds that despite the fact that it has been many years since there has been a recorded siting of this species in the immediate area, the Coastal Saltmarsh provides an important potential habitat for this species. The Inquiry considers that the new golf holes in the south west ponds as proposed in the exhibited</p>

	<p>Masterplan could have potential impact on the Orange-bellied Parrot foraging habitat.</p> <p>Listed Migratory Species</p> <p>In relation to Listed Migratory Species, the Inquiry considers that this proposal will not seriously threaten an ecologically significant proportion of the populations of the migratory birds using Lake Victoria.</p>
<ul style="list-style-type: none"> feasible mitigation measures, changes to the project or procedures that could be applied to prevent, minimise or compensate for adverse effects on matters of NES; 	<p>Removal of native vegetation</p> <p>The amended Masterplan and proposed conservation reserve to the south west substantially reduces the fragmentation of the Coastal Alkaline Scrub EVC. Other concerns relating to ‘edge effects’ and other on-going impacts should be able to be addressed through management measures in the EMP.</p> <p>Impact on threatened flora</p> <p>While the presence of the threatened species Curly Sedge and Leafy Greenhood has not been established on the site and there is no suitable community for the Maroon Leek-orchid, the Inquiry considers that the protection and enhancement of the Coastal Alkaline Scrub is likely to be the most appropriate way of providing a habitat for the species.</p> <p>Orange-bellied Parrot</p> <p>The Inquiry considers that the Revised Landscape Masterplan, with the addition of the area covered by a conservation covenant on private property abutting the proposed extension of the golf course in the south west should ameliorate any loss of Coastal Saltmarsh and should not affect the potential of this vegetation to provide potential habitat for the Orange-bellied Parrot.</p> <p>The Inquiry sees this as being achieved through both the protection of existing habitat and, most importantly, the capacity for habitat enhancement. In addition, the application of a conservation covenant to control land use on the private land to the south west will be consistent with conservation of the Orange-bellied Parrot in the long term.</p>

	<p>Hooded Plover</p> <p>With respect to the Hooded Plover, the Inquiry considers that the reduction of the extent of native vegetation removal and the minimal infill of the former shell grit mining ponds should continue to provide potential suitable habitat.</p> <p>Listed Migratory Species</p> <p>The Inquiry considers that the limitations on the number of golfers that can play a hole at any one time (which is typically no more than eight) should not result in excessive disturbance to avifauna in the adjacent areas of Lake Victoria. In addition, the Inquiry considers the proposal for the covenanted land to provide habitat for avifauna will effectively provide a buffer for an important part of the southern shoreline of Lake Victoria.</p>
<p>II. Recommend any modifications to the project, including in relation to siting and design as well as environmental mitigation and management measures and conditions of approval under Victorian law, which would be needed to achieve acceptable environmental outcomes, within the context of applicable legislation and policy.</p>	<p>Management of native vegetation</p> <p>The Club will need to allocate sufficient financial resources to appropriately develop and implement the EMP and employ the necessary expertise as well as develop transparent reporting mechanisms.</p> <p>Proposed conservation reserve to the south west of the extended golf course</p> <p>The Revised Landscape Masterplan (see Figure 3), the proposal for a conservation covenant on land abutting the western boundary and the proposed mitigation measures are all essential elements that combine to provide an acceptable environmental outcome for the proposed LGC proposal.</p> <p>Acquiring the right to burden additional land to the south west with a covenant for conservation in perpetuity has been a critical change that gets the proposal ‘over the line’ because it provides potential critical avifauna habitat by improvements to management and rehabilitation.</p>

	<p>Orange-bellied Parrot and Listed Migratory Species</p> <p>The mitigation measures as presented by Mr Brent Lane in expert evidence be incorporated into the development of the EMF.</p> <p>Hydrological impacts</p> <p>Overall the hydrological and water quality impacts are acceptable and the issues can be managed through nominated additions to the EMF.</p>
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20. Summary of findings and recommendations

In finalising its recommendations for the Lonsdale Golf Course (LGC), the Inquiry is cognisant that the EES makes numerous findings and recommendations about the management of the environmental effects of the redevelopment of the proposed golf course in particular. The Inquiry expects that the Government and the LGC will ensure that the issues raised throughout the EES and the recommendations made in response, will be implemented in good faith within the planning framework of the Greater Geelong Planning Scheme and relevant legislation. Many of these recommendations are about adhering to various state standards (e.g. DSE requirements and the like), while others are specific recommendations from specific consultants. The Inquiry expects that as far as practicable, the EES and the recommendations contained within it will provide the foundation for the successful design, construction and management of the redeveloped LGC.

The Inquiry considers that potential amenity and traffic impacts associated with the residential subdivision identified in submissions are likely to be such that they should be able to be 'designed out' through the Development Plan process and any residual impacts managed appropriately through the various plans to be produced pursuant to the DPO Schedule.

20.1 Inquiry findings

The Inquiry makes the following findings:

General

1. Based on material presented in the EES and supporting documentation, the Revised Landscape Masterplan of 22 February 2012 and proposed Environmental Management Framework, the likely environmental impacts of the proposed redevelopment on state and national environmental matters, are acceptable.

Project Rationale

2. The LGC has provided an adequate justification for the rationale of the proposed redevelopment.

Decision-making framework

3. The proposal should be assessed having regard to the net community benefit concept in relation to the planning issues and principles of sustainable development in relation to the environmental impacts.

Strategic Planning

4. The proposal to redevelop the Lonsdale Golf Course has State and local strategic planning policy justification.

Amenity impacts

5. A service road is not a required or appropriate solution for the Fellows Road frontage.
6. The amendments to the DPO Schedule proposed by COGG (as presented in the version presented on 7 February 2012) should be incorporated into the final version.

Traffic impacts

7. There are unlikely to be any significant adverse traffic impacts of the proposed development subject to an appropriately designed roundabout provided as the main access point to Fellows Road from the LGC and the residential subdivision at Kirk Road.

Subdivisions

8. The proposed two two lot subdivision is acceptable and appropriate to facilitate implementation of the proposed LGC development.

Social impact

9. The redevelopment of the golf course will have a positive social impact.

Assessment of net community benefit

10. The proposed rezoning and application of a new DPO to facilitate redevelopment of the Lonsdale Golf Course and development of a 100 lot residential subdivision will result in a net community benefit.

Flora and fauna impacts

11. The Revised Landscape Masterplan, the proposal for a conservation covenant on land abutting the western boundary and the proposed mitigation measures are all essential elements that combine to provide an acceptable environmental outcome for LGC's proposed redevelopment.
12. Acquiring the right to burden additional land to the west of the golf course with a covenant for conservation in perpetuity has been a critical change that gets the proposal 'over the line' because it provides potential critical avifauna habitat by improvements to management and rehabilitation of this land.

Water quality impacts

13. The hydrological and water quality impacts are acceptable and the issues can be managed through nominated additions to the proposed Environmental Management Framework.

Commonwealth matters

14. In relation to the Orange-bellied Parrot, the Revised Landscape Masterplan, with the proposed conservation covenant on private property abutting the proposed extension of the golf course in the south west, will significantly mitigate the potential for impacts on this species. The Inquiry sees this as being achieved through both the protection of existing habitat and, most importantly, the capacity for habitat enhancement. In addition, the application of a conservation covenant to control land use on this private land will be consistent with conservation of the Orange-bellied Parrot in the long term.
15. In relation to Listed Migratory Species, this proposal will not seriously threaten an ecologically significant proportion of the populations of the migratory birds using Lake Victoria.

Overall environmental management

16. The Revised Landscape Masterplan represents an opportunity to provide a significant additional area of suitable land for the protection and enhancement of habitat for the Orange-bellied Parrot in perpetuity and subsequently lowering the risk of habitat loss and disturbance by the proposal to an acceptable level.

17. The proposal, as modified, does not represent an unacceptable risk to the Orange-bellied Parrot.

Environmental mitigation

18. The creation of a private conservation reserve to the south west of the expanded Lonsdale Golf Course will be a major mitigation measure pivotal to achieving acceptable environmental outcomes for the proposal.
19. In conjunction with DPO26 and tied to the approval of planning permit with relevant conditions, the Environmental Management Framework structure, as described for the Stockland Point Lonsdale development, will provide a sound approach for achieving acceptable environmental outcomes. The content of the Environmental Management Framework will need to incorporate the environmental management strategies in the Environmental Management Plan Guidelines and the mitigation measures identified in the EES technical and expert witness reports and during the Inquiry hearing.

20.2 Inquiry recommendations

The Inquiry makes the following recommendations:

General

1. Subject to the recommendations in this report, Amendment C67 to the Greater Geelong Planning Scheme be adopted and a permit issued for Planning Permit Application 1313/2009.

Amenity impacts

2. COGG undertakes an informal consultation process with adjoining property owners in relation to the detailed provisions to be included in the various plans required under the DPO Schedule to ensure that mutually beneficial outcomes are achieved for the design of the new residential subdivision.
3. The amendments to the DPO Schedule proposed by the COGG (as presented in the version presented to the Inquiry on 7 February 2012) should be incorporated into the final version of this Schedule.

4. The following wording be included in the DPO Schedule in relation to the Golf Course Layout and Landscape Masterplan:
 - A detailed layout plan of the clubhouse precinct and car parking area and related landscaping and proposed built form of the clubhouse.
 - Prior to the approval of the Development Plan, COGG should conduct informal consultation with nearby landowners and occupiers.

Traffic impacts

5. The vehicular access point to the proposed residential subdivision from Gill Road be deleted and a pedestrian/cycle and potentially emergency access point be provided at this location in a manner that respects the existing vegetated character of Gill Road.

Subdivisions

6. The reference to the endorsed plans in any Planning Permit issued be updated to reflect the most up to date plans.
7. An amendment be made to Amendment C67 to include a site specific reference in Schedule 11 to the Rural Conservation Zone to Lot 2 in the Rural Subdivision Plan as being exempt from the minimum subdivision size.

Flora and fauna impacts

8. Approval of the Lonsdale Golf Club proposal be subject to the creation of a private conservation reserve in perpetuity involving an agreement between the Lonsdale Golf Club and the Estate of Marjorie Susan McNaught, being part of land described in Lot 1 on TP822391, and that the agreement include a management plan to exclude stock, undertake rabbit/vermin and weed control, and other appropriate measures to improve habitat.
9. The Lonsdale Golf Club's Revised Landscape Masterplan, as tabled at the Inquiry Hearing on 22 February 2012 be adopted as the basis for further detailed project planning.
10. The mitigation measures as presented by Mr Brett Lane in expert evidence be incorporated into the development of the Environment Management Framework.

11. The Lonsdale Golf Club allocate sufficient resources and employ the necessary expertise to protect and enhance remnant vegetation and habitat and further refine mitigation measures for avifauna for screening to minimise disturbance of avifauna for the proposed golf course redevelopment and the proposed private conservation reserve.
12. Hole 5 on the redeveloped golf course be located 15m north from the adjacent pond to reduce the impact on the coastal saltmarsh and bird habitat.

Water quality impacts

13. The following elements be added to the to the Environmental Management Framework for the proposed Lonsdale Golf Course redevelopment:
 - Groundwater monitoring of water quality be undertaken and mitigation measures identified to address any decrease in water quality;
 - A Stormwater Drainage Masterplan be prepared and approved;
 - A Coastal Acid Sulfate Soil Hazard Assessment be undertaken in accord with DSE's *Victorian Best Practice Guide for Assessing and Managing Coastal Acid Sulfate Soils* (October 2010);
 - A Nutrient and Irrigation Management Plan be prepared that will enable a systematic response to any surface and groundwater monitoring that indicates any increase in nutrients load to the ponds and Lake Victoria; and
 - Any fill to be imported to the site be subject to the approval of DSE and EPA.

Commonwealth matters

14. In relation to the Orange-bellied Parrot, approval of the proposal should be subject to:
 - Completion of a conservation covenant on land abutting the south west boundary of the expanded golf course;
 - Documentation of the proposed mitigation measures for protection and enhancement of Orange-bellied Parrot habitat;
 - Inclusion in the Environmental Management Framework of mitigation measures for the protection and regeneration of Coastal Saltmarsh vegetation as habitat for the Orange-bellied Parrot, introduction of screening between the new Holes 4, 5, 12 and 13

and Lake Victoria to reduce potential for disturbance by golfers, and exclusion of public access to the south west ponds area.

Environmental mitigation

15. An Environmental Management Framework structure generally consistent with that shown in Appendix B be adopted by the Proponent.
16. The Environmental Management Framework for the proposed Lonsdale Golf Course redevelopment include a Native Vegetation and Fauna Habitat Management Plan based on DSE's Native Vegetation Precinct Plan that includes the incorporation of mitigation measures from the EES technical reports and expert witness reports and during the Inquiry hearing in relation to:
 - Protection and enhancement of the connectivity of the Coastal Alkaline Scrub from Emily Street in the north to the coastal dunes in the south.
 - Protection and enhancement of salt marsh and waterbird habitat within the golf course redevelopment area.
 - Reduction of potential disturbance to waterbirds on the former shell grit ponds and Lake Victoria.
 - Protection of the Orange-bellied Parrot habitat on the south west ponds.
 - Development of a monitoring program and reporting procedures for flora and fauna management.
17. The Environmental Management Framework include a monitoring program for water quality that also sets performance indicators and mitigation procedures in the event of non-compliance.
18. The Environmental Management Framework include a programmed audit including timing and triggers for non-compliance.
19. The Proponent be encouraged to involve and use the local detailed knowledge and expertise from community environmental groups such as the Geelong Field Naturalists Club.

Appendix A List of submitters

Submitter	Organisation (if any)
Michael Dowling	
John Tuttle	
John and Prim de Steiger	
Fred R Andrews	
Jo and Pete Cordner	
Alan Gerloff	
Garry Titheridge	
Jeanette Hudson	
Janet Stoyles	
Margaret Burgin	
Ian C Hudson	
Anthony J Woolley	
A Maloney	
Martin Holme	
M Maloney	
Cherryl Selkirk	
Patrick Maye	
Thomas and Janet Fricke	
David and Gwynneth Sholl	
Don and Cherry Hanley	
D H Runnalls	
John and Nanette Calnin	
Brian Manley	
Bruce Macpherson	
A Joyce	
Merle May	
Elizabeth Iser	
Ian Leckie	
Rod Wayth	Queenscliff Bowling, Tennis and Croquet
John Goodman	

Submitter	Organisation (if any)
John Goodman	
Victor Harnath	Rotary Club of Ocean Grove
Judith Mitchell	
Bruce Mitchell	
Dr Golo Maurer	BirdLife Australia
Alison Briscoe	
S Falls and D Stevens	
Cynthia Hughes	
Nicki Dunne	Ocean Grove Neighbourhood Centre
John Johnson	
Bryan Crane	
Alan Mansfield	Point Lonsdale Bowls Club
Barrie Provan	Suma Park
Barrie Provan	
W D McIntosh	
John Scanlon	Probus Club of Point Lonsdale
Bryan Hughes	
Roberta Titheridge	
Darren Smith	
Margaret and Roger Rush	
Ian McKenzie and Alison Sinclair	
Joanna Scott	
Adrian Heritage	
David Harris	
C R Stanes	
Heather Perkins	
Mr and Mrs Meehan	
Clara Fletcher	
Paul Fletcher	
Lorel Larcombe	
Peter and Elizabeth Bacsak	
Ken Bryant	
Bev Crane	
Ian Hunter	

Submitter	Organisation (if any)
Bevan Cracknell	
Frank and Joan Phillips	
Joan Phillips	
Ron Pennant	
Catherine Marston	
Marj and Gary Golding	
Paul A Wilson	
Merilyn Tabor	
Ian Wood	
Graham Snow	
Professor Ian Dunn	
Roger A Eustace	
John and Ann Perrett	
Robert Hurley	Queenscliff Golf Club
Anna Maria Von Buxhoeveden	
Jack McKaige	
R Olsen	
John Manley	
Caroline Snow	
Kathryn and David Robson	
Sue Longmore	Bellarine Catchment Network
Michael Harrison	
Declan Valance	
Phil Thomas	
Judith Thomas	
Loren Bunting	
A McLean	
S R Thom	
Rosemary Povlaitis	
Maryclare Hoare	
Bryan Moloney	
Rank Donks	
Allan Corwell	
Darren Shaper	

Submitter	Organisation (if any)
Jason Maciejewski	
Alan Watson	
Dennis Puintti	
Barry Capp	Point Lonsdale Coastal Spaces Group
Anne Varley	
Joan Lindros	Geelong Environment Council Inc.
Peter Maishman	
Judith Greer	
Rodney Greer	
Anne and Charles Varley	
Margaret Snooks	Combined Probus Club of Queenscliff
Heather Greenwood	
Keith Greenwood	
Tim Clarke	
Kathryn Graham	
Elizabeth A Smith	
Barry J Smith	
James Cotton	
Linda Cotton	
Peter Ford	
Charles Rattray	
Chris Harper	
Dr Stewart Johnston	
Martin Brown	
Barbara and Ben Blair	
Barbara Prussner	
Margaret McLean	
David Kenwood	Queenscliff Environment Forum Inc.
P W Stokes	
Jennifer Carland	
Helen Lewry	
Dr Peter Rumpf	
Helen Rowan	
Mitch Hodgson	Borough of Queenscliffe

Submitter	Organisation (if any)
C Johnston	Queenscliff Community Association
Dr Bruce Lindsay	Geelong Field Naturalists Club Inc.
Graham Christie	Queenscliff Lonsdale Business and Tourism
James and Pam Coghlan	
Noel Morris	
Nick Harrison	
Les Harrison	
Maureen Harrison	
Graham Haslam	
Patricia Fovrest	
John Swift	
Colin Fraser	
Kevin Tangey	
Peter Deacon	
Michael Gough	
Beverley Dickinson	
Bev Tong	
Rosalind Smallwood	
Ash McDonald	
William Hume	
Marjorie Donovan	
Vic Richards	
GS and DL Frankpitt	
Michael Manley	
Ken Adam	
Jamie Dobbyn and Julie Serpell	
Michael Condon	Barwon Water
Tony Robinson	EPA Victoria
Matthew Teasdale	
Tanya McGann	
Alan Hunter	
Sue Wasterval	Greens Victoria
Roel Wasterval	Swan Bay Environment Association

Submitter	Organisation (if any)
Geoff Brooks	Department of Sustainability and Environment
Lloyd Smith	
Tony Jones	Corangamite CMA
D M Graham	Victorian Wader Society Group
LGC Inc.	Harwood Andrews

Appendix B EMF prepared for the Stockland Point Lonsdale Residential and Waterways Project

Figure 2 – Project Specific and General Framework for Environmental Management of the Site

