

**IN PLANNING PANELS VICTORIA**

**‘PART B’ SUBMISSION  
ON BEHALF OF THE PLANNING AUTHORITY**

**AMENDMENT C295MORN TO THE MORNINGTON PENINSULA PLANNING SCHEME**

**8 AUGUST 2025**

# INDEX

Index.....	2
Introduction.....	3
List of Key Items to be Addressed .....	3
Council’s Response to Submissions .....	4
Key Themes Arising From Submissions.....	4
General Response.....	5
Are the ‘financials’ of the DCP sufficiently justified?.....	7
Overall project cost and inclusions .....	7
Apportionment.....	12
Demand unit calculation.....	13
Conclusion on matters relating to the ‘financials’ of the DCP .....	14
Should the additional infrastructure and properties proposed to be added to the DCP and DCPO1 by the Amendment be included? .....	15
Conclusion on whether the proposed additional properties and infrastructure should be included within the DCPO1 and DCP .....	27
Should vegetation removal be included as part of the Amendment? .....	27
Conclusion on whether vegetation removal should form part of the Amendment? .....	30
Are there any other matters of substance raised in submissions that the Panel should consider and provide comment on? .....	30
Council’s Response to Evidence.....	30
Council’s Final Position on the Amendment.....	30
Conclusion.....	32

## INTRODUCTION

1. This submission is made on behalf of the Mornington Peninsula Shire Council (**Council**), the Planning Authority under s 8A of the *Planning and Environment Act 1987* (**Act**) for the Mornington Peninsula Planning Scheme. Council has prepared and is the proponent of Amendment C295morn (**Amendment**).
2. This 'Part B' submission is made in accordance with the Panel's directions dated 1 July 2025 (**Directions**). It is to be read in conjunction with Council's 'Part A' submission that sets out relevant matters of background to the Amendment, as filed on 4 August 2025.<sup>1</sup>
3. This submission addresses the three matters required by direction 11 of the Directions, namely:
  - 3.1. a list of key items to be addressed
  - 3.2. Council's response to submissions and evidence; and
  - 3.3. Council's final position on the Amendment.
4. In addition to the exhibited material, the various Council reports regarding the Amendment and the two written submissions, Council relies on:
  - 4.1. the expert evidence provided by Jo Fisher of Mesh Planning Pty Ltd (Mesh) in field of Development Contributions Plans, as reflected in the written statement of evidence dated 4 August 2025 (**Fisher Statement**); and
  - 4.2. the various documents filed as annexures to the 'Part A' submissions that will be referred to throughout these submissions.
5. Save for some exceptions noted within these submissions that Council will take the Panel to, it otherwise adopts the evidence of Ms Fisher.

## LIST OF KEY ITEMS TO BE ADDRESSED

6. Direction 11.a) of the Directions requires Council to list the 'key items to be addressed' in its 'Part B' submission.
7. The key issues addressed in these submissions and that Council considers that Panel is required to engage with given the matters raised by Submitters are:
  - 7.1. whether the 'financials' of the DCP (including project cost, demand unit calculation and apportionment) are sufficiently justified;
  - 7.2. whether the additional infrastructure and properties proposed to be added to the DCP and DCPO1 by the Amendment should be included; and

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<sup>1</sup> For convenience, the shorthand references introduced in Council's 'Part A' submissions are also utilised within these submissions.

- 7.3. whether vegetation removal should be included as part of the Amendment.

## COUNCIL'S RESPONSE TO SUBMISSIONS

8. Direction 11.b) of the Directions requires (in part) that Council include a response to submissions within its 'Part B' submission.
9. As noted in Council's 'Part A' submission, a detailed summary of, and response to, the submissions received in response to exhibition of the Amendment forms part of the agenda to the Council meeting held on 20 May 2025 (**Agenda**).<sup>2</sup>
10. At the aforementioned meeting, Council resolved to refer all submissions (including late submissions) to the Panel for consideration. At the time of the resolution, 7 submissions had been received by Council. At the time of writing, 1 further submission has been received, bringing the total number of submissions to 8.
11. Of these 8 submissions received, 2 of the submitters have indicated a desire to be heard at this hearing, as follows:<sup>3</sup>
  - 11.1. Submitter 6; and
  - 11.2. Submitter 5.
12. This section of the 'Part B' submission firstly sets out a summary of the key 'themes' identified through submissions, followed by a general response to the submissions as a whole, before concluding with a more detailed response to more substantive issues raised in submissions, including by those submitters who have indicated a desire to be heard at this hearing.

## KEY THEMES ARISING FROM SUBMISSIONS

13. As noted within Council's 'Part A' submission, Council identified a number of key themes that emerged from the submissions received, including from those submitters seeking to be heard at this hearing.<sup>4</sup> These include:
  - 13.1. increases to traffic and associated amenity and safety issues;
  - 13.2. inequity of including the Cooma Street upgrade in the DCP and lack of consistency with Council's *Unmade Roads Construction Strategy (2006)*;
  - 13.3. lack of consistency with the objectives of the *Township Plan*, specifically those relating to environmental protection and township character;
  - 13.4. lack of consistency with Council's adopted Asset Plan 2022-2032, specifically as it relates to maintenance of existing assets over construction of new assets and equitable funding of infrastructure;

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<sup>2</sup> Council Meeting Agenda – 20 May 2025, 20-23 (**Agenda**).

<sup>3</sup> Listed in order of appearance as per Timetable dated 1 July 2025.

<sup>4</sup> Part A Submission, 4 August 2025, 26 (**Part A Submission**).

- 13.5. inadequate consultation, contrary to the requirements of the *Local Government Act 2020* as it relates to the requirement to engage the community on strategic planning matters;
  - 13.6. inappropriateness of Council contributing 30% towards the cost of delivering infrastructure that would be of limited and largely private benefit;
  - 13.7. impropriates of altering the method of demand unit calculation;
  - 13.8. concerns relating to the potential for the future northern extension of Woolleys Road;
  - 13.9. inaccuracy of the exhibited Amendment material, including specifically that the DCP does not acknowledge existing infrastructure for properties proposed to be added to the DCP and the vegetation removal plan shows some vegetation that has already been removed; and
  - 13.10. removal of vegetation from outside the DCP area.
14. As to the totality of the submissions received, Council notes that:
    - 14.1. **Submitter 1** (South-East Water) advised that they have no objection to the Amendment and otherwise provided no comments for consideration; and
    - 14.2. **Submitter 4** (Country Fire Authority) indicated that they have no comment to make in relation to the Amendment.
  15. Subsequently, no further commentary is included within these submissions with relation to Submitter 1 and Submitter 4.

## GENERAL RESPONSE

16. The submissions that follow focus on the more substantive and reoccurring concerns raised through submissions. The detailed consideration and response to submissions included within the Agenda is otherwise adopted for the purposes of responding both generally to aforementioned key themes identified through the submissions and to the more discrete matters raised through submissions that are not otherwise addressed within these submissions.
17. Prior to going to Council's detailed response to those substantive and reoccurring matters raised by submitters, Council submits that there are three important factors in the background to the Amendment to be borne in mind as general context to the Panel's consideration of these submissions, namely:
  - 17.1. that the Amendment positively responds to the objectives of planning in Victoria and the Planning Policy Framework, as outlined in the Explanatory Report; and
  - 17.2. that the Amendment achieves compliance with all relevant ministerial directions and practice notes, as outlined within the Explanatory Report and the evidence of Ms Fisher;<sup>5</sup> and

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<sup>5</sup> Expert Witness Statement of Jo Fisher of Mesh Planning Pty Ltd, dated 4 August 2025, 16-17 (**Fisher Statement**).

- 17.3. that there is a certain underlying logic to the Amendment in the sense that it seeks to fill in unusual 'gaps' that would exist if the project funded by the DCP was to be delivered in its current form.
18. Whilst Council will not explicitly repeat these factors in response to the individual matters addressed in these submissions, these considerations nonetheless remain relevant and serve as the starting point to each of the subsequent responses provided in these submissions. Council urges the Panel to keep these factors 'in mind' throughout the hearing process and in its consideration of the submissions made to it.
19. Further, it is a relevant factor for the Panel to observe that the Amendment does not seek to introduce a wholly new DCP, but merely seeks to modify an existing DCP. In this regard, matters such as whether a DCP is appropriate for this land or whether the project sought to be funded by the DCP is justified (in a general sense) are not generally before the Panel. The starting point is that the DCP exists and has already been justified.
20. With relation to this 'starting point', Council notes the comments of the Panel convened to consider submissions in respect of Amendment C210morn as it relates to the introduction of the DCP:<sup>6</sup>

The infrastructure at Creswell Street clearly needs enhancement, irrespective of whether it remains as a potential industrial precinct or is transformed into a residential area, as proposed in the Amendment. The items covered in the original DCP are all required as essential infrastructure, even if the water supply and communications requirements are to be met outside the funding of the DCP contributions.

The DCP and DCPO are effective and transparent mechanisms to define and collect infrastructure funds. The Panel supports the use of these planning tools.

21. The Panel's task in considering the matters raised by submitters is therefore narrower in scope than it would otherwise be were this an entirely new DCP that was proposed, with its consideration limited to whether the changes proposed to be made to the DCP are appropriate as distinct to whether the DCP should exist at all.
22. At any rate, Council submits for completeness that the proposed DCP is (in its submission) wholly consistent with:
- 22.1. the policy basis set out at clause 11.02-1S Supply of urban land, which includes ensuring '*supporting infrastructure*' is available to support '*sustainable urban development*'; and
- 22.2. the policy basis set out at clause 19.03-1S Development and infrastructure contributions plans, which includes the objective of facilitating the '*timely provision of planned infrastructure*'.
23. Lastly, by way of a preliminary factor to be introduced before the specifics of the submissions are considered, Council submits that the need and justification for the DCP (in a general sense) has quite arguably increased since its initial introduction due to the much publicised

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<sup>6</sup> Panel Report – Mornington Peninsula Planning Scheme Amendment C210 Creswell Street, Crib Point (30 April 2018) 29. Amendment C210morn being the amendment that first introduced the DCP to the Scheme, as outlined in Council's 'Part A' submission, [34]-[48].

'housing crisis' being experienced by the State. As noted within the recently released *Plan for Victoria*:<sup>7</sup>

To meet Victorians' current and future housing needs, about 2.24 million more homes will be needed across Melbourne and our regional cities and towns over the next 30 years. And it matters where those new homes will be.

24. The DCP seeks to deliver the infrastructure necessary to 'unlock' the previously industrial zoned land for residential development. In the absence of the infrastructure delivered by the DCP, development of some of the lots subject to the DCP would prove challenging (if not, impossible) to deliver. Subsequently, the DCP assists with the realisation of the targets set out within *Plan for Victoria* (albeit to a limited extent).
25. This is a further relevant underlying factor for the Panel to bear in mind in its consideration of submissions that seek to challenge the need for the infrastructure sought to be delivered by the DCP.
26. The submissions now proceed by addressing the substantive and reoccurring matters raised by submitters by addressing the following four questions:
  - 26.1. Are the 'financials' of the DCP (including project cost, demand unit calculation and apportionment) sufficiently justified?
  - 26.2. Should the additional infrastructure and properties proposed to be added to the DCP and DCPO1 by the Amendment be included?
  - 26.3. Should vegetation removal be included as part of the Amendment?
  - 26.4. Are there any other matters of substance raised in submissions that the Panel should consider and provide comment on?

#### ARE THE 'FINANCIALS' OF THE DCP SUFFICIENTLY JUSTIFIED?

27. Submitters 5 and 6 raise matters that relate to the apportionment of the DCP and the proposed variation to demand unit calculation.
28. In order to properly engage with these matters, it is necessary to first consider whether the overall 'cost' of the project sought to be delivered by the DCP is justified.

#### **Overall project cost and inclusions**

29. In the first instance, Council notes and accepts that the proposed cost of the project funded by the DCP – as firstly included in the exhibited material and then as sought to be updated by Council's 'Day 1' documents – is a not-insignificant increase on the cost set out in the current form of the DCP.
30. In summary, the project cost reflected in the existing DCP, exhibited DCP and in Council's updated cost estimates are (in June 2025 dollars):<sup>8</sup>

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<sup>7</sup> *Plan for Victoria* (Department of Transport and Planning, 2025) 11.

<sup>8</sup> Note, all dollar figures referred to in these submissions are excluding GST.

Existing DCP	Exhibited DCP	Revised cost following exhibition <sup>9</sup>
\$2,796,974 (Originally \$2,091,053)	\$4,985,245 (Originally \$4,720,000)	\$5,272,000

31. It is unclear upon what basis the project cost included within the existing DCP were calculated. To the best of Council's knowledge, the estimated project cost included within the existing DCP was not based on any detailed designs or costings, but was instead based on a mere concept plan. That concept plan, as included in the existing DCP, is extracted as follows:

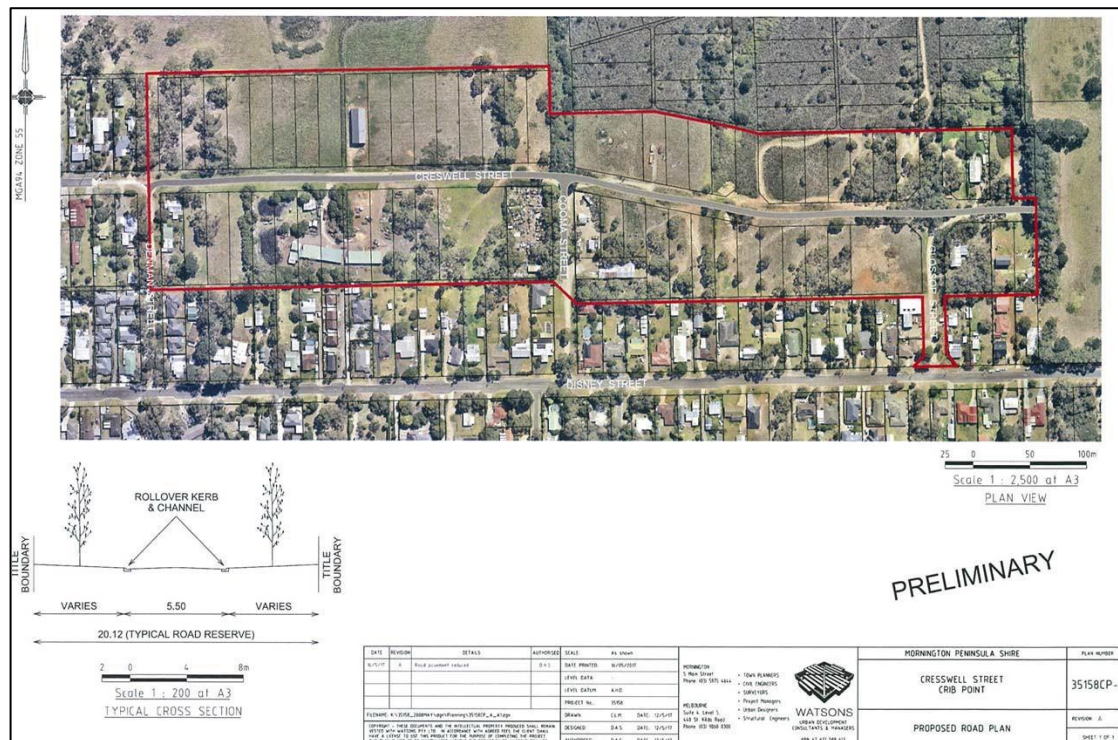


Figure 01 – Appendix A of the existing DCP incorporated document, being the preliminary road concept plan that the existing DCP costing is based on.

32. In the intervening period between the introduction of the existing DCP and the date of this hearing, Council has undertaken extensive further work to scope out the project and the estimated costs.
33. Such work commenced with the engagement of JCA Land Consultants (**JCA**) to produce detailed design drawings of the project included within the DCP and engagement of quantity surveyors Harlock Consulting (**Harlock**) to produce a cost estimate based on those drawings.
34. That engagement initially revealed that there was an approximate \$1.1 million shortfall between the cost set out within the DCP and the actual construction costs. Those numbers are reflected in the following table (in September 2022 dollars):

<sup>9</sup> Note, this is the revised estimated cost of the project as exhibited (i.e. prior to the reduction of the scope of the project to remove the Cooma Street infrastructure from the DCP as part of Council's 'Day 1' position).

Existing DCP	Estimated construction costs based on detailed drawings
\$2,590,922 (Originally \$2,091,053)	\$3,700,000

35. Following the completion of a peer review of the DCP and the subsequent decision (at an officer level) to expand the scope of the DCP project,<sup>10</sup> JCA produced a series of detailed design drawings that culminated in a set of plans dated 6 December 2022 for the project set out within the existing DCP, but with the increased extent of infrastructure within both Creswell Street and Cooma Street (note, Glossop Street was missing from these plans).<sup>11</sup>
36. An estimate was then prepared by Harlock, dated 18 May 2023, based on the 2022 JCA drawings, but with added quantities to also account for proposed infrastructure within Glossop Street, that revealed a project cost for the increased scope of the project of \$4,720,000 (in May 2023) dollars.
37. The 18 May 2023 Harlock estimate informed the exhibited form of the Amendment.
38. Following exhibition, and as part of its broader consideration of submissions, Council commissioned additional technical work to further scope out the project funded by the DCP and associated costs. As noted in Council's 'Part A' submission, these include:
  - 38.1. Detailed Design Drawings (for Council's preferred position on the Amendment), prepared by JCA Land Consultants, dated 20 June 2025, revision E;
  - 38.2. Memorandum regarding drainage inclusions within the DCP Project, prepared by JCA Land Consultants, dated 25 July 2025;
  - 38.3. Updated Quantity Surveying Estimates (for both the exhibited version of the Amendment and Council's preferred position on the Amendment), prepared by Harlock Consulting, dated 31 July 2025; and
  - 38.4. Detailed Design Drawings (for the exhibited version of the Amendment), prepared by JCA Land Consultants, dated 30 Jul 25, Revision F.
39. These documents have informed Council's 'Day 1' position on the Amendment.
40. Of note within these documents is the inclusion of costings for a sewer rising main which was not included in the design or costings that informed the exhibited version of the Amendment, but which is required as part of the sewerage infrastructure for the Amendment Land.
41. The 31 July 2025 Harlock estimates, which have regard to commentary and input made by JCA (including the addition of the sewer rising main), provide an estimated cost for the project funded by the DCP of \$5,272,000 for the exhibited scope of the project and \$5,210,000 for the reduced scope of the project (i.e. consistent with Council's 'Day 1' position).
42. Those numbers are shown in the table that follows in comparison to the costs set out within the existing and exhibited versions of the DCP (in June 2025 dollars):

<sup>10</sup> The details and findings of the peer review are set out in Council's 'Part A' submission, [60].

<sup>11</sup> Detailed Design prepared by JCA Land Consultants, dated 6 December 2022 (revision C).

Existing DCP	Exhibited DCP	Revised cost following exhibition <sup>12</sup>	'Day 1' DCP <sup>13</sup>
\$2,796,974 (Originally \$2,091,053)	\$4,985,245 (Originally \$4,720,000)	\$5,272,000	\$5,210,000

43. Council submits, regardless of whether the Panel accepts Council's 'Day 1' position or not, it is the cost estimate from the 31 Jul 2025 Harlock estimate that should inform the Panel's consideration of the Amendment and should ultimately be reflected in the Amendment in lieu of the costings that informed the exhibited version of the Amendment. This is on the basis that these are the 'best available' numbers at this time and have been informed by multiple stages of review from both JCA and Harlock.
44. As the Panel would likely be well aware, it is a well-entrenched principle of administrative decision making that a decision maker should have regard to the most up to date and current information available to it at the time it makes its decision.<sup>14</sup>
45. Council notes that this view is consistent with the evidence of Ms Fisher, who concludes:<sup>15</sup>
110. I support the proposed Amendment subject to: -
- a. Updating the construction costs to reflect the updated Harlock Consulting July 2025 cost estimate, however I note that the inclusion of costs associated with water mains and rising sewer mains in a DCP is not typical.
46. As it relates to the water mains and rising sewer main, Council notes that Ms Fisher does not support their inclusion within the project funded by the DCP on the basis that they are '*not typically included*', but notes that there has '*been exceptions*'.<sup>16</sup>
47. Council notes that one such exception includes the Development Contributions Plan for the Arden Precinct,<sup>17</sup> which includes costs associated with new utility installations, including water and sewer, in some locations.<sup>18</sup>
48. In this case, Council submits that it is reasonable for costs associated with both water mains and rising sewer mains to be included in the DCP on the basis that:
- 48.1. the infrastructure is relatively localised and would not otherwise be delivered by service authorities as it might otherwise for larger areas of land subject to DCPs;

<sup>12</sup> Note, this is the revised estimated cost of the project as exhibited (i.e. prior to the reduction of the scope of the project to remove the Cooma Street infrastructure from the DCP as part of Council's 'Day 1' position).

<sup>13</sup> Note, this is the estimated cost following reduction of the scope of the project to remove the Cooma Street infrastructure from the DCP as part of Council's 'Day 1' position.

<sup>14</sup> *Minister for Aboriginal Affairs v Peko-Wallsend* (1986) 162 CLR 24; *Shi v Migration Agents Registration Authority* (2008) 235 CLR 286.

<sup>15</sup> Fisher Statement, 27.

<sup>16</sup> *Ibid* 27.

<sup>17</sup> [Arden Precinct Development Contributions Plan \(Amended December 2023\)](#).

<sup>18</sup> For example, in 'ST-08: Fogarty Street – Arden Street to Barwise Street' (at page 75) and 'IN-13: Arden Street / Langford Street intersection' (at page 94).

48.2. the overall cost associated with these components of the project is relatively minor within the total scope of the project cost;<sup>19</sup> and

48.3. Council will be funding at least 30 percent of the cost of delivery of the project.<sup>20</sup>

49. Subsequently, Council does not accept nor agree with this part of Ms Fisher's evidence.

50. As it relates to the changes to the costings that have occurred following exhibition, Council submits that the project cost reflected in the 31 July 2025 Harlock estimate is not dissimilar to the cost that was set out in the exhibited DCP, noting an overall +\$286,755 difference in cost (when the relevant indexation is applied). This is, in Council's view, a reasonable variation to the project cost as exhibited, noting that the exhibited DCP anticipated some variation to costings would occur:

#### **5.10 Adjustment to the Infrastructure Scope**

The infrastructure project in this DCP has been costed to a sufficient level of detail; however, the Council may amend or modify some aspects of the project, so long as they are still generally in accordance with any direction regarding the scope outlined in this DCP.

Where the Council or another agency seeks to change the scope of a DCP infrastructure item to meet changing standards imposed by adopted policy or a public regulatory agency, such changes of standards and the resulting cost changes should normally be made through a change to the DCP at the time of a regular review of the DCP.

Where, after the DCP has been approved, a Council or other agency proposes changes to the scope of a DCP infrastructure item for reasons other than changes in standards imposed by policy or regulation the net cost increases resulting from the change should normally be met by the agency requesting the change.

51. Subsequently, Council considers it acceptable to rely upon the 31 July 2025 revised costings prepared by Harlock in advancing the Amendment.

52. Overall, Council submits that the overall cost of the project sought to be funded by the DCP, as per the 31 July 2025 Harlock estimate, is justified on the basis that:

52.1. the estimates have been prepared on the basis of detailed design drawings (rather than on a mere 'concept plan' as the costings within the existing DCP appear to have been);

52.2. the estimates have been subject to input and review from both construction engineers and quantity surveyors; and

52.3. the project (in a general sense) has already been accepted as being justified and necessary by the Panel and the Minister.

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<sup>19</sup> Totalling \$421,355 for both the exhibited and 'Day 1' project scopes, as per the 31 July 2025 Harlock estimates, equating to approximately 8 percent of the total project cost.

<sup>20</sup> Noting that a number of properties have already made their contribution under the existing DCP (as outlined in the Part A Submissions, [87]-[88]) and therefore will not contribute in line with the updated DCP should the Amendment come into operation.

53. As to the total cost attributed to the DCP, Council relies on the expert opinion of Ms Fisher as it relates to inclusion of finance and plan preparation costs entirely appropriate propositions:<sup>21</sup>

56. ...

h. the inclusion of finance costs and plan preparation costs is in accordance with both the Ministerial Direction and DCP Guidelines;

### **Apportionment**

54. Both Submitter 5 and Submitter 6 query the appropriateness of the proposed apportionment, suggesting that Council should not fund any of the infrastructure.

55. As outlined Council's 'Part A' submissions:

55.1. the existing DCP includes a 70/30 apportionment split;<sup>22</sup>

55.2. the peer review commissioned by Council recommended that the apportionment be revised so that 100 percent of the project costs were attributed to development of the Amendment Land;<sup>23</sup>

55.3. in its initial advancement of the Amendment, Council sought to revise the apportionment in line with this recommendation;<sup>24</sup>

55.4. however, Council subsequently resolved prior to exhibition to retain the existing 70/30 apportionment arrangement.<sup>25</sup>

56. Subsequently, there is no change to the proposed Apportionment arrangement from the existing DCP.

57. In its consideration of submissions lodged in respect of Amendment C210morn, the Panel made the following comments regarding the proposed apportionment arrangement:<sup>26</sup>

#### **(ii) Shares of costs between landowners and Council**

The apportionment of costs of 70 percent to landowners and 30 percent to Council is not based on a detailed assessment of the split between the beneficiaries of this potential development, such as a projection of the likely use of the infrastructure by future residents and other users. Rather, it uses the apportionment used in similar Special Charges Schemes within Mornington Peninsula Shire.

The Panel accepts that a small infrastructure project such as Creswell Street will not be subject to the same level of detailed analysis as much larger projects subject to DCPs. In this case, apportionment used in equivalent Special Charge Schemes is a pragmatic and reasonable solution.

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<sup>21</sup> Fisher Statement, 17.

<sup>22</sup> Part A Submissions, [39].

<sup>23</sup> Ibid [63];

<sup>24</sup> Ibid [63].

<sup>25</sup> Ibid [65].

<sup>26</sup> Panel Report – Mornington Peninsula Planning Scheme Amendment C210 Creswell Street, Crib Point (30 April 2018) 29-30.

58. Council submits that these comments remain relevant to the updated DCP sought to be implemented via the Amendment. The 70/30 split remains a 'pragmatic' and 'reasonable' solution given the relatively small scale of the project.
59. Further, Council notes and adopts Ms Fisher's evidence as it relates to the retention of the existing apportionment split being an acceptable proposition:<sup>27</sup>
98. I note that Council could have pursued 100% apportionment however Council's acceptance of 30% effectively deals with any external benefit that would be associated with the proposed DCP project and therefore I consider this approach reasonable in the circumstances.
60. On this basis Council does not propose any modification to the apportionment arrangement included in the exhibited version of the Amendment in response to submitters 5 and 6 and otherwise submits that it is an appropriate arrangement.

### **Demand unit calculation**

61. Submitter 6 raises concerns with the proposed modification of the demand unit calculation from street frontage within the existing DCP to lot area within the proposed DCP.
62. As noted within Council's 'Part A' submissions, the existing DCP utilises a demand unit of lot frontage to determine the applicable charge to each property within the DCP. There is no explanation within the explanatory report for Amendment C210morn as to why this form of demand unit was utilised, nor is there any commentary within the report of the Panel convened to consider submissions in respect of the amendment as to the appropriateness of this form of demand unit calculation.<sup>28</sup>
63. The Amendment proposes to modify the demand unit calculation to instead be based on square meterage of the lot being developed.
64. A demand unit based on lot frontages is, in Council's submission, somewhat of an unusual approach as it does not necessarily result in an equitable apportionment between development given that the 'developable' capacity of land is not defined by its frontage width. As explained by Council in its response to submissions:<sup>29</sup>

Applying lot frontage as the demand unit is an unusual approach as the lot frontage does not always have a direct relationship to the total lot yield – i.e. future subdivision potential of a lot. Adopting land area as the demand unit in a DCP is more equitable because it applies the same square meter contribution rate to all landowners who benefit from the DCP infrastructure. This approach is widely accepted and approved as common practice for many other DCPs across the state, as recommended by the State Government's DCP Guidelines.

65. As noted, utilisation of total lot area to define the demand unit is in line with the State Government's *Development Contributions Guidelines*:<sup>30</sup>

### **Demand units**

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<sup>27</sup> Fisher Statement, 26.

<sup>28</sup> Amendment C210morn being the amendment that first introduced the DCP to the Scheme.

<sup>29</sup> Agenda, Attachment 4, 11.

<sup>30</sup> *Development Contributions Guidelines* (Department of Sustainability and Environment, 2007) 28.

A demand unit is an individual unit that provides the basis on which infrastructure levies are calculated and charged. A demand unit could be a dwelling, a lot, a hectare, or 1 square metre of impervious site coverage.

66. As it relates to this change, Ms Fisher opines:<sup>31</sup>

#### **4.1.6 Demand Units**

39. It is acknowledged that the current planning controls allow for subdivision with a minimum lot size of 650m<sup>2</sup>, therefore many of the parcels within the DCP can be further subdivided. However, the ultimate yield of future potential subdivision is unknown and therefore the DCP demand units are based on total site area.

...

41. The application of lot area as the basis for the demand units is considered reasonable as it aligns with common practice.

67. In Council's view, a demand unit defined by the total size of the lot being developed is a logical and equitable approach in the circumstances.

68. It follows from the above that Council does not propose any changes to the demand unit as included in the exhibited version of the Amendment in response to Submitter 6.

#### ***Conclusion on matters relating to the 'financials' of the DCP***

69. As it relates to financial matters included within the proposed DCP, including costings, apportionment and demand unit calculation, Council's position is that:

69.1. irrespective of whether it is the exhibited scope of the project or the reduced scope of the project (as per Council's 'Day 1' position) that is adopted, the project costs included within the 31 July 2025 Harlock estimates should be utilised within the DCP as the most comprehensive and up to date estimates of the actual project costs;

69.2. the retention of the 70/30 apportionment split is appropriate; and

69.3. the modification of the demand unit as to be based on lot area is appropriate.

70. Reflective of the above, Council's 'Day 1' documents have included the updated project costing as per the 31 July 2025 Harlock estimates.

71. An 'alternative' contributions table was also provided on without prejudice basis alongside Council's 'Day 1' documents to include the 31 July 2025 Harlock estimates for the exhibited scope of the project in the event that the Panel does not accept Council's 'Day 1' position with relation to the reduced scope of the project.

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<sup>31</sup> Fisher Statement, 12.

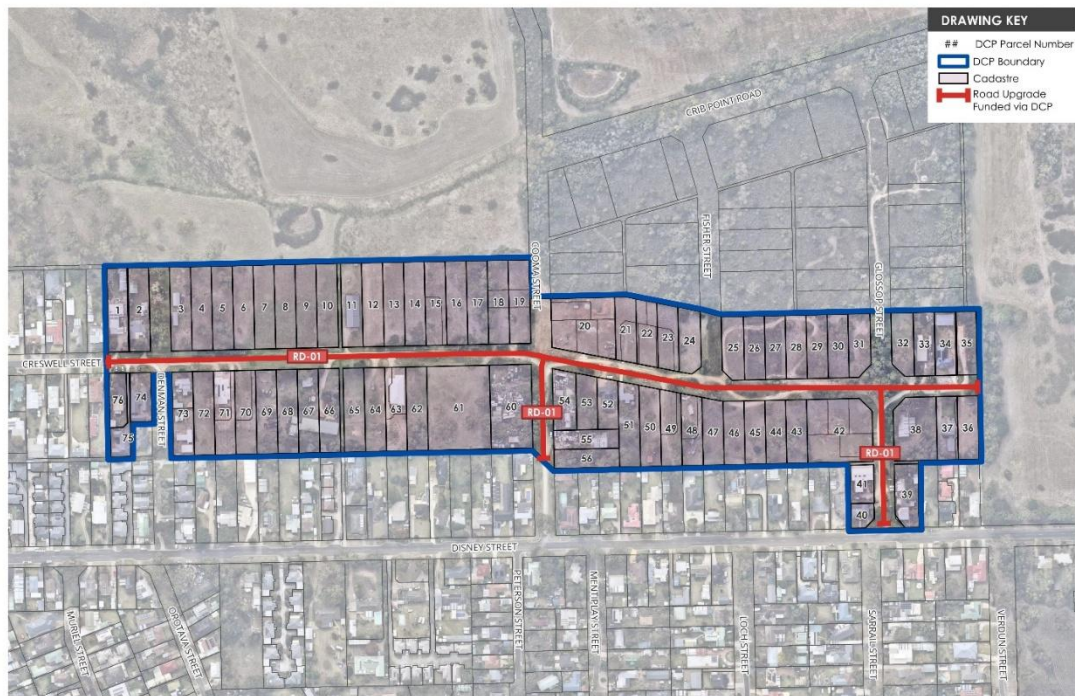
SHOULD THE ADDITIONAL INFRASTRUCTURE AND PROPERTIES PROPOSED TO BE ADDED TO THE DCP AND DCPO1 BY THE AMENDMENT BE INCLUDED?

72. Submissions 2, 5, 6 and 8 are from properties that are not presently subject to the DCPO1, but were proposed to be added to the DCPO1 by the exhibited version of the Amendment.<sup>32</sup>
73. These submitters all raise concerns with the proposed inclusion of their properties within the DCPO1.
74. The reasons why vary, but generally relate to the lack of need for, and lack of reliance on, the project funded by the DCP.
75. Further, Submitters 5 and 6 raise concerns with the proposed sealing of the additional southern extent of Cooma Street that is included within the project, whilst Submitter 8 raises concerns with the proposed sealing of the additional western extent of Creswell Street that is also included within the project.
76. These submitters submit that they already have access to the infrastructure required to be delivered as part of the project facilitated by the DCP, including in the form of existing drainage infrastructure and sufficient existing road frontages.
77. Whilst no submissions were otherwise received from those properties proposed to be added to the DCP along Glossop Street, Submitter 6 also raises some concerns with the proposed formalisation of Glossop Street.
78. In response to Submitters 2, 5 and 6, Council resolved the following (with emphasis):
  5. Endorses the proposed changes to Amendment C295morn to the Mornington Peninsula Planning Scheme, generally in accordance with Attachment 5 to this report, but amended to remove 6 Cooma Street, 90 and 92 Disney Street, Crib Point, and associated infrastructure from the amendment, consistent with recommendation 7 below for the purposes of Council's advocacy position before the Planning Panel.  
  
...
  7. Includes in its submission to the Planning Panel the proposed changes to documentation for Amendment C295morn to the Mornington Peninsula Planning Scheme, generally in accordance with Attachment 5 to this report, but amended to:
    - A. Remove 6 Cooma Street, 90 and 92 Disney Street, Crib Point from the amendment.
    - B. Remove associated infrastructure immediately adjacent 6 Cooma Street, 90 and 92 Disney Street, Crib Point.
    - C. Update DCP infrastructure costs as a consequence to the above changes.
79. Subsequently, Council's 'advocacy' or 'preferred' position on the Amendment for the purposes of this hearing is that the addition of the southern extent of Cooma Street that was sought to be added by the Amendment should no longer be included. This is reflected in Council's 'Day

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<sup>32</sup> The location of these submitters can be seen on the Submitter Map that accompanied Council's 'Part A' submissions (Annexure 4).

1' version of the Amendment that was filed alongside its 'Part A' submission, reducing the scope of the DCP as follows:

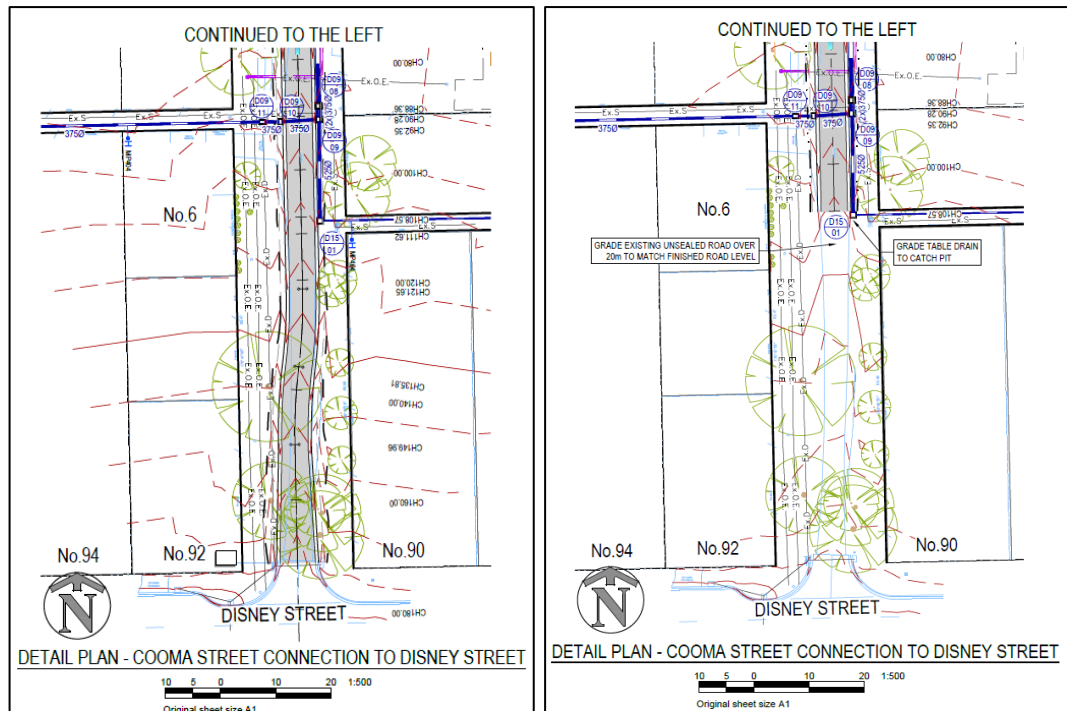


**Figure 02 – Overall DCP Project Plan from the 'Day 1' version of the DCP.**

80. Prior to this, the works proposed within the Cooma Street addition included the sealing of Cooma Street down to Disney Street including concrete kerb and channel, the installation of formalised drainage to (approximately) the southern boundary of 90 Disney Street and the corresponding decommissioning of the existing open channel drainage. Those works were depicted on the detailed drawings that informed the exhibited version of the Amendment.<sup>33</sup>
81. To reflect its 'advocacy position' and to supplement its 'Day 1' documents, Council again engaged JCA to prepare updated construction drawings which excluded the southern extent of Cooma Street.<sup>34</sup> Those drawings show the cessation of the sealed road level with the southern boundary of 1 Cooma Street and no change to the proposed drainage infrastructure.
82. The change to the detailed design drawings between the exhibited and 'Day 1' versions of the Amendment as it relates to Cooma Street is reflected in the following comparison:

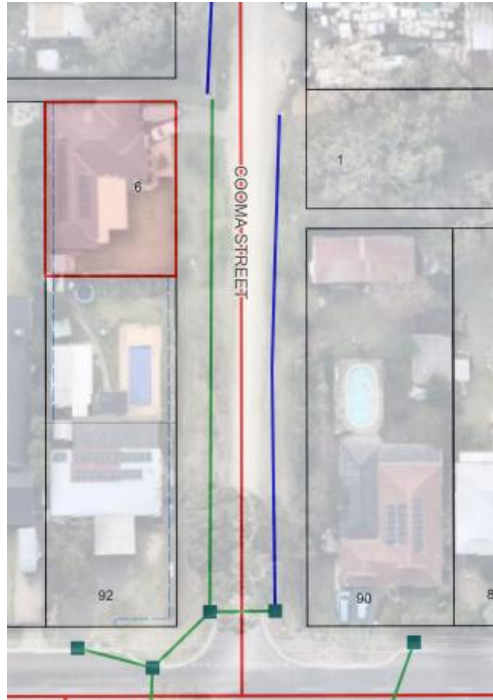
<sup>33</sup> Detailed Design prepared by JCA Land Consultants, dated 6 December 2022 (revision C).

<sup>34</sup> Detailed Design Drawings prepared by JCA Land Consultants, dated 20 June 2025, revision E.



**Figures 03 and 04 – Comparison between the proposed Cooma Street works as per the exhibited version of the DCP (left) and the ‘Day 1’ version of the DCP (right).**

83. As it relates to existing infrastructure, Cooma Street is currently unsealed and is serviced by a combination of drainage pipes and open channel drainage.
84. Of the three properties sought to be included in the DCPO1 through the exhibited version:
  - 84.1. 90 Disney Street derives its primary vehicle access from Disney Street (with secondary access only to Cooma Street) and has access to drainage infrastructure on Disney Street (including adjacent to the Cooma Street intersection);
  - 84.2. 92 Disney Street derives its primary vehicle access from Disney Street (with secondary access only to Cooma Street) and has access to drainage infrastructure on Disney Street (including adjacent to the Cooma Street intersection); and
  - 84.3. 6 Cooma Street derives its primary vehicle access from Cooma Street and has access to existing drainage infrastructure on Cooma Street.
85. The existing drainage infrastructure running through Cooma Street is shown on the following extract from Council’s GIS system:



**Figure 05 – Extract from Council’s GIS system showing Cooma Street with existing drainage infrastructure, including drainage pipes and pits in green and indicative open channel drainage in blue.**

86. As can be seen, existing drainage infrastructure includes a drainage pipe that runs to approximately the northern boundary of 6 Cooma Street, before converting into open channel drainage. The point where the drainage converts to open channel drainage forward of Cooma Street can be seen in the following image (taken 31 July 2025):



**Figure 06 – Conversion from drainage pipes to open channel drainage adjacent to 6 Cooma Street.**

87. The subsequent open channel drainage on the northern end of Cooma Street can be seen in the following image (taken 31 July 2025):

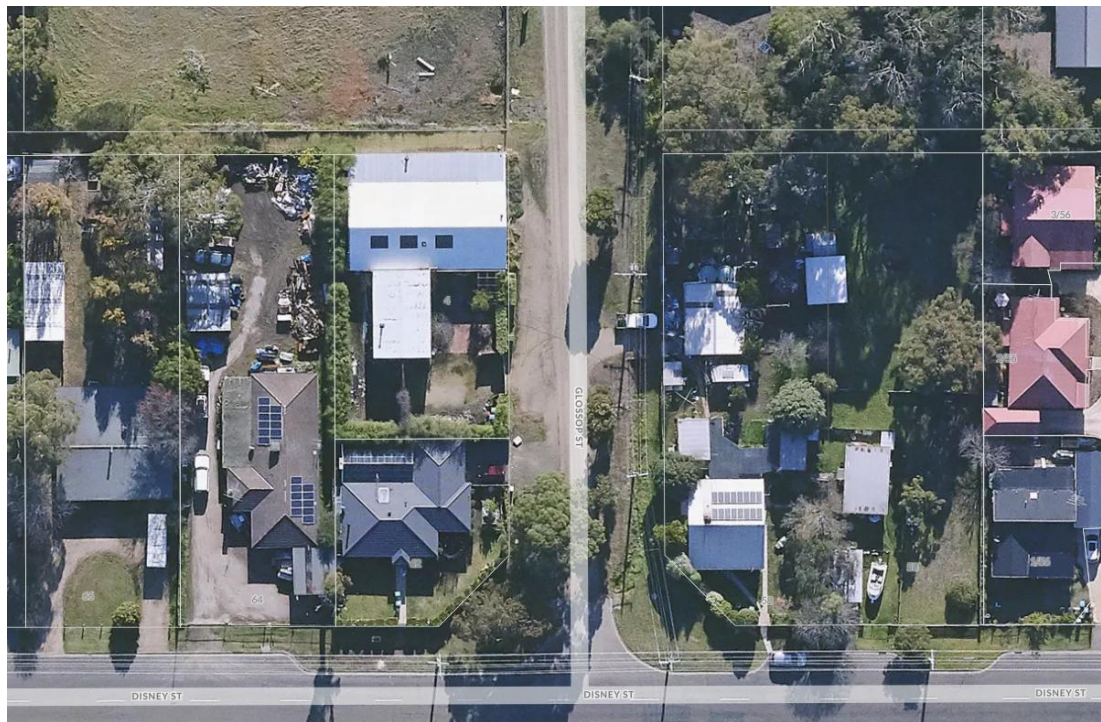


**Figure 07 – Open channel drainage in the northern end of 6 Cooma Street.**

88. As noted, the existing DCP already accounts for the sealing of Cooma Street and associated drainage infrastructure from between Creswell Street and 1 Cooma Street. The intention of the exhibited form of the DCP was to ‘infill’ the missing link of road infrastructure between that section of Cooma Street already covered by the DCP and Disney Street to the south.
89. As demonstrated from the prior extracts of Council’s GIS program and the detailed design drawings that informed the exhibited form of the Amendment, there is no missing drainage link to otherwise be filled in the southern extent of Cooma Street. The detailed design drawings that informed the exhibited form of the Amendment demonstrate that there was no additional formal drainage infrastructure actually proposed within the ‘missing link’ with sufficient drainage infrastructure already existing within this section of Cooma Street. Subsequently, Council’s resolution to remove these properties is of limited consequence from a drainage perspective.
90. On the basis of:
- 90.1. the lack of reliance on Cooma Street for primary vehicle access for two of the three Cooma Street properties sought to be included in the DCPO1;
  - 90.2. the availability of existing drainage infrastructure for all three Cooma Street properties sought to be included in the DCPO1; and
  - 90.3. the lack of need for any additional drainage infrastructure to be installed within this section of Cooma Street.

Council agrees with Submitters 2, 5 and 6 that the properties along the southern extent of Cooma Street should be excluded from the DCPO1 and no infrastructure works included as part of the project funded by the DCP.

91. Council disagrees with Ms Fisher in this regard, who opines:<sup>35</sup>
  89. The Day 1 DCP results in a gap in the local road network that will need to be funded via other sources.
  90. As discussed previously, I am concerned that the impact of the Day 1 DCP changes will result in an inconsistent road network that conflicts with the objective of the Exhibited DCP as it does not deliver a continuous local road network that is of shared benefit to the DCP area.
92. Whilst Council acknowledges that it will result in a 'gap' within the local road network, in the absence of any demonstrated need for this 'gap' to be filled, Council considers it appropriate to exclude the southern extent of Cooma Street from the DCP project.
93. This scenario differs, however, from the proposed Glossop Street extension where there is a more immediately evident need for the infrastructure provision that was included within the exhibited version of the DCP.
94. Of the three new properties along Glossop Street that are sought to be included within the DCPO1, all three currently derive their primary vehicle access from Glossop Street as demonstrated on the following aerial image:



**Figure 08 – LandChecker aerial image of proposed Glossop Street extension (20 June 2025).**

95. As it relates to drainage infrastructure within the proposed Glossop Street extension, Council's records indicate that, whilst drainage connections are available for the properties that adjoin Disney Street, there is presently no 'formalised' drainage infrastructure through Glossop

<sup>35</sup> Fisher Statement, 26.

Street. The following extract from Council's GIS system shows open channel drainage only running through Glossop Street:<sup>36</sup>



**Figure 09 – Extract from Council's GIS system showing Glossop Street with existing drainage infrastructure, including drainage pipes and pits in green and indicative open channel drainage in blue.**

96. The existing open channel drainage can be seen on the image overleaf (taken 31 July 2025):

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<sup>36</sup> Note the location of the open channel drainage is indicative and actually runs along the eastern side of the road reserve.



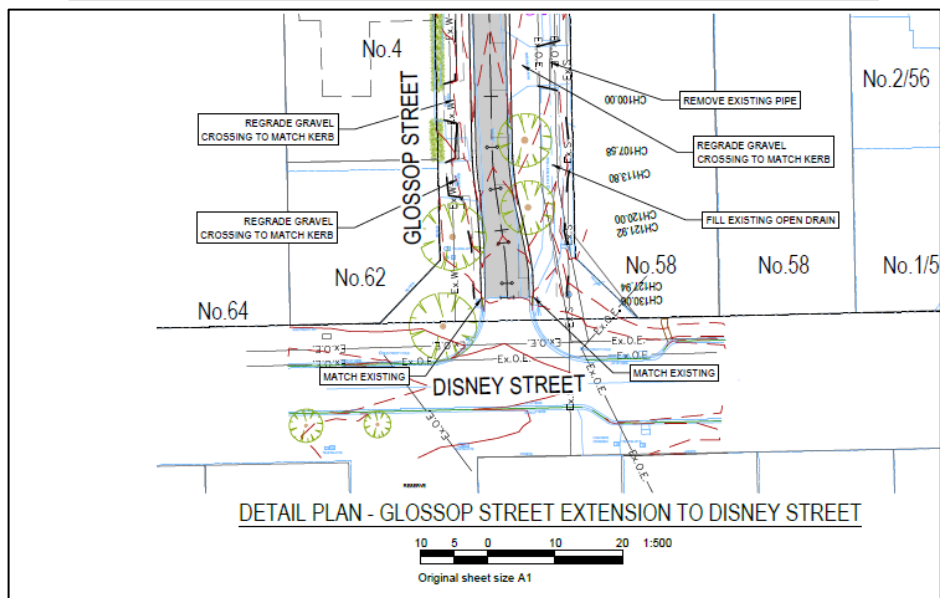
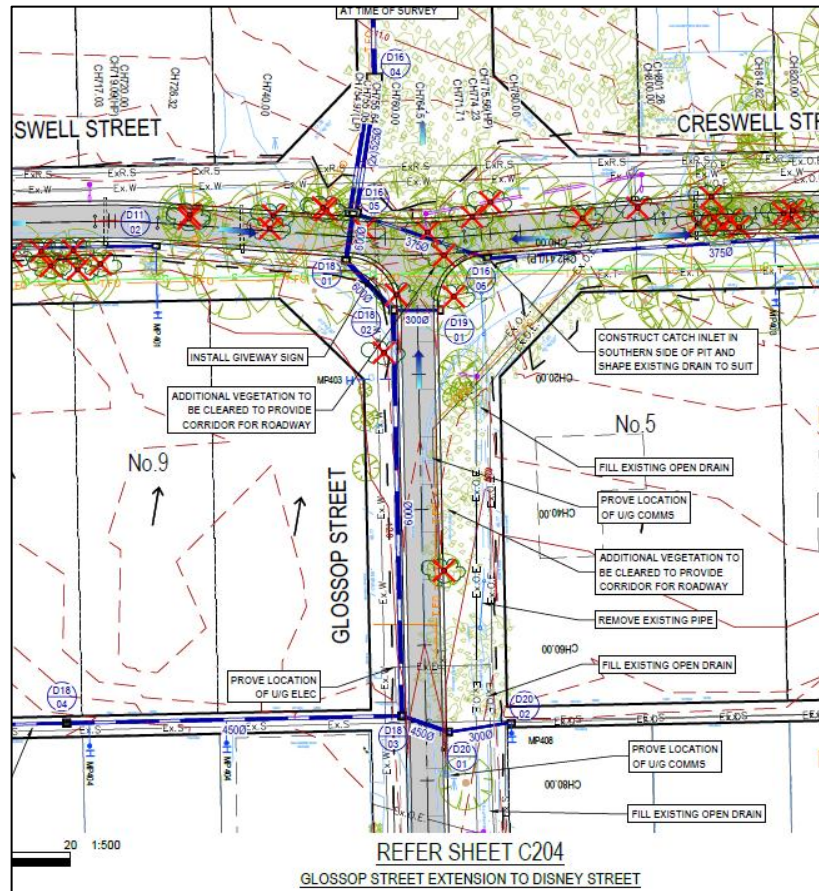
**Figure 10 – Photo of existing open channel drainage within Glossop Street where it commences from the drainage pit at the Disney Street intersection.**

97. In its current state – with a lack of formalised road infrastructure and drainage – the northern end of Glossop Street (near the Creswell Street intersection) experiences issues associated with excess runoff. The following photo provides an example of this:



**Figure 11 – Water pooling at the Glossop Street / Creswell Street intersection (facing west).**

98. The proposed road and drainage infrastructure for Glossop Street are shown in the following extracts of the Detailed Design Drawings:<sup>37</sup>



Figures 12 and 13 - Glossop Street works as per the 'Day 1' (or exhibited) version of the DCP.

<sup>37</sup> Detailed Design Drawings prepared by JCA Land Consultants, dated 20 June 2025, revision E.

99. As depicted, this consists of:
- 99.1. a new drainage line running through the 'northern' end of Glossop Street (i.e. past the drainage reserve between the Creswell Street / Disney Street properties);
  - 99.2. a connection made to drainage running within the drainage reserve between the Creswell Street / Disney Street properties (including new drainage to the west and existing drainage to the east); and
  - 99.3. runoff to otherwise be conveyed via the newly constructed road for the 'southern' end of Glossop Street until it reaches the new drainage infrastructure (noting that the existing open channel drainage is to be backfilled).
100. Importantly, as a result of the lack of formalised drainage infrastructure running north through Glossop Street from Disney Street, there is a greater need for formalisation of the road reserve given the role it has to play in conveying stormwater runoff from Disney Street to the north. In this manner, it can be distinguished from Cooma Street which presently has formalised drainage infrastructure to separately serve this purpose for its southern extent and therefore does not have a reliance on a new road surface for this purpose.
101. In Council's submission, there is a more readily evident need for the new infrastructure provision within Glossop Street given the combination of the reliance on Glossop Street for vehicle access for three properties and the lack of any existing formalised drainage infrastructure within Glossop Street.
102. Delivery of this infrastructure is also, in Council's submission, consistent with the policy basis referred to under the 'general response' section of these submissions.<sup>38</sup>
103. It is also relevant for the Panel to observe, as previously noted, that none of the properties sought to be added to the DCPO1 along Glossop Street opted to lodge submissions in respect of the Amendment.
104. On this basis, Council considers it appropriate that the Glossop Street properties remain as properties to be added to the DCPO1 and the Glossop Street connection otherwise remains within the project to be funded by the proposed DCP.
105. As it relates to Submitter 8, given that this was a late submission, Council has not had the opportunity to formally resolve its position with response to this submission. Notwithstanding this, Council makes the following observations for the benefit of the Panel's consideration of this submission:
- 105.1. the western extent of Creswell Street sought to be included within the DCP as part of the Amendment:
    - 105.1.1 is currently serviced by a single carriageway of sealed road that lacks formalised kerb and channel drainage; and
    - 105.1.2 is serviced by existing drainage pipes that run west-to-east through to the Denman Street road reserve;

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<sup>38</sup> Clause 11.02-1S Supply of urban land and clause 19.03-1S Development and infrastructure contributions plans.

- 105.2. there are presently five properties that rely on the single carriageway as their primary means of vehicle access;
- 105.3. delivery of the existing DCP project (i.e. without this added western extent) would result in a small section of approximately 50 metres of single carriageway lacking in kerb and channel drainage between otherwise formalised road reserve along Creswell Street; and
- 105.4. the project as sought to be facilitated by the Amendment:
- 105.4.1 seeks to infill this 'gap' by replacing the single carriageway with formalised road reserve, including kerb and channel drainage; and
- 105.4.2 does not include any additional formalised drainage infrastructure within this 'gap'.
106. Further, Council advises that its traffic engineers anticipate that the western extent of Creswell Street is likely to experience the most traffic out of the three additional extents of road that were sought to added by the exhibited form of the Amendment.
107. The existing single carriageway road reserve through this western extent can be seen in the following photo (taken 31 July 2025):



**Figure 14 – The existing transition from formalised road reserve to single carriageway within Creswell Street.**

108. Existing drainage infrastructure within this section of Creswell Street can be seen on the following excerpt from Council's GIS system:



Figure 15 - Extract from Council's GIS system showing the area of the western addition of Creswell Street with existing drainage infrastructure, including drainage pipes and pits in green.

109. The proposed additional road infrastructure for Glossop Street is shown in the following extracts of the Detailed Design Drawings:<sup>39</sup>

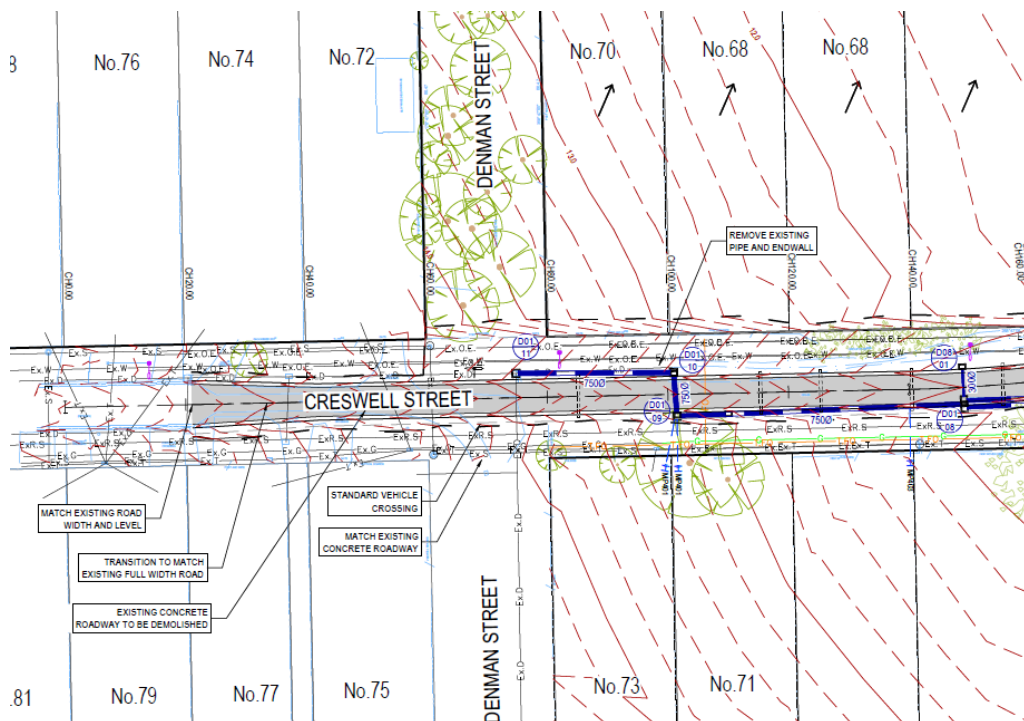


Figure 16 – Western addition to Creswell Street works as per the 'Day 1' (or exhibited) version of the DCP

<sup>39</sup> Detailed Design Drawings prepared by JCA Land Consultants, dated 20 June 2025, revision E.

110. Council also observes that the 'benefit' of the formalisation of this section of Creswell Street goes beyond those properties that immediately adjoin it, noting that it would be somewhat illogical to leave this gap given that the very intent of the DCP (both existing and proposed) is to fund the project of the construction and formalisation of Creswell Street.
111. With relation to the suggestion made by Submitter 8 that lesser charges should perhaps be apportioned to the properties that flank the western addition to Creswell Street, Council submits that there is no warrant for separate charge areas to be included in this DCP given its relatively small and isolated scale. The breaking down of the DCP into separate charge areas would be disproportionately burdensome. In this regard, Council again observes the Panels comments in consideration of Amendment C210morn that the DCP relates to a '*small infrastructure project*'.<sup>40</sup>
112. Council otherwise looks forward to the Panel's recommendations with respect to the matters raised by Submitter 8.

***Conclusion on whether the proposed additional properties and infrastructure should be included within the DCPO1 and DCP***

113. The three properties that flank Cooma Street that were proposed to be included within the DCPO1 and the infrastructure within the southern extension of Cooma Street that was proposed to be funded by the DCP should be excluded from the DCPO1 and DCP respectively in response to submitters 2, 5 and 6.
114. The above is reflected in Council's 'Day 1' documents, which account for the reduced project scope.
115. In addition, circulated alongside the 'Day 1' documents on a without prejudice basis was an updated contributions table based on the 31 July 2025 Harlock estimates for the exhibited scope of the project in order to assist the Panel in understanding the cost differential between the exhibited scope of the project and the reduced scope of the project as per Council's 'Day 1' position.<sup>41</sup>
116. The three proposed properties that flank Glossop Street that are proposed to be included within the DCPO1 and the infrastructure within Glossop Street that is proposed to be funded by the DCP are otherwise justified and should remain within the DCPO1 and DCP respectively, notwithstanding the submissions made by Submitter 6.
117. Council does not have a formal position in response to late Submission 8 that calls for exclusion of, or modification to, the project and DCP as it relates to the proposed western addition to Creswell Street.

**SHOULD VEGETATION REMOVAL BE INCLUDED AS PART OF THE AMENDMENT?**

118. Submitter 3 (**DEECA**) raises concerns with relation to proposed inclusion of the vegetation required to be removed to facilitate the project within the schedule to clause 52.17 so as to exempt the vegetation from the need for a planning permit. The submission concludes with respect to this:<sup>42</sup>

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<sup>40</sup> Panel Report – Mornington Peninsula Planning Scheme Amendment C210 Creswell Street, Crib Point (30 April 2018) 29.

<sup>41</sup> Noting an overall \$62,000 difference.

<sup>42</sup> Submission 3, 2.

DEECA is of the position the most appropriate statutory process to facilitate native vegetation removal for the proposed infrastructure development is to apply for a planning permit under Clause 52.17 (and Clause 42.02) of the Mornington Peninsula Planning Scheme. This would require referral to DEECA pursuant to Clause 66.02-2 as the native vegetation removal will be in the Detailed Assessment Pathway.

119. In addition, Submitter 7 (who is from outside of the Amendment Land) raises concern with relation to a tree proposed to be removed from within the rear of their property in order to facilitate drainage works.
120. With relation to the proposed inclusion of the modifications to the schedule to clause 52.17, Council's response to submissions provides the following explanation:<sup>43</sup>

... This approach was adopted on advice provided by the Department of Transport & Planning (DTP) during preparation of the amendment.

DTP suggested that Shire officers consider including the exemption within the amendment as it would reduce unnecessary administrative burden by avoiding the need for Council to undertake a separate and consecutive planning permit application process, alongside the planning scheme amendment, that would ultimately yield the same results – i.e. removal of native vegetation. DTP informed officers that this approach is commonly adopted and approved for public infrastructure delivery in other DCPs across metropolitan Melbourne.

Mindful that this approach would also exempt Council from needing to provide native vegetation offsets, officers recommended the exemption approach to Council on the basis that Council could commit to voluntarily pay for the native vegetation offsets as part of its resolution to proceed with the planning scheme amendment. This ensures Council delivers on its commitment to taking a lead role in protecting and enhancing the Shire's biodiversity as is enshrined in Council's adopted Biodiversity Conservation Plan (Ecology Australia, 2019) and Climate Emergency Plan (Mornington Peninsula Shire, 2020). Council endorsed this approach as part of its 19 December 2023 resolution to seek authorisation for Amendment C295morn.

121. Council accepts the submissions made by Submitter 3 and has resolved to pursue removal of the vegetation exemption component of the Amendment and instead pursue this via a planning permit application as recommended by Submitter 3.
122. In this regard Council's response to submissions notes:<sup>44</sup>

In light of DEECA's submission, officers recommend that Council abandon the exemption approach in favour of proceeding with a planning permit application for the following reasons:

- While a different approach, the outcome will remain the same. That is, a planning permit will achieve the desired outcome of removing native vegetation necessary to construct the DCP's infrastructure works.
- The permit approach will also 'lock in' (via a condition on the permit) a statutory requirement for Council to provide associated native vegetation offsets as per Clause 52.17-5 (Offset requirements). The statutory offset requirement removes any doubt that may otherwise be associated with Council's adopted voluntary approach to providing offsets.

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<sup>43</sup> Agenda, Attachment 4, 4.

<sup>44</sup> Ibid.

- The permit could also address the removal of non-native vegetation which is also required to deliver the DCP infrastructure, and also requires planning approval (under the Vegetation Protection Overlay that applies to the DCP area).
- Opportunities to potentially further minimise or avoid some vegetation removal can be explored as part of the permit process in consultation with a qualified arborist and DEECA – noting that the application will be referred to DEECA as outlined below.

123. In terms of the making of the permit application, Council advises that Panel that the necessary arboricultural assessments are in the process of being finalised. Council anticipates that the application will be made shortly after those reports are finalised.

124. Matters relating to removal of the tree that is of concern to Submitter 7 will be able to be considered at the permit application stage, noting that the permit application will not get the benefit of the exemption from notice and review rights under the Act that local government projects generally enjoy given that (at least based on the exhibited extent of vegetation removal) vegetation removal will exceed:<sup>45</sup>

124.1. 0.5 hectares of vegetation;

124.2. 15 nature trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level; and

124.3. 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

125. As it relates to other concerns raised by DEECA that perhaps question the appropriateness of the required vegetation removal, Council notes that:

125.1. vegetation removal has always been contemplated as being required as part of the proposal;

125.2. the scope of the project funded by the DCP is not proposed to be drastically altered by the Amendment and therefore the proposed vegetation removal is not significantly altered beyond what would at any rate be required to facilitate the project set out in the existing DCP;

125.3. the Amendment Land is within a residential zone;

125.4. the vegetation removal is required to facilitate delivery of infrastructure that assists with and indeed, in Council's submission, is essential to facilitating the residential development of the area in line with its zoning.

126. Whilst Council considers the proposed vegetation removal to be well justified on this basis, the '*[f]urther opportunities [that] likely exist to avoid and minimise impacts on native vegetation removal*', as stated by Submitter 3, can, at any rate, be explored via the forthcoming planning permit application as appropriate.

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<sup>45</sup> Clause 52.31-2 of the Scheme.

### **Conclusion on whether vegetation removal should form part of the Amendment?**

127. Council submits that it is appropriate to follow the recommendations of Submitter 3 and remove the proposed creation of an exemption for the required vegetation removal from the Amendment and instead pursue this via the alternative channel of a planning permit application.
128. Council's 'Day 1' documents reflect this change.

### ARE THERE ANY OTHER MATTERS OF SUBSTANCE RAISED IN SUBMISSIONS THAT THE PANEL SHOULD CONSIDER AND PROVIDE COMMENT ON?

129. Submitter 5 raises concerns regarding a purported lack of consultation regarding the Amendment.
130. Included at **Appendix 1** to these submissions is a table prepared by Council that identifies all instances of notice given with respect to the Amendment (beyond that required under the Act).
131. Council submits that appropriate notice and consultation has been undertaken, noting that the notice and consultation that has been undertaken well and truly goes above and beyond the requirements of the Act.
132. There are otherwise no other matters raised in submissions that Council considers the Panel is required to address.

### COUNCIL'S RESPONSE TO EVIDENCE

133. Direction 11.b) of the Directions requires (in part) that Council include a response to evidence within its 'Part B' submission.
134. As noted, Council generally adopts the evidence of Ms Fisher.
135. The areas where Council does not agree with the evidence of Ms Fisher, as explained in the preceding parts of these submissions, are:
  - 135.1. that the costs associated with water mains and the rising sewer main should not be included within the DCP; and
  - 135.2. that the southern addition to Cooma Street should not be excluded from the DCP and associated properties should not be removed from the DCPO1.
136. Outside of these areas of disagreement, Council otherwise agrees with and adopts the evidence of Ms Fisher.

### COUNCIL'S FINAL POSITION ON THE AMENDMENT

137. Direction 12.c) requires Council include its 'final position' on the Amendment within its 'Part B' submission.

138. As noted throughout these submissions, Council has sought to advance a number of changes in response to submissions and detailed design work. Those changes are reflected in Council's 'Day 1' documents which, in summary, include:
- 138.1. in response to submitters:
    - 138.1.1 removal from DCPO1 from the three properties that flank Cooma Street that were sought to be added via the Amendment as initially exhibited;
    - 138.1.2 removal from the DCP of the formalisation of the southern extent of the Cooma Street road reserve that was initially sought to be added via the Amendment as initially exhibited;
    - 138.1.3 removal of the proposed variation to the schedule to clause 52.17 that was intended to give effect to an exemption from permit requirements for the vegetation required to be removed to facilitate the project funded by the DCP;
  - 138.2. in response to further technical work undertaken post-exhibition:
    - 138.2.1 update to the project costs included within the DCP to reflect the 31 July 2025 Harlock estimates;
  - 138.3. as a consequence of the above changes, the following specific 'housekeeping' changes:
    - 138.3.1 updates to the Explanatory Report to reflect the reduced scope of the project (including removal of the Cooma Street properties and infrastructure and removal of the vegetation removal exemption);
    - 138.3.2 updates to the Instruction Sheet to remove reference to the update to the schedule to clause 52.17;
    - 138.3.3 updates to DCPO1 to refer to the reduced project scope, updated DCP and revised costings;
    - 138.3.4 withdrawal of the changes to the schedule to clause 52.17;
    - 138.3.5 update to the schedule to clause 72.04 to refer to the updated DCP;
    - 138.3.6 update to DCPO Map 33 to reflect the reduced scope of the DCPO1; and
    - 138.3.7 updates to the DCP to reflect the reduced project scope and revised costings.
139. Subsequently, Council's final position on the Amendment is the Amendment as exhibited, save for these changes.
140. It is this final position that Council requests the Panel considers in its report to Council.

## CONCLUSION

141. A final response to any further submissions and other matters raised by the Panel during the hearing will be provided as a 'Part C' submission in accordance with Direction 17 of the Directions (if necessary).
142. This concludes Council's 'Part B' submission.

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## JACKSON LANE LEGAL

Jack Chiodo  
Principal Town Planner

on behalf of the Planning Authority

8 August 2025

## APPENDIX 1 – NOTICE AND CONSULTATION TABLE

Date	Content
<b>8 December 2023</b>	Advised landowners of: <ul style="list-style-type: none"> <li>• What the existing DCP is</li> <li>• Proposed Amendment C295morn and C300morn</li> <li>• The 19 December 2023 Council Meeting and details of where the agenda can be found and opportunity to speak to Council</li> <li>• FAQs (attached)</li> </ul>
<b>4 January 2024</b>	Advised landowners: <ul style="list-style-type: none"> <li>• Of Council's 19 December 2023 decision</li> <li>• Where meeting minutes, recording and officer report can be found</li> <li>• That the existing DCP will remain in place until C295morn is decided upon</li> </ul>
<b>7 August 2024</b>	Advised landowners and occupants: <ul style="list-style-type: none"> <li>• Of the Ministers decision regarding C300morn</li> <li>• Noted Amendment C295morn will be exhibited in November 2024</li> </ul>
<b>31 October 2024</b>	Advised landowners and occupants: <ul style="list-style-type: none"> <li>• Exhibition notice of Amendment C295morn</li> <li>• Details of the amendment including a map</li> <li>• Details of how to chat or meet with a Strategic Planner</li> <li>• How to make a submission</li> <li>• FAQs attached</li> <li>• Exhibition finishes on 20 December 2025</li> </ul>
<b>12 November 2024</b>	Advised landowners and occupants: <ul style="list-style-type: none"> <li>• Of an error in the map that was included in the 31 October 2024 letter</li> <li>• Outlined clearly the properties affected by Amendment C295morn</li> <li>• Provided map for clarification</li> </ul>
<b>7 May 2025</b>	Advised submitters of: <ul style="list-style-type: none"> <li>• The upcoming 20 May 2025 Council Meeting and that Council will be resolving next steps for Amendment C295morn.</li> <li>• How to register to present to Councillors at the submissions meeting and where to find the agenda.</li> </ul>
<b>27 May 2025</b>	Advised submitters, landowners and occupants: <ul style="list-style-type: none"> <li>• Council's decision at the 20 May 2025 Council meeting</li> <li>• Confirmed the changes Council resolved to make for Council's advocacy position for the panel</li> <li>• Confirmed that Council will be requesting appointment of an independent planning panel</li> <li>• Of the planning panel process and scheduled preset dates</li> <li>• How submitters can register to be a party to the planning panel process.</li> </ul>