

**IN PLANNING PANELS VICTORIA**

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

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

**4 AUGUST 2025**

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## INTRODUCTION

1. This submission is made on behalf of 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 (**Scheme**). Council has prepared and is the proponent of Amendment C295morn (**Amendment**).
2. This 'Part A' submission is made in accordance with the Panel's directions dated 1 July 2025 (**Directions**).
3. Direction 5 of the Directions requires Council's Part A submission address the following matters:
  - a) a summary of the physical context of the subject land and surrounds
  - b) background to the Amendment including chronology of events
  - c) a summary of the conditions of authorisation and how they have been met
  - d) a summary of the strategic context, including:
    - (i) relevant planning policies and provisions
    - (ii) any other recently approved or upcoming amendments that might impact on the Amendment
  - e) a summary of any permit applications or recently granted permits that might impact on the Amendment
  - f) a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how
4. This submission addresses these matters under the corresponding headings.
5. Further to this Part A submission, at the hearing listed to commence on 11 August 2025, Council will:
  - 5.1. present its 'Part B' submissions; and
  - 5.2. rely on the expert evidence of Jo Fisher of Mesh Planning Pty Ltd (Mesh) in the field of Development Contributions Plans.

## THE AMENDMENT

6. The Amendment relates to land located centrally within Crib Point. Specifically, it relates to the eastern end of Creswell Street along with the adjacent Cooma Street and Glossop Street (between Creswell Street and Disney Street), affecting the following properties (collectively, **Amendment Land**):
  - 6.1. 1 to 77 Creswell Street (inclusive);
  - 6.2. 1, 3 and 6 Cooma Street;

6.3. 4 Glossop Street; and

6.4. 58, 62, 90 and 92 Disney Street.

7. In broad terms, the Amendment seeks to vary the existing Creswell Street East Crib Point Development Contributions Plan (**DCP**) that presently applies to part of the Land, as implemented to the Scheme via the Development Contributions Plan Overlay, Schedule 1 (**DCPO1**).

8. More particularly, as set out in the Explanatory Report:<sup>1</sup>

The amendment replaces the Creswell Street East Crib Point Development Contributions Plan (Watsons, June 2024) incorporated document with the revised Creswell Street East, Crib Point Development Contributions Plan (Mesh Planning, December 2023) incorporated document, to provide for the funding and delivery of access and drainage infrastructure required to support the urban development of the 76 parcels within the DCP area.

9. As to the specific variations sought to be made to the DCP, the Explanatory Report sets out that the revised DCP:<sup>2</sup>

- Extends the local road and drainage works to include the eastern edge of Creswell Street so it meets the existing road pavement and upgrade Cooma Street and Glossop Street between Creswell Street and Disney Street. As a result, the total length of unmade local roads to be upgraded has increased from 860 linear metres in the Original DCP to 1,138 linear metres in the revised DCP. The extension of the road and drainage upgrades will provide an improved outcome for the local residents and deliver two upgraded north-south local access roads.
- Retains the project type and scope i.e. the road cross-section remains the same as that in the Creswell Street East Crib Point Development Contributions Plan (Watsons, June 2024) incorporated document and includes the construction of a 5.5 metre wide asphalt pavement and stormwater drainage but does not include construction of a footpath.
- Increases the DCP area as the extent of the upgrade of the local unmade roads has increased. The DCP area has been increased to include all properties immediately adjacent to the unmade local roads that will be upgraded, as a result 12 additional properties are included in the revised DCP.
- Increases the total costs included in the DCP to account for the extended road length, updated construction costs based on detailed design plans, Quantity Surveyor estimates, includes finance costs to deliver the project by 30 June 2028, and plan preparation costs.
- Increases the DCP charges required due to the increase in total DCP costs.
- Apportions 70% of all DCP projects including the road and drainage infrastructure construction, plan preparation and finance costs to the landowners benefiting from the localised infrastructure. This level of apportionment was applied to the Original DCP which funded road and drainage infrastructure construction only. Council will fund the remaining 30% of the total DCP project costs.

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<sup>1</sup> Amendment C295morn Explanatory Report, 3 (**Explanatory Report**).

<sup>2</sup> Ibid 4-5.

- Increases the delivery timeframe of the project to 30 June 2028.
- Revises the demand units from linear metre of lot frontage as defined in the Original DCP to metre square of lot area.
- Includes a vegetation removal plan identifying the vegetation to be removed from private and public land, to allow for the construction of the road and drainage infrastructure required to be delivered by the DCPO1.

Further, the Schedule 1 to Clause 52.17 (Native Vegetation) is amended to exempt vegetation required to be removed as shown in the Development Contributions Plan. This provides an exemption for the Development Agency (the Mornington Peninsula Shire) from requiring a planning permit to remove, destroy or lop native vegetation.

10. The Amendment seeks to facilitate and implement the revised DCP by making the following changes to the Scheme, as further set out within the Explanatory Report:<sup>3</sup>

#### **Overlay maps**

- Mornington Peninsula Planning Scheme map number 33DCPO has been amended to include a further 12 properties which are to be included within the DCP area.

#### **Planning Scheme ordinance**

- Amends Schedule 1 to Clause 45.06 (Development Contributions Plan Overlay) (DCPO1) to enable implementation of the Creswell Street East, Crib Point Development Contributions Plan (Mesh Planning, December 2023) incorporated document.
- Amends Schedule 1 to Clause 52.17 (Native Vegetation) to exempt vegetation required to be removed as shown in the Creswell Street East, Crib Point Development Plan (Mesh Planning, December 2023) incorporated document.
- Amends the Schedule to Clause 72.04 to remove reference to the existing Creswell Street East Crib Point Development Contributions Plan (Watsons, June 2024) incorporated document and instead reference the new incorporated document titled Creswell Street East, Crib Point Development Contributions Plan (Mesh Planning, December 2023).

11. As to why the Amendment is required, the Explanatory report includes:<sup>4</sup>

The amendment is required to enable a coordinated approach to the funding and delivery of local road and drainage infrastructure required to support residential development within the DCP area.

12. The following documents form part of the Amendment, as exhibited:<sup>5</sup>

#### **12.1. Explanatory report:**

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<sup>3</sup> Ibid 3.

<sup>4</sup> Ibid 4.

<sup>5</sup> Noting that Council will advance changes to a number of these documents as part of its 'preferred position' on the Amendment for the purposes of this Panel proceeding.

- 12.1.1 Mornington Peninsula Amendment C295morn Explanatory Report;
- 12.2. **Instruction sheet:**
  - 12.2.1 Mornington Peninsula Amendment C295morn Instruction Sheet;
- 12.3. **Clauses and schedules:**
  - 12.3.1 Clause 45.06\_morn Schedule 1 (Development Contributions Plan Overlay);
  - 12.3.2 Clause 52.17\_morn Schedule (Native Vegetation);
  - 12.3.3 Clause 72.04\_morn Schedule (Incorporated Documents);
- 12.4. **Map sheets:**
  - 12.4.1 Mornington Peninsula Amendment C295morn DCPO Map33;
- 12.5. **Incorporated documents:**
  - 12.5.1 *Creswell Street East, Crib Point Development Contributions Plan* (Mesh Planning, December 2023);
- 12.6. **Supporting documents, clauses and schedules in track changes format:**
  - 12.6.1 Amendment C295morn clause 45.06\_morn Schedule 1 (Development Contributions Plan Overlay) track changes;
  - 12.6.2 Amendment C295morn clause 52.17\_morn Schedule (Native Vegetation) track changes; and
  - 12.6.3 Amendment C295morn clause 72.04\_morn Schedule (Incorporated Documents) track changes.

## THE PHYSICAL CONTEXT

### SURROUNDING CONTEXT

13. The Amendment Land is located within Crib Point, approximately 64 kilometres south-east of Melbourne's CBD and on the eastern side of the municipality. The eastern end of Crib Point forms part of the coastline of Western Port Bay, whilst the significant Port of Hastings and HMAS Cerberus are located to the north and south of Crib Point respectively.
14. The following description is provided of Crib Point within the *Crib Point Township Plan Refresh (Township Plan)*:<sup>6</sup>

Crib Point is a historic coastal township located on the eastern side of the Mornington Peninsula adjoining Western Port Bay. The township extends over the relatively flat land between Hanns Inlet and Golden Point. It is largely residential in character with

<sup>6</sup> *Crib Point Township Plan Refresh* (Mornington Peninsula Shire Council, 2021), 1.

small dispersed pockets of local commercial, educational, community and recreational facilities.

...

Crib Point is characterised by its intimate size and small population of 3,183 (based on the 2016 Census), offset by the large population of navy personnel at the HMAS Cerberus training facility. Generally, the population is characterised by young families and an aging population of retirees. The townships low profile of development and low-key atmosphere have been identified as features which are highly valued by residents and are sought to be protected.

15. Crib Point is characterised by three distinct 'areas':

- 15.1. land along the coastline, which is set aside as a coastal reserve, generally characterised by dense vegetation and identified and protected as a 'Ramsar wetland';<sup>7</sup>
- 15.2. land adjacent to the coastal reserve and within the northern half of the township, which has been set aside for 'port-related uses' due to the proximity to the Port of Hastings and Crib Point Jetty, with this part of the township identified as being 'Regionally Significant Industrial Land – Existing';<sup>8</sup>
- 15.3. the remaining land within the township, which is developed for residential purposes, featuring a relatively traditional suburban character, albeit with a strong garden and vegetated character.

16. The 'divide' between the different areas of Crib Point is described within the *Township Plan* in the following terms:<sup>9</sup>

As a small and relatively flat coastal township, land in Crib Point is predominantly divided between residential and port-related uses. The former BP refinery is located near a modest area of industrial land, the remainder of the township is zoned Special Use Zone – Schedule 1 which is reserved for port-related uses. Much of this land has been undeveloped since 1964 with some areas cleared of vegetation. Vegetation coverage is a constant theme in the residential areas both along the streetscapes and within allotments.

17. As it relates to the significance of Crib Point, the *Township Plan* provides:<sup>10</sup>

Crib Point is significant for its inclusion as part of the Western Port Ramsar wetland area and Westernport Biosphere Reserve. As such, it is a wetland of international importance which includes rare and unique flora and fauna. The Crib Point foreshore is significant for its variety of indigenous flora and is an important bio link for the indigenous species of flora and the fauna living in and moving through the area. The foreshore and surrounding bushland are an important feature of Crib Point and is highly valued by residents.

Crib Point is also regionally significant for the recreational boat launching facilities as well as the ferry which services Western Port Bay with stops at Stony Point, French Island and Phillip Island. Connections with French Island have meant that the township

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<sup>7</sup> Ibid 9.

<sup>8</sup> Ibid 16.

<sup>9</sup> Ibid 1.

<sup>10</sup> Ibid 4.



is valued for its significant role in the protection, maintenance and marketing of this national park.

18. Crib Point includes a commercial area located at its southern end (along Stony Point Road) that is identified as a 'Local Activity Centre' within the Scheme, being the second to last within the neighbourhood activity centre hierarchy for the municipality.<sup>11</sup> Adjacent to the commercial area is Crib Point Station, part of the Stony Point line on the Metropolitan Melbourne railway network.
19. 'Local Activity Centres' are described within the Scheme as intending to service a population of between 2,500 and 5,000 people and as having a total leasable floor area of between 1,000 and 3,000 square metres.<sup>12</sup>
20. Further, the 'Disney Street, Crib Point Convenience Centre' is located at the south-western side of the Disney Street and Stony Point Road intersection, approximately 350 metres (by road) from the south-western edge of the Amendment Land.<sup>13</sup>
21. 'Convenience 'centres' are described within the Scheme as intending to service a population of less than 2,500 people and as having a total leasable floor area of less than 1,000 square metres.<sup>14</sup>
22. The majority of Crib Point is located within a 'carve out' from Melbourne's Urban Growth Boundary.

## AMENDMENT LAND

23. The Amendment Land is located approximately 2.3 kilometres (by road) from the Local Activity Centre and Crib Point Station and approximately 850 metres west of the coast. It is directly adjacent to the 'port-related uses' land on both its northern and eastern sides.
24. The Amendment Land consists of a total of 76 parcels of land across approximately 11.5 hectares, consisting of properties located along Creswell Street (east of Denman Street), Cooma Street (between Creswell Street and Disney Street) and Glossop Street (between Creswell Street and Disney Street) along with the adjacent road reserves and 'drainage reserves'.
25. Creswell Street runs between Stony Point Road (west) and the 'port-related uses' land (east). Stony Point Road forms part of the 'Principal Road Network', providing access to Frankston-Flinders Road (north).
26. At present, Creswell Street is a constructed road with formalised drainage infrastructure until approximately 50 metres west of Denman Street where it converts into a single constructed aisleway. East of Denman Street, Creswell Street could be described as a 'paper road', with only some sections 'formalised' through gravel access tracks. Formalised drainage also concludes on the western side of Denman Street with no drainage infrastructure presently within Creswell Street east of Denman Street.
27. The road reserves of both Cooma Street and Glossop Street have been 'formalised' with gravel access tracks. They feature varying degrees of drainage infrastructure, which is largely

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<sup>11</sup> Clause 02.03-1 Settlement, clause 02.04 Strategic framework plan.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

informal beyond the southern ends of these roads including open swale drainage that runs through to Creswell Street. Sections of Creswell Street are accessible via Cooma Street and Glossop Street.

28. On paper, Creswell Street is subdivided into deep rectangular lots of generally over 1,500 square metres. Some of these lots have been developed with dwellings and/or outbuildings, whilst the majority are currently undeveloped.
29. The vast majority of the lots have been cleared of vegetation, though there are examples of dense patches of vegetation, both within private property and over the road reserve.
30. Included as **Annexure 1** and **Annexure 2** to these submissions are site photos of the Amendment Land (taken 15 April 2025) and accompanying map indicating the location of the respective photos.

## BACKGROUND TO THE AMENDMENT<sup>15</sup>

### PRIOR TO THE DEVELOPMENT CONTRIBUTION PLAN OVERLAY

31. That part of the Amendment Land that is currently subject to the DCP was previously within the Industrial 3 Zone. This was the case since the introduction of the 'new format' planning schemes, with the intention being to serve as a buffer area between the 'port-related' uses land to the north and east and the residential land to the south and west.
32. Despite being zoned for industrial uses for some time, the Amendment Land saw little to no industrial development or use as explained by Council in the explanatory report for Amendment C210:<sup>16</sup>

The lack of industrial development within the Amendment area over the last 30 years is a clear indication that the area is considered an inappropriate location for business investment. The land has remained vacant paddocks and sometimes used for horse agistment. The few industrial activities that have occurred (tyre storage facility, recycling storage yard and small bus depot) have been poorly set up with minimal capital expenditure and have adversely impacted on the environment and abutting residential area. There has been on-going illegal dumping within the Amendment area.

33. That part of the Amendment Land that is not currently subject to the DCP has, at all times since the introduction of the 'new format' planning schemes, been subject to residential zoning,<sup>17</sup> presently in the form of the General Residential Zone, Schedule 1 (**GRZ1**). It is also presently subject to the Design and Development Overlay, Schedule 19 (**DDO19**) which applies to the '*Bittern and Crib Point Township Residential Area*'.

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<sup>15</sup> This section of the submission responds to directions 5(b) and (c) of the Directions.

<sup>16</sup> Amendment C210morn Explanatory Report, 2.

<sup>17</sup> Previously the Residential 1 Zone.

## AMENDMENT C210MORN (6 JUNE 2019)

34. Amendment C210morn came into effect on 6 June 2019. The amendment made a number of changes to the Scheme to facilitate residential development of the land, including the introduction of the DCP, as described in the relevant explanatory report:<sup>18</sup>

The Amendment rezones the affected land from the Industrial 3 Zone (INZ3) to the Neighbourhood Residential Zone – Schedule 1 (NRZ1) to facilitate the future use and development of the Amendment area for residential purposes.

Specifically, the amendment:

- Applies the NRZ1 to the Amendment area to protect the unique environmental character of Crib Point;
- Applies the Environmental Audit Overlay (EAO) to 3 Cooma Street, 39 Creswell Street, and 63 Creswell Street, Crib Point;
- Applies the Development Contributions Plan Overlay – Schedule 1 (DCPO1) to the Amendment area to give effect to the Creswell Street Development Contributions Plan (April 2018);
- Amends the Schedule to Clause 72.04 Documents Incorporated into this Planning Scheme to include the Creswell Street Development Contributions Plan (April 2018) as an incorporated document into the Planning Scheme;
- Deletes the Restructure Overlay – Schedule 4 (RO4) where it applies to the Amendment area and deletes RO4 from the Mornington Peninsula Planning Scheme.

35. The rationale for the amendment was explained by Council as follows:<sup>19</sup>

The existing industrial zoning of the Amendment area is not appropriate given its location immediately abutting residential properties, poor access and exposure for industrial uses, and the likely impact of industrial uses on the amenity of the existing residential area. Strategic planning principals focus on locating industrial land in areas which are appropriately serviced, have good access to main roads for industrial traffic and where future industrial development is not likely to have a detrimental impact on adjoining residences.

The rezoning of the Amendment area to a zone reflective of abutting properties ensures integration with the surrounding residential neighbourhood and protection of existing Crib Point residential amenity. Amendment C210 is therefore required to implement the appropriate planning controls to allow use of the land from industrial to residential

36. In supporting the residential rezoning of that part of the Amendment Land that was previously zoned for industrial purposes, the panel convened to consider submissions in respect of Amendment C210morn arrived at the following conclusion:<sup>20</sup>

The Panel concludes:

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<sup>18</sup> Amendment C210morn Explanatory Report, 1-2.

<sup>19</sup> Ibid 2.

<sup>20</sup> Panel Report – Mornington Peninsula Planning Scheme Amendment C210 Creswell Street, Crib Point (30 April 2018) 24-25.

- There is strong policy support for residential development in Crib Point in the SPPF and LPPF.
- Creswell Street has been identified as appropriate for residential development in the Crib Point Township Plan, and has significant local support.
- The current Industrial 3 Zone has proved to be ineffective in supporting industrial land uses on the site, because of the inherent shortcomings in access and exposure at the site.
- Given that buffer requirements are not a constraint on development, residential land use is satisfactory in the Amendment area.
- Despite the neighbouring residential land at Crib Point being in the GRZ with the associated DDO19, use of the NRZ with its associated Schedule 1 provides a similar outcome with a simplified planning tool.
- The Amendment should proceed, even though strategic planning on the future use of the SUZ1 land to the north remains unresolved.
- The Amendment should apply to the exhibited area at Creswell Street, and not extend to neighbouring PUZ7 land.

37. Council's explanation for the use of the Neighbourhood Residential Zone, Schedule 1 (**NRZ1**) as opposed to combination of the GRZ1 and DDO19 which applied to the surrounding area at the time of Amendment C210morn was summarised by the panel in the following terms:<sup>21</sup>

The Amendment proposes to implement the Neighbourhood Residential Zone (NRZ) and associated Schedule 1 (NRZ1) at the site. At the Hearing, Council explained that it is currently developing Amendment C219 to the Mornington Peninsula Planning Scheme. This Amendment intends to replace its current approach of applying the GRZ and associated Design and Development Overlays to control the character of built form in residential areas with the NRZ and associated Schedules in appropriate areas of the Shire, including at Crib Point.

Amendment C210 therefore aims to introduce the planning tools that Council intends to use in some other residential areas in the future.

38. With respect to the introduction of the DCP, the Panel arrived at the following conclusion:<sup>22</sup>

The Panel concludes:

- There is a strong case to improve the infrastructure at Creswell Street, irrespective of whether it remains with industrial land use or is transformed into residential land use.
- The use of a DCP and DCPO are appropriate planning tools to fund the necessary infrastructure.
- The apportionment of costs between landowners and Council is reasonable in this case.
- Costs included in the exhibited DCP are sound, with the exception that water supply and communications costs were incorrectly included and costs for site

<sup>21</sup> Ibid 9.

<sup>22</sup> Ibid 31.

clearing and vegetation removal and services relocation were underestimated. The costs in the modified version of the DCP are appropriate.

- The drafting of the exhibited DCPO Schedule 1 was flawed, and the modified version provides a more practical reflection of the intent of the Amendment.

39. More specifically, as it related to the proposed apportionment of costs, the Panel provided the following comments:<sup>23</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.

The Panel is not convinced by the case presented in one of the submissions that rates have been paid in the past and these should reduce the costs attributed to landowners. Rates are used to fund all Council services, whereas development of infrastructure requires a funding model that identifies and apportions future costs in a way that is transparent and fair. Landowners will gain a significant benefit when the infrastructure is constructed, and it is appropriate that they make a contribution to capital costs.

40. Following its eventual adoption by Council and approval by the Minister for Planning, the DCP incorporated document introduced by Amendment C210morn was an unauthored document dated April 2018 (**Original DCP**) that included the following description of the 'project' that it sought to fund along with the nominated apportionment:<sup>24</sup>

**6 Infrastructure Projects**

The project to be included in the DCP is the construction of Creswell Street/Cooma Street, Crib Point within the C210 Amendment area (refer to Plan 2).

This project includes road, drainage, water supply, public street lighting and optic fibre ready pit and pipe infrastructure construction within the existing unmade Council road reserves. The project is fully funded by a 70% contribution by land owners and a 30% contribution by Council.

Contribution is triggered upon development of land and further subdivision within the Amendment C210 area.

41. The 'project', as depicted on 'Plan 2', included the formalisation of Creswell Street from Denman Street to its eastern end and Cooma Street between Denman Street to approximately the southern boundary of 3 Cooma Street:<sup>25</sup>

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<sup>23</sup> Ibid 29-30.

<sup>24</sup> Creswell Street East Crib Point Development Contributions Plan (April 2018) 4.

<sup>25</sup> Ibid 5.







**Figure 02 – DCP land following Amendment C210morn.**

46. The Original DCP including the following by way of project timing:<sup>30</sup>

#### **7 Project Timing**

The Council, as Development Agency will monitor and assess the required timing for the Project with regard to its capital works program and development within the Amendment C210 area.

The DCP project will be delivered as soon as practicable. The trigger for delivery is the first of either of the following events to occur:

- (a) 50% of the landowner contributions necessary to deliver the project have been collected by Council; or
- (b) Within five years from the date upon which this DCP is first incorporated in to the Mornington Peninsula Planning Scheme.

This acknowledges the Development Agency's capacity to provide the balance of funds not recovered by this DCP in the short term.

47. Further, the Original DCP included the following by way of a review requirement:<sup>31</sup>

#### **15 Development Contributions Plan Review Period**

This DCP commences on the date of incorporation into the Mornington Peninsula Planning Scheme.

The DCP is expected to be revised and updated every 5 years (or more frequently if required). This will require an amendment to the Mornington Peninsula Planning Scheme to replace this document with an alternative, revised document, or to remove

<sup>30</sup> Creswell Street East Crib Point Development Contributions Plan (April 2018) 5.

<sup>31</sup> Ibid 8.

the DCP from the Planning Scheme if works are completed. It is projected that works will be completed within 7 years of gazettal.

48. The practical effect of sections 7 and 15 of the Original DCP was that Council was required to deliver the project by 6 June 2024 regardless of the contributions that had been collected at the time and the DCP was required to be removed from the Scheme once the project works were completed.

#### AMENDMENT VC249 (15 JANUARY 2024)

49. Amendment VC249 came into operation on 15 January 2024. The amendment was described as follows:<sup>32</sup>

The amendment changes the Victoria Planning Provisions and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings.

50. The amendment introduced the following to section 12 of the DCP (represented by 'track changes'):

The DCP Development Infrastructure Levy applies to subdivision and / or development of land. The development of land for a small second dwelling is exempt from the requirement to pay the Development Infrastructure Levy under this Development Contributions Plan.

51. The revised form of the DCP that was introduced by Amendment VC249 remain an unauthored document with an added amendment date of December 2023.

#### AMENDMENT C300MORN (13 JUNE 2024)

52. Amendment C300morn came into operation on 13 June 2024. The amendment was described as follows:<sup>33</sup>

The amendment extends the project delivery date (at section 7) of the Creswell Street Development Contributions Plan 2018 (DCP) from five to seven years from the date when the DCP was first incorporated into the Mornington Peninsula Planning Scheme by Amendment C210morn on 6 June 2019 and makes associated changes to the Mornington Peninsula planning scheme.

53. The revised form of the DCP that was introduced by Amendment C300morn reverted back to an unauthored document dated April 2018 (though was an added amendment table at page 2).
54. The practical effect of Amendment C300morn was that Council was now required to deliver the project by 6 June 2026 (again, regardless of the contribution amount that had been collected at that time).

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<sup>32</sup> Amendment VC249 Explanatory Report, 1.

<sup>33</sup> <https://planning-schemes.app.planning.vic.gov.au/Mornington%20Peninsula/amendments/C300morn>.



## AMENDMENT C305MORN (18 JULY 2024)

55. Amendment C305morn came into operation on 18 July 2024. The amendment was (relevantly) described as follows:<sup>34</sup>

The amendment also corrects an error that occurred as part of the gazettal of Mornington Peninsula Amendment C300morn which resulted in the incorrect version of the Creswell Street East Crib Point Development Contributions Plan being incorporated.

56. In effect, Amendment C305morn reintroduced the exemption for small second dwellings that was originally introduced via Amendment VC249, but invertedly omitted via Amendment C300morn.
57. The revised form of the DCP introduced by Amendment C305morn remained an unauthored document, though included a revised date of June 2024. This remains the current version of the DCP.

## DETAILED DESIGN, COSTINGS AND DCP REVIEW (2022-2023)

58. In 2022, Council prepared detailed design and costings for the project funded by the DCP.
59. The detailed design and costing work indicated that the DCP project would cost approximately \$3,700,000. At the time of this work, the application of the relevant indexation to the project cost as set out in the DCP would have resulted in an estimated construction cost of \$2,590,922. Subsequently, the costings suggested that, as of September 2022, there would have been an approximate \$1.1 million shortfall between the cost set out in the DCP and the actual construction costs (resulting in Council having to contribute approximately \$1.9 million to the project).
60. Subsequent to the detailed design and costing work, Council commissioned an independent peer review of the DCP by Mesh. The peer review cumulated in a document dated November 2022, that, in summary, recommended that Council consider the following revisions to the DCP:<sup>35</sup>
- 60.1. expand on the strategic justification for the DCP;
  - 60.2. clarify that 'water supply' is not included in the DCP project;
  - 60.3. explore inclusion of side roads in the DCP project;
  - 60.4. include the cost of financing to deliver the DCP project ahead of collection of the contributions;
  - 60.5. include a detailed land budget;
  - 60.6. include a simple table detailing demand unit calculations;

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<sup>34</sup> Amendment C305morn Explanatory Report, 2.

<sup>35</sup> Creswell Street East Crib Point Review of April 2018 Development Contributions Plan (Mesh, November 2022) 17-19.

- 60.7. include commentary regarding ability to subdivide existing lots to make clear that the choice of demand unit calculation did not prevent this;
  - 60.8. include a definition for 'frontage' used in the demand unit calculations;
  - 60.9. review the apportionment to attribute 100 percent of the DCP project costs to new development;
  - 60.10. include the revised DCP project cost;
  - 60.11. include a simple table that sets out the calculation of the DCP charge;
  - 60.12. clarify that reference to 'water supply' within the DCP project description was erroneous;
  - 60.13. include a table that sets out the total contribution payable for each property;
  - 60.14. remove erroneous wording;
  - 60.15. include exemptions consistent with current ministerial directions;
  - 60.16. consider whether Council has the ability to cover the funding gap;
  - 60.17. maintain a central index table;
  - 60.18. include detailed project cost in current day dollars and further details around indexation;
  - 60.19. revise project timing and delivery provisions to provide clarity on the funds potentially being collected after the development is completed;
  - 60.20. revise the project timing and delivery provisions to provide flexibility for delivery of the DCP project;
  - 60.21. include provisions regarding potential works in kind credits;
  - 60.22. include specification that the scope of the project may still be adjusted;
  - 60.23. include revised wording regarding the commencement and how often the DCP should be reviewed;
  - 60.24. replace the project concept plan with the detailed drawings; and
  - 60.25. replace the project costing table and calculation of costs with the revised table; and
  - 60.26. remove superfluous explanatory notes.
61. Following the peer review, Council commissioned further drawings, including a range of technical assessments to inform the revision of the DCP. These included:
- 61.1. Detailed Design (and associated Schedule of Quantities), prepared by JCA Land Consultants, dated 6 December 2022 (revision C);

- 61.2. Targeted Flora and Fauna Surveys: Creswell Street East, Crib Point, Victoria, prepared by Abzeco, dated December 2022;
  - 61.3. Cost Estimate, prepared by Harlock Consulting, dated 18 May 2023; and
  - 61.4. Biodiversity Assessment for the planned development of Creswell Street East, Crib Point, Victoria, prepared by Abzeco, dated June 2023.
62. Notably, the 18 May 2023 Cost Estimate (which included the full scope of the project as exhibited as part of the Amendment) included a revised project cost estimate of \$4,720,000 (in May 2023 dollars).

## PROCESSING OF THE AMENDMENT

63. Following the peer review and subsequent technical work, Shire officers sought to update the DCP so that it:<sup>36</sup>

- Extends the local road and drainage works to include the eastern edge of Creswell Street so it meets the existing road pavement and upgrades Cooma Street and Glossop Street between Creswell Street and Disney Street (refer to Attachment 4).

As a result, the total length of unmade local roads to be upgraded has increased from 860 linear metres in the existing DCP to 1,151 linear metres in the revised DCP. The extension of the road and drainage upgrades will provide an improved outcome for the local residents and deliver illogical gaps that would have been otherwise delivered by the existing DCP.

Accordingly, the area to which the DCP applies is proposed to be increased to cover the increased extent of local roads to be upgraded, as well as to include all properties immediately adjacent to these sections of road that will benefit from the upgrades. In total, 12 additional properties are proposed to be included in the revised DCP (refer to Attachment 4).

- Retains the project type and scope of the existing DCP – i.e. the road cross-section remains the same as the existing DCP and includes the construction of a 5.5 metre wide asphalt pavement and stormwater drainage, but does not include the construction of a footpath.
- Increases the total costs included in the DCP to account for the extended road length, updated construction costs based on detailed design plans, Quantity Surveyor estimates, financing costs to deliver the project by 30 June 2028, and plan preparation costs.
- Increases the individual landowner DCP charges required due to the increase in total DCP costs.
- Passes 100% of the road and drainage infrastructure construction, plan preparation and finance costs to the landowners benefiting from the localised infrastructure. The total cost included in the revised DCP is \$5,559,668.12

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<sup>36</sup> Council Meeting Agenda – 19 December 2023, 7-8.

(made up of \$4,720,000 for roads and drainage infrastructure construction, \$520,427.93 for finance costs and \$319,240.19 for plan preparation costs).

- Commits Council, as the Development Agency, to deliver the project within the revised timeframe of 30 June 2028.
- Revises the demand units from linear metre of lot frontage as defined in the existing DCP to metre square of lot area. This is consistent with the State Government's DCP Guidelines and standard practice for DCPs in other planning schemes.
- Removes the DCP expiry date and replaces it with:

This DCP commences on the date it is gazetted into the Mornington Peninsula Planning Scheme and it adopts a long-term outlook for development and is intended to operate for 20 years. This timeframe considers planned future development of the area and this DCP will end when it is removed from the Mornington Peninsula Planning Scheme.

This approach provides Council the ability to continue collecting contributions, regardless of whether works have been delivered, whilst the DCP remains in the Planning Scheme. Removing the DCP from the Scheme will require a planning scheme amendment in the future.

64. In conjunction with this change Council also sought to exempt the vegetation removal required by the DCP project from the need for any approval via an amendment to the schedule of clause 52.17 Native vegetation of the Scheme:<sup>37</sup>

The planning scheme amendment would also amend the Schedule 1 to Clause 52.17 – Native Vegetation, to exempt vegetation required to be removed to deliver the infrastructure under the DCP from needing a planning permit.

The current planning controls require a planning permit to remove, destroy or lop vegetation, with offsets required for native vegetation removed. However, as part of the planning scheme amendment to incorporate the revised DCP into the Planning Scheme, Council can seek to exempt itself from the need to issue a permit for native vegetation removal (and therefore the need to provide offsets). This approach is commonly adopted for public infrastructure delivery in other DCPs across metropolitan Melbourne. This approach would reduce unnecessary administrative burden, by avoiding the need to undertake a separate and consecutive planning permit application process that would ultimately yield the same results (i.e. removal of vegetation).

## MINISTERIAL AUTHORISATION

65. On 19 December 2023, Council resolved to, among other things, seek authorisation for the Amendment from the Minister for Planning generally in line with the recommended changes.<sup>38</sup> Included with a resolution was, however, a 'Part B' resolution:<sup>39</sup>

That Council retains the existing 70/30 cost split between landowners and Council.

66. On 26 February 2024, further information was requested on behalf of the Minister for Planning.

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<sup>37</sup> Ibid 9.

<sup>38</sup> Council Meeting Minutes – 19 December 2023, 17.

<sup>39</sup> Ibid 18.

67. On 8 April 2024, Council responded to the request for further information.
68. On 21 May 2024, the Minister for Planning granted authorisation to Council, subject to the following conditions:
1. Amend the explanatory report in line with the attached version.
  2. Update the Development Contributions Plan Overlay Schedule 1 to reflect recent updates made by VC249.
69. The requested changes were made by Council to the exhibited form of the Amendment.
70. All formal correspondence associated with the authorisation request is provided as **Annexures 3** to these submissions.

## PUBLIC EXHIBITION

71. Details of the public exhibition of the Amendment are set out within the agenda of the 20 May 2025.<sup>40</sup>

### ENGAGEMENT

Amendment C295morn was publicly exhibited for seven weeks, from 31 October until 20 December 2024. Notice of the Amendment was given by public notices in the Government Gazette and Western Port Newspaper as well as a dedicated webpage on the Shire's website. Individual letters with Amendment notices were also sent to:

- Owners and occupiers of land in the immediate area.
- Local real estate agents, community groups, and environmental organisations.
- Ministers and public authorities as prescribed under the *P&E Act*.

During exhibition, anyone could enquire about the Amendment with officers from the Shire's Strategic Planning team by phone or email, or by arranging an in-person appointment at Shire offices. Submissions could be made via letter, email or online via a submission portal on the Shire's webpage.

In terms of community engagement:

- Three dedicated in-person sessions were held at the Shire's Hastings office during office hours in late November and early December and were attended by four groups / individuals.
- One in-person after-hours session was scheduled for the Crib Point Community Hall but was cancelled for the safety of staff and members of the public due to severe weather. All individuals registered to attend this session were contacted immediately following the severe weather warning, with attendees offered rescheduled individual appointments. Some registered attendees instead elected to speak to Shire officers over the phone at that time, with all questions and concerns satisfactorily addressed.

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<sup>40</sup> Council Meeting Agenda – 20 May 2025, 25-26.

- Shire officers also scheduled two after-hours sessions to phone community members that may register a request for an after-hours phone call to discuss the Amendment. Ultimately, these sessions were not required as no bookings were requested.

## SUBMISSIONS

72. By the time exhibition of the Amendment closed, Council had received a total of 7 submissions, this included:
- 72.1. 3 submissions from authorities, including:
- 72.1.1 Country Fire Authority who did not object to the Amendment;<sup>41</sup>
- 72.1.2 Department of Energy, Environment and Climate Action (**DEECA**) who objected to the Amendment (specifically, to the proposed amendments to the schedule to clause 52.17 to exempt the required vegetation removal);<sup>42</sup> and
- 72.1.3 South-East Water who did not object to the Amendment.<sup>43</sup>
- 72.2. 4 submissions from private landowners that either objected to, or requested changes to, the Amendment.<sup>44</sup>
73. Council has since received one further submission that also objects to the Amendment.<sup>45</sup>
74. Included as **Annexure 4** to these submissions is a map indicating the location of the private landowner submitters (including the late submission).

## CONSIDERATION OF SUBMISSIONS AND REFERRAL TO PANEL

75. On 20 May 2025, Council resolved to request appointment of an independent panel to consider the submissions and to refer all submissions (including late submissions) to the panel accordingly.<sup>46</sup>
76. Council further resolved to endorse proposed changes to the Amendment in response to submissions, broadly encompassing the following changes:<sup>47</sup>
- 76.1. deletion of the proposed modification to the schedule to clause 52.17 to exempt the required vegetation removal from the need for a permit under the Scheme;<sup>48</sup>
- 76.2. updates to the Explanatory Report;
- 76.3. removal of the following properties and associated infrastructure immediately adjacent to these properties from the DCPO1 and DCP:

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<sup>41</sup> Submitter 4.

<sup>42</sup> Submitter 3.

<sup>43</sup> Submitter 1.

<sup>44</sup> Submitters 2 and 5-7.

<sup>45</sup> Submitter 8 – received 25 July 2025.

<sup>46</sup> Council Meeting Minutes – 20 May 2025, 18-19.

<sup>47</sup> Ibid.

<sup>48</sup> With a separate planning permit application instead to be pursued for this vegetation removal.

- 76.3.1 6 Cooma Street;
- 76.3.2 90 Disney Street; and
- 76.3.3 92 Disney Street.

76.4. update DCP project costs as a consequence of the proposed changes.

77. The above changes represent Council's 'advocacy position' for the purposes of this proceeding.

## RELEVANT SCHEME PROVISIONS

78. The exhibited Explanatory Report identifies the following clauses of the Planning Policy Framework as being of particular relevance to the Amendment:

78.1. Clause 11 Settlement

78.1.1 Clause 11.01 Victoria

- Clause 11.01-1S Settlement

78.1.2 Clause 11.02 Managing growth

- Clause 11.02-1S Supply of urban land

78.2. Clause 19 Infrastructure

78.2.1 Clause 19.03 Development infrastructure

- Clause 19.03-1S Development and infrastructure contributions plans
- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management – Mornington Peninsula

79. These provisions will be referred to as relevant throughout the subsequent parts of Council's submissions, including within its 'Part B' submissions.

## OTHER RELEVANT AMENDMENTS

80. Of some relevance to the Amendment is [Amendment C219morn](#).

## AMENDMENT C219MORN

81. The exhibited explanatory report provides the following explanation of Amendment C219morn (**Amendment**):

### **What the amendment does**

The amendment proposes to implement the *Housing and Settlement Strategy: Refresh 2020-2036* (Mornington Peninsula Shire, 2020) and *Neighbourhood Character Study and Guidelines* (Ethos Urban, 2019) by making substantial changes to zones, overlays and policies affecting the Shire's residential areas.

82. The explanatory report further sets out the following reasons why Amendment C219morn is required:

### **Why is the amendment required?**

The amendment is required to:

- ensure the neighbourhood character of the residential areas in the Peninsula's towns and villages is protected and enhanced as it continues to accommodate the projected population growth to the year 2036
- improve the operational efficiency of the MPPS so that more applications to construct a building or construct or carry out works for one dwelling on a lot could be processed under the Building Regulations without a need for a planning permit.

83. The Amendment was adopted by Council as both the planning authority and proponent for the Amendment on 6 August 2024.<sup>49</sup> Prior to this, the Amendment was subject to a Panel Report (dated 8 May 2023) that recommended adoption of the Amendment subject to a range of recommendations.<sup>50</sup> The Amendment is currently awaiting approval from the Minister for Planning.

84. Of relevance to the Amendment Land, Amendment C219morn:

- 84.1. does not alter the controls applicable to the part of the Amendment Land that is already subject to the DCP;
- 84.2. rezones the parts of the Amendment Land that are not currently subject to the DCP to NRZ32 and maintains the DDO19 over these properties, though makes changes (mainly to the 'form') of the DDO19; and
- 84.3. introduces new local policy at clause 15.01-5L Neighbourhood character Mornington Peninsula that applies to development under the NRZ.

## OTHER AMENDMENTS

85. With the exception of C219morn, there are no amendments to the Scheme that are in train which would be of material relevance to consideration of the Amendment.

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<sup>49</sup> Council Meeting Minutes – 6 Aug 24, PDF 12-13.

<sup>50</sup> Ibid PDF 54-214.



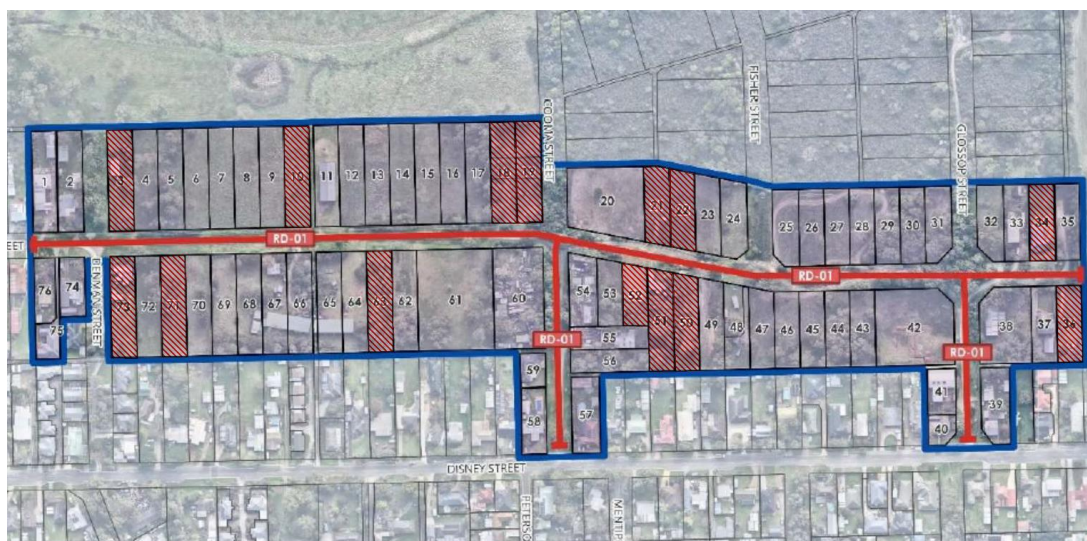
## RELEVANT PERMIT APPLICATIONS

86. Included as **Annexure 5** to these submissions is a map and associated table prepared by Shire officers that sets out recent planning permits that have been granted and applications for planning permits that have been made for land within and adjacent to the Amendment Land.
87. As it relates to the planning history of the Amendment Land, of particular relevance for the Panel to note in consideration of the Amendment is the fact that a number of properties have already paid the required contribution under the existing DCP. Those contributions that have already been collected by Council are listed as follows:

DCP ID <sup>51</sup>	Property address	Frontage length (metres)	Date paid	Amount paid
3	70 Creswell Street	20.1	22 Feb 2021	\$22,423.99
10	56 Creswell Street	20.12	26 Jun 2025	\$26,836.10
18	38 Creswell Street	20.12	23 Dec 2024	\$26,772.85
19	38 Creswell Street	20.11	23 Dec 2024	\$26,722.86
21	28 Creswell Street	20.6	7 Jul 2025	\$27,486.68
22	28 Creswell Street	20.6	7 Jul 2025	\$27,486.68
34	4 Creswell Street	20.1	5 Sep 2023	\$23,168.04
36	1 Creswell Street	18.87	24 Apr 2025	\$25,382
50	29 Creswell Street	20.6	6 Jun 2025	\$27,708.60
51	31 Creswell Street	20.6	12 Jun 2020	\$21,146.10
52	33 Creswell Street	20.59		\$27,463.50
63	51 Creswell Street	20.12	22 Dec 2024	\$26,729.50
71	69 Creswell Street	20.12		\$27,063.39
73	73 Creswell Street	21.1		\$26,135.92
<b>Total contributions collected by Council to date</b>				<b>\$362,476.21</b>

<sup>51</sup> As per Figure 1 (Overall DCP Project Plan) of the Creswell Street East, Crib Point Development Contributions Plan (Mesh Planning, December 2023) 4.

88. The properties that have already paid the contribution under the existing DCP are also indicated on the map that follows:



**Figure 03 – Marked up extract of Figure 1 from exhibited DCP with properties that have already made their contribution indicated in red.**

## SUBMISSIONS IN RESPONSE TO THE AMENDMENT

### KEY ISSUES RAISED IN SUBMISSIONS

89. 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>52</sup>
90. As identified within the Agenda, in addition to a high level opposition for being included within the DCP, the key issues raised in the submissions can be broadly grouped into the following summary grounds:<sup>53</sup>
- 90.1. increases to traffic and associated amenity and safety issues;
  - 90.2. inequity of including the Cooma Street upgrade in the DCP and lack of consistency with Council's *Unmade Roads Construction Strategy (2006)*;
  - 90.3. lack of consistency with the objectives of the *Township Plan*, specifically those relating to environmental protection and township character;
  - 90.4. 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;

<sup>52</sup> Council Meeting Agenda – 20 May 2025, 20-23.

<sup>53</sup> Ibid 20-21.

- 90.5. 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;
- 90.6. inappropriateness of Council contributing 30% towards the cost of delivering infrastructure that would be of limited and largely private benefit;
- 90.7. improprieties of altering the method of demand unit calculation;
- 90.8. concerns relating to the potential for the future northern extension of Woolleys Road;
- 90.9. 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
- 90.10. removal of vegetation from outside the DCP area.

## COUNCIL'S RESPONSE TO SUBMISSIONS

91. As noted, the Agenda includes a detailed response to submissions prepared by the relevant Shire officers. This includes a response to both the key themes and each individual submission received.
92. Insofar as submissions that are considered to be 'resolved', as noted earlier within these submissions, Council has, for the purpose of the Panel's consideration of the Amendment, put forward a range of proposed changes to the Amendment in response to submissions received during exhibition.
93. However, Council has not at this time formally resolved to change the amendment in response to these submissions. Subsequently, no submissions are considered to be formally 'resolved' and Council has referred all submissions (including late submissions) to the Panel. Nonetheless, the proposed changes to the Amendment that will be advanced to the Panel at the hearing represent Council's 'preferred position' (or 'advocacy position') on the Amendment and represent the form of the Amendment that Council requests the Panel provide comment on.
94. As it relates to these changes and referral to the Panel, the Agenda notes:<sup>54</sup>

Attachment 4 contains a more detailed summary of each individual submission and associated Shire officer responses to issues raised. Overall, Shire officers recommend that all submissions be referred to a Planning Panel for independent review (as detailed later in this report). Shire officers also recommend that the below post-exhibition changes (as shown in Attachment 5) be presented as part of Council's submissions to the Planning Panel to resolve issues raised in DEECA's submission and one of the private landowner submissions:

- Delete the proposed Schedule to Clause 52.17: Native Vegetation, which exempts Council from needing a planning permit to remove, destroy or lop native vegetation from the DCPO1 area to accommodate the roads and drainage infrastructure works.

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<sup>54</sup> Ibid 22.

- Delete the 'Vegetation Removal Plan' currently forming part of the revised DCP Incorporated Document (and any reference to the appendix identifying the vegetation removal plan) because it is referenced in the Schedule to Clause 52.17 exemption.
  - Update remaining Amendment documentation (i.e. Explanatory Report, Instruction Sheet, etc.) as a consequence of the above changes.
95. Further, as previously noted, Council's preferred position on the Amendment also includes removal of 6 Cooma Street, 90 Disney Street and 92 Disney Street from the DCPO1 and removal of the infrastructure adjacent to these properties (i.e. the Cooma Street connection) from the project funded by the DCP.
96. Council's 'Day 1' version of the Amendment documentation will be filed alongside these submissions and will constitute the Amendment as modified to reflect these changes (i.e. Council's 'preferred position' on the Amendment).
97. With relation to the changes proposed and the specific submissions that they emerge from, Council notes:
- 97.1. deletion of the proposed modification to the schedule to clause 52.17 (and pursuit of the vegetation removal through a separate planning permit application) is in response to **Submitter 3** (DEECA) and **Submitter 7**;
- 97.2. deletion of the proposed addition of 6 Cooma Street, 90 Disney Street and 92 Disney Street and associated infrastructure from the DCP and DCPO1 are in response to **Submitter 2**, **Submitter 5** and **Submitter 6** (private landowners).
98. In the event that the proposed changes are viewed favourably by the Panel and subsequently adopted by Council, it may well be that the above submissions are ultimately 'resolved'.
99. Council will respond to the matters raised in submissions, including from those who wish to be heard at the hearing, in its 'Part B' submission. This will include by taking the Panel through the proposed changes in response to submissions in greater detail, including by reference to its 'Day 1' documents and associated work undertaken in preparation of the 'Day 1' documents, along with reference to the expert opinions of Ms Fisher (noting that Council's position differs from that of Ms Fisher as it relates to exclusion of the Cooma Street properties from the DCPO1 and associated infrastructure from the DCP project).
100. More specifically, Council has commissioned the following further technical work to assist in preparation of its 'Day 1' documents:
- 100.1. Detailed Design Drawings (for Council's preferred position on the Amendment), prepared by JCA Land Consultants, dated 20 June 2025, revision E;
- 100.2. Memorandum regarding drainage inclusions within the DCP Project, prepared by JCA Land Consultants, dated 25 July 2025;
- 100.3. 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
- 100.4. Detailed Design Drawings (for the exhibited version of the Amendment), prepared by JCA Land Consultants, dated 30 Jul 25, Revision F.

101. The above documents are included as **Annexures 6** to these submissions and will be referred to in Council's 'Part B' submissions.

## CONCLUSION

102. This concludes Council's 'Part A' submission.
103. Council's 'Part B' submission will address the matters set out at direction 11 of the Directions, namely:
- 103.1. key items to be addressed;
  - 103.2. Council's response to submissions and evidence; and
  - 103.3. Council's final position on the Amendment.

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## JACKSON LANE LEGAL

Jack Chiodo  
Principal Town Planner

on behalf of the Planning Authority

4 August 2025