20 March 2019

Dear Mr Loader

RE: CAPE OTWAY ROAD AUSTRALIA (CORA) DEVELOPMENT ADVISORY COMMITTEE (DAC)

The Minister for Planning appointed the CORA DAC on 17 February 2019 to provide advice about the CORA development proposal in four stages. Terms of Reference were provided on the same date.

The Committee has arranged a briefing and site inspection at Torquay on 28 March 2019 with the proponent and various agencies.

To assist the Committee better understand the project, it has highlighted several issues and questions on notice, on a without prejudice basis, for the proponent to consider and respond to either at the briefing or within seven working days from that briefing (by 8 April 2019). Where further work is required to address an issue, a response addressing whether and when the proponent was planning to do the further work, will suffice.

There are two key issues that the Committee seeks detailed clarification about, as well as other matters as noted.

Firstly, the choice of the planning controls. The Committee questions the use of the Special Use Zone in conjunction with the Development Plan Overlay and the Design and Development Overlay, particularly as the Development Plan Overlay calls up numerous reports (in excess of 20) as part of the post approval processes. The nature of this project, as far as the Committee can determine, is one that will require ongoing approvals through the Development Plan process. It is an early position of the Committee that much of this work should be undertaken and considered as part of the Amendment approval process to ensure certainty and transparency (see Section 3).

The second major matter relates to the potential environmental impacts, (particularly flooding) and the Committee has indicated there are numerous issues that it seeks clarification on (see Section 6).

In the event of a future public hearing, the Committee will require that key expert evidence (e.g. planning and flooding and others to be determined) is presented by independent expert witnesses who have not been involved in this project to date.

If you have any queries, please contact PPV Project Officer Joseph Morrow on (03) 8392 5137 or planningpanels@delwp.vic.gov.au.

Kathy Mitchell
CORA DAC Chair
1. General

1.1 Information on the proponent for this proposal and the structure of the entity.

1.2 What is the project and how has it evolved since the original submission to Council (please provide detail of all facilities currently proposed).

1.3 How the site will be developed, managed and operated (including legacy facilities such as potential waste water treatment and sub-station) and the anticipated staging and timeframes of the development.

1.4 The sports proposed to be catered for in the complex and an understanding of ‘Gold Class’ and how it is defined.

1.5 How the mix of uses and precincts were determined, and the processes that occurred to settle on the final combination.

1.6 The relationship between elite sports and the facilities proposed for the remaining precincts.

1.7 What other land was looked at prior to settling on Modewarre and what the site selection process involved.

1.8 With regard to the properties that form part of the subject land; the landholder relationship, whether the proponent will purchase/manage/lease these. and any existing easements or restrictive covenants.

1.9 It appears that some of the properties in the Rural Residential Precinct will be used for staff and some will be for permanent residency, what is the split, how these will be managed and whether the permanent lots will be sold.

1.10 How recommendations in the various technical reports have been considered and/or integrated into the planning controls and relevant plans.

1.11 The status of the broiler farm i.e., operational or decommissioned.

2. Social and community

2.1 How ‘local community’ was defined.

2.2 Information about ongoing consultation since early engagement with the residents of Connies Lane.

2.3 What information was provided to participants at consultation sessions.

2.4 Whether those who participated in the December 2017 consultation sessions have been updated on the progress of the proposal since then.
2.5 Whether a summary document was provided to the participants that outlined
the key findings (or did they have access to the Community and Stakeholder
Engagement Findings Report).

2.6 Defining the ‘local schools, sports clubs and community’ that are proposed to
be partnered with.

2.7 The extent of engagement that has been undertaken with the Wathaurong
Aboriginal Corporation with respect to the project.

3. **Town planning**

3.1 Whether the proposed Planning Scheme Amendment documents have been
reviewed and updated since May 2018.

3.2 Whether there has been new and updated Concept and Precinct Plans to form
the basis of the Amendment and legible copies these. (Figures 7, 8, 9 in the
Town Planning report are illegible and there are inconsistencies with
Corresponding plans in the Amendment documentation).

3.3 A plan that shows AHD levels overlayed with the proposed precincts.

3.4 Further discussion on the choice of the Special Use Zone as the key planning
zone, and whether a Comprehensive Development Zone would negate the
need for the Design and Development Overlay and Development Plan Overlay.

3.5 Rather than listing prohibited uses, consider having prohibited uses as any use
not identified in Section 1 or 2 of the Special Use Zone (or Comprehensive
Development Zone if that eventuates).

3.6 How the proposed Special Use Zone will interface with the underlying intent
and purpose of the Rural Conservation Zone.

3.7 The status of ongoing work regarding the ‘Other Approvals’ noted in Chapter
5.5 of the Town Planning Report, particularly in relation to EPBC Act
requirements, the Aboriginal Heritage Act matters and the Cultural Heritage
Management Plan, and EES referral.

4. **Economic impacts**

4.1 A copy of the Victoria Business Case, Ernst & Young (noting that much of the
retail and economic analysis relies upon it).

4.2 How the ‘existing and new tourism’ market was defined.

5. **Transport impacts**

5.1 An update on discussions with Regional Roads Victoria about safe connectivity
into and out of the site.

5.2 How the internal connectivity will occur, particularly between the northern and
western extremes of the subject land. Further, the intention of the existing
‘paper roads’ on site and what consultation has been undertaken.
5.3 Any discussions that have occurred with Government in relation to reinstating the Moriac Train Station and its distance from the subject land.

6. Environmental impacts

Biodiversity assessment:

6.1 A copy of the EnviroMe report, which supported the decision not to make an EES referral (note the Infrastructure Services report indicates a referral has been made).

6.2 Considering the connectivity of the site’s floodplain and Lake Modewarre, any information regarding Lake Modewarre, its ecology, likelihood of providing significant habitat for significant flora/fauna species and potential project impacts and mitigation measures.

Flood Report:

6.3 A revised copy of Figure 2-8 and clarification of the units for Table 5-2.

6.4 Whether it is proposed to include an on-site wastewater treatment plant and on-site sub-station, and if so, the proposed location and whether it is intended to cater for users beyond the project area.

6.5 Clarify arrangements for wastewater treatment including location and potential buffers required.

Modelling has assumed a full lake level of 114 m AHD (as opposed to 118.3 AHD) with the report relying upon a 600 mm culvert that drains water into Browns Swamp and into Thompson Creek – to control the lake at this level:

6.6 If 1% AEP modelled outputs are sensitive to these input assumptions, whether a more conservative (worst case) approach should be taken to the modelling, whether it is reasonable to rely upon the culvert to maintain levels to this extent.

6.7 Whether such modelling would significantly change the 1% AEP flood extents and depths, require additional fill or warrant a change to the Concept Plan.

6.8 Whether the 600mm culvert has been surveyed and whether it is considered appropriately sized to control the lake level in various rainfall events, and the current and proposed ownership and management arrangements for this culvert.

6.9 The culvert leads to another closed system (Browns Lake) – whether modelling should include this entire system and the controlled height of Browns Lake.

6.10 Clarification of the flow path from Browns Lake to Thompson Creek noting inconsistencies between Section 4.1.1. and Figure 4-3.

Flood risk was assessed under two scenarios, risk from overland flows entering the site from the wider catchment in various (short) storm events and backwater flood risk resulting from extended periods of above average rainfall over several months and years to produce high lake levels.
6.11 Whether cumulative flood risk of both these scenarios happening simultaneously should also be modelled.

6.12 Figure 3-15 shows the 1% AEP flood plain in relation to the eco-lodge precinct. No fill is proposed in this precinct and information is required on how the proponent intends to address potential flooding events in this precinct.

6.13 Section 3.2.3 recommends that the roads within the eco-lodge precinct are raised to provided safe egress and access in flood events. Whether these have the potential to introduce an avoidable hydraulic barrier in the floodway and whether this should be modelled.

6.14 Further discussion regarding biodiversity values of the floodplain (Section 3.2.2) and potential impacts from upgrade of Batson Road or other project activities.

6.15 In relation to the objective in section 5.1 to have no increase in peak discharge for events up the 1% AEP flood event, whether there has been an assessment of the appropriateness of this objective accounting for the site-specific surface water hydrology regime, environmental values of Lake Modewarre and the proposed conservation reserve, including the interaction and changes in groundwater flow and direction.

Section 5.3 discusses water quality and section 5.4 discusses the capture and reuse of storm water and treated wastewater for irrigation of turf, gardens and open space; including the potential for capture and treatment of wastewater from Moriac:

6.16 Whether additional surface/storm water dams (for irrigation) are proposed and if so, potential impacts and management measures.

6.17 An assessment of existing water quality and ecology in Lake Modewarre, storm water quality modelling, discharges (loads and volume) and potential impacts – including 7ha of irrigated and fertilised turf and associated landscaped gardens and open space.

6.18 The potential risk that the project will have surplus storm water and treated wastewater in winter that will either need to be discharged or stored on-site.

6.19 Whether the potential for the project to change the existing nutrient/salinity balance has been assessed.

6.20 The SMEC report indicates that the wastewater treatment plant (without inflows from Moriac) will require an irrigation area of 13.8ha, clarify how the excess water will be managed if there are only 7ha of sporting fields to irrigate.

6.21 SMEC estimated that potable water demand would be 240 kL/d, however Barwon Water suggested 250-864 kL/d – clarify if this has been considered in the sizing on the proposed wastewater treatment plant, odour buffer and volume of treated wastewater that would need to be irrigated or discharged.

6.22 Clarify whether the odour buffer assessment in the SMEC infrastructure report should consider the additional volumes from Moriac.
Noting potential for groundwater dependent ecosystems and significant interactions between surface and groundwaters:

6.23 Whether there is currently enough information to determine likelihood and extent of potential risks and impacts.

6.24 Whether additional investigations recommended at Section 6 should be undertaken earlier, in time to input into any necessary changes to the Concept Plan.

7. **Landscape and Visual Amenity**

7.1 How the potential impacts on the visual landscape and overall amenity will be addressed in balancing the rural landscape with the proposed use.