

**Bellarine Peninsula Statement of Planning Policy
Distinctive Areas and Landscapes Standing Advisory
Committee**

Advisory Committee Report

Planning and Environment Act 1987

8 July 2022

Planning and Environment Act 1987

Advisory Committee Report pursuant to section 151 of the PE Act

Bellarine Peninsula Statement of Planning Policy

Distinctive Areas and Landscapes Standing Advisory Committee

8 July 2022



Con Tsotsoros, Chair



Natasha Reifschneider, Member



Shannon Davies, Member



Ian Hamm, Member

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Glossary and abbreviations

BP Landscape Assessment	Bellarine Peninsula Landscape Assessment Review (Volume 1) and Statutory Implementation Package (Volume 2), December 2020
BPDAL Declaration	Declaration of the Bellarine Peninsula as a Distinctive Area and Landscape, 29 October 2019 and 14 September 2021
BPSP	Draft Bellarine Peninsula Statement of Planning Policy, June 2021
Committee	Distinctive Areas and Landscapes Standing Advisory Committee
DELWP	Department of Environment, Land, Water and Planning
Greater Geelong Council	Greater Geelong City Council
LSB	Local Settlement Boundary, as identified in the Greater Geelong Planning Scheme
PE Act	<i>Planning and Environment Act 1987</i>
PSB	Protected Settlement Boundary, as defined in section 3 of the PE Act
Queenscliffe Council	Borough of Queenscliffe Council
RPE	Responsible Public Entity
Settlement Background Paper	draft Bellarine Peninsula Statement of Planning Policy: Settlement Background Paper, June 2021
SLO	Significant Landscape Overlay
WTOAC	Wadawurrung Traditional Owners Aboriginal Corporation

Overview

Referral summary

The referral	Bellarine Peninsula Statement of Planning Policy
Common name	Distinctive Areas and Landscapes Standing Advisory Committee
Brief description	The draft Statement of Planning Policy for the Bellarine Peninsula declared area creates a framework for future use and for each designated Protected Settlement Boundary (PSB)
Subject land	Land identified as the Bellarine Peninsula Declared Area in Figure 1
The Proponent	Minister for Planning
Exhibition	29 June to 31 August 2021
Submissions	Of the 650 submissions received in response to phase 3 engagement, extracts from 132 submissions were referred to Committee (Appendix C)

Committee process

The Committee	Con Tsotsoros (Chair), Shannon Davies, Ian Hamm and Natasha Reifschneider
Assisted by	Hayley Becker, Major Projects Manager, Planning Panels Victoria
Directions Hearing	11 March 2022 by video conference
Panel Hearing	26, 27, 28 April and 4, 5, 6, 9, 10, 11, 12, 16, 17, 18, 19, 23, 25, 26, 30, 31 May and 1, 7, 8 and 9 June 2022 by video conference
Site inspections	Unaccompanied, 12 and 13 May 2022
Parties to the Hearing	40 parties, 33 expert witnesses and 52 evidence statements (Appendix D)
Citation	DALSAC Bellarine [2022] PPV
Date of this report	8 July 2022

Executive summary

(i) Introduction and background

The Bellarine Peninsula

The Bellarine Peninsula is recognised for its environmental, geographical, and cultural heritage values including the Ramsar listed Lake Connewarre complex and Swan Bay. The region attracts tourists through its wineries, coast, heritage, and the Queenscliff to Sorrento ferry service. The Bellarine Peninsula's permanent population was about 70,000 in 2019 and is projected to increase to 88,700 by 2036. This equates to about 11,400 additional dwellings needed to accommodate its future population.

Existing local settlement boundaries, policies and zones in the Greater Geelong and Queenscliff Planning Schemes currently restrict settlements on the Bellarine Peninsula from expanding.

Distinctive areas and landscapes declaration

On 29 October 2019, the Bellarine Peninsula region was declared a 'distinctive area and landscape' pursuant to section 46AO of the *Planning and Environment Act 1987* (PE Act). The declaration:

- includes a statement that sets out the significance of the area to the people of Victoria (including the Traditional Owners of the area)
- describes the attributes that qualify the declared area as a distinctive area and landscape
- identifies the threats of significant or irreversible land use change that would affect the environmental, social or economic values of the declared area.

The PE Act states that the purpose of a Statement of Planning Policy for a declared area is *"to create a framework for the future use and development of land in the declared area to ensure the projection and conservation of the distinctive attributes of the declared area"*.

The area was redeclared on 16 September 2021.

Draft Bellarine Peninsula Statement of Planning Policy and background work

The Department of Environment, Land, Water and Planning (DELWP) conducted two phases of community consultation, which resulted in two community engagement key findings reports in October 2019 and July 2020. Both reports note:

- the number of participants provides a high level of confidence in representing issues but is not statistically valid
- the information has not been validated and some may be factually incorrect or unfeasible.

In 2020 and 2021, DELWP engaged various consultants to prepare technical studies which would inform a future Statement of Planning Policy. This resulted in:

- a township character report
- the Bellarine Peninsula Landscape Assessment Review (two volumes)
- two bushfire assessment and analysis reports.

The Bellarine Peninsula Landscape Assessment Review states:

The significance areas are necessarily nebulous at this stage of the process. Additional detailed fieldwork (outside the scope of this study) is required to define finite and fully justifiable boundaries of the type required to implement the Significant Landscape Overlay.

The landscape assessment was the first phase of work for reviewing and applying the Significant Landscape Overlay and does not refer to, nor intended to, justify a Protected Settlement Boundary (PSB).

In June 2021, DELWP completed the:

- draft Bellarine Peninsula Statement of Planning Policy: Settlement Background Paper
- draft Bellarine Peninsula Statement of Planning Policy (BPSPP).

The BPSPP was publicly exhibited from 29 June to 31 August 2021 and received 618 submissions.

Standing Advisory Committee

The Minister for Planning appointed the Distinctive Areas and Landscapes Standing Advisory Committee (the Committee) on 28 June 2020 to advise on the matters relating to the draft Statement of Planning Policy for identified declared areas.

The Minister for Planning, in his letter to the Committee on 7 December 2021, referred:

- the matter of whether each Protected Settlement Boundary (PSB) designated in the BPSPP are appropriate, having regard to the BPSPP purpose under section 46AU of the PE Act, and whether any amendments to the PSBs should be made
- extracts from 132 of the 650 submissions which relate to PSBs.

A Hearing was held by video conference over 23 days from 26 April to 9 June 2022, with 40 parties, 35 expert witnesses and 53 evidence statements.

All submissions, evidence and information throughout the Hearing process informed the Committee's findings. Most evidence and submissions are not acknowledged in this report due to the large volume of information and the restrictive report timeframe, which was reduced from 40 to 19 business days, part way through the Committee process.

(ii) What can be considered?

Committee role and scope

The appropriateness of a PSB identified in the Bellarine Peninsula Statement of Planning Policy depends on whether it is needed to protect and conserve a declared distinctive feature.

Where there is clear and robust evidence that land needs to be excluded from a PSB to protect and conserve a declared distinctive feature, it is not appropriate to consider matters beyond section 46AU of the PE Act.

Where this is no clear explanation or justification why land is proposed to be excluded from a PSB, it is appropriate to consider matters beyond section 46AU of the PE Act.

Land supply

Where relevant, residential land supply should be considered at a municipal level and does not have to be reflected for the Bellarine Peninsula or towns within it. The Greater Geelong Planning Scheme identifies enough residential land supply to accommodate at least 15 years of population growth to achieve State planning policy objectives. It directs most future residential land supply to growth areas in Geelong, away from the Bellarine Peninsula.

The greenfield years' supply figures for lots within existing settlement boundaries set out in Table 8 of the Bellarine Peninsula Settlement Background Paper appear to not align with actual circumstances and should be reviewed.

(iii) Are the proposed Protected Settlement Boundaries appropriate?

Strategic context

The fundamental basis for aligning the PSBs is flawed because it applied existing local settlement boundaries in the Greater Geelong Planning Scheme as a baseline. Existing Greater Geelong local settlement boundaries cannot be directly translated into PSBs because they are intended for different purposes and may be either an overreach or deficient in protecting and conserving the distinctive attributes and features.

PSBs should be aligned with findings from technical assessments which responded directly to protecting and conserving distinctive attributes and features of the declared area.

For reasons set out in this report, the Bellarine Peninsula Statement of Planning Policy background work is not sufficiently robust or progressed to determine whether each PSB is needed to protect and conserve the distinctive attributes and features as outlined in section 46AV of the PE Act.

Heritage and cultural significance

The PSBs were not specifically shaped by Aboriginal cultural heritage. However, the Bellarine Peninsula Statement of Planning Policy:

- acknowledges the importance of Aboriginal heritage
- identifies strategies and processes for protecting and preserving cultural heritage, and for promoting a better understanding of the traditional and contemporary culture of the Wadawurrung.

The *Heritage Act 2017* requires a planning permit application proposing certain buildings and works on identified areas of cultural sensitivity to complete a Cultural Heritage Management Plan before any works commence.

Outstanding environmental significance

There is insufficient information to explain how the PSBs are needed to protect and conserve the identified distinctive features with attributes of 'Outstanding Environmental Significance'. Further work is required to:

- map the location of identified endangered flora and fauna to clearly show the locations of sites that need to be protected
- strategically justify land that needs to act as a buffer between significant environmental assets and urban land
- explain why each PSB is justified and appropriate to protect identified endangered native flora and fauna and Ramsar protected wetlands, particularly from the threat of significant or irreversible land use change

A PSB should only be considered as an option after further work has confirmed its alignment is needed to protect and conserve a distinctive feature of outstanding environmental significance.

Scenic views of rural landscapes and along the coast

The Bellarine Peninsula Landscape Assessment:

- is a comprehensive preliminary document which forms a sound basis for a more detailed assessment
- was not intended to, and is unsuitable for, assessing the appropriateness of a PSB
- does not clearly differentiate between a general rural view and a scenic view worthy of protection

- does not sufficiently or clearly explain why the extent of land excluded from the PSB is needed to protect scenic views across the Bellarine Peninsula of rural landscapes and along the coast
- does not support landscape related conclusions in the Bellarine Peninsula Statement of Planning Policy
- was not intended to inform PSBs, and therefore omits the necessary strategic thread between protecting and conserving the distinctive features and a PSB.

A green break (land between settlements) is not an identified distinctive feature of an attribute set out in section 46AP(1) of the PE Act. However, it is relevant to the Greater Geelong Planning Scheme through local planning policy and identified existing local settlement boundaries. A green break can be referenced in the Bellarine Peninsula Statement of Planning Policy but cannot be used to justify the alignment of a PSB.

Should land outside the Protected Settlement Boundary be identified for further investigation?

It would be inappropriate to identify land outside the identified PSB for further investigation in the Bellarine Peninsula Statement of Planning Policy. Any revision to the PSB should be during any review of the Bellarine Peninsula Statement of Planning Policy.

(iv) Recommendations

Based on the reasons set out in this Report, the Committee recommends that settlement boundaries proposed in the draft Bellarine Peninsula Statement of Planning Policy not be identified as Protected Settlement Boundaries.

1 Introduction

1.1 Chronology of events

Table 1 Chronology of events

Date	Event
2019	
March	Department of Environment, Land, Water and Planning (DELWP) first met with members of the Wadawurrung to seek a cultural heritage assessment which would help inform a future Bellarine Peninsula Statement of Planning Policy (BPSPP)
14 May – 15 July	DELWP conducted the first phase of public engagement
August	The Wadawurrung presented their early cultural heritage assessment to DELWP
29 October	Governor in Council declared the Bellarine Peninsula a distinctive area and landscape under Part 3AAB of the <i>Planning and Environment Act 1987</i> (PE Act)
2020	
April	The Wadawurrung provided DELWP with the Wadawurrung Cultural Heritage Summary, which became a technical study for the BPSPP
17 April – 17 June	DELWP conducted the second phase of public engagement
July	Ethos Urban completed the Bellarine Peninsula Township Character Report
December	Claire Scott Planning completed the Landscape Assessment Review (Volume 1) and Statutory Implementation Package (Volume 2)
2021	
19 February	Hazell Bushfire Planning completed the Bellarine Peninsula Bushfire Report and Bellarine Peninsula Bushfire Significant Landscape Overlay Analysis
June	DELWP completed the Bellarine Peninsula Settlement Background Paper
25 June	The Committee submitted the Surf Coast Statement of Planning Policy report to the Minister for Planning
29 June – 31 August	DELWP publicly released the BPSPP and invited comments
16 September	Governor in Council redeclared the Bellarine Peninsula a distinctive area and landscape
7 December	Minister for Planning: <ul style="list-style-type: none"> - referred the matter of whether each Protected Settlement Boundary (PSB) designated in the BPSPP is appropriate, having regard to the BPSPP purpose under section 46AU of the PE Act, and whether any amendments to the PSBs should be made - referred extracts from 122 of the 618 submissions which related to PSBs - revised the Terms of Reference (Version 2) - asked the Committee to limit verbal submission, regulate expert evidence-in-chief and cross-examination and direct submitters to focus on the referred matters

Date	Event
2022	
11 March	The Committee conducted a Directions Hearing
12 April	Morgan and Griffin requested the Committee's Surf Coast SPP report be provided to parties
14 April	The Committee's Surf Coast SPP report was publicly released
25 April	Minister for Planning wrote to the Committee and revised the Terms of Reference (Version 3) to: <ul style="list-style-type: none"> - further restrict the Committee's scope - require the Committee's report by 8 July 2022, effectively 19 business days rather than the 40 business days enabled through the previous Terms of Reference
26 April	Hearing commenced

1.2 Standing Advisory Committee and Terms of Reference

The Minister for Planning:

- appointed the Distinctive Area and Landscape (DAL) Standing Advisory Committee (the Committee) on 28 June 2020 through section 151 of the *Planning and Environment Act 1987* (the PE Act)
- is the Proponent for the Bellarine Peninsula Statement of Planning Policy (BPSPP)
- was assisted by DELWP.

The BPSPP affects land on the Bellarine Peninsula which comprising the Borough of Queenscliff and the south-eastern part of the City of Greater Geelong.

There have been three versions of the Committee's Terms of Reference since it was appointed:

- 28 June 2020 (Version 1) when the Committee was appointed
- 7 December 2021 (Version 2) when the Bellarine Peninsula matter was referred – see Appendix A1
- 25 April 2022 (Version 3) the day before the Hearing commenced – see Appendix A2.

Key differences between the versions are summarised in Table 2.

Table 2 Key Terms of Reference changes

Version 1	Versions 2 and 3
Purpose	
To advise the Minister for Planning on any matters listed below as they relate to the preparation of SPPs for the Bass Coast, Bellarine Peninsula and Surf Coast declared areas: <ul style="list-style-type: none"> - the rigour of any policy proposed in the draft SPP, referred by the Minister for Planning, in meeting the objects of section 46AN of the PE Act - any other planning policy and implementation related matter referred by the Minister for Planning 	Provide timely advice to the Minister for Planning on matters relating to the draft SPPs for the Bass Coast and the Bellarine Peninsula declared areas, as specifically outlined in the referral letter from the Minister

Version 1	Versions 2 and 3
Method	
<p>The Committee may inform itself in any way it sees fit, and must consider all relevant matters, including and not limited to:</p> <ul style="list-style-type: none"> - relevant provisions of the PE Act, the Victoria Planning Provisions, Plan Melbourne and relevant Regional Growth Plans - the relevant Planning Schemes including any adopted plans, strategies or planning scheme amendments - the draft SPP for each of the declared areas - any background documents release with the draft SPP - the views of Traditional Owner groups, relevant Councils, responsible public entity, DELWP and other relevant agencies - any submissions and evidence received. 	<p>The Committee may inform itself in any way it sees fit.</p>
<p>The Committee may seek legal, technical or expert advice on any matter or referral that it sees fit.</p>	Deleted
Outcome	
<p>The Committee's report must address the following:</p> <ul style="list-style-type: none"> - An assessment of relevant state and local policy for each referred matter. - Recommendations to the Minister for Planning on the referred matter. - An assessment of submissions to the Committee. - Any other relevant matters raised during the Hearing. - A list of persons who made submissions considered by the Committee. - A list of persons consulted or heard. 	<p>The Committee's report must address the following:</p> <ul style="list-style-type: none"> - Matters raised by the Minister in the referral letter. - Recommendations to the Minister for Planning on the referred matter. - List of persons consulted or heard.
<p>The report or reports may be submitted in stages depending on the timing of the matter.</p>	<p>Version 2: Same as version 1.</p> <p>Version 3: The report must be submitted in stages if possible.</p>
Timing	
<p>The Committee must submit its report in writing as soon as practicable and no later than 40 business days after the Hearing</p>	<p>Version 2: Same as version 1.</p> <p>Version 3: The Committee is required to submit the Bellarine Peninsula report as soon as practicable but no later than 8 July 2022.</p>

In his letter to the Committee on 7 December 2021, the Minister for Planning referred:

- the matter of whether PSBs designated in the BPSPP are appropriate, having regard to the BPSPP purpose under section 46AU of the PE Act, and whether any amendments to the PSBs should be made
- submissions which related to PSBs.

This report responds to Terms of Reference Version 3 and the associated referral letter.

1.3 Procedural matters

(i) Public notice and submissions

The BPSPP and associated background documents were publicly exhibited on the Engage Victoria website between 29 June and 31 August 2021.

DELWP received 650 submissions in response to the public engagement process.

The Minister for Planning's referral letter restricted the Committee's consideration to the proposed PSBs. Accordingly, DELWP referred only sections of a submission which it considered to be relevant to the PSBs. Of the 650 submissions, 132 were referred to the Committee, as shown in Appendix C.

Submitters were not aware of which sections of their submission, if any, were referred to the Committee. In response to a request from the Committee, DELWP provided each submitter with the truncated version of their submission to understand what the Committee was considering.

(ii) Revised Terms of Reference

Terms of Reference are generally established at the time the Committee is established or when the matter is referred. This enables the Committee and parties to plan accordingly.

On 25 April 2022, the day before the Hearing commenced, the Minister for Planning revised the Terms of Reference (Version 3). Among the changes, the Minister reduced the Committee's time to review documents, consider issues and write its report from 40 business days to 19 business dates, by setting an 8 July 2022 date.

Versions 2 and 3 of the Terms of Reference are included at Appendix A.

The Committee was able to meet its specified responsibilities, however, the significantly reduced report time meant it was not possible to include additional and helpful details.

(iii) Site inspections

The Committee undertook an unaccompanied site inspection of relevant areas of the Bellarine Peninsula on 12 and 13 May 2022. Parties were provided an opportunity to nominate site inspection locations. Seventeen parties took up this opportunity. Key areas which the Committee inspected include:

- Leopold, including Clifton Avenue, Melaluka Road (North and South), Curtin Drive, Ash Road and Como Road
- Portarlinton, including the western and eastern boundaries, Point Richards Flora and Fauna reserve and along The Esplanade
- St Leonards, including the St Leonards Golf Club, Harvey Road and Ibbotson Street
- Bellarine Highway, including Leopold, Wallington and Marcus Hill
- Ocean Grove Nature Reserve
- Eastern boundary of the Ocean Grove settlement, including Bonnyvale Road, Banks Road, Shell Road and the Ocean Grove Hotel site
- Western boundary of the Ocean Grove settlement, including Grubbs Road, Rhinds Road, Wallington-Ocean Grove Road and Sproules Road
- Western boundary of Barwon Heads, including Barwon Heads Road, Tait's Road, Hopgood Place (to access Golf Club land), River Parade and Moonah Park.

(iv) Approach to the Hearing and report

The Committee conducted the Hearing over 23 days and has considered all referred submissions, evidence and tabled documents provided. This includes:

- 132 submissions, of which 40 appeared at the Hearing
- 53 statements of evidence
- 275 tabled documents.

The key issues and themes that have emerged through this process are well explored and addressed in this report, though most evidence and submissions are not acknowledged. This is due to:

- the large volume of information the Committee had to review, including over 250 documents
- the truncated report deadline which was revised to 8 July 2022 the day before the Hearing began (providing 19 business days to complete the report).

The Committee provides comments and guidance on identified issues associated with the appropriateness of the PSBs. This is consistent with the spirit in which advisory committees are established and relied on.

The Committee does not respond to submissions regarding specific land uses or types of development on certain properties because they are beyond the limited scope set out in the Committee's Terms of Reference and the Minister's referral letter.

The Committee refers to distinctive attributes and features in this report. It refers to distinctive features as a subset of the attributes, having regard to section 46AU of the PE Act.

(v) Report structure

The report is structured under the following headings:

- Declaration of Distinctive Areas
- Technical studies
- What should be considered?
- Are the proposed Protected Settlement Boundaries appropriate?

2 Declaration of Distinctive Areas

2.1 Planning and Environment Act 1987

Part 3AAB (Distinctive Areas and Landscapes) of the PE Act:

- comprises sections 46AN to 46AZM and was introduced into the PE Act in May 2018
- establishes a process for protecting areas around metropolitan Melbourne and Victoria's regional cities and their distinctive natural and cultural landscapes
- provides a mechanism for safeguarding the social, environmental, economic and cultural values in those identified and declared key areas.

(i) Objectives

Section 46AN seeks to:

- recognise the importance of distinctive areas and landscapes to the people of Victoria and to protect and conserve the unique features and special characteristics of those areas and landscapes
- enhance the conversation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas
- enable the integration of policy development, implementation and decision-making for declared areas under Statements of Planning Policy
- recognise the connection and stewardship of Traditional Owners in relation to land in declared areas.

(ii) Declaring a distinctive area and landscape

Section 46AO(1) enables the Governor in Council, on the recommendation of the Minister for Planning, to declare an area a 'distinctive area and landscape'. To recommend an area be declared as a distinctive area and landscape, section 46AP(1) requires the Minister for Planning to be satisfied the area has a majority of the following attributes:

- a. outstanding environmental significance
- b. significant geographical features, including natural landforms
- c. heritage and cultural significance
- d. natural resources or productive land of significance
- e. strategic infrastructure or built form of significance
- f. an attribute prescribed for the purposes of this section.

Section 46AP(2) requires the Minister for Planning to be satisfied that an area is under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area in order to recommend that the area be declared as a distinctive area and landscape, whether that threat arises from:

- land use conflicts, or
- multiple land use changes over time, or
- any other land use threat prescribed for the purposes of this section.

The declaration is not before the Committee, and it is not a matter it comments on.

(iii) Statement of Planning Policy

Once an area has been declared, the PE Act requires the Minister for Planning to prepare an SPP for the declared area. The purpose of an SPP is to create a framework for the future use and development of land in the declared area to ensure the protection and conservation of the distinctive attributes of the declared area. An SPP must:

- a. set a vision for a period of at least 50 years that identifies the values, priorities and preferences of the Victorian community in relation to the distinctive attributes of the declared area, including preferences for future land use, protection and development; and
- b. set out the long term needs for the integration of decision-making and planning for the declared area; and
- c. state the parts of the SPP that are binding on responsible public entities and the parts that are in the nature of recommendations to which responsible public entities are only required to have regard; and
- d. include a declared area framework plan in accordance with subsection (2); and
- e. set out Aboriginal tangible and intangible cultural values, and other cultural and heritage values, in relation to the declared area.

The framework plan must provide a framework for decision-making in relation to the future use and development of land in the declared area that integrates environmental, social, cultural and economic factors for the benefit of the community and encourages sustainable development and identifies areas for protection and conservation of the distinctive attributes of the declared area. The framework plan may specify settlement boundaries or designate specific settlement boundaries in the declared area as protected settlement boundaries.

(iv) Effect of a SPP

A SPP takes effect on the day the notice of approval is published in the Government Gazette, or a later day set out in that notice. Once in effect, the SPP is taken to form part of the State standard provisions of the Victorian Planning Provisions.

The Minister for Planning must prepare a planning scheme amendment to give effect to the SPP and for that purpose Part 3 (except Divisions 1 and 2 and sections 39(1) to 39(5)) of the PE Act applies to the amendment.

Once approved, the Minister for Planning must not approve an amendment to a declared area planning scheme if the amendment is inconsistent with a SPP for that declared area. A Responsible Public Entity (RPE) which is a planning authority, must not prepare an amendment to a declared area planning scheme that is inconsistent with a SPP for the declared area that is expressed to be binding on the RPE.

(v) Endorsement and approval of a SPP

The SPP must be endorsed by each RPE specified in the statement and the Minister responsible for that entity within one year of the declaration or period approved by the Governor in Council. The Minister must complete a review of the SPP no later than 10 years after the commencement of the statement.

(vi) Obligations of Responsible Public Entities

Section 46AZK requires the RPE to not act inconsistently with any provision of the SPP that is expressed to be binding on the RPE when performing a function or duty or exercising a power in

relation to the declared area. Where a RPE develops or implements policies or programs or makes decisions in relation to a declared area, the RPE should:

- a. Consult with all levels of government and government agencies that are relevant to the decision; and
- b. Use best practice measures to protect and conserve the unique features and special characteristics of the declared area; and
- c. Undertake continuous improvement to enhance the conservation of the environment in declared areas; and
- d. Have regard to the principles prescribed to apply
 - a. To all declared areas; and
 - b. In relation to a particular declared area.

2.2 Bellarine Peninsula Distinctive Area and Landscape declaration

The Bellarine Peninsula was first declared a distinctive area and landscape on 29 October 2019, and redeclared on 16 September 2021. The declaration includes parts of City of Greater Geelong and Borough of Queenscliffe shown in Figure 1.

Figure 1 Bellarine Peninsula Declared Area



Source: BPSP

The declaration included the following preamble which set out the significance of the area to the people of Victoria:

- a. The Bellarine Peninsula has natural landscapes of outstanding beauty. It contains environmental, economic and cultural heritage values of state and national significance, particularly along the coastline between Ocean Grove and Point Lonsdale.
- b. Its diverse natural environment and impressive landforms, combined with visible layers of history, underscore its special significance to the people of Victoria and its important role in our social, cultural and economic development.
- c. the Bellarine Peninsula's wetlands are protected under the internationally recognised Ramsar convention. These include Lake Connewarre, Salt Lagoon, Swan Bay, Lonsdale Lakes, Reedy Lake and the lower Barwon River Estuary. These reserves host many unique species.
- d. The region has extensive heritage and cultural value, ranging from renowned surfing locations, numerous shipwrecks along the coastline and areas of indigenous significance.
- e. Queenscliff's natural landscape, historic town attractions and ferry services are significant attractions and the area has a growing food trail economy.

The preamble included a statement which set out the significance of Wadawurrung Country and the area to the Traditional Owners in traditional language, as provided for by section 46AO(2)(d)(ii).

In accordance with section 46AO(2)(c), the declaration identified the following threats of significant or irreversible land use change, as set out in section 46AP(2), that would affect the environmental, social or economic values of the declared area:

- a. Threats to areas of significant biodiversity from land clearing and loss of habitat, urban development pressures including water run-off, human interference increased through tourism and introduced weeds and pests, climate change impacts and natural hazards such as change in water temperatures, sea level rise, storm surges and bushfire;
- b. Threats to natural landscapes and landforms from urban development expansion, increased visitation pressures, climate change impacts including sea level rise and change in storm patterns expected to increase risk of erosion;
- c. Threats to preservation of heritage and cultural attributes from township expansion, land use practices and increased tourism activity and recreation;
- d. Threats to natural resources and productive land from land use conflicts between conservation, agricultural use, residential use and recreation activities; cumulative impacts of development; and natural hazards, including bushfire and flooding;
- e. Threats to future effectiveness of strategic infrastructure due to increasing pressure from urban growth, tourism activity and cumulative urban development.

2.3 Bellarine Peninsula Statement of Planning Policy

DELWP prepared the BPSPP which notes in its preamble:

- it was prepared *"in collaboration with the Wadawurrung Traditional Owners, the Borough of Queenscliff, the City of Greater Geelong and other relevant government agencies and authorities"*
- DELWP conducted two phases of consultation before preparing the BPSPP.

(i) Vision

As required by section 46AV(1)(a) of the PE Act, the BPSPP contains a 50-year vision statement which identified seven values, priorities and preferences of the Victorian community in relation to the distinctive attributes of the declared area. In summary these are:

- **Environmental Significance**
The declared area has reduced greenhouse gas emissions, resource use and waste to near zero and is resilient to the impacts of climate change (such as a warmer and drier climate, increased bushfire risk, higher sea levels and coastal erosion). Local communities and visitors embrace walking, cycling and public transport. Investment in renewable energy and integrated water management infrastructure is prioritised.
- **Aboriginal cultural heritage**
Wadawurrung rights to self-determination are respected so that their aspirations for their lands, waters and culture are realised through the transfer of relevant decision-making powers. Wadawurrung knowledge and practices inform planning, land and water management decisions and help to protect the environment and biodiversity. Wadawurrung living cultural heritage is highly valued, and the area is respected as a place of significance to the Wadawurrung.
- **Environment and biodiversity**
Indigenous plants and animals flourish within a natural environment that is healthy, well cared for and cherished by local communities and visitors. The area's unique marine and waterway environments — the Ramsar wetlands of Swan Bay, Lake Connemare and the Barwon Estuary — are healthy. Fragile ecosystems and biodiversity are supported by a network of well-managed parks and reserves and private lands and gardens.
- **Landscape**
The area's distinctive landscape features — its southern coastal bluffs, cliffs and beaches from Breamlea to Queenscliff, the gently undulating Bellarine Hills and the tranquil coastal edge of Port Phillip Bay — are cherished. Panoramic views across the peninsula and out over The Heads past Point Lonsdale and Point Nepean, vistas across Port Phillip Bay to the You Yangs and beyond, and views of Lake Connemare and Swan Bay, are protected and accessible to residents and visitors.
- **Historic heritage**
The area's rich maritime, military and non-Indigenous settler heritage — its historic towns like Queenscliff and architecture like the Portarlington Grand Hotel — is preserved and respected for its contribution to the history, identity and character of the Bellarine Peninsula and its communities.
- **Visitor economy, agriculture and natural resources**
The declared area is a renowned agricultural producer and world-class sustainable ecotourism destination. Water resources are secure and support diverse, environmentally conscious, resilient, productive and prosperous industries.
- **Strategic Infrastructure**
Community connections and health and wellbeing are strong. Everyday needs are met with accessible community health, education and social infrastructure. Sustainable

active transport routes and outdoor activities help to improve health, build relationships between people and connect them with their surroundings.

- **Settlements**

The coastal and rural towns and villages of the Bellarine Peninsula offer a variety of housing and lifestyle choices where development is well-planned and sympathetic to each settlement's unique character. Settlements are well-connected to local jobs and services, protect and enhance environmental and cultural attributes, resilient to natural hazards and the effects of climate change. Well defined settlement boundaries protect the prized coastal and rural hinterland landscapes of the declared area.

(ii) Wadawurrung statement of significance

The BPSPP sets out a statement of significance of Wadawurrung Country and the area to the Traditional Owners in both traditional language and in English translation as provided for in section 46AC(1)(e) of the PE Act.

(iii) Declared Area Framework Plans

Consistent with sections 46AC(1)(d) and (2) of the PE Act, the BPSPP includes a framework plan which provides a framework for decision-making in relation to the future use and development of land within the declared area.

The declared area framework plan comprises Map 3 and sub-region maps 9 to 16 which are the proposed settlement maps for eight of the area's nine distinct settlements.

The framework plan (Figure 2) identifies the locations of protected settlement boundaries and areas of minimal incremental and substantial change. It seeks to integrate environmental, social, cultural and economic factors for the benefit of the community, encourage sustainable development and identify areas for protection and conservation of the distinctive attributes of the declared area.

Figure 2 Proposed Bellarine Peninsula Declared Area framework plan



Source: Bellarine SPP, p23

(iv) Settlement boundaries

One of the key elements of the BPSPP is the use of settlement boundaries and PSBs empowered by section 46AC(2)(b) of the PE Act. The BPSPP notes the settlement boundaries are in part informed by designating settlements in a settlement hierarchy.

The declared area has nine distinct settlements:

- Barwon Heads
- Drysdale–Clifton Springs
- Indented Head
- Leopold
- Ocean Grove
- Point Lonsdale
- Portarlington
- Queenscliff
- St Leonards.

Each has its own unique identity, character, role and function.

The rate and amount of population growth in the declared area over the last decade have been strong, compared to other settlements in the G21 region and regional Victoria. A PSB is proposed around all the townships except for Queenscliff.

(v) Policy domains

The BPSPP sets out eight policy domains which generally align with the objects for distinctive areas and landscapes in the PE Act. The policy domains articulate the long-term needs for the integration of decision-making and planning for the declared area and include a decision-making objective and strategies for achieving the objective. Section 46AV(1)(c) of the PE Act:

- makes each decision-making objective binding on an RPE
- requires an RPE to have regard to the strategies when performing a function or duty or exercising a power regarding the declared area.

An RPE is bound by the following objectives of the eight policy domains:

- **Environmental risks and resilience**
To achieve a zero-carbon future and support the resilience of the declared area's distinctive attributes by taking sustained measures to mitigate greenhouse gas emissions and adapt to the impacts of climate change and natural hazards.
- **Landscape**
To protect and enhance the identified landscape character, physical features, view corridors and natural and cultural values of the declared area's significant landscapes.
- **Environment and biodiversity**
To conserve and enhance the significant biodiversity, ecological and environmental values of the declared area.
- **Aboriginal cultural heritage**
To conserve, strengthen and promote the declared area's Aboriginal cultural heritage values and partner with the Wadawurrung to care for Country.

- **Historic heritage**

To protect, strengthen and promote the declared area's post-colonial historic heritage values.

- **Tourism, agriculture and natural resources**

To enable a diverse, sustainable and responsible visitor economy that helps protect the significant environmental, landscape, agricultural and historic heritage values of the declared area.

To facilitate a strong regional economy, including agriculture and natural resource industries, that protects the declared area's green breaks and is responsive to the landscape's significance and the declared area's environmental and biodiversity, Wadawurrung living cultural heritage and historic heritage values.

- **Strategic infrastructure**

To ensure the integrated provision of transport, essential services and community infrastructure meets the needs of the community while increasing resilience to climate change.

- **Settlements**

To plan and manage the sustainable development of settlements in the declared area consistent with each settlement's unique character, role and function and the protection and enhancement of the area's landscape significance, environmental and biodiversity values, Wadawurrung living cultural heritage and historic heritage values.

3 Technical studies

3.1 Bellarine Peninsula Landscape Assessment

The BP Landscape Assessment comprised two volumes.

Volume 1

The Landscape Assessment Review (Volume 1) outlines the methodology for determining landscape character and landscape significance. It informs the BPSPP by identifying the significant landscapes and views in the declared area, evaluating the key townships and their relation to the broader natural landscape.

The BP Landscape Assessment identified landscape character by identifying four Landscape Types and five corresponding Landscape Areas within the declared area, as shown in Table 3.

Table 3 Bellarine Peninsula Landscape Assessment identified landscape character

Landscape type	Landscape areas
Landscape type 1: Western Plains, Cones and Lakes	Landscape area 1.2: Mount Duneed and Volcanic Plain
Landscape type 5: Localised Flatlands	Landscape area 5.2: Lake Connewarre Lowlands Landscape area 5.3: Lake Victoria, Swan Bay and Eastern Bellarine Plains
Landscape type 6: Coastal Cliffs and Dunes	Landscape area 6.2: Bellarine Southern Coast
Landscape type 7: Bellarine Uplands	Landscape area 7.1: Central Bellarine Hills

The Landscape types and landscape areas were determined by analysing the physical characteristics of landscapes through GIS analysis and fieldwork.

Areas of State and regional landscape significance in the declared area were identified as:

- State significance: Bellarine Peninsula Southern Coast
- Regional Significance: Swan Bay
- Regional significance: Lake Connewarre and the Barwon River
- Regional Significance: Bellarine Northern Coast and Central Hills.

The BP Landscape Assessment:

- recommends the BPSPP include policy direction to protect the most significant landscapes of the Bellarine Peninsula
- provides a basis for determining the extent of landscapes of significance, but states:

The significance areas are necessarily nebulous at this stage of the process. Additional detailed fieldwork (outside the scope of this study) is required to define finite and fully justifiable boundaries of the type required to implement the Significant Landscape Overlay.

Volume 2

The Statutory Implementation Package (Volume 2):

- reviews the existing Significant Landscape Overlays (SLO) applied in the Greater Geelong and Queenscliffe Planning Schemes

- recommends that identified significant landscapes in the declared area be further protected
- recommends applying the SLO to more land to achieve this outcome.

3.2 Settlement Background Paper

The Settlement Background Paper:

- provides the basis for the settlement policy domain of the BPSPP
- sets out the methodology used to assess and determine the locations of the PSBs
- proposes implementation actions to guide built form outcomes across the Bellarine Peninsula's settlements.

The Settlement Background Paper is divided into two Part A (Bellarine Peninsula Distinctive Area and Landscape) and Part B (Settlements).

Part A (Bellarine Peninsula Distinctive Area and Landscape):

- outlines the legislative context, the State and regional planning policies, and the planning scheme policies relevant to settlement planning, population and land supply considerations
- sets the context for Part B.

Part B (Settlements):

- includes the methodology for assessing settlement character assessments and establishing the PSB
- assesses the existing local settlement boundaries (LSBs) and characteristics of each settlement to inform the BPSPP
- adopts a criterion that included assessment against:
 - the relevant objects in section 46AN of the PE Act
 - the relevant policy direction in the BPSPP
 - public engagement feedback
 - criterion established in the gazetted attributes for the Bellarine Peninsula.

The Settlement Background Paper includes a residential land supply analysis which concludes there is sufficient land supply in the declared area's existing settlement boundaries to meet demand in the coming decades. It adopts the policy direction of the City of Greater Geelong Settlement Strategy 2020 which directs housing growth away from the Bellarine Peninsula. Accordingly, the assessments did not seek to identify future urban growth areas.

The Settlement Background Paper considers each urban area on the Bellarine Peninsula and concludes that all towns except Queenscliff should have a PSB. This is generally consistent with the existing LSBs identified in the Greater Geelong Planning Scheme, except for Ramblers Road in Portarlington and the Bonnyvale Road / Collendina Hotel site in Ocean Grove.

3.3 Wadawurrung Cultural Heritage Summary

The cultural heritage summary described the cultural connections and perspectives of the Wadawurrung.

The Wadawurrung Cultural Heritage Summary identifies the following site types and areas that are significant to the Wadawurrung and found within the declared area:

coastal shell middens, fishing sites and living spaces which wrap around the coastline from the base of Point Henry to Karaaf Wetlands, including Curlewis, Portarlington, Indented Heads, Point Lonsdale, Ocean Grove and Barwon Heads. These are long-term places of living in context with housing and multiple natural resources. Aquaculture and agriculture were also practised within this landscape.

Living spaces inland indicated family group home bases. These living spaces were supplied with diverse natural resources and fresh water.

Forested areas are important to the Wadawurrung for their rich resources. These resources included plants for food, medicine and wood, as well as many types of birds, amphibians and marsupials hunted for food. The many types of trees and plants gave the Wadawurrung the resources to make shelter, boats, baskets, ceremonial items and weapons.

Wadawurrung Country is rich with an abundance of fresh water, an asset to Wadawurrung as healthy waterways supported family groups within their living spaces and continue to be a wealthy attribute for Wadawurrung today. Waterways within the area include large river systems, estuaries, swamps and wetlands, permanent waterholes, lakes, streams and creeks meant that between wet and dry seasons fresh water was accessible in all parts of the Wadawurrung landscapes.

Natural resources are found throughout the declared area and are important to the Wadawurrung. Natural resources are defined as the utilisation of natural materials for tools, weapons, utensils, baskets, bags, clothes, house materials and ceremonial dress from birds, marsupials, mammals, gumtrees, fish and shellfish. Other uses of natural resources come from the direct association between natural landscapes and waterways for harvesting, aquaculture and transport such as boating and trade of materials. Large animals post the megafauna era such as kangaroo are utilised for meat, skins, sinew for thread and bone.

The Wadawurrung Cultural Heritage Summary outlines a range of threats to key sites as well as detailed that important types of sites and areas that are significant include:

- Coastal Middens and Living Spaces
- Inland Living Spaces
- Forested Areas
- Waterways
- Natural Resources.

The Wadawurrung Cultural Heritage Summary:

- recognises that attributes that are culturally significant for Wadawurrung are complex and intricate, which requires the intimate knowledges and connection to place and space
- includes recommendations for strengthening the Wadawurrung management and recognition through implementing revegetation programs, using language for naming of attributes and further cultural education and tourism on the Bellarine Peninsula.

3.4 Other supporting reports

(i) Bellarine Peninsula distinctive area and landscape: Bushfire landscape assessment

The Bellarine Peninsula distinctive area and landscape: Bushfire landscape assessment, Kevin Hazell Bushfire Planning, February 2021 (BP Bushfire Report):

- undertook a risk assessment which identifies areas of high bushfire risk and settlements that need to consider bushfire risk for future settlement planning
- identifies bushfire risk landscape areas for further consideration and careful planning:
 - areas of non-grassland hazards (including the Ocean Grove Nature Reserve)
 - isolated rural living areas that are not low fuel and do not have immediate access to low fuel areas.

- concludes the declared area comprises lower risk bushfire landscape areas, with limited potential for large, landscape scale bushfires to arise.

(ii) Bellarine Peninsula distinctive area and landscape: Bushfire analysis of Significant Landscape Overlay proposals

The Bellarine Peninsula distinctive area and landscape: Bushfire analysis of Significant Landscape Overlay proposals, Hazell Bushfire Planning, February 2021 (BP Bushfire SLO Analysis):

- concludes that landscape bushfire implications related to the proposed SLO can be addressed
- recommends the application requirements and decision guidelines in the SLO schedules be revised to clarify bushfire risk considerations.

(iii) Bellarine Peninsula Township Character Assessment: Township Character Report

The Bellarine Peninsula Township Character Assessment: Township Character Report, Ethos Urban, July 2020 (BP Township Character Report):

- reviewed relevant planning policy, strategic documents, planning controls
- analysed existing gaps in planning provisions and strategic documents
- includes a methodology and assessment criteria for identifying the character of each town
- includes a Township Description for each town
- identifies key character attributes and threats to character within each town
- prepares Township Character Plans that document key character attributes.

4 What should be considered?

4.1 Committee role and scope

(i) Background

There was significant discussion at the Hearing about the Committee's role in the context of its Terms of Reference and what it could make recommendations on. As a result of discussion on 23 May 2022, the Committee issued direction 51 stating:

Regarding documents 101, 150, 182 and 185 regarding whether the Committee is confined to considering only section 46AU of the *Planning and Environment Act 1987* when considering whether all protected settlement boundaries designated in the draft Bellarine Peninsula SPP are appropriate:

- all parties have an opportunity to make a written submission on this specific matter
- the Committee will refer all submissions received by that time, including documents 101, 150, 182 and 185, to legal counsel to review submissions and associated information such as relevant sections of the *Planning and Environment Act 1987* to provide independent advice
- all parties will have an opportunity for any final written comments solely on the advice.

Direction 51 was further revised to provide the Proponent with an opportunity to reply to final written submissions.

(ii) Evidence and submissions

The Proponent submitted that the Committee was confined to:

- considering only section 46AU of the PE Act when considering whether all PSBs in the BPSPP are appropriate
- advising whether:
 - each proposed PSB ensures the protection and conservation of the distinctive attributes of the declared area
 - any amendment should be made to the PSBs (so long as any amended PSB ensures to protect and conserve the distinctive attributes for the declared areas).

The Proponent added:

In other words the Committee is not being asked to advise whether the proposed PSBs are appropriate in a general sense. Nor is the Committee being asked whether the proposed PSBs result in a net community benefit or whether they result in an acceptable planning outcome.

Greater Geelong Council submitted that the Committee:

- is limited to considering and advising on the PSBs
- must adopt integrated decision making and explained:

That is, the Committee must integrate all relevant planning objectives in reaching its final recommendations. Council rejects any assertion that greater weight must be placed on the objects of Part 3AAB or on landscape and environmental matters over other relevant planning considerations.
- the objects of Part 3AAB do not disclose any intent that fundamentally different tests be applied to the integrated decision-making process before the Committee.

There were contrary submissions from parties including the Best Hooper Client Group and Morgan and Griffin which stated:

- the Proponent's approach is fundamentally flawed
- the Committee can, and is required to, have regard to environmental, social, cultural and economic factors that are relevant to settlement boundaries and PSBs
- the PE Act section 4 planning objectives apply to decision-making and consideration under Part 3AAB
- the PSBs are unlawful because the BPSPP is invalid so they cannot be found to be appropriate.

The Committee sought legal opinion from Counsel assisting, Ms Pepler. Ms Pepler stated, among other things, the Committee's task is to consider the appropriateness of the PSBs having regard to the purpose of the BPSPP. She considered there are no identifiable matters in the PE Act, the Terms of Reference or referral letter which confine the Committee to only considering section 46AU of the PE Act. Ms Pepper added:

I also observe that – perhaps against the Council and other submissions – I do consider the task of the Committee is not necessarily one of seeking to balance all planning considerations in an even-handed manner, without regard for the framework of the PE Act, and the place of SPPs within that Act. I say this because Part 3AAB in fact does appear to have been introduced to ensure protection and conservation of distinctive attributes, potentially at the cost of other considerations, where a declaration has been made. It will be for the Committee to consider the full range of factors which are relevant in a proper consideration of the purpose of SPPs, which includes questions of the future use and development of land, and for it to decide – on the facts and having proper regard to the broader relevant framework and the evidence – what its views are about the appropriateness of the proposed PSBs, having regard to the purpose of the SPPs.

Ms Pepler concluded the Committee:

- is not confined in undertaking its task, to only considering the words and content of section 46AU of the PE Act
- can have regard to other matters if they are relevant to understanding and considering the purpose of BPSPP and whether a PSB is appropriate, as judged against that purpose
- should not wholly accept the submissions made by the Proponent and Greater Geelong Council.

Following Ms Pepler's opinion, parties who commented on this matter generally maintained their original views.

The Proponent agreed with Ms Pepler that:

- it is open to the Minister for Planning to refer a limited scope of matters
- the Committee has not been asked to advice on whether the BPSPP is invalid
- the Committee's task:
 - does not extend beyond considering the appropriateness of the PSBs
 - is to consider, report and recommend on whether the PSBs in the BPSPP are appropriate, having regard to the purpose of a SPP under section 46AU of the PE Act
- the Committee should not assess the appropriateness of the PSBs having regard to general consideration of appropriateness or applying 'tests' of 'net community benefit' or 'acceptable planning outcomes'
- it is not the Committee's task to balance all planning considerations in an even-handed manner, without regard for the framework of the PE Act, and the place of SPPs in that Act.

The Proponent did not agree with the remaining parts of Ms Pepper's opinion.

Greater Geelong Council submitted that other planning considerations which are inconsistent with the declaration and the PSBs may logically be compromised.

Morgan and Griffin submitted the test of 'acceptable outcomes' for planning permits in Clause 65 of the Victoria Planning Provisions does not apply to any decision to approve a SPP. It added that it is open to the Committee to:

- find the PSBs are inappropriate because they are unnecessary
- conclude that a PSB would be inappropriate because it did not provide community benefit.

In its right-of-reply, the Proponent asked the Committee to rely on its previous submissions.

(iii) Discussion

The Committee is well versed with its Terms of Reference and what was sought by the Minister for Planning through his referral letter. However, parties spent time expressing opposite views about the Committee's scope of consideration. The Committee sought its own legal opinion, consistent with term 13 of the Terms of Reference (Version 3).

The Committee accepts Ms Pepler's opinion that the Terms of Reference do not confine the scope of the Committee's considerations in the manner suggested by the Proponent, Greater Geelong Council and others. The Committee can have regard to other matters if relevant to considering whether a PSB is appropriate.

However, this technical ability may not equate to a practical outcome. For example, there may be clear evidence that land needs to be excluded from the PSB area to protect and conserve a distinctive attribute. Under this circumstance, other matters should not be considered if enabling urban development on land that would threaten this protection.

The PSBs and the BPSPP, given where they reside, do not form part of any planning scheme and there is not an associated draft planning scheme amendment seeking to introduce them. The Committee has therefore not considered the appropriateness of the PSBs based on achieving net community benefit, as sought by Clause 71.02-3 of the Victoria Planning Provisions. The Committee has relied on the specific objectives and outcomes specified in section 46AU of the PE Act.

The Minister for Planning has sought advice on the appropriateness of PSBs proposed in a draft document, pending approval. The Committee has considered whether each PSB is appropriate:

- based on whether supporting and technical assessments can demonstrate they are needed to protect and conserve the distinctive attributes of the Bellarine Peninsula's declared area
- within the restricted scope set out in the referral letter from the Minister of Planning.

4.2 Land supply

(i) Background

The Settlement Background Paper includes figures for greenfield and infill lots within each existing settlement boundary on the Bellarine Peninsula. It states that across the Bellarine Peninsula, there are:

- 6,819 greenfield lots comprising 5,450 zone for future submission and 1,369 undeveloped subdivided lots
- 9,069 greenfield lots, if lots identified in structure plans but not zoned for urban development are included
- between 1,750 and 12,900 lots may be developed based on:
 - the likely scenario the 1,750 vacant lots are developed
 - 30 per cent (8,050) of the available lots are developed
 - 50 per cent (12,900) of the available lots are developed.

Clause 11.02-1S of the Victoria Planning Provisions included in all planning schemes seeks to:

- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Greater Geelong Planning Scheme Clause 21.14 provides strategic direction for the Bellarine Peninsula.

(ii) Evidence and submissions

The Proponent submitted the Settlement Background Paper:

- projects the Bellarine Peninsula's permanent population of about 70,000 people in 2019 is projected to increase by 18,7000 by 2036
- estimates 11,400 additional dwellings will be needed to meet demand
- includes a land supply analysis that concludes:
 - there is sufficient residential lot supply in existing settlement boundaries to meet projected housing demand
 - there is capacity in the declare area for about 15,000 to 22,000 additional dwellings, comprising 6,819 greenfield dwellings and 8,100 to 13,000 infill dwellings.

There were contradictory views about whether housing affordability, land supply and demand should be considered when deciding a PSB alignment.

There were submissions which considered:

- the PSBs will exacerbate an existing land supply issue in settlements on the Bellarine Peninsula
- Barwon Head's high property prices has resulted from a land supply shortage
- more land supply is needed in St Leonards to meet demand.

Expert evidence on economics and land supply was called from:

- Mr Dimasi of Dimasi & Co by various parties – Lascorp Investment Group Pty Ltd, Melaluka Road Developments Pty Ltd and St Leonards Pastoral Pty Ltd
- Mr Ganly of Deep End Services by Shell Road Development Pty Ltd
- Mr McNeill of Ethos Urban by various parties – Barwon Heads Lifestyle Group, Gee Dee Nominees Pty Ltd, Morgan and Griffin, and Chris and Maria Arabatzis et al.

Collectively, they found:

- Greater Gelong has:
 - a major residential market which is becoming more important in Victoria
 - had high population growth, property sales and building approvals since Covid-19, which will continue

- Greater Geelong's Northern Geelong Growth Area and Western Geelong Growth Area will have a significant role in accommodating future growth
- Geelong's current and future land supply is not directly substitutable with Bellarine Peninsula towns because they are different markets
- since Covid-19, there has been an opportunity for Melbourne residents to relocate to coastal towns and work remotely, making the holiday home market of some of the towns unclear
- the Settlement Background Paper estimates Portarlington can accommodate between 950 to 1450 additional dwellings through infill development
- since the Settlement Background Paper was prepared, zoned and potential greenfield land supply has reduced to approximately:
 - five years of zoned greenfield, with a further 2 years of potentially available land on the Bellarine Peninsula
 - 8.3 years of zoned greenfield, with a further 2.2 years of potentially available land on the Bellarine Peninsula
 - 7 years greenfield supply (not 36 years) in Leopold based on demand for 150 lots each year
 - 13 years greenfield land supply in Ocean Grove
 - 16 years greenfield land supply in Portarlington based on 630 lots and demand for 40 dwellings each year (10.5 years for 60 dwellings each year)
 - 6 to 7 years of greenfield land supply in St Leonards
- the Settlement Background Paper's demand and supply assessment of residential land at Leopold and the Bellarine Peninsula is fundamentally flawed because it is based on incorrect land supply figures, underestimates demand and applies incorrect assumptions
- the BPSPP mistakenly relied almost totally on the Settlement Background Paper which focussed on housing needs for the Bellarine Peninsula rather than focussing on each settlement
- Barwon Heads:
 - has no greenfield supply, and land supply is limited to about 70 vacant lots
 - it would mostly rely on infill
 - it would unlikely be able to achieve the 650 to 1,000 additional infill dwellings estimated in the Settlement Background Paper
- additional greenfield land supply would have economic benefits including improved housing affordability and reduced reliance on infill supply which is likely to be difficult to achieve
- expanding the Leopold activity centre would result in significant economic benefits for the Bellarine Peninsula and Geelong region.

(iii) Discussion

Housing supply is not a relevant issue on the Bellarine Peninsula if the Greater Geelong municipality has sufficient land supply to accommodate its population growth over at least 15 years, consistent with Clause 11.02-1S of the Victoria Planning Provisions. The Committee is satisfied that Greater Geelong has sufficient land supply to meet this State planning objective. State planning policy does not seek 15 years of land supply in each individual settlement or town.

Additional residential land, beyond what is identified in the BPSPP, is therefore not needed on the Bellarine Peninsula to enable Greater Geelong to achieve 15 years municipal land supply.

The Committee agrees that properties in some settlement areas on the Bellarine Peninsula may not be directly substitutable with properties in Geelong's future growth areas. However, broader State planning policy does not extend to include this market reality. Through previous strategic work, Greater Geelong Council has met key policy objectives by:

- accommodating projected population growth over at least a 15-year period on a municipal basis
- providing clear direction on locations where growth should occur – predominantly in Geelong, and away from the Bellarine Peninsula.

Expert evidence demonstrated the greenfield years' supply for lots within existing settlement boundaries set out in Table 8 of the Settlement Background Paper do not reflect existing circumstances. They should be reviewed before finalising the BPSPP.

4.3 Findings

The Committee finds:

- The appropriateness of a Protected Settlement Boundary identified in the Bellarine Peninsula Statement of Planning Policy depends on whether it is needed to protect and conserve a declared distinctive feature.
- Where there is clear and robust evidence that land needs to be excluded from a Protected Settlement Boundary to protect and conserve a declared distinctive feature, it is not appropriate to consider matters beyond section 46AU of the *Planning and Environment Act 1987*.
- Where this is no clear explanation why land is proposed to be excluded from a Protected Settlement Boundary, it is appropriate to consider matters beyond section 46AU of the *Planning and Environment Act 1987*.
- Where relevant, residential land supply should be considered at a municipal level and does not have to be reflected for the Bellarine Peninsula or towns within it.
- The Greater Geelong Planning Scheme:
 - identifies enough residential land supply to accommodate at least 15 years of population growth to achieve State planning policy objectives
 - directs most future residential land supply to growth areas in Geelong, away from the Bellarine Peninsula.
- The greenfield years' supply figures for lots within existing settlement boundaries set out in Table 8 of the Bellarine Peninsula Settlement Background Paper should be reviewed.

5 Are the proposed Protected Settlement Boundaries appropriate?

5.1 Strategic context

(i) Background

The power to specify settlement boundaries and PSBs is critical to the protection of distinctive natural and cultural landscapes under Part 3AAB. Settlement boundaries are a common tool adopted in the Victorian planning system. The BPSPP defines a PSB as:

A settlement boundary in a declared area that is protected under an SPP. Any amendment to an SPP that seeks to change a protected settlement boundary must be ratified by both Houses of Parliament.

A protected settlement boundary is a long-term settlement boundary intended to protect the valued attributes of the rural hinterland surrounding the settlement by containing its growth.

The relevant supporting reports that informed the content of the development of the settlement boundaries included:

- Bellarine Peninsula Township Character Assessment, Ethos Urban, July 2020
- Bellarine Peninsula Settlement Background Paper, June 2021.

Table 9 from the *Settlement Background Paper* set out the criteria and assessment methodology for determining the ‘*currency of existing settlement boundaries*’. In undertaking an assessment of the distinctive attributes and features of the declared area the work is reflected in the *Settlement Background Paper*, it outlines a revised set of criteria for assessment of the existing settlement boundaries. The revisions to the set of criteria included the:

- separation of distinctive features within ‘Heritage and Cultural Significance’ to consider Aboriginal Cultural Heritage as an individual additional criterion
- inclusion of an additional criterion for Environmental Risks.

The table that accompanied the official gazettal on 16 September 2021 of the distinctive attributes and features for the Bellarine Peninsula is replicated below.

Table 4 Declared attributes replicated from Gazettal notice

Item	Attribute	Distinctive Features
1	Outstanding Environmental Significance	<p>(a) The endangered native flora and fauna located in pockets of this area, particularly along river corridors. This habitat consists of various plant species including the endangered Bitter-Bush, Coast Wirilda and Trailing Coast Poa.</p> <p>(b) The wetlands across the Bellarine Peninsula are Ramsar protected wetlands and form part of a global network for migratory birds. The wetlands are home to several unique and threatened species.</p>
2	Significant Geographical Features, including Natural Landforms	<p>(a) The Heads at Point Lonsdale are a defining feature at the entrance to Port Phillip Bay. It features on numerous early artworks. It is part of a Marine National Park that includes high sand dunes, limestone cliffs, and a vast intertidal rock platform that stretches across to Point Nepean.</p>

Item	Attribute	Distinctive Features
		(b) The scenic views across the Bellarine Peninsula of rural landscapes and along the coast are highly valued for their natural beauty.
3	Heritage and Cultural Significance	<p>(a) Bellarine Peninsula has outstanding examples of Victorian era architecture offering a unique insight into the area's development as a holiday destination.</p> <p>(b) Queenscliff has rich maritime and military history characterised by Victorian and early twentieth century architecture including Fort Queenscliff. A large proportion of Queenscliff is under a Heritage Overlay, or is heritage-listed, which indicates its state significance.</p> <p>(c) Significant Aboriginal cultural sites exist, including shell middens archaeological sites and The Bluff at Barwon Heads for the Wadawurrung People.</p>
4	Natural Resources or Productive Land of Significance	<p>(a) The Bellarine winery area between Clifton Springs and Portarlington has a cluster of wineries that support the tourism industry.</p> <p>(b) Identified Extractive Industry Interest Areas (EIAs) including Murradoc Hill to Portarlington area and the Lonsdale Lake surrounds.</p> <p>(c) Land in the Bellarine Peninsula is ranked with some capability for soil-based agriculture at moderate to high intensity.</p>
5	Strategic Infrastructure or Built Form of Significance	<p>(a) Queenscliff and Portarlington Harbor [sic] are important assets for the local economy.</p> <p>(b) Barwon Heads Road and Bellarine Highway form part of a significant transport corridor, critical to the function of the region.</p> <p>(c) The Queenscliff-Sorrento ferry is a state-significant transport and tourism link. The Bellarine heritage rail is a popular attraction, important to the local tourism economy.</p>

The BPSPP proposes a PSB for Barwon Heads, Drysdale- Clifton Springs-Curlewis, Indented Head, Leopold, Ocean Grove, Point Lonsdale, Portarlington and St Leonards. The BPSPP states that no PSB is proposed for Queenscliff, although a PSB is identified in the declared area framework plan and through Map 17, which has been replicated in this report at Figure 2. During the Hearing, the Proponent clarified that this was an error, and that a PSB should not have been shown for Queenscliff.

Appendix G replicates the Settlement Background Paper's town criteria assessments. There is no assessment for Queenscliff.

(ii) Evidence and submissions

The Proponent submitted:

A useful starting point for discussing the proposed PSBs is the draft SPP. Here, the draft SPP notes that the rate and amount of population growth in the declared area over the last decade have been strong and, as a consequence, the declared area's unique values and distinctive attributes are under pressure from overdevelopment.

The submission explained that six of the eight PSBs align with the existing LSB in the Greater Geelong Planning Scheme. The two PSB variations are:

- Ocean Grove – excluded the Collendina Hotel site on Bonnyvale Road, otherwise known as the ‘Pub site’
- Portarlington – included Ramblers Road in the PSB, which was uncontested.

The Proponent considered the process for determining the PSB to be strategically sound.

The Proponent called evidence on planning from Mr Buxton of Plan2Place. Mr Buxton stated the BPSPP and PSBs:

- are strategically founded
- provide an appropriate framework for the future use and development of land in the declared area
- will help ensure the protection of the distinctive attributes of the declared area.

He considered the Settlement Background Paper to be thorough, well researched, appropriate, and provides a strong and compelling case for the PSBs.

Mr Buxton supported the PSBs alignments and found them to:

- be appropriate with reference to Part 3AAB of the PE Act
- respond to the results of the public engagement process.

Mr Buxton referred to the long history of strategic planning work that has identified and recognised the Bellarine Peninsula’s unique attributes and qualities. He noted that planning is designed to, and must, evolve over time to meet future community needs by undertaking relevant strategic planning work. He believed that these factors, combined with the current policy of directing growth away from the Bellarine Peninsula, suggest the BPSPP and the PSBs are an appropriate planning response to the current planning context.

Mr Buxton stated:

- the Settlement Background Paper did not set out to identify future growth on the Bellarine Peninsula
- things have moved on with the recent Geelong Settlement Strategy that now directs growth away from the Bellarine Peninsula
- Settlement Background Paper used existing structure plans for each of the townships in the declared area as a starting point for its assessment and that, as a result, it did not undertake the type of assessment that would usually occur in determining long term boundaries
- although the starting point was the existing Greater Geelong LSBs, the Settlement Background Paper did not simply accept the boundaries and had undertaken further interrogation, as evidence by variations along Ramblers Road in Portarlington and the ‘Pub site’ in Ocean Grove.

Greater Geelong and Queenscliffe Councils jointly submitted at the Hearing that:

- they generally supported the BPSPP including the vision, objectives and strategies
- both the DAL related legislation in the PE Act and BPSPP provide an opportunity to further strengthen good strategic planning outcomes such as:
 - protecting township character
 - providing enduring settlement boundaries

- protecting environmental features, green breaks and landscapes between settlements.

Greater Geelong Council supported the PSBs for all towns on the Bellarine Peninsula except for the proposed exclusion of the Bonnyvale Road / Collendina Hotel site in Ocean Grove. It noted the PSB alignments are generally consistent with the Greater Geelong Planning Scheme and the Greater Geelong Settlement Strategy 2020 which established directions to accommodate most of the future housing growth in Greater Geelong away from the Bellarine Peninsula and to urban Geelong, Armstrong Creek and Geelong's northern and western growth areas.

Greater Geelong Council referred to Clause 11.02-1S in the Greater Geelong Planning Scheme which seeks to ensure sufficient land supply for residential and other land uses for at least 15 years at a municipal level. It submitted its recent Settlement Strategy planning has:

- enabled the ability to accommodate more than 15 years of growth for the municipality
- directs most of this growth in identified growth area outside the Bellarine Peninsula and within existing LSBs of urban areas on the Bellarine Peninsula.

Greater Geelong explained that there was a program and processes for ongoing monitoring and for, when necessary, logical inclusions outlined in adopted Council policies and strategies.

Individuals and community groups supported the PSB alignments, and the proposal to restrict urban expansion of all townships and areas into the future. They explained the PSBs:

- have been appropriately aligned
- would limit future urban expansion and avoid negatively impacting the town character and rural setting
- would protect green breaks and the rural setting
- would protect the Ramsar wetlands
- would protect key environmental attributes including biodiversity links, the Ocean Grove Nature Reserve
- would protect flora and fauna
- reflect the communities desire and vision for the towns
- would result in a net community benefit for present and future interests of all Victorians.

There were property owners with development interests who considered their properties should be included within the respective PSB. Expert evidence on planning was called from:

- Mr Bernard McNamara of BMDA Development Advisory by Lascorp Investment Group
- Mr Black of Insight Planning by Shell Road Developments
- Mr McGurn of Urbis by St Leonards Pastoral
- Mr Milner of Kinetica by the Best Hooper Client Group
- Mr Crowther of Ratio Consultants by the Best Hooper Client Group, Melaluka Road Developments and Seachange Villages
- Mr Barnes of Hansen by Pamela Hutchins and John O'Donnell.

Collectively, submissions and expert witnesses considered:

- growth should be provided for on the Bellarine Peninsula, particularly in towns designated for growth
- properties are not constrained by significant environmental, landscape or other features that justify being excluded from the PSB
- various townships have limited supply of broad hectare land for urban development

- land should be included within the PSB and the suitability of the land for urban purposes will be determined through a future application to rezone the land
- the PSB reflects the settlement boundary in the current structure plan which was established 5 to 10 years ago
- older structure plans should be reviewed
- there is a need for strategic assessment before the PSB is specified
- there is a lack of strategic justification for excluding properties from PSB
- documents do not set out an appropriate process to review the PSBs
- the 10-year review process refers to the BPSPP and does not specifically refer to the PSBs
- the opportunity to change the PSB alignment in future would be unnecessarily difficult because it would need to be ratified through Parliament
- properties near existing growth have limited current and future agricultural viability
- the PSB will worsen housing affordability.

(iii) Discussion

Town and settlement boundaries have existed in the planning system for a long time. The Greater Geelong Planning Scheme has successfully used LSBs to restrict urban development.

The Committee recognises that section 46AV part 2 of the PE Act enables that a framework plan in an SPP:

may specify settlement boundaries in the declared area or designate specific settlement boundaries in the declared area as protected settlements.

It is instructive that the word *may* is used in this instance. Section S46AV of the PE Act does not require a PSB for all settlements or towns. For example, the BPSPP does not propose to apply the PSB to Queenscliff.

The Committee considers that when implemented, there is little difference in outcome between a LSB and a PSB. The point of difference between them is intent and the decision maker, as follows:

- A LSB is initiated by a local council and approved by the Minister for Planning as part of a planning scheme amendment.
- A PSB may be applied to protect and conserve the distinctive attributes of the Bellarine Peninsula DAL. Approval of the final boundary alignment requires ratification by the Victorian Parliament in accordance with section 46AZD of the PE Act.

However, the Committee is cognisant that the PE Act provides the option of a PSB to protect and conserve distinctive attributes and features in the declared area. The Committee does not question the use of a PSB when considering their appropriateness where there is sufficient technical information to demonstrate that a distinctive feature would be negatively impacted.

Given the different intents and basis for a LSB and a PSB means that they may not necessarily align with each other. For example, a PSB may apply to a larger area for reasons specified in the PE Act but a LSB may apply to a smaller area for reasons beyond protecting and conserving distinctive features such as settlement hierarchy or land supply. Where there is a conflict between a PSB and LSB area, it is expected the PSB alignment will prevail.

The assessment and criteria in the Background Settlement Paper appropriately seek to respond to:

- the specific attributes and reflected on the BPSPP's vision and objectives
- the broad directions of section 46AN of the PE Act:

to recognise the importance of distinctive areas and landscapes to the people of Victoria and to protect and conserve the unique features and special characteristics of those areas and landscapes.

The Background Settlement Paper should have focussed on assessing how the declared distinctive features interact with surrounding land to understand where the PSBs should be aligned to protect and conserve these features. The approach taken by the Paper was fundamentally flawed from when it applied Greater Geelong's LSBs as a baseline for justifying PSBs.

LSBs have successfully served their purpose in a local context, however their alignment was determined based on a broader range of considerations than the narrow focus sought for a PSB. For example, a town may have had a constraining LSB in response to town character and settlement hierarchy, both of which are not identified attributes or distinctive features. This overly restrictive approach may not be needed for protecting and conserving distinctive features.

Since being declared a DAL, the Bellarine Peninsula warranted fit-for-purpose assessments to inform the BPSPP and the PSBs. This has not occurred. Each technical assessment undertaken for the BPSPP is broad, generic, intended for a purpose other than explaining and justifying each PSB. The criteria assessments in the Settlement Background Paper:

- are not underpinned by robust background information or sufficiently detailed technical studies
- make broad statements with descriptions rather than an assessment which appropriately explains how land needs to be excluded from the PSB to protect and conserve the distinctive features.

There has been little demonstrated evidence of identification or comprehensive analysis regarding:

- What are the specific distinctive attributes and features (for example the pockets of endangered flora and fauna such as the Bitter-bush) sought to be protected by the PSB?
- Where are these specific distinctive features located?
- How do the distinctive features interact with surrounding land?
- Why a PSB is required to protect the distinctive features?

The BPSPP did not include:

- a rigorous, transparent evidence-based review to inform the PSBs
- a review or test other settlement boundary options.

Without this information and technical input, it is difficult for the Committee to determine whether the PSBs are appropriate or alternatively make recommendations regarding their alignment.

For this reason:

- there needs to be a robust and comprehensive assessment around each of the distinctive features to define their extent of protection and justify the exclusion of land from settlement areas
- LSBs in the Greater Geelong Planning Scheme, many of which have existed for years, are an unsuitable baseline to considering the PSBs because they were introduced for reasons beyond those sought for the PSBs – for example, town character and settlement hierarchy are not identified attributes or distinctive features.

(iv) Findings

The Committee finds:

- The fundamental basis for aligning the Protected Settlement Boundaries is flawed because it applied existing local settlement boundaries in the Greater Geelong Planning Scheme as a baseline.
- Existing Greater Geelong local settlement boundaries cannot be directly translated into Protected Settlement Boundaries because they are intended for different purposes and may be either an overreach or deficient in protecting and conserving the distinctive features.
- Protected Settlement Boundaries should be aligned with findings from technical assessments which responded directly to protecting and conserving distinctive attributes and features of the declared area.
- The Bellarine Peninsula Statement of Planning Policy background work is not sufficiently robust or progressed to determine whether each Protected Settlement Boundary is needed to protect and conserve the distinctive attributes and features as outlined in section 46AV of the *Planning and Environment Act 1987*.

5.2 Heritage and cultural significance**(i) Background**

The Bellarine Peninsula Distinctive Area and Landscape Declaration (BPDAL Declaration) includes distinctive features of 'Heritage and cultural significance', as shown in Table 5.

Table 5 Relevant attribute and distinctive features (Heritage and cultural significance)

Item	Attribute	Distinctive features
3	Heritage and cultural significance	<p>(a) Bellarine Peninsula has outstanding examples of Victorian era architecture offering a unique insight into the area's development as a holiday destination.</p> <p>(b) Queenscliff has rich maritime and military history characterised by Victorian and early twentieth century architecture including Fort Queenscliff. A large proportion of Queenscliff is under a Heritage Overlay, or is heritage-listed, which indicates its state significance.</p> <p>(c) Significant Aboriginal cultural sites exist, including shell middens archaeological sites and The Bluff at Barwon Heads for the Wadawurrung People.</p>

The Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) is the Registered Aboriginal Party appointed by the Victorian Aboriginal Heritage Council under the Victorian Aboriginal Heritage Act 2006, for the region that encompasses the Bellarine Peninsula.

Aboriginal presence in the coastal regions of Victoria has always been strong. All along the western coast of Victoria (that is west of Port Phillip Bay to the South Australian border), there are a significant number of sites that demonstrate continuous Aboriginal presence. These include middens, evidence of cave occupation and landscape interpretation such as Budj Bim. In more recent times, contact between Aboriginal and non-Aboriginal people during the 19th century is also remembered, the site of the 'Convincing Ground' in Portland Bay being the best known of these places.

Early contact between that Wadawurrung and European people started in the early 18th century. The most notable (and extraordinary) example is the story of William Buckley, and escaped convict, who lived with the Wadawurrung people for over 30 years from 1803.

During colonisation and settlement (known to indigenous people as the time of invasion and displacement), the Wadawurrung people were moved from their traditional lands to Aboriginal Reserves under the authority of the Aborigines Protection Board. The effect of this on the Wadawurrung and other Aboriginal peoples is well documented. Nonetheless, the Wadawurrung maintained a spiritual to their traditional lands, and a commitment to honour the custodial obligations to country.

Since the appointment of the WTOAC as the Registered Aboriginal Party for the region, the Wadawurrung have been 'reawakening' their culture and identity. They engage in land management, community activities and contribute to the general social development of communities within their traditional lands.

(ii) Evidence and submissions

At the Hearing, the WTOAC advised it was satisfied with the level of engagement with DELWP during the preparation of the BPSPP and the PSBs and echo the intent of the Paleert Tjaara Dja: Wadawurrung Country Plan (2020). This was reconfirmed in the WTOAC submission at the Hearing.

Shell Developments Pty Ltd called evidence on cultural heritage management from Ms Dugay of Dugay & Co. The Diligence Report prepared by Dugay & Co formed the basis for her evidence for 10 properties along the Bellarine Highway, Banks Road and Latrobe Street, Marcus Hill. The Report was informed through a field inspection, mapped areas of sensitivity, and concluded:

- parts of the properties had not been significantly disturbed, and may be potentially significant for Aboriginal cultural heritage
- land with existing buildings and roads may be considered to have had significant ground disturbance
- disturbance may not necessarily mean all Aboriginal cultural heritage has been removed or destroyed but may affect its integrity
- any proposed high impact activities which intersect with a mapped area of sensitivity would need a Cultural Heritage Management Plan.

Save Barwon Heads Alliance submitted that land west of the Barwon Heads should be excluded from the PSB because it is an area of cultural heritage sensitivity.

Several other submissions cited the importance of Wadawurrung cultural heritage and connection to place throughout the Bellarine Peninsula.

(iii) Discussion

To understand whether the PSBs appropriately respond to protecting and conserving Aboriginal cultural heritage, it is important to understand the Wadawurrung's connection to the land.

As WTOAC is becoming more engaged and involved in land management across the region, the awareness (and confirmation) of Aboriginal sites is increasing. Pre-contact Aboriginal presence continues to be discovered on the Bellarine Peninsula. For the Wadawurrung, this forms part of the connection to their ancestors who walked the land and shores for thousands of years and

reconfirms their custodial responsibilities to ‘care for country’ for not only the present, but for future generations as well.

The Wadawurrung know that human interaction with the landscape is not a bad thing – that is how they have lived for millennia. For the Wadawurrung, human use of the landscape must be balanced with the welfare of the landscape: *“we must not harm country, for if we look after it, it will look after us”*. This philosophical standpoint underpins the approach to the consideration of proposals to change the landscape and is balanced with the context the landscape and proposal sit within.

DELWP is commended for engaging with the Wadawurrung from the early stage of the BPSPP process. This is consistent with formal processes established under the *Aboriginal Heritage Act 2006*. The Wadawurrung, in addition to cultural heritage responsibilities, have, as a first nations people, a deep understanding of communities, their dynamics and the impact of change, both positive and negative.

The Wadawurrung’s contribution:

- provided an invaluable insight to a wider understanding of the landscape and its place in the perspectives of the various interested parties
- ensured the PSBs had regard for the importance of Aboriginal heritage for the Wadawurrung people and the wider community.

This is reflected in the Wadawurrung Cultural Heritage Summary which articulates connection and importance of cultural heritage and how it relates to contemporary sense.

Aboriginal cultural heritage is accepted as an integral part of landscape and planning processes. It is a sign of the changing nature of the understanding and respect for Aboriginal heritage, and reflective of wider recognition of Aboriginal people and culture.

The PSBs were predominantly based on Greater Geelong’s LSBs and were not specifically shaped by Aboriginal cultural heritage. However, the BPSPP acknowledges the existence of identified and potential cultural heritage on the Bellarine Peninsula and there are processes in place to identify and protect them.

(iv) Findings

The Committee finds:

- The Protected Settlement Boundaries were not specifically shaped by Aboriginal cultural heritage, however the Bellarine Peninsula Statement of Planning Policy:
 - acknowledges the importance of Aboriginal heritage
 - identifies strategies and processes for protecting and preserving cultural heritage, and for promoting a better understanding of the traditional and contemporary culture of the Wadawurrung.
- The *Heritage Act 2017* requires a planning permit application proposing certain buildings and works on identified areas of cultural sensitivity to complete a Cultural Heritage Management Plan before any works commence.

5.3 Outstanding environmental significance

(i) Background

The BPDAL Declaration includes distinctive features of the ‘outstanding environmental significance’ attribute, as shown in Table 6.

Table 6 Relevant attribute and distinctive features (Outstanding environmental significance)

Item	Attribute	Distinctive features
1	Outstanding environmental significance	<p>(d) The endangered native flora and fauna located in pockets of this area, particularly along river corridors. This habitat consists of various plant species including the endangered Bitter-Bush, Coast Wirilda and Trailing Coast Poa.</p> <p>(e) The wetlands across the Bellarine Peninsula are Ramsar protected wetlands and form part of a global network for migratory birds. The wetlands are home to several unique and threatened species.</p>

The Bellarine Peninsula’s environment and biodiversity values are set out in the BPSPP, as shown in Figure 3.

Figure 3 BPSPP Strategic biodiversity map



The environment and biodiversity vision in the BPSPP is:

'indigenous plants and animals flourish within a natural environment that is healthy, well cared for and cherished by local communities and visitors. The area's unique marine and waterway environments — the Ramsar wetlands of Swan Bay, Lake Connemare and the

Barwon Estuary — are healthy. Fragile ecosystems and biodiversity are supported by a network of well-managed parks and reserves and private lands and gardens.’

(ii) Evidence and submissions

There were submissions with development interests who considered their properties in Wallington, Leopold, Portarlinton, St Leonards, Ocean Grove and Barwon Heads should be included within the respective PSB. Submissions without development interests supported the proposed PSBs.

Expert evidence on biodiversity and ecology was called from:

- Mr Lane of Nature Advisory by Best Hooper Client Group
- Mr Hill of Ecology and Heritage Partners by Shell Road Development Pty Ltd
- Mr Trengove of Ecological Services by Seachange Village Nominees Pty Ltd
- Mr LeBel of Ecology and Heritage Partners by Morgan and Griffin.

Collectively, the expert witnesses generally reviewed their client’s property rather than the broader region. They considered the land they reviewed could be included within the PSB while:

- retaining and protecting ecological values associated with distinctive attributes
- retaining high value patches of native vegetation on the land
- providing an opportunity for development to protect and enhance the ecological values
- undertaking development in an environmentally sensitive manner
- avoiding a negative impact on Ramsar sites.

The expert witnesses:

- did not express an opinion about whether from an ecological perspective, the PSB ensures the protection and conservation of the distinctive attributes of the declared area
- did not recommend a change to any PSB.

Mr LeBel considered the Grubb Road, Wallington site contains endangered Ecological Vegetation Class and State significant Yellow-gum, consistent with other development and undeveloped land in Ocean Grove.

Regarding properties in Barwon Heads, Wallington, Portarlinton and St Leonards, Mr Lane concluded:

- developing the Barwon Heads site could better protect the Ramsar wetlands values through new biolinks
- the Mitchell Street, Portarlinton site does not support opportunities to enhance the surrounding landscape through biolinks, as it is in a highly urbanised and modified area with no nearby areas of high biodiversity value to provide connection
- the St Leonards properties lack environmental significance and high weed infestations and a development plan for the site should consider a habitat corridor and reserve
- the Wallington properties should be considered for development because they provide an opportunity to establish a biolink between the Ocean Grove Nature Reserve and Lake Connewarre, which would help achieve the BPSPP objectives.

There were submissions which considered that additional land in the PSB would enable a change in land use and provide an opportunity to rehabilitate land and enhance biodiversity values. For example, a property owner and their expert witnesses demonstrated land west of the Barwon Heads PSB could contain and treat stormwater onsite without impacting the adjacent Ramsar

wetlands. These rehabilitation activities would subsequently improve the ecological condition of land in and around the Ramsar sites.

Ms Duncan called evidence on ecology from Dr Dutson of Biodiversity Solutions regarding the Ocean Grove PSB. Dr Dutson considered the PSB had to align with Ocean Grove's existing urban areas to conserve the ecological values of Ocean Grove and the wider Bellarine Peninsula. He stated that, although development might avoid impacts on site specific biodiversity values, it introduces ecological fragmentation, pests, hydrological change, light and noise impacts. During cross-examination, Dr Dutson noted that this was like saying that from an ecological viewpoint, the PSB for Ocean Grove ensures protection and conservation of the distinctive attributes.

Submissions which supported the PSBs considered:

- the PSBs are required to mitigate human impacts on the environment including settlement and population growth
- the PSBs appropriately consider climate change impacts such as sea level rise
- maintaining PSBs and non-urban breaks between townships protects environmental assets and ecological values on agricultural land
- land west of the Barwon Heads PSB:
 - displays attributes sought to be protected and conserved
 - is environmentally significant, both of itself and to the nearby Ramsar wetlands
 - contains environmentally significant patches of Coastal Saltmarsh and Coastal Moonah Woodlands
 - forms part of the rural landscape sought to be protected
 - provides an important buffer between the existing urban area and the Ramsar wetland and Lake Connewarre complex
- realigning the PSB would result in:
 - a loss of habitat and biolinks due to the change in land use from farmland to residential which would impact the function of land as a habitat connection across the Bellarine Peninsula including migratory bird flight paths
 - increased threats to ecological values including changes to surface water run-off regime, increased presence of pest plants and animals, introduction of artificial light and noise
 - adverse environmental impacts, particularly for the Ocean Grove Nature Reserve, Lake Connewarre Ramsar site and significant habitat links from Bass Strait to Barwon River
- future development on land north of the Ocean Grove Nature Reserve would negatively impact the habitat corridor of fauna to and from the nature reserve
- options to minimise, mitigate or offset threatening processes from development are not effective and the only viable option is to avoid residential development by applying the PSB, as proposed.

Barwon Heads Association Incorporated and Point Lonsdale Civic Association referred to the Port Phillip and Bellarine Peninsula Ramsar Site Boundary Review which they explained was exhibited for public comment during the Hearing. Both organisations noted the Ramsar site boundary review proposes new wetland areas on the Bellarine Peninsula.

The Proponent did not call evidence on ecology or biodiversity matters. The Proponent submitted:

- it adopted a neutral position regarding the material put before the Committee

- experts were called to ensure that the proposed PSBs and work that underpinned them is understood and tested
- ecological experts did not express an opinion about whether from an ecological perspective, the PSBs ensure protection and conservation of the distinctive attributes, and this was a significant omission.

(iii) Discussion

The Committee thoroughly explored the environmental considerations across all PSBs throughout the Hearing. It sought to find supporting technical studies and information which demonstrates the proposed PSBs are appropriate in their function to 'conserve and protect' the distinctive features of 'outstanding environmental significance'.

The Committee looked for any environmental assessment undertaken as part of the BPSPP to understand why the PSB was needed. None appear to exist. State government authorities which have completed environmental assessments associated with the Ramsar wetlands have not found that developing the PSB land west of the Barwon Heads urban area would negatively impact this significant environmental area. At a local level, Greater Geelong Council does not appear to have undertaken work to justifying excluding land west of Barwon Heads for environmental reasons.

Applying Greater Geelong's existing LSBs as a baseline for justifying the PSBs is fundamentally flawed. As identified earlier in this report, the existing LSBs have broader considerations, many which are unrelated, and some which have not satisfactorily assessed whether the PSBs are appropriate for protecting and conserving the distinctive features. These assessments are certainly absent from any technical study associated with the BPSPP.

There needs to be a fit-for-purpose assessment of the attributes of environmental significance and the alignment of the PSBs to protect them.

An example of this deficiency can be found in the PSB criteria assessment for Barwon Heads states:

The existing settlement boundary protects many of Barwon Heads valued environmental features from urban encroachment.

This is more a broad statement or conclusion than an assessment. Consequently, the Committee reviewed the more detailed assessment that followed the criteria assessment table. The more detailed assessment:

- refers to the significant environment assets in and around Barwon Heads, being the marine and coastal assets, remnant coastal Moonahs and mangrove communities, international Ramsar listed wetlands
- provides descriptions and references to different legislation
- does not assess why the Barwon Heads PSB is required to protect these environmental assets
- does not provide a nexus between its broad statements and the PSB.

It is therefore not possible to conclude that land between the Barwon Heads western town boundary is needed to buffer the Ramsar wetlands and Lake Connemara complex from urban development. No technical study to date has reached this conclusion.

The expert evidence was useful in demonstrating there may be opportunity to revise the alignment of the PSBs without negatively impacting the distinctive features. However, the evidence provided was site-specific and did not express a clear opinion as to whether the

proposed PSBs ensures the protection and conservation of the distinctive attributes of the declared area.

The Committee does not necessarily agree the PSB should be realigned to include additional land parcels and has no view on whether the degree of engineering required to align the PSB is an appropriate environmental outcome. This is because such assessments should be based at a settlement and Bellarine Peninsula level.

The BPSPP and Background Paper do not provide sufficient information or assessments to determine whether the alignment of each PSB is appropriate. There is no technical assessment with evidence which explains how the PSB alignments will protect outstanding features of environmental significance – the endangered native flora and fauna sites and Ramsar sites. The BPDAL Declaration refers to “*the threats of significant or irreversible land use change*” which is broad and would need more detailed exploration because land use change itself is generally not the threat. The type and intensity of development would determine whether certain use and development can reside harmoniously next to significant environment assets.

For example, further work may determine the PSB:

- should be aligned as proposed because no urban land use, irrespective of intensity or mitigation measures, would result in the protection and conservation of distinctive environmental features
- could be amended to include further land because, with appropriate planning provisions and measures, land could be developed in a way to protect the distinctive features.

The Port Phillip and Bellarine Peninsula Ramsar Site Boundary Review is one technical study that would appropriately define locations of outstanding environmental significance, how they interact with surrounding land, and how they should be protected and conserved. The completion time for this work appears to be similar to the time needed for conducting fit-for-purpose landscape assessments which seek to justify the PSBs.

Without this work, it is not possible to assess whether the PSBs are appropriate to ensure protection of these environmental distinctive features across the Bellarine Peninsula. If the Committee was pressed to respond to its Terms of Reference, it would find the PSBs are inappropriate because their proposed alignment is unsupported through explanatory information.

(iv) Findings

The Committee finds:

- There is insufficient information to explain how the Protected Settlement Boundaries are needed to protect and conserve the identified distinctive features with attributes of ‘Outstanding Environmental Significance’.
- Further work is required to:
 - map the location of identified endangered flora and fauna to clearly show the locations of sites needed to be protected
 - strategically justify land that needs to act as a buffer between significant environmental assets and urban land
 - explain why each Protected Settlement Boundary is justified and appropriate to protect identified endangered native flora and fauna and Ramsar protected wetlands, particularly from the threat of significant or irreversible land use change

- A Protected Settlement Boundary should only be considered as an option after further work has confirmed its alignment is needed to protect and conserve a distinctive feature of Outstanding Environmental Significance.

5.4 Significant geographic features

(i) Background

The BPDAL Declaration includes distinctive features of the ‘significant geographical features, including natural landforms’ attribute, as shown in Table 7.

Table 7 Relevant attribute and distinctive features (Significant geographic features)

Item	Attribute	Distinctive features
2	Significant geographical features, including natural landforms	<p>(a) The Heads at Point Lonsdale are a defining feature at the entrance to Port Phillip Bay. It features on numerous early artworks. It is part of a Marine National Park that includes high sand dunes, limestone cliffs, and a vast intertidal rock platform that stretches across to Point Nepean.</p> <p>(b) The scenic views across the Bellarine Peninsula of rural landscapes and along the coast are highly valued for their natural beauty.</p>

The distinctive feature related to The Heads at Point Lonsdale was uncontested and is discussed in Chapter 5.6.

The BP Landscape Assessment is relevant to Attribute 2.

The BPSPP adopts the urban break concept from the Queenscliffe and Greater Geelong Planning Schemes and defines a ‘green break’ as:

Predominantly rural land located in between settlement boundaries that may comprise a variety of non-urban land uses (such as agriculture, hobby farms and agritourism businesses).

A green break is not specifically identified as a distinctive feature in the BPDAL Declaration.

The BPSPP states:

Green breaks are important to settlements. They create a sense of separation that helps settlements retain their unique identities and senses of place. They also provide a highly valued natural backdrop. Coastal strip and outward urban development have begun to erode the Bellarine Peninsula’s green breaks.

...

To ensure that the declared area’s unique values and distinctive attributes including green breaks are protected and conserved and to provide communities with certainty, protected settlement boundaries are proposed for all settlements except Queenscliff, where urban development is geographically constrained.

The Settlement Background Paper notes that green breaks help to avoid settlements coalescing, they contain urban uses within settlements, and restrict urban growth through use of settlement boundaries. In so doing they:

help to establish a sense of arrival and a unique identity for each settlement area ... [and] also protect areas of environmental and cultural heritage value, natural resources, agricultural land and strategic infrastructure (such as water utilities) from encroachment by urban development.

(ii) Evidence and submissions

The Proponent called expert evidence on:

- landscape assessment from Ms Scott of Claire Scott Planning
- landscape methodology from Ms Martin of Shearwater Associates Pty Ltd.

Ms Scott's evidence sought to explain the BP Landscape Assessment and its methodology in assessing and identifying the significant landscapes in the declared area.

The Proponent supported the methodology and suggested it be adopted as the foundation for the BPSPP. The Proponent stated:

Ms Scott's work does not directly provide a justification for the proposed PSBs and their alignments. Nor does it explain why the extent of the land outside the proposed PSBs is needed to protect and conserve the distinctive attributes of the declared area. But that work was a key input into the draft SPP overall.

and

Indeed, it may be said that Ms Scott's work formed part of a framework within which the PSBs (and their overall objective of protecting and conserving the distinctive attributes of the declared area) could later be considered.

Ms Scott explained the broad focus of the work resulted from the deliberate intention to assess landscapes in their broader context. At the Hearing, she stated:

- even with its broader focus, the BP Landscape Assessment would assist the Committee when assessing the PSBs
- it is important to consider the landscape character on regional and state significance, and on containing the Bellarine townships within such a highly valued landscape.
- when looking at site specific landscape character and values, there will inevitably be variation in significance levels.

Ms Scott warned against individual site analysis and opined that it was important to consider the cumulative impact that the lack of containment of settlement areas has on the wider character and significance of the natural and rural landscapes of the Bellarine Peninsula. She considered:

- there was a danger in assessing individual land parcels when undertaking broad landscape character and significance assessments
- such an assessment should be at the broader landscape-level, and not for individual properties
- this contrasted the approach of other submitters that undertook individual site-specific assessments and offered a finer grain response to landscape assessment or visual impact.

Ms Scott clarified that the BP Landscape Assessment:

- does not directly justify the PSBs and their alignments
- does not explain why the extent of land outside the PSBs is needed to protect and conserve the distinctive attributes of the declared area.

She explained this is because the BP Landscape Assessment was not intended for this purpose. Rather:

- Volume 1 assessed and determined landscape character and significance and their relationship with existing urban areas to inform the BPSPP
- Volume 2 reviewed the existing SLOs in the Greater Geelong and Queenscliffe Planning Schemes and made recommendations to strengthen the protection of the identified significant landscapes in the declared area.

Regarding parties with development interests, expert evidence on urban design, landscape and visual impact was called from:

- Mr Czarny of Hansen by Seachange Village
- Mr Schutt of Hansen by St Leonards Pastoral and by Pamela Hutchins & John O'Donnell
- Mr Patrick of John Patrick Landscape Architects by St Leonards Pastoral
- Mr Papworth of Papworth Design by the Best Hooper Client Group
- Mr Haack of Peter Haack Consulting by Leopold Landowners (various)
- Mr Murphy of Murphy Landscape Consultancy by Morgan & Griffin and by Shell Road Development.

Collectively, the expert witnesses considered:

- the BP Landscape Assessment's methodology too generic and broad, which has:
 - drawn in insignificant landscapes
 - resulted in unnecessarily constrained PSB alignments
- there should be an alternative 'finer grain' landscape and visual assessment
- there are properties that are unable to be viewed from the public or private areas due to roadside vegetation and due to the landscape's topography
- there are no landscape reasons that properties should be excluded from the PSB
- there are properties which can accommodate further urban development without impacting on, or threatening the Bellarine Peninsula's distinctive attributes
- BP Landscape Assessment:
 - has not been validated through a peer review
 - does not reference industry guidance and approaches, beyond Ms Scott's organisation
 - does not reference:
 - industry best practice as articulated by key reference documents, including Visual Landscape and Planning in Western Australia ... and Guidelines for Visual Impact Assessment (international/UK guidance)", considering the former the most relevant in absence of Victorian guidance or standards.

Community groups and individual submitters who support the BPSPP and PSBs considered:

- the PSBs would protect the valued landscape characteristics
- agreed with the BP Landscape Assessment and the BPSPP
- landscaping buffers would be 'tokenistic' and not alleviate changes to the rural landscapes character
- through the engagement process, the community supported the protection of each township's landscape values.

Landscape methodology

Ms Scott's evidence appended the Peer Review of Landscape Assessment (Significance) Methodology (the Peer Review) prepared by Shearwater Associates Pty Ltd in January 2022. The Peer Review considered the landscape assessment methodology.

In her evidence-in-chief, Ms Martin confirmed that she was asked to:

- peer review the landscape assessment methodology applied in the Great Ocean Road Scenic Landscape Assessment
- address the determination of visual significance, the levels of visual landscape significance, how the methodology compared to international best practice, and whether that methodology provided a sufficient basis for applying the SLO or other management provisions for public land.

Ms Martin highlighted the Peer Review did not extend to assessing the landscape assessment methodology in the BP Landscape Assessment.

During cross-examination, Ms Martin stated:

- she was not asked to consider the merits of Ms Scott's methodology for the purpose of any planning provisions, aside from the SLO
- she generally concluded there is a difference between the work that is required to justify the imposition of an SLO and the work that is required for individual sites
- she was not asked to evaluate the appropriateness of the methodology based on whether it will be used to prohibit development on a specific site
- a landscape can be experienced through other senses even if it cannot be seen
- the methodology considered receptors (those experiencing the landscape) for viewpoints and scenic roads
- it would be useful to have a practice note for assessing landscape significance
- she was not asked to assess whether the methodology adequately examines a landscape's sensitivity to change
- she conversed with Ms Scott conversed to ensure the methodology was clearly understood, but there was no collaboration when preparing the Peer Review.

In re-examination, Ms Martin stated the evidence base for a landscape significance methodology must be objective, but the evaluation will always have an element of subjectivity to it.

Regarding the Peer Review and Ms Martin's evidence, Morgan and Griffin submitted:

- Ms Martin did not peer review the methodology for the BPSPP
- the Committee considering the Surf Coast SPP sought a broader peer review than that carried out by Ms Martin
- the Peer Review is therefore of little or no assistance to the Committee.

Green breaks

Regarding green breaks, Ms Scott stated:

- the role of farmland from a landscape perspective is integral to the character of the inland parts of the Bellarine Peninsula
- the farmland's rural, patchwork, cultural vegetation and remnant vegetation patterns are a valued scenic part of the landscape of the Bellarine Peninsula
- farmland and rural living areas contribute to the green breaks between settlements
- green breaks are there for all Victorians to enjoy and you don't have to hold any specific qualifications to enjoy them – anyone is aware of rural or scenic green scapes
- people may not consciously or explicitly know that what they are experiencing is a green break but they will know they are experiencing rural scenery
- the green break between Leopold and Geelong is the weakest green break that exists on the Bellarine Peninsula, but it is still important.

Mr Buxton opined the required length of a green break is not defined in any planning scheme. He explained there was not any specific distance and could vary according to the situation. He stated that the designation of a green break mirrors the settings for non-urban breaks and township designations included in the G21 Regional Growth Plan and LSB and are established for a range of reasons in addition to landscape values.

The expert witnesses and submissions of parties with development interests considered:

- there are properties that can be developed without diminishing the green breaks
- there should be an alternative landscape and visual assessment to establish appropriate alignment of green breaks
- existing interface responses could be improved through contemporaneous development which would be a beneficial outcome for township edges
- the green break between Leopold and Geelong is not a green break and the 'horse has bolted' given the urban development approved on the western edge of the township.

Community groups and individual submitters who support the PSBs considered:

- the green breaks would ensure the protection of rural landscapes which contributes to the valued landscape
- the green breaks are necessary to protect flora and fauna species
- green breaks, including the Ocean Grove Nature Reserve, is important for the community's mental health and recreation opportunities
- loss of agricultural land should be prevented
- additional urban development would diminish the aesthetic value of the interface with green breaks.

(iii) Discussion

The Committee finds the BP Landscape Assessment methodology and approach to be generally satisfactory as a broad-level assessment and for the purpose it was intended. It draws on appropriate information and uses values-based criteria to characterise landscape and assess its significance. The Assessment clearly warns:

The significance areas are necessarily nebulous at this stage of the process. Additional detailed fieldwork (outside the scope of this study) is required to define finite and fully justifiable boundaries of the type required to implement the Significant Landscape Overlay.

The BP Landscape Assessment recognises it is the first phase of strategic work and was not intended to justify the SLO boundaries and certainly was not intended to explain or justify PSBs. Claire Scott Planning was not requested to prepare the necessary strategic work to recommended final SLO alignments or to subsequently inform any PSB.

The BPSPP should not have included PSBs until:

- the degree of protection needed around each distinctive feature was clearly understood
- their alignment was defined through this understanding.

The BPSPP appears to have included PSBs predominantly based on existing LSBs found in Planning Schemes which have been applied for different purposes. Submissions and evidence demonstrate the many of the LSBs are based on comprehensive strategic work, but this work cannot be directly translated to justify PSBs. The PSBs have some unexplained variations from the LSBs such as the exclusion of the Bonnyvale Road / Collendina Hotel site in Ocean Grove.

The landscape significance 'criteria assessment' in the Settlement Background Paper for each urban area:

- is based on existing LSBs
- includes generally broad statements without an assessment on how the distinctive features interact with surrounding land to understand why a PSB, *not an existing settlement boundary*, is justified and appropriate.

The Settlement Background Paper does not provide clear fine grain criteria through its methodology to understand what land needs to be excluded from the PSB to protect and conserve defined scenic views. The Paper does not have to justify the exclusion of land on a site-by-site basis. However, a property owner should be able to understand the clear strategic logic of why their site has been excluded from the PSB area.

For example, land shown within a view cone associated with clearly identified and justified scenic viewpoints would demonstrate this logic. This would differentiate scenic views which qualify as distinctive features from unvalued views towards ordinarily farming land.

Expert evidence confined to a specific land holding was of limited benefit to the Committee, but was useful in demonstrating:

- each property is one piece of the broader area, and its potential impact needs to be understood at that broader scale
- an individual property may not necessarily negatively impact a distinctive feature, however the cumulative impact of including all land sought through requests, particularly around Ocean Grove, may threaten the ability to protect and conserve distinctive features
- work to date including the BP Landscape Assessment and Settlement Background Paper do not provide sufficient detail or insight to justify the PSBs.

As guidance, there should be a more detailed analysis which informs the relationship between land sought to be excluded from the PSB area and the protection and conservation of distinctive features. This would justify the PSB alignment and better inform affected property owners and members of the community.

Peer Review

The Peer Review is appropriate for what it was commissioned for – assessing the methodology for determining the appropriateness of applying SLOs.

The Peer Review and Ms Martin's evidence was of little assistance to determining the appropriateness of the PSBs. The Committee therefore agrees with Morgan and Griffin's measured response to this matter.

Green breaks

There was considerable debate about green breaks, including their role, the threshold a green break should meet for it be worth protecting, and the extent of land needed to form an appropriate green break. The considerable submissions and expert evidence helped form the Committee's views.

To understand this matter, it is important to refer the fundamental question of what do the PE Act and BPDAL Declaration seek. The BPDAL Declaration seeks to protect and conserve scenic views across the Bellarine Peninsula of rural landscapes and along the coast. The BPDAL Declaration does not refer to green or non-urban breaks so they alone cannot be considered a distinctive feature.

The BP Landscape Assessment has set the foundation for starting to define these scenic views, though further landscape assessment work is needed, as envisaged by the BP Landscape Assessment. The PE Act enables the option to apply a PSB where a scenic view has been clearly defined and justified. To assist future strategic planning, further landscape assessment work should:

- establish the threshold that needs to be met to achieve a 'scenic' view
- clearly defining the scenic view's vantage points and view cones.

The way in which DAL related sections of the PE Act and the associated BPDAL Declaration have been drafted has resulted in a disconnect between a PSB and an LSB. For example, there may be a justified basis to apply the green break between Geelong and Leopold for reasons broader than those sought for a PSB. However, there may be no good reason to apply the PSB in this location because there is no identified distinctive feature that needs to be protected or conserved. There is insufficient strategic work to reach either conclusion.

There may be instances where defined scenic views and green breaks refer to the same land. However, where a green break does not form part of the defined scenic view:

- the PSB should not be applied because it does not form part of a distinctive feature or land needed to protect it
- the existing LSB will continue to achieve local policy outcomes.

Should green breaks eventuate as a distinctive feature, there should be guidance on the minimum extent of land needed to understand and appreciate the existence of a green break. This would help to ensure that green breaks are not eroded to the point where they lose their integrity. Conversely, would any member of the community be able to interpret the difference with the green break between St Leonards and other urban areas if it was reduced from, say 10 kilometres to 9.5 kilometres.

The Committee agrees with Ms Scott that the area between Geelong and Leopold is the least effective green break on the Bellarine Peninsula. It is a good example of what a green break should not be reduced to. There were mixed views about whether this area presented as:

- a green break between two different urban areas, or
- underdeveloped land within the same urban area, with Leopold presenting as the fringe of Geelong.

The relationship between scenic views and green breaks should be clarified through future work which seeks to justify the exclusion of land outside a PSB to protect and define scenic views.

(iv) Findings

The Committee finds the Bellarine Peninsula Landscape Assessment:

- is a comprehensive preliminary document which forms a sound basis for a more detailed assessment
- was not intended to, and is unsuitable for, assessing the appropriateness of a Protected Settlement Boundary
- does not clearly differentiate between a general rural view and a scenic view worthy of protection
- does not sufficiently or clearly explain why the extent of land excluded from the Protected Settlement Boundary is needed to protect scenic views across the Bellarine Peninsula of rural landscapes and along the coast
- does not support landscape related conclusions in the Bellarine Statement of Planning Policy
- was not intended to inform Protected Settlement Boundaries, and therefore omits the necessary strategic thread between protecting and conserving the distinctive features and a Protected Settlement Boundary.

The Committee finds a green break:

- is not a distinctive feature of an attribute set out in the *Planning and Environment Act 1987*
- is relevant to the Greater Geelong Planning Scheme through local planning policy and identified existing local settlement boundaries
- can be referenced in the Bellarine Statement of Planning Policy
- cannot be used to justify the alignment of a Protected Settlement Boundary.

5.5 Other attributes

(i) Background

Due to the confined considerations of the Committee regarding the PSBs, the contested attributes have been discussed earlier in this report. The distinctive attributes and features not contested during the Hearing are shown in Table 8.

Table 8 Uncontested distinctive attributes and features

Item	Attribute	Distinctive Features
2	Significant Geographical Features, including Natural Landforms	The Heads at Point Lonsdale are a defining feature at the entrance to Port Phillip Bay. It features on numerous early artworks. It is part of a Marine National Park that includes high sand dunes, limestone cliffs, and a vast intertidal rock platform that stretches across to Point Nepean.
3	Heritage and Cultural Significance	Bellarine Peninsula has outstanding examples of Victorian era architecture offering a unique insight into the area's development as a holiday destination. Queenscliff has rich maritime and military history characterised by Victorian and early twentieth century architecture including Fort Queenscliff. A large proportion of Queenscliff is under a Heritage Overlay, or is heritage-listed, which indicates its state significance.
4	Natural Resources or Productive Land of Significance	The Bellarine winery area between Clifton Springs and Portarlington has a cluster of wineries that support the tourism industry. Identified Extractive Industry Interest Areas (EIAs) including Murradoc Hill to Portarlington area and the Lonsdale Lake surrounds. Land in the Bellarine Peninsula is ranked with some capability for soil-based agriculture at moderate to high intensity.
5	Strategic Infrastructure or Built Form of Significance	Queenscliff and Portarlington Harbor [sic] are important assets for the local economy Barwon Heads Road and Bellarine Highway form part of a significant transport corridor, critical to the function of the region. The Queenscliff-Sorrento ferry is a state-significant transport and tourism link. The Bellarine heritage rail is a popular attraction, important to the local tourism economy.

(ii) Discussion

Given the uncontested nature of most of the identified distinctive features within the attributes there is little information that the Committee has been able to rely on or have regard to.

Discussion in other parts of this report have reflected the lack of investigation or robust work that has underpinned assessments and deliberations with respect to setting of the PSBs. The criticisms in relation to the assessments that underpin the PSB in relation to the assessment of the uncontested attributes and features of the declared area are equally applicable. None of the assessments included any reference to the specific features identified as being important to the attribute categories of the declared area. The lack of inclusion, or apparent assessment, of the distinctive features does not provide the Committee with enough confidence to be assured that no cumulative or unintended impacts may occur in relation to the protected attributes. Certainly, no information made available to the Committee demonstrates that the result of the PSBs will protect and conserve the distinctive attributes and the identified distinctive features.

The Committee assumes the Settlement Background Paper did not assess Queenscliff because there is no PSB proposed for this town. An assessment would have helped explain why a PSB was not needed around Queenscliff to protect and conserve the surrounding distinctive attributes and features.

Consistent with findings elsewhere in this report, PSBs should be defined by comprehensive and sufficient technical assessments which refer to, and specifically reference the distinctive features and their relationship within the distinctive attributes. This assessment, where it informs the PSB, must have regard to how the boundary will protect and conserve the distinctive attributes and features identified by the Minister for Planning as important when the Bellarine Peninsula was Gazetted as a distinctive area.

5.6 Should land outside the Protected Settlement Boundary be identified for further investigation?

(i) Evidence and submissions

Some property owners considered their land should be identified as a future investigation site outside of the PSB.

For example, Mr Barnes gave evidence for property owners that their land west of the Barwon Heads PSB could be developed for rural living purposes without negatively impacting on the town character, existing infrastructure or the open wetlands and rural views. He recommended the land be identified as either 'rural living' or an 'investigation area'.

Similarly, the Best Hooper Client Group sought land to be identified as investigation areas if the Committee did not recommend the PSB be realigned to include their four sites.

Save Barwon Heads Association opposed land west of the existing Barwon Heads settlement being recommended for further investigation.

(ii) Discussion

The Committee finds it would be inappropriate to identify land outside the PSB for further investigation because each site should be assessed through a robust and comprehensive strategic planning process. This would enable relevant authorities to collectively assess relevant sites at a broader scale to understand their cumulative impact on the distinctive attributes on the Bellarine Peninsula.

Expert evidence for individual sites persuaded the Committee there may be, subject to a broader investigation, circumstances to include some further land within certain PSBs without impacting the ability to protect and conserve the Bellarine Peninsula's distinctive features. However, this is insufficient reason to identify land for further investigation.

Identifying land outside the PSB for future investigation may increase expectations and appear to pre-empt the outcomes of future strategic work and is beyond the Committee's Terms of Reference.

(iii) Findings

The Committee finds:

- It would be inappropriate to identify land outside the Protection Settlement Boundary for further investigation in the Bellarine Peninsula Statement of Planning Policy.
- Any revision to the Protection Settlement Boundary should be during any review of the Bellarine Peninsula Statement of Planning Policy.

Appendix A Terms of Reference

A1 Version 2: Dated 7 December 2021



Distinctive Areas and Landscapes Standing Advisory Committee

Version 2: Amended November 2021

A Standing Advisory Committee (Committee) appointed pursuant to section 151 of the *Planning and Environment Act 1987* (the Act) to provide advice on referred matters relating to the draft Statements of Planning Policy (SPP) for the declared areas of Bass Coast and Bellarine Peninsula pursuant to Part 3AAB of the Act.

Name

The Committee is to be known as the 'Distinctive Areas and Landscapes Standing Advisory Committee'.

Membership

1. The Committee is to have members with one or more of the following skills, preferably with knowledge within the relevant SPP area:
 - a) Strategic and statutory planning
 - b) Planning law
 - c) Land development and property economics
 - d) Environmental and landscape planning
 - e) Aboriginal cultural heritage
 - f) Post-contact heritage
 - g) Infrastructure and transport planning
2. The Committee is to be constituted by up to three members, including a Chair or Deputy Chair.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning (the Minister) on the matters relating to the draft SPPs for the Bass Coast and Bellarine Peninsula declared areas, as specifically outlined in the letter of referral from the Minister.

Background

Distinctive Areas and Landscapes Program

5. In May 2018, the Act was amended to recognise and safeguard the state's distinctive areas and landscapes and to achieve better coordinated and integrated policy development, implementation and decision-making for ensuring greater protection and conservation of them.¹
6. Section 46AO of the Act enables the Governor in Council, on the recommendation of the Minister, to declare an area a 'distinctive area and landscape' subject to the Minister being satisfied that an area has a majority of the following attributes and that the area is under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area:
 - a) outstanding environmental significance;
 - b) significant geographical features, including natural landforms;
 - c) heritage and cultural significance;
 - d) natural resources or productive land of significance;

¹ Section 46AN *Planning and Environment Act 1987*

Terms of Reference | Distinctive Areas and Landscapes Standing Advisory Committee

- e) strategic infrastructure or built form of significance;
- f) a prescribed attribute.
- 7. Once declared, a SPP must be prepared for the area in consultation with each responsible public entity (RPE) for the area, the local community, and any other person or entity that the Minister considers may be affected by the SPP.
- 8. A SPP must include a >50-year vision, a framework plan and policies to guide land use, development and management decisions to better protect the unique features of the declared area for current and future generations. It may specify settlement boundaries or designate specific settlement boundaries as protected settlement boundaries.
- 9. RPEs comprise agencies and bodies responsible for various functions in the declared area, including councils. They must not act inconsistently with any provision of the SPP that is expressed to be binding on them when performing a function or duty or exercising a power in relation to the declared area. The Minister must seek their endorsement (and Ministers responsible for those RPEs) of the final SPP before it is recommended by the Minister for approval by the Governor in Council.
- 10. The Bass Coast and Bellarine Peninsula were originally declared as distinctive areas and landscapes in October 2019 and redeclared in September 2021.

Method

- 11. The Minister will refer specific matters to the Committee for independent advice through the terms of the letter of referral.
- 12. A letter of referral will be a public document and is to be read in conjunction with these terms of reference.
- 13. The Committee may inform itself in any way it sees fit.
- 14. The Committee may meet and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be "on the papers"; through "round table" discussions or forums; or by conducting hearings, including by video conference. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair for any aspect of its work.
- 15. In acting on a referral, the Committee may direct that parties meet to discuss issues in dispute between them to resolve or narrow the issues in dispute to be considered by the Committee.
- 16. The Committee may direct relevant parties to provide additional information on specified matters.
- 17. The Committee may apply to the Minister to amend these Terms of Reference.
- 18. All oral submissions and public processes of the Committee will be recorded.

Outcomes

- 19. The Committee must produce a written report or reports for the Minister.
- 20. The Committee's report must address the following:
 - a) Matters raised by the Minister in the letter of referral.
 - b) Recommendations to the Minister on the referred matters.
 - c) A list of persons consulted or heard.
- 21. The report or reports of the Committee may be submitted in stages depending on the timing of the matters referred to it.
- 22. Following the completion of the report the Committee may be required to deliver an oral briefing to DELWP staff, or directly to the Minister should the Minister so determine.

Terms of Reference | Distinctive Areas and Landscapes Standing Advisory Committee

Submissions are public documents

23. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.
24. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'.
25. All submissions, evidence and other material received will be treated as public documents and will be placed online as part of the exhibition and public notification process at the Minister's discretion.

Timing

26. The Committee is required to submit its report in writing as soon as practicable and no later than 40 business days from the completion of its proceedings or consultation process.

Fee

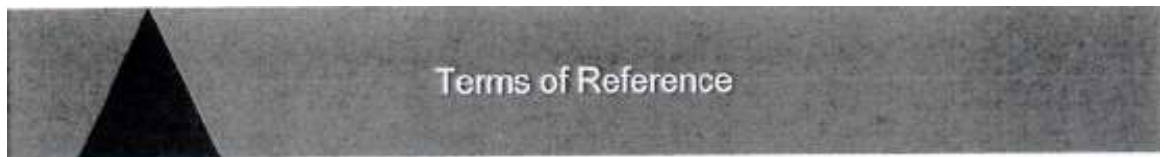
27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
28. The costs of the Committee will be met by DELWP.



Richard Wynne MP
Minister for Planning

Date: 7/12/21

A2 Version 3: Dated 25 April 2022



Distinctive Areas and Landscapes Standing Advisory Committee

Version 3: Amended April 2022

A Standing Advisory Committee (Committee) appointed pursuant to section 151 of the *Planning and Environment Act 1987* (**the Act**) to provide advice on referred matters relating to the draft Statements of Planning Policy (SPP) for the declared areas of Bass Coast and Bellarine Peninsula pursuant to Part 3AAB of the Act.

Name

The Committee is to be known as the 'Distinctive Areas and Landscapes Standing Advisory Committee'.

Membership

1. The Committee is to have members with one or more of the following skills, preferably with knowledge within the relevant SPP area:
 - a) Strategic and statutory planning
 - b) Planning law
 - c) Land development and property economics
 - d) Environmental and landscape planning
 - e) Aboriginal cultural heritage
 - f) Post-contact heritage
 - g) Infrastructure and transport planning
2. The Committee is to be constituted by up to three members, including a Chair or Deputy Chair.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning (**the Minister**) on the matters relating to the draft SPPs for the Bass Coast and Bellarine Peninsula declared areas, as specifically outlined in the letter of referral from the Minister.

Background

Distinctive Areas and Landscapes Program

5. In May 2018, the Act was amended to recognise and safeguard the state's distinctive areas and landscapes and to achieve better coordinated and integrated policy development, implementation and decision-making for ensuring greater protection and conservation of them.¹
6. Section 46AO of the Act enables the Governor in Council, on the recommendation of the Minister, to declare an area a 'distinctive area and landscape' subject to the Minister being satisfied that an area has a majority of the following attributes and that the area is under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area:
 - a) outstanding environmental significance;
 - b) significant geographical features, including natural landforms;
 - c) heritage and cultural significance;
 - d) natural resources or productive land of significance;

¹ Section 46AN *Planning and Environment Act 1987*

Terms of Reference | Distinctive Areas and Landscapes Standing Advisory Committee

- e) strategic infrastructure or built form of significance;
- f) a prescribed attribute.
- 7. Once declared, a SPP must be prepared for the area in consultation with each responsible public entity (RPE) for the area, the local community, and any other person or entity that the Minister considers may be affected by the SPP.
- 8. A SPP must include a >50-year vision, a framework plan and policies to guide land use, development and management decisions to better protect the unique features of the declared area for current and future generations. It may specify settlement boundaries or designate specific settlement boundaries as protected settlement boundaries.
- 9. RPEs comprise agencies and bodies responsible for various functions in the declared area, including councils. They must not act inconsistently with any provision of the SPP that is expressed to be binding on them when performing a function or duty or exercising a power in relation to the declared area. The Minister must seek their endorsement (and Ministers responsible for those RPEs) of the final SPP before it is recommended by the Minister for approval by the Governor in Council.
- 10. The Bass Coast and Bellarine Peninsula were originally declared as distinctive areas and landscapes in October 2019 and redeclared in September 2021.

Method

- 11. The Minister will refer specific matters to the Committee for independent advice through the terms of the letter of referral.
- 12. A letter of referral will be a public document and is to be read in conjunction with these terms of reference.
- 13. The Committee may inform itself in any way it sees fit.
- 14. The Committee may meet and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be "on the papers"; through "round table" discussions or forums; or by conducting hearings, including by video conference. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair for any aspect of its work.
- 15. In acting on a referral, the Committee may direct that parties meet to discuss issues in dispute between them to resolve or narrow the issues in dispute to be considered by the Committee.
- 16. The Committee may direct relevant parties to provide additional information on specified matters.
- 17. The Committee may apply to the Minister to amend these Terms of Reference.
- 18. All oral submissions and public processes of the Committee will be recorded.

Outcomes

- 19. The Committee must produce a written report for the Minister.
- 20. The Committee's report must address the following:
 - a) Matters raised by the Minister in the letter of referral.
 - b) Recommendations to the Minister on the referred matters.
 - c) A list of persons consulted or heard.
- 21. The report of the Committee must be submitted in stages if possible.
- 22. Following the completion of the report the Committee may be required to deliver an oral briefing to DELWP staff, or directly to the Minister should the Minister so determine.

Submissions are public documents

- 23. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.

Terms of Reference | Distinctive Areas and Landscapes Standing Advisory Committee

24. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'.
25. All submissions, evidence and other material received will be treated as public documents and will be placed online as part of the exhibition and public notification process at the Minister's discretion.

Timing

26. a) Subject to clause 26(b), the Committee is required to submit its report in writing as soon as practicable and no later than 40 business days from the completion of its proceedings or consultation process.
b) In relation to the matters referred to the Committee on 7 December 2021 in relation to the Draft Bellarine Peninsula SPP, the Committee is required to submit its report (or all staged reports) in writing as soon as practicable and by no later than 8 July 2022.

Fee

27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the Act.
28. The costs of the Committee will be met by DELWP.


Richard Wynne MP
Minister for Planning

Date: 25/4/22

Appendix B Referral letter



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Ms Kathy Mitchell AM
Chair
Distinctive Areas and Landscapes Standing Advisory Committee
Planning Panels Victoria
planning.panels@delwp.vic.gov.au

Ref: MBR046244



Dear Ms Mitchell

REFERRAL OF MATTERS TO THE DISTINCTIVE AREAS AND LANDSCAPES STANDING ADVISORY COMMITTEE

In accordance with the terms of reference for the Distinctive Areas and Landscapes Standing Advisory Committee (amended November 2021), I am writing to refer certain matters relating to the Draft Bellarine Peninsula Statement of Planning Policy (SPP). I enclose the terms of reference for your information.

Matters referred

- Whether all protected settlement boundaries designated in the Draft Bellarine Peninsula Statement of Planning Policy are appropriate, having regard to the purpose of a SPP under section 46AU of the *Planning and Environment Act 1987*; and whether any amendments to those protected settlement boundaries should be made; and
- All relevant public submissions made in relation to the protected settlement boundaries.

Without limiting its powers under the *Planning and Environment Act 1987*, including the power to regulate its own proceedings, in order to facilitate appropriate public participation in its proceedings and its purpose in providing timely advice on the matters referred, the Committee should consider whether to adopt any of the following hearing procedures:

- 1) Limiting verbal submissions from submitters who wish to avail themselves of the opportunity to expand verbally on the received written submission to a specified time limit which the Committee considers appropriate.
- 2) Regulation of evidence in chief and cross examination to balance efficiency and fairness; and limitation of evidence and cross examination to matters which are of interest or importance to the Committee, and to avoid repetition.
- 3) Cross examination of all witnesses to be regulated as determined necessary by the Committee.
- 4) Directing that submitters focus only on the matter of the designation and location of a protected settlement boundary as per their referred submission.

I have written to Cr Stephanie Asher, Mayor of the City of Greater Geelong, and Cr Ross Ebbels, Mayor of the Borough of Queenscliffe to inform them of this referral.

If you require further information please contact Andrew Gear, Executive Director, Planning Implementation and Heritage, Department of Environment, Land, Water and Planning on 0437 745 563 or via email andrew.gear@delwp.vic.gov.au

Yours sincerely


HON RICHARD WYNNE MP
Minister for Planning

7/12/21

Encl.



Appendix C Referred Submissions

No.	Submitter	No.	Submitter
13	Ken Davis	100	St Leonards Progress Association
16	Malcolm Fisher & Jennifer Knox	101	Breamlea Association
25	Sengun Investment Holdings Pty Ltd	102	Leopold Partners Pty Ltd
34	Rod Greer	103	52 Mela Pty Ltd
41	Janice Lesser	105	Zangari Developments
42	John Lesser	107	Community Advisory Group of Bellarine Community Health
46	Craig Morely	109	Karen Hose
47	Name not forwarded	113	Lascorp
51	Greg and Denise	115	Riverlee
55	Phillip and Judith Considine	120	Margarita and Elizabeth Perez
59	Geoff Turner	121	Jen Kirk
64	James Robson	122	Planning Matters
67	Ocean Grove Community Association	123	Co Make Design
68	Friends of Edwards Point Reserve	124	Ocean Grove Hotel
74	Katie Lacy	126	Geelong Field Naturalists Club Inc
76	Richard Weatherly	127	Cardno TGM
77	Name not forwarded	128	Cardno TGM
78	Goandra Pty Ltd	131	Seachange Village Nominees Pty Ltd
79	Barwon Heads Association	132	Margaret Jones
80	Friends of Ocean Grove Nature Reserve	134	Tony and Liz Cavanaugh
81	Drysdale Clifton Springs Curlewis Association Inc	137	SJB Planning
82	Planning Property Partners	141	Shell Road Developments Pty Ltd
83	Indented Head Community Association Inc	143	Deborah Evans
84	Paul Smith	147	Kerryn Hynam
86	Geelong Environment Council Inc	152	David Pearce and Edwina Boase-Stratford
87	Gina Fiske	153	UDIA
88	Martin Kent	158	Queenscliff Community Association
96	Point Lonsdale Civic Association	159	Save Barwon Heads Alliance Inc
98	Jenny Hall	167	Cardno TGM
169	Pro Urban Advisory Planning Management	270	Name not forwarded

170	Cardno TGM	276	Name not forwarded
174	Wendy Duncan	281	Name not forwarded
177	Bellarine Landcare Group	282	Name not forwarded
179	St Leonards Pastoral Company	283	Name not forwarded
183	Rosalind Ellinger	285	Name not forwarded
184	Live and Smart Research, Deakin University	286	Name not forwarded
185	Gee Dee Nominees	289	Name not forwarded
186	Patrick Coutin	290	Name not forwarded
187	Margot Harrison	291	Name not forwarded
188	Peter Kronberg	294	Name not forwarded
196	Jennifer and Ian Morris	295	Name not forwarded
197	Combine Bellarine Community Association	296	Name not forwarded
199	Morgan and Griffin	297	Name not forwarded
201	Committee for Geelong	298	Name not forwarded
203	Barwon Heads Lifestyle Group	299	Name not forwarded
204	Wallington landowners	300	Name not forwarded
206	Housing Industry Australia	302	Name not forwarded
207	Melaluka Road Developments Pty Ltd	304	Name not forwarded
213	Borough of Queenscliffe	305	Name not forwarded
214	Greater Geelong City Council	306	Name not forwarded
218	Wadawurrung Traditional Owner Aboriginal Corporation	307	Name not forwarded
231	Biodiversity Solutions	309	Name not forwarded
238	Name not forwarded	310	Name not forwarded
241	Name not forwarded	311	Name not forwarded
242	Name not forwarded	312	Name not forwarded
243	Name not forwarded	314	Name not forwarded
246	Name not forwarded	317	Name not forwarded
249	Name not forwarded	318	Name not forwarded
250	Name not forwarded	322	Name not forwarded
258	Name not forwarded	324	Name not forwarded
261	Name not forwarded	328	Name not forwarded
267	Name not forwarded	331	Name not forwarded
269	Name not forwarded	332	Name not forwarded
335	Name not forwarded	346	Name not forwarded

339	Name not forwarded	348	Name not forwarded
340	Name not forwarded	351	Name not forwarded

Appendix D Parties to the Committee Hearing

Party	Represented by
Minister for Planning (Proponent)	Jason Pizer QC and Marissa Chorn of Counsel, instructed by Jane Hall and Anna Seddon of Ashurst, who called expert evidence on: <ul style="list-style-type: none"> - strategic planning from Paul Buxton of Plan2Place - landscape assessment from Claire Scott of Claire Scott Planning - landscape assessment methodology from Helen Martin of Shearwater Associates Pty Ltd
Greater Geelong City Council	Greg Tobin and Allison Tansley of Harwood Andrews, instructed by Peter Smith of Greater Geelong City Council
Borough of Queenscliffe	Greg Tobin and Allison Tansley of Harwood Andrews
Barwon Heads Association Incorporated	Shelly Fanning of Coastal Planning
Best Hooper Client Group	Geoff Lake of Counsel, instructed by Edward Mahony of Best Hooper Lawyers, who called expert evidence on: <ul style="list-style-type: none"> - economics from Chris McNeill of Ethos Urban - planning from Rob Milner of Kinetica - planning from David Crowder of Ratio Consultants - landscaping from Brendan Papworth of Papworth Davis - biodiversity from Brett Lane of Nature Advisory - hydrology from Mark Jempson of Venant Solutions - ground water hydrology from Peter Coombes of Urban Water Cycle Solutions
Goandra Pty Ltd	Brendon O'Loan of St Quentin
Combined Bellarine Community Association	Dr Lawrence St Leger
Curlewis Properties Pty Ltd	Chris Marshall of Planit Consulting
Dr Lynne Hillier	
Drysdale Clifton Springs Curlewis Association	Lynne Sutton
Friends of Ocean Grove Nature Reserve	Barry Lingham
Geelong Environment Council Inc	Joan Lindros
Geelong Field Naturalists Club	Barry Lingham
James Robson	
Katie Lacy	
Lascorp Investment Group Pty Ltd	John Rantino of Maddocks, instructed by Amy Golvan Counsel, who called expert evidence on: <ul style="list-style-type: none"> - planning from Bernard McNamara of BMDA Development

	<p>Advisory</p> <ul style="list-style-type: none"> - economics from Tony Dimasi of Dimasi & Co in economics
Leopold landholders	<p>Chris Marshall of Planit Consulting, who called expert evidence on:</p> <ul style="list-style-type: none"> - bushfire management from Kylie Steel of South Coast Bushfire Consultants - visual assessment from Peter Haack of Peter Haack Consulting
Lisa Kebbell	
Malcolm Fisher and Jenny Knox	
Margarita and Elizabeth Perez	Christopher Wren QC
Melaluka Road Developments Pty Ltd	<p>Peter O'Farrell and Tiphonie Acreman of Counsel, instructed by Linda Choi of Norton Rose Fulbright, who called expert evidence on:</p> <ul style="list-style-type: none"> - planning from David Crowder of Ratio - drainage from Neil Craigie of Neil M Craigie Pty Ltd - economics from Tony Dimasi of Dimasi & Co
Morgan and Griffin	<p>Stuart Morris QC and Rupert Watters of Counsel, who called expert evidence on:</p> <ul style="list-style-type: none"> - ecology from Shannon LeBel of Ecology Heritage Partners - landscape architecture from Barry Murphy of Murphy Landscape Consultancy - bushfire science from Kylie Steel of SCB Consult - economics from Chris McNeill of Ethos Urban
Ocean Grove Community Association Inc	Phil Edwards
Owners of 52-70 Melaluka Road, Leopold	Nicole Dixon of Planit Consulting
Pamela Hutchins and John O'Donnell	<p>Rory O'Connor of Hall and Wilcox, who called expert evidence on:</p> <ul style="list-style-type: none"> - landscape from Steve Schutt of Hansen Partnership - planning from David Barnes of Hansen Partnership
Kalijo Nominees Pty Ltd at Bayfarm Trust	Nicola Smith of Niche Planning
Point Lonsdale Civic Association	
Queenscliff Community Association	
Richard Weatherly OAM	
Riverlee	Greg Bursill of Bursill Consulting
Save Barwon Heads Alliance	Serena Armstrong
Seachange Village Nominees Pty Ltd	<p>Suganya Pathan of Counsel, instructed by Tract Consulting, who called expert evidence on:</p> <ul style="list-style-type: none"> - landscaping from Craig Czarny of Hansen Partnership - planning from David Crowther of Ratio - ecology from Mark Trengove of Ecological Services

	- - bushfire from Philip Walton of XMB Consulting
Shell Road Developments Pty Ltd	<p>Paul Connor QC, instructed by Bridget Negri of Minter Ellison, who called expert evidence on:</p> <ul style="list-style-type: none"> - landscape from Barry Murphy of Murphy Landscape Consultancy - planning from Jason Black of Insight Planning Consultants Pty Ltd - bushfire risk from Kylie Steel of Surd Coast Bushfire Consultants - social planning/ community infrastructure from Robert Panozzo of ASR Research Pty Ltd - traffic engineering from Charmaine Dunstan of Traffix Group - drainage from Marc Noyce of Noyce Environmental Consulting - ecology from Andrew Hill of Ecology and Heritage Partners - aboriginal cultural heritage from Laurinda Dugay of Dugay and Co - land supply and economics from Justin Ganly from Deep End Services
St Leonards Pastoral Pty Ltd	<p>Nick Sutton of Norton Rose Fulbright, who called expert evidence on:</p> <ul style="list-style-type: none"> - planning from Stuart McGurn of Urbis - landscape architecture from Steve Schutt of Hansen Partnership - landscape architecture from John Patrick of John Patrick Architects Pty Ltd - economics from Tony Dimasi of Dimasi & Co
The Blanche Family	Chris Marshall of Planit Consulting
Wadawurrung Traditional Owners Aboriginal Corporation	Dr David Jones
Wendy Duncan	Wendy Duncan, who called expert evidence on ecology from Dr Guy Dutson of Biodiversity Solutions

Appendix E Document list

No.	Date	Description	Presented by
2021			
1	7 Dec	Referral letter to DALSA – Bellarine Peninsula SPP	Department of Environment, Land, Water and Planning (DELWP)
2022			
2a	15 Feb	Directions Hearing notice letter	Planning Panels Victoria (PPV)
2b	21 Mar	Directions and Hearing Timetable: Version 1	PPV
3	23 Mar	Suggested site inspection locations	Point Lonsdale Civic Association Inc
4	23 Mar	Suggested site inspection locations	Queenscliff Community Association
5	28 Mar	Summary of referred submissions	Minister for Planning (Proponent)
6	28 Mar	Email – confirming Direction 8 compliance	Proponent
7	1 Apr	Suggested site inspection locations	Ocean Grove Community Association Inc
8	3 Apr	Suggested site inspection locations	Save Barwon Heads Alliance
9	4 Apr	Suggested site inspection locations	Combined Bellarine Community Associations
10	4 Apr	Suggested site inspection locations	Wendy Duncan
11	4 Apr	Suggested site inspection locations	Shell Road Development Pty Ltd
12	4 Apr	Suggested site inspection locations	Proponent
13	4 Apr	Suggested site inspection locations	St Leonards Pastoral Pty Ltd
14	4 Apr	Suggested site inspection locations	Lascorp Investment Group Pty Ltd
15	4 Apr	Suggested site inspection locations	Melaluka Road Developments Pty Ltd
16	4 Apr	Suggested site inspection locations	Best Hooper Client Group
17	4 Apr	Suggested site inspection locations	Morgan and Griffin
18	4 Apr	Suggested site inspection locations	Barwon Heads Association Incorporated
19	4 Apr	Suggested site inspection locations	Seachange Village Nominees Pty Ltd
20	4 Apr	Suggested site inspection locations	Greater Geelong City Council (Greater Geelong Council) and

No.	Date	Description	Presented by
			Borough of Queenscliffe (Queenscliffe Council)
21	7 Apr	Part A Submission	Proponent
22	8 Apr	Suggested site inspection locations	Pamela Hutchins & John O'Donnell
23	11 Apr	Directions and Hearing Timetable: Version 2	PPV
24	12 Apr	Email – regarding expert evidence	Proponent
25	12 Apr	Expert witness statement – Paul Buxton	Proponent
26	12 Apr	Expert witness statement – Claire Scott	Proponent
27	12 Apr	Letter – Requesting release of Surf Coast DALSA Report	Morgan and Griffin
28	13 Apr	Letter – Request to extend time for expert witness statements	Pamela Hutchins & John O'Donnell
29	13 Apr	Letter – Request to extend time for expert witness statements	Melaluka Road Developments
30	14 Apr	Email – Request to extend time for expert witness statements	Shell Road Development
31	14 Apr	Email – Request to extend time for expert witness statements	Best Hooper Client Group
32	14 Apr	Email – Committee response to request to extend time for expert witness statements	PPV
33	19 Apr	Letter – Objection to Ms Martin's peer review	Best Hooper Client Group
34	19 Apr	Email – Timing of Part B Submission	Proponent
35	19 Apr	Expert Witness Statement – Helen Martin	Proponent
36	19 Apr	Email – Request to extend time for circulating submissions	Greater Geelong Council and Queenscliffe Council
37	20 Apr	Email – Request to extend time for submitting statements of agreed facts	Shell Road Development
38	20 Apr	Email – Committee response to procedural issues	PPV
39	21 Apr	Email – Request to extend time to submit Part C Submission	Proponent
40	21 Apr	Map – Location of submitters	Proponent
41	22 Apr	Email – Committee response to extend time to submit Part C Submission	PPV
42	22 Apr	Part B Submission	Proponent
43	22 Apr	Expert witness statement – Kylie Steel	Leopold Landowners
44	22 Apr	Expert witness statement – Kylie Steel: Appendix A: Bushfire Risk Assessment	Leopold Landowners

No.	Date	Description	Presented by
45	22 Apr	Expert witness statement – Peter Haack	Leopold Landowners
46	22 Apr	Expert witness statement – Stuart McGurn	St Leonards Pastoral Pty Ltd
47	22 Apr	Expert witness statement – Steve Schutt	St Leonards Pastoral
48	22 Apr	Expert witness statement – John Patrick	St Leonards Pastoral
49	22 Apr	Expert witness statement – Tony Dimasi	St Leonards Pastoral
50	22 Apr	Expert witness statement – Shannon LeBel	Morgan and Griffin
51	22 Apr	Expert witness statement – Barry Murphy	Morgan and Griffin
52	22 Apr	Expert witness statement – Kylie Steel	Morgan and Griffin
53	22 Apr	Expert witness statement – Chris McNeill	Morgan and Griffin
54	22 Apr	Expert witness statement – Chris McNeill	Chris and Maria Arabatzis
55	22 Apr	Expert witness statement – David Crowder	Chris and Maria Arabatzis
56	22 Apr	Expert witness statement – Brendan Papworth	Chris and Maria Arabatzis
57	22 Apr	Expert witness statement – Brett Lane	Chris and Maria Arabatzis
58	22 Apr	Expert witness statement – Brendan Papworth	Gee Dee Nominees Pty Ltd
59	22 Apr	Expert witness statement – Chris McNeill	Gee Dee Nominees
60	22 Apr	Expert witness statement – Brett Lane	Gee Dee Nominees
61	22 Apr	Expert witness statement – Brendan Papworth	Barwon Heads Lifestyle Pty Ltd
62	22 Apr	Expert witness statement – Chris McNeill	Barwon Heads Lifestyle
63	22 Apr	Expert witness statement – Brett Lane	Barwon Heads Lifestyle
64	22 Apr	Expert witness statement – Mark Jempson	Barwon Heads Lifestyle
65	22 Apr	Expert witness statement – Rob Milner	Barwon Heads Lifestyle
66	22 Apr	Expert witness statement – Peter Coombes	Barwon Heads Lifestyle
67	22 Apr	Expert witness statement – Brendan Papworth	Group of landowners in Wallington
68	22 Apr	Expert witness statement – Brett Lane	Group of landowners in Wallington
69	22 Apr	Expert witness statement – Chris McNeill	Group of landowners in Wallington
70	22 Apr	Expert witness statement – Rob Milner	Group of landowners in Wallington
71	22 Apr	Expert witness statement – Bernard McNamara	Lascorp Investments Group Pty Ltd
72	22 Apr	Expert witness statement – Tony Dimasi	Lascorp Investments Group
73	22 Apr	Expert witness statement – Neil Craigie	Melaluka Road Developments
74	22 Apr	Expert witness statement – David Crowder	Melaluka Road Developments

No.	Date	Description	Presented by
75	22 Apr	Expert witness statement – Tony Dimasi	Melaluka Road Developments
76	22 Apr	Expert witness statement – Dr Guy Dutson	Wendy Duncan
77	22 Apr	Expert witness statement – Craig Czarny	Seachange Village Nominees Pty Ltd
78	22 Apr	Expert witness statement – David Crowther	Seachange Village Nominees
79	22 Apr	Expert witness statement – Mark Trengove	Seachange Village Nominees
80	22 Apr	Expert witness statement – Philip Walton	Seachange Village Nominees
81	22 Apr	Bushfire risk assessment – Brendan O’Loan	Seachange Village Nominees
82	22 Apr	Expert witness statement – Barry Murphy	Shell Road Developments
83	22 Apr	Expert witness statement – Jason Black	Shell Road Developments
84	22 Apr	Expert witness statement – Kylie Steel	Shell Road Developments
85	22 Apr	Expert witness statement – Robert Panozzo	Shell Road Developments
86	22 Apr	Expert witness statement – Charmaine Dunstan	Shell Road Developments
87	22 Apr	Expert witness statement – Marc Noyce	Shell Road Developments
88	22 Apr	Expert witness statement – Andrew Hill	Shell Road Developments
89	22 Apr	Expert witness statement – Laurinda Dugay	Shell Road Developments
90	22 Apr	Expert witness statement – Justin Ganly	Shell Road Developments
91	22 Apr	Visual amenity statement of methodology – Chris Goss	Shell Road Developments
92	22 Apr	Visual amenity document – Chris Goss	Shell Road Developments
93	22 Apr	Lay statement (Agriculture) – John Said	Shell Road Developments
94	22 Apr	Email – expert evidence and lay evidence	Shell Road Developments
95	22 Apr	Letter – procedural issues in relation to the Committee’s response to procedural issues on 20 April 2022	Best Hooper Group of Clients
96	22 Apr	Email – Proponent response to submitter expert reports	Seachange Village Nominees
97	22 Apr	Expert witness statement – Steve Schutt	Pamela Hutchins and John O’Donnell
98	22 Apr	Letter – Request extension of time to file planning witness statement	Pamela Hutchins and John O’Donnell
99	26 Apr	Amended Terms of Reference (Version 3) and Letter from Minister for Planning	PPV
100	26 Apr	Paul Buxton Instruction Brief from the Proponent	Proponent
101	26 Apr	Submission	Greater Geelong Council
102	26 Apr	Historic Greater Geelong Planning Scheme Clause 21.06	Greater Geelong Council

No.	Date	Description	Presented by
103	26 Apr	Historic Greater Geelong Planning Scheme Clause 21.14	Greater Geelong Council
104	26 Apr	Broadhectare Residential Land Supply and Demand Assessment (draft), Spatial Economics, April 2022	Greater Geelong Council
105	26 Apr	Settlement Strategy, August 2020 (with minor correction on February 2021)	Greater Geelong Council
106	26 Apr	Greater Geelong C395 Panel Report, 14 May 2020	Greater Geelong Council
107	26 Apr	Geelong Long Term Settlement Boundary Review, Draft for consultation March 2022	Greater Geelong Council
108	26 Apr	Northern and Western Geelong Growth Areas Framework Plan, August 2020	Greater Geelong Council
109	26 Apr	Bellarine Peninsula Localised Planning Statement, September 2015	Greater Geelong Council
110	26 Apr	Greater Geelong City Council whole submission	Proponent
111	26 Apr	Borough of Queenscliff whole submission	Proponent
112	26 Apr	Submission	Best Hooper Group of Clients
113	27 Apr	Opening Submission	Proponent
114	27 Apr	Expert witness statement – David Barnes	Pamela Hutchins and John O'Donnell
115	27 Apr	Greater Geelong Planning Scheme Clause 11.03	Greater Geelong Council
116	27 Apr	Greater Geelong Planning Scheme Clause 21.06	Greater Geelong Council
117	27 Apr	Greater Geelong Planning Scheme Clause 21.14	Greater Geelong Council
118	27 Apr	Declaration of the Surf Coast as a DAL, Victoria Government Gazette, 19 September 2019	Greater Geelong Council
119	27 Apr	Greater Geelong Amendment C395 – Rob Milner Strategic Planning Expert Evidence, November 2019	Greater Geelong Council
120	28 Apr	Expert witness statement – Rob Milner (MS Word version)	Barwon Heads Lifestyle and Group of landowners in Wallington
121	29 Apr	Part C1 Submission	Proponent
122	3 May	Part C2 Submission	Proponent
123	3 May	Submission	Queenscliffe Council
124	3 May	Expert evidence presentation – Brendan Papworth	Best Hooper Client Group
125	3 May	Letter of instruction – Barry Murphy	Shell Road Developments
126	3 May	Letter of instruction – Charmaine Dunstan	Shell Road Developments
127	3 May	Letter of instruction – Jason Black	Shell Road Developments
128	3 May	Letter of instruction – Kylie Steel	Shell Road Developments

No.	Date	Description	Presented by
129	3 May	Letter of instruction – Marc Noyce	Shell Road Developments
130	3 May	Letter of instruction – Robert Panozzo	Shell Road Developments
131	3 May	Letter of instruction – Chris Goss	Shell Road Developments
132	3 May	Barwon Heads Structure Plan, City of Greater Geelong, August 2017	Save Barwon Heads Alliance
133	3 May	DELWP Resources to support Integrated Water Management in Victoria, December 2021	Save Barwon Heads Alliance
134	3 May	Assessing integrated water management options for urban developments – Canberra case study, Victoria University, 2008	Save Barwon Heads Alliance
135	3 May	Port Phillip Bay (Western Shoreline) and Bellarine Peninsula, Ramsar Site Management Plan, DELWP, 2018	Save Barwon Heads Alliance
136	3 May	Murtnaghurt Lagoon Flora and Fauna Assessment, Ecology Australia, 2008	Save Barwon Heads Alliance
137	3 May	Murtnaghurt Lagoon, Bellarine Peninsula and related landforms, Neville Rosengren, 2009	Save Barwon Heads Alliance
138	3 May	Email – Proposed schedule for Hearing Day 3 and 4	Best Hooper Group of Clients
139	3 May	Directions and Hearing Timetable: Version 3	PPV
140	4 May	Email – proposed cross-examination of the Proponents experts	Seachange Village Nominees
141	4 May	Ocean Grove Structure Plan, City of Greater Geelong, December 2015 (amended Sept 2016)	Seachange Village Nominees
142	4 May	Geelong Regional Planning Scheme Zoning Map 5-C, 1981	Seachange Village Nominees
143	4 May	Submission (Submitter 120)	Margarita and Elizabeth Perez
144	4 May	Submission	Barwon Heads Lifestyle
145	4 May	Submission	Group of landowners in Wallington
146	4 May	Submission	Chris and Maria Arabatzis
147	4 May	Submission	Gee Dee Nominees
148	4 May	Email – Proponent to Committee regarding Ms Scott availability	Proponent
149	4 May	Ocean Grove Hotel General Liquor Licence	Seachange Village Nominees
150	5 May	Closing Submission	Best Hooper Clients
151	5 May	Corio Region Map 1951	Seachange Village Nominees
152	5 May	Corio Region Map 1967	Seachange Village Nominees

No.	Date	Description	Presented by
153	5 May	G21 Regional Growth Plan, April 2013	Seachange Village Nominees
154	5 May	Greater Geelong Planning Scheme Amendment C346, Panel Report	Seachange Village Nominees
155	5 May	Ocean Grove Structure Plan, City of Greater Geelong, adopted 27 February 2007	Seachange Village Nominees
156	5 May	Photos of Lake Murtnaghurt	Save Barwon Heads Alliance
157	5 May	Response to expert evidence – Paul Buxton	Proponent
158	5 May	Wadawurrung Traditional Owners Aboriginal Corporation, Country Plan Summary, 2020	Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC)
159	5 May	Hearing presentation – WTOAC	WTOAC
160	6 May	Response to expert evidence – Claire Scott	Proponent
161	6 May	Response to expert evidence – Helen Martin	Proponent
162	6 May	Directions and Hearing Timetable: Version 4	PPV
163	6 May	Letter of instruction – Barry Murphy	Morgan and Griffin
164	6 May	Letter of instruction – Chris McNeill	Morgan and Griffin
165	6 May	Letter of instruction – Kylie Steel	Morgan and Griffin
166	6 May	Letter of instruction – Shannon LeBel	Morgan and Griffin
167	6 May	Email – Additional instructions to all Morgan and Griffin experts	Morgan and Griffin
168	6 May	Email – Additional instructions to Chris McNeill	Morgan and Griffin
169	6 May	Email – Additional instructions to Kylie Steel	Morgan and Griffin
170	6 May	Letter of instruction – David Crowder	Melaluka Road Developments
171	6 May	Letter of instruction – Neil Craigie	Melaluka Road Developments
172	6 May	Letter of instruction – Tony Dimasi	Melaluka Road Developments
173	6 May	Map and Image of Bonnyvale Road boundary in Ocean Grove	Seachange Village Nominees
174	6 May	Map and image of Bonnyvale Road / Collendina Hotel site in Ocean Grove and existing conditions	Seachange Village Nominees
175	9 May	79-119 Mitchell Street, Portarlington – Contour Map	Best Hooper Clients
176	9 May	Legislative Assembly, 14 December 2017, Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017	Best Hooper Clients
177	9 May	Declaration of the Bellarine Peninsula as DAL, Victoria Government Gazette, 16 September 2021	Best Hooper Clients
178	9 May	Disclosure of Ms Martin and Ms Seddon relationship	Proponent

No.	Date	Description	Presented by
179	9 May	Directions and Hearing Timetable: Version 4	PPV
180	11 May	The Victorian Heritage Register Criteria and Threshold Guidelines, 2020	Morgan and Griffin
181	13 May	Letter from Committee regarding Direction 49	PPV
182	13 May	Submission	Shell Road Developments
183	13 May	Bellarine Times article, 28 April 2022	Shell Road Developments
184	16 May	Greater Geelong Amendment C395 – Jason Black expert witness statement	Greater Geelong Council
185	16 May	Submission	St Leonards Pastoral Pty Ltd
186	16 May	Infrastructure Servicing Report, 322-380 Ibbotson Street, St Leonards	St Leonards Pastoral Pty Ltd
187	16 May	Okologie Consulting Pty Ltd Ecology Assessment for 324-380 Ibbotson Street, St Leonards	St Leonards Pastoral Pty Ltd
188	18 May	Closing Submission	St Leonards Pastoral Pty Ltd
189	18 May	Memorandum from C.K. Prowse & Associates Pty Ltd, 13 May 2022	St Leonards Pastoral Pty Ltd
190	18 May	Map Areas of Cultural Heritage Sensitivity, Aboriginal Victoria	St Leonards Pastoral Pty Ltd
191	18 May	Memorandum from Pollock Environmental Consulting Pty Ltd, 16 May 2022	St Leonards Pastoral Pty Ltd
192	19 May	Closing Submission	Shell Road Developments
193	19 May	Expert evidence presentation – Barry Murphy	Shell Road Developments and Morgan and Griffin
194	19 May	Instructions to expert witnesses	Seachange Village Nominees
195	20 May	Submission	Ocean Grove Community Association
196	20 May	Photos referred to in Closing Submission	Shell Road Developments
197	20 May	Submission	Riverlee
198	20 May	Submission	Combined Bellarine Community Association
199	20 May	Submission	Wendy Duncan
200	20 May	Expert evidence presentation – Dr Guy Dutson	Wendy Duncan
201	20 May	Submission	Katie Lacy
202	23 May	Australia's Important Bird Areas, Key sites for bird conversation, Guy Dutson, Stephen Garnett and Cheryl Gole, Bird Australia Conservation Statement No 15, Oct 2009	Morgan and Griffin

No.	Date	Description	Presented by
203	23 May	Ocean Grove Nature Reserve, Ecological Values and Conservation Needs, Guy Dutson and Luke Hynes, July 2020	Morgan and Griffin
204	23 May	National Recovery Plan for the Swift Parrot Lathamus discolor, Birds Australia, 2011	Morgan and Griffin
205	23 May	Directions and Hearing Timetable: Version 5	PPV
206	23 May	Submission	Seachange Village Nominees
207	23 May	Ecological Vegetation Class Map of Pub Site	Seachange Village Nominees
208	23 May	Council Meeting Agenda, 13 November 2007	Greater Geelong Council
209	24 May	Proponent response to the Committee's 12 May 2022 questions	Proponent
210	24 May	Directions and Hearing Timetable: Version 6	PPV
211	25 May	Submission	Melaluka Road Developments
212	25 May	Greater Geelong C254 Panel Report, 21 November 2012	Melaluka Road Developments
213	25 May	DALSAC Surf Coast Statement of Planning Policy Report Part 1 dated 25 June 2021	Melaluka Road Developments
214	25 May	Memorandum of Advice Surf Coast DALSAC, 22 April 2021	Melaluka Road Developments
215	25 May	Leopold Structure Plan, City of Greater Geelong, September 2011 (Amended January 2013)	Melaluka Road Developments
216	25 May	Greater Geelong C367 Panel Report, 22 January 2019	Melaluka Road Developments
217	25 May	Greater Geelong C395 Part B Submission	Melaluka Road Developments
218	25 May	Greater Geelong C395ggee Settlement Strategy and Northern and Western Geelong Growth Areas Framework Plan, DELWP Submission, 19 November 2019	Melaluka Road Developments
219	25 May	Harvey Norman Leopold Submission to Greater Geelong Council	Greater Geelong Council
220	26 May	Lascorp Investment Group Pty Ltd Greater Geelong Planning Scheme Amendment C395 Submission, March 2020	Melaluka Road Developments
221	26 May	Submission	Kalijo Nominees Pty Ltd
222	26 May	Submission	Jennifer Hall
223	26 May	Submission	Malcom Fisher and Jenny Knox
224	26 May	Submission	Pamela Hutchins and John O'Donnell
225	26 May	Response to expert evidence - Steve Schutt	Pamela Hutchins and John

No.	Date	Description	Presented by
			O'Donnell
226	30 May	Submission	Barwon Heads Association Incorporated
227	30 May	Marine and Coastal Policy, DELWP, March 2020	Barwon Heads Association Incorporated
228	30 May	Marine and Coastal Strategy, DELWP, May 2022	Barwon Heads Association Incorporated
229	30 May	Submission	Dr Lynne Hillier
230	30 May	Email – instructions to Steve Schutt	Pamela Hutchins and John O'Donnell
231	30 May	Letter – confirming submission to Direction 51(a)	Shell Road Developments
232	30 May	Submission	Geelong Environment Council Inc
233	30 May	Submission	Goandra Pty Ltd
234	30 May	Submission	Drysdale Clifton Springs Curlewis Association
235	30 May	Submission	Owners of 52-70 Melaluka Road, Leopold
236	30 May	Submission	Curlewis Properties Pty Ltd
237	30 May	Submission	Leopold Landowners
238	30 May	Greater Geelong City Council Meeting Minutes 27 September 2011	Leopold Landowners
239	30 May	Submission to Direction 51	Morgan and Griffin
240	30 May	Submission to Direction 51	Seachange Village Nominees
241	30 May	Submission	Save Barwon Heads Alliance
242	30 May	Greater Geelong C375 Part A Submission	Save Barwon Heads Alliance
243	30 May	Greater Geelong C375 Part B Submission	Save Barwon Heads Alliance
244	30 May	Greater Geelong C375 Panel Report, October 2018	Save Barwon Heads Alliance
245	30 May	Greater Geelong C159 Panel Report, January 2010	Save Barwon Heads Alliance
246	30 May	Greater Geelong New Format Planning Scheme Panel and Advisory Committee Report, March 1999	Save Barwon Heads Alliance
247	30 May	Clause 21.35 of the Greater Geelong Planning Scheme, 27 July 2000	Save Barwon Heads Alliance
248	30 May	Surf Coast DALSA referral letter, 8 November 2020	Save Barwon Heads Alliance
249	31 May	Submission	Lisa Kebbell
250	1 Jun	Submission	Morgan and Griffin
251	1 Jun	Letter of approval Greater Geelong Planning Scheme	Morgan and Griffin

No.	Date	Description	Presented by
		Amendment C395ggee	
252	1 Jun	Planning Practice Note 36 (Implementing a coastal settlement boundary), DELWP, November 2016	Morgan and Griffin
253	1 Jun	Planning Practice Note 59 (The role of mandatory provisions in planning schemes), DELWP, September 2018	Morgan and Griffin
254	3 Jun	Letter – from Committee to Legal Counsel	PPV
255	6 Jun	Contour Map 1 – 67-133 Point Richards Road, Portarlington	Kalijo Nominees Pty Ltd
256	6 Jun	Contour Map 2 – 67-133 Point Richards Road, Portarlington	Kalijo Nominees Pty Ltd
257	6 Jun	Submission	Point Lonsdale Civic Association
258	6 Jun	Submission	Queenscliff Community Association
259	6 Jun	Submission 1	The Blanche Family
260	6 Jun	Submission 2	The Blanche Family
261	6 Jun	Submission	Geelong Field Naturalists Club and Friends of Ocean Grove Nature Reserve
262	6 Jun	Submission	Richard Weatherly
263	6 Jun	Committee Legal Counsel Advice 6 June 2022	PPV
264	6 Jun	Directions and Hearing Timetable: Version 7	PPV
265	7 Jun	Submission	Lascorp Investment Group Pty Ltd
266	7 Jun	Greater Geelong C391ggee Panel Report, 17 December 2021	Greater Geelong Council
267	8 Jun	Letter of approval Greater Geelong Planning Scheme Amendment C393ggee	Greater Geelong Council
268	8 Jun	Greater Geelong City Council Meeting Minutes, 25 August 2020	Greater Geelong Council
269	8 Jun	Lascorp's instructions to Bernard McNamara	Proponent
270	8 Jun	Lascorp's instructions to Tony Dimasi	Proponent
271	8 Jun	Closing Submission	Proponent
272	8 Jun	Closing Submission	Greater Geelong Council
273	9 Jun	Letter – response to Direction 51(c)	Best Hooper Group of Clients
274	14 Jun	Response to Direction 51(c)	Morgan and Griffin
275	17 Jun	Response to Direction 51(d)	Proponent

Appendix F Planning Policy Context

The Settlement Background Paper outlined that planning for settlements within the declared area was guided by legislative requirements as well as local, regional and state policies as set out in the Greater Geelong Planning Scheme, the Queenscliffe Planning Scheme and other supporting strategic documents.

The following planning scheme policies are relevant to settlement planning in the declared area.

(i) State planning policy

Clause 11 (Settlement)

- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Settlement Geelong G21
- Clause 11.02-1S – Supply of urban land
- Clause 11.03-1S – Activity centres
- Clause 11.03-3S – Peri-urban areas
- Clause 11.03-4S – Coastal settlements
- Clause 11.03-5 – Distinctive areas and landscapes.

Clause 11.01-1S Settlement: seeks to ensure growth is planned in a sustainable way and identifies settlements of state and regional significance. It requires settlement growth to be planned in accordance with regional growth plans including the G21 Regional Growth Plan.

Clause 11.01-1R Settlement – Geelong G21: supports the growth of Ocean Groove, Drysdale/Clifton Springs and Leopold as a district town that provides services for the surrounding area. It seeks to provide settlement breaks between towns to maintain unique identities and implement settlement boundaries for all towns.

Clause 11.02 Managing growth: requires local governments to plan for 15 years of land supply across the local government area and to provide clear direction about locations where growth should occur. Planning should facilitate development that is in a defined sequence and through a hierarchy of structure plans.

Clause 11.03-1S Activity centres: encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Clause 11.03-3S Peri-urban areas: encourages the management of growth in peri-urban areas to protect and enhance their identified valued attributes by:

- identifying and protecting areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources
- providing for development in established settlements that have the capacity for growth, as set out in regional growth plans, having regard to complex ecosystems, landscapes, agricultural and recreational activities
- establishing settlement boundaries and protecting non-urban breaks and the character and identity of peri-urban towns

Clause 11.03-4S Coastal settlement: encourages urban renewal in existing settlements to limit urban sprawl. It seeks to implement settlement boundaries and support suitable growth around

environmental assets. It discourages development along ridgelines and on low lying coastal areas. Policy documents to this clause include:

- Marine and Coastal Policy (2020)
- Coastal Spaces Report (2006)
- Victorian Coastal Strategy (2014).

Clause 11.03-5S – Distinctive areas and landscapes. Strategies include the need to protect and enhance the valued attributes of identified distinctive areas and landscapes. As well as support use and development where it enhances the valued attributes and avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.

Clause 12 (Environmental and Landscape Values)

Clause 12.01-1S (Protection of biodiversity) seeks to assist the protection and conservation of Victoria's biodiversity.

Clause 12.01-2S (Native vegetation management) seeks to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. It sets out tests regarding avoiding, minimising and providing offsets to compensate for vegetation removal.

Clause 12.02-1S (Protection of the marine and coastal environment) seeks to recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources. It establishes a hierarchy of principles for coastal management.

Clause 12.02-2S (Marine and coastal Crown land) seeks to achieve coastal crown land development that provides an environmental, social and economic balance. It sets out strategies to ensure that use and development on or adjacent to coastal foreshore Crown land is appropriate.

Clause 12.03-1S (River corridors, waterways, lakes and wetlands) seeks to ensure development:

- responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands
- is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.

Clause 12.05-1S (Environmentally sensitive areas) seeks to protect and conserve environmentally sensitive areas.

Clause 12.05-2S (Landscapes) seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Clause 13 (Environmental Risks and Amenity)

Clause 13.01-1S (Natural hazards and climate change) seeks to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Clause 13.01-2S (Coastal inundation and erosion) seeks to plan for and manage coastal hazard risk and climate change impacts.

Clause 13.02-1S (Bushfire Planning) seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 14 (Natural Resource Management)

Clause 14.01-1S (Protection of agricultural land) seeks to protect the state's agricultural base by preserving productive farmland of local or regional strategic significance and directing growth within existing settlements.

Clause 15 (Built Environment and Heritage)

Clause 15.03-2S (Aboriginal cultural heritage) seeks the protection and conservation of places of Aboriginal cultural heritage significance (Clause 15.03-2S).

Clause 16 (Housing Supply)

Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets the community needs, with a focus on supporting infill development.

Clause 16.01-1R (Infill housing within Geelong G21) supports facilitating infill housing around activity centres within district towns.

Clause 16.01-2S (Housing affordability) encourages the delivery of more affordable housing closer to jobs, transport and services.

Clause 16.01-3S (Rural residential development) seeks to ensure rural residential development is suitably located, by protecting agricultural land, encouraging development in existing settlements, protecting landscape and environmental values and ensuring land is close to existing towns but not in areas that will be required for fully serviced development, and has appropriate infrastructure connections.

(ii) Queenscliffe Planning Scheme**Relevant Clause 21 (the Municipal Strategic Statement)**

Clause 21.01 (Borough of Queenscliffe key issues and strategic vision) sets out the strategic framework for the Borough of Queenscliffe including a Strategic Framework Plan with the settlement boundary.

Clause 21.02 (Settlement, housing and residential development) sets out the key settlement and planning policy objectives including:

- avoiding inappropriate development that compromises areas of acknowledged natural, aesthetic, built, cultural or environmental sensitivity
- maintaining, enhancing and diversifying the role of activity centres and respecting and enhancing their character, ambience and vitality
- reinforcing Queenscliff's distinct heritage, urban character and natural coastal setting
- maintaining the coastal village character of Point Lonsdale and protecting the character and appearance of its residential areas
- providing a diversity of housing options
- protecting the foreshore from inappropriate subdivision.

Clause 21.04 (Built environment and heritage) which:

- reinforces the importance of the borough's character to residents' lifestyle and the tourism economy
- requires new development to enhance and harmonise with the borough's urban character including its significant view lines, heritage, low lying recessive built form and intact native and remnant indigenous vegetation.

Clause 21.05 (Economic development) which:

- identifies the Queenscliff and Point Lonsdale town centres
- highlights the importance of tourism for the borough and of facilitating and supporting tourism-related development and uses that enhance the natural environment, while maintaining the amenity of residential areas
- aims to focus tourism development around tourism precincts, Queenscliff Harbour and the ferry terminal.

Relevant Clause 22 (local planning policies)

Clause 22.02 (Heritage policy) sets out local heritage policies and the Heritage Overlay for:

- Fishermans Flat (HO1)
- Railway Station (HO2)
- Piers and parks (HO3)
- North Gellibrand Street Urban Conservation Precinct (HO4)
- South Gellibrand Street (HO5)
- Hesse Street (HO6 and HO7)
- Stokes Street (HO8)
- Botanic Gardens (HO9)
- Central Queenscliff (HO11)
- Point Lonsdale Road/Point Lonsdale Lighthouse (HO84).

Clause 22.03 (Urban character policy) which:

- aims to ensure new development fits within the prevailing character of the area
- includes policies about siting and design, heights and setbacks, fences, and driveways and landscaping for heritage, foreshore and coastal areas.

(iii) Greater Geelong Planning Scheme

Clause 21 (the Municipal Strategic Statement)

Clause 21.02 (City of Greater Geelong Sustainable Growth Framework) sets out a framework to manage growth within the municipality including by setting settlement boundaries and consolidating development within them.

Clause 21.04 (Municipal Framework Plan):

- identifies urban growth areas in Leopold, Clifton Springs and Ocean Grove
- identifies Leopold as a sub-regional centre.

Clause 21.05 (Natural environment):

- aims to protect, maintain and enhance the natural environment
- aims to ensure land use and development do not impact waters, native vegetation, habitats; development is focused within settlements and is not lineal sprawl
- development avoids areas at risk from coastal erosion or inundation.

Clause 21.06 (Settlement and housing):

- provides directions on urban growth, urban consolidation, neighbourhood character, heritage and identity.
- key directions include containing growth within identified locations across the municipality and maintaining the Bellarine Peninsula's unique township, landscape, tourism, farming and environmental values by:

- reducing the peninsula's share of new housing development in the municipality
- ensuring development occurs within designated settlement boundaries
- maintaining non-urban breaks between Geelong and the Bellarine Peninsula and between settlements
- protecting the peninsula's distinct landscape areas from urban encroachment.

Clause 21.14 (The Bellarine Peninsula):

- aims to protect and enhance the peninsula's rural and coastal environment and landscapes and maintain non-urban breaks between settlements, support the roles and functions of settlements, provide attractive and sustainable industrial, commercial, retail, agricultural and tourism development in designated locations to service the wider Bellarine community and preserve the individual character, identity and role of each settlement
- aims to achieve this by:
 - supporting the district towns — Ocean Grove, Drysdale/ Caroline Springs and Leopold — as service hubs for the peninsula, ensuring all other settlements provide retail, commercial and community uses and facilities that serve the daily needs of the community
 - ensuring development is consistent with structure plans
 - ensuring development outside settlement boundaries does not
 - compromise the rural, environmental and landscape values of urban breaks
- implements structure plans to guide development in each settlement, which includes the designations of settlement boundaries.

Relevant Clause 22 (local planning policies)

Clause 22.04 (Use and development in rural living and low-density residential areas) which:

- aims to protect the amenity of rural living and low-density residential locations from activities incompatible with the primary residential purpose of the zones, maintain the semi-rural and low-density character of these locations, protect areas of high environmental quality, ensure effective disposal of wastewater and stormwater drainage and ensure the subdivision of land creates lots which have a clearly identifiable street frontage
- directs uses that attract visitors and traffic to urban zones
- requires uses with high amenity impacts to be directed to the Farming Zone
- does not support additional dwelling intensification on lots: it may lead to expectations for smaller-lot subdivision.

Clause 22.05 (Agriculture, rural dwellings and subdivision) which:

- seeks to ensure rural areas in the municipality are highly valued for their contribution to the economy, liveability and amenity
- notes that land use and development in rural areas must be carefully managed to ensure the ongoing use of land for agriculture is supported and the farming character of rural areas preserved.

Clause 22.06 (Tourism, accommodation and function centre development in rural areas) which:

- recognises the importance of tourism to the local economy
- supports tourism development in rural areas while preserving productive agricultural capacity and where possible enhancing the environmental condition of the land

- aims to ensure development complements and respects the rural character of the area and does not result in the urbanisation of rural areas.

Clause 22.09 (Cultural Heritage) which encourages the retention of culturally significant heritage places in the Heritage Overlay including:

- encouraging development in line with accepted conservation standards
- conserving and enhancing the natural and cultural features of an area or site
- ensuring new development or external alterations make a positive contribution to the built form and amenity of an area.

Clause 22.63 (Increased housing diversity areas) which:

- sets out the policy for residential development in these areas, which are located close to activity centres
- supports medium-density development that is contextually appropriate and architecturally responsive
- identifies increased housing diversity areas in Barwon Heads, Drysdale, Leopold, Ocean Grove, Portarlington and St Leonards.

D2 Relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The Plan at Policy 4.52 recognises the Bellarine Peninsula as a high value area worthy of significant protection.

Section 7.12 outlines that there is a requirement to support regional settlements experiencing growth pressures as affordable alternatives to metropolitan living. It recognises that infrastructure delivery support growth in peri-urban areas and ensure development is in keeping with local character.

(ii) G21 Regional Growth Plan

The G21 Regional Growth Plan:

- provides broad direction for land use and development across the G21 region, as well as more detailed planning frameworks for the key regional areas of Geelong, and parts of the Bellarine Peninsula
- was developed in 2013 and covers the municipalities of Queenscliffe, Greater Geelong, Colac Otway, Golden Plains and Surf Coast
- seeks to guide sustainable growth in housing choices, employment opportunities, health and wellbeing initiatives and efficient use and provision of infrastructure.

Relevantly, the G21 Regional Growth Plan provides directions in relation to:

- Ocean Grove, Drysdale/Clifton Springs and Leopold as a district town that provides services for the surrounding area

- the relationship with and the future role of other settlements
- key current and future employment nodes/sectors
- key infrastructure projects
- key project work within the region.

(iii) Victorian Coastal Strategy (2014)

The *Coastal Management Act 1995* and the *Victorian Coastal Strategy (2014)* are referenced at Clauses 11.03-5R and 12.02-1S and provide for:

- managing population growth
- adapting to a changing climate
- managing coastal land and infrastructure
- valuing the natural environment
- integrating marine planning.

The coast is defined as:

- the marine environment: nearshore marine environment, the seabed, and waters out to the State limit of three nautical miles (5.5 kilometres)
- foreshores: or coastal Crown land up to 200 metres from the high water mark
- coastal hinterland: land directly influenced by the sea or directly influencing the coastline, and with critical impacts on the foreshore and nearshore environment (these influences range from visual to drainage impacts)
- catchments: rivers and drainage systems that affect the coastal zone, including estuaries
- atmosphere: near, around and over the coast.

The Victorian Coastal Strategy recognises Ocean Grove, Drysdale/Clifton Springs and Leopold as a district town with some growth within settlement boundaries and supported growth.

(iv) Victoria's Climate Change Adaptation Plan 2017-2020

The BPSPP supports the Victorian Government's commitment set out in *Victoria's Climate Change Adaptation Plan 2017 – 2020* to achieve net-zero emissions by 2050, as mandated by the *Climate Change Act 2017*. This will be achieved by facilitating sustainable development, protecting the environment and prioritising sustainable transport modes (such as walking, cycling and public transport).

(v) Marine and Coastal Policy 2020

The declared area is valued for its coastal environment and the BPSPP supports the objectives of 2020 Marine and Coastal Policy for planning, management and sustainable use of coastal areas. The policy provides direction to decision makers including local councils and land managers to deal with impacts of climate change, population growth, ageing coastal structures and other issues.

(vi) Protecting Victoria's Environment Biodiversity 2037

Protecting Victoria's Environment – Biodiversity 2037 aims to protect and improve Victoria's natural environment by achieving a net gain in the overall extent of natural habitats in terrestrial and marine environments. It recognises the importance of the natural environment to life and their high resource value.

(vii) Wadawurrung Healthy Country Plan

The Wadawurrung Healthy Country Plan provides guidance and information to support the draft SPP. The plan outlines the goals and aspirations of the Wadawurrung for the care and management of Wadawurrung Country.

D3 Planning Practice Notes

The Settlement Background Paper outlined the following Planning Practice Notes (PPN) were relevant to settlement planning in the declared area and BPSPP:

PPN36 (Implementing a Coastal Settlement Boundary) provides guidance about implementing a coastal settlement boundary in a planning scheme for settlements outside metropolitan Melbourne.

PPN37 (Rural Residential Development):

- provides guidance about the development of residential opportunities in rural areas
- outlines the strategic work planning authorities should undertake when investigating development opportunities.

PPN53 (Managing coastal hazards and the coastal impacts of climate change):

- acknowledges that many coastal areas have experienced significant levels of development, and existing hazards may be exacerbated by impacts of climate change
- sets out guidance for considering strategic rezoning of coastal areas for urban purposes and referrals to floodplain managers.

PPN90 (Planning for Housing):

- provides guidance about how to plan for housing growth and protect neighbourhood character
- outlines the strategic planning process a planning authority should undertake when considering application of residential zones
- defines key terms such as respecting character and preferred neighbourhood character. PPN90 provides guidance about minimal change, incremental change and substantial change areas and how they flow into the application of the residential zones.

PPN91 (Using the Residential Zones):

- should be read with PPN90
- provides guiding principles about how to apply the residential zones, and it outlines five key principles, which include:
 - confirmation that all the residential zones allow for increased housing
 - housing and neighbourhood character plans, when specifying preferred future housing and neighbourhood character outcomes for an area, must be consistent and align with each other
- provides a checklist for choosing the right zone and ensuring the desired building height matches the selected zone.

Other relevant Planning Practice Notes:

- PPN7 (Vegetation Protection in Urban Areas)
- PPN13 (Incorporated and Background Documents)
- PPN64 (Local planning for bushfire protection).

D4 Relevant planning scheme amendments

(viii) Amendment VC185

Amendment VC185 was gazetted on 1 May 2021 and revised policy relating to the distinctive areas and landscapes at Clause 11.03-5S.

The new Clause 11.03-5S 'Distinctive areas and landscapes' state its objective is to recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

Strategies set out at Clause 11.03-5S include:

- Recognise the unique features and special characteristics of these areas and landscapes.
- Implement the strategic directions of approved Localised Planning Statements and SPP.
- Integrate policy development, implementation and decision-making for declared areas under SPP.
- Recognise the important role these areas play in the state as tourist destinations. Protect the identified key values and activities of these areas.
- Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.
- Support use and development where it enhances the valued characteristics of these areas.
- Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas. Protect areas that are important for food production.

Relevant policy documents include:

- Bellarine Peninsula Localised Planning Statement (Victorian Government, 2015)
- Macedon Ranges SPP (Victorian Government, 2019)
- Mornington Peninsula Localised Planning Statement (Victorian Government, 2014)
- Yarra Ranges Localised Planning Statement (Victorian Government, 2017).

(ix) Amendment C395ggee

The Greater Geelong Settlement Strategy:

- provides a planning framework to ensure the municipality can meet the region's housing needs to 2036
- reviews the city's demographics, analysing current and anticipated future population and housing needs
- includes directions for both urban consolidation and greenfield development.
- was adopted by Greater Geelong Council in October 2018 and re-adopted in 2020.

Amendment C395ggee was gazetted on 6 May 2021. It included the Settlement Strategy as a Background Document to the Planning Scheme and amended various Local Planning Policies to implement key recommendations of the Strategy, including:

- directing most future housing needs to urban Geelong (infill), Armstrong Creek and the new Northern and Western Geelong Growth Areas
- reducing the share of new housing development on the Bellarine Peninsula
- ensuring residential development occurs within designated settlement boundaries
- facilitating infill development to increase its contribution to housing supply.

One of the key plans from the Settlement Strategy is the Housing Framework Plan.

(x) Relevant Planning Scheme Amendments

The following Greater Geelong Planning Scheme Amendments are relevant to the Bellarine Peninsula:

- Amendment C159 (Barwon Heads Structure Plan)
- Amendment C254 (Leopold Structure Plan)
- Amendment C276 (rezoning and development of a Bunnings store in Leopold)
- Amendment C346 (Ocean Grove Structure Plan)
- Amendment C352 (Portarlington and Indented Head Structure Plans)
- Amendment C375 (Barwon Heads Structure Plan)
- Amendment C393 (Greater Geelong Retail Strategy 2020-2036).

Appendix G BPSPP PSB criteria assessment

Environmental significance	Landscape significance	Aboriginal cultural heritage significance	Post-contact heritage and settlement character significance	Natural resources and productive land significance	Strategic infrastructure and built form significance	Environmental risks
Barwon Heads						
The existing settlement boundary protects many of Barwon Heads' valued environmental features from urban encroachment.	The existing settlement boundary helps protect the landscapes of regional and state significance within and surrounding Barwon Heads from urban encroachment.	The existing settlement boundary protects areas of Aboriginal cultural heritage significance outside the settlement area.	Barwon Heads' valued post-contact heritage and settlement character do not affect the existing settlement boundary, although the boundary does reinforce a compact township.	The existing settlement boundary helps preserve agricultural-use land west of Barwon Heads from urban encroachment.	There is no existing or planned strategic infrastructure within or close to Barwon Heads under threat from urban encroachment that would justify a change to the existing settlement boundary.	The existing settlement boundary helps ensure no further urban encroachment into the area of identified bushfire risk.
Drysdale / Clifton Springs						
The existing settlement boundary helps protect the remaining remnant vegetation and ensures biolinks are preserved from urban encroachment and so supports the conservation and enhancement of biodiversity in the region.	The existing settlement boundary protects the regionally significant Central Bellarine Hills landscape and the green break from urban encroachment.	However, there are also areas of Aboriginal cultural heritage significance within the Jetty Road Stage 2 growth area. A Cultural Heritage Management Plan (CHMP) would be required before any further development of land within the existing settlement boundary is permitted. It does not affect the location of the existing settlement boundary.	The existing settlement boundary helps protect Coriule Homestead and its valued rural setting from urban encroachment. The boundary also provides for a sufficient urban-rural transition and so provides a sense of connection to the surrounding rural hinterland.	The existing settlement boundary helps protect the surrounding agriculturally productive land from urban encroachment. Development of Jetty Road Stage 2 will result in some loss of productive agricultural land, but this is less significant than the loss of land east of the town, which is closer to recycled water infrastructure.	The existing settlement boundary helps protect the landscapes that support the Bellarine Rail Trail and Bellarine Railway from urban encroachment.	The existing settlement boundary ensures there will be no further greenfield development in areas of identified environmental risk.
Indented Head						
The existing settlement boundary protects environmental and biodiversity values from further urban encroachment.	The existing settlement boundary adequately protects the valued landscape attributes from urban encroachment.	The existing settlement boundary helps to protect areas of Aboriginal cultural heritage significance from urban encroachment.	The existing settlement boundary helps maintain the compact urban form the community values highly.	The existing settlement boundary protects surrounding agricultural land from urban encroachment and potential land use conflicts between residential, agricultural and natural resource uses.	The existing settlement boundary limits urban encroachment towards the Portarlington Wastewater Treatment Plant.	The existing settlement boundary limits further urban expansion into areas of identified environmental risk.

Environmental significance	Landscape significance	Aboriginal cultural heritage significance	Post-contact heritage and settlement character significance	Natural resources and productive land significance	Strategic infrastructure and built form significance	Environmental risks
Leopold						
The existing settlement boundary helps protect the environmental values surrounding Leopold. There is a need to better manage urban stormwater discharge, pest animals and plants and other development impacts within the settlement boundary.	The existing settlement boundary supports the long-term protection of Leopold's surrounding rural and natural landscapes and green breaks.	The existing settlement boundary helps protect areas of Aboriginal cultural heritage sensitivity from urban encroachment.	Leopold's valued post-contact heritage and settlement character do not affect the location of the existing settlement boundary.	The existing settlement boundary adequately protects the agricultural land surrounding Leopold.	The existing settlement boundary stops further urban encroachment and helps to conserve the biodiversity and landscape values that make the Bellarine Rail Trail special.	The existing settlement boundary helps ensure urban development does not occur in areas subject to environmental risks.
Ocean Grove						
The existing settlement boundary protects Ocean Grove's environmental assets from further urban encroachment, helping conserve and enhance the region's biodiversity and recreational values.	The existing settlement boundary helps protect the important coastal, rural and environmental values that contribute to Ocean Grove's character. Significant Landscape Overlays protect the areas east and west of Ocean Grove, and further areas need protection. However, the boundary should be modified along the eastern edge — at the 'Support tourist-related redevelopment opportunities site' and the 'Further investigation site' — to protect the values of the Bellarine Peninsula Southern Coast and Bellarine Northern Coast and Central Hills landscapes.	The existing settlement boundary helps to protect areas of Aboriginal cultural heritage significance from urban encroachment.	The existing settlement boundary is not influenced by Ocean Groves' post-contact heritage and settlement character values, particularly its low-scale, village feel and extensive vegetation.	The existing settlement boundary protects surrounding agricultural land from urban encroachment.	There is no existing or planned strategic infrastructure within or close to Ocean Grove under threat from urban encroachment that would justify a change to the existing settlement boundary.	The existing settlement boundary limits further urban expansion into areas of identified environmental risk.

Point Lonsdale

The existing settlement boundary protects the environmental features of state, national and international significance that surround the village on all sides from urban encroachment.	The existing settlement boundary helps to protect the highly valued landscape within which Point Lonsdale is set from further urban encroachment.	The existing settlement boundary helps protect areas of Aboriginal cultural heritage significance located within and around the village from urban encroachment.	Point Lonsdale's valued post-contact heritage and settlement character do not affect the location of the existing settlement boundary.	The existing settlement boundary protects the surrounding agricultural land from urban encroachment and potential land use conflicts between residential and agricultural uses.	There is no existing or planned strategic infrastructure within or close to Point Lonsdale under threat from urban encroachment that would justify a change to the existing settlement boundary.	The existing settlement boundary prevents urban expansion into areas subject to significant environmental risks on its land sides.
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Portarlington

The existing settlement boundary helps protect the only remaining remnant Damp Sands Herb-rich Woodlands (EVC3) from urban encroachment.	The existing settlement boundary preserves Portarlington's rural skyline and rural setting, green breaks and the Murradoc Hill landscape from urban encroachment.	The existing settlement boundary helps protect areas of Aboriginal cultural heritage significance surrounding Portarlington from urban encroachment.	Portarlington's valued post-contact heritage and settlement character do not affect the location of the existing settlement boundary.	The existing settlement boundary protects the surrounding rural land and extractive resources from urban encroachment.	The existing settlement boundary helps protect the Portarlington Wastewater Treatment Plant from potential land use conflicts from urban encroachment.	The existing settlement boundary helps prevent further urban development in areas of identified environmental risk.
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St Leonards

The existing settlement boundary excludes key environmental features around St Leonards, protecting them from urban encroachment.	The existing settlement boundary helps ensure St Leonards' rural, natural and coastal landscapes and green breaks are protected from urban encroachment.	The existing settlement boundary helps protect areas of Aboriginal cultural heritage significance located within and around the village from urban encroachment.	St Leonards valued post-contact heritage and settlement character do not affect the location of the existing settlement boundary.	The existing settlement boundary protects the surrounding agricultural land from urban encroachment and potential land use conflicts between residential, agricultural and natural resource uses.	The existing settlement boundary limits urban encroachment towards the Portarlington Wastewater Treatment Plant.	The existing settlement boundary prevents urban expansion into areas of identified environmental risk.
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