

Planning and Environment Act 1987

Advisory Committee Report: Part 1

**Surf Coast Statement of Planning Policy
Distinctive Areas and Landscapes Standing Advisory
Committee**

25 June 2021

Planning and Environment Act 1987

Advisory Committee Report: Part 1 pursuant to section 151 of the Act

Surf Coast Statement of Planning Policy

Distinctive Areas and Landscapes Standing Advisory Committee

25 June 2021

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Kathy Mitchell, Chair

A blue ink signature, appearing to read 'Tanya Burdett', written in a cursive style.

Tanya Burdett, Member

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Shannon Davies, Member

A black ink signature, appearing to read 'Peter Edwards', written in a cursive style.

Peter Edwards, Member

A black ink signature, appearing to read 'Ian Hamm', written in a cursive style.

Ian Hamm, Member

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Glossary and abbreviations

BMO	Bushfire Management Overlay
BPEM	Best Practice Environmental Management Guidelines for Urban Stormwater
Committee	Distinctive Areas and Landscapes Advisory Committee
D	Document Number
DAL	Distinctive Area and Landscape
DCPO	Development Contributions Plan Overlay
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
ESO	Environmental Significance Overlay
EVC	Ecological Vegetation Class
FRA	Future Residential Area
FZ	Farming Zone
Greater Geelong	Greater Geelong City Council
GRZ	General Residential Zone
GTA	Greater Torquay Alliance
LDRZ	Low Density Residential Zone
Minister	Minister for Planning
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
NVPP	Native Vegetation Precinct Plan
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PPN	Planning Practice Note
PPV	Planning Panels Victoria
PSP	Precinct Structure Plan
RAP	Registered Aboriginal Party

RCZ	Rural Conservation Zone
RPE	Responsible Public Entity/Entities
S	Submitter
SCEG	Surf Coast Energy Group
SLO	Significant Landscape Overlay
draft SPP	draft Statement of Planning Policy
Surf Coast	Surf Coast Shire Council
SUZ	Special Use Zone
TNEIA	Torquay North East Investigation Area
UGA	Urban Growth Area
UGZ	Urban Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
ViF	Victoria in Future
VPA	Victorian Planning Authority
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions
Woodland Concept	Spring Creek Community Urban Woodland Concept
WTOAC	Wadawurrung Traditional Owners Aboriginal Corporation

Overview

Project summary

The Project	Surf Coast Statement of Planning Policy and landscape planning controls
Common name	Distinctive Areas and Landscapes Standing Advisory Committee
Brief description	<p>The draft Statement of Planning Policy for the Surf Coast declared area creates a framework for the future use and development of land in the area</p> <p>The proposed landscape planning controls seek to implement the landscape policies in the draft SPP</p>
Subject land	Torquay/Jan Juc and surrounds
The Proponent	Minister for Planning
Exhibition	19 November 2020 to 29 January 2021
Submissions	Number of Submissions: 3,161 (See Appendix B)

Committee process

Committee Members	<p>Kathy Mitchell (Chair)</p> <p>Tanya Burdett</p> <p>Shannon Davies</p> <p>Peter Edwards</p> <p>Ian Hamm</p>
Directions Hearing	11 February 2021 by videoconference, convened on MS Teams
Committee Hearing	<p>15, 16, 17, 18, 22, 23, 24, 25, 29, 30, 31 March 2021</p> <p>7, 8, 9, 12, 13, 14, 15, 19, 20, 21, 22, 26, 27, 28, 29 April 2021</p> <p>All by videoconference, convened on Zoom</p>
Site inspections	<p>Unaccompanied, 11 March 2021</p> <p>Unaccompanied 19, 20 May 2021</p>
Appearances	Appendix C
Citation	DALSAC Surf Coast [2021] PPV
Date of this Report	25 June 2021

Executive summary

The Surf Coast

The Surf Coast, both the Shire and the wider region, is nationally and internationally recognised for its stunning landscape and features, as well as its renowned surfing history. The Shire comprises Torquay-Jan Juc as its main urban centre, as well as being its key tourism centre for surfing and other water based activity, and for walking trails, natural land forms and other emerging attractions such as wineries and food based enterprises. Torquay-Jan Juc is a popular tourism destination as well as being home to approximately 22,000 residents, many of whom have moved there in the past 10 years. It is, and will remain, a place that will attract more residents and a steady influx of tourists.

Distinctive Areas and Landscapes declaration

On 19 September 2019, the Surf Coast region was declared a *“distinctive area and landscape”* pursuant to section 46AO of the Planning and Environment Act 1987 (PE Act). That declaration was made by order of the Governor in Council published in the Victorian Government Gazette.

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) and describes the attributes that qualify the declared area as a distinctive area and landscape.

The declaration identifies the threats of significant or irreversible land use change, as described in section 46AP(2) of the PE Act, that would affect the environmental, social or economic values of the declared area.

Following this declaration, DELWP prepared a draft Surf Coast Statement of Planning Policy (draft SPP), together with proposed landscape planning controls.

Section 46AU of the PE Act states that the purpose of a SPP for a declared area 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”*.

Public exhibition and Standing Advisory Committee

The draft SPP and proposed landscape planning controls were subject to public consultation and written submission were sought and received.

By letter dated 8 November 2020, the Minister for Planning (Minister) referred the draft SPP and proposed landscape planning controls to the DAL Standing Advisory Committee (the Committee) for advice.

The Committee was requested to consider all written submissions received and to provide advice to the Minister on the rigour of the draft SPP and the proposed landscape controls in meeting the objects of section 46AN of the PE Act as outlined in the Committee’s Terms of Reference. The Committee’s advice was to include recommendations on any amendments needed to the draft SPP and the proposed landscape planning controls.

The Terms of Reference direct the Committee to provide a written report to the Minister which addresses (amongst other things):

- an assessment of relevant state and local policy for the referred matter
- recommendations to the Minister on the referred matter

- an assessment of submissions to the Committee.

Committee findings

The Committee recognises and accepts the declaration of the relevant area as a distinctive area and landscape is unequivocal, and not open to question in this process. The Committee has proceeded on the basis that the declared area has the attributes and distinctive features that are identified in the declaration made on 19 September 2019. It recognises and accepts the threats of significant land use change that are identified for the declared area.

The Committee has carried out its task of assessing the draft SPP and the proposed landscape controls with these matters firmly in mind.

However, the provisions of Part 3AAB of the PE Act do not override the other provisions of the PE Act, and nor in the Committee's view, do they require the Committee to disregard existing planning policy that applies to declared areas.

In assessing the draft SPP, the Committee has had regard to its purpose as identified in section 46AU of the PE Act, which is to provide a framework for the future use and development of land in the declared area to ensure its protection and conservation of the distinctive attributes of the declared area.

In that context, the Committee considers that any framework must consider existing planning policy, and that section 46AN (c) of the PE Act identifies that an objective of Part 3AAB is to *"enable the integration or policy development, implementation and decision-making for declared area under Statements of Planning Policy"*.

It also notes that pursuant to section 46AV(1), any SPP for a declared area must include a framework plan, and that pursuant to section 46AV(2), that 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 ..."*.

Accordingly, it is the Committee's view that, while the declaration of the area as an area of distinctive area and landscape is not open to question, it is still necessary to examine land to identify whether that particular land:

- possesses the distinctive attributes identified for the declared area
- is under threat of significant or irreversible land use change
- requires protection and conservation in the manner proposed by the draft SPP and the proposed landscape planning controls.

The letter of referral requires the Committee to advise on the rigour of the draft SPP and the proposed landscape planning controls in meeting the objects of Section 46AN of the PE Act, and any recommendations on any amendments needed to the draft SPP and the proposed landscape planning controls.

The SPP and Landscape controls

The Committee was presented with robust argument and competing submissions and evidence over 26 Hearing days in March and April 2021. Much of that argument, submissions and evidence addressed whether parts of the declared area should be regarded

as having attributes that requires it to be protected or conserved in the manner proposed by the draft SPP and the proposed landscape planning controls.

Those controls were largely embodied in a series of Significant Landscape Overlays (SLOs), and the way in which the SLOs were prepared and put forward at the Hearing was the subject of considerable discussion and debate.

Having considered all that argument, submissions and evidence, the Committee has concluded that not all the land in the declared area requires protection or conservation in the manner that has been proposed.

The landscape character and significance assessment that underpinned the draft SPP and proposed landscape planning controls was high level and generally thorough for policy purposes. However, it was not tested through independent evidence or peer review prior to being presented to the Committee. The Hearing revealed that assessment was insufficiently detailed, and ultimately the evidence presented to the Committee by the Proponent did not support the proposed widescale application of the proposed SLOs over much of the DAL area. Additionally, the Committee and submitters were not assisted by the fact that fully developed schedules of the proposed SLOs were not prepared and exhibited.

The landscape assessment did not evaluate in detail, or appropriately identify the gap or lack of protection provided by existing zoning and overlays nor did it consider individual site context.

Accordingly, the Committee did not find all of the proposed SLOs to be sufficiently robust to meet the objects of section 46AN of the PE Act. While SLO9 was largely uncontested, the widescale application of SLO8 and SLO10 requires further assessment and revision, as well as more targeted consultation with affected landowners, including the farming community in the south west areas of the declared area.

Spring Creek and other settlements

To provide this advice, the Committee has concluded that it is necessary to identify land within the declared area where growth and change could be achieved without comprising its identified attributes.

A key component of the Hearing related to land in the Urban Growth Zone in Spring Creek. That land has previously been subject to a rezoning and Precinct Structure Plan process. The draft SPP proposed two new options that would significantly change the residential development opportunities already afforded in the Planning Scheme to that land. However, the draft SPP did not include an option to retain this land as an area for urban development. The Committee consider this represents a significant shortcoming of the draft SPP.

The Committee received and considered many submissions about Spring Creek. Most came from existing Torquay-Jan Juc residents who opposed any significant urban development. Some of these were from long standing residents of the area, others were more recent. The vast majority of those submissions expressed the view that Spring Creek should be protected from any urban development. However, there were very few submissions from local businesses, including the surfing and related industry businesses.

The Committee recognises Torquay-Jan Juc and its surrounds is a special place that deserves recognition and, where appropriate, protection from inappropriate development. But Torquay-Jan Juc does not just belong to those residents who are fortunate enough to

already live there. It should not be excluded from future urban development where it can be demonstrated that such development would provide opportunities for economic and housing growth without compromising the identified attributes of the declared area. Planning is charged with providing for economic and housing growth, and with providing more diverse residential opportunities. This includes consolidation of already developed areas and allowing for diverse and affordable housing in a range of locations and opening new areas where appropriate.

All Victorian councils (metropolitan and regional) have an obligation to provide for growth. Planning for growth must be undertaken in an orderly manner and must have regard to the interests of existing and future generations. In the Surf Coast Shire, Torquay-Jan Juc is clearly the main urban centre. It is recognised in policy as a 'District Town' and is a popular place to live, due to its outstanding environmental and landscape assets.

This does not mean that growth can occur in any location and be unrestrained. The draft SPP provides for protected settlement boundaries and one of the Committee's roles is to provide advice to the Minister for Planning on where those boundaries should be.

The Committee considers it unfortunate that the long history of past planning processes and decisions for the Spring Creek area was revisited in the draft SPP. This process has opened old wounds and introduced new ones. The recent planning processes were extensive and, in the view of the Committee, both rigorous and comprehensive. The Committee is aware that some submitters disagree with the planning controls that emerged from those processes, but it is equally aware there are landowners and other submitters that not only support those controls, but have acted on the basis of a reasonable expectation that they would not be replaced with fundamentally different controls that restrict urban development opportunities.

The Committee advises that changes are needed to the draft SPP to strengthen its application and to properly provide for urban growth within the Spring Creek area, based on the extensive work already undertaken for that land through legitimate, fair and transparent strategic planning processes.

In summary, the advice of the Committee to the Minister for Planning is that:

- **Spring Creek:** the area already in the Urban Growth Zone should be included in the protected settlement boundary and be permitted to develop, subject to a further limited review of the Council adopted Precinct Structure Plan and Native Vegetation Precinct Plan. All other land in the Spring Creek Valley should be located outside the protected settlement boundary and then be reviewed as part of the 10 year strategic review of the DAL area. Application of SLO8 should not apply to Spring Creek. The Committee does not propose any changes to the areas south of Grossmans Road and to the west of the Spring Creek land (Rural Estates land).
- **Bellbrae and surrounds:** Bellbrae should be subject to a protected settlement boundary. The Strathmore Drive land should be able to develop for more conventional residential purposes. The application of SLO8 is not supported in this area, as it requires a finer grained assessment having regard to the fact that much of the Farming zoned land is already subject to a Vegetation Protection Overlay and a Bushfire Management Overlay. For similar reasons, the application of SLO10 is not

supported, except for the areas identified as being of national significance, noting that SLO1 already applies to land of state and national significance.

- **Area south of Armstrong Creek:** while this land was included in the Surf Coast declared area, it needs to be reviewed and considered as part of a City of Greater Geelong strategic review process. This land should not be included in a settlement boundary as part of this process.
- **Mount Duneed, Connewarre and Breamlea:** these small hamlets and villages should be included in a protected settlement boundary.
- **Messmate Road:** this area should be included in the protected settlement boundary from Messmate Road to the ridgeline (which needs further definition), but the area further north (Anseed land) should be excluded at this time until a further strategic review is undertaken.
- **Torquay North East Investigation Area:** this area needs significant further work (especially in terms of stormwater drainage) and should be retained as an 'Investigation Area' until a further strategic review is undertaken.
- **Central Torquay:** there is insufficient information in the draft SPP to provide justification for the residential change areas in Central Torquay-Jan Juc and this needs further review, including with targeted consultation with affected business and landowners. Further, any draft SPP should be consistent with the outcomes of the *Torquay – Jan Juc Retail and Employment Land Use Strategy*.

Other advice

The Committee's other advice to the Minister for Planning is that:

- The draft SPP should be refined and simplified prior to its implementation into the planning scheme.
- SLO8 should not proceed and SLO10 should only be applied to landscape of national significance.
- A Planning Practice Note should be prepared to assist in implementation of SPPs.

The formal recommendations of the Committee to the Minister for Planning reflect this advice.

Recommendations

Based on the reasons set out in this Report, the Committee makes the following recommendations:

1. **Delete the application of Significant Landscape Overlay 8.**
2. **Delete the application of Significant Landscape Overlay 9 from the Breamlea village.**
3. **Delete Significant Landscape Overlay 9 from areas within the foreshore areas of Torquay and Jan Juc that are in the Public Park and Recreation Zone.**
4. **Delete Significant Landscape Overlay 10 except where it applies to landscapes classified as nationally significant, and where the Committee specifically recommends it be deleted from a specific site.**

5. Prepare a Planning Practice Note to provide guidance and the rationale for preparing Significant Landscape Overlays for landscapes of significance within a declared area.
6. Amend draft Statement of Planning Policy Map 7: Biodiversity Values to clearly show boundaries of areas of biodiversity of low, medium and high value.
7. Provide advice in the draft Statement of Planning Policy about the scientific basis of the classifications of areas of biodiversity of low, medium and high value.
8. Amend draft Statement of Planning Policy Map 7: Biodiversity Values, and other maps as relevant to identify conservation reserves (including Grasstree Park, Dan's Reserve, Rice Reserve), networks of waterways and potential biolinks.
9. Recognise the surfing culture of Torquay-Jan Juc with specific objectives and strategies that embed the importance of this culture in the draft Statement of Planning Policy.
10. Amend the Statement of Planning Policy to remove specific reference to the transport corridor and transit hub and replace it with *"potential opportunity for improved transport connections to Torquay subject to further investigations"*.
11. Amend the draft Statement of Planning Policy to remove specific references to the proposed transport corridor from Armstrong Creek to Torquay and the transit hub to replace it with a notation that reads *"Potential opportunity for improved transport connections to Torquay subject to further investigations"*.
12. Remove all references to Option 1 and Option 2 in the draft Statement of Planning Policy.
13. Replace references to Options 1 and 2 in the draft Planning Policy with *"Spring Creek Future Residential Area and Precinct Structure Plan area"*.
14. Remove the protected settlement boundary designation from Duffields Road, Jan Juc.
15. Maintain the application of the western protected settlement boundary of the Spring Creek land, as provided in Map 3 Framework Plan of the draft Planning Policy.
16. Review and resolve the Spring Creek Precinct Structure Plan within a six month time frame through a targeted and collaborative approach between landowners and agencies (only) that focusses on review of:
 - a) Protection of the Bellarine Yellow Gums through a review of the Grassy Woodland Ecological Vegetation Class and all Bellarine Yellow Gums, and how they might remain on site based on a revised buffer zone area for the Creek area and through providing biolinks.
 - b) Review the setback of residential development from Great Ocean Road, Duffields Road and the western site boundary, including whether a lower density built form should border all major interfaces.
 - c) Determine whether a shared walking/cycling path be provided to buffer the Great Ocean Road to the site.

- 17. Delete Significant Landscape Overlay 10 from the land at 125 and 135 Strathmore Drive, Jan Juc.**
- 18. Include the land at 125 and 135 Strathmore Drive, Jan Juc in the protected settlement boundary to facilitate conventional residential development on this site.**
- 19. Delete Significant Landscape Overlay 10 from the land at 615 Great Ocean Road, Bellbrae.**
- 20. Undertake targeted consultation with affected landowners and farmers regarding Significant Landscape Overlay 8 (if the primary recommendation of the Committee to not support Significant Landscape Overlay 8 is not accepted).**
- 21. Review Significant Landscape Overlay 8 to provide for greater simplicity and flexibility for agricultural uses (if the primary recommendation of the Committee to not support Significant Landscape Overlay 8 is not accepted).**
- 22. Delete Significant Landscape Overlay 10 from land at 555 Great Ocean Road, Bellbrae.**
- 23. Delete reference to the land south of the Armstrong Creek Urban Growth Area in the draft Statement of Planning Policy.**
- 24. Include Mount Duneed and Connewarre a protected settlement boundary.**
- 25. Finalise the boundary for the Messmate Road Future Residential Area through closer definition of the ridgeline (based on the evidence of Mr Schutt).**
- 26. Retain the Torquay North East Investigation Area in the draft Statement of Planning Policy Framework Plan.**
- 27. Remove all discussion in Settlements about Torquay-Jan Juc district town from the draft Statement of Planning Policy, apart from the Coastal character statement.**
- 28. Adopt Tables 9 and 10 as the final position of the Committee in relation to its review, findings and recommendations of the draft Statement of Planning Policy, the Significant Landscape Overlays and their proposed implementation.**

PART A: BACKGROUND

1 Introduction

1.1 Standing Advisory Committee and Terms of Reference

The Distinctive Area and Landscape (the DAL) Standing Advisory Committee (the Committee) was appointed by the Minister for Planning (the Minister) on 28 June 2020 under section 151 of the *Planning and Environment Act 1987* (the PE Act). The Committee was asked to advise on the rigour of any policy proposed in a draft Statement of Planning Policy (the draft SPP) for the Surf Coast.

The Minister issued Terms of Reference on 28 June 2020 (Appendix A1).

The draft SPP and the proposed landscape planning controls (the Project) were referred to the Committee by the Minister on 8 November 2020 (Document [D] 1) (Appendix A2). The letter of referral requires the Committee to advise on the adequacy of the proposed landscape planning controls in meeting the objects of section 46AN of the PE Act, and in meeting any other planning policy or implementation requirements. The Committee was also asked to make recommendations on any amendments needed to the draft SPP and the proposed landscape planning controls.

The Proponent for the Project is the Minister and he was assisted by the Department of Environment, Land Water and Planning (DELWP). This Project primarily affects land in and around Torquay in the Surf Coast Shire and a small parcel of land south of Armstrong Creek in the City of Greater Geelong.

The Committee members that presided over the Surf Coast DAL referral comprise:

- Kathy Mitchell (Chair)
- Tanya Burdett
- Shannon Davies
- Peter Edwards
- Ian Hamm.

The Committee was assisted by Andrea Harwood (Senior Project Manager) and Georgia Thomas (Project Officer) from the office of Planning Panels Victoria (PPV).

The Terms of Reference require the Committee to undertake its work in three stages as follows:

- Notice and submissions
- Public Hearing
- Outcomes.

The Committee provides a summary response to its Terms of Reference in Chapter 23.5.

This report is Part 1 of 2, with Part 2 comprising all appendices.

1.2 Public notice and submissions

Consistent with Clause 18 of the Terms of Reference, the Project (including amended planning controls) and associated background documents were publicly exhibited on the Engage Victoria website between 19 November 2020 and 29 January 2021.

PPV received a total of 3,161 submissions (notated as S) through the public notice period and are recorded at Appendix B, including two late submissions.

1.3 Hearings and inspections

Clause 24 of the Terms of Reference provide that the Committee may carry out a directions hearing and a public hearing.

A Directions Hearing was held on 11 February 2021 over videoconference.

The public hearing was held over 26 days by Zoom video link between 15 March and 29 April 2021 to hear and consider submissions and evidence (the Hearing). The parties to the Hearing are identified in Appendix C. Over 190 parties submitted a request to be heard. Thirty-eight parties did not appear at their allocated time at the Hearing.

The Committee undertook an unaccompanied site inspection of the Project area on Thursday 11 March 2021. Parties were provided an opportunity to nominate site inspection locations. Seventeen parties took up this opportunity, and key areas and locations inspected included:

- Mt Duneed Road and surrounds
- Bellbrae
- Bells Beach
- Strathmore Drive
- Christian College Torquay
- Spring Creek area
- Jan Juc Activity Centre
- Bird Rock Lookout area
- Ocean Acres Estate
- Messmate Road
- Surf Coast Highway and Surf City
- Bell Street/Esplanade/Gilbert Street
- Point Danger
- North East Future residential area
- Karaaf wetland area
- Breamlea Flora and Fauna reserve
- Connewarre settlement area
- Thacker Street (Bellarine Yellow Gums) area.

At the request of the Committee, the Proponent prepared an inspection itinerary (D63) based on areas that parties sought the Committee to visit. The itinerary was later updated to cross reference the submitters and submission numbers of those who nominated sites for inspection and to remove personal commentary by the authors (D100 and D101).

The Committee then undertook two days of further unaccompanied inspections on 19 and 20 May 2021. These inspections were targeted at the various sites and areas raised during the course of the Hearing and were generally similar to those inspected before the Hearing but in further detail.

The Committee sought permission from representatives of three landowners (Zeally, Duffields Road and Mack) to enter their land at Spring Creek to view the internal layout and

to view the Creek in its valley setting. There was no discussion with the two people who provided access to that land and the Committee found those inspections to be useful in understanding and assessing the submissions and evidence provided at the Hearing.

1.4 Procedural issues

(i) Declarations

At the Directions Hearing held on 11 February 2021, the Committee made these declarations:

- Two submitters are sessional members of PPV:
 - Mr Merrett made three submissions, one a personal submission (S2592), two on behalf of clients (S3093 and S3121). Mr Merrett presented his personal submission and Mr Carey of Minter Ellison Lawyers presented the other two.
 - Dr Gorski made a personal submission (S2788). At the time of the Directions Hearing, Dr Gorski was sitting with the Chair on the Crib Point EES Project, the Hearings of which were held in October to December 2020. The Crib Point Inquiry and Advisory Committee finalised its report on 23 February 2021. The Chair was not aware Dr Gorski had made a submission until just before the Directions Hearing when she advised the Chair by telephone while discussing matters about Crib Point Project. The Chair had no further discussions or comments about the Project with Dr Gorski.
- The Chair has undertaken numerous matters for PPV in the Greater Geelong and Surf Coast area in the past, including the Cape Otway Road Australia (CORA) Development Advisory Committee of 2019-2020, the Armstrong Creek Framework Plan (Amendment C138), various other Armstrong Creek precinct plans, and Amendment C6 to the Surf Coast Planning Scheme regarding the industrial estate.
- Ms Davies runs a small planning practice in Gippsland and one of her clients engaged Mr Cicero, author of S2884 and S491. Prior to the Directions Hearing, Ms Davies had some direct conversations with Mr Cicero relating to her clients interests in the Warragul Growth Area. Mr Cicero engaged Counsel to appear on behalf of one of his clients at this Hearing (Zeally/Duffields Road, S2884), and spoke to another (Mennoty, S491). Ms Davies undertook to have no communications with Mr Cicero for the duration of these proceedings.
- In 2019 Ms Davies engaged Ecology & Heritage Partners to complete a background report for a project that she was working on. This same firm has prepared a background report for DELWP titled 'Ecological Opportunities and Constraints Assessment'. The authors of the DELWP report are not the same as those engaged by Ms Davies and that project is unrelated to the Surf Coast DAL.
- Ms Burdett previously worked as a sub-consultant to Capire Consulting Group, who prepared two Engagement reports for DELWP, in 2017 to 2019. Ms Burdett's work included community engagement assistance for the North Fitzroy Gasworks remediation project and City of Yarra Aged Care Services Community Panel.

No party or submitter raised any questions or issues about these declarations at the Directions Hearing, or at any stage of the Hearing.

(ii) Scope of Advisory Committee

There was significant discussion at the Hearing about the scope of what the Committee could consider and make recommendations on in the context of its Terms of Reference. The Committee retained Mr Tweedie SC to provide advice on this issue, and the issue is considered by the Committee in Chapter 6.

(iii) Lack of detail in the draft SPP and the SLOs

One of the issues facing the Committee was the lack of detail in the SLOs and the responsiveness of the Proponent in assisting the Committee to appreciate the implications of what was before it.

This came to a head towards the end of the Hearing when the Committee sought a specific response from the Proponent about the detail of the draft SPP and the three SLOs. This came on the back of the Committee asking Mr Woodland (planning expert for the proponent) a number of questions about how the draft SPP would work in practice.

Specifically, the Committee sought advice on:

Implementation

1. How the proposed Statement of Planning Policy (SPP) will be implemented in the Surf Coast and Greater Geelong Planning Schemes.
2. Its recommended version of the SPP and the Significant Landscape Overlays that it considers is a suitable form to be adopted and implemented (showing track changes to all relevant exhibited documents).
3. The process and timing of the implementation.
4. Its draft recommendations (on a without prejudice basis) on its position in relation to the issues raised so far by various submitters and expert witnesses¹.

The proponent provided its response on 23 April 2021 (D260) and made a number of comments, including:

4. In particular, question 2 and 4 of the direction request the Minister's position on substantive issues and recommendations to the draft Statement of Planning Policy and Significant Landscape Overlays based on the submissions and evidence to date. The Minister is not in a position to provide a detailed response to these questions as the presentation of submissions and evidence has not yet concluded. The Minister does not wish to prejudice the submissions of the submitters who have already made their submissions and did not have the benefit of this information. Similarly, neither does the Minister wish to pre-empt or limit the Advisory Committee's advice.
5. The ultimate decision on the draft Statement of Planning Policy will be informed by all the submissions and evidence before the Advisory Committee, and the Advisory Committee's final report as well as further feedback received from the Wadawurrung and responsible public entities and the that (sic) opted to not provide a written submission as part of the Advisory Committee process.
19. The Surf Coast Statement of Planning Policy and proposed landscape planning controls will be finalised following the conclusion of the public consultation phase of the project that includes this Advisory Committee process. The precise changes to the exhibited Statement of Planning Policy and proposed landscape planning controls will be made following the Minister's consideration of and response to the

¹ Document 226

recommendations of the Advisory Committee. The views of the Wadawurrung, state government agencies, and other responsible public entities that did not provide a written submission to the Advisory Committee will be also be taken into account.

22. It is neither the Minister or the Department's expectation that the Advisory Committee prepare a comprehensive tracked changes version of the Statement of Planning Policy as part of its recommendations, nor do we consider that this is required pursuant to the Committee's Terms of Reference. This position is also consistent with the purpose of the draft Statement of Planning Policy as a broad overarching policy document that aims to provide the underpinning for future more detail-oriented decision-making. However, the Advisory Committee is free to document any of its recommended proposals for consideration by tracking changes on the exhibited documents

31. For the reasons set out at paragraphs 4 and 5 above, we are instructed that the Minister is not able to confirm his position in relation to the issues raised by various submitters and expert witnesses prior to the conclusion of the Advisory Committee process (including the hearing of all oral submissions and evidence), and receipt of the Advisory Committee's final report².

The Proponent provided several attachments to D260 that included a Future Work Table and a response to recommendations arising from the evidence of Mr Woodland, Mr Hazell, Ms Scott and Professor Fletcher. The Committee was advised further work required for the draft SPP (including updating the protected settlement boundaries) would take in the order of one to three months, the work for a planning scheme amendment to implement the draft SPP up to six months and then other strategic work, including updating the Surf Coast and Greater Geelong Planning Schemes up to 24 months.

Even though the Proponent did not offer any changes to the planning documents, it made the following statement about what the Committee might do:

It is envisaged that supporting materials will be developed and available to aid implementation. The Department recognises the need for coordinated implementation, and is open to receiving advice from the Advisory Committee on mechanisms that may be required to achieve this³.

However, the Advisory Committee is free to document any of its recommended proposals for consideration by tracking changes on the exhibited documents⁴.

In its closing submission, the Proponent suggested that the Committee may like to comment on a Practice Note that is currently being prepared by DELWP. It said:

36. The Department is in the process of preparing a Practice Note to provide guidance in relation to the s46AZI review process as well as the process required to amend a Statement of Planning Policy. Any suggestions the Committee may have as to the contents of such a Practice Note are welcomed⁵.

While not specifically discussed at the Hearing, the Proponent's response also included the following comment:

² Document 260

³ Document 260, para 17

⁴ Document 260, part para 22

⁵ Document 332, para 36

The status of the Statement of Planning Policy and the weight it should be afforded in planning matters would also be communicated to VCAT and Planning Panels Victoria⁶.

In relation to Responsible Public Entities (RPE) (Question 6 in the Committee's request for further information, D226), the Committee received this response, which also had not been raised at the Hearing:

The Surf Coast declared area includes 13 RPEs. Of the 13, four provided written submissions to the Advisory Committee on the draft Statement of Planning Policy and proposed landscape planning controls; **eight provided comments to the Department outside of this process** and one has not responded in writing⁷.
[Committee emphasis]

The Committee is perplexed that there appears to be so much more work to do with regard to the Surf Coast DAL, much of which is to be prepared after this report is submitted, and presumably without further consultation. While the Committee accepts this is not a normal Planning Scheme Amendment process, the end result of the draft SPP and SLOs may have a significant impact on the form of future development in Torquay-Jan Juc in particular.

The Committee would have thought that fully drafted SLOs, a Practice Note detailing the weight that should be afforded to the draft SPP and a clear understanding of further work and the consequences of that work for the implementation of these, could and should have been provided to it.

The final thoughts of the Proponent would have assisted the Committee and other parties to better consider and comment upon the path forward.

1.5 Approach to report

The Hearing occupied 26 days across six weeks, and the Committee received a considerable volume of material both before and during the Hearing. The Committee has reviewed and considered all submissions, evidence and tabled documents. These include:

- 3,161 submissions
- 19 statements of evidence
- 338 tabled documents.

While most of the written submissions related to Spring Creek (and indeed, in his submission, Mr Morris for Zeally/Duffields Road noted the Hearing would likely have lasted one week, not six, if the Spring Creek issue had not been re-opened), the Committee has been cognisant to group the submissions and evidence into key themes.

It is important to note that while most submissions are not acknowledged or mentioned by name or submission number, the key issues and themes that have emerged through this process are well explored and addressed in this report.

Unusually, there were numerous submitters who did not attend to present to the Committee at their allotted time, many of whom did not advise the office of PPV of their intention to not appear. For example, on Days 24 and 25, approximately 47 submitters were

⁶ Document 260, para 25

⁷ Document 260, para 44

scheduled to attend, of whom many did not attend or provide notice they were not able to attend. This level of non-attendance was both surprising, and disappointing.

Almost all submitters who attended, or were to attend, on those days made submissions in support of Option 2 for Spring Creek which provides for a 'green break area'.

This Part 1 report comprises 23 chapters in four parts:

- Part A: Background
- Part B: Threshold issues
- Part C: Site specific issues
- Part D: Implementation.

Part A provides the background to the Committee, the legislative and planning context of the draft SPP, the proposed SLOs, and the relevant planning policy and context.

Part B highlights the key threshold issues that require consideration, these include:

- role of the Committee and its Terms of Reference (Chapter 6)
- the Statement of Planning Policy (Chapter 7)
- land supply and population (Chapter 8)
- landscape and visual (Chapter 9)
- ecology and biodiversity (Chapter 10)
- bushfire (Chapter 11)
- cultural and social heritage (Chapter 12)
- civil engineering (Chapter 13).

Having dealt with the key threshold issues, the Committee provides its review and response of the key issues raised in relation to specific geographic areas in Part C.

The site specific issues to be resolved relate to:

- Spring Creek (Chapter 14)
- Areas in proximity to Spring Creek (Chapter 15)
- Strathmore Drive land (Chapter 16)
- Bellbrae and hinterland (Chapter 17)
- Land south of the Armstrong Creek Growth Area (Chapter 18)
- Mount Duneed, Connewarre and Breamlea (Chapter 19)
- Messmate Road and hinterland (Chapter 20)
- Torquay North East Investigation Area (Chapter 21)
- Central Torquay (Chapter 22).

The final chapter in Part D relates to Implementation, in particular, the draft SPP, the three SLOs and the response of the Committee to its Terms of Reference.

The Committee thanks all submitters, advocates, and witnesses for their input into this process and for the way in which all have contributed to what was a seamless Hearing process, especially given the difficulties with it being exclusively on-line over a long time period.

2 Legislative and planning context

2.1 *Planning and Environment Act 1987*

In May 2018, the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* amended the PE Act by inserting Part 3AAB – Distinctive areas and landscapes.

Part 3AAB establishes a process for the protection of areas around metropolitan Melbourne and Victoria's regional cities which have distinctive natural and cultural landscapes. It provides a mechanism for safeguarding the social, environmental, economic and cultural values in those identified and declared key areas. The areas considered to be most in need of protection are within Victoria's peri-urban areas.

Section 46AN identifies the objects of Part 3AAB, as follows:

- a) 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; and
- b) To enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas; and
- c) To enable the integration of policy development, implementation and decision-making for declared areas under Statements of Planning Policy; and
- d) To recognise the connection and stewardship of traditional owners in relation to land in declared areas.

The identification of a distinctive area and landscape is achieved by way of section 46AO(1) which provides that the Governor in Council, on the recommendation of the Minister, may declare an area to be a 'distinctive area and landscape'.

Before making a recommendation, the Minister must be satisfied the area has a majority of the following attributes identified in section 46AP(1), which are:

- 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.

To recommend that an area be declared as a distinctive area and landscape, the Minister must be satisfied an area is under threat of significant or irreversible land use change that would affect the environmental, social or economic values of the area, whether the threat arises from land use conflicts, or multiple land use changes over time, or any other prescribed land use threat⁸.

The Committee is not required to consider or provide any comment as to the making of the relevant declaration. It simply proceeds upon the basis that the relevant area is a declared area for the purposes of Part 3AAB of the PE Act.

⁸ *Planning and Environment Act 1987*, s 46AP(2).

(i) Statement of Planning Policy

The Minister must prepare a SPP for a declared area⁹.

The purpose of a SPP is to create a framework for the future use and development of land and to ensure the protection and conservation of the distinctive attributes of the declared area¹⁰. The 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 area¹¹.

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 area¹².

The framework plan may specify settlement boundaries or designate specific settlement boundaries in the declared area as protected settlement boundaries¹³.

(ii) Effect of a draft 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 notice¹⁴. Once in effect, the SPP is taken to form part of the State standard provisions of the Victorian Planning Provisions (VPP)¹⁵.

The Minister must prepare a planning scheme amendment to give effect to the SPP and for that purpose Part 3 'Adoption and approval of amendments' (except Divisions 1 and 2 and sections 39(1) to 39(5)) of the PE Act applies to the amendment¹⁶.

Once approved, the Minister must not approve a planning scheme amendment to a declared area planning scheme if the amendment is inconsistent with a SPP for that declared area¹⁷. A responsible public entity (RPE) which is a planning authority must not prepare a planning

⁹ *Planning and Environment Act 1987*, s 46AT(1).

¹⁰ *Planning and Environment Act 1987*, s 46AU.

¹¹ *Planning and Environment Act 1987*, s 46AU.

¹² *Planning and Environment Act 1987*, s 46AV(2)(a).

¹³ *Planning and Environment Act 1987*, s 46AV(2)(b).

¹⁴ *Planning and Environment Act 1987*, s 46AZ(1)(a) and (b).

¹⁵ *Planning and Environment Act 1987*, s 46AZ(2).

¹⁶ *Planning and Environment Act 1987*, s 46AZB(1)(a) and (b), (2).

¹⁷ *Planning and Environment Act 1987*, s 46AZC(1).

scheme 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 RPE¹⁸.

(iii) Consultation

When preparing a SPP for a declared area, the Minister must consult with each RPE for the area, the local community and any other person or entity that the Minister considers may be affected by the SPP¹⁹.

(iv) Endorsement and approval of a draft SPP

The Minister must give a copy of the draft SPP to each RPE specified in the Statement of Planning Policy for endorsement by that entity and the Minister responsible for that entity²⁰. The Minister responsible for a RPE may give a written direction to that entity in relation to the endorsement of the draft SPP²¹.

The Governor in Council may approve a SPP that has been endorsed in accordance with section 46AX²².

The declaration of the declared area lapses if the SPP is not endorsed in accordance with section 46AX and approved in accordance with section 46AY within one year after the declaration of the area under section 46AO takes effect, or such other period (not exceeding two years) approved by the Governor in Council.²³ The Minister must complete a review of the SPP no later than 10 years after the commencement of the statement²⁴.

(v) Obligations of Responsible Public Entities

Section 46AZK provides that RPEs must 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 area²⁵.

¹⁸ *Planning and Environment Act 1987*, s 46AZC(2).

¹⁹ *Planning and Environment Act 1987*, s 46AW.

²⁰ *Planning and Environment Act 1987*, s 46AX(1).

²¹ *Planning and Environment Act 1987*, s 46AX(2).

²² *Planning and Environment Act 1987*, s 46AY.

²³ *Planning and Environment Act 1987*, s 46AT(2)(a) and (b), (3).

²⁴ *Planning and Environment Act 1987*, s 46AZI(1).

²⁵ *Planning and Environment Act 1987*, s 46AZL.

2.2 Surf Coast Distinctive Area and Landscape declaration

The Surf Coast was declared a distinctive area and landscape on 19 December 2019. The declaration covers parts of Surf Coast Shire and City of Greater Geelong as shown on the Declared Area Map shown in Figure 1.

Figure 1 Surf Coast Declared Area map



Source: Part A Submission, Document 58

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

- a. The Surf Coast has natural landscapes of outstanding beauty and environmental, economic and cultural heritage values of state and national significance.

- 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. There are a number of nationally and state significant areas of biodiversity including the Point Addis Marine National Park, Point Danger Marine Sanctuary, Point Impossible, The Breamlea/Karaaf wetlands and associated estuaries. These areas provide important habitats to a variety of flora and fauna including endangered and threatened species like the Hooded Plover, Bellarine Yellow Gum and the critically endangered Orange-Bellied Parrot.
- d. The Great Ocean Road, which begins in Torquay, is registered on the National Heritage list. The Road is a highly important destination for local and overseas visitors. The history and construction of the Road was important for the development of the state and opening the region to tourism.
- e. There are many high quality surfing beaches within the area, including Bells Beach, which hosts international surfing events. The Surf Coast is synonymous with surfing, is an important aspect of the development of the area as a holiday destination and forms part of the cultural identity of the Surf Coast.

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).

As required by section 46AO(2), the declaration specified attributes as listed under section 46AP(1) that qualify the area as a distinctive area and landscape, shown in Table 1:

Table 1 Attributes qualifying declared area as a distinctive area and landscape

Item	Attribute	Distinctive Feature
1	Outstanding Environmental Significance	<ul style="list-style-type: none"> (a) Creeks, wetlands, saltmarshes, woodlands and beaches in the area provide habitat for numerous state and national threatened species. (b) Areas of biodiversity significance include Point Addis Marine National Park, Point Danger Marine Sanctuary, Point Impossible, Karaaf wetlands, Breamlea Flora and Fauna Reserve, Thompson Creek, Deep Creek, remnant vegetation west of Torquay-Jan Juc.
2	Significant Geographical Features, including Natural Landforms	<ul style="list-style-type: none"> (a) Landscape includes areas of state and national significance, particularly along the coastline. (b) Bells Beach, the surrounding rugged coastline and hinterland offers scenic views from landmark cliffs, points and lookouts that define the character of the area. (c) Landscape character is highly visible from main road corridors.
3	Heritage and Cultural Significance	<ul style="list-style-type: none"> (a) The region has extensive heritage and cultural value, ranging from areas of Aboriginal heritage significance, renowned surfing locations and shipwrecks along the coastline. (b) Coastal areas and waterways contain significant Aboriginal heritage value and are gathering places for the Wadawurrung people. (c) Bells Beach is an area of state heritage significance and included on the Victorian Heritage Register for its surfing, cultural and aesthetic heritage values. (d) The Great Ocean Road is included on the National Heritage List – it serves as a memorial to Australian servicemen in the First World War and enables access to spectacular natural scenery.

Item	Attribute	Distinctive Feature
4	Natural Resources or Productive Land of Significance	(a) Surf Coast is a major nature-based tourism destination of state significance, with tourism assets including Bells Beach, the Great Ocean Road and Torquay-Jan Juc (b) Extractive industries in the area are significant, particularly for their contribution to Victoria's supply of limestone.
5	Strategic Infrastructure or Built Form of Significance	(a) The Great Ocean Road is strategic infrastructure of national significance and is an important aspect of the tourism economy. (b) Surf Coast Highway and Anglesea Road also form part of the state transport network which is critical for the function of the Surf Coast.

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.

3 Draft Statement of Planning Policy

The *Surf Coast Distinctive Area and Landscape draft Statement of Planning Policy, November 2020* (draft SPP) was prepared by DELWP. The draft SPP preamble notes the draft SPP was prepared “*in collaboration with the Surf Coast Shire Council and Greater City Geelong Council*”. It further noted two phases of consultation undertaken by DELWP prior to the preparation of the draft SPP.

3.1 Vision

As required by section 46AV(1)(a) of the PE Act, the draft SPP 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:

- **Aboriginal cultural heritage**
Wadawurrung rights to self-determination are respected, and Wadawurrung knowledge and practices inform planning, land and waters management decisions.
- **Environment and biodiversity**
Native vegetation is restored and regenerated to contribute to the area’s ecosystems and biodiversity and ensuring that the area’s distinctive places (which include Point Addis Marine National Park, Karaaf Wetlands and Breamlea Flora and Fauna Reserve) flourish.
- **Environmental risks and resilience**
The declared area is resilient to impacts of climate change and greenhouse gas emissions are minimised, while best practice approaches to environmentally sustainable design and development are prioritised.
- **Historic heritage**
Historic sites including Bells Beach and the Great Ocean Road are respected and celebrated, and the area’s surfing history, culture and attractions create a strong sense of place for the area.
- **Landscape significance**
The landscapes of the declared area are protected and renowned for their scenic beauty, contribution to the area’s ecosystem and link to Wadawurrung cultural heritage. Coastal settings, views, woodlands, wetlands and rural vistas between settlements are highly valued.
- **Natural resources and productive land of significance**
The area supports a flourishing and prosperous economy based on sustainable and responsible tourism, agriculture and natural resources, manufacturing and other key industries.
- **Strategic infrastructure and built form of significance**
Torquay-Jan Juc is a vibrant and cohesive regional service centre that supports the needs of residents and the tourism economic and is well-connected to the surrounding area. Development is sympathetic to the coastal and hinterland landscape setting.

3.2 Wadawurrung Statement of Significance

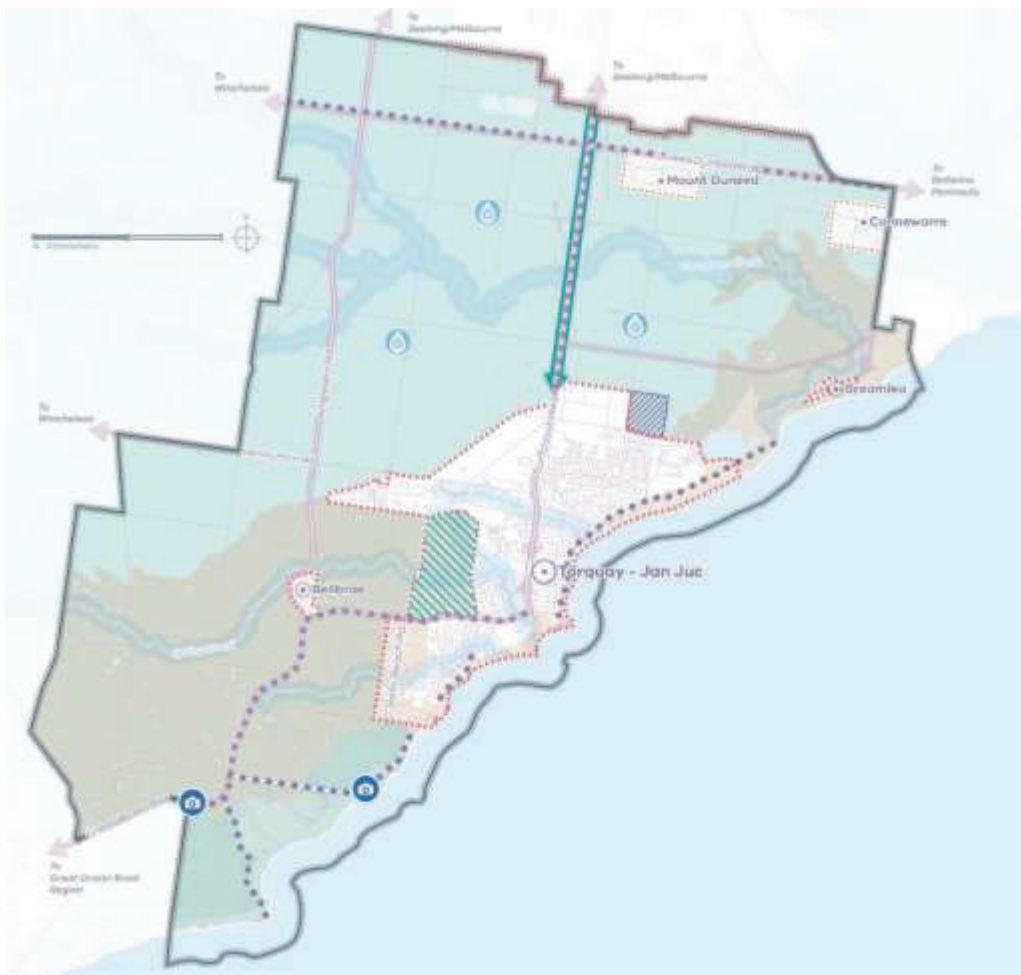
The draft SPP sets out a statement of significance of Wadawurrung Country and the area to the Traditional Owners in both traditional language and in English translation as provided for in section 46AO(1)(d)(ii) of the PE Act.

3.3 Declared Area Framework Plans

Consistent with sections 46AV(1)(d) and (2) of the PE Act, the draft SPP 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 10 to 15 which are the proposed settlement maps for Torquay-Jan Juc (two options), Bellbrae, Breamlea, Connewarre and Mount Duneed.

Figure 2 Proposed Surf Coast declared area framework plan



Source: Draft Statement of Planning Policy, Map 3

The framework plan, set out in 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.

(i) Settlement boundaries

One of the key elements of the draft SPP is the use of settlement boundaries and protected boundaries which is provided for in subdivision 3 of Part 3AAB of the PE Act.

The draft SPP notes the settlement boundaries are in part informed by the designation of settlements within a settlement hierarchy.

Torquay-Jan Juc is designated as a District Town, being a regional centre with a large, diverse population, employment and housing base which has strong relationships with surrounding settlements. It is the largest settlement in the declared area and will continue to provide housing and employment opportunities to support local and regional communities and the visitor economy.

Bellbrae and Breamlea are designated villages, being small settlements with low populations. They are designated for minimal change and no further greenfield growth.

Mount Duneed and Connewarre are designated as hamlets, a cluster of rural residential dwellings, which are not designated for growth.

A protected settlement boundary is proposed around the Bellbrae and Breamlea townships and Torquay-Jan Juc, omitting what is known as the Spring Creek land.

Two options were put forward by the Proponent with respect to future land use in Spring Creek, which is currently in the Urban Growth Zone (UGZ):

- Option 1 provides for low density ecological sustainable development with the current settlement boundary retained. This option identifies the need to revise the adopted Spring Creek Precinct Structure Plan (PSP) to provide for lower residential densities, larger lot sizes and vegetated buffers.
- Option 2 provides for a 'green break area' whereby the current settlement boundary is relocated to exclude the Spring Creek area which would form part of the surrounding green break between Torquay-Jan Juc and Bellbrae. The proposed protected settlement boundary would be applied at Duffields Road and the area between Duffields Road and Bellbrae would be rural land. Under this option, Spring Creek could be rezoned to allow for rural land use and development consistent with the purposes of the green break, such as the Rural Conservation Zone (RCZ).

The draft SPP includes the Messmate Road Future Residential Area (Messmate Road FRA) within the protected settlement boundary, designating the area as suitable for sympathetic urban growth comprising low-rise buildings, set within landscaped gardens, providing a transition area at the urban-rural interface.

The Torquay North East Investigation Area (TNEIA) is excluded from the protected settlement boundary, noting that further work is required to determine whether stormwater runoff can be adequately managed.

The northern boundary of the declared area abuts the Armstrong Creek Urban Growth Area (UGA) in Geelong. The draft SPP considers it is premature to determine the location of the settlement boundary for this area, reasoning that its location be informed by further strategic planning work led by the City of Greater Geelong in collaboration with DELWP and other relevant key stakeholders.

(ii) Significant landscapes

The framework plan identifies three significant landscapes:

- Bells Beach to Point Addis is identified as a nationally significant landscape
- Torquay Coast, Coastal Saltmarsh and Woodland landscape is identified as a State significant landscape
- the Mount Duneed Plain and surrounds landscape is identified as a regionally significant landscape.

3.4 Policy domains

The draft SPP 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. As provided for by section 46AV(1)(c), each decision-making objective is proposed to be binding on RPE, and the RPE must have regard for the strategies when performing a function or duty or exercising a power in relation to the declared area.

The following objectives of the eight policy domains are proposed to be binding on the RPE:

Environmental risks and resilience

To 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 conserve and enhance the declared area's significant landscapes.

Environment and biodiversity

To conserve and improve the environment and biodiversity 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 historic heritage values.

Tourism, agriculture and natural resources

To support a sustainable and responsible visitor economy that protects and promotes the landscape significance, environment and biodiversity values, Aboriginal cultural values and historic heritage values of the area.

To support a strong regional economy, including agriculture and natural resource industries that is compatible with the landscape significance, environment and biodiversity values, Aboriginal cultural heritage, and historic heritage values of the declared area.

Strategic infrastructure

To ensure the integrated provision of strategic infrastructure projects and enhances the declared area's distinctive attributes and values, while meeting community needs.

To maintain the role of Torquay-Jan Juc as a sustainable regional service that supports the community's social and economic needs and increases their resilience to climate change impacts.

Settlements

To plan and manage the sustainable growth of settlements in the declared area consistent with the protection of the area's landscape significance, environment and biodiversity values, Aboriginal cultural heritage and historic heritage values, and consistent with the unique character, role and function of each settlement.

4 Proposed landscape planning controls

4.1 Overview

The objective of the landscape policy domain in the draft SPP is:

To conserve and enhance the declared area's significant landscapes' and associated strategies to provide protection which accord with the level — national, state or regional — of landscape significance and ensure that development in green breaks between settlements responds to their surrounding landscape character²⁶.

The draft SPP was supported by Appendix 2 – Proposed Landscape Planning Controls which comprised three new SLOs for inclusion into the Surf Coast Planning Scheme. The proposed planning controls were intended to:

- implement policies in the draft SPP
- guide future use and development of land
- ensure protection and conservation of distinctive area and landscape attributes of the DAL area.

Appendix 2 was developed in a discussion paper format highlighting that the final wording of the resulting controls would be reflective of consultation as part of the DAL process. No formal SLO schedules, consistent with the usual style expected or consistent with Ministerial Direction on Form and Content was exhibited or provided during the Hearing.

The proposed controls comprise three new SLOs (Schedules 8, 9, 10) for the Surf Coast and Greater Geelong Planning Schemes which apply to landscapes considered to be of national or state significance. These seek to implement the landscape objective in the Surf Coast draft SPP *“to conserve and enhance the declared area's significant landscapes”* and associated strategies to provide protection for areas of recognised landscape significance and ensure development in green breaks responds to surrounding landscape character²⁷.

The proposed controls seek to:

- remove part of existing SLO Schedule 1 of the Surf Coast Planning Scheme which currently applies to land south of Jan Juc and near Point Addis Road. A new SLO Schedule 10 (SLO10) is proposed to apply to the Great Ocean Road and Coastal Environs: Bells Beach to Point Addis area.
- apply a new SLO Schedule 8 (SLO8) to the Surf Coast Planning Scheme to the Surf Coast Western Hinterland.
- apply a new SLO Schedule 9 (SLO9) to the Greater Geelong and Surf Coast Planning Scheme to the Torquay-Jan Juc Coast and Breamlea Saltmarshes.

Figure 3 shows the proposed SLOs.

The proposed SLOs each contain:

- a map identifying the area to which it applies
- a table which set out the nature and key elements of the landscape, including:
 - the characteristics to be conserved and enhanced
 - objectives to be achieved

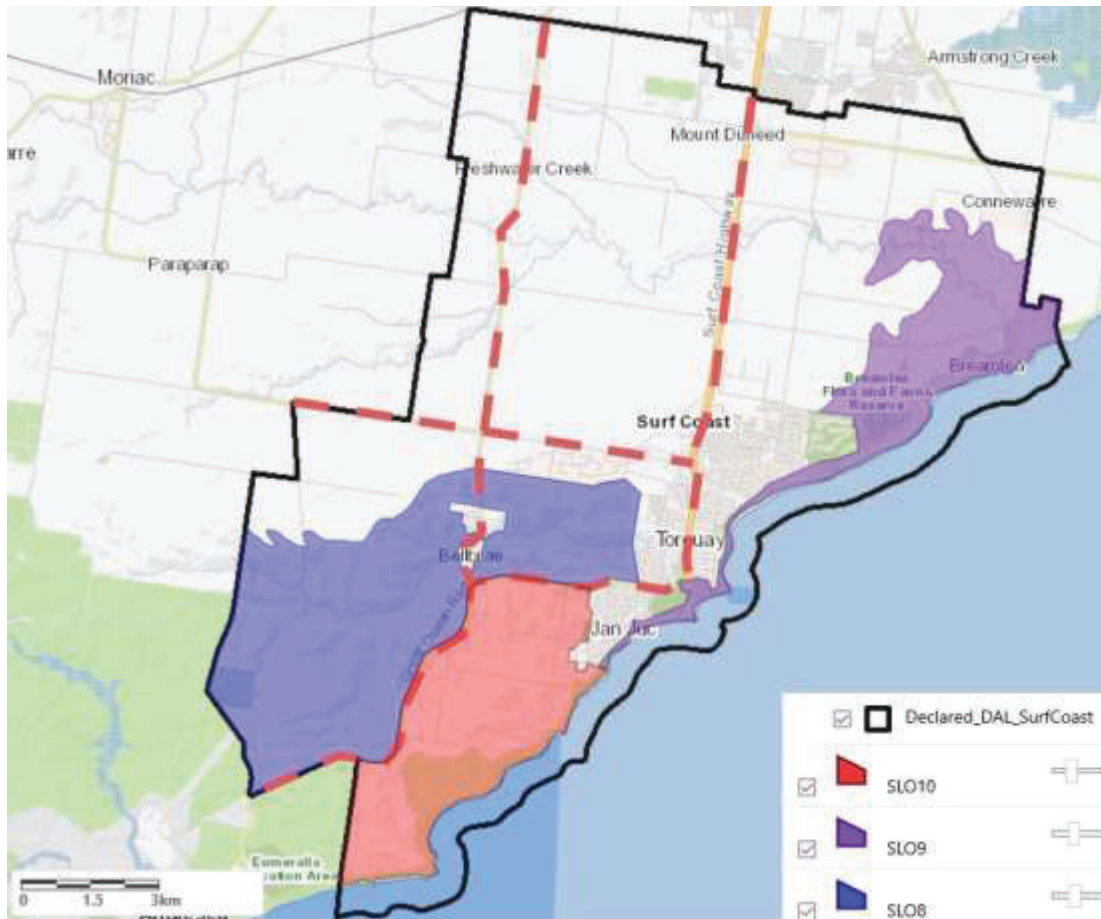
²⁶ Proposed Landscape Planning Controls

²⁷ Proposed Landscape Planning Controls

- permit and application requirements
- decision guidelines.

However, while this information was provided, the Committee considers it would have been more useful and informative to have the SLOs presented as full schedules so it, and all submitters, knew exactly the detail of each SLO.

Figure 3 Proposed Significant Landscape Overlays



Source: Proposed Landscape Planning Controls, Map A2

The Proponent outlined that the SLOs (8,9 and 10) would be finalised subsequent to the recommendations of the Committee. They explained that they SLOs would be implemented into the Planning Scheme in the first stage of implementation and would have no further exhibition or public consultation²⁸.

4.2 Determining the extent of the proposed SLOs

Several technical studies informed the draft SPP and proposed landscape planning controls, including:

- Township Character Assessment, February 2020 (Township Character Assessment), Ethos Urban
- Surf Coast Landscape Assessment Review: Volume 1²⁹ (Volume 1)

²⁸ Document 58

²⁹ Claire Scott Planning

- Surf Coast Landscape Assessment Review Statutory Implementation Package: Volume 2³⁰ (Volume 2)
- Surf Coast Landscape Assessment Review Statutory Implementation Package: Volume 3³¹ (Volume 3)
- Surf Coast Declaration Area: Boundaries Advice³² (Boundaries Advice)
- Landscape Assessment Review Stage 1: Scoping³³ (Scoping Report).

Volume 1 sets out the landscape character (Part 1), landscape significance (Part 2) and townships and the landscape (Part 3) of the DAL. Part 3 provided information to support the draft SPP statements on township character for Torquay-Jan Juc, Bellbrae, Bells Beach, Mount Duneed and Connewarre settlements, and described the relationships of townships to their landscape settings. Further, it provided:

- an approach to determine landscape character and significance
- historic changes to the methodology used drawing on similar landscape assessment work undertaken by the author, Ms Scott in 2003 and 2006
- updates to GIS mapping and landscape analysis from the earlier studies.

This work was supported by field surveys undertaken throughout 2019. Various landscape types and areas were assessed, and three landscapes were identified to be of particular significance:

- Bells Beach to Point Addis (national significance)
- Torquay Coast, Coastal Saltmarshes & Woodland (State significance)
- Mount Duneed Plain and Surrounds (regional significance).

These three landscape types formed the basis of the proposed SLOs.

The definition of 'significance' adopted in the report was:

Landscape significance is the designation of a particular landscape as special or important arising from its visual values, including its landscape features, edges or contrasts, and composition, with consideration of its other landscape values (i.e. cultural heritage, environmental, scientific, social etc.); and for its predominantly natural or undeveloped character, in which development is absent or clearly subordinate to its natural landscape qualities.

The approach to assessing 'landscape significance' was based on detailed field survey, review of community engagement findings and cultural landscape values. 'Significance' was assessed based on five values:

- visual (including landscape features, edges or contrasts, composition)
- cultural heritage
- environmental and scientific
- social
- other³⁴.

Levels of significance for landscape components were categorised as exemplary, iconic, scarce, and an overall significance level provided relating to a visual value of moderate/local

³⁰ Claire Scott Planning, Distinctive Areas & Landscapes

³¹ Document 59

³² Claire Scott Planning, Distinctive Areas & Landscapes

³³ Document 55

³⁴ Surf Coast Landscape Assessment Review: Volume 1

significance, high/regional significance and exceptional/state significance or higher³⁵. Visual values were prioritised in this assessment.

Volume 2 included confirmation and justification of noted landscapes of significance (Part 1) and key recommendations and implementation measures (Part 2). The focus was on translation of the Volume 1 assessment into landscape planning provisions for both the Surf Coast and Greater Geelong Planning Schemes.

Volume 2 discussed the existing SLOs and other overlay controls in the declared DAL area, and proposed augmentation of some, either as part of the draft SPP process or in the longer term. SLO1 was noted as an existing control intended to preserve and enhance the international significance of the Victorian south-west coastal landscape, particularly viewsheds of the Great Ocean Road, Bells Beach and coastal environs. However, the landscape assessment undertaken in Volume 1 and 2 proposed SLO10 cover the full landscape on the coastal side of the Great Ocean Road, regarded as highly significant in this assessment. Volume 2 recommended SLO1 remain in place for other areas in the Surf Coast, outside the DAL area.

Volume 2 provided commentary on current zoning and overlays in Surf Coast and Greater Geelong and identified other overlays which might perform a similar function to a SLO such as the Environmental Significance Overlay (ESO) and Vegetation Protection Overlay (VPO). Suggestions for alternate zones were provided in the context of settlement boundaries set out in the draft SPP, including in Mount Duneed and Spring Creek Valley.

Volume 2 set out justification for the three proposed SLOs and informed the proposed landscape planning controls, based on:

- the physical extent of the significant landscape;
- existing zoning provisions and planning permit triggers (and gaps in those provisions and policy);
- the location and content of existing SLOs and schedules;
- current or potential development pressure; and
- the character of the landscape, including its sensitivity to threats and ability to accommodate built form³⁶.

Volume 2 set out the approach to assessment and mapping 'landscape character' based on review of topography, geology, Ecological Vegetation Classes (EVC) and tree cover. Landscape types were discussed, including reference to water form, land use and built form, and key landscape viewing locations.

Volume 3 set out recommendations and implementation measures for proposed residential zones in various townships and settlements in the DAL area and proposed a RCZ over the Bells Beach to Point Addis and the Addiscott Road Estate.

Volume 3 did not form part of the exhibition material, rather it was tabled prior to the Hearing³⁷. It is understood Volume 3 was intended to inform the next stages of the DAL

³⁵ Claire Scott Planning Volume 1

³⁶ Volume 2, page 10

³⁷ Document 59

program, in particular, development and implementation of built form controls to protect township and neighbourhood character³⁸.

4.3 SLO8: Surf Coast Western Hinterland

SLO8 seeks to recognise and protect the Surf Coast Western Hinterland, which is part of the broader Torquay Coast, Coastal Saltmarsh and Woodland landscape. This landscape is identified as being of State-significance. SLO8 is proposed to be applied to areas inland from the Great Ocean Road, west of Torquay – Jan Juc and surrounds the Bellbrae settlement, and the existing SLO7 area north of Bellbrae. It seeks to protect the area from insensitive development, particularly along the Great Ocean Road, as well as existing native vegetation that contributes to the significance of the landscape.

As proposed, SLO8 applies to parts of the Surf Coast hinterland through which the Great Ocean Road passes, including the Spring Creek corridor, the existing UGZ1 land and the broader Spring Creek Valley west of the UGZ land to Bellbrae.

4.4 SLO9: Torquay – Jan Juc Coast and Breamlea Saltmarshes

SLO9 applies to both the Greater Geelong and Surf Coast Planning Schemes.

SLO9 seeks to recognise and protect the State-significant coastal landscape of Torquay – Jan Juc Coast through to the Breamlea Saltmarshes. It follows the coastline from Jan Juc to the eastern edge of the DAL and the Black Rock Water Reclamation Plant then extends inland three kilometres to cover the lower reaches of Thompson Creek, and cover the Karaaf Wetlands and Breamlea Flora and Fauna Reserve. The proposed landscape controls note that SLO9 will not apply to Breamlea, although the exhibited map 3 identifies Breamlea within the SLO9 area. SLO9 seeks to protect the foreshore in particular from “*insensitive development*”, ensure the vegetation along the foreshore and in the Karaaf Wetlands will continue to be one of the primary features of the landscape and protect the main view corridors.

4.5 SLO10: Great Ocean Road and Coastal Environs: Bells Beach to Point Addis

SLO10 seeks to recognise and protect the State and nationally significant landscape from Bells Beach to Point Addis. It applies to the area between the Great Ocean Road and that coastline from the western edge of the declared DAL area, to the western residential area of Jan Juc, including the Bells Beach Surfing Recreation Reserve. SLO10 is proposed to cover both private and public land, with some planning permit exemptions proposed for public land. It seeks to protect State and nationally significant landscape from development detrimental to its landscape setting, and to maintain and protect significant viewsheds and remnant vegetation and habitat.

³⁸ Document 58, page 16

5 Planning Policy context

5.1 Planning policy framework

The *Surf Coast Settlement Background Paper* outlined that planning for settlements within the Surf Coast 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 Surf Coast Planning Scheme and other supporting strategic documents³⁹.

The following state and regional planning scheme policies are relevant to determining settlement planning in the declared area:

(i) Clause 11 (Settlement)

The following clauses are relevant:

- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Settlement Geelong G21
- Clause 11.02-1S – Supply of urban land
- Clause 11.02-3S – Sequencing of development
- Clause 11.03-2S – Growth areas
- Clause 11.03-3S – Peri-urban areas
- Clause 11.03-4S – Coastal settlements
- Clause 11.03-5 – Distinctive areas and landscapes
- Clause 11.03-6S – Regional and local places.

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 Torquay–Jan Juc 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: directs development that is sensitive to the ecological, landscape, recreational and agricultural values of peri-urban areas including Torquay–Jan Juc. It encourages the establishment of settlement boundaries and green breaks.

³⁹ Surf Coast Settlement Background Paper

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:

- *Victorian Coastal Strategy* (2014)
- *The Great Ocean Road Region Landscape Assessment Study* (2003)
- *The Great Ocean Road Region – A Land Use and Transport Strategy* (2004).

(ii) Clause 12 (Environmental and Landscape Values)

The Proponent's documents did not address the following clauses; however, the Committee considers the clauses to be relevant to the DAL project and draft SPP⁴⁰⁴¹.

Clause 12.01-1S Protection of biodiversity: assist the protection and conservation of Victoria's biodiversity.

Clause 12.01-2S – Native vegetation management: ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. It sets out tests to avoid, minimise and provide offsets to compensate for vegetation removal.

Clause 12.02-1S – Protection of coastal areas: 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 – Coastal Crown land: 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: protect and enhance river corridors, waterways, lakes and wetlands. It includes strategies to protect the environmental, cultural and landscape values of all water bodies and wetlands. It also seeks to ensure that development is sensitively designed to respect the significant aesthetics, environmental, conservational, cultural, open space, and recreation assets of water bodies and wetlands.

Clause 12.05-1S Environmentally sensitive areas: protect and conserve environmentally sensitive areas.

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

(iii) Clause 13 (Environmental Risks and Amenity)

Mr Hazell considered the following clauses to be relevant to the draft SPP⁴²⁴³.

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

⁴⁰ Document 59

⁴¹ Surf Coast Settlement Background Paper

⁴² Document 59

⁴³ Document 28

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

(iv) Clause 15 (Built Environment and Heritage)

The Proponent's documents did not address the following clause, however the Committee considers the clauses to be relevant to the DAL project and draft SPP⁴⁴⁴⁵.

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

(v) Clause 16 (Housing Supply)

The *Settlement Background Paper* outlined the following state and regional policies were relevant to determining settlement planning in the declared area⁴⁶.

Clause 16.01-2S Location of residential development: support increasing the proportion of new housing in designated locations in established urban areas to reduce the share of new dwellings in greenfield and dispersed development areas.

Clause 16.01-2R Location of residential development – Geelong G21: encourage urban consolidation by infill development around activity areas in district towns.

(vi) Clause 71.02 – Operation of the Planning Policy Framework

The Proponent's documents did not address Clause 71.02, however the Committee considers the clause is relevant to the DAL project and draft SPP⁴⁷⁴⁸.

The operational provisions of the PPF is set out at Clause 71.02. The clause provides guidance on the operation of the Planning Policy Framework. Of relevance is Clause 71.02-3 which states as follows:

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

⁴⁴ Document 59

⁴⁵ Surf Coast Settlement Background Paper

⁴⁶ Surf Coast Settlement Background Paper

⁴⁷ Document 59

⁴⁸ Surf Coast Settlement Background Paper

(vii) Surf Coast local policies

The *Surf Coast Settlement Background Paper* outlined that the following local planning scheme policies are relevant to settlement planning within the Surf Coast Planning Scheme:

- **Clause 21.02 Settlement, built environment, heritage and housing:** designates Torquay–Jan Juc and Winchelsea as major urban growth centres, and it seeks to maintain clear, green breaks between settlements, particularly Geelong and Torquay–Jan Juc and coastal settlements.
- **Clause 21.04 Tourism:** provides a range of strategies for tourism developments including locating high-profile, high-volume tourism developments in appropriate urban areas where their impacts and infrastructure requirements can best be accommodated.
- **Clause 21.07 Rural residential living:** recognises rural living is not the most sustainable or efficient use of land, and it seeks to limit rural living to identified areas around Torquay–Jan Juc.
- **Clause 21.08 Torquay–Jan Juc strategy:** this incorporates the values and objectives of Sustainable Futures Plan Torquay–Jan Juc 2040, and it recognises Torquay–Jan Juc as the main urban growth area for the Surf Coast Shire. It seeks to manage growth by establishing a settlement boundary, consolidating and strengthening the role of Torquay Town Centre and supporting residential infill in specified locations. It further seeks to preserve the green breaks between Torquay–Jan Juc, Bellbrae and the Thompson Creek Valley.
- **Clause 21.14 Bellbrae strategy:** protect the rural character of Bellbrae by maintaining the non-urban break between Torquay–Jan Juc and limiting its growth to a small settlement boundary.

(viii) Other Surf Coast plans and strategies:

The following plans and strategies are considered relevant to settlement planning⁴⁹:

- The *Torquay–Jan Juc Neighbourhood Character Study Review* provides guidance about how to protect the existing character of Torquay–Jan Juc by retaining low-rise development and by requiring space between buildings to allow for significant landscaping.
- The *Torquay North Outline Development Plan* identifies the locations of open spaces, schools, community services and a neighbourhood activity centre. The area is within the existing Torquay settlement boundary, and many dwellings have been completed or are under construction.
- The *Rural Hinterland Futures Strategy* focuses on the area outside Torquay–Jan Juc but recognises the important role the township plays in supporting the hinterland. It encourages growth in Torquay, so growth pressures are not put on other towns like Bellbrae.
- The *Spring Creek Precinct Structure Plan — Amendment C114*, since 1980, the Spring Creek FRA has been identified in local strategic plans and policies for urban growth. The corridor has been subject to several plans and strategies, leading to the deferred Amendment C114, discussed in 9.4(iii)

⁴⁹ Surf Coast Settlement Background Paper

- The *Torquay Town Centre Project Urban Design Framework* encourages some urban consolidation in Central Torquay. The adopted framework sets a height limit of 10.5 metres (three storeys) within Torquay's commercial centre; it is yet to be included in the Surf Coast Planning Scheme.
- *Built Form Guidelines Torquay Town Centre* provides guidance about the siting and design of development within Torquay Town Centre and along The Esplanade, these are currently under consideration by Council.

(ix) Greater Geelong Planning Scheme

The *Surf Coast Settlement Background Paper* outlined the following local planning scheme policies are relevant to settlement planning within the Greater Geelong Planning Scheme.

- **Clause 21.06-2 Urban growth:** seeks to limit urban sprawl by directing growth to designated urban growth areas including Armstrong Creek Urban Growth Area. For Breamlea, it seeks to prevent further subdivision and medium-density housing in this settlement area.
- **Clause 21.11 Armstrong Creek Urban Growth Area:** recognises the importance of maintaining a rural break between Armstrong Creek Urban Growth Area and Surf Coast Shire.
- **Clause 22.64 Discretionary Uses in Rural Areas:** seeks to discourage non-agricultural uses in agricultural areas to help preserve productive agricultural land.

(x) Other Greater Geelong plans and strategies:

Other relevant Greater Geelong plans and strategies are:

- *Settlement Strategy 2020 and C395.* The Greater Geelong City Council is implementing its *Settlement Strategy 2020* into its planning scheme. The strategy provides strategic direction where future growth will be supported within the City. The strategy seeks to limit the growth of smaller coastal settlements like Breamlea (located within the Surf Coast declared area) to their existing urban extent.
- The northern border of the Surf Coast declared area is aligned with the Armstrong Creek Urban Growth Area. The strategy maintains the current policy direction for Armstrong Creek's role as a growth area within the current extent of the UGZ. It proposes a consultation process for Greater Geelong to review the appropriateness of the proposed settlement boundary in this location and to address any significant anomalies once Amendment C395 has been completed.

5.2 Other 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 states at 7.1.2:

A number of towns in peri-urban areas have capacity for more housing and employment-generating development without impacting on the economic and environmental roles that surrounding non-urban areas serve. Those towns include Warragul–Drouin, Bacchus Marsh, Torquay–Jan Juc, Gisborne and Kyneton.

The plan notes that a number of towns, in particular Torquay-Jan Juc, located in peri-urban areas that have capacity to accommodate more housing and employment generating development without having a negative impact on the economic and environmental role of surrounding non-urban areas.

(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, Armstrong Creek and Torquay-Jan Juc. The *G21 Regional Growth Plan* was developed in 2013 and covers the municipalities of Queenscliff, Greater Geelong, Colac Otway, Golden Plains and Surf Coast. Its purpose is to guide sustainable growth in housing choices, employment opportunities, health and wellbeing initiatives and efficient utilisation and provision of infrastructure. Relevantly, it provides directions in relation to:

- Torquay-Jan Juc as a District Town, providing for a population between 10,000 and 100,000 persons
- 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) The Great Ocean Road Action Plan and Protection Act 2020

Parts of the declared area is in the area of the 2018 *Great Ocean Road Action Plan*. This plan recognises the importance of the nationally heritage-listed Great Ocean Road to the people of Victoria for its cultural, landscape and environmental values. A key objective of the plan is to protect the area's distinctive landscapes.

The *Great Ocean Road Action Plan and Protection Act 2020* is referenced within the PPF. It acknowledges the specialness of the Great Ocean Road and its landscaped environs as a State significant environmental asset since the *Great Ocean Road Region Landscape Assessment Study* (September 2003) and the *Coastal Spaces Landscape Assessment Study* (2006).

(iv) 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 Torquay as a District Town with medium growth and supported growth.

(v) The Great Ocean Road Region Landscape Assessment 2003

This document is listed as a policy document at Clause 11.03-5R – The Great Ocean Road region. It outlines the delineation of landscape types and precincts; preparation of development principles for each landscape character precinct; identification of landscape character significance; and implementation recommendations, including where additional planning controls were warranted.

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

The draft SPP 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*.⁵⁰ This will be achieved by facilitating sustainable development, protecting the environment and prioritising sustainable transport modes (such as walking, cycling and public transport), particularly in Torquay–Jan Juc.

(vii) Marine and Coastal Policy 2020

The declared area is valued for its coastal environment and the Surf Coast draft SPP supports the objectives of 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.

(viii) 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.

⁵⁰ draft Surf Coast SPP

(ix) Wadawurrung Healthy Country Plan

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

5.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

The Proponent did not comment on how the draft SPP or SLOs meet the relevant requirements of Ministerial Direction's, however, the Committee considers the following to be relevant to this Project:

- Ministerial Direction – The Form and Content of Planning Schemes
- Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note (PPN) 46: Strategic Assessment Guidelines, August 2018 (PPN46)
- Ministerial Direction No. 12 Urban Growth Areas.

(ii) Planning Practice Notes

The *Surf Coast Settlement Background Paper* outlined that the following PPN were relevant to settlement planning within the declared area and draft SPP:

- PPN36: Implementing Coastal Settlement Boundary
- PPN37: Rural Residential Development
- PPN47: Urban Growth Zone
- PPN53: Managing coastal hazards and the coastal impacts of climate change
- PPN90: Planning for housing
- PPN91: Using the residential zones.

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, and outlines the strategic work planning authorities should undertake when investigating development opportunities.

PPN47: Urban Growth Zone, explains the purpose and provisions of the UGZ and explains the role of a PSP in the UGZ, including the requirements for preparing and implementing a PSP into a planning scheme, as well as the process for considering planning permits with or without a PSP being in place.

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 climate change impacts. It 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. It outlines the strategic planning process a planning authority should undertake when considering application of residential zones. It 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 in conjunction with PPN90. PPN91 provides guiding principles about how to apply the residential zones, and it outlines five key principles. These include confirmation that all the residential zones allow for increased housing and that 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. PPN91 provides a checklist for choosing the right zone and ensuring the desired building height matches the selected zone.

In addition to the PPNs outlined by the Proponent, the Committee considers regard should be given to the following⁵¹;

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

5.4 Relevant Amendments

The Committee consider the following Planning Scheme Amendments are relevant to its considerations.

(i) Amendment VC185

Amendment VC185 was gazetted on 1 May 2021⁵². This was after the DAL Committee Hearing had concluded but during active consideration of the matter.

VC185 made relevant changes to:

- Policy relating to the distinctive areas and landscapes at Clause 11.03-5S
- Introduction of the Great Ocean Road Coast and Parks Authority as a general term at Clause 73.01
- Exemptions from requiring a planning permit for the Great Ocean Road Coast and Parks Authority at Clauses 36.02, 36.03, 52.15, 52.16, and 52.72.

A new Clause 11.03-5S – Distinctive areas and landscapes states 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. The clause sets out the following new strategies:

- 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.
- Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.

⁵¹ Draft Surf Coast Statement of Planning Policy: Settlement Background Paper, November 2020

⁵² Document 337

(ii) Amendment C395ggee

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

After a comprehensive Panel Hearing and report, 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 the majority of 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 inside 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.

(iii) Surf Coast Amendment C114

Amendment C114 sought to implement the Spring Creek PSP which covered the Spring Creek FRA area, being approximately 247 hectares extending generally one kilometre west of Duffields Road⁵³. As exhibited, Amendment C114 proposed a number of changes to facilitate the development and use of land within the Spring Creek FRA area:

- amend Schedule 1 to the UGZ and rezone part of the land within the precinct to UGZ1
- apply the Development Contributions Plan Overlay Schedule 3 (DCPO3) to all land zoned UGZ
- include the Spring Creek NVPP.

The Proponent advised⁵⁴:

Amendment C114 was submitted to the Minister for approval in March 2018 and the Native Vegetation Precinct Plan was submitted in April 2018. Precinct Structure Plan and NVP were not suitable for approval in their current form and required review.

In April 2019, DELWP on behalf of the Minister advised Surf Coast, the Victorian Planning Authority (VPA) and all landowners and developers within the Amendment C114 area that he decided to defer his final decision on Amendment C114⁵⁵. The decision was deferred pending the preparation of the draft SPP.

(iv) Surf Coast Amendment C121

In response to community concerns about the need for better protection of the Bells Beach hinterland, Surf Coast prepared Amendment C121 based on four strategic studies:

- *Bells Beach Task Force Report 2015*

⁵³ Surf Coast C114 Panel Report

⁵⁴ Document 34

⁵⁵ Document 34

- *Bells Beach Surfing Recreation Reserve Coastal Management Plan 2015–2025*, 2015
- *Surf Coast Planning Scheme Review Report 2014*
- *Bells Beach Viewshed Analysis 2017*.

The December 2017 report of the Planning Panel recommended the amendment be adopted with changes. The Amendment resulted in reviewing the extent of SLO1 in and around Torquay and introduced the Bells Beach Viewshed Visibility Analysis within the overlay.

The Amendment was gazetted on 12 April 2018 and modified relevant planning policy, and zone and overlay provisions applying to the Bells Beach hinterland to better recognise the important landscape, environmental and cultural role of Bells Beach⁵⁶.

(v) Surf Coast Amendment C71

Amendment C71 was gazetted on 29 August 2017.⁵⁷ Split from an earlier amendment (C57), Amendment C71 related to approximately 32.4 hectares comprising 17 private properties in Torquay ranging from 1 hectare to 4.5 hectares. The precinct was bounded by Messmate Road to the west, Grossmans Road to the south, Illawong Drive to the east and Briody Drive and Deep Creek to the north. The amendment rezoned land in the precinct from Low Density Residential Zone (LDRZ) to General Residential Zone (GRZ) to allow for residential development at conventional densities.

C71 applied the Development Plan Overlay (DPO) 10: Briody Drive West Development Plan to the site to guide the future integrated residential subdivision and coordinated infrastructure delivery. A major consideration of the Amendment C71 was to coordinate the delivery and funding of shared infrastructure in particular stormwater. Amendment C71 was not the subject of a Planning Panel.

(vi) Surf Coast Amendments C66 and C95

Amendment C66 to the Surf Coast Planning Scheme sought to implement a number of strategic planning studies including *Sustainable Futures Plan 2040*, to guide future growth and development of Torquay-Jan Juc⁵⁸. It proposed to make significant changes to the future planning and growth of Torquay-Jan Juc.

As part of the Amendment, Surf Coast proposed to:

- move Torquay's western town boundary back to Duffields Road to protect Spring Creek Valley west of Duffields Road from urban development
- direct future growth to Torquay North (the Messmate Road area) and a north east investigation area
- plan for orderly retail development including maintaining the Torquay Town Centre's primacy while providing a new neighbourhood activity centre in Torquay North
- provide for additional car parking for Torquay's town centre
- introduce a new suite of controls to protect neighbourhood development.

⁵⁶ Surf Coast C121 Panel Report

⁵⁷ Amendments online DELWP

⁵⁸ Surf Coast C66 Panel Report

The Panel supported many elements of the Amendment however, in relation to Spring Creek, the Panel did not support the proposal to move the town boundary back to Duffields Road. It recommended that Council consider rezoning of the land west of Duffields Road for residential purposes. In its key findings, the Panel:

- placed significant weight on previous strategic work from 1980 until 2009 that suggested growth in the Spring Creek Valley
- questioned proposals to accommodate residential growth around Messmate Road and to the north-east of Torquay
- supported growth in the area one kilometre west of Duffields Road and recommended this be rezoned as UGZ through a ministerial amendment
- suggested that land in the Spring Creek Valley more than one kilometre west of Duffields Road be investigated to confirm the size and form of a green break to Bellbrae and consideration of further urban development in the valley outside the green break at appropriate densities
- supported and commended Council's neighbourhood character study and controls, which:
 - seek to preserve and promote the amenity and character of the area
 - supported the overall retail strategy, including the rezoning of land for a shopping centre in Torquay North
 - supported the Torquay North Outline Development Plan, which caters for growth in Torquay North.

On 13 August 2013 Surf Coast resolved to adopt the amendment with changes. It did not support urban development in the Spring Creek Valley and this was removed from the adopted amendment.

However, the Minister for Planning's final decision on Amendment C66 included the area one kilometre west of Duffields Road within the Torquay-Jan Juc town boundary, consistent with the recommendation of the Panel.

On 20 March 2014 through Amendment C95, the former Minister for Planning rezoned the Spring Creek FRA area to UGZ through a section 20(4) process. Amendment C95 rezoned approximately 234 hectares of land in the Spring Creek Valley from Farming Zone to UGZ. It also rezoned a 15.6 hectare site owned by Christian College Geelong to Special Use Zone Schedule 9 to allow for the development of a Prep to Year 9 (P-9) school campus and kindergarten.

Reasons for Intervention Approval Gazettal noted that:⁵⁹

Surf Coast Shire Council request the Minister for Planning utilise section 20(4) of the Planning and Environment Act 1987 to rezone to the Urban Growth Zone the land in the Spring Creek Valley west of Duffields Road to a line generally in alignment with Bells Boulevard adjusted to correlate with the closest north south title boundaries (the '1 km west land').

In the former Minister's reasons for intervention, he agreed with the C66 Panel conclusions and recommendations and made provision for the PSP to be prepared, including rezoning

⁵⁹ Surf Coast C095 Reasons for Intervention Approval Gazettal

land to enable Christian College Geelong to proceed. The amendment made provision for a future PSP to be prepared to guide integrated development of the area.

(vii) Surf Coast Amendment C37

Amendment C37 sought to implement a number of strategic studies into the Surf Coast Planning Scheme. This included *Torquay and Jan Juc Structure Plan* (2007), *Torquay Town Centre Urban Design Guidelines* (2007), *Torquay Town Centre Car Parking Strategy 2020* (2006), *Torquay-Jan Juc Neighbourhood Character Study and Vegetation Assessment* (2006) and *Surf Coast Housing Policy Project* (2006).

The amendment included consideration of the Spring Creek Corridor and resulted in the identification of the Spring Creek FRA as a 'future urban growth area'. The Panel noted in its findings that Spring Creek was identified as a location for future residential development for many years, and its treatment in the exhibited amendment was appropriate.

The amendment resulted in the inclusion of a schedule to the existing LDRZ which allowed for increased residential densities at Strathmore Drive, Jan Juc. The Panel's report noted there were opportunities for increased residential densities near Strathmore Drive given the location of the site, and the likelihood that water and sewerage services could be provided.

Other changes through the amendment included changes to Central Torquay, modified VPOs and changes to the Torquay North Outline Development Plan. The amendment was gazetted on 10 June 2010.

5.5 Discussion

The Committee has reviewed the background documents, past planning processes and the interrelationship with existing planning policy and controls. The draft SPP and its imperative to protect and enhance the landscape is generally consistent with the various policies, strategies and related Acts. The draft SPP seeks to provide additional policy direction in relation to the future growth of Torquay-Jan Juc, as well as provide additional guidance to the RPE within the declared area.

The draft SPP sets out a township hierarchy and identifies Torquay-Jan Juc as a District Town reflecting the existing policies⁶⁰. The existing planning scheme policies, strategies and provisions acknowledge, having considered and balanced, landscape protection, cultural heritage and life/property safety issues, that the growth of Torquay-Jan Juc should be facilitated.

The Committee has considered previous Planning Scheme Amendments relevant to the draft SPP. It notes there has been a range of planning decisions made by Councils, as well as numerous recommendations arising from prior planning panel processes. Reference to previous decisions, as relevant, has been included in further chapters of this report.

It is clear to the Committee that Surf Coast has embarked on a rigorous process to undertake a range of strategic work for ultimate inclusion in its Planning Scheme to provide a strategic basis for future development opportunities. This has generally been through a series of

⁶⁰ Settlement Background Paper

⁶¹ Document 58

Planning Scheme amendments where opportunity was provided for interested parties to contribute to these, and for review by an independent Panel.

Following completion of the Hearing on 30 April 2021, VC185 was gazetted to implement the draft SPP for Macedon Ranges. This amendment introduced changed state provisions that relate to the Surf Coast DAL and project at hand.⁶² The Committee is disappointed the Proponent did not seek to clarify these policy changes at the Hearing, nor provide draft documents ahead of the gazettal of the VC Amendment. The changes introduced through VC185, although supportive of the draft SPP and DAL Project, impacts on the policy context on which the current Project is based. It is noted the draft SPP and SLOs are considered to be consistent with the new changes to policy introduced by VC185.

⁶² Document 337

PART B: THRESHOLD ISSUES

6 Role of Committee

6.1 Background

There was significant discussion at the Hearing about the role of the Committee in the context of its Terms of Reference and what it could make recommendations on.

In opening the Hearing on Day 1, the Committee questioned comments made in the opening submission made on behalf of Surf Coast⁶³. Surf Coast contended that:

- it was not the Committee's task to consider whether policy contained in the draft SPP and the alternative options for Spring Creek were acceptable planning outcomes
- it was not the task of the Committee to conduct a balancing assessment of competing factors in favor of net community benefit.

Later in its submission, it noted at paragraph 24 that the draft SPP *"fails to sufficiently consider matters relating to the social and economic future of Torquay/Jan Juc"* and in paragraph 26 it contended the draft SPP had further shortcomings. The submission summarised and supported the position of Mr Woodland that further work was required to justify the draft SPP.

In paragraphs 34 to 36, and specifically 36, Council noted issues with Option 2 for Spring Creek and that it was open to *"other options which are in the spirit of Option 2"*.

During the Hearing, the Proponent and many parties raised issues about whether the Committee could consider any other option apart from Options 1 and 2 for Spring Creek which were set out in the draft SPP as part of the policy domain 'Settlements' (from page 54). Alternative options put forward by parties included approval of the Council adopted PSP, some changes to the Council adopted PSP and the *"Spring Creek Community Urban Woodland Concept"* (Woodland Concept) proposed by the Surf Coast Energy Group (SCEG).

The Committee sought a legal opinion from Counsel assisting, Mr Tweedie SC on 16 April 2021 on the scope of the Committee's consideration with respect to its Terms of Reference, the draft SPP and Parts 3AAB and 7 of the PE Act⁶⁴. This advice was provided on 22 April 2021⁶⁵.

The key issues to be resolved are:

- the extent of the Committee's jurisdiction in the context of its Terms of Reference to consider acceptable planning outcomes and net community benefit
- whether the Committee can make findings and recommendations on alternative options apart from Options 1 and 2 for Spring Creek.

⁶³ Document 73

⁶⁴ Document 224

⁶⁵ Document 269

6.2 Extent of Committee's jurisdiction

(i) Evidence and submissions

The Proponent submitted the Committee's role was confined to formally recommending the adoption of either Option 1 or 2⁶⁶. It asserted the Committee:

... cannot therefore formally recommend a third option not contained in the material it is required to consider but may provide commentary or advice regarding a third option should it consider either of the two options proposed unsatisfactory⁶⁷.

The Proponent contended that while the letter of referral required the Committee to consider all written submissions and provide advice on the 'robustness' of the draft SPP and proposed landscape planning controls in meeting the objectives of section 46AN of the PE Act, it ought not 'read down' the letter and instead consider the matters formally before it⁶⁸.

Surf Coast relied on the proponent's submission with respect to the role of the Committee in that it was confined to formally recommending the adoption of either Option 1 or 2⁶⁹.

In considering whether the draft SPP meets the objects set out in section 46AN, Surf Coast submitted that the extent to which any competing demands in section 4 of the PE Act must be resolved, the objects set out in section 46AN "*may be emphasised*".⁷⁰

Greater Torquay Alliance (GTA) supported the submissions of the Proponent about the role of the Committee and submitted in relation to whether the Committee could consider options other than 1 or 2:

Whilst inconvenient to those parties which pursue a third option (uniformly being the PSP contemplated by Amendment C114) the proponent has made clear that the Committee is confined to formally providing advice to the proponent concerning, insofar as Spring Creek is concerned, the adoption or otherwise of either option 1 or 2.

Of course, should the Committee form the view that neither option is acceptable having regard to how the objects of Section 46AN of the Act are (or are not) met, then the recommendations contained in the Committee's report would outline the bases for those conclusions. That, however, is an entirely different exercise to the one which is urged upon the Committee by those in favour of the approval of the Spring Creek PSP⁷¹.

In contrast to the Proponent, Zeally/Duffields Road considered the Terms of Reference made it clear the Committee were given wide scope to consider the draft SPP and all issues that arose from it. It submitted that any view that the Committee was confined by Options 1 or 2 was misconceived, could not be supported on an objective reading of the Terms of Reference and was inconsistent with the usual practice for Advisory Committees and independent Panels⁷². Zeally/Duffields Road agreed with the advice of Mr Tweedie with respect to the scope of the Committee. Further, they submitted the Committee should not feel constrained by a binary choice between Options 1 and 2⁷³.

⁶⁶ Document 117, page 10

⁶⁷ Document 117, para 11

⁶⁸ Document 117, paras 9, 12

⁶⁹ Document 123, para 4

⁷⁰ Document 73 [14].

⁷¹ Document 240, paras 18,19

⁷² Document 208, para 13

⁷³ Document 321, paras 54, 55

Similarly, Mennoty submitted the purported confinement of the Committee's scope was inconsistent with its Terms of Reference and was misleading and incorrect. It observed the Terms of Reference did not explicitly state the Committee must recommend either Option 1 or 2, nor even refer to the options. Mennoty submitted, it therefore left it entirely open to the Committee to make comment on either option, the draft SPP, the DAL process itself and the alternate options advanced⁷⁴.

Adopting the submissions of Mennoty,⁷⁵ Christian College Geelong submitted the Committee was not bound by the two options, and instead could receive and adopt submissions which form part of the Minister's broad obligation to consult the local community as required by section 46AW of the PE Act⁷⁶. It considered it 'illogical' that a Committee convened to receive submissions on draft SPP could be so confined⁷⁷.

Taking a similar position, the DF (Sprague Farm) landowner group referred to the Minister's letter of referral, emphasising the Committee's task as stated was to consider "*all written submissions received*" and to advise on the robustness of the draft SPP in meeting the objects of section 46AN of the PE Act⁷⁸. It considered this scope broad enough to allow the Committee to recommend neither Options 1 or 2, and that it was able to consider a third option.

Mack Property observed the letter of referral expressly required the Committee to make "*recommendations on any amendments needed to the draft SPP and proposed landscape controls*"⁷⁹. As such, it considered the role of Committee was to undertake a comprehensive review and to provide recommendations on any changes needed to the draft SPP and controls⁸⁰.

Fortress Holdings submitted that the Committee would be falling into error if it were to find that the level of protection to be afforded in accordance with provisions of Part 3AAB and section 46 AN involved a consideration of development in the absence of land use change as defined by section 46AP.

In response, Mr Tweedie's legal opinion was that there are no identifiable matters within the PE Act, the Terms of Reference or letter of referral which limit the scope of recommendations available to the Committee. He opined it was open to the Committee to consider whether particular policies and controls within the draft SPP are "*acceptable planning outcomes*", and that it was difficult to identify any other basis upon which the draft SPP might reasonably be assessed⁸¹. As such, it was Mr Tweedie's opinion the submissions made by the Proponent and Surf Coast should not be accepted⁸².

⁷⁴ Document 145, paras 32 - 39

⁷⁵ Document 154, para 32

⁷⁶ Document 72, page 23

⁷⁷ Document 154, para 30

⁷⁸ Document 187, para 28

⁷⁹ Document 165, para 5

⁸⁰ Document 165, para 5

⁸¹ Document 269, para 12

⁸² Document 269, para 8

Mr Tweedie agreed with the submissions of the Sprague Farm landowner group that in assessing the draft SPP, the Committee should conduct a balancing exercise of competing factors in favour of net community benefit⁸³.

(ii) Discussion

The Committee accepts the opinion of Mr Tweedie that the Terms of Reference do not constrain the scope of the Committee's considerations in the manner suggested by the Proponent, Surf Coast and others.

The Committee considers it has a broad and advisory scope to consider the range of matters before it. This includes recommendations on any necessary changes to the draft SPP and proposed landscape controls.

As observed by Mr Tweedie, the Committee can find no reference within the PE Act, the Terms of Reference or referral letter that confine the scope of the Committee's consideration in responding to the matters set out in paragraphs 14 and 29 of its Terms of Reference in the manner suggested in some submissions.

The Committee in the first instance is obliged through its Terms of Reference to consider:

- relevant provisions of the PE Act
- relevant Planning Schemes, including adopted plans, strategies or planning scheme amendments
- all relevant State and local policy
- the draft SPP
- any submission made (and it follows any evidence that supported any submission).

In assessing the draft SPP's robustness, the Committee agrees with Mr Tweedie's opinion and the submissions of the DF Sprague Farm landowner group that it should conduct a balancing exercise of competing factors in favour of net community benefit⁸⁴.

The Committee finds the structure of the provisions in the PE Act informative and compelling. The core objectives of planning in Victoria sit at section 4 in the PE Act and set the broad direction for planning in Victoria. This structure has not changed since its introduction. The objectives of Planning at section 4 are not displaced by the recent insertion of Part 3AAB. They remain relevant to a consideration of matters that need to be considered when assessing the draft SPP and any proposed landscape planning controls.

Further, Part 3AAB does not provide any express or implied intention that the provisions of section 46AN are elevated above or override any other provision of the PE Act or the Planning Scheme. This can be contrasted with the provisions in Clause 13.03-1 of the VPP where it expressly states the protection of human life is to be prioritised over all other policy considerations. This is now a clear and undisputed mandate of State priority that was introduced following the Royal Commission into the 2009 Black Saturday bushfires. It would have been open for similar provisions to be made for the DAL if considered necessary.

⁸³ Document 269, paras 82, 83

⁸⁴ Document 269, para 82, 83

(iii) Findings

The Committee finds:

- There is nothing within the PE Act, the Terms of Reference or letter of referral which limit the scope of the Committee's considerations or recommendations in the manner suggested by the Proponent, Surf Coast and others.
- The robustness of the draft SPP should be assessed through a balancing exercise of competing factors in favour of net community benefit.

6.3 Spring Creek options

(i) Evidence and submissions

Most submissions and evidence related to the future role of Spring Creek.

The draft SPP presents two options for Spring Creek:

- Option 1 – density ecological sustainable development with the current settlement boundary retained
- Option 2 – a 'green break area'.

Two other options were raised for the Committee to consider:

- Option 3 – landowners advocated for an additional option to support the PSP contemplated through Amendment C114 and adopted by Surf Coast
- Option 4 – the SCEG sought a further option to include the 'Woodland Concept'.

There is no doubt the significant proportion of community submissions were in favour of Option 2, as was Surf Coast Council and various community groups. Many spoke of their continuing opposition to any development in Spring Creek and their support of the DAL process in providing for this option.

The Proponent observed:

The Minister wishes to emphasise that the two options posited for Spring Creek, are at this point in time genuine options for consideration. That is, that the Minister has no preconceived views on the desirability of one option over the other and in forming a view regarding the final option for inclusion in the SPP, the Minister will be informed by the views of expert witnesses and the recommendations and findings of the Committee⁸⁵.

The Proponent noted the Committee's recommendations on Spring Creek would inform the Ministers decision on Amendment C114 and the Spring Creek PSP⁸⁶.

Conversely, landholder led submissions did not support either option, rather they maintained their support for the Council adopted PSP and considered the Committee was able to advise or recommend such accordingly.

Zeally/Duffields Road strongly opposed the binary two options, contending they were "*manifestly unfair and devoid of any objective planning justification*". They contended the strategic planning process for Spring Creek was comprehensively settled in 2013 by the Amendment C66 Panel process.

⁸⁵ Document 80, para 38

⁸⁶ Document 80, para 32

Zeally/Duffields Road expressed its frustration at a further strategic planning process, “*going over the same settled ground*” and contended that such further process considering two options was “*profoundly unfair and disorderly*”⁸⁷. It observed they had acted in good faith and were entitled to have made purchasing and finance decisions on the 2014 Spring Creek rezoning and the strategic planning which underpinned the Amendment C66 and Amendment C114 Panel processes which led to the Council adopted PSP.

Some of the landholder submitters reluctantly noted that if the Committee felt bound by advising on one of the two options only, they preferred Option 1.

In its closing, Surf Coast adopted the submissions of GTA in relation to this process being a continuum of fair and orderly planning and noted:

Planning certainty is important but planning never stands still. It evolves or ought to, to changing circumstances, to changing policy, to a change in knowledge⁸⁸.

Surf Coast Council and various Spring Creek landowners advised at the Hearing they were not consulted on the Spring Creek SLO, the possibility of options for Spring Creek or the form or number of those options through preparation of the draft SPP.

With regard to the two options for Spring Creek, the Committee asked the Proponent at the end of the Hearing how, and on what basis, these options were developed, and it was not able to inform the Committee of this.

(ii) Discussion

The Committee considers that it is open for it to make any findings and recommendations as it sees fit in the context of its Terms of Reference, the referral letter and the submissions and evidence provided to this process. It does not read the Terms of Reference and the referral letter as confining the context to Option 1 or 2 only. For reasons outlined in Chapter 15, if it is to be read that it does, the Committee advises that it does not support either option.

But that finding is not helpful in resolving or taking this matter forward. The Proponent made it clear through its submissions that the Minister has not formed a view about Spring Creek (and other matters) and he looks forward to the advice of the Committee⁸⁹.

For the reasons expressed in this report and in particular Chapter 14, the Committee feels comfortable in advising the Minister to endorse the alternative option of adopting the Council adopted PSP, subject to further modifications and a limited review process.

(iii) Findings

The Committee finds:

- It is not bound to only consider or make recommendations with respect to only Options 1 and 2 for the Spring Creek area as proposed in the draft SPP.
- It is open to the Committee to make any findings and recommendations as it sees fit in relation to the draft SPP, the proposed SLOs and the future land use of Spring Creek.

⁸⁷ Document 208, para 47

⁸⁸ Document 330, para 38

⁸⁹ Document 80, para 49, 50; Document 332, paras 3, 41, 55

7 Statement of Planning Policy

7.1 Background

This chapter considers the evidence and submissions as they relate to the threshold aspects of the draft SPP.

Table 2 lists the planning evidence provided.

Table 2 Planning evidence

Party	Expert	Firm	Area of expertise
Minister for Planning	Mark Woodland	Echelon Planning	Planning
Mack Property Developments Pty Ltd	David Crowder	Ratio	Planning
DF (Sprague Farm) Developments (DFC)	Rob Milner	Kinetica	Planning
Zeally/Duffields Road	Rob Milner	Kinetica	Planning
Anseed Pty Ltd	Sandra Rigo	Hansen Partnership	Planning

Chapter 3 set out the background and what must be contained within the draft SPP in accordance with the PE Act.

Aboriginal tangible and intangible heritage is addressed in Chapter 12.

The key issues to resolve are:

- whether the 50 year Vision is appropriate and defining the ‘Victorian community’
- how the Framework Plan will be realised
- the role of RPE.

7.2 Vision and the ‘Victorian community’

(i) Background

The draft SPP articulates a 50 year vision for the declared area. It identifies the values, priorities and preferences of the ‘Victorian community’ in relation to the distinctive attributes of the declared area⁹⁰.

As noted in Chapter 3, the Vision statement is supported by policy domains which set out long term needs for the integration of decision making and planning for the declared areas.

Development of the Vision statement for the draft SPP was informed by a two stage public engagement process:

- Phase one sought community views on the values underpinning the distinctive area and landscape and was undertaken from 14 May 2019 to 14 June 2019
- Phase two sought community views on the draft vision statement and policy approaches to inform the draft SPP between 18 October and 15 November 2019.

⁹⁰ Draft SPP, page 24

(ii) Evidence and submissions

Vision

The Committee sought to understand the rationale for the adoption of a 50 year vision for the draft SPP and requested examples of comparable strategic documents with similar timeframes.

The Proponent's submission noted that even though the vision is for at least 50 years, there is a legislative requirement for a review of the draft SPP no later than 10 years after the commencement of a SPP. The Proponent likened the draft SPP to the recently gazetted Yarra Strategic Plan and noted:

Yarra River Protection Act called for the development of a long term community vision of at least 50 years which identifies the community's 'values, priorities and preferences' in relation to the management of the Yarra River corridor (section 17(2), Yarra River Protection Act).

...

The Yarra Strategic Plan, like Statements of Planning Policy, is required to be reviewed every 10 years⁹¹.

Other examples of strategic documents with a long term vision or timeframe included *Melbourne 2030* which had a 28 year horizon and Green Wedge Plans which provide for the long term preservation and, to the extent permitted, use of the fiercely guarded green wedges in Victoria. The Committee agrees these plans are long-term visions.

At the local level, the Proponent submitted the Surf Coast *Sustainable Futures Torquay 2040* is a strategic document intended to provide a long-term strategic plan for a specific local area.

Mr Woodland's evidence related to the degree to which the draft SPP addressed each of the objectives of section 46AN of the PE Act. He did not consider whether the draft SPP had addressed the contents set out in section 46AV. Broadly his view was the draft SPP identified the distinctive features which are intended to be protected and conserved in the declared area.

Surf Coast submitted the 50 year vision needed to be a more forward thinking and aspirational document, with a strong focus on strategies that anticipated and protected against the challenges to be faced over the coming decades⁹². Surf Coast noted that by 2070, it is expected the effects of climate change will have had a major impact on the natural environment including loss of habitat, biodiversity and ecosystems, reduced supply of potable water and reduced environmental flows.

In 2019, Surf Coast declared a climate emergency and has since then been working to embed a higher standard of Environmentally Sustainable Design for new developments, growth areas and subdivisions. This includes a range of measures including the use of renewable energy sources, canopy trees in the public realm, retention of indigenous vegetation, development of Integrated Water Cycle Management Plans and Water Sensitive Urban Design principles. Surf Coast supported these measures for inclusion in the draft SPP.

⁹¹ Document 104

⁹² Submission 3050

Surf Coast raised concerns that while the draft SPP focussed on landscape, which it acknowledged as a worthy goal, it needed to better contemplate the social and economic future of Torquay-Jan Juc. It cautioned that a SPP which has status at a State level, and likely be difficult to change, may be problematic if economic and social issues are not better considered and accommodated. Surf Coast raised a number of concerns they believed should be better embedded into the draft SPP including:

- job projections as it did not consider the draft SPP adequately balanced environmental aspects with providing for an appropriate amount of commercial/industrial zoned land
- character, other than ‘environmental’, noting that it is a tourist destination and a coastal town
- the need to consider including affordable or social housing.

Surf Coast suggested various wording changes to Objective 1 and strategies set out in the draft SPP, to strengthen references to climate change considerations⁹³. The Proponent agreed to work with Surf Coast in finalising the statement to strengthen references to climate change, and to include more strategies to reduce emissions to meet zero net targets.

There were a range of other submissions that referred to the 50 year timeframe, however the majority of these submissions were in relation to whether or not future growth should occur in the township and more particularly in Spring Creek. These submissions did not specifically address, or suggest further refinement of the 50 year vision⁹⁴. Some submitters made broader points about impacts of population and urban growth on the natural environment, liveability, water quality and strategic infrastructure (including coastal resources).

Mr Morris for Zeally/Duffields Road submitted:

There is no other reference in the Act to a 50 year period. Indeed, outside of the ‘50 years’ requirement in this section and the ‘10 years’ referred to at section 46AZI, being a requirement for the statement of planning policy for a declared area to be reviewed after 10 years, there are 45 other references in the Act to requirements spanning multiple years. The longest of any of these periods is just five years.

It is submitted that this further amplifies the potential consequences of the eventual statement of planning policy and its significant impact on land use planning in the Declared Area in future.

Victorian community

Reference to ‘the Victorian community’ is made in section 46AV of the PE Act. It requires development of 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.

Through the Hearing, the Committee sought to clarify where the vision refers to the Victorian community, how the Committee should consider who is the community for this purpose.

⁹³ Document 151

⁹⁴ Document 34

The Proponent responded that the 'Victorian community' is not the subject of further definition, refinement or identification within the PE Act or elsewhere. It submitted the 'community' consists of current residents, but also includes land owners, businesses and other institutions (such as schools), and traditional land owners as well as other Victorians who may have a connection to the area.

The Proponent cautioned that it was unnecessary for the Committee to be overly concerned with where it 'draws the line' in identifying the 'Victorian community' and explained:

The vision did not come about in a vacuum. The vision was developed from a rigorous process involving extensive community consultation and engagement. From that process the important values to be protected were identified and the vision was developed. That is the origin of the vision.

The Committee is referred to the Minister's Part A Submissions (document 58) which outline the process undertaken and the extent of engagement with a broad range of members of the community including organisations.

Mr Morris responded to the invitation of the Committee to make submissions on what constitutes the 'Victorian community' as opposed to the 'community' and said⁹⁵:

The use of the term 'Victorian community' at s 46AV(1)(a) clearly envisages a wider community of interest than just a local or regional community and adopts a state-wide community viewpoint for the distinctive attributes of the declared area. This is manifest in its use of the term 'Victorian community' rather than just 'community'. Notably, this is the only reference in the entire Act to the 'Victorian community'

This should be taken to mean the people of Victoria which includes tourists, future prospective residents, future generations (particularly given the 50 year timeframe of the vision required for a statement of planning policy) alongside local residents, landowners, developers and other stakeholders.

He explained that having considered other instances in the PE Act which referred to 'community':

None of these other uses of the word 'community' appear to have any relevance beyond a local community context. Therefore, given the explicit and unique use of the term 'Victorian community' in s 46AV, the Committee can be confident that this is no accident or looseness in language and a state-wide viewpoint is being unequivocally mandated.

(iii) Discussion

The broad issue is whether the draft SPP sets 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.

The Committee considers the vision outlined in the draft SPP is a worthy goal but that elements raised by Surf Coast are meritorious. The draft SPP provides a high-level strategic vision for the Surf Coast DAL areas, but whether it sets a wholistic 50 year vision is questionable. There has been nothing put before the Committee that demonstrates that a range of aspects have been considered including, future land use (other than residential), development/land supply, future trends and impacts of climate change.

⁹⁵ Document 208

The Committee considers that, in its current form, the draft SPP represents a missed opportunity to set a solid and strategically important vision for the next 50 years for the declared area. However, it is considered there is enough policy foundation through the policy domains of the draft SPP and information garnered through community consultation and existing policy of both Councils that at this time, the final refinement of the vision can be undertaken through a final review and ‘policy tweak’. This should be led by the Proponent prior to final approval of the draft SPP.

The Committee considers a more fundamental and future proofed vision process should be undertaken at the first review of the draft SPP in 10 years. This process should include extensive identification of key and emerging issues and be underpinned by community engagement.

The Committee does not accept the Proponent’s submissions that it is unnecessary for the Committee to consider the distinction between ‘Victorian Community’ and ‘community’ as part of the Committee’s process of assessing the draft SPP. The Committee has had regard to what constitutes ‘the Victorian Community’ and considers as referred to in the s46AN, includes:

- current and future ‘local’ community of the declared area
- past, present and future Wadawurrung people
- current community groups and land managers
- tourists and future visitors to the area
- business operators and owners
- landowners
- the broader Victorian community.

Separate to those who have been engaged through this project’s community engagement is the future community, which may include future generations and future landowners. People who have not had the benefit of engagement and without new housing opportunities are otherwise voiceless. Planning should be about inclusion and not ‘shutting the gate’ on future residents be they ‘sea changers’ new to the area or returnees, including those who return to the retire or to raise families. Protection of significant landscapes is no more important than providing access and opportunity for people to relocate into the area, and to benefit from and contribute to the uniqueness already enjoyed by the existing residents. This should be reflected through the 50 year Vision and development of the draft SPP.

7.3 How the Framework Plan will be realised

(i) Background

The declared area framework plan comprises Map 3 and Maps 10 to 15, which are the proposed settlement maps for Torquay–Jan Juc (two options), Bellbrae, Breamlea, Connewarre and Mount Duneed. The declared area framework plan maps are to be read in conjunction with the policy domains, including the objectives and strategies.

(ii) Evidence and submission

Many of the submissions and evidence in relation to the framework plan focussed attention on specific settlement boundaries. Some focussed on whether the integrated decision-making framework was considered in development of the framework plans.

The Proponent submitted that the process of integrated decision-making required by Part 3AAB did not preclude landscape matters from being given priority or given greater weight. The Proponent submitted that by virtue of its clear objectives in s46AN, Part 3AAB gives landscape considerations an elevated status and this necessarily affects the balancing exercise that must be engaged during preparation of the draft SPP.

Mr Woodland, Mr Milner and Mr Crowder all agreed that this was a strategic planning consequence of the provisions of Part 3AAB.

Mr Milner gave evidence that the draft SPP was not appropriately integrated with the relevant PPF at a State, regional or local level. His opinion was the DAL provisions do not supersede, and must be read alongside, the established planning framework provided by the Act and the Planning Scheme.

Mr Milner's evidence was consistent with that of Mr Woodland, whose interpretation of the draft SPP was that it placed greater weight on protecting landscapes around Torquay than on providing for the scale of population growth anticipated in the region in future.

It was Mr Milner's evidence that:

The Distinctive Areas and Landscapes (DAL) provisions in the Act are a recent and additional layer of planning control aimed at protecting unique features and special characteristics of select areas and landscapes in the peri-urban areas to metropolitan Melbourne.

...

The DAL provisions do not supersede and must be read alongside the established planning framework provided for by the Act and planning schemes,⁹⁶

Mr Milner was critical that the draft SPP had not made any comment on the VPP or PPF and did not address local policy gazetted under the Planning Scheme. He emphasised that the planning context is layered and complex and the development of the draft SPP should have had regard to the various levels of existing planning policy.

Mr Crowder gave evidence the draft SPP lacked balance and there had been inadequate consideration of relevant planning considerations when preparing the draft SPP. Mr Woodland's evidence, particularly in relation to Spring Creek, had similar conclusions.

Mr Milner, Mr Ganly and Mr Woodland were equally critical of the draft SPP for placing greater emphasis on landscape outcomes over the need for housing and for not being properly reconciled with the broader policy framework.

(iii) Discussion

The question is whether the draft SPP has properly set out the long-term needs for the integration of decision-making and planning for the declared area. The Committee is persuaded by the evidence of Mr Milner that it does not appear that a balancing of planning provisions has occurred in a satisfactory manner consistently across policy direction within the draft SPP. It is unclear why and on what basis some policy positions have been arrived at, in particular in relation to the Spring Creek FRA. These superficial policy positions have in part eroded the legitimacy of the draft SPP.

⁹⁶ Document 47, page 8

The integrated decision-making has been left to the Committee without adequate input from the Proponent to aid decision making. As a result, the Committee has been left to make difficult calls on the direction of the draft SPP without the benefit of an explanation as to why some decisions have been made.

In some instances, however the draft SPP's policy directions are sound, for example, the draft SPP provides good background and guidance as to how some townships and areas should be developed (for example, Bellbrae/Breamlea).

More broadly than the Surf Coast DAL that is before it, the Committee considers that the DAL legislation ought be considered and applied in an integrated manner with the balance of the PE Act, the existing PPF and the provisions of the VPPs. The DAL legislation does not override other planning considerations, and the declaration of an area under Part 3AAB does not mean that all other State and local planning policy considerations are subordinate to the DAL objectives.

The Committee regards the evidence from Mr Milner, Mr Woodland and Mr Crowder is persuasive in this regard. There is still a requirement for the overarching planning objectives contained in section 4 of the PE Act to be satisfied (which includes a requirement to integrate social, economic and environmental outcomes), and to ensure that these objectives are fostered through planning policies and practices that achieve overall net community benefit and sustainable development outcomes.

7.4 The role of Responsible Public Entities

(i) Background

In relation to implementation, the draft SPP states:

In addition to implementation through planning schemes, the final Surf Coast SPP will also be implemented by RPEs as the agencies or bodies responsible for managing land in the declared area. When the final Surf Coast SPP is approved under section 46AV(1)(c) of the Act;

- The objectives in the final Surf Coast SPP are binding on RPEs
- The strategies in the final Surf Coast SPP are not binding on RPEs; they are recommendations to which RPEs are required to have regard

...

That means that when developing or implementing policies or programs or making decisions in relation to the declared area, including when performing their regular functions or duties, RPEs must not act inconsistently with the final Surf Coast SPP's objectives.

An RPE should endeavour to integrate the objectives and strategies which are relevant to it and its responsibilities into its policies, programs and decision-making in the declared area. A RPE should balance any conflicting strategies in favour of an outcome that best promotes the intent of the final Surf Coast SPP for the benefit of present and future generations⁹⁷.

(ii) Evidence and submissions

The Proponent outlined that for the purposes of the draft SPP, the RPE include:

⁹⁷ SPP, page 18

- Secretary to DELWP
- Surf Coast Shire Council
- City of Greater Geelong
- Barwon Water
- Southern Rural Water
- Parks Victoria
- Victorian Planning Authority
- Corangamite Catchment Management Authority
- Department of Transport
- VicTrack
- Great Ocean Road Coasts and Parks Authority
- Victoria Police
- Department of Education and Training.

As noted earlier, in accordance with section 46AZK of the PE Act, RPE must act consistently with any provision of a SPP that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.

During the Hearing, the Committee queried the role of RPE and asked whether, for example, it was envisaged that RPE will become involved in various planning proposals.

In response, the Proponent outlined the role of the RPE and explained the degree to which a RPE will need to have regard to the draft SPP when discharging a function, duty or power. The Proponent noted this will be dependent upon the specific function, duty or power they are seeking to exercise. It noted that given the many different duties, functions and powers of RPE and their interaction with various objectives of the draft SPP, it would be difficult to provide meaningful guidelines without circumscribing the exercise of discretion and powers of RPE.

The Proponent stated that during preparation of the Surf Coast DAL declaration and draft SPP, the RPE were extensively involved in the engagement and consultation processes. It outlined that during development of the draft SPP, involvement included, for some RPE, participation in the Project Control Board which was originally convened to oversee the development and progress of the Macedon Ranges DAL project. The remit of that project has now been extended to encompass all declared areas, including Surf Coast. The Proponent provided a summary of the consultation undertaken as part of the process and type of response/status from each of the relevant RPEs⁹⁸.

In an unusual step, Macedon Ranges, who are not an RPE nor affected by the Surf Coast DAL, made submissions to alert the Committee to their own experience⁹⁹. Macedon Ranges had the benefit of hindsight with an approved SPP, and raised concerns about the lack of understanding of RPE as to their responsibilities for implementation of the Macedon SPP. Macedon Ranges submitted that:

RPEs are difficult to engage, particularly at the early stages of policy formulation, and have little regard for the binding nature of SPP objectives, and instead give preference to their own objectives that stem from their own core business.

⁹⁸ Document 260

⁹⁹ Document 122

Macedon Ranges cited various examples of difficulties with RPE in relation to new amendment processes, and in particular conflicts with the CFA. Macedon Ranges recommended the Surf Coast draft SPP should include greater direction on how RPE should implement strategies and clarify the RPE responsibilities for implementing the draft SPPs. They further suggested the State Government resource the implementation of the draft SPPs through:

- Funding of all future implementation actions,
- Funding for the training of RPEs in their responsibilities in ongoing implementation of SPP objectives,
- Commit to timelines for production of supporting guidelines, practice notes, or the like, that provide guidance on how to implement the SPPs at a program level,
- Commit to timelines for incorporation of the SPPs into relevant Planning Schemes.

During the Hearing, both Surf Coast and Greater Geelong raised concerns, not with their role as RPE, but in relation to consultation during preparation of the draft SPP.

Greater Geelong noted that initially, it had not supported the inclusion of their land into the Surf Coast DAL process, preferring to be wholly involved in the Bellarine DAL which is subject to a separate process. However, Greater Geelong noted that once the decision was made to include Breamlea and parts of Armstrong Creek in the Surf Coast DAL, they cooperated in the process and had been active participants of the Project.

During the proceedings, Surf Coast tendered a 'Note' to the Committee, stating that it did not consider itself to be a partner in the DAL Project. In distancing themselves from the Project, Surf Coast indicated that they had been involved in background 'localised' information input and that they were involved in a limited capacity in steering, but not directing the project. In relation to the decision-making surrounding Spring Creek FRA, Council stated:

In accordance with the principles of good Governance under the Local Government Act, Council sought and seeks to protect the present and future residents of the Surf Coast Shire in all matters, including any arising from this process.

To this end, officers of the Surf Coast Shire expressly requested that DELWP not provide Council officers with any material relating to either settlement boundaries or the future plans for Spring Creek. This request was honoured, and accordingly, all draft documents had maps or text relating to Spring Creek and settlement boundaries removed. In addition, no verbal discussions occurred on the removed material.

Council officers were not consulted on the Spring Creek corridor, nor the possibility of options for Spring Creek or the form or number of those options. Council officers and councillors first viewed the proposals for the settlement boundaries in Torquay and options for Spring Creek at the same time as the public when the draft SPP commenced exhibition and have not been provided with any subsequent options prior to this hearing¹⁰⁰.

In response to further questions from the Committee and in response to Surf Coast's note on this matter, the Proponent responded:

The Department has been working collaboratively with Surf Coast Shire Council and the City of Greater Geelong since the commencement of the Surf Coast Distinctive Areas and Landscapes project in 2019.

¹⁰⁰ Document 193

...

The Department considers that the relationship with both Councils has been constructive throughout the process, and this is particularly significant given the complexity and nature of issues relating to landscape protection and settlement planning within the declared area. It is therefore appropriate to characterise the working relationship between both Councils and the Department as collaborative.

... It should also be noted that a collaborative working relationship does not necessarily require mutual agreement on all aspects of the draft Statement of Planning Policy and proposed landscape controls. Therefore the extent of any disagreement between the Councils and the Department on various aspects of the draft Statement of Planning Policy and/or landscape controls should not derogate from the overall collaborative character of their relations¹⁰¹.

Other than the two Councils, there were two submissions from RPE in relation to the process. One was from Department of Transport (DoT)¹⁰², which did not address concerns relating to consultation or their role as an RPE. In its submission, DoT focussed on the removal of the designation of the Armstrong Creek Transit Corridor from the Framework Plan, stating that deliberations were still in their early stages, and that no key route had yet been determined.

The other submission was from Parks Victoria, which stated it recognised the importance of this planning framework and Parks Victoria's role in implementation, as an RPE¹⁰³. Parks Victoria noted its support of the Objectives and Strategies and recognised its role to consider them in management of their assets.

(iii) Discussion

The broad issue is how the RPE will engage with the SPP and be involved in decision making in a timely manner.

On balance, the Committee considers the draft SPP has articulated the areas that are binding on the RPE consistent with the requirements in the PE Act. The Committee sees merit in the concept of the RPE and the intent to better coordinate decision-making for land use and development across the declared area to achieve integrated development outcomes. Most importantly, the system of having a consistent decision-making framework will provide greater certainty for current and future residents and businesses.

Throughout the Hearing, the Committee had to repeat requests for clarification around the role of RPE and the Department's consultation with appropriate agencies through development of the draft SPP. It is still unclear whether the provisions in the draft SPP will be binding on RPE, and to what degree the policies contained within the draft SPP will influence internal decision making.

The Committee notes the Macedon Ranges concerns and its frustrations in engaging with those considered to be RPE for their own draft SPP. In terms of the Surf Coast draft SPP, the CFA were not identified as an RPE. It is not the role of the Committee to nominate inclusions to the RPE list, but it does seem an oversight that the CFA is not an RPE and do not appear to have been engaged in the Project to date.

¹⁰¹ Document 260

¹⁰² Submission 2747

¹⁰³ Submission 3045

It seems extraordinary that at the very final stages of the process, Surf Coast distanced themselves from the Project, with the Proponent essentially stating that there doesn't necessarily need to be agreement on all aspects of the draft SPP by all RPE. The various degrees of commitment by different RPE to the Project as a whole, and/or to aspects of it, distract from the importance of the RPE and seem likely to cause conflicts. It seems problematic that engagement with RPE is likely to be fractious when there will be onerous requirements placed on these entities. Acceptance from the start is necessary to create a truly collaborative environment.

It is concerning is that the degree of consultation and engagement with certain RPE is unclear. Through the hearing it emerged that there were differences of policy direction from three of the key stakeholders; Surf Coast, Greater Geelong and DoT. This was disappointing to the Committee and has made its deliberations in this process more difficult. The Committee rejects the proposition that a collaborative working relationship does not necessarily require mutual agreement on all aspects of the draft SPP. The Committee cannot fathom how without adoption and full support by all RPE of the draft SPP, the Proponent can be comfortable that the vision, objectives and strategies will be achieved. Not having buy in and understanding by all RPE may result in an ineffectual policy that will undermine the draft SPP's overall policy intent.

7.5 Findings

The Committee finds:

- The draft SPP sets a vision for the next 50 years, however, a more robust and vision setting process should be undertaken at the 10-year review. This process should be based on identification of key and emerging issues and be underpinned by community engagement.
- The 'Victorian community', as articulated in section 46AN, is referencing the statewide Victorian community and so the draft SPP should have regard to this community and not only those currently living in Torquay-Jan Juc.
- The role of the RPE has been defined and outlined within the draft SPP, however, the Committee considers it important that formally endorsed sign off on the draft SPP should be undertaken by all identified RPE prior to finalisation.
- The declaration of the DAL does not mean that all other State and local planning policy considerations are subordinate to the DAL objectives. There is still a requirement for integrated decision making as set out in section 4 of the PE Act.
- Parts of the draft SPP have not adequately undertaken a process of integrated decision making (see the recommendations of the Committee at Chapter 22 as well as individual chapters).

8 Land supply and population

8.1 Background

The relevant exhibited supporting report is the Settlement Background Paper prepared by DELWP.

Table 3 lists the economics and land supply evidence presented.

Table 3 Economic evidence

Party	Expert	Firm	Area of expertise
Zeally/Duffields Road	Justin Ganly	Deep End Services	Economics and land supply
Surf Coast Energy Group	John Prendergast	Prescience Research	Social and market research

The key issue to be resolved is:

- Whether land supply in and around Torquay-Jan Juc will be adequate to meet the population and growth needs of Surf Coast Shire over the next 10 to 15 years.

8.2 Evidence and submissions

In its opening submission, the Proponent noted the strategic direction for Torquay-Jan Juc is that it will continue to be a district town providing housing choices and other opportunities within the declared area and the broader region. Specific residential areas within Torquay-Jan Juc were noted as being capable of accommodating infill development, including in the core of Torquay and along Surf Coast Highway. Further:

To the extent that further outward greenfield growth is envisaged, it will occur in designated areas that do not compound impacts on surrounding areas of high biodiversity value, Aboriginal cultural heritage, state and nationally significant landscape and natural resources¹⁰⁴.

The submission highlighted the two options for Torquay-Jan Juc as expressed in the draft SPP and noted the overwhelming support for Spring Creek Option 2 expressed by most community submitters.

Surf Coast noted in its original submission that while it accepted the former Minister for Planning's decision regarding the Spring Creek land being rezoned to UGZ, and that it endorsed the Spring Creek PSP on that basis, it considered:

Option 2 for the Spring Creek Urban Growth Area reflects Council's long held aspirations for the future of Spring Creek Valley and the views of the majority of people in the community, and endorses this option¹⁰⁵.

Council advised it had commenced preparation a commercial land strategy, which the Committee notes is now currently on public exhibition. Council further advised it had some issues in the draft SPP about how Central Torquay might be consolidated but did not provide any direction on how growth in Torquay-Jan Juc will be managed if the Spring Creek FRA did

¹⁰⁴ Document 80, para 27

¹⁰⁵ Submission 3050

not proceed. Apart from noting the population of Torquay-Jan Juc will continue to grow and residential intensification is likely, Council said very little about how and where population growth/land supply will be managed. This did not change by the time Council wrote its main submission (D123) but Council did take the opportunity to extensively cross examine Mr Ganly.

In its submissions on where growth will occur, Zeally/Duffields Road noted:

The evidence of Mr Milner, Mr Ganly and Mr Woodland is consistent – and unchallenged – in relation to Surf Coast and Torquay-Jan Juc being unable to meet their housing supply targets without urban development occurring on the Spring Creek FRA land. This is particularly relevant in the context that Torquay-Jan Juc is designated as a ‘district town’ within the G21 Regional Growth Plan (2013) and has consistently been identified as the only town in Surf Coast with capacity to absorb the Council’s future growth obligations¹⁰⁶.

Mr Ganly gave evidence that:

Torquay-Jan Juc is designated as a District Town within the G21 Plan with expectations that it will accommodate significant growth in population and employment.

One of seven District Towns identified in the study, Torquay-Jan Juc is the only such location between Geelong and Warrnambool on the coastline.

Torquay-Jan Juc’s position on the Great Ocean Road, identified as a key transport spine, and its District Town designation, makes it an important strategic location, connected to and supporting smaller towns and communities¹⁰⁷.

Chapter 4 of Mr Ganly’s evidence related to Torquay housing requirements and said he was unaware:

... of any recent strategic planning work being undertaken within Winchelsea to enable a substantial increase in dwellings within the township and, further, note the stark difference between the Torquay (coastal) and Winchelsea (rural) settings from the perspective of potential residents¹⁰⁸.

Mr Ganly was not convinced there has been any research that led to future residential growth being accommodated elsewhere in Torquay if Option 2 was adopted, and noting he could not find any discussion to support this option in the draft SPP. Mr Ganly noted Winchelsea was nominated as having growth prospects but advised the G21 Plan did not foreshadow such growth until 2030–2040.

With regard to Option 1, Mr Ganly observed:

No information is provided within the Draft SPP (or, indeed, the Settlement Background Paper) regarding lot sizes and/or densities which would represent “low density ecologically sustainable development” allowed at Spring Creek in Option 1.

Mr Ganly raised the issue that if a significant proportion of growth could not occur in Spring Creek, he could not see where else within the municipality significant growth could occur. He was cross examined by Surf Coast regarding growth opportunities in Winchelsea, and he agreed that even if Winchelsea did take some growth, it would not be the same market as those seeking a Torquay location, nor would it be significant growth. Mr Ganly disputed that

¹⁰⁶ Document 75, para 68

¹⁰⁷ Document 49, paras 56, 57, 58

¹⁰⁸ Document 49, para 64

growth for the Shire could be realised in Winchelsea, as he observed people who might want to live in Torquay, may not feel the same way as living in Winchelsea if that was the only other option.

Further, Mr Ganly was not persuaded that significant additional growth could be accommodated in Central Torquay or the Messmate Road FRA.

Mr Ganly concluded the implications of adopting either Option 1 or 2 would include:

- Transferring the housing challenge outside of the Surf Coast (and mainly to the City of Greater Geelong);
- Continued escalation in land and house prices;
- Continued tightening of rental vacancy and increases in rental rates; and
- Significant reductions in local construction jobs, with flow on effects to other parts of the Torquay economy¹⁰⁹.

Mr Ganly highlighted a report prepared for Council (*Residential Land Supply and Demand Assessment*, Spatial Economics, 2018) that:

- there is a five to seven year supply of zoned land for residential development
- there is between nine to 12 years of unzoned land supply
- further release of appropriately zoned land should be released in the short term.

Mr Ganly noted the identified unzoned land included the Messmate Road area and the Torquay North East FRA Investigation Area.

With regard to population, Mr Ganly relied on Victoria in Future (ViF) data from 2016 and 2019 and advised of “... *heightened population and dwelling growth expectations for Surf Coast, with Torquay’s role even more important as its share of future dwelling growth within the municipality is expected to increase for 74% (VIF2016 to 78% (VIF2019))*”.

In giving his evidence in chief, Mr Ganly was critical of the *Settlement Background Paper* in that it did not adequately or objectively review future residential supply and demand. He observed the pace of growth was picking up consistently in Torquay and if not managed well, Torquay risked “*becoming an expensive enclave*”. His clear evidence was that if supply is ‘turned off’, land process, house prices and rents will increase, and vacancies will decrease.

It was Mr Woodland’s evidence that he was not confident that the draft SPP had contemplated future population growth over the long term.

The Proponent and Surf Coast were critical of Mr Ganly’s evidence.

The Proponent questioned the assumption that 15 years supply of land needed to be in Torquay, to which Mr Ganly agreed it needed to be in the Shire, but that Torquay was, in his opinion, the main area for future residential development. Surf Coast focussed many of its questions on the opportunity for Winchelsea to be a key focus for growth in the future, to which Mr Ganly agreed there was prospects for some growth there, but expressed the view that it could never compete with Torquay-Jan Juc as the preferred place to live in the Shire.

¹⁰⁹ Document 49, para 209

Surf Coast further tested Mr Ganly's population assumptions and the methodology of ViF and ABS data, as did GTA who went further and questioned the growth assumptions, including the population projections and targets.

In closing, the Proponent submitted the policy imperative in the Planning Scheme to have at least 15 years of land supply ought not be taken literally, rather it is a policy that must take other factors into consideration such as environmental, heritage and landscape values. The Proponent used the example of Bright being an area where due to environmental considerations, there cannot be 15 years supply, with Myrtleford being the place to take that growth in Alpine Shire. Similarly, the Proponent noted Lilydale and Chirnside Park take up the growth opportunities for Yarra Ranges.

In its closing, Surf Coast remained critical of the evidence of Mr Ganly and contended:

Mr Ganly's scope was narrow. He did not take into account sustainability. He did not consider in any detail, the municipality as a whole. His basic understanding of the role of Winchelsea was not informed by any of the recent material in the Planning Scheme¹¹⁰.

Zeally/Duffields Road concurred with Mr Ganly's evidence and said:

More or less, future settlement areas in Surf Coast Shire have been cohesively and responsibly planned since the Council was formed in the 1990s out of the state-wide council amalgamation process. Unsurprisingly, this has focused on Torquay-Jan Juc for reasons which the Ganly evidence has made clear. It is inconceivable that this focus will change in medium term over the next 10- 15 years (at least). Other coastal towns don't have the physical capacity to absorb growth (due to ocean and forest). Other inland areas such as Winchelsea don't have the same appeal (and in any event, do not appear likely candidates for complete transformational upending if they are to shoulder the lion's share of future growth for Surf Coast Shire)¹¹¹.

GTA urged the Committee "*... to tread warily in relation to Mr Ganly's opinion*", especially with regard to population targets. It submitted that his evidence was less than compelling and should be accorded, little, if any weight.

Mr Prendergast provided evidence on population growth and potential land requirements for housing. He outlined projections for population growth based on the ViF projections for Surf Coast of 32,000 people by 2037. The evidence argued the demand of future housing is driven by a circular projection process, that is the more land that is released, the more land is needed because more people come.

The 3228 Residents Association advised it was not the policy of its organisation to "stop" population growth in Torquay-Jan Juc, rather they have advocated control of growth so that infrastructure and services can develop at a pace that matches the growth. The 3228 Association noted the average growth rate in Torquay-Jan Juc was in the order of 4.38 per cent from 2012 to 2020. It noted Council's SFP2040 predicted a population of 25,000 to 30,000 persons by 2040, but on the basis of current growth rates, it could escalate to 50,000 by 2040.

Numerous submitters considered that Geelong was the place for growth in the broader region. Many indicated Armstrong Creek was still developing and could develop further,

¹¹⁰ Document 330

¹¹¹ Document 208

while others observed Greater Geelong had just completed a comprehensive growth strategy and it was able to open up two major growth fronts to take significant population in the future.

8.3 Discussion

State policy at Clause 11 of the Surf Coast Planning Scheme states:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

...

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns ...

Regional policy at Clause 11.01-1R of the Scheme provides the Strategy for the Geelong G21 region to:

- Support the growth of and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focusing growth along key roads and rail networks.
- ...
- Reinforce the role of district towns in providing services to surrounding areas.
- ...
- Protect critical agricultural land by directing growth to towns.

This strategy is highlighted in the G21 Regional Growth Plan map (as is identification of a key settlement break between Armstrong Creek and Torquay).

Clause 11.02-1S – Supply of urban land sets out the objective:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Key strategies to support this objective include:

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.

The draft SPP notes:

A protected settlement boundary is proposed for Torquay–Jan Juc to manage long-term growth of the settlement and to protect the state significant landscape setting, as well as areas of Aboriginal cultural heritage and high biodiversity value.

The draft SPP noted in relation to Settlements that the rate and amount of population growth in the Torquay area has been strong compared to other areas of the G21 region and elsewhere in Victoria, hence the “... *unique values and distinctive attributes have been under pressure from overdevelopment*”¹¹². The draft SPP notes that protected settlement boundaries will be applied to Torquay-Jan Juc, Bellbrae and Breamlea to provide certainty to communities by designating areas for sustainable, managed growth.

¹¹² Draft SPP, page 54

Noting the draft SPP says it must integrate environmental, social, cultural and economic factors for the benefit of the community, the Committee is cognisant that as a key area for urban growth in the Surf Coast Shire, Torquay-Jan Juc must be able to take a significant proportion of this growth in a considered and sustainable manner.

Council acknowledged the strategic work undertaken for the Spring Creek FRA for long term growth in its opening submission, but the Committee does not accept that having land rezoned to UGZ with a Council adopted PSP, can be characterised as *“those plans always remained at the level of theory, demanding further investigation”*.¹¹³ The significant work relating to Spring Creek came well before the DAL declaration and in the opinion of the Committee, for reasons of transparency, fairness and certainty, the current approach to Spring Creek should have been, at the very least, provided as a clear option for review in the draft SPP.¹¹⁴

It is apparent that Torquay-Jan Juc is growing at a rapid rate, and the pace of growth seems to have caught many unawares. The extent of new development in the north east is testament to the rapid pace of change and it seems to have harboured negative thoughts to some in the community. All new areas opened up for residential development take time to mature.

The Committee considers the discussions between Mr Ganly and some advocates about exact numbers for population growth is a distraction, as most population figures are estimates based on information available at a point in time. It is well known that a range of factors contribute to population surge or decline, and population estimates can be variable. What is also known is that the population of regional cities and towns have increased and are likely to continue to increase as a consequence of the impacts of COVID-19. It would be no surprise if there is an even greater interest in Torquay-Jan Juc as a place to live in the future.

The Committee acknowledges the rate of population growth in Torquay-Jan Juc has increased steadily since 2010 and planning for that growth is critically important. It is likely to exceed the expectations expressed in the *Sustainable Futures Plan 2040*. It is critically important to plan for growth, and as the 3228 Residents Association noted, it is essential that the provision of infrastructure and services keep pace.

Population growth is not unique to the Surf Coast Shire or, to Torquay-Jan Juc. The urban growth expansion of Melbourne, Geelong and other regional cities and towns is evidence that population growth is common in a variety of circumstances. However, what may be a point of dispute or give rise to disruption is the rate of population growth and the ability of the existing social fabric to adjust to the expanded community. As cited in Mr Prendergast’s submission, the rate of population growth has been rapid – a doubling each decade increase in less than a generation.

Of more concern to the Committee are the impacts of a constrained housing market on housing affordability and the potential that if Torquay-Jan Juc is severely constrained in term of supply, house and land prices will significantly increase. Affordable housing opportunities are front and centre of the objectives of planning, and planning policy. All municipalities are

¹¹³ Document 73, para 18

¹¹⁴ Document 73

required to provide for affordable and diverse housing. If the housing market was depleted in Torquay-Jan Juc, that would have a big impact on affordable housing for the region. One implication is that such opportunities might be targeted to a particular area and that in itself could create a range of adverse social impacts.

While the Committee accepts that Winchelsea can take some growth in Surf Coast Shire, it considers Torquay-Jan Juc to be a designated growth centre in Surf Coast Shire, and (using the Proponent's analogy) Torquay-Jan Juc is to Lorne or Anglesea as Bright is to Myrtleford. Winchelsea is a quite different urban centre to Torquay and those who seek coastal living would not get that in Winchelsea.

If land already zoned for urban development in Torquay is removed, it will result in significant pressures in Central Torquay and for other areas to be opened up, including other smaller coastal settlements that are even more environmentally constrained than Torquay.

It is not appropriate nor does the Committee agree with many of the submitters who contended that the City of Greater Geelong (and Armstrong Creek in particular) should provide the only opportunity for growth emanating from Surf Coast Shire. Greater Geelong has undertaken its own strategic work to support growth in its municipality and State policy makes it clear that all municipalities are to accommodate appropriate land supply for growth in appropriate locations.

Recognising that the proposal to change the settlement boundary and ultimately the zones would be contentious, it was surprising to the Committee that neither the Proponent nor Surf Coast Council called competing evidence on land supply and/or population.

Mr Ganly gave evidence at both Amendments C66 and C114, and the Committee accepts the veracity and content of Mr Ganly's evidence.

8.4 Findings

The Committee finds:

- Torquay-Jan Juc is recognised in planning policy as a designated growth area in Surf Coast Shire and will take a significant portion of population and household growth in coming years.
- The evidence of Mr Ganly was helpful in understanding the population and land supply dynamics of Torquay-Jan Juc in particular.
- Should Spring Creek not be developed, there could be severe impacts on housing diversity and affordability in and around Torquay-Jan Juc.

9 Landscape and visual

9.1 Background

The Surf Coast has a wide and varied landscape ranging from coastlines and wetlands, to the Otway foothills and undulating farmland.

Landscape and visual assessments are, or should be, the fundamental building blocks of the DAL. Accordingly, the approach, methodology, application of the SLOs and subsequent flow on effects on how land may or may not be developed in the future was heavily contested at the Hearing.

There was significant debate as to whether particular areas of land should be classified as nationally, state, or regionally 'significant' landscapes, or not be classified at significant at all. Further, the application of the SLOs was a matter of considerable controversy.

The relevant supporting reports include:

- Landscape Assessment Review Volumes 1, 2 and 3
- Distinctive Areas & Landscapes Surf Coast Declaration Area: Boundaries Advice ¹¹⁵

Table 4 lists the landscape and visual evidence provided.

Table 4 Landscape and visual evidence

Party	Expert	Firm	Area of expertise
The Proponent	Claire Scott	Claire Scott Planning	Landscape
Mack Property Developments Pty Ltd	Brendan Papworth	Papworth Design	Landscape
DF (Sprague Farm) Developments (DFC)	Steve Schutt	Hansen	Landscape visual impact
DF (Sprague Farm) Developments (DFC)	Craig Czarny	Hansen	Urban Design and landscape
MAKE Ventures	Steve Schutt	Hansen	Landscape and visual impact
Fortress Holdings	Allan Wyatt	XUrban	Landscape and visual impact

The key issues to be resolved are:

- whether the landscape assessment approach that informed the draft SPP is appropriate
- reconciling the finer grained site assessment
- whether SLOs should be applied and, if so, in what locations
- defining and providing green breaks.

¹¹⁵ Surf Coast Declaration Area: Boundaries Advice

9.2 Landscape assessment approach

(i) Background

The draft SPP was developed from several landscape assessment reports (set out in Chapter 4.2), which were used in defining and distinguishing landscape character, landscape significance, and categorising the Surf Coast DAL into areas of national, State and regionally significant landscapes.

The Declaration Assessment set out a rationale for inclusion of areas in the declared DAL, noting significance could be defined *“across a number of scales, including local, regional, state or national significance”*.

The Declaration Assessment *“considered the attributes should be of state or national significance to warrant the elevated planning protection at the state level. If an area does not meet the threshold of state or national significance, the local planning scheme and existing planning provisions are considered sufficient to manage the attributes and threats.”*¹¹⁶ (Committee emphasis).

The SLOs were proposed to apply to:

- **Surf Coast Western Hinterland (SLO8)**
 - applying to State significant landscapes to the west and south-west of Torquay – Jan Juc
- **Torquay Coast and Breamlea Saltmarshes (SLO9)**
 - applying to State significant coastal landscape
- **Great Ocean Road and Coastal Environs Bells Beach to Point Addis (SLO10)**
 - applying to State and nationally significant landscape west of Jan Juc along the coast, and south of the Great Ocean Road. This SLO implies amendments to existing SLO1.

Ms Scott suggested the SLOs apply to the most significant landscapes in the DAL, although she also suggested the threshold for the application of SLOs should generally be regional significance¹¹⁷.

Several submitters raised concerns with various aspects of the landscape assessment and technical background work, including the rigour of those assessments.

(ii) Submissions and evidence

The Proponent supported the landscape assessment methodology and suggested it be adopted as the foundation for the draft SPP. The Proponent stated in closing that:

The evidence of Ms Scott remains the only landscape significance and landscape character assessment before the Committee. Whilst several submitters have called landscape related evidence and have been critical of Ms Scott's methodology and aspects of her findings, none of the other submitters have engaged a similarly qualified expert to engage in a landscape significance and landscape character assessment along the lines conducted by Ms Scott. Accordingly, Ms Scott's evidence should be accorded significant weight ¹¹⁸.

¹¹⁶ Declaration Assessment, DELWP, page 7

¹¹⁷ Document 30, para 110

¹¹⁸ Document 332, page 17

Ms Scott's methodology and approach are discussed in Chapter 4.2, including the assessment of significance based on a range of values (visual, cultural heritage, environmental, scientific, social and other) and scale (moderate/high/exceptional qualities).

Ms Scott's approach to recommending SLOs had regard to the underlying zoning, along with five other 'factors', being:

- the physical extent of the significant landscape
- existing zoning provisions and planning permit triggers (and gaps)
- the location and content of existing SLOs and schedules
- current or potential development pressure
- the character of the landscape, including its sensitivity to threats and ability to accommodate built form.

Ms Scott and Mr Woodland agreed that, in order for a landscape to be considered significant, it needed a predominant natural form with edges and contrasts contributing to the overall landscape and setting.

Ms Scott provided an explanation for the use of certain terms used in the landscape assessment, including 'iconic':

Landscapes – Iconic – Is the landscape (and its features, edges or contrasts, and composition) instantly recognizable? Is it symbolic for its visual qualities? Has the landscape been represented in art, photography, literature etc.? Is it iconic within the local, regional or state context? (Volume 1, pg.69)

Views – Iconic – Is the view recognizable? Is it symbolic for its visual qualities? Has it been represented in art, photography or literature etc.? Is it iconic within the local, regional or state context? (Volume 1, pg.71)

Ms Scott's evidence provided numerous references to examples of 'iconic' landscapes in the declared area, which could be local or regional, including:

- the Great Ocean Road (in relation to the location of the Spring Creek FRA as a whole and its location immediately north of the Great Ocean Road)¹¹⁹
- the isolated, rugged and iconic landscape character of Bells Beach¹²⁰
- the character of Bells Beach and its environs experienced from all roads used to access it on the coastal side of the Great Ocean Road¹²¹
- various other coastal 'iconic' features including:
 - Bells Beach to Point Addis landscape as part of the 44 kilometre Surf Coast Walk
 - amphitheatre of Bells Beach
 - Torquay front beach with its row of Norfolk Island Pines.

Surf Coast supported the landscape significance work and the evidence of Ms Scott and considered it to be "*uncontested*"¹²².

Mr Papworth generally supported Ms Scott's methodology and approach however he had concerns with her terminology and definitions, particularly the use of terms such as 'scarcity' and 'iconic'¹²³.

¹¹⁹ Document 30, page 18

¹²⁰ Document 55 page 13

¹²¹ Document 55, para 26

¹²² Document 330

¹²³ Documents 43, 164

Mack Property submitted the lack of 'ordinary', 'commonplace or mundane' categories is a flaw in the methodology and was concerned about definitions such as 'edges', 'contrasts' and 'iconic'. He submitted that, as a consequence of using this methodology, *"every landscape must be at least the best of its kind, iconic and uncommon, rare or endangered at least at a local level"*¹²⁴.

Mack Property, Fortress Holdings and Zeally/Duffields Road queried the need for the landscape assessment work. Mack Property noted for example:

The draft SPP has attempted to identify the distinctive attributes of the declared area. In doing so, however, it goes beyond the declaration. For example, it seeks to include landscape areas said to be of regional significance. That is not justified by the declared attributes or distinctive features¹²⁵.

Zeally/Duffields Road was concerned with the validity of the landscape assessment work in the absence of any peer review, as well as the lack of reference to industry guidance and approaches, other than Ms Scott's own work.

Mr Schutt provided evidence that gave an alternate landscape and visual assessment, with reference to *"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 standards¹²⁶. Mr Wyatt concurred with the use of a range of guidance documents, and during cross examination for Fortress Land, identified that Ms Scott's methodology was appropriate but believed it was too generic and broad, requiring a finer grain approach.

GTA, Surfrider Foundation and various other submitters suggested seascapes or views of the land from the ocean should be included, to take into account vistas and viewsheds experienced by surfers, beach users and those in the water on vessels¹²⁷. Ms Scott advised this approach did not fit her methodology but noted, that it would have been good to have done this assessment. Ms Scott contended the SLO would in any case *"... better manage the siting and design of development on land, including that which is visible from the coastal edge and ... also from the water"*¹²⁸.

Fortress Holdings and Mr O'Brien expressed concerned about the need for the extensive landscape assessment work and resultant controls, especially if the perceived threat was already adequately controlled through existing Planning Scheme provisions.

(iii) Discussion

The Committee found the landscape assessment methodology and approach to be generally satisfactory as a high level assessment. It drew on appropriate information and used values based criteria to firstly characterise landscape, and then assess its significance.

Independent testing and peer review

¹²⁴ Document 165, page 7

¹²⁵ Document 165, paras 10, 11, 13

¹²⁶ Document 52, page.14

¹²⁷ Documents 77, 322, Submission 2763

¹²⁸ Document 55, page 14

The Committee agrees with Mr Schutt, Mr Papworth, Mr Wyatt and others that reference to Australian and international industry guidance would be prudent, to improve robustness in:

- determining character and significance
- recommending policy wording
- suggesting controls such as SLOs.

It is perplexing, given the importance of the assessment, that Ms Scott's work was not the subject of any peer review commissioned by the Proponent. Alternatively, the Committee would have expected, at a minimum, that an independent expert would have been called to give evidence to the Committee. This would have assisted the Committee to assess the rigour of the extensive landscape assessment work. Many of the advocates and witnesses were highly critical of the fact that the assessment had not been peer reviewed.

The Committee is particularly concerned this work was not peer reviewed, given it is the landscape assessment that forms the foundation for the draft SPP and the proposed planning controls.

The validity of this work was brought further into question, when during cross examination Ms Scott conceded that, after further review, that it was appropriate to "down grade" the landscape classification for:

- Spring Creek – from state to regional significance
- Messmate Road – from regional to local significance (the Committee notes an SLO does not apply to this land)
- TNEIA – from regional to local significance (the Committee notes an SLO does not apply to this land)¹²⁹.

These were only three of the areas that were 'tested' during evidence and cross examination. The Committee later raises concerns about the broader application of SLO8 across the farmland to the west of Bellbrae as well.

The Committee has concluded that, while the methodology may be appropriately high level for policy purposes, the classifications can be ambiguous and subjective when viewed at a finer scale. Noting the need to view landscape areas and units as a whole, the Committee is nonetheless concerned that this may result in poor planning outcomes.

Application of SLOs

The Committee accepts Ms Scott's assessment was (at least initially) necessarily high level and of a level sufficient to inform the draft SPP policy statements. However, the proposal to introduce and apply SLOs requires another, more detailed, level of analysis to fully justify the need, appropriateness and suggested content of such controls.

For example, the Committee notes that SLO10 is proposed to apply to both sides of the Great Ocean Road, and to cover both state and nationally significant landscapes. The classification of those landscapes is grounded in extensive review and assessment in this location.

The Committee and many of the submitters struggled to understand how the five 'factors' had been considered and applied to individual large landholdings and sites. It is

¹²⁹ Documents 30, 55

acknowledged there was some material presented in Volume 2 and in evidence, that sought to explain this.

However, the Committee's view is that more work is needed to demonstrate that existing zone and overlay provisions (as well as local policy) are inadequate to provide for appropriate protection for the assessed landscapes.

This is particularly relevant to farming and rural land holders (see subsequent discussion in Part C). It is noted that Ms Scott suggested the FZ (for example) provides good protection for regionally significant landscapes in the northern part of the DAL around Mount Duneed. While the areas covered by SLO8 and SLO10 are regarded as more significant, they too are broad rural land holdings with similar zoning provisions (and some with a VPO) that already provide control and direction over landscape.

The Committee considers that an explicit assessment against Ms Scott's own identified factors for applying the SLO to significant landscapes may help to justify application of the proposed SLOs.

Having regard to the above, the Committee finds there was a lack of rigour and transparency in applying the factors to determine the extent of the SLOs.

Terminology

A further matter for consideration is appropriateness of the terminology used in Ms Scott's analysis.

The Declaration Assessment terminology referred to significance scales of local, regional, state or national¹³⁰. Ms Scott used similar terminology (regional, state, or national), although applied in a different context. This became confusing for submitters and for the Committee.

The use of the term 'iconic' also generated confusion. To the Committee, an 'iconic landscape' is a landscape that is associated with exceptional state or national significance, such as the Great Ocean Road, the Twelve Apostles, Hanging Rock, or the Grampians for example.

Indeed, this is reflected in the nomination of the Great Ocean Road for recognition of its national heritage status, as well as Bells Beach for its iconic status in surfing culture¹³¹. Nationally, icons could include significant sites such as the Great Barrier Reef, Kakadu and Uluru. Having sub categories of 'regional' and 'local' iconic status, dilutes what is truly iconic. The use of such criteria was clearly a point of contention and confusion.

The Committee found the evidence of the various landscape experts called by other parties helpful. They were grounded in industry guidance and best practice, used clear language, transparent matrices of assessment, and clearly identified intended outcomes in the form of preference indicators¹³². Mr Schutt's evidence, while applied to a local area rather than the whole DAL, used less ambiguous, standardised and industry accepted language which reduced the risk of subjectivity.

¹³⁰ Declaration Assessment, DELWP, page 7

¹³¹ Document 239

¹³² Document 52, Appendix A

In the Committee's opinion, the use of clear and unambiguous language is critical to any landscape assessment.

(iv) Findings

The Committee finds:

- The landscape assessment methodology was high level and generally satisfactory, however the assessment should have been peer reviewed, either prior to exhibition or through additional evidence presented by the Proponent at this Hearing.
- The apparent subjectivity in significance classifications did not assist the Committee.
- There was a lack of rigour and transparency in applying the identified factors to define the boundaries of the SLOs.

9.3 Finer grained site assessment

(i) Background

As has been noted, the landscape assessment methodology was generally high level and broad scale. Some submitters thought it should be finer grained to take account of areas that did not meet the significance criteria for its broad application, and to look at sites where more intensive use and development has previously been contemplated and/or where strategic planning has already been undertaken.

(ii) Submissions and evidence

Ms Scott's view was that there was a danger in assessing individual land parcels when undertaking broad landscape character and significance assessments. Her evidence was that such an assessment should be at the broader landscape-level, and not for individual land parcels. She focussed on Spring Creek in this regard and advised:

It is clear that when divorced from the broader landscape unit, and considered in detail as an individual site, its [Spring Creek] significance level varies from that determined for the larger area. To illustrate this concept further, the Grampians Ranges and environs is a good example. The Grampians and their agricultural foreground setting were assessed in 2013 as a landscape unit of state significance ... However, if considered in isolation, a collection of paddocks within the foreground of that significant landscape may only be of regional or local significance¹³³.

Ms Scott agreed that when looking at site specific landscape character and values, there will inevitably be variation in significance levels¹³⁴. Ms Scott provided a mechanism to consider site specific assessment, essentially applying the same approach as the broad scale assessment.

The major landowners considered the individual site assessments did not generally align with Ms Scott's assessment of significant landscape. Part C provides more detail on this for specific sites.

Zeally/Duffields Road, Mack Property, Fortress Holdings and others submitted that Ms Scott's approach:

¹³³ Document 30

¹³⁴ Document 332

- failed to properly distinguish their respective client's sites and potentially others from broader categorisations
- lacked specificity in reference to terms such as "*green breaks*", effectively conflating concepts of "*virtual green break*" and buffers providing softening between urban areas and Bells Beach Reserve, for example¹³⁵
- lacked justification for additional controls where strategic planning had already identified areas urban development¹³⁶.

Mack Property suggested Ms Scott's application of methodology to the Spring Creek FRA was "*guesswork*" and did not make sense given it:

- lacked comparative analysis with the wider region and other similar hilly landforms with similar features of hills, creeks and remnant vegetation
- grouped varied landscapes, resulting in assigning of one level of significance (that being State significance), meaning Spring Creek was grouped with "*iconic coastal landscapes and elevated areas with stunning views*"¹³⁷
- lacked insight into actual visibility of landscapes from multiple viewing locations (i.e. the visibility analysis undertaken by Mr Papworth).

Mr Papworth suggested the Spring Creek Valley when viewed from Duffields Road looking west, was a relatively attractive creek valley, although not exceptional, and was of local significance¹³⁸. Ms Scott noted Mr Papworth did not provide a broad landscape assessment study to support this statement¹³⁹.

Mack Property concluded the Spring Creek FRA, on the evidence presented, was not a landscape of national or state significance, nor regional, and that its attributes that did require protection and conservation could be done so within the context of the existing PSP¹⁴⁰.

(iii) Discussion

Although the evidence and submissions presented at the Hearing were focussed mostly on the issues of Spring Creek FRA, the material presented in relation to the finer grain details of that area has broader relevance to the overall assessment.

The Committee accepts that some landholders found it difficult to reconcile Ms Scott's broad scale assessment with an individual site assessment of their land. The Committee considers that further work is required to undertake a more fine grain, detailed assessment of local sites as opposed to a broader assessment of landscape significance.

Mack Property's submission about reassessment of the DAL character as being neither national, State or regional, highlights the tension between high level landscape character and significance assessment work and the site-specific analysis many submitters sought to make in responding to the draft SPP and proposed landscape controls. It illuminates the tension between the risks of urban expansion, and landscape protection and conservation.

¹³⁵ Document 178

¹³⁶ Document 208

¹³⁷ Document 165, page 8

¹³⁸ Document 51

¹³⁹ Document 17

¹⁴⁰ Document 165, page 4

In the context of that tension, the Committee has had regard to Ms Scott's repeated caution that divorcing a site from its broader context could have the effect of diminishing its significance or relevance.

The Committee agrees with Ms Scott's position that there will be variation within the DAL. Some land will not be of state or national significance; however, it should still be considered to be part of the DAL. Ms Scott's methodology suggested regional significance warranted the inclusion and consideration of planning controls, and the Committee notes the whole of her work contributed to the draft SPP policy wording.

The Committee notes Ms Scott's caution to view landscape units in their entirety, and not as individual sites in isolation. The Committee accepts the risk that, with each major landowner taking their own more site-specific assessment and views in this way, the ability to see value of the wider landscape character units may be reduced.

Nonetheless, the Committee believes the lack of comparative analysis with broader landscapes is an issue. Further work is warranted to test Ms Scott's significance criteria and classifications so that they make sense when applied to the boundaries of different landscape units and areas that are recommended for different planning controls, such as Spring Creek Valley, areas south of the Great Ocean Road, and areas to the north of the DAL. This work to confirm boundaries, levels of significance and 'sense check' should have occurred before the Hearing.

There should have been closer alignment between broad scale assessment and site specific considerations for larger landholdings, given the long term planning and development implications for many sites and areas. While site-specific assessment could be undertaken in subsequent planning processes, it is important to reconcile these differences now, as part of finalising the draft SPP and proposed SLOs.

(iv) Findings

The Committee finds:

- Accepting the landscape assessment was high level, it should have taken into account the landscape issues for those areas of land where extensive strategic planning work had already been undertaken.
- Further work is required to undertake more detailed assessments of specific sites where the assessments of broad landscape significance did not specifically review, or align with, local conditions.

9.4 Application of the proposed SLOs

(i) Background

The use of SLOs is proposed as a mechanism to conserve and enhance one or more significant landscape features of the areas within the DAL. It is intended that these overlays will offer additional guidance on how development should be sited and designed to minimise visual impact. It is not intended that they operate as a mechanism to prevent or prohibit development.¹⁴¹

¹⁴¹ Volume 2, Documents 30 and 55

The *Proposed Landscape Planning Controls* report briefly explained why each of the SLOs was needed. The rationale for SLO10 in the draft SPP is stronger, stating it is needed to recognise there is a much greater area of national and state significance in that region.

Submissions focussed on:

- consistency in logic applied to assessed landscape significance
- need for the proposed landscape planning controls
- method and approach used to determine the need for and extent of the SLOs
- proposed content of the SLOs.

(ii) Submissions and evidence

The *Proposed Landscape Planning Controls* report details the proposed statutory planning controls for the protection and management of the most significant landscapes of the Surf Coast declared area¹⁴².

Ms Scott gave evidence the SLO was appropriate in this instance, due in part to the absence of a PPN on landscape assessment. Ms Scott noted a recent review of environment and landscape overlays for DELWP included directions on how significant landscapes should be assessed and managed and that this review may form the basis of a forthcoming PPN on landscape assessment and SLO application¹⁴³.

Ms Scott's evidence was that the SLO was intended to identify, conserve and enhance the character of significant landscapes, that it had broader applicability than overlays such as the VPO, and that it recognised the role vegetation plays in the landscape. She considered that due to the dominant built form in townships, landscape is inherently not significant in these areas, thus the Torquay township is not subject to a SLO.

Ms Scott undertook an audit of coastal SLOs in various planning schemes, including Surf Coast, and concluded that SLO provisions in planning schemes should be thoroughly reviewed and re-written, in tandem with drafting of additional local planning policy provisions¹⁴⁴. The Scoping Report audit highlighted some issues with existing controls including SLO coverage¹⁴⁵. Volume 2 made suggestions on the suitability of SLOs for the Surf Coast DAL, and Volume 3 presented options for rezoning, to better protect and manage the DAL area.

Ms Scott expressed the view that several adjustments were needed to the SLOs. She proposed revised text to respond to certain submissions, including in response to detailed points raised by Surf Coast¹⁴⁶.

Ms Scott recommended SLOs apply to public land to ensure public land managers are held as accountable as private land owners to securing quality built form outcomes, albeit with exemptions for minor works¹⁴⁷.

¹⁴² Document 30, pages 7 and 19

¹⁴³ Document 30, page 2

¹⁴⁴ Document 55

¹⁴⁵ Document 55

¹⁴⁶ Document 55

¹⁴⁷ Document 55, page 4

Mr Woodland was generally comfortable with the landscape assessment. While specific schedules to the SLOs were not provided, he suggested some drafting comments to improve clarity relating to landscape character objectives, permit triggers, application requirements and decision guidelines in the Tables 2, 3, and 4 of the *Proposed Landscape Planning Controls* report¹⁴⁸. Other submitters suggested specific changes to the proposed controls.

Some submitters argued that SLOs were not required; and that they potentially complicated decision making as the underlying zoning already provided adequate protection.

Key concerns raised by submitters regarding SLO8 related to its application:

- over the UGZ1 land in Spring Creek
- over land in the FZ
- over large parts of land already covered by VPOs
- leading to administrative burden on the Council should Option 1 be preferred and pursued
- leading to a potential 'death by a thousand cuts' if buildings under the size threshold listed were to be exempted (i.e. new buildings not exceeding 100 square metres, or gross floor area of existing buildings not increasing by more than 50 square metres), which could incrementally impact on the landscape character objectives.

Many submissions expressed support for SLO8, as part of their strong support for Option 2 for Spring Creek.

Submitters were broadly content with SLO9, although Greater Geelong had concerns with:

- permit provisions and triggers
- inclusion of public land and potential burden on public land managers
- reference to incorporated documents
- consistency with existing overlays in the Greater Geelong Planning Scheme such as SLO10-13
- SLO9 maps shown as covering Breamlea township¹⁴⁹.

Several submitters expressed concern with the proposed SLO10:

- extending beyond the nationally significant landscape to State significant landscape
- impacting on viability of legitimate farming activities
- potentially duplicating the Amendment C121 (Bells Beach Hinterland Review) that introduced SLO1 over land south of Bellbrae (see Chapter 17.2)
- not covering the full DAL area which extends 600 metres seaward.

The 3228 Residents Association submitted SLO10 be retained over the Strathmore Drive land to preserve the first views of ocean at this point on the Great Ocean Road (Chapter 16)¹⁵⁰.

In cross examination, Mr Milner stated there was a need to explore the proposed SLOs in more detail, including how design might occur and landscapes be managed, rather than providing outcomes that almost deny the ability to design a suitable outcome and respect

¹⁴⁸ Documents 31, 260b

¹⁴⁹ Documents 74, 118, Submission 3045

¹⁵⁰ Documents 332, 324

the landform. His evidence related specifically to SLO8, although the point was raised more broadly.

Both Mr O'Brien and Ms Porter submitted that they were concerned about the absence of a Strategic Assessment along the lines of PPN46, and clear identification and description of the strategic basis for changes in planning direction (as is typically provided with planning scheme amendments)¹⁵¹.

(iii) Discussion

The Committee notes there is logic in applying SLOs that are aligned with robust landscape character and significance in order to provide closer scrutiny of development siting and design to minimise potential visual impacts in significant landscapes.

The lack of direction and lack of reference to industry guidance and best practice other than her own work, seemed to reduce the objectivity of Ms Scott's evidence. An industry accepted PPN may help to resolve discrepancies in the approach taken to future DALs and SPPs.

The Committee notes that both Surf Coast and Greater Geelong were generally content with the SLOs as proposed, subject to some specific wording changes. Mr Woodland concurred they were broadly appropriate and justified.

The Committee observes the focus during the Hearing was more on the application of the SLOs, less so the specific provisions. Further, issues relating to Spring Creek occupied most of the evidence and submissions, and so distracted from a more detailed consideration of the possible implications of the application of the SLO's.

The Committee is concerned that little, if any, regard appears to have been given by the Proponent to the work that was undertaken and tested at previous Panels, including C121 which looked at amendments to SLO1.

Issues applicable to all SLOs

The Committee is broadly comfortable with the proposed rationale for the SLOs. However, if contrary to the primary recommendation of the Committee that SLO8 not proceed and SLO10 only be applied to landscaper of national significance, further work is required to refine the edges and application of SLO8 and SLO10, as well as finalising the detailed provisions.

The Committee notes Ms Scott suggested a PPN that deals with landscape assessment may be forthcoming, although little detail of this was provided by the Proponent.

As noted in Chapter 9.2, the rationale for the application of the proposed SLOs to some areas has not been clearly articulated. The matters raised by stakeholders in relation to specific sites and discussed in Part C of this report are a case in point.

The application of the SLO to public land across the DAL raises similar questions about the nature of the deficiencies in existing zones and overlay provisions, and management regimes, that are said to require the application of the SLO to address.

¹⁵¹ Document 186

The Committee finds that an overview of the specific sites raised by submitters and existing zone and overlay controls, as well as suggested landscape significance, would be a useful starting point to check the logic of the proposed changes to both zoning and overlays. This is particularly so for application of SLO8 and SLO10 in the Bellbrae area.

It would assist to further consider and explain why (for example) it is deemed more appropriate to apply SLO10, rather than SLO8, to the state significant landscapes south of Great Ocean Road in the Bellbrae region, given the variability in views to the coast from parts of the area, and the relatively lower significance of biodiversity values. Any potential conflicts with that same area being identified for potential tourism activities could be better articulated through a more detailed assessment.

Noting that some analysis is provided in Volume 2 and in the evidence presented to the Committee, it appears that a specific and consolidated analysis against the assessment criteria is missing in the background reports and proposed landscape controls.

A more fulsome assessment consistent with PPN46 Strategic Assessment would:

- be beneficial for all stakeholders, particularly those potentially impacted in low intensity farming activities in the extensive areas potentially covered by the SLOs
- clearly articulate a range of environmental, social and economic issues and effects, and costs and benefits to businesses and the community¹⁵²
- help to clarify and refine the extent of the proposed SLOs and provisions
- inform any PPN being prepared by DELWP, allowing the issues raised in relation to methodology during this Hearing and in submissions to be reflected on and addressed in a PPN for future use.

The Committee sees little benefit in applying the SLO over coastal reserves particularly in the foreshore areas of Torquay-Jan Juc, which are zoned PPRZ. The usual approach to managing these areas of public land is through approved management plans carried out by public land managers. It is assumed that these public land managers would be identified as RPE, and they would be required to act in accordance with an approved SPP. By identifying the landscape in the draft SPP as being of significance, all land managers will already be required to take the SPP into account, without the need to apply additional layers of planning controls.

As with the area south of Bellbrae, more clearly articulating the perceived deficiencies with the existing zoning, (in this case FZ or PPRZ) in achieving the necessary protection of coastal foreshore areas, is necessary to justify how the SLO would better manage risks and threats.

On several occasions, the Committee requested the Proponent provide revised controls and/or further justification to address various issues raised by submitters. The Proponent was reluctant to do so on the basis that it may pre-empt or limit the Committee's advice¹⁵³. The Proponent did, however, provide a preliminary response to recommendations made by its own expert witnesses¹⁵⁴.

¹⁵² PPN46 Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments

¹⁵³ Document 260

¹⁵⁴ Document 260

The Committee notes that, rather than detailed commentary on the proposed SLOs and its provisions, the Proponent has sought higher level feedback commensurate with the broad overarching policy aims set out in the draft SPP, leaving detail for subsequent decision-making by others post this report¹⁵⁵. The Committee has concerns about the transparency and fairness of this course of action.

The Committee notes the Proponent intends to undertake further work with various submitters including Surf Coast and Greater Geelong, which may go some way to resolving matters raised regarding administrative burden and permit triggers for certain sized buildings.

To resolve the issues of administrative burden raised by submitters, the suggestions from Mr Woodland to give the responsible authority the discretion to waive requirements for the submission of site analysis, landscape plans and visual impact assessments could be addressed. This may be appropriate, for example, when associated with relatively minor buildings or works. The Committee agrees this is a workable solution and a pragmatic approach to build in flexibility for both responsible authorities, and on landowners who may otherwise be unduly burdened.

SLO8

As has been previously recorded, Ms Scott accepted that the landscape assessment for Spring Creek FRA should be downgraded from 'low state' to 'regional' significance.

The validity of Ms Scott's work was further challenged through cross examination by Make Ventures/Anseed in relation to other sites not covered by SLOs, including Messmate Road, and through Ms Scott's evidence in discussion on the TNEIA¹⁵⁶.

The Committee is concerned that, while there were only three sites 'tested' during evidence, the subjective nature of the landscape significance assessment and the approach taken to applying the SLOs, might also affect other sites when viewed at a finer grained scale. It appears possible that further testing of other sites or areas might result in a change to the assessment from that derived from the broader scale assessment. This is concerning given the landscape assessment and its important role in determining application of the SLOs.

SLO9

The Committee finds the SLO9 is generally appropriate in its scope and application, although it should not apply to the Breamlea township. The Committee has some reservations over the application of SLO9 to public land, particularly in the built up areas of Jan Juc and Torquay.

SLO9 essentially applies to the Torquay Coast and Saltmarshes, covering Breamlea Flora and Fauna Reserve and Karaaf Wetlands. Its purpose to is protect the obvious natural environment and highly valued features of the Torquay coastline and the lower reaches of the Thomson Creek. The land is not generally subject to future development pressures, with the exception of the TNEIA.

¹⁵⁵ Document 260, page 5

¹⁵⁶ Document 30, Document 55

The Proponent noted the recurring theme put forward by various public land managers/RPE in relation to SLO provisions applying to public land and committed to working with RPE on this matter¹⁵⁷. However, the Committee is unclear what this further work amounts to, although it agrees that further work is required to give effect to the intention that a permit for minor works is not triggered (as noted by Ms Scott in evidence, and as put by various public sector bodies including Greater Geelong and Parks Victoria)¹⁵⁸.

SLO10

Three submitters raised issues about application of SLO10 area. This included sites at:

- 615 Great Ocean Road (S2733 Glenkeen Farm)
- 555 Great Ocean Road (S3093, currently a plant nursery, café, gift shop and car mechanic)
- 125-135 Strathmore Drive (S1463, Fortress Holdings).

These are addressed in Part C.

The nature of submissions about these sites is concerning for the Committee. The Committee has concluded that, should a more detailed site analysis of these landholdings be undertaken, that there is a strong chance that they too may also be subject to a re-classification with respect to their landscape significance.

The Committee appreciates that SLO10 refers primarily to the nationally significant landscape. Ms Scott's proposed changes to SLO10, which were accepted by the Proponent in closing, reinforced the nationally significant aspects of the Bells Beach to Point Addis landscape and coastline, and Bells Beach coastal features, with only some mention of the hinterland, private properties, and Bells Boulevard areas¹⁵⁹.

The Committee notes the area generally bound by the Great Ocean Road to the north and west, Bells Beach LDRZ land to the east, and Bones Road to the south, is:

- predominantly FZ, with some areas covered by the RCZ and LDRZ over Addiscott Estate (subject to separate rezoning recommendations as part of the SPP)¹⁶⁰
- partially covered by the VPO and BMO, although large tracts are cleared and not covered by these overlays, particularly in the northern areas close to the Great Ocean Road
- a combination of higher biodiversity value areas in the south, and low biodiversity values in the north
- largely an area regarded as well suited to tourism activities¹⁶¹.

As with the area south of Bellbrae, more clearly articulating the perceived deficiencies with the existing zoning, (in this case FZ or PPRZ) in protecting coastal foreshore areas, is necessary to justify the proposition that the SLO would better manage risks and threats.

¹⁵⁷ Document 34

¹⁵⁸ Document 55, page 5, S3045

¹⁵⁹ Document 260c

¹⁶⁰ Document 34

¹⁶¹ Document 34, draft SPP, Maps 4, 7 and 8

The Committee notes that recent changes to SLO1 were subject to a Panel review process, so unpicking that without more specific and transparent analysis of what is not working with existing SLOs and the underlying zoning in the area is not appropriate.

The Committee is unclear how the proposed SLO10 would be preferable to the recently amended SLO1, noting both include reference to a viewshed analysis map which provides some level of guidance for visual assessment for applicants and decision makers alike.

(iv) Findings

The Committee finds:

- SLO8 should be deleted until it is reviewed against the assessment criteria. This review should be undertaken with community consultation.
- The application of SLO9 should be revised as follows:
 - remove Breamlea township
 - remove it from areas zoned for PPRZ.
- SLO10 should be reviewed to only apply to landscapes of national significance.

9.5 Providing for green breaks

(i) Background

Green breaks were generally not contested as part of the landscape assessment work. However, several landscape experts and submitters explored in some detail:

- their role in providing for appropriate breaks between settlements
- how they should be referred to in the draft SPP
- the extent of green breaks in specific areas – specifically to Spring Creek and the Mount Duneed area.

A ‘green break’ is defined in the draft SPP 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)”*, typically land in a FZ or RCZ¹⁶². The *Settlement Background Paper* noted green breaks help to avoid settlements coalescing, 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 development¹⁶³.

The draft SPP seeks to protect green breaks between Torquay–Jan Juc and Geelong, Bellbrae and Breamlea.

Maintaining green breaks is reinforced through various planning policies in the Surf Coast and Greater Geelong Planning Schemes.

¹⁶² SPP pg.69

¹⁶³ Settlement Background Paper

(ii) Submissions and evidence

The Proponent highlighted further strategic work is required which includes consideration of the green break in the northern part of the DAL to resolve the protected settlement boundary south of the Armstrong Creek UGA¹⁶⁴.

Ms Scott's evidence was that further work in the Mount Duneed/Lower Duneed Road and the wider Thompson Valley green break area is needed to consider the role of the landscape, the experience of travelling through the landscape, and measures to mitigate visual impacts of development¹⁶⁵.

Several submissions referred to long-standing Local and State Government policy for green breaks. Ms Scott highlighted the scenic value of green breaks in relation to Spring Creek, the TNEIA and the Thompson Valley between settlements.

Mr Schutt and Mr Czarny reviewed the nature of the green break between Armstrong Creek and Torquay in the Mount Duneed area and proposed recharacterising the area north of Lower Duneed Road as part of Armstrong Creek UGA rather than Thompson Creek Valley in terms of landscape character:

The location, profile and topography of the land plays no role in (current or possible future) interpretation of a non-urban or 'Green Break' between Geelong and Torquay-Jan Juc¹⁶⁶.

Mr Schutt gave evidence the Messmate Road site offered a transition opportunity should it be developed in the future, as an area adjacent to the Armstrong Creek. Mr Czarny suggested specific map changes to the draft SPP to reflect the western elevated parts of Lower Duneed Road were more integral to the green break between Armstrong Creek and Torquay.

Some submitters made points in support of the green break between Torquay-Jan Juc and Bellbrae. Others submitted that should Option 1 or 3 for Spring Creek proceed, there would still be ample green break between the land one kilometre west of Duffields Road and Bellbrae.

(iii) Discussion

The Committee agrees the green break in the Thompson Creek Valley plays a role in the broader separation of Armstrong Creek and Torquay. The extent of any such descriptions in the draft SPP and on maps was essentially put back to strategic work to be advanced by Greater Geelong and interested parties at a later date.

Issues about the green break in the Spring Creek area are addressed in Chapters 14 and 15.

(iv) Findings

The Committee finds:

- Green breaks are important and should be provided for between settlements.

¹⁶⁴ Document 332

¹⁶⁵ Document 55, page 10

¹⁶⁶ Document 51 page 17

9.6 Recommendations

The Committee recommends:

- 1. Delete the application of Significant Landscape Overlay 8.**
- 2. Delete the application of Significant Landscape Overlay 9 from the Breamlea village.**
- 3. Delete Significant Landscape Overlay 9 from areas within the foreshore areas of Torquay and Jan Juc that are in the Public Park and Recreation Zone.**
- 4. Delete Significant Landscape Overlay 10 except where it applies to landscapes classified as nationally significant, and where the Committee specifically recommends it be deleted from a specific site.**
- 5. Prepare a Planning Practice Note to provide guidance and the rationale for preparing Significant Landscape Overlays for landscapes of significance within a declared area.**

10 Ecology and biodiversity

10.1 Background

Ecology and biodiversity (and landscape) included discussion and debate centred around:

- ensuring the draft SPP appropriately articulates the ‘conservation and protection’ of valued features
- protecting and enhancing the remnant stands of Bellarine Yellow Gums and other native vegetation.

Table 5 lists the ecology and biodiversity evidence provided.

Table 5 Ecology and biodiversity evidence

Party	Expert	Firm	Area of expertise
Mack Property	Aaron Harvey	Biosis	Ecology and biodiversity
Zeally/Duffields Road	Steve Mueck	Biosis	Biodiversity
Surf Coast Energy Group	Guy Dutson	Biodiversity Solutions	Biodiversity
Mark Trengove Ecological Services	Mark Trengove	Mark Trengove Ecological Services	Ecology and biodiversity

Ecological features of the Surf Coast are integral to the declaration of the DAL. The draft SPP identified the following key threats to the DAL ecology and biodiversity:

- native vegetation removal
- urban expansion
- climate change, posing a risk to remnant native vegetation through a hotter and drier climate, and increased risk of extreme bushfires
- stormwater runoff.

The draft SPP policy notes various opportunities for improvement such as *“improving waterway corridors by increasing native vegetation coverage will create new biolinks and improve the ecological values of the area”*¹⁶⁷.

The biodiversity objective in the draft SPP is: *“To conserve and improve the environment and biodiversity values of the declared area”*, supported by six specific strategies. This deals with the key objects of the DAL (Section 46AN, Part 3AAB), including to:

- a) protect and conserve the unique features and special characteristics of those areas and landscapes; and
- b) enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas¹⁶⁸.

The key issues to be resolved are:

- the emphasis in the draft SPP on conservation reserves, biodiversity mapping and biolinks
- the Karaaf wetlands, runoff and water quality issues (discussed in Chapter 13)

¹⁶⁷ Draft SPP, page 39

¹⁶⁸ Document 93

- matters relating to native vegetation protection and conservation, particularly issues around the Bellarine Yellow Gum and Grassy Woodland EVC, were largely specific to Spring Creek (discussed in Chapter 14.4).

10.2 Evidence and submissions

The Proponent highlighted national and State significant biodiversity features of the DAL and the habitat they provide for a variety of flora and fauna including endangered and threatened species such as the Hooded Plover, Bellarine Yellow Gum and Orange-bellied Parrot¹⁶⁹.

The draft SPP includes a range of measures to protect the environment and biodiversity, for example, by ensuring growth “... occur in designated areas that do not compound impacts on surrounding areas of high biodiversity value”¹⁷⁰.

Mr Woodland’s evidence included suggestions to strengthen biodiversity values by reference to the scientific evidence-base behind mapped features, and to better illustrate proposed biolinks on the maps, including remnant vegetation west of Jan Juc and around Bellbrae, and along waterways¹⁷¹. Mr Woodland suggested the draft SPP should clarify how management of areas of higher biodiversity value would be achieved, for example how existing planning scheme native vegetation policies and controls would be used.

The draft SPP highlights unique features and special characteristics in Map 7 Biodiversity Values. Submitters suggested that some draft SPP strategies and maps be strengthened to:

- include missing reserves and biolinks
- provide clarity on higher biodiversity value areas and their management.

Specific submissions suggested specific wording changes to the draft SPP:

- Surf Coast proposed an additional strategy to “Avoid new development in areas of high biodiversity value and site new development in a location that does not impact on significant native vegetation or habitat”¹⁷².
- Parks Victoria sought better recognition and celebration of conservation reserves, with greater collaboration between DELWP, the RPE, Surf Coast, Corangamite Catchment Management Authority¹⁷³.
- Geelong Field Naturalists Club suggested more biolinks in areas such as Grasstree Park, Dan’s Reserve and Rice Reserve, private land along Merrijig Creek and several roads with high quality roadside vegetation, such as Norton’s Road¹⁷⁴.
- Birdlife Australia’s Friends of the Hooded Plover Breamlea emphasised the interconnected nature of a healthy environment and human life in environmental risk and resilience, strategy 1.1, suggesting equal consideration be given to protecting the environment in bushfire risk-based planning, given impacts on the environment and indigenous species from climate change¹⁷⁵.

¹⁶⁹ Document 58

¹⁷⁰ Document 80, page 4

¹⁷¹ D31, pg.23

¹⁷² Document 151, Appendix 1

¹⁷³ Submission 3045

¹⁷⁴ Submission 2896

¹⁷⁵ Submission 1931

10.3 Discussion

The Committee considers the ecological and biodiversity components of the draft SPP are fundamentally sound. It notes that some improvement is needed with respect to:

- more emphasis on conservation reserves and biolinks
- collaboration amongst RPE to strengthen certain policy and strategy wording.

In relation to biolinks, the Committee notes there are many other areas that are potentially worthy of inclusion and that should be reviewed. The Committee concurs that collaboration amongst the RPE will lead to better outcomes and agrees with Mr Woodland's suggestion to bolster the evidence base and reference to existing planning mechanisms behind the policies and strategies in the draft SPP.

Clarification of the biodiversity map with reference to biodiversity values should be provided. At the scale provided in the PSP, Map 7 Biodiversity Values is likely to be problematic when utilised or interpreted for specific sites and areas. It may act as an overarching index map for more locally specific maps showing the level of detail needed to interpret it as a neighbourhood level, either as part of the draft SPP or in reference to other local policy documents.

The Proponent did not provide revised draft SPP text to identify how it intended to respond to some of specific wording suggestions and changes put by submitters in relation to strengthening environmental and biodiversity aspects of the draft SPP, although it did agree to take forward some suggestions made by both Surf Coast and Greater Geelong. An example is the suggestion by Surf Coast that 'ecologically sustainable development' be further defined to refer to EPBC Act definitions including inter-generational principles¹⁷⁶.

10.4 Findings and recommendations

The Committee finds:

- The draft SPP provides a high level overview of policy and strategies to address ecological and biodiversity matters.
- The draft SPP could be enhanced with further reference to other conservation reserves, existing waterways, greenspaces and biolinks and associated mapping of same.

The Committee recommends:

- 6. Amend draft Statement of Planning Policy Map 7: Biodiversity Values to clearly show boundaries of areas of biodiversity of low, medium and high value.**
- 7. Provide advice in the draft Statement of Planning Policy about the scientific basis of the classifications of areas of biodiversity of low, medium and high value.**
- 8. Amend draft Statement of Planning Policy Map 7: Biodiversity Values, and other maps as relevant to identify conservation reserves (including Grasstree Park, Dan's Reserve, Rice Reserve), networks of waterways and potential biolinks.**

¹⁷⁶ Document 34

11 Bushfire

11.1 Background

The draft SPP (including the location of settlement boundaries) and proposed landscape planning controls were informed by a preliminary desktop bushfire hazard landscape assessment of the areas subject to the proposed SLOs:

- Appendix 3: Managing bushfire risk' of the Surf Coast Distinctive Area and Landscape Settlement
- Settlement Background Paper (DELWP, 2020) provides an overview of the bushfire risk assessment
- The findings of the preliminary assessment are set out in Appendix A to the Draft Surf Coast Statement of Planning Policy: Proposed Landscape Controls (DELWP 2020).

Table 6 lists the bushfire evidence provided.

Table 6 Bushfire planning evidence

Party	Expert	Firm	Area of expertise
Minister for Planning	Kevin Hazell	KH Planning Services	Bushfire planning
Zeally/Duffields Road	Lincoln Kern	Practical Ecology	Bushfire risks

The Background Settlement Strategy and Appendix 3 contained a preliminary desktop bushfire hazard landscape assessment in accordance with Clause 13.02-1S (Bushfire Planning) against the Surf Coast and Greater Geelong Planning Schemes¹⁷⁷.

The key issues to be resolved are:

- Whether the draft SPP appropriately consider bushfire planning and existing planning scheme provisions.
- The efficacy of background work and the SLO's consideration of bushfire.

11.2 Consideration of bushfire and planning scheme provisions

(i) Evidence and submissions

The Proponent submitted the draft SPP considered bushfire and other appropriate provisions¹⁷⁸.

Mr Hazell gave evidence the bushfire related objectives and strategies in the draft SPP would operate in collaboration with VPP Clause 13.02-1S *Bushfire* in future decision making Mr Hazell noted the existing and proposed planning scheme content would provide bushfire protection. He advised all parts of the study area with a level of landscape risk were within bushfire prone areas, so the permit exemption applies, which overrides any conflicting requirement in the draft SPP or landscape controls. It would continue to operate unaffected.

¹⁷⁷ Background Settlement Paper

¹⁷⁸ Document 58

Mr Hazell's evidence was that the draft SPP could be further strengthened through mapping changes, including identification of grassland areas as a spatial layer within the draft SPP.¹⁷⁹ Protection of the grassland areas in the south-west of the draft SPP area would provide a strategic buffer and benefit to development and people further east from regional scale hazards. It was his evidence the draft SPP would benefit from an objective to support a 'strategic fire break area' and pointed to Clause 22.12 of the Yarra Ranges Planning Scheme as an example of where this has occurred previously.

Surf Coast and Greater Geelong did not make submissions with regard to the efficacy of the background work or draft SPP on the bushfire provisions. Macedon Ranges made submissions highlighting conflicts between the objectives of its draft SPP and bushfire provisions and in particular implementation issues post approval of the draft SPP. It brought to the Committees attention, issues relating to vegetation retention and concerns of the CFA with respect to conflicts between the new SLOs and the BMO, which were similar to those proposed through the Surf Coast DAL.¹⁸⁰ This was mirrored by issues raised by the CFAs submission.

The CFA supported the draft SPP in principle, noting the need for clear policy direction for the declared area¹⁸¹. It raised concern about the preliminary assessment which it considered could have been improved with a more comprehensive analysis of bushfire hazards, behaviours and consideration of bushfire policies. The CFA's advice in relation to the need to consider bushfire during the assessment of landscape plans was generally consistent with Mr Hazell's evidence.

The CFA were particularly concerned about the cumulative effect of the planning controls and strategies within the draft SPP that related to revegetation to strengthen landscape character, which may increase or create bushfire risk. The CFA suggested a number of changes to strengthen the draft SPP, including new objectives and strategies to better integrate bushfire planning.

In reply to the CFA submission, Mr Hazell agreed the bushfire objectives and strategies within the draft SPP could be enhanced. Better integration is needed (for example, on greenfield interface treatments and the general emphasis on protecting and promoting vegetation)¹⁸². Mr Hazell considered the CFA submission sought more substantial changes than what he had identified. He considered the changes to be high level and difficult to operationalise without further policy development (for example, assessing the cumulative impact of changes or bushfire responsive treatments in SLOs). Mr Hazell considered the changes proposed through his evidence would address the bushfire concerns raised by the CFA and opined that:

It is my view that whilst this may be beneficial, it is not strictly necessary as bushfire planning scheme content will operate alongside the SPP and, where necessary, will be prioritised in decision making as required by c72 (operation of the planning policy framework).

¹⁷⁹ Document 28 paragraphs 6.49 to 6.51

¹⁸⁰ Document 122

¹⁸¹ Document 106

¹⁸² Document 116

The focus of my statement was to moderate bushfire to the extent necessary to achieve integrated decision making in the context of Surf Coast and Geelong Planning Schemes. It was not to enable the SPP to be read or operated in isolation as this is not how the planning schemes will operate if amended.

Although not tasked to review the broader draft SPP provisions, Mr Kern highlighted the CFA's submission in his evidence and stated he broadly agreed with its approach and suggested changes.

(ii) Discussion

In response to integrated decision making, State policy at Clause 71.02-3 notes:

... However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

The Committee acknowledges and supports that planning for bushfire management has a special and elevated status within the Victorian planning system, which is reflected within State policy. The evidence of Mr Hazell and the submission from the CFA are persuasive regarding the need to balance competing objectives between landscaping and encouraging vegetation planting with increased risk of bushfire and fuel loads. The Committee does not consider the draft SPP provides appropriate guidance on how to balance these two competing objectives. However, the Committee recognises the draft SPP should not be read in isolation from the VPP, which clearly elevates bushfire and safety above all other aspects in planning.

The Committee considers the bushfire landscape assessment of Mr Hazell has given appropriate regard to bushfire planning during development of the draft SPP. Consistent with the evidence, there is an opportunity to enhance the draft SPP through additional changes to provide further strategic support and elevate the need for bushfire planning into the future. This work should be done ahead of approval of the draft SPP.

(iii) Findings

The Committee finds:

- In developing the draft SPP and SLOs, there has not been adequate consideration about the cumulative impact that the controls may have on, and in increasing bushfire risk.
- The draft SPP has not had the benefit, or apparent consultation, collaboration or input from the CFA. Early engagement with the CFA could have resulted in earlier consideration of impacts of the SLO.
- The draft SPP should be further refined taking into account the changes suggested by the CFA and Mr Hazel which are further discussed and identified in Chapter 23.

11.3 Efficacy of background work and the SLO's consideration of bushfire

(i) Evidence and submissions

The Proponent advised a preliminary assessment of impacts of the proposed SLOs on bushfire risk in the declared area had been undertaken¹⁸³. The assessment concluded the

¹⁸³ Document 58

proposed SLOs are not likely to result in a net increase in risk to existing and future residents, property or community infrastructure and are bushfire-risk-neutral¹⁸⁴.

With regard to whether there may be conflict between the BMO and the proposed SLO, the Proponent noted the SLOs do not override the bushfire provisions. This was supported by Mr Hazell's evidence¹⁸⁵, who advised the existing and proposed planning scheme content would provide bushfire protection. His evidence was that all parts of the study area with a level of landscape risk are within bushfire prone areas, so the permit exemption applies.

Mr Hazell advised that throughout the draft SPP, there is an emphasis on vegetation protection and enhancement, as well as associated directions on the form of development. These are given effect through requirements for greenfield sites, directions for existing settlements, and SLO proposals¹⁸⁶. It was his evidence the SLO controls may result in additional revegetation and vegetation retention which may contribute to bushfire hazard. He noted bushfire protection exemptions are useful as they will override the draft SPP and SLO and enable landowners to achieve certain outcomes without requiring a planning permit where a planning permit trigger exists.

Mr Hazell cautioned there is a real risk that vegetation would be 'turned up' as a result of the focus on landscape and vegetation in the draft SPP by residents and Council. He suggested the 'weight' of content in the draft SPP and SLO proposals could be unfavourable to bushfire if not carefully considered. As a result, he suggested that wording be included in the application requirement of the SLO regarding '*consideration of bushfire risk*'. He opined it would be beneficial to include additional work within the draft SPP that sought to better specify the intended bushfire outcomes for the benefit of preparing and assessing planning applications. This approach was consistent with controls drafted by Ms Scott¹⁸⁷.

In response to the recommendations of their witnesses, the Proponent proposed the final draft SPP be modified to clarify that policies relating to managing environmental risks are prioritised when balancing competing policy objectives.

The CFA submission supported SLOs in principle, noting the need for clear policy direction for the declared area. The CFA criticised the preliminary assessment that formed the background to development of the SLO's and suggested a more rigorous bushfire assessment to inform future controls. It further questioned whether the SLOs would result in an increase in bushfire risk or be capable of meeting other bushfire policies.

The CFA raised concern about the rigid controls, suggesting that more flexibility is required to allow for proposals to be sympathetic to landscape characteristics while responding appropriately to bushfire hazards or risks. It suggested the SLOs be refined to ensure consideration can be given to delivery of bushfire responsive design outcomes. It explained this could form part of each schedule and would help strengthen the links between bushfire and landscape character and contribute to creating characteristics over time that lead to more resilient and safer communities in the distinctive areas.

¹⁸⁴ Document 34

¹⁸⁵ Document 28

¹⁸⁶ Document 28

¹⁸⁷ Document 59 and Volume 2, page 17

Mr Kern's bushfire evidence was concerned specifically to the Spring Creek FRA but through his evidence in chief, he supported the proposal by the CFA to make changes to the SLO controls and policies.

(ii) Discussion

The evidence of Mr Hazell and the submission from the CFA are persuasive regarding the need to balance landscaping and vegetation planting with any increased risk of bushfire or fuel loads. The Committee considers that with the more extensive bushfire landscape assessment of Mr Hazell, there is appropriate strategic basis to aid the drafting of the SLOs.

It is disappointing the CFA were not engaged earlier in the process to assist draft important landscape controls in a manner consistent with bushfire objectives.

Given there is significant work to be undertaken to finalise the SLOs, there is an opportunity to ensure the controls are drafted consistent with the recommendations of Mr Hazell, Ms Scott and the CFA. The Committee considers the Proponent may need to reassess the focus and outcomes sought by the SLO controls, and this be developed having regard to bushfire planning and management ahead of any approval of the draft SPP.

(iii) Findings

The Committee finds:

- The SLOs have not been developed in consultation with the CFA. Early engagement with the CFA would have resulted in earlier consideration of impacts of the controls and benefitted from their input.
- The SLOs should be further refined taking into account the changes suggested by the CFA, Ms Scott and Mr Hazell, these changes are reflected in Chapter 23.

12 Cultural and social heritage

12.1 Background

The relevant exhibited supporting report is the Wadawurrung Cultural Heritage Summary prepared by the Wathaurong Aboriginal Corporation.

Table 7 lists the cultural and social heritage evidence provided.

Table 7 Cultural and social heritage evidence

Party	Expert	Firm	Area of expertise
Zeally/Duffields Road	Erica Walther	Biosis	Cultural heritage
Surf Coast Energy Group	Stephen Prendergast	Prescience Research	Social research

The key issues to be resolved are:

- whether the values of the Wadawurrung have been appropriately considered
- how social heritage and social impacts of the expanding population is considered.

12.2 Cultural heritage

(i) Background

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 Surf Coast Shire.

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 remembered, the site of the 'Convincing Ground' in Portland Bay being the best known of these places.

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

During the period of 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 link 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

The WTOAC provided a letter to the Committee on 2 March 2021 advising they were satisfied with the level of engagement with DELWP in the preparation of the draft SPP and that the draft landscape planning controls text versions aligned and echoed the intent of the Paleert Tjaara Dja: Wadawurrung Country Plan (2020). This was reconfirmed in a further email from Dr Jones for the WTOAC in response to a letter from the Committee of 16 April 2021 (D256).

Expert evidence from Ms Walther of Biosis (D45) addressed Aboriginal Cultural Heritage. Her evidence outlined desktop research, a search of the Victorian Aboriginal Heritage Register, review of Cultural Heritage Management Plans 10226 and 13245, the adopted Spring Creek PSP and a site visit to observe the landscape.

Numerous submissions cited the importance of Wadawurrung heritage and connection to place throughout the DAL. A significant number of submissions referred specifically to Aboriginal sites in the Spring Creek Valley area as well as the wider Surf Coast Shire more generally.

The draft SPP contains reference to Aboriginal Cultural Heritage as well as Historic Heritage¹⁸⁸. It contains two objectives which include:

- Objective 4: To conserve, strengthen and promote the declared area's Aboriginal cultural heritage values and partner with the Wadawurrung to care for Country.
- Objective 5: To protect, strengthen and promote the declared area's historic heritage values.

(iii) Discussion

As the WTOAC is becoming more engaged and involved in land management across the region, the awareness (and confirmation) of Aboriginal sites is increasing. Evidence of pre-contact Aboriginal presence in the landscape in the vicinity of Torquay is becoming known over time. 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 consideration of proposals to change the landscape and is balanced within the context of the landscape and proposals within it.

It is essential that Wadawurrung are not only engaged in any considerations for the draft SPP, and other formal processes as established under the *Aboriginal Heritage Act 2006*, but also engaged in any informal processes that may contribute to the eventual implementation of the draft SPP. The Wadawurrung, in addition to cultural heritage responsibilities, have, as a first nations people, a deep understanding of communities, their dynamics and the impact

¹⁸⁸ Draft SPP, pages 42 - 45

of change, both positive and negative. This insight may prove to be a useful contribution to a wider understanding of the landscape and its place in the perspectives of the various interested parties.

A feature of submissions that specifically mentioned Spring Creek was the importance placed on the protection of Aboriginal heritage. 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, that it was cited on numerous occasions by submitters. Clearly, any Surf Coast planning instrument, present and future, must give due regard for the importance of Aboriginal heritage for not only the Wadawurrung people, but for the wider community as a whole.

The draft SPP has identified that the land, sea, sky and waters, as well as tangible and intangible cultural heritage sites, are critical to the identity of the Wadawurrung. As reconciliation progresses, it is increasingly clear that Aboriginal values are informing the place and community identity of non-Aboriginal people as well. The citing of this may be considered for inclusion in the future updates to the draft SPP.

As part of the drafting of the draft SPP, it is considered there has been appropriate engagement and reflection of the WTOAC. The draft SPP has provided an objective and strategies that will be required to be considered in future decision making of the RPE.

(iv) Findings

The Committee finds:

- The draft SPP has identified the importance of Aboriginal heritage and has identified strategies to protect and preserve, as well as promote the better understanding of, the traditional and contemporary culture of the Wadawurrung.

12.3 Social heritage and social impact

(i) Background

The region that is now known as the Surf Coast Shire was first settled by Europeans in the 1840s as pastoral runs in the Barwon region. In the 20th century, the region was primarily rural with agriculture being the prime economic activity. However, the construction of the Great Ocean Road in the post-World War 1 period opened the region to visitation and the early stages of the tourist economy.

By the 1960s, tourism was a stable part of, and major contributor to, the Surf Coast economy. The growth in popularity of surfing during the 1950s and 1960s gave a specific focus to Torquay as a destination for the surfing community. The establishment of both Quicksilver and Rip Curl cemented Torquay as a premium focal point and this was consolidated with the commencement of the annual surfing carnival now known as the Bells Beach Classic.

In the years from 1970s onwards, population growth in the Surf Coast Shire, principally in Torquay, increased at pace. The expansion of the resident population, as opposed to the annual influx of tourists, has seen housing growth not only in Torquay, but also in the satellite settlements of Jan Juc, Bellbrae and Breamlea. Notwithstanding this growth, the

region was still regarded as a 'coastal regional' location and was identified as a 'country town' by the sea.

In the 1990s and especially since the year 2000, the population of the Surf Coast Shire expanded relatively rapidly. The focus of this growth has been in Torquay. In the period 2001 to 2020, the population grew from approximately 5,000 to approximately 17,000. This growth was driven by relocation of people from the urban areas of Melbourne as well the expanding population of the Greater City of Geelong immediately to the north of the Surf Coast Shire.

(ii) Evidence and submissions

Many submissions referenced the country town nature of Torquay, as well as the surf culture of the town. Several submissions, specifically from long-term residents and various community organisations, noted the change to the surrounds of Torquay from agricultural to suburban or as some said, 'metropolitan' in appearance and social definition. A number of submissions from more recent residents to Torquay identified the need to manage population expansion, especially in relation to environmental adaption as the environment was a reason for their move to Torquay.

Within the draft SPP there is reference to other heritage aspects highlighting that the Great Ocean Road, which is listed on the Victorian Heritage Register and National Heritage List. Through the evidence of Ms Walther, it was explained the Great Ocean Road is a permanent memorial to World War 1 and was built by returned servicemen. Ms Walther's evidence was confined to the impact of development on heritage in relation to sites in Spring Creek and she did not consider the draft SPP more broadly.

The Geelong Environment Council noted its concern about the extensive development that has occurred in Torquay and said:

The social and tourism values of Torquay as a valuable coastal town, loved and visited by thousands of Victorians each year are at risk if the area becomes over-developed.

Mr Foss made a submission that spoke of the mental health impacts of growth. He said *"Fear of overdevelopment in our town is having a negative impact on the mental health of our community"*. And further, *"people in Torquay dread the summer period and days when our streets are gridlocked, carparks rare and our beautiful beaches are left covered in litter"*¹⁸⁹.

(iii) Discussion

The changes in the Surf Coast Shire, and especially Torquay over the past 20 years have been profound. The number of submissions that sought either no change or very regulated and managed change was the overwhelming majority. It was cited in many submissions that the coastal town 'feel' of Torquay was irrevocably changing and its attraction for both tourists and resident was diminishing.

The Committee notes the level of intensity in the writing and presentation of submissions. While the draft SPP for the Surf Coast Shire is the first time a planning approach of this type

¹⁸⁹ Document 308

has been proposed for the identified area, Spring Creek has been the subject of two previous strategic planning processes. It is important to note that on these previous occasions, passions ran high both for and against development in the Spring Creek Valley.

Many submissions from the resident population conveyed a level of distress to the rapid population growth. While much focus was on the Spring Creek FRA and its environmental aspects, there was equal assertion made that Torquay was 'full' and was not coping with the pressure of increased numbers of residents. Certainly, in terms of infrastructure, this may be partly true, however infrastructure improvements can alleviate this.

What is not often considered is the mental health the impact of rapid change to a place on its existing population. Change requires time for adjustment, to get used to the new circumstances. If adjustment to a new set of circumstances has not been allowed sufficient time to embed before a second significant change happens, then the sense of loss and disruption can compound. This may then cause growing resentment to any further or future change, regardless of its merit. It may be that the resistance to considering further growth in Torquay is driven more by the lack of time to adjust to previous 'immigration waves', before another potential wave arrives – in this instance via the Spring Creek Valley, rather than the resistance to population growth itself.

The Committee observes few businesses or traders expressly disavowed further growth through the submissions and there may be a number of people who do not share the community opinions resisting growth.

The narrative provided in the draft SPP touches on other heritage matters, including surfing and the Great Ocean Road. The draft SPP is an opportune time to reflect and support the difference that the Surf Coast DAL is. Based on its unique cultural heritage, identification and protection of the significant landscape, in particular Bells Beach, Point Addis and views back towards the coastline, better management of inappropriate development is supported. This should be reinforced through clearer and more specific objectives and strategies that will protect these areas from development that would adversely impact on the cultural heritage (including surfing culture) of the declared area.

Most submissions that referred to cultural and heritage values did not specifically relate to the drafting of the draft SPP, rather they focussed on landscape and growth of Torquay–Jan Juc. However, the importance of the surfing culture to the identity of Torquay–Jan Juc was referred to by many community groups and individual submitters who presented. For example, the Surfrider Foundation submitted that:¹⁹⁰

We have a loud voice and are passionate about protecting the coast, town character, surf culture and native flora and fauna along the coast.

In relation to the impact of development, the Foundation submitted:

Surfers and visitors to our beaches value a natural coastal vista free of development. View scapes from Bells Beach, Jan Juc, Torquay and Fishermans Beach must be protected.

The declared distinctive area extends 600 metres out to sea from the shore. The DAL recognises that Bells Beach and Point Addis are nationally significant and

¹⁹⁰ Document 238

internationally renowned nature reserves and surf locations. The views scape extend not only from the land but also from the water.

Surfers and ocean users should be afforded an uninterrupted view back to land without hard infrastructure creating an unnatural footprint in a sensitive landscape.

All waters within the distinctive area must be include and protected under the DAL.

The importance of the surfing culture is noted in relation to the surfing industry which the Committee recognises is a foundation for the local economy and tourism industry.

(iv) Findings

The Committee finds:

- The draft SPP acknowledges the importance of the social heritage of the Surf Coast Shire and gives sufficient guidance to protect historic heritage values, however there should be particular emphasis on the importance of the surfing culture.
- The impact of population growth on the social and emotional well-being of existing resident populations is not given due consideration within the draft SPP.
- It is important to continue to highlight the specific importance of Aboriginal culture and heritage not just to Aboriginal people but also to non-Aboriginal people especially in terms of adding to community cohesion and sense of belonging to place in future updates to the draft SPP.
- The management of growth in future reviews should consider the social and emotional well-being of existing resident populations including consideration of time periods of growth that allow the community to adjust to the expanded population size.

12.4 Recommendations

The Committee recommends:

- 9. Recognise the surfing culture of Torquay-Jan Juc with specific objectives and strategies that embed the importance of this culture in the draft Statement of Planning Policy.**

13 Civil engineering

13.1 Background

Civil engineering matters including infrastructure, utility services and transport were addressed but not discussed in detail. This is reasonable for a high level policy setting document however, further work will ultimately be required.

Table 8 lists the hydrology evidence provided.

Table 8 Hydrology evidence

Party	Expert	Firm	Area of expertise
Proponent	Tim Fletcher	University of Melbourne	Hydrology

Many submitters were concerned the Karaaf Wetlands would be further compromised by development of the TNEIA, in particular, stormwater runoff changing the salinity of the salt marsh and adversely impacting flora and fauna.

Other concerns included increased traffic congestion and pressure on essential services due to a growing population. Many submitters noted issues with the power and gas networks which have existing issues with regular outages. Some submitters supported increased urban development (in Spring Creek) on the basis that additional services and infrastructure (in particular, retail and education) will be built¹⁹¹.

The key issues to be resolved are:

- hydrology in and around TNEIA and Spring Creek
- traffic and sustainable transport
- infrastructure and utility services.

13.2 Torquay North East Investigation Area

(i) Background

The TNEIA is approximately 65 hectares of agricultural land currently used for a range of horticultural and farming uses, including flower production. The site is located upstream from the State and nationally significant Karaaf Wetlands, which is an intertidal saltmarsh, in the Breamlea Flora and Fauna Reserve.

Several ecological studies have demonstrated the importance of preventing further freshening of the wetlands by stormwater runoff. In particular, the Ecology Heritage and Partners report (2020) identified changes to flow and salinity regimes as a primary threatening process¹⁹². Freshwater flows from upstream urban development can adversely impact on flora; with the loss of saline loving plants, (including the beaded Glasswort which is an important feeding ground for the critically endangered Orange-bellied Parrot) being replaced by freshwater reeds.

¹⁹¹ For example submissions, 549,1161 and 1247

¹⁹² Ecology and Heritage Partners, Opportunities and Constraints Assessment

As such, any further upstream development would need to be carefully assessed, in particular, how stormwater runoff could be managed to avoid further damage to the Karaaf wetlands.

(ii) Evidence and submissions

Professor Fletcher's evidence was that it is not adequate to just attenuate the site's peak flows (as stormwater water runoff would continue to flow into the Karaaf Wetlands further 'freshening' the salt marsh). In his opinion, the only options were to:

- retain all stormwater (and reuse and/or export for agricultural uses)
- discharge directly to the ocean via an outfall drain (though this option is likely to be expensive and was beyond the scope of his evidence).

He advised the only theoretically feasible stormwater management approach that could meet the objective of no additional runoff from the site into the Karaaf Wetlands would be to harvest all site runoff and then use it domestically (such as laundry, toilet and garden use); with the remainder diverted into storage, before export for other uses such as farm irrigation in the surrounding areas. However, this may be impractical due to cost and the inability to ensure long term water harvest-to-export agreements can be reached.

In relation to potential degradation of the Karaaf Wetlands from existing urban development, Professor Fletcher's opinion was that this was foreseeable with a high degree of confidence (i.e. without the need for further studies).¹⁹³

In regard to freshwater flows compromising the Karaaf wetlands, the Committee sought Professor Fletcher's views on possible measures to modify the stormwater, to be more like seawater, by mixing in sea salt or co-mingling with seawater, or alternatively, discharging the stormwater to sewer. Professor Fletcher had not considered those options in any detail and identified potential technical and administrative issues which would need to be considered.

In light of the above, the Proponent's view was TNEIA should be excluded from the settlement boundary at this time.

Surf Coast submitted the TNEIA should be abandoned as there was a lack of scientific certainty that the future development impacts could be mitigated such that further impacts on the Karaaf wetland system would not occur. The two primary solutions explored by Professor Fletcher were, by his own admission, neither realistic nor financially viable.

Dr Trengove on behalf of the SCEG noted degradation of the Karaaf wetlands essentially confirmed previous studies. He raised issues that stormwater was a source of sediment, visible rubbish, chemical contaminants and spreading of weeds.

Mr Tomkinson, on behalf of a land owner, submitted there was already infrastructure (pipes, pumps and dams) and agreements for stormwater harvesting, storage and export in place which currently result in stormwater being diverted away from the Karaaf wetlands. He advised of an agreement between Surf Coast, the Dunes Estate and a farm dam owner has been in place for four years. This he said, has resulted in 102.5 megalitres of stormwater being diverted into a local irrigation facility. Mr Tomkinson noted:

¹⁹³ Professor Fletcher Reply expert witness statement 5e).

- the existing pipes and pumps could be repurposed to service a future residential development
- he was disappointed with the lack of consultation regarding the TNEIA stormwater management assessment.

Mr Tomkinson's background material identified the total catchment draining into the Karaaf wetland was approximately 500 hectares (373 hectares northern catchment which includes TNEIA) and the Sands Estate (125 hectares)¹⁹⁴.

In response to Professor Fletcher's evidence on alternative stormwater treatments, Mr Tomkinson provided preliminary advice from Fisher & Fisher, an engineering and environmental consultancy practice which explored salinity modification (salt dosing or co-mingling seawater) of the stormwater discharge to provide ecological benefits to the Karaaf Wetlands. This included a whole of catchment strategy rather than just the TNEIA site. Other options flagged including pumping stormwater to Thompsons Creek to improve its ecology throughout the year (D317).

The Sands, Torquay is an integrated golf course/residential development, adjacent to the Karaaf Wetlands. All upstream development within the catchment discharges through this estate into the Karaaf wetlands. Mr McCauley, for the Sands Owners Corporation expressed concern about the significant damage current development was causing to their stormwater retention ponds and system, and the adverse flow on effects to the Karaaf wetlands. He noted the ponds turn brown due to sediment from upstream development. He advised water testing of inflows into the Sands showed poor water quality. Further, he advised he raised these concerns with the EPA and Council and requested greater management, enforcement and maintenance of upstream stormwater management infrastructure, but these issues continue. Mr McCauley noted the upstream inflows are greater than the design of the Sands stormwater management system, thus placing additional stress on the Karaaf wetlands.

Many submitters expressed concern about potential degradation of the Karaaf wetlands and did not support further development which would lead to further damage and loss of habitat.

(iii) Discussion

It is clear that further investigations are required to resolve the TNEIA stormwater management strategy to ensure the Karaaf ecological values are maintained, though desirably improved, due to its current degradation from existing urban runoff. This holistic study should explore a range of options in terms of feasibility and cost, including whole of catchment strategies, considering the Karaaf wetland system is of state and national significance.

Previous investigations by Ecology and Heritage Partners confirmed the Karaaf wetlands are already degraded by stormwater runoff from upstream development. The TNEIA makes up approximately 13 percent of the total catchment which drains into the Karaaf wetlands (TNEIA (65 hectares)/total catchment (500 hectares)). Addressing just a small part of the catchment (with whatever strategy that is ultimately adopted) would not tackle the

¹⁹⁴ GHD Torquay North Technical Report, December 2010

fundamental issue of existing and ongoing damage caused by the majority of the catchment. Any stormwater management strategy should consider a whole of catchment approach.

Professor Fletcher's focus was relatively constrained to options of ensuring no stormwater runoff from the TNEIA discharged into the Karaaf, advising that the ocean outfall drain was beyond the scope of his work. He noted an outfall drain would be an expensive option, and whether it would result in further residential development within the TNEIA being unviable is unknown at this stage.

Obviously reducing the volume of stormwater runoff into the Karaaf wetlands is desirable. Mr Tomkinson's submission identified that agreements to share, store and harvest stormwater are already occurring, reducing freshwater loads into the saltmarsh. Some agreements, and importantly some infrastructure, are already in place.

There appears to be a range of stormwater management options available which may improve the Karaaf wetlands. Practically, the ultimate strategy may be a combination of several ideas and concepts put forward by Professor Fletcher and others, including improved management and maintenance of water sensitive urban design assets.

The Committee is confident this issue can be successfully resolved outside of the DAL process, whereas future development in the TNEIA could occur in conjunction with ecological improvements to the Karaaf wetlands. However, taking a precautionary approach, development of the TNEIA should be held in abeyance until a stormwater management strategy, in collaboration with landowners and key stakeholders, has been developed and approved by the relevant agencies.

(iv) Findings

The Committee finds:

- The TNEIA should not proceed as a future residential area until an approved stormwater management strategy has been developed, in collaboration with landowners and key stakeholders.

13.3 Traffic and sustainable transport

(i) Background

Motor vehicles are the main transport mode in the region, with buses providing an alternative for residents and tourists. More sustainable transport infrastructure is required, particularly public transport, walking and cycling.

Map 9 in the draft SPP 'Strategic infrastructure' identifies Surf Coast Highway as the 'Armstrong Creek to Torquay Transit Corridor' that would ultimately link Torquay-Jan Juc with southern Geelong. The corridor would provide an opportunity for a transit hub in Torquay-Jan Juc. The transit hub/terminal was proposed within the settlement boundary to readily connect with the transit corridor alignment and existing transport corridors. This would ensure good connections to existing cycling, walking and public transport routes to enhance the active transport network. The corridor must be planned and designed to integrate with the existing settlements whilst being sensitive to the landscape significance and other values of the declared area.

Submitter concerns centred around increased traffic congestion due to a growing population and that this would deteriorate with continued development. Other submissions focused on the future transit link and the need for more sustainable transport modes.

(ii) Evidence and submissions

Traffic and sustainable transport issues were generally centred around DoT and community submissions.

The DoT was generally supportive of the draft SPP but noted it was continuing to investigate potential corridor alignments and suitable transport modes, including active transport. It advised that potentially, a future transit route may not be required. At the Hearing, DoT submitted in relation to the draft SPP:

- there should be no specific location reference for a potential future transit corridor
- reference to a potential future corridor should be removed
- the diagrammatic representation of the transit corridor along the Surf Coast Highway be removed.

Instead, DoT preferred a generic note *“potential opportunity for improved transport connections to Torquay subject to further investigations”* be included on the relevant plans.

It argued these changes were required to ensure that planning policy aligns with future transport planning and policy outcomes.

Mr Woodland considered it was important the corridor be shown and for there to be reference to the terminal being within the settlement boundary, noting the transit mode (i.e. train or bus) can be resolved at a future time.

Greater Geelong had set aside land on the east side of Surf Coast Highway consistent with the Armstrong Creek UGA Framework Plan for such a corridor.

In relation to the transit link, a number of community submissions supported this initiative and suggested bus lanes for use by electric buses, and/or including off road bicycle paths. Others opposed the extension of a trainline to Torquay (but supported buses).

The Anseed submission noted the transit link would be positive for development of its land.

Several community submissions were focused on increased traffic congestion flowing from a growing population, with concerns about more traffic signals being installed, which some submitted, would further detract from the ‘seaside village’ feel.

A consistent theme in submissions was that greater reliance on active transport modes such as cycling and walking should be encouraged, including better public transport.

(iii) Discussion

It is accepted the proposed Armstrong Creek to Torquay Transit Corridor is intended to provide an additional public transport link from Geelong to Armstrong Creek to Torquay. It would support tourism visitation to the Great Ocean Road, as well as access for the regional community to Geelong’s jobs, services and amenities.

The Committee was perplexed and disappointed that DoT was unable or unwilling to commit and provide any real detail regarding this essential piece of strategic infrastructure. Essentially, Councils, the community and developers now need to ‘second guess’ what may

or may not occur; this is not how proper strategic planning should occur. This is unsatisfactory and DoT should resolve its preferred alignment within the short-term horizon to provide certainty for all involved.

It is acknowledged that increased traffic and congestion generally occurs with growing populations, and this is probably more noticeable to the longer term residents as Torquay-Jan Juc matures into its District Town status.

There is now greater awareness and understanding around encouraging walking, cycling and other alternative transport modes, for human health as well as well as for broader environmental benefits. These are articulated in the draft SPP and it is anticipated that these would ultimately be refined and developed.

(iv) Findings and recommendations

The Committee finds:

- The inability of DoT to provide clear transport infrastructure direction was unhelpful and will result in ongoing uncertainty in providing for strategic transport links.
- Reluctantly, the draft SPP should be amended to remove specific references to the transport corridor and hub being replaced with *“potential opportunity for improved transport connections to Torquay subject to further investigations”*.
- The DoT should resolve its position on the Armstrong Creek to Torquay Transit Corridor alignment as soon as possible.

The Committee recommends:

- 10. Amend the Statement of Planning Policy to remove specific reference to the transport corridor and transit hub and replace it with *“potential opportunity for improved transport connections to Torquay subject to further investigations”*.**

13.4 Infrastructure and Utility Services

(i) Background

In relation to infrastructure and utility services, the draft SPP has high level sustainable development goals which principally focus on:

- safe, sustainable and productive water resources and sanitation
- reliable, sustainable and affordable energy services.

Increasing population places greater demand on infrastructure, services, and utilities. Many submitters flagged that with the existing population, utilities and services were already stretched and would be unable to accommodate future growth, particularly in relation to power and gas supply.

(ii) Evidence and submissions

The Proponent noted community concern regarding pressure on essential services due to the growing population. Infrastructure and utility services were not addressed in detail in the draft SPP. The draft SPP identified water security as a major issue and noted Barwon Water has strategies to manage changing demands for water including greater use and uptake of recycled water for agricultural and some residential uses.

The Settlement Background Paper identified the Spring Creek PSP could be serviced by extending the existing trunk services network. New neighbourhood and local activity centres and community facilities which form part of any major urban development are expected to benefit the broader local communities. A hospital is planned at the northern end of Torquay.

The Urban Development Institute of Australia submitted that relevant maps within the draft SPP should be amended to show the specific location and timing of strategic infrastructure assets. For example, it would be instructive if the plans indicated areas that are able to be irrigated within the next 10 years based on the current plans of the service authority. The mere fact that land could theoretically be serviced in the long-term is not sufficient to include in the strategy plans.

Many submitters were concerned that existing services and utilities were not currently coping, and increased population would only exacerbate this situation. Key concerns included:

- electricity blackouts
- inadequate gas supply/pressure
- poor and patchy internet and telecommunications
- future water supplies.

More general concerns were around being unable to see a doctor, queues at supermarkets and petrol stations. The Committee was advised local schools were at capacity, with some bringing in portables for additional class rooms. At the same time, existing residential estates were continuing to be built, resulting in population increases. However, some submitters supported more growth with the associated additional services that would be provided.

(iii) Discussion

Infrastructure and utility services were not addressed in detail. This is reasonable for a high-level policy setting document however, further work will ultimately be required. It is noted the Torquay-Jan Juc region already has a full suite of utility services which could be extended into the proposed future residential area(s).

It is acknowledged that utility providers would be, or are planning to, accommodate future demand for their services such as Barwon Water considering future water supply options.

Many submissions were concerned with existing utility issues. However, it is acknowledged that these are operational and management issues which are outside the broader policy settings being considered and are beyond the Committee's remit.

There will be times where there are increased demands for a range of utilities and services, particularly in urban centres like Torquay Jan-Juc where the population significantly increases during holiday periods, this is the same for many tourist areas. Lower levels of service or availability are bound to occur at these times.

As part of the strategic planning process, other facilities and services such as schools and shopping centres are planned for as part of considering resident's needs and requirements. This is standard and well-developed practice. For example, the Spring Creek PSP includes a neighbourhood community hub that would service Spring Creek and other nearby communities, including Jan-Juc. And Christian College Geelong was built ahead of the

expected residential development, on the basis of the PSP, demonstrating coordination between strategic and infrastructure planning.

While further work and investigations will be required, it is anticipated that these issues can be resolved moving forward.

(iv) Findings

The Committee finds:

- Infrastructure and utility services were not addressed in detail and further work will be required at a future date in line with population growth.

13.5 Recommendations

The Committee recommends:

- 11. Amend the draft Statement of Planning Policy to remove specific references to the proposed transport corridor from Armstrong Creek to Torquay and the transit hub to replace it with a notation that reads *“Potential opportunity for improved transport connections to Torquay subject to further investigations”*.**

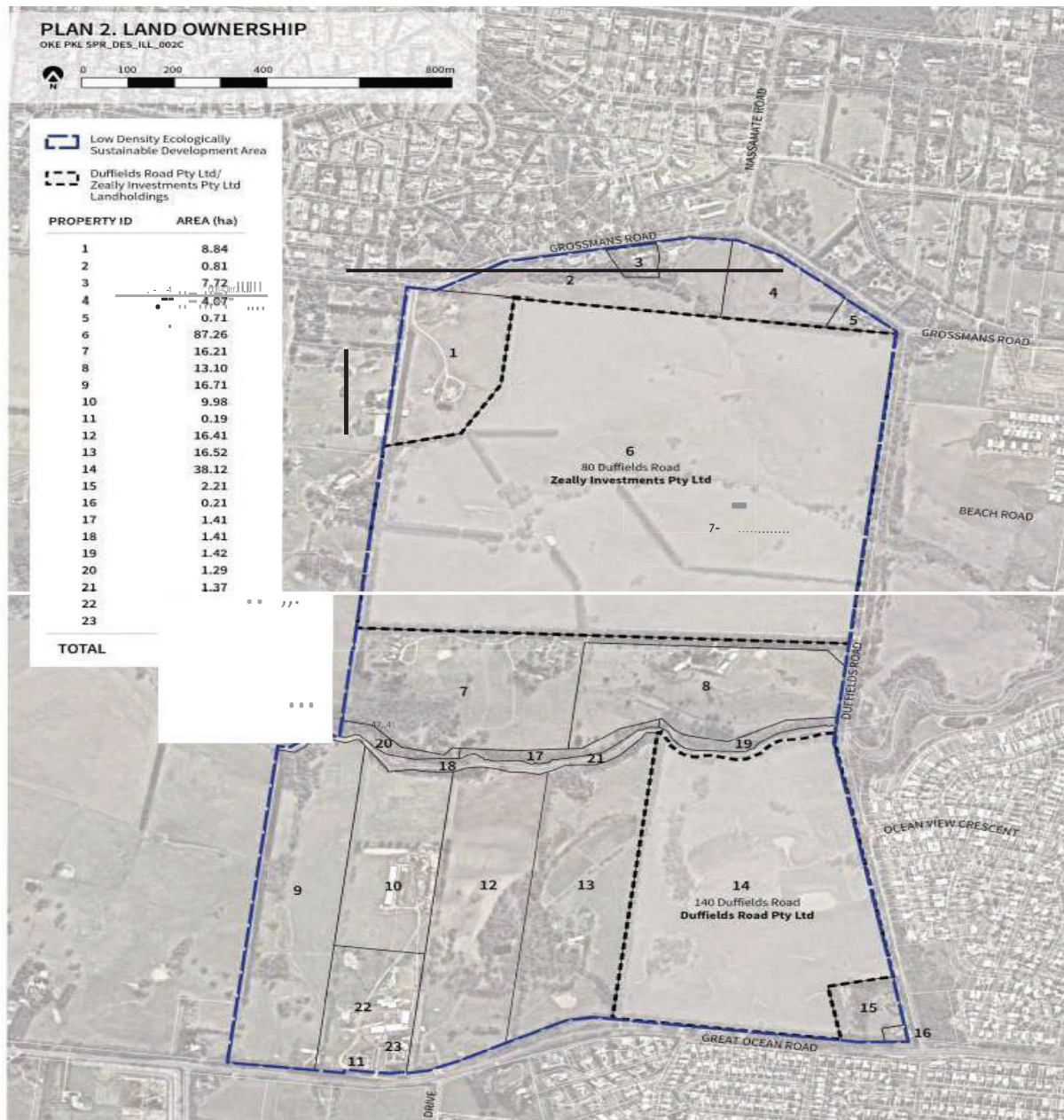
PART C: SITE SPECIFIC ISSUES

14 Spring Creek

14.1 Background

The future role of Spring Creek has generated significant debate in the Torquay area for many years. The land comprises 23 existing lots, has an area of 247 hectares as shown as Figure 4.

Figure 4 Land ownership map of the Spring Creek FRA



Source: Zeally Investments Pty Ltd and Duffield's Road Pty Ltd submission, document 75

The following parties with a proprietary interest in the Spring Creek land made submissions (and some called evidence) to this Hearing:

- Mack Property Developments Pty Ltd (Mack), at 200 – 220 Great Ocean Road, Jan Juc, with land in the UGZ1 and subject to the ESO1 and VPO1

- Duffields Road Pty Ltd at 140 Duffields Road, Torquay, with land in the UGZ1 and subject to the ESO1 and LSIO
- Zeally Investments Pty Ltd at 80 Duffields Road, Torquay, with land in the UGZ1
- Christian College Geelong, at 248 Great Ocean Road, with land in the Special Use Zone (SUZ) (Schedule 9), and subject to the ESO4 and VPO1.

As Duffields Road Pty Ltd and Zeally Investments Pty Ltd were jointly represented, the Committee refers to their submissions and evidence as Zeally/Duffields Road.

Additionally, the SCEG made detailed submissions about the land and called evidence in support of its position. Many other groups, including GTA, 3228 Residents Association, various surf related groups and others, as well as numerous individuals made submissions about the future role of Spring Creek.

Several submissions were made in relation to land to the south of Grossmans Road, these are considered in Chapter 15.1. Rural Estates made submissions about the land to the immediate west of the Spring Creek land, these are considered in Chapter 15.2.

The *Settlement Background Paper* notes the historical and lengthy process of strategic planning for Spring Creek, with the PSP proposing 1,939 lots with an average density of about 10 dwellings per hectare for an estimated residential population of 4,925. The *Settlement Background Paper* provides an assessment of the five criteria of significance, these being environmental; landscape; Aboriginal cultural heritage; historic heritage and township character; and natural resources and productive land. It is noted the site hosts good stands of Bellarine Yellow Gum and the *Settlement Background Paper* notes the PSP “... may have a significant impact on the environmental impacts of the Spring Creek Future Residential Area. A particularly significant impact is the loss of the endangered Bellarine Yellow Gums”. No other potential significant impacts are raised.

Of note to the Committee is that Table 1 to the Declaration Order includes many identified areas that have Distinctive Features of ‘Outstanding Environmental Significance’. Spring Creek is not one of those listed.

The *Settlement Background Paper* and the draft SPP both identify Options 1 and 2 for the Spring Creek FRA. The implementation of the adopted PSP does not form one of these two options.

It is proposed that SLO8 will apply to the whole of the Spring Creek land, noting that while various parts of the land are subject to various schedules to the ESO and VPO (amongst other overlays), there is no SLO currently applying to the land.

While issues about Options 1 and 2 are variously mentioned throughout this report, the Committee highlights the Spring Creek issue in the broader context of dealing with and providing advice about the future role of the UGZ land specifically.

The key issues to be resolved are:

- history of planning for Spring Creek
- landscape significance
- biodiversity values
- bushfire management
- stormwater management and hydrology
- how the PSP should respond to the draft SPP.

14.2 History of planning for Spring Creek

(i) Evidence and submissions

Multiple submissions provided an overview of the history of planning for Spring Creek, including, but not limited to:

- submission of Surf Coast (S3050)
- expert evidence of Mr Crowder (D41) and Mr Milner (D47)
- opening submissions of Christian College Geelong (D72) and Zeally/Duffields Road (D75)
- substantive submissions of Surf Coast (D123), Zeally/Duffields Road (D208), GTA (D240).

In summary, from Surf Coast's original submission:

- Spring Creek was identified in at least four strategic planning reports as a future UGA from about 1980 to 2007
- the Spring Creek Urban Growth Framework Plan was prepared for land from Duffields Road to Bellbrae but abandoned by Council
- Amendment C37 was approved which included land one kilometre west of Duffields Road as future urban growth
- Council prepared *Sustainable Futures Plan Torquay/Jan Juc* which set the boundary of urban development at Duffields Road and sought to implement it through Amendment C66
- Amendment C66 approved as Amendment C95 in March 2014, which included the recommendation of the Panel that the Spring Creek land be included in the UGZ and Christian College Geelong in a SUZ, despite Council not supporting that part of the Amendment
- the (now) VPA assisted Council to prepare the required PSP, which included a citizen's jury and community panel during 2015 and 2016
- Amendment C114 heard in late 2016, report provided in March 2017 and adopted by Council following further work in October 2017
- the further work and Amendment were provided to Minister for Planning in March 2018 for approval
- changes to NVPP were required, Council provided revised adopted plan in July 2018
- DELWP required further changes to PSP and in April 2019 Council was advised by DELWP the Minister would defer his decision on the Amendment subject to the recently introduced DAL process.

The Proponent noted in opening:

The strategic direction for Torquay–Jan Juc is that it will continue to be a district town providing housing choices, employment opportunities and regional level community services and facilities for residents, workers and visitors within the declared area and the broader region.

The draft SPP proposes that urban development within Torquay-Jan Juc will be sustainably managed through a combination of infill and greenfield development. The majority of new development will be directed to activity centres, tourism precincts, residential areas identified for substantial change and designated future settlement areas.

...

To the extent that further outward greenfield growth is envisaged, it will occur in designated areas that do not compound impacts on surrounding areas of high biodiversity value, Aboriginal cultural heritage, state and nationally-significant landscapes and natural resources¹⁹⁵.

Rural Estates noted:

Where once strategic planning for Spring Creek was clear, the declaration and draft SPP have unnecessarily stirred up community angst and cost local landowners precious time and resources in prosecuting the same case that has been successfully prosecuted so many times before¹⁹⁶.

Many of the landholder submitters noted they purchased land in good faith based on the rigour of the orderly planning processes that was undertaken, with some purchasing land after the rezoning was gazetted. Geelong Christian College developed its school on the basis that the area would be developed and made allowance for road and footpath connections into the future estate. It submitted:

Since the purchase of land within an identified area for future urban growth in 2008, the School has pursued its vision of a school integrated into the surrounding community. Its achievement of this has long been a reasonable expectation¹⁹⁷.

SCEG observed *“The introduction of the DAL provides the local community with an opportunity to play its proper role in determining its own future”*¹⁹⁸.

GTA disagreed with the submissions of various parties that contended the planning status of Spring Creek was resolved as a consequence of Amendment C66, and advised:

... the decision of the then Minister for Planning to unilaterally rezone the Spring Creek Valley to UGZ despite Council having voted to exclude the area west of Duffields Road from the town boundary is but one example of how the history of planning for Spring Creek has been plagued by outcomes which, in GTA's view, are anything but representative of the views of the majority of the community¹⁹⁹.

Many community organisations and submitters maintained their strong opposition to Spring Creek developing for urban purposes and welcomed this DAL process.

Submission 2802 noted an initial opposition to Spring Creek, but advised:

... found that my involvement in the protest movement curtailed my ability to be involved in a lot of council work in planning for Spring Creek a flaw in the planning and governance controls. While most would see me as implacably opposed to development in Spring Creek this is a misunderstanding of my position on planning process and the developments that fall from planning decisions. I believe that the Surf Coast Shire in its planning process for amendment C114 has carried out a through community engagement and created an amendment that created a balanced and sustainable urban area that also protected the Valley west of the town boundary set by amendment C66. This valley has had a checked history in planning process and interventions at various levels and the ability of vocal groups, my self included, to represent themselves as the community view. This is probably a misrepresentation, facebook has a lot to answer for.

¹⁹⁵ Document 80, paras 24, 25, 27

¹⁹⁶ Document 186, para 46

¹⁹⁷ Document 154, para 39.16

¹⁹⁸ Document 81, para 7

¹⁹⁹ Document 240, para 67

(ii) Discussion

While some interpretations varied on the pathway to Amendments C66/95 and C114, there was no dispute the land was rezoned through a rigorous, open and transparent planning process. Hundreds of submissions were made and considered through C66, as was the evidence led by various parties. The key point of difference between Council, some community groups and the land owners was the extent of review in the C66 and C114 process about landscape quality and biodiversity. Some parties asserted the draft SPP places greater weight on consideration of landscape values, and this is true for land in the declared area.

Planning should facilitate development that is in a defined sequence and through a hierarchy of structure plans. Spring Creek is the only area in Surf Coast that has a PSP to guide its future development. The adopted PSP must be recognised as a seriously entertained strategic planning document and given the weight it deserves. What has happened for Spring Creek up until the declaration is entirely consistent with all aspects of the Planning Scheme and it has followed all appropriate due processes as provided for in Part 3 of the PE Act.

The Committee accepts that communities should be involved in planning for their community, but it must be done fairly and with a sense of recognition that Torquay-Jan Juc in particular, is a key designated location for future growth in Surf Coast Shire and that it cannot shut its doors to additional and properly planned for growth. The Committee agrees that growth should not be endless and that there must be processes in place to determine where growth should occur. That work was done by Council and regional bodies and it led to Amendment C66 being gazetted (albeit as Amendment C95). As Rural Estates noted *"Fairness and certainty are fundamental pillars of the Victorian planning system"*²⁰⁰. The Committee agrees.

The Committee disagrees with the submissions of SCEG that this DAL provides a 'proper opportunity' for the community to be involved in planning for the future. The two previous amendment processes allowed for exactly that. A total of 537 submissions were made for Amendment C66 and 80 for Amendment C114 (noting the PSP was considered on the land that had been rezoned to UGZ). The Committee notes that SCEG submitted to C114 and that some of its members and many other submitters to this DAL process made submissions to either or both of the previous amendments.

In summary:

- there was significant community opposition to Amendment C66
- Council did not support the initial Amendment C66, but it did support Amendment C114, subject to further modifications
- two amendments went through a considered and robust public process, including exhibition, hearings and report that led to the Spring Creek land being rezoned for urban purposes, with a PSP
- the Minister has not yet adopted Amendment C114.

²⁰⁰ Document 186, para 46

(iii) Findings

The Committee finds:

- The planning for Spring Creek was determined through a clear, transparent and appropriate strategic planning process.
- There are no planning issues that would preclude the Spring Creek FRA being developed for urban purposes.

14.3 Landscape significance

(i) Evidence and submissions

SLO8 is proposed to be applied to the Spring Creek land on the basis that it has been identified as a landscape of national or state significance.

While this designation was disputed by some at the Hearing, it was supported by many others. Submitter concerns with application of SLO8 related to:

- The need for an SLO if Option 1 is pursued – it would complicate decision making
- the appropriateness of SLO8 if used to protect the Bellarine Yellow Gum
- inconsistency with Clause 11.02-1S of the Surf Coast Planning Scheme.

The Proponent noted in its Part A submission that *“SLO8 aims to ensure that the valuable view corridor from the Great Ocean Road is not diminished by insensitive development close to the road, that the native vegetation in the area is protected and that the agricultural landscape is maintained”*²⁰¹.

Ms Scott supported the application of SLO8 across all of the Spring Creek land.

However, notwithstanding the broad scale application of her landscape analysis, through a further review, Ms Scott ultimately conceded that the Spring Creek land was only of regional significance. In making this concession, she said:

Characteristics of the site which detract from its visual landscape significance, and further support a regional significance rating (as opposed to state) are the existence of scattered buildings and farming infrastructure, including more substantial buildings in its south-western corner; and the loss of indigenous vegetation through clearing for agricultural uses²⁰².

Mr Woodland gave evidence that Spring Creek is an attractive rural landscape but also noted:

... the relative importance of maintaining these landscape qualities in their present form needs to be weighed up against other factors in order to determine what is the most acceptable land use and outcome in this location. Allowing residential development at urban densities in the Spring Creek FRA would fundamentally alter the character of this landscape.

There are design solutions which could mitigate these impacts by both preserve landscape character and views along key routes and sight lines, and screening residential areas being landscaped setbacks. However, even with these types of measures the character of the area would alter from rural to urban, and so a choice

²⁰¹ Document 58, para 144

²⁰² Document 30, page 18

needs to be made about the relative importance of the existing landscape values and increasing the township's supply of residential land in this location.²⁰³

Surf Coast agreed with Ms Scott that SLO8 should be applied regardless of whether Spring Creek Option 1 or 2 is chosen. However, Surf Coast also suggested that the content of SLO8 would need to change depending on whether Option 1 or 2 was selected.²⁰⁴

Ms Scott provided suggestions for the Spring Creek FRA should it be included within the protected settlement boundary (Option 1), to:

- set firm parameters regarding protection of the remainder of the Spring Creek Valley green break between Torquay-Jan Juc and Bellbrae
- site and design built development away from hilltops and ridgelines and with altered building footprint and permeability percentages
- provide increased indigenous vegetation and protection of the creek corridor and riparian vegetation, especially the Bellarine Yellow Gum²⁰⁵.

Zeally/Duffields Road submitted that:

It has not been disputed by anyone who has presented orally before the Committee thus far that the Spring Creek waterway and the threatened Bellarine Yellow Gum warrants protection. This has long been known, acknowledged and planned for. It is also not disputed that they both constitute attributes of state significance that warrant protection under Part 3AAB and the Declaration. However, they have already been given that protection through the exhaustive Spring Creek PSP process where these two attributes were front and centre of that process, including the further work undertaken by the Council following the C114 Panel's report²⁰⁶.

Mr Papworth regarded the Spring Creek Valley area, and the subject site in particular, to be of local rather than regional significance. Mr Papworth confirmed the SLO was an appropriate tool to protect significant landscapes, although it was his preference to retain the UGZ and PSP as a mechanism to enhance and improve environmental and biological diversity. His opinion was that views could be screened through additional buffering and planting.

In assessing the evidence before the Committee, Mack Property submitted:

... the Spring Creek FRA is not a landscape of regional, let alone state, significance. It follows that the weight or emphasis given to the landscape in the draft SPP and the proposed landscape controls is not warranted. The constraint on urban development proposed in the SPP is undermined²⁰⁷.

Mack Property noted that even if the Committee accepted the landscape was of regional significance, that alone would not be sufficient for protection under the declaration, and it is only one of a number of matters to be considered in settling on a protected settlement boundary.

²⁰³ Document 31, page 47

²⁰⁴ Document 151

²⁰⁵ Document 30, page 9, 22-23

²⁰⁶ Document 208, para 118

²⁰⁷ Document 165, para 50

Mack Property submitted that “... the Spring Creek FRA does not have a landscape of state or national significance (or regional to the extent that is relevant); or environmental or biodiversity values that cannot be managed within the context of urban development”²⁰⁸.

Similarly, Zeally/Duffields Road questioned the significance classification of Spring Creek when earlier studies including the 2003 work did not classify Spring Creek as having any particular significance, and the linkages of this area with broader landscapes of higher significance.

Christian College Geelong contended:

... appropriately sensitive development within the Spring Creek FRA would facilitate the improvement and protection of the area's characteristics. For example development would provide the Spring Creek environment with a once in a generational investment in its water health²⁰⁹.

Christian College Geelong submitted that applying SLO8 over the PSP area and the school in particular, is very different to applying it to the broader land area west of Bellbrae, where that land is largely farm land in an open rural setting.

Zeally/Duffields Road submitted there were several reasons to not accept the evidence of Ms Scott. They agreed with the submissions of the Christian College that:

... because Ms Scott's assessment of landscape occurred after the announcement of the Victorian Government's intent to declare a DAL in Surf Coast, and with its specific focus and intention on protecting Spring Creek, it this likely influenced Ms Scott's assessment of the Spring Creek FRA land²¹⁰.

Many submitters supported SLO8 applying across the Spring Creek Valley.

An important consideration for the significance of Spring Creek valley is its potential as a place of Aboriginal heritage significance. Spring Creek, being a natural waterway in before colonisation, and relatively undisturbed through agricultural use since colonisation, may be a place of regional Aboriginal heritage significance. That is to say that it may yield archaeological evidence of Aboriginal habitation being within 200 metres of Spring Creek itself as described in the *Aboriginal Heritage Act 2006* and its regulations, and this should be further addressed as part of the recommended revised PSP.

(ii) Discussion

Given the planning for Spring Creek is being revisited through this process, it is necessary for the Committee to determine in the context of the declared area, whether Spring Creek is a distinctive landscape of national and/or state significance.

It has already been determined that:

- the land is suitable for urban development and growth (Amendment C66)
- the land can be appropriately planned for development through a PSP (Amendment C114).

The Spring Creek area highlights the potential differences that may exist between high level landscape character and significance assessments, and more detailed site-specific analysis.

²⁰⁸ Document 165, page 4

²⁰⁹ Document 154, para 39.7

²¹⁰ Document 208, para 137

It also illuminates the tension between the impacts of urban expansion, and the needs for appropriate landscape protection and conservation.

In this regard, Ms Scott's general caution that divorcing a site from its broader context can have the effect of diminishing its relevance is noted. However, the Committee considers the area of Spring Creek is large enough to warrant that closer review undertaken by Ms Scott.

The Committee does not see the DAL declaration as a game changer in relation to whether and how Spring Creek should be permitted to develop. That decision was made in 2014 and then in 2017 through two tried and tested legislative planning processes, both of which involved significant public submissions, the testing of evidence and independent review as part of two separate robust processes.

The key matter before Committee is an assessment of the level of landscape significance. The Committee accepts Spring Creek is part of a declared area. However, equally it also accepts that not all of the declared area has the attributes identified as qualifying the declared area as a distinctive area and landscape.

The key matter before Committee is an assessment of the level of landscape significance. The Committee accepts Spring Creek is part of a declared area. However, equally it also accepts that not all of the declared area is possessed of the attributes that are identified as qualifying the declared area as a distinctive area and landscape.

There is no doubt the DAL process will ensure more detailed consideration of landscape and biodiversity issues to the betterment and rehabilitation of Spring Creek that will result in a positive community outcome. If the Spring Creek FRA is developed through a revised PSP, one should be able to walk the length of the Creek from the Boardwalk at its mouth to the sea, to the 'end of the line' at the western edge of the Spring Creek development. It presents an opportunity for current and future generations to enjoy and participate in this valley.

The Committee acknowledges that while Aboriginal cultural heritage may exist in the Spring Creek environment, it does not preclude it from development. As with other development sites throughout Victoria, the management of Aboriginal heritage would need to be integrated into any use of the landscape, and this has been provided for in the draft SPP.

The revised advice from Ms Scott confirmed the land should be regarded as a landscape of only regional significance. Ms Scott provided clear direction, should Option 1 proceed, on measures necessary to recognise the distinctive and unique features of Spring Creek FRA (i.e. set firm parameters for protection of the remainder of the Spring Creek Valley green break between Torquay/Jan Juc and Bellbrae; ensure siting and design of built development away from hilltops and ridgelines; provide increased indigenous vegetation and protection of the creek corridor and riparian vegetation, especially the Bellarine Yellow Gum)²¹¹.

(iii) Findings

The Committee finds:

- The landscape character of Spring Creek is of regional significance.

²¹¹ Document 30, page 9, 22-23

- The Spring Creek land is not noted as being in, or proposed to be designated as a public, State or National park.
- There are no landscape issues that would preclude the Spring Creek FRA from being developed for urban purposes.

14.4 Biodiversity values

(i) Submissions and evidence

The key biodiversity values under consideration for Spring Creek relate to protecting and enhancing remnant native vegetation such as the Grassy Woodland EVC which includes the Bellarine Yellow Gum, *“a treasured species and [one which] must be protected”*²¹².

Mr Mueck confirmed the majority of remnant Bellarine Yellow Gum occurs on the Mack land, which is subject to a VPO, and advocated for protection through a conservation reserve. In his view this represented a *“superior outcome”* to the existing situation of hobby farms or either Options 1 or 2. Mr Mueck said these would not provide the security or resources for protection and conservation.

Mr Mueck highlighted the existence of an older offset reserve for the protection of Bellarine Yellow Gum on the south-eastern side of Duffields Road at the intersection with the Great Ocean Road. Such reserves can incorporate progressive management regimes which can assist with enhanced protection and conservation, including specifically targeting actions for biodiversity conservation²¹³.

Both Mr Mueck and Mr Harvey agreed avoiding loss of trees is the first priority. Mr Harvey confirmed mapping of Bellarine Yellow Gum on the Spring Creek FRA site would likely need to be updated should the PSP be taken forward, and other work might include assessment of how species move through the area, and more detailed mapping of biolinks to determine appropriate key corridor and conservation reserve widths.

Dr Dutson noted two key issues for Bellarine Yellow Gums preservation and conservation in the Ocean Grove Estate, being:

- inadequacy of legal instruments to protect the trees, particularly when in multiple private landholdings
- inadequate buffers, particularly where trees are on private lots as well as in reserve, and between conservation reserves and other development on the estate.

Dr Dutson concluded any residential development in the Spring Creek FRA would add to existing threatening processes and reduce viability of some key species:

Effective mitigation of the impacts and risks of any development option in accordance with the Flora and Fauna Guarantee Amendment Act 2019 and the Victorian Planning Scheme Clause 52.17 requires avoidance of all woodland and buffers of hundreds of metres to address the issues listed in 8.1. Furthermore, careful conservation of the whole watershed is required to ensure no adverse run-off into Spring Creek.”²¹⁴.

²¹² Draft SPP, page 39

²¹³ *Conservation Trust Act 1972 and Conservation, Forests and Lands Act 1970*

²¹⁴ Document 38, page 12

Dr Dutson encouraged the Committee to look beyond the minimum legislative requirements to the philosophical objectives behind the avoid/minimise/offset approach, suggesting no offsets were available for Bellarine Yellow Gums given their rarity, thus no impacts could be permitted, and all Bellarine Yellow Gums need to be protected²¹⁵.

Mr Trengove suggested a larger more concerted effort is required to ensure not just protection of a few trees, but to allow for evolutionary potential of the species.

Mr Trengove and Dr Dutson considered the Spring Creek Valley the only significant area of land not encumbered (i.e. it is still farmland), with a significant population of Bellarine Yellow Gum, and thus warrants a bold approach in line with the SCEG community woodlands concept²¹⁶.

The Proponent highlighted that many of the submissions in support of Option 2 did so to ensure protection of the land's inherent biodiversity and environmental values. Conversely, others argued the PSP option (or as a minimum Option 1) could more appropriately manage those values through conservation reserves created in conjunction with any urban development.

Surf Coast advocated for a review of the buffers around Spring Creek. It contended the Bellarine Yellow Gums needed protection and conservation as a *"distinctive attribute of the area"* (as provided by section 46AV), noting Dr Dutson's evidence that buffers from Spring Creek may need to be tens or hundreds of metres. Surf Coast supported the evidence of Dr Dutson as being of *"the highest quality and extremely persuasive"*, supplemented by the knowledge and experience of Mr Trengove.²¹⁷

The four ecological experts agreed on the importance of ecology and biodiversity, and protection of significant ecosystems, including the remnant Bellarine Yellow Gum. Experts generally agreed the rationale for vegetation retention and removal was not clear in the earlier NVPP work but disagreed about the merits and ability to offset any potential loss of Bellarine Yellow Gum in the Spring Creek FRA.

Zeally/Duffields Road and Mack Property both submitted there was no ecological or biodiversity reason precluding urban development in the Spring Creek FRA. The parties generally agreed further work on the PSP and NVPP may be warranted, should these be progressed either as part of Option 1 or implementation of the PSP.

Zeally/Duffields Road submitted the areas set aside for conservation and protection of habitat and native vegetation in the Spring Creek FRA as part of the PSP process were significant. It noted 35 out of 240 hectares had already been set aside for conservation purposes in the endorsed PSP (with 26.5 hectares for the creek corridor, 9 hectares for proposed conservation reserve).

Zeally/Duffields Road stated in closing submissions, that the existing NVPP proposed the retention of the majority of existing Bellarine Yellow Gum, with the exception of 39 trees²¹⁸.

²¹⁵ Document 38, Document 257

²¹⁶ Document 247

²¹⁷ Document 330, page 5

²¹⁸ Document 321

Christian College Geelong noted the positive “*on the ground*” outcomes in the protection of existing native vegetation that had been achieved in numerous other urban development initiatives throughout metropolitan Melbourne through PSP processes (e.g. Mt Atkinson hilltop reserve, Redstone Hill and Holden flora reserve in Sunbury South, conservation areas in Kororoit, Wollert conservation reserves).

Further, Christian College Geelong said:

... appropriately sensitive development within the Spring Creek FRA would facilitate the improvement and protection of the area's characteristics. For example development would provide the Spring Creek environment with a once in a generational investment in its water health²¹⁹.

The GTA expressed concern the landowners had not considered the more stringent offsets for the Bellarine Yellow Gum in place since preparation of the PSP²²⁰.

In closing, Surf Coast suggested offset considerations are outside the Committee's remit given the complexity of management and the ability to achieve successful outcomes where offset sites are located adjacent to residential areas, should Option 1 be recommended.

(ii) Discussion

The Committee believes the remnant vegetation can be protected. However, the Creek and other buffers would need to be reviewed to provide the highest level of certainty over the valued habitat found within the Spring Creek Valley and along the creek bed and waterway.

The feasibility of achieving offsets and management issues are appropriate broader considerations for the Committee, particularly as they relate to recommendations sought from the Proponent on protected settlement boundaries and Options for the Spring Creek FRA. The difficulty of securing offsets is critical to the future option selected for Spring Creek and is noted by DELWP correspondence with Surf Coast on the NVPP.

The Committee considers additional buffers may be warranted, through refinement of the PSP and NVPP, and areas shown for conservation of existing stands of Bellarine Yellow Gum. This should enhance biolinks and create revegetation opportunities.

The Committee considers reserves and landscape buffers are the appropriate tool to protect the Bellarine Yellow Gum, noting concerns from various experts that the trees could be removed in a low density setting. Potentially this may involve areas of higher density development in smaller areas, setting aside larger conservation areas.

The resolution of these matters would require collaborative work between DELWP, Surf Coast and other RPE with the landowners to review the draft PSP and NVPP if Option 3 is progressed.

Ideally, it could include some of the local expertise from this Hearing, particularly Dr Dutson and Mr Trengove.

The Committee agrees with Zeally/Duffields Road who said:

The expert evidence before the Committee on biodiversity and ecology establishes that the current controls proposed as part of the adopted PSP are comprehensive and

²¹⁹ Document 154, para 39.7

²²⁰ Document 322

do not require further revisiting or revising. In fact, the evidence is that biodiversity objectives from the perspective of safeguarding the Bellarine Yellow Gums will be best served upon progressing the urban development of the Spring Creek FRA land and the creation of conversation reserves as part of that development. The evidence of Mr Mueck and Mr Harvey is that this is the only effective way to stem their continuing decline²²¹.

There is no doubt this DAL process will ensure more detailed consideration of landscape and biodiversity issues to the betterment and rehabilitation of Spring Creek that will result in a positive community outcome.

(iii) Findings

The Committee finds:

- The Bellarine Yellow Gum must be protected as much as possible in the future development of the Spring Creek land.
- Designated reserves and landscape buffers are the most appropriate planning and land use tool to protect the Bellarine Yellow Gum.
- Further work is needed to progress the NVPP as part of a revised PSP, including consideration of offsets and appropriate conservation reserve widths.
- Collaborative working between landholders, DELWP, Surf Coast Council and other RPE will be required to review the draft PSP and NVPP if Option 3 is progressed and should ideally draw on local expertise biodiversity management.
- There are no biodiversity issues that would preclude the Spring Creek FRA being developed for urban purposes.

14.5 Bushfire management

(i) Evidence and submissions

The Proponent's background work had regard to bushfire planning and there were no bushfire concerns in relation to urban development identified within the draft SPP for Options 1 or 2 for Spring Creek. The assessment included a preliminary desktop bushfire hazard landscape assessment. As part of their submissions, the Proponent provided a bushfire management report through Mr Hazell's evidence.

In relation to Option 2 introducing a green break, Mr Hazell noted that this would exclude the area from being within the protected settlement boundary. He noted that by not introducing urban development there is no risk to human life as there would be no increased population in this area. However, he considered this option would rely on appropriate land management by property owners.

Mr Hazell advised there were inherent risks in not specifying a development form for the Spring Creek FRA and described unmanaged bushfire risk preforming like a wick and could threaten existing areas. He explained that should the permanent settlement edge default to Duffield Road/Grossmans Road/ Great Ocean Road, there are already existing issues with vegetation and existing development fronts which do not have regard to contemporary best practice planning for interface with bushfire risk.

²²¹ Document 208, para 128

Mr Hazell preferred Option 1 for development of the Spring Creek FRA as residential, albeit low density ecologically sustainable development. He considered there are no landscape bushfire reasons why the land could not be included in the protected settlement boundary. Given the 'missing tooth' nature of the site, Mr Hazell recognised this has the potential to impact the level of bushfire risk faced by surrounding residential areas to the north, east and south.

Mr Hazell identified that conventional urban development of the Spring Creek FRA presents an opportunity to better manage the permanent hazard edge of western Torquay-Jan Juc by reducing the potential hazard interface from the current three exposed sides (i.e. the missing tooth) to just one western side interface. This would be consistent with Clause 13.02-1S which supports actions to reduce overall bushfire risk.

Mr Hazell agreed in cross examination that in the absence of the planned urban development occurring around Christian College Geelong, the school would be left with an unplanned long term grassfire threat which is not ideal for such a sensitive use. Grassfires are fast moving. The CFA's fire safety advice in the case of a grassfire is to move two streets back from the interface.

Surf Coast submitted bushfire risk in Option 2 could be managed through a proactive approach to land conservation. It highlighted a range of opportunities for bushfire management through increased training and support for farmers and landowners to encourage planting of appropriate species and enhanced land management practices.

The CFA's preference was for Option 1. However, it questioned the outcomes that would be sought through Option 1 and whether it was feasible against existing Clause 13.02-1S and relevant objectives and strategies of the Planning Scheme. The CFA noted its preference for providing hard edges with higher density development and smaller lots for prevention of bushfire responsive design. It made reference to the previous PSP planning for the Spring Creek FRA, noting that it had been approved prior to recent changes to the bushfire provisions.

Mr Kern's evidence focussed on the Spring Creek FRA and bushfire affecting the western parts of the declared area. He explained there are a multitude of variable factors involved in bushfire risk on rural properties, including climate and rainfall, good or poor land management, revegetation, production of hay/stockfeed, all of which can impact bushfire risk. Consistent with Mr Hazell, Mr Kern preferred a conventional, hard edge, development form such as is contemplated in the PSP, stating that it could appropriately be delivered through a considered development form to manage bushfire risks. He noted the PSP had been developed without the benefit of new bushfire planning provisions and considered it appropriate to update the PSP to reflect this.

Zeally/Duffields Road, supported by a number of other Spring Creek landowners, believed bushfire risk could be easily managed through conventional residential development, different from Option 1 or Option 2. Based on Clause 13.02-1S, Zeally/Duffields Road submitted that Option 2 and Option 1 were unacceptable because the former would result in unmanaged land which could pose a bushfire risk to existing development fronts and future residents. Option 1, they explained, is an unknown model and larger lots would rely on individuals to manage the bushfire risk. This position was further supported by Mr Tobin

who raised concern that Christian College Geelong had reservations about the larger lots that would be a consequence of Option 1, and which may exacerbate bushfire risk.

Other parties submitted bushfire risk could be reduced through appropriate land and vegetation management. This included the planting and management of orchards or through the SCEG Woodland Concept.

(ii) Discussion

Planning for bushfire and bushfire management has a special and elevated status within the Victorian planning system, reflected through both the PE Act and within the planning provisions.

The evidence highlighted that bushfire risk must be a first principle consideration when undertaking land use planning. Bushfire planning is fundamental to protect not only new development, but at times it is an opportunity to provide protection for existing townships and communities. While broadly the draft SPP has considered bushfire, in relation to the Spring Creek FRA land, the preliminary assessments did not adequately have regard to principles of bushfire planning. This is considered to be a significant oversight.

The Committee is not persuaded that the best option to mitigate bushfire risk for the Spring Creek FRA is a green break, outside of a protected settlement boundary with little imperative on the landowners to manage bushfire risk appropriately. The risk of this land contributing to future bushfire risk is a possible outcome, with a wick forming back into Torquay – Jan Juc.

Option 2 is also problematic given the draft SPP's focus on revegetation.

The Committee considers that appropriate regard has not been given to the cumulative impacts that revegetation may have on the overall bushfire landscape. This is recognised in the CFA submission:

It is also acknowledged that should Option 2 proceed (i.e. exclude Spring Creek area) without appropriate vegetation management controls or policy that does not prioritise the bushfire response it could also lead to an increased risk over time.

The Committee considers that not developing the Spring Creek land for residential purposes may, on this basis, be problematic given that apparent tensions with Clause 13.02-1. The effective 'back zoning' of this area would still be required to consider the provisions of the existing scheme. The Committee considers any future decisions would need to balance whether this would be considered appropriate against prioritising the safety of adjacent areas.

No evidence or planning information was offered in relation to Option 4 (the Woodland Concept), apart from that it would take in approximately 40 hectares of land in the vicinity of Christian College Geelong. That would leave another 200 hectares unaccounted for. Bushfire planning and protection may be able to be undertaken as part of this option, however, this concept is embryonic at best, with much refinement and exploration to be undertaken to develop the idea further. In any event, it is an idea by a third party on private land and there is not enough information to make any recommendations on this concept as part of this process, let alone understanding the impacts of bushfire planning.

The Committee is persuaded by, and relies on, the evidence of Mr Hazell and Mr Kern, as well as the advice of the CFA that an urban form is the best outcome to appropriately

manage bushfire risk in the precinct. As a result, the Committee is left to consider Option 1 and Option 3.

For Option 1, it is unclear what the outcomes sought are in the area nominated as 'Low Density Ecologically Sustainable Development Area'. Throughout the Hearing, clarification was sought by the Committee regarding the meaning of those terms and what the development form would look like. The lack of response to this by the Proponent was unhelpful as the Committee would have been greatly assisted by further clarity of its position. Due to the uncertainty about the development form and what the designation of 'Low Density Ecologically Sustainable Development Area' means, this cannot be considered as a purposeful or deliberate approach to settlement planning.

Both experts outlined that larger residential blocks (which are possibly envisaged under Option 1) create more opportunity for fuel loads to be created and neglected by landowners. This is consistent with the CFA's position. It is assumed that through a future process, bushfire provisions may be applied to the future growth as suggested by Option 1 and this may be further refined. However, what is concerning is the unreasonable level of confusion about the definition, and inability of the Proponent clearly articulate what outcomes are sought. It is impossible to properly address bushfire risk with this lack of definition or clear guidance on the development form.

As a result, the Committee believes there may be a degree of inconsistency between Clause 13.02-1S and the objectives of the draft SPP for this precinct. It is further concerning that the confluence of controls embedded through the landscape controls and draft SPP may result in a net increase in risk for students of Christian College Geelong, future residents, as well as residents in the existing residential areas surrounding the Spring Creek FRA. It is noteworthy that Christian College Geelong built its school in good faith that the development envisaged through the PSP would have been realised, hence there would be minimal bushfire risk to its students.

It is persuasive that the Spring Creek PSP, Option 3 would implement best practice bushfire planning and result in a hard edge that will appropriately plan for and manage bushfire.

Option 3 is reliant upon the approval of the PSP. The PSP would be an appropriate tool to resolve and plan for bushfire management. Such an approach does not present any significant risk for future residents of the Spring Creek FRA, and, importantly, it will reduce the risk for residents of the surrounding residential areas (particularly those areas to the north and south) and students and staff at the Christian College Geelong. This is consistent with the CFA's submission which prefers hard edges with high density and smaller lots that are typically easier to manage operationally.

The Committee notes the PSP considered as part of C114 was not undertaken with the benefit of contemporary best practice bushfire planning. Therefore, it should be refined (given the passage of time since it was endorsed by Council). Both experts and the CFA have identified that bushfire requirements have increased since the PSP was adopted, and the PSP should be updated to reflect these latest requirements.

(iii) Findings

The Committee finds:

- Drafting of the SPP should have had regard to the previous planning for the Spring Creek FRA.
- The draft SPP does not have appropriate regard for the cumulative impacts that revegetation may have on the overall bushfire risk in the Spring Creek FRA.
- The development form in Spring Creek as proposed by the draft SPP through Options 1 and 2 are not appropriate based on bushfire management and the provisions of Clause 13.02-15.
- Conventional urban development in this location through Option 3 will provide further protection to Torquay-Jan Juc in terms of bushfire, which is a benefit for the township in the face of more extreme climate and more intense bushfires.
- There are no bushfire management issues which would preclude the Spring Creek FRA being developed for urban purposes.

14.6 Stormwater management and hydrology

(i) Evidence and submissions

The Spring Creek FRA stormwater management and hydrology were an issue for many submitters, with an emphasis on environmental impacts as opposed to flood mitigation.

(ii) Evidence and submissions

Professor Fletcher did not undertake a forensic review or provide evidence for the Spring Creek stormwater management strategy. Rather, he made some overarching comments.

He noted the overall objective is to maintain existing receiving waters (e.g. Spring Creek) in at least as good a condition as their current state, then the stormwater management objectives should aim to:

- maintain (or improve where possible) water quality
- maintain the flow regime similar to its pre-development state.

Potentially greater stormwater harvesting for both indoor and outdoor end uses is likely to be required and the relevant stormwater management strategy should explicitly require a reduction in the volume of runoff.

Current stormwater management is generally driven by the requirements in the *Best Practice Environmental Management Guidelines for Urban Stormwater* (BPEM) however higher standards and new guidelines are being developed which will include new flow regime objectives, in addition to the now well-established water quality objectives.

Professor Fletcher noted the stormwater drainage infrastructure outlined in the PSP appeared to comply with the BPEM requirements. However, in his opinion, Spring Creek ecological conditions would degrade without significant stormwater harvesting (to reduce the volume of runoff into Spring Creek).

The Proponent did not put forward a position on the Spring Creek hydrological issues. However, some comments in relation to TNEIA apply were essentially adopting the proposed standards, in particular, limiting stormwater volume and flow to pre development level maybe appropriate.

It is noteworthy that Objective 15 on Integrated Water Cycle Management and Utilities from the PSP:

... reduces reliance on reticulated potable water, increases the re-use of alternative water, minimises flood risk, ensures waterway health...[Committee emphasis]

Further, Requirement 55 requires the methodology, design of waterway corridors and drainage assets, including retarding basins, stormwater quality treatment infrastructure to be agreed at the time of making a subdivision application to the satisfaction of the responsible authority.

The *Spring Creek PSP Background Report* identified a drainage and hydrology study was to be undertaken to establish existing flow conditions and to determine water quality treatment and retardation requirements for post development conditions. It included an Integrated Water Cycle Management Plan prepared by Barwon Water which aims to embed best practice urban water cycle management into the Spring Creek FRA. Essentially the PSP drainage strategy aims to restrict post development drainage flows to pre-development levels to ensure water quality meets current best practice.

Spring Creek landowners identified that considerable work had gone into the development of the draft PSP as part of previous Panel/PSP processes where water sensitive urban design initiatives had been well progressed, noting that Professor Fletcher was unaware of much of this background work.

Several submissions were concerned with the overall Spring Creek ecological values being degraded with future residential development within the valley.

(iii) Discussion

Water sensitive urban design initiatives and infrastructure are well developed, and generally well understood. This has been the mainstay in protecting waterways for some time now; and no doubt will form part of any development along the Spring Creek Valley.

It is generally accepted that the PSP stormwater management strategy developed and evolved as part of the PSP process to comply with BPPEM requirements, the standards that applied during the PSP process still apply today.

While new standards for stormwater management are currently being developed, it is potentially problematic and unfair to retrospectively apply them – however in this case, the PSP already appears to make allowance for stormwater standards to evolve, in particular with Requirement 55.

Spring Creek PSP Objective 15 and Requirement 55 articulate similar outcomes as put forward by Professor Fletcher.

The extent of change required to meet these proposed new standards is unknown. However, it is likely that amendments to the current stormwater strategy to encompass possible future guidelines, in particular stormwater harvesting initiatives (e.g. toilet, laundry, garden use and potential export opportunities) and endeavouring to limit stormwater flow and volume to pre-development levels may be required. Ideally these could be pursued to further enhance environmental outcomes.

(iv) Findings

The Committee finds:

- The Spring Creek PSP stormwater management strategy is anticipated to ensure the environmental conditions can be maintained or potentially enhanced.
- There are no hydrological or stormwater management issues which would preclude the Spring Creek FRA being developed for urban purposes.

14.7 Surf Coast Energy Group

(i) Submissions and evidence

During exhibition, SCEG developed a concept for Spring Creek which was widely commented on and supported by the community, which the Committee has categorised as Option 4.

The SCEG proposal was articulated in its original submission as the Woodland Concept with the Vision being *“Imagine Spring Creek as a sustainable living landscape – a unique legacy of community action and an inspirational model to all others”* (S2791). The submission advised that SCEG was investigating the potential to purchase land in the Spring Creek Valley to be managed as a local community asset. The submission included words about the plan, its benefits, threats to Torquay as a result of population growth, its rationale amongst other issues. It discussed some funding ideas, including *“A voluntary tax deductible donation over a two year period would yield \$3,600,000”* from the approximate 9,000 ratepayers. It further discussed potential partnerships, including with the Council, Parks Victoria, the State Government and others.

Unfortunately, what the submission did not do was explain exactly what the proposal comprised.

During the course of their submissions at the Hearing, the Committee sought further details of what the proposal constituted and how it could be realised. The Committee gleaned that ultimately, SCEG hoped to ‘acquire’ approximately 40 hectares of land (generally known as the Mack land) in the vicinity of the Christian College Geelong with a frontage to the Great Ocean Road to realise its vision.

This was surprising to the Committee as it had thought SCEG was seeking a much larger area of land in close proximity to the actual Creek area to assist in its regeneration and rehabilitation.

SCEG clarified its proposal further and noted *“due to the uncertainty around the future use and zoning options for this land, the details contained within this explanatory note, and attached plan should be considered preliminary until such time as the SPP and zoning provisions are finalised and a complete assessment of options can be completed”* ²²².

SCEG advised:

SCEG has scoped the legal, financial and governance requirements for the establishment of a ‘Community Woodland Trust’ entity, which would be able to acquire and/or manage parcels of land currently zoned for urban growth (UGZ), to advance its broader objectives in relation to Spring Creek, as outlined in our Spring Creek Sustainable Landscapes plan. This plan is contingent on a favourable outcome from the DAL process whereby adequate protections for Bellarine yellow gum grassy woodland ecosystem are enshrined in the final SPP, and impacts from residential

²²² Documents 300 and 301

development are avoided. Such an outcome would then allow SCEG and the 'Trust' to acquire parcels of land in this zone no longer capable of residential development²²³.

Further, SCEG advised:

Within this area, specific properties with characteristics suitable to SCEG's aims include properties owned by Christian College and the adjacent Mack property due to the dense stands of mature BYG's, currently fragmented from the main population (where a 40% land protection overlay was recommended in the earlier PSP).

SCEG would also like to see consideration given to a Public Acquisition Overlay across the 1km study area of the valley²²⁴.

SCEG sought and provided a summary of legal advice relating to potential zones and planning controls²²⁵.

The Committee notes a Public Acquisition Overlay would require an acquiring authority, whether it might be the Council, or the State Government is not a matter the Committee pursued.

SCEG scoped its proposal further and highlighted:

- A 700 hectare area as the overall landscape area, this being from Duffields Road to Bellbrae, including all of the Spring Creek land and the Rural estates land
- The area 'targeted by the community land trust', which includes all the Spring Creek land in the UGZ and the Christian College Geelong which is built and operating
- The area of the 'highest habitat value' which is the land south of Fernbachs Drive, including Christian College Geelong²²⁶.

The submission noted the plan had a 100 year planning horizon and vision which included purchasing or acquiring the land from private ownership and placing it into a community trust or a third party acting on behalf of the community. The submission considered that a landowner might agree to forgo some of their development or use rights for the purpose of conserving biodiversity.

The submission included a conceptual plan demonstrating how this might look. The plan is clearly conceptual at best. The Committee observes the Christian College Geelong appears to have disappeared from the plan.

There was no evidence or commitment that should the PSP not proceed, Surf Coast or the Proponent would support any part of the SCEG proposal.

Council responded briefly to the SCEG proposal and noted:

Council has not had the opportunity to formally resolve a position on the SCEG proposal. However, the proposal by SCEG, their previous work, and their investment in this process demonstrate the commitment of members of the local community to the conservation of environmental values.

It indicates that the long-term management of the ecological communities in the Spring Creek valley, should a Rural Conservation Zone be applied, and in association

²²³ Document 300, para 6

²²⁴ Document 300, paras 14,15

²²⁵ Documents 81, 301

²²⁶ Document 301

with groups such as Landcare, could be improved and ensure the long-term protection of Bellarine Yellow Gums²²⁷.

In closing, the Proponent noted:

A primary aspect of SCEG's submission to the Committee was that Option 2 with respect to the future of the Spring Creek area ought be preferred on the basis that it would potentially facilitate SCEG's proposal for a community woodland precinct comprising an estimated 40 hectares within the Spring Creek area.

No comments are made on the merits of such a proposal and the proposal has not been the subject of any detailed discussions with the Department or the Minister²²⁸.

In its closing submission, the GTA noted its continued support for the Woodland Concept, which it considered was an extension of Option 2:

... and would halt any decline in environmental value that may be occurring by allowing restoration of the land and allowing the Bellarine Yellow Gums to thrive. Option 2 doesn't preclude future restoration of the land whereas Option 1 and the PSP does²²⁹.

(ii) Discussion

The Committee is unable to give the SCEG proposal any weight. It is lacking in any real detail and is put forward despite the fact that SCEG have no proprietary interest in the land to which it relates. Nor is there any realistic, concrete proposal as to how or when such an interest might be acquired.

This submission is also disappointing as it lacks reality and commercial understanding. While it was probably well intended, it is irresponsible. The Committee does not say that lightly, as it is aware SCEG has put a lot of effort into this. It is irresponsible as it has raised the hopes of many members of the community that it is a valid alternative and an implementable proposal that ought be considered. Many submitters noted their support for it, without really knowing what they were supporting. It wasn't until the Committee asked SCEG to provide more details, that these were articulated in Documents 300 and 301 at the end of the Hearing.

It is not as if the Spring Creek site was formerly public land, or accessible for some reason by the public and there was a degree of community ownership of it. It is private land and has been for a considerable length of time. The most public aspect of the land is a viewpoint from Duffields Road looking to the west but that doesn't make the land public or publicly accessible.

Even if a small part of the concept ever proceeded (that is, a small parcel of land near Christian College Geelong on the Mack land), it does little to resolve the key issues relating to the Spring Creek land including the Bellarine Yellow Gum and other vegetation, the Creek and its surrounds to the north and south, that is, the balance of the site. The Committee considers the whole site needs to be examined holistically and that is what the PSP does.

The Committee however acknowledges the evidence of Dr Dutson and Mr Trengove as being particularly helpful in considering the broader landscape and biodiversity matters. Their

²²⁷ Document 330, paras 67, 68

²²⁸ Document 332, para 52, 53

²²⁹ Document 322, para 3a

local knowledge could be beneficial going forward, and the landowners might seek their expertise in finalising the relevant detail of the recommended revised PSP for Spring Creek.

(iii) Findings

The Committee finds:

- The SCEG proposal has no basis for consideration as part of this DAL process.

14.8 How the PSP should respond to the draft SPP

(i) Evidence and submissions

While Mr Woodland gave evidence that setting aside the Spring Creek FRA as a green break and excluding it from the settlement boundary would meet the objectives of section 46AN of the PE Act, his ultimate position was that he did not support either Option 1 or 2 for Spring Creek. His evidence was:

I consider that the Spring Creek FRA is likely to have to play a role in providing for future housing growth in Torquay over the coming decades, and the draft SPP should include this land in the Torquay permanent settlement boundary.

... if that development were to include generous setbacks from waterways, lower density landscaped interfaces with township entries and rural edges, sensitive siting of dwellings away from ridgelines, well landscaped local streets and front yards, careful selection of house material etc. then it would better fit within the coastal township character that is valued by the community.

In my view a better overall longer term community benefit would be realised by including the Spring Creek FRA within the Torquay Settlement Boundary, conditional upon the future layout, landscaping and design of residential development being more sensitive to the elements of coastal character, edges and interfaces identified in the Settlement Background Paper and associated technical reports²³⁰.

Mr Woodland concluded that Options 1 and 2 would not be acceptable planning outcomes because, in summary:

- Torquay is expected to play an important role in providing for housing growth within the municipality and region as set out in the planning provisions
- the options are not consistent with orderly planning policies contained in Clause 11.02-2S
- Spring Creek is likely to be needed to meet future demand for housing growth in the township in the medium and longer term
- there are no fundamental environmental, cultural heritage, land capability, natural hazard or servicing limitations to Spring Creek being able to be developed for urban residential purposes
- the options would compromise the objectives of planning in section 4 of the PE Act, including the requirement to integrate social, economic and environmental outcomes in the interests of net community benefit and sustainable development.

In closing, Surf Coast reiterated its position that urban development of Spring Creek should not proceed (ie Option 3). It provided cautious support for the SCEG proposal and observed:

²³⁰ Document 31, page 50

Council has not had the opportunity to formally resolve a position on the SCEG proposal. However, the proposal by SCEG, their previous work, and their investment in this process demonstrate the commitment of members of the local community to the conservation of environmental values.

It indicates that the long-term management of the ecological communities in the Spring Creek valley, should a Rural Conservation Zone be applied, and in association with groups such as Landcare, could be improved and ensure the long-term protection of Bellarine Yellow Gums.²³¹

Zeally/Duffields Road noted:

Based on a careful consideration of the history, context and the application of orderly planning principles, the most logical way forward in respect of the Spring Creek FRA land is that the Spring Creek FRA should be moved out of the declaration area (consistent with the rest of the Torquay township and its current zoning)²³².

Zeally/Duffields Road further noted in its primary submission in relation to fairness:

An example of how landowners have acted in good faith and in reliance on an orderly planning system is the funding agreement which five landowners entered into with the Council in May 2015 to fund the Council's costs of preparing the PSP.²⁶ This involved funding contributions of more than \$500,000 which have been paid to the Council. It is not fair or orderly that after contributing such significant amounts, they now find themselves in the current situation where once again the future of the Spring Creek FRA is in limbo²³³.

GTA maintained:

Putting aside the fact that the PSP is not a matter which the Committee has been asked to address, it is submitted that rather than tweaking, the PSP ought to be unceremoniously dumped²³⁴.

Mack Property sought the Committee to *"recommend changes to the draft SPP and landscape controls to allow and encourage the urban development of Spring Creek"*²³⁵. In support of its evidence and submissions, and noted:

It is particularly telling that the Minister's expert, Mr Woodland, without being asked to do so, sets out a careful analysis of why the FRA should be developed for urban purposes. That analysis is compelling. It shows that the urban development of this area is consistent with the extensive strategic planning over a significant period for the region and for Spring Creek itself. It shows that the urban development is needed to meet the projected demand for housing. It shows that excluding the Spring Creek FRA from urban development, or limiting its development to low density, will be to the significant disadvantage of the community²³⁶.

Mack Property contended Mr Woodland's evidence was supported by that of Mr Crowder, both of whom supported urban development of the Spring Creek land.

Rural Estates contended:

... The process engaged in by the Minister and his Department in making the declaration and drafting the SPP has not been fair and has created uncertainty. Where once strategic planning for Spring Creek was clear, the declaration and draft SPP have unnecessarily stirred up community angst and cost local landowners precious

²³¹ Document 330, paras 67, 68

²³² Document 75, para 8

²³³ Document 208, para 48

²³⁴ Document 240, para 161

²³⁵ Document 165, para 2

²³⁶ Document 165, para 56

time and resources in prosecuting the same case that has been successfully prosecuted so many times before²³⁷.

SCEG had its own proposal. This is discussed in Chapter 15.3 but in essence relates to a proposal for the 'community' to acquire or purchase some or all of the Spring Creek land to conserve it as a biodiversity reserve. It was well supported by the local community.

Most community submitters did not support any development at Spring Creek, but of the submissions that did, most acknowledged the PSP will require some further refinement in light of passage of time and the implications of the draft SPP.

(ii) Discussion

The Committee accepts that Spring Creek is part of a declared area, but that not all the declared area is distinctive.

The Council adopted PSP is a legitimate outcome of the approved zoning of the Spring Creek as provided for by section 29 of the PE Act and there is no planning reason why it should not be progressed. It was prepared and developed through a considered, fully transparent, and legitimate planning process. While the Committee accepts that Council did not support Amendment C66, to its credit, it acknowledged its responsibility as a planning authority, consistent with Part 8A of the PE Act.

Strategic planning implemented through planning scheme amendments are a cornerstone of the Victorian planning system which has stood the test of time since the introduction of the PE Act in 1987 and the current new format planning schemes in 1999.

Strategic planning provides the basis for controls on the use and development of land, which then provides for the statutory implementation and administration of those controls on future use and development. Strategic planning can include policy reviews, development of new strategies and rezoning proposals, usually as part of a clear and transparent planning process where authorities, proponents and third parties have the opportunity to be involved, without fear or favour. Many proposed planning strategies are debated at Panel hearings prior to introduction into the relevant planning scheme. The merits of these strategies are robustly and independently considered with a view to securing a net community benefit for all Victorians. Not everyone will be happy with every outcome. However, as long as people have the opportunity to be involved in the strategic planning processes, and have had a fair go, the system can move forward.

The Committee accepts the submissions of Zeally/Duffields Road that said:

Regardless though of how the current process and situation in respect of the Spring Creek FRA came about, it is profoundly unfair and disorderly that it has arisen. Landowners and other stakeholders, including the broader community, have a right to expect an orderly planning system. They were entitled to rely on the 2014 rezoning of the Spring Creek FRA and the strategic planning which underpinned the Amendment C66 and Amendment C114 Panel processes which led to the adopted PSP. Many will conceivably have reasonably made purchasing and financing decisions on this basis. ... Landowners were entitled to make their decisions based upon what the Planning Scheme provided. To suddenly upend that in this unorthodox and unprecedented

²³⁷ Document 186, para 46

manner, particularly in the absence of any changed circumstance that anyone can point to, is both unfair and disorderly²³⁸

For these reasons, the Committee disagrees with the position of the GTA that the PSP should be “*unceremoniously dumped*”. That would serve no strategic planning benefit and such an outcome would fracture long held principles of orderly and proper planning in Victoria.

In fact, it would:

- undo much of what is a benefit of the transparency of the Victoria planning system
- undermine confidence in the planning system
- create uncertainty across the board
- likely open up other opportunities for some to try and undo what has already been approved.

The Committee agrees with the submission of Rural Estates who succinctly put the need for fairness and certainty in planning as a fundamental pillar of planning in Victoria. Opening up development in Spring Creek for further debate provides no certainty or fairness for anyone, including the local community and those with a propriety interest in the land who have spent almost a decade having to argue their case twice and now a third time. This is not how planning should be undertaken and it would set a dangerous precedent in Victoria.

As far as the Committee is aware, there is no precedence for this unwinding of strategic planning processes. Some mentioned that the Fishermans Bend matter of 2017/18 was not dissimilar to this matter. The Committee disagrees. Fishermans Bend was rezoned by a former Minister for Planning to the Capital City Zone without any public exhibition or notice or independent review. The current Minister for Planning determined that the heights and setbacks (amongst other matters) required review and refinement. No rezoning was involved in that review process²³⁹.

In contrast, this current process effectively seeks to effectively back zone land that was openly and transparently considered through a full exhibition and Panel process and then approved by the Minister for Planning of the day in accordance with the recommendations of the Panel.

The Committee considers the process for Amendments C66 and C114 was robust, well considered and afforded an appropriate opportunity for stakeholders and the community to have their say on the future planning aspirations for Spring Creek. Both amendments resulted in a clear determination that the Spring Creek area should be developed for urban purposes, subject to modifications. This is reflected in the current zoning of the land, the purpose of which is to manage the transition of non-urban land into urban land in accordance with a PSP. That fact the amendments were not progressed in a timely manner is unfortunate and has contributed to further community angst. However, the delay does not diminish the identified suitability of the Spring Creek land for urban development.

While there was significant opposition from some sectors of the local community, Council progressed the PSP and essentially signed off on development in this part of Spring Creek. The current DAL process has reopened the debate and has regalanised community opposition to developing Spring Creek for urban purposes.

²³⁸ Document 208, para 47

²³⁹ The Chair of this DAL SAC was Chair of the Fishermans Bend Review Panel, along with Member Edwards

Many people call Torquay home. It is clear that many other people would like to call Torquay home, given that opportunity. While the Messmate Road area will accommodate some growth, as will potentially infill in Central Torquay, it will not accommodate the expected growth required.

The Committee does not support either Option 1 or 2 as a planning outcome for Spring Creek. Neither is cognisant of the strategic imperatives of the Surf Coast Planning Scheme nor the extent of the legitimate process that has been undertaken over the past 10 years.

The Committee considers that significant work undertaken that led to the rezoning of the land to UGZ and the PSP being adopted by Council should not be undone. However, while the Committee does not accept the declaration of the DAL area and the draft SPP is a game changer in the way put forward by the Proponent, Council and various submitters, the PSP will need to be reviewed in the light of some change in circumstances where refinement is required.

The Committee does not support the Woodland Concept as advocated by SCEG. This is a nebulous idea at best, and it has no planning basis as part of the PSP or for future planning of the land. The land is in private ownership and the SCEG proposal has no strategic basis or implementation plan. It does not resolve the future of the Spring Creek land should the PSP not be progressed, nor does it address how the Creek itself can be appropriately managed for regeneration and public access.

While the Committee has not reviewed the PSP, nor is its role to do so, it finds there is no planning reason why the PSP should not be progressed, subject to further review of discrete elements. These include:

- review the location of all Bellarine Yellow Gums on site to determine how many should be removed due to the health of each tree
- protect the Grassy Woodland EVC
- review the extent and width of the Spring Creek reserve to ensure that it is sufficiently suitable for a public reserve to protect the creek and the surrounding trees
- provide for a vegetative screen with a suitable width, incorporating a shared path system (pedestrian and cyclists) along the Great Ocean Road frontage
- review the opportunity for a lower density form of residential development on all boundaries of the PSP area
- finalise the PSP in collaboration with the traditional owners.

The Committee acknowledges the importance of the Spring Creek land to the broader community. If the land is progressed to a revised PSP, the onus is on the landholders to develop a special urban environment that respects and pays homage to its surrounds and its place in the Torquay-Jan Juc landscape. The Committee considers that a PSP, refined in the manner identified above, would be well suited to achieving such an outcome.

This Committee is available and able to assist the Minister for Planning further if required in finalising this process. Due to the two previous amendments being undertaken in a transparent public process, the Committee considers refinement of the PSP should not be open for others to contribute to, apart from the Council, all relevant agencies and the landholders. It should be expedited as is practically possible.

(iii) Findings

The Committee finds:

- Development of Spring Creek for conventional urban development on existing land in the UGZ should progress generally in accordance with the Council endorsed PSP.
- Options 1 and 2 are not cognisant of the strategic imperatives of the Surf Coast Planning Scheme or of the extent of the legitimate planning processes that have previously been undertaken.
- The Council adopted PSP should reviewed and amended, considering the significance of the Bellarine Yellow Gum and the biodiversity values of Spring Creek, amongst other matters.

14.9 Recommendations

The Committee recommends:

- 12. Remove all references to Option 1 and Option 2 in the draft Statement of Planning Policy.**
- 13. Replace references to Options 1 and 2 in the draft Planning Policy with *“Spring Creek Future Residential Area and Precinct Structure Plan area”*.**
- 14. Remove the protected settlement boundary designation from Duffields Road, Jan Juc.**
- 15. Maintain the application of the western protected settlement boundary of the Spring Creek land, as provided in Map 3 Framework Plan of the draft Planning Policy.**
- 16. Review and resolve the Spring Creek Precinct Structure Plan within a six month time frame through a targeted and collaborative approach between landowners and agencies (only) that focusses on review of:**
 - a) Protection of the Bellarine Yellow Gums through a review of the Grassy Woodland Ecological Vegetation Class and all Bellarine Yellow Gums, and how they might remain on site based on a revised buffer zone area for the Creek area and through providing biolinks.**
 - b) Review the setback of residential development from Great Ocean Road, Duffields Road and the western site boundary, including whether a lower density built form should border all major interfaces.**
 - c) Determine whether a shared walking/cycling path be provided to buffer the Great Ocean Road to the site.**

15 Areas in proximity to Spring Creek

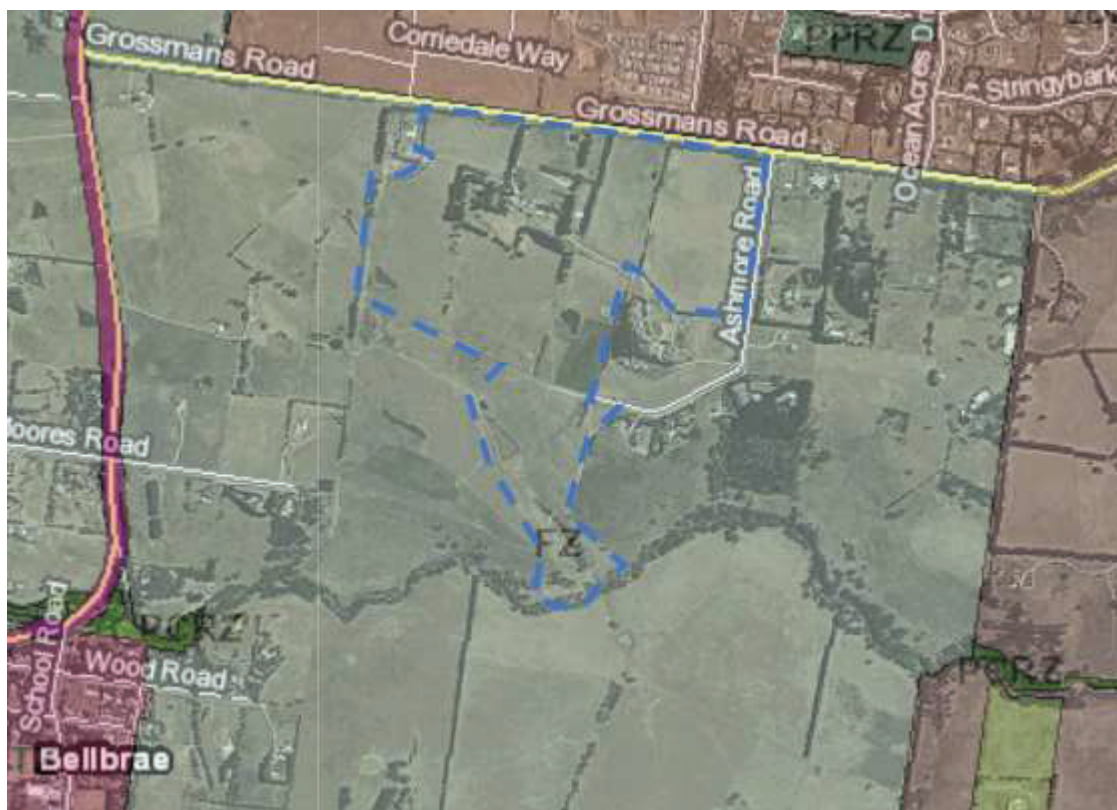
15.1 South of Grossmans Road

(i) Background

Some land owners located to the south of Grossmans Road and to the west of the Spring Creek land submitted that their properties were suitable as investigation areas through this DAL process.

The areas south of Grossmans Road are located in the Surf Coast Shire, as generally shown in Figure 5.

Figure 5 South of Grossmans Environs - Locality Plan



Source: VicPlan

The sites are currently located in the FZ and are not subject to any overlays.

The Settlement Strategy identifies these properties are noted to be within the area identified for retaining the green break between Bellbrae and Torquay, not as future investigation areas.

The draft SPP and Framework Plan identifies this area as a green break beyond the protected settlement boundary and farming land, potentially suited for tourism activities. The land is bushfire prone but not subject to a BMO²⁴⁰.

The key issue to resolve is:

²⁴⁰ Draft SPP, Maps 3, 4, 8,

- Whether land south of Grossmans Road land should be recognised as an investigation area for future residential development.

(ii) Submissions and evidence

Ms Scott's work did not specifically analysis these submitters properties. The assessment identified the land as generally part of the regionally significant Spring Creek Valley environs.

Ms Grossman and her family have been long term and significant landholders in the region, including property along both sides of Grossmans Road.

She submitted that greater flexibility ought to be introduced to allow the smaller farm eco-tourism developments in the FZ. She submitted Council often discouraged or refused these types of applications, noting typical grounds for refusal was that such uses are inconsistent with the purpose of the FZ and/or will remove agricultural land from production. She submitted this could be overcome by:

- the introduction of VPP Rural Activity Zone in appropriate areas
- a suitable additional strategy may be:
 - 6a. 5 Encourage the user of the Rural Activity Zone and appropriate Schedules to support the use and development of tourist facilities in the areas marked up on Map 6 as well suited to tourism activities.

Further, she submitted this area should be considered for low density development similar to what is proposed for the Messmate Road area.

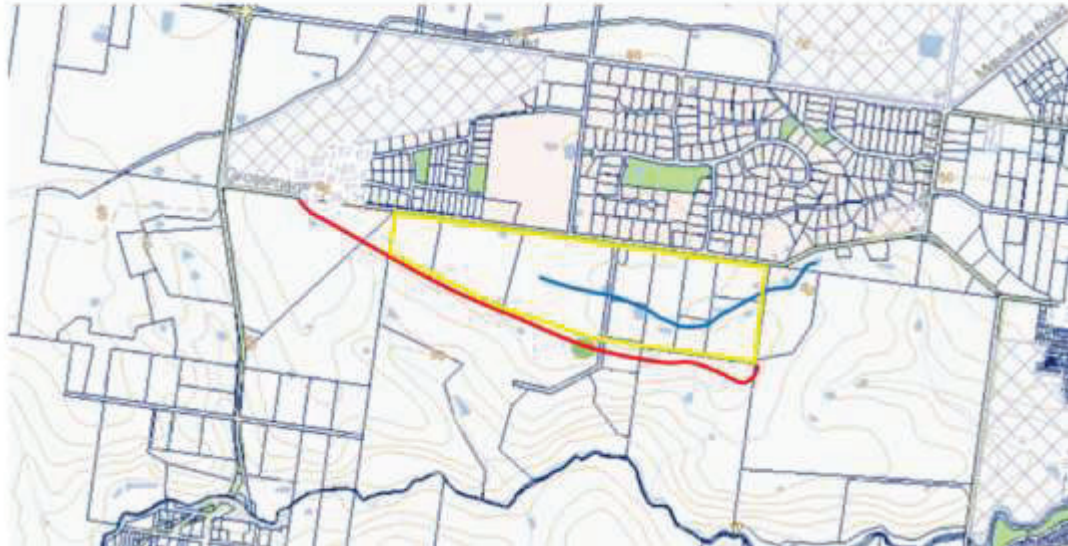
Mr Grossman (separately) submitted the Spring Creek corridor must be properly planned and investigated for possible future expansion (essentially building on previous work already undertaken) and ensure any future planning for Option 1 considers options for growth in the balance of Spring Creek.

Other submissions suggested the balance of Spring Creek should consist of larger allotments of one to one and a half acres incorporating a green corridor up to Bellbrae. This would create jobs and accommodate growth.

Mr Welsh, one of the landowners and a submitter, was frustrated and disappointed with the lack of recognition of earlier work undertaken for the Spring Creek Valley and the lack of consultation since then. He submitted there was an opportunity to develop a low density residential area without impacting the Spring Creek Valley, essentially developing unproductive farm land beyond the Spring Creek Valley.

Figure 6 Mr Welsh's proposed low-density development area

- Red Line depicts the northern ridge line of the Spring Creek Valley
- Blue Line depicts the low point of the GRSL land (you see this from the location of the dams)
- Yellow Line depicts border of proposed Grossmans Road South Low-Density Residential Area



Source: Mr Welsh submission, document 264

(iii) Discussion

The Committee can appreciate the intent of submissions requesting additional investigation areas. While nearby land appears homogeneous, a more detailed planning study that reviews the broader area would need to be undertaken to determine the merits of such proposals.

The Committee does not have sufficient information before it to reach a definitive conclusion that a particular site should be:

- allowed for residential development
- included in the protected settlement boundary
- considered as a future investigation area at this point.

Through other submissions, the Committee appreciates that farming and agricultural uses may become increasingly difficult to maintain (due to poor soil and increasing costs) and some may seek to augment their incomes by utilising part of their properties for agri-tourism or similar developments. Ms Grossman's submission flags the inherent tension between traditional agricultural activities and endeavouring to augment their income from other sources.

The draft SPP addresses this issue by identifying her land as suitable for tourist style developments, however further policy changes and/or rezoning is required to put this into practice. While the land is noted as being suitable for agri-tourism, there is very little in the draft SPP to support this.

(iv) Findings

The Committee finds:

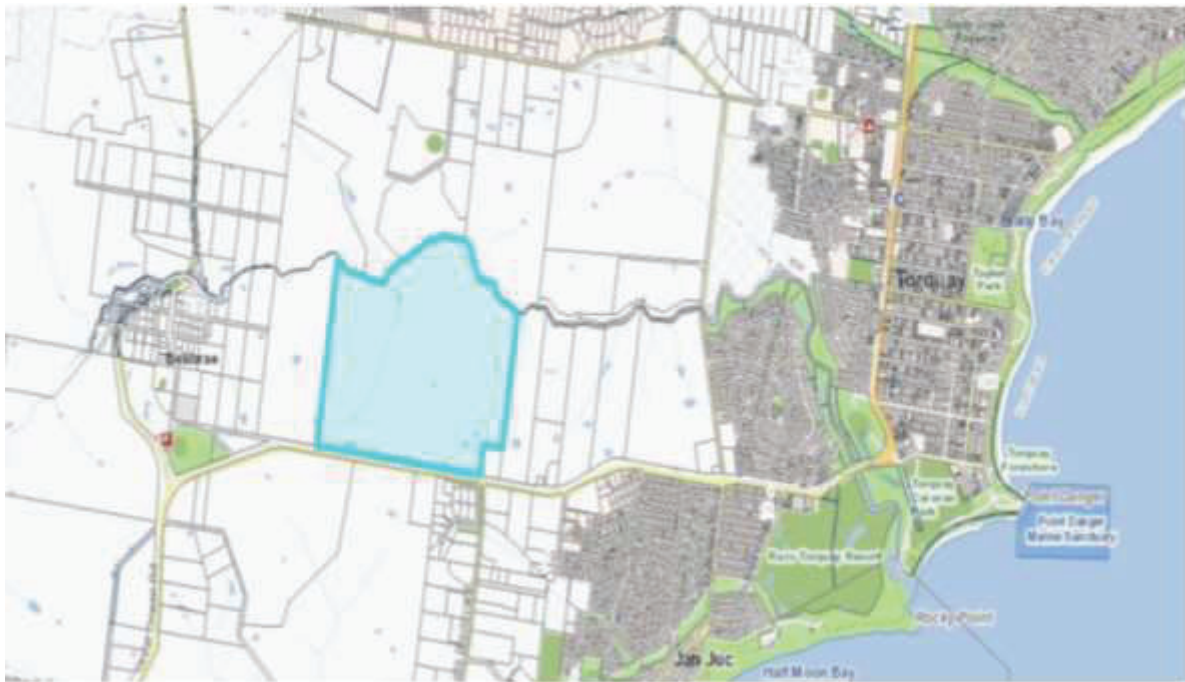
- Land holdings south of Grossmans Road to the west of Spring Creek should not be identified for future residential development, investigation area, or be included in the protected settlement boundary.

15.2 Rural Estates land

(i) Background

The Rural Estates (Torquay) Pty Ltd land (Rural Estates, S2848) comprises 122 hectares and is located in the Surf Coast Shire, shown in Figure 7.

Figure 7 The Rural Estates Pty Ltd (Torquay) land



Source: Submission of Rural Estates Pty Ltd, document 186

The site is currently located in the FZ and a very small portion of the land is subject to the ESO1 and the LSIO.

The *Settlement Background Paper* did not address the Rural Estates land, although it noted the green break function performed by the rural activities and farm zoned land between Torquay–Jan Juc and Bellbrae.

The draft SPP identified the land as being:

- State significant landscape: Torquay Coast, Coastal Saltmarsh and Woodland (Maps 3 and 5)
- Bushfire prone area (Map 4)
- Torquay Coast and Hinterland (Map 6)
- biodiversity values (some with 'higher' values (Map 7)
- well suited to tourism activities (Map 8)
- designated as a 'green break' (Maps 10 and 11).

The key issues to be resolved are:

- whether the Rural Estates land should be recognised as a potential area for future residential development
- whether SLO8 should apply to the land.

(ii) Submissions and evidence

In summary, the submission of Rural Estates sought:

- the Committee affirm the findings of the C66 and C114 Panels in relation to Spring Creek
- Options 1 or 2 not be adopted
- the adopted Spring Creek PSP be approved by the Minister
- the strategic work required to determine the scope of urban development in the balance of Spring Creek, including the Rural Estates land be commenced by Council
- SLO8 not be applied to the Rural Estates land.

Rural Estates advised the Committee that:

A combination of its location, size, low agricultural value and limited environmental and physical constraints make the Land suitable for urban and/or larger lot subdivision.

Rural Estates purchased the Land - and has invested considerable time and resources on planning for development of the Land - on the basis of many decades of settlement planning in the Shire that have identified Spring Creek as a future urban growth corridor.²⁴¹

Further, Rural Estates advised it has been involved with many strategic planning initiatives at Spring Creek, including the various amendments detailed in Chapter 5.4 of this report. Of note, the Amendment C114 Panel made commentary about the Rural Estates land in the context that the PSP should provide road and other linkages to the west so that in the event that land was rezoned, such linkages would ensure relevant connectivity. The adopted PSP by Council did not include these linkages, despite the positive commentary in the C114 Panel report advocating for such.

The Committee questioned Rural Estates about the authority the C114 Panel had to make such comments. Rural Estates responded by advising of its interest in the land for many years and that it was involved in the C66 and other Panels.

Neither the Proponent nor the Surf Coast Council provided any comment on the Rural Estates submission in its closing. When asked if Council had an opinion, Council advised it did not.

(iii) Discussion

Future residential development

There was no specific commentary about the Rural Estates land in the draft SPP.

The Rural Estates land has been on the periphery of the various strategic reviews of Spring Creek for some years. It was not included as part of the Amendment C66 recommendations for urban growth, consequently it was not part of the subsequent PSP process. Rural Estates

²⁴¹ Document 186, paras 3, 4

noted growth further west of Duffields Road land was supported by the C66 and C114 Panels, but the Rural Estates land was not rezoned as was land to its immediate east. This is a key point of difference and is central to the Committee's deliberations.

The submission fairly acknowledges that more strategic work is required for the Rural Estates land to be considered for urban growth and the Committee acknowledges that. This is not the process for that to occur as the Committee does not have the relevant information before it that leads it to any conclusion the land is suitable or otherwise for urban development on all or part of the land.

In saying that, the Committee is cognisant of the strategic imperative for green breaks to be put in place between settlements and such a break between Bellbrae and the Spring Creek urban development area is appropriate. How wide that green break should be is a matter that needs to be determined. It would seem there is:

- an approximate 3.5 kilometre break between Duffields Road and Bellbrae
- an approximate 2.5 kilometre break between the western edge of the UGZ land and Bellbrae
- an 800 to 1,000 metre break between the western edge of the Rural Estates land and Bellbrae.

It is clear that potential future development of the Rural Estates land would impact on that green break. Factors such as whether none, some or all of the Rural Estates land could be developed for urban purposes, significant setbacks from Great Ocean Road and the type of development proposed (conventional, low density or other) are all matters for Council/DELWP to reconcile as part of its 10 year review of the draft SPP.

Landscape

Volume 1 of the landscape assessment noted *"undulating creek corridors and dense patches of ecologically important coastal woodland forest"* ²⁴², and the wider Spring Creek area as *"... an important biodiversity corridor in the landscape area, supporting a variety of Grassy Woodland species, including the Bellarine Yellow Gum and Manna Gum. The creek corridor also offers a variety of habitats for fauna, including the Lewin's Rail, a nationally significant species"* ²⁴³.

Volume 2 reinforced the role of the Spring Creek Valley within a wider landscape considered to be of state significance, beyond Bellbrae, with ranges from low to moderate state significance.

The Committee notes that Ms Scott's evidence did not directly discuss the Rural Estates land, other than to note the function it performs as a green break, and the potential negative visual impacts on this area should the Spring Creek FRA be urbanised. She emphasised the importance of transition and consideration of edges and contrasts to significant landscapes.

In her reassessment of the Spring Creek FRA Ms Scott noted that area, when considered in isolation, was more regional in character than of state significance. She did not support urbanising of the area, nor of the broader Spring Creek valley. As such the effect on the Rural Estates land of any Spring Creek FRA development, would need to be assessed as part

²⁴² Volume 1, page.90

²⁴³ Volume 1, page 96

of any ten year review of the draft SPP. Insofar as controls, Ms Scott recommended SLO8 was an appropriate mechanism to conserve and protect the entire Spring Creek Valley, regardless of which option was selected for the Spring Creek FRA, and by extension, SLO8 would be appropriate for the Rural Estates Land. However, for the reasons noted elsewhere in this report, the rationale and justification for SLO8 is an area the Committee regards as needing further work.

(iv) Findings

The Committee finds:

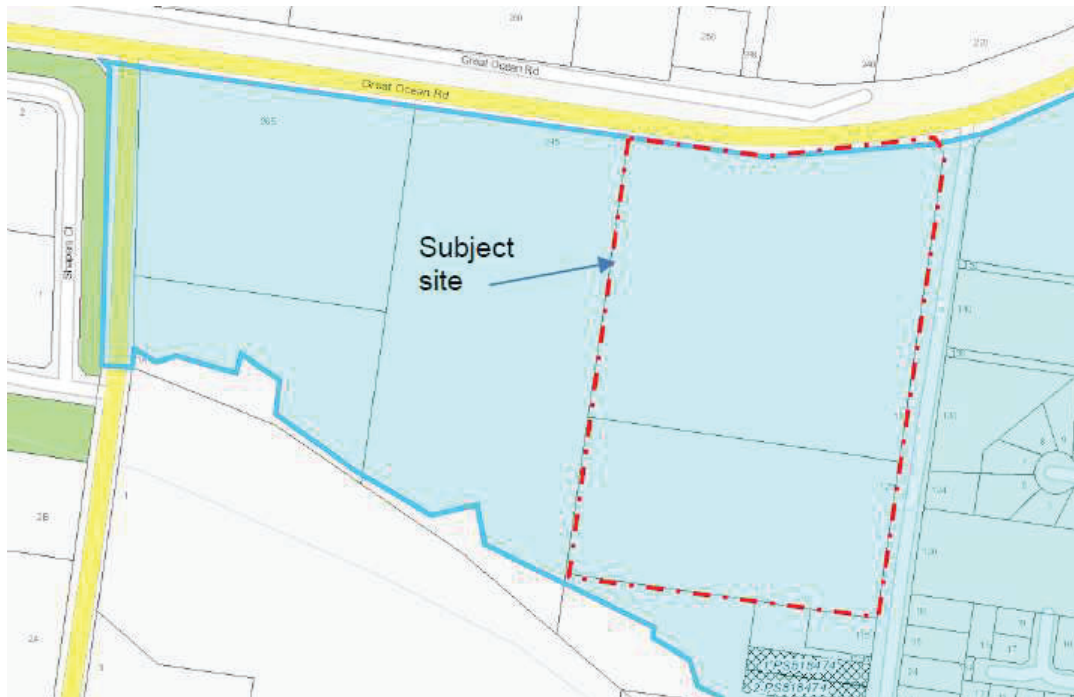
- There is no strategic imperative for this land to be included in the protected settlement boundary as part of this DAL process.

16 Strathmore Drive land

16.1 Background

The land at 125 and 135 Strathmore Drive in Jan Juc (the Strathmore Drive land) is currently in the LDRZ and is subject to Development Plan Overlay Schedule 6 (DPO6) and SLO6. Fortress Holdings is the proponent for the land, which is shown in Figure 8.

Figure 8 Site Location (125 and 135 Strathmore Drive, Jan Juc)



Source: Evidence of Mr Wyatt, document 36 (light blue colour signifies SLO6)

The key issue to resolve is:

- Whether the land should be included in the protected settlement boundary and/or be subject to the application of SLO10.

16.2 Evidence and submissions

The *Settlement Background Paper* proposed that the site should remain as a low density minimal change area given:

- the highly prominent nature of this area (landscape of State significance)
- the objective to retain Bass Strait views (DPO6).

The draft SPP identified the site as a landscape of State significance (Maps 3 and 5) with high biodiversity values (Map 7) and classified as minimal change (Maps 10 and 11).

Fortress Holdings disagreed and submitted the draft SPP should be amended as follows:

- Maps 3 and 5 to note the landscape character of the site is not of state significance
- Map 7 note that the site has no biodiversity value and be removed from the green shaded area signifying 'Biodiversity values – Darker green areas have a higher biodiversity value'
- Maps 10 and 11 to remove the 'minimal change area' designation and:

- include in the 'incremental change area' or
- 'minimal change area' (with scope to increase density) requiring a new legend
- the definition of the term 'Low-density residential area' in the draft SPP be amended to reflect its accepted definition as set out in PPN91.

The draft SPP proposed that SLO10 applies to the whole of the Strathmore Drive land.

In relation to the site, Ms Scott's landscape assessment and evidence identified:

- the landscape assessment of/around this area was at high level and an individual site assessment was not undertaken
- the proposed SLO will not prevent or prohibit development, its purpose is to more closely assess and guide the siting and design of proposed buildings and works
- the introduction of the new SLO10 would cover all land of State and national significance on the coastal side of the Great Ocean Road between Point Addis Road and the western edge of Jan Juc
- the Strathmore Drive land plays a vital role in providing a 'green break' between Jan Juc and Bells Beach
- the Strathmore Drive land is included in the SLO10 as it forms part of the low density western edge of Torquay, where built form is visually subordinate to the landscape characteristics
- the views from the Great Ocean Road across the Strathmore Drive land are noteworthy and *"those views albeit brief when travelling from a car towards the coast are really important, I have not asserted though that they are of state significance"*²⁴⁴
- generally, larger lots would facilitate substantial permeability and protect large swathes of significant remnant vegetation.
- rezoning to GRZ was not appropriate, principally due to potential loss of views and urban/rural transition interface and visual impact²⁴⁵.

Mr Hazell noted his main bushfire concern was generally around the Bells Boulevard area, principally due to regional scale hazards further to the west and south-west, as these areas comprise:

- land that does not benefit from a perimeter road
- land assessed as 'extreme' by the Victorian Fire Risk Register
- land which is on the settlement edge and contained hazardous vegetation which continues through the LDRZ.

Surf Coast Council did not specifically comment on the Strathmore Drive land, rather it submitted the draft SPP should provide a separate description and key objectives for how each low density area should be treated and ultimately developed.

Fortress Holdings continued to support the Strathmore Drive land being developed for more conventional residential purposes and contended there should be changes to the draft SPP and the proposed landscape planning controls as follows:

- Map 4 - the site be removed from the proposed landscape planning controls 'Great Ocean Road and Coastal Environs: Bells Beach to Point Addis' (SLO10).

²⁴⁴ Mr Wren's cross examination of Ms Scott

²⁴⁵ Document 55, page 18

Fortress Holdings noted that applying SLO10 does not recognise the Strathmore Drive land as essentially unvegetated residential (but undeveloped) land well within the settlement boundary.

While Ms Scott identified the ocean views as “*noteworthy*”, she conceded it did not reach levels of “*exceptional*”, “*exemplary*”, “*iconic*”, “*scarce*”, “*outstanding*”, “*compelling*” or “*inspiring*”. And further, as trees and landscaping matured, she noted it would be a matter of time before the views to Bass Strait were obscured.

Fortress Holdings did not support the Strathmore Drive land providing a virtual green break and argued it was clearly within the settlement boundary and green breaks were between settlements. Fortress Holdings advised the existing planning provisions provided identical levels of control relating to landscape that the draft SPP seeks to protect and in his opinion, SLO10 was unwarranted.

Mr Wyatt’s landscape analysis did not support the conclusion the Strathmore Drive land is a landscape of such importance that it needs to be retained in its present state and associated ‘Minimal Change’ settings. His evidence was the desired outcomes of a vegetated buffer and appropriate visual connection to the ocean could be achieved in conjunction with residential development.

In his opinion, the Strathmore Drive land contains little significant vegetation and is not visually prominent from the Great Ocean Road. Mr Wyatt confirmed the land is largely screened by existing vegetation or road embankments. The proposed SLO10 (and existing SLO6) was not as a result of the inherent qualities of the land, but rather the future potential to appear well vegetated with indigenous plants post development.

Mr Wyatt identified there is an inherent tension between planning documents that call for a landscape edge along the Great Ocean Road and other statements which point to the importance of views from the Great Ocean Road to the ocean. His evidence was that:

- where existing views are not available (road embankment or existing vegetation), then extending the indigenous vegetation to create a significant landscape presence instead of a paddock is a preferred outcome
- where viewpoints, though fleeting are available, these could be retained.

Mr Wyatt presented an option (Figure 9) where the Strathmore Drive land could be developed, including a mix of lot sizes, measures to protect any significant vegetation and Great Ocean Road interface treatment which complemented and enhanced the treed and vegetated character of much of the Great Ocean Road, as well as maintaining the visual connection from the road to the ocean²⁴⁶.

²⁴⁶ Subdivision plan includes land not part of Fortress land, but demonstrate gradation of development to Bells Boulevard

Figure 9 Proposed subdivision pattern

Source: evidence of Mr Wyatt, document 36

During cross examination, Mr Wyatt stressed that a key design element was to maintain sea views for the community, and he did not distinguish between individual groups such as the surfing fraternity and tourists travelling along the Great Ocean Road.

Surf Coast and the Proponent explored Mr Wyatt's methodology and understanding of Ms Scott's work in relation to subject land. Mr Wyatt gave evidence this site does not have a significant landscape. He noted Ms Scott's methodology was appropriate, however it would have been useful if she had undertaken a finer grade analysis. In his opinion, her work was generic and too broad. This led to too many exceptions, resulting in application of SLO10 to the subject land being inappropriate.

Fortress Holdings questioned the draft SPP defining low density residential area as *"an area designated for low density residential development that responds to a semi rural environment and is often constrained by servicing issues"* which is he said is not the commonly held definition found in PPN91 as *"Applied to areas on the fringe of urban settlements and townships with reticulated sewerage (0.2 Ha minimum) ... to ensure lots remain large enough to treat and retain all wastewater but small enough to be maintained without the need for agricultural techniques or equipment"*.

16.3 Discussion

The subdivision of land on the west side of Strathmore Drive was originally contemplated as a low density residential development. In 2009, the Panel for Surf Coast Amendment C37 identified there was scope for increased density subject to protecting the landscape character of the area and availability of adequate water and sewerage services. Council supported this recommendation, and it is understood the servicing issues were resolved.

An earlier proposed subdivision plan incorporated higher density development, a 15 metre plantation buffer along the Great Ocean Road to screen allotments and built form, a strategically placed parkland as well as proposed north-south subdivision roads that facilitated ocean views. The western area (adjacent to Bells Boulevard) was proposed to remain as LDRZ.

The Committee was advised considerable work was completed up to 2019 in preparation for a further amendment to facilitate this outcome, however it was not progressed given the pending the outcome of the DAL project.

Under the existing planning controls, the Strathmore Drive land is within the settlement boundary, it is considered as residential land, and in terms of desired landscape and character outcomes considered in the same context as the rest of Jan Juc.

The planning scheme identifies there is scope to increase densities in this location in Clause 21.07 and Clause 21.08-2 which has the objective to consolidate urban development within the defined 'settlement boundary' due to population growth.

Other relevant controls in Clause 21.08-3 seeks to minimise the visual appearance of development when viewed from Bells Beach Recreation Reserve and ensuring the landscape remains the major element of the appearance and character of residential environments.

The Committee recognises a significant amount of work has already occurred in developing a subdivision solution, allowing for increasing housing density while maintaining views to Bass Strait from the Great Ocean Road. Much of the protection sought through the draft SPP is already included in the current planning controls that apply to the land. As such, it is considered that 'incremental change' would be a more appropriate designation for this site in the draft SPP.

The key issues for this site are maintaining views to Bass Strait and developing a 'green break' or virtual green break. This could be achieved by having lower density development in some parts of the site to provide for landscaping. The concept plan prepared by Mr Wyatt appears to address these issues.

There are limited views across the site from the Great Ocean Road to Bass Strait and the proposed park and north-south roads will provide for continued view lines to the ocean as well as an opportunity for those that wish to utilise the park to further enjoy the views at this location. The lower density development and landscaping buffer strip adjacent to the Great Ocean Road essentially creates the green break, separated from the higher density development further down into the site. The Committee agrees with Ms Scott and Mr Wyatt that once the proposed landscaping in the buffer strip and private properties is established, views to the ocean and much of the proposed development will be significantly diminished.

In relation to removing SLO10 from this site, the Committee recognises it is impractical to assess individual parcels of land separately to ascertain what elements, if any, of the SLO applies. As Ms Scott noted, the purpose of the proposed SLOs is to assess and guide the siting and design of proposed buildings and works and would still have some relevance. However, the Committee struggles to conclude that the site forms part of a State significant landscape for these reasons:

- Ms Scott acknowledged that the sea views only are noteworthy
- existing and future mature landscaping would most likely obscure these sea views

- there is little ecological or biological value remaining as the site has been a cleared paddock for some time
- the land sits within the settlement boundary and is currently zoned for residential use, with DPO6 and SLO6 providing guidance on retention of significant views and reinforcing landscape character.

In relation to biodiversity values, the Committee is unsure why the site is currently shown as a darker green colour suggesting higher biodiversity values (Map 7). This should be amended to the lighter shade. The land are paddocks with little remnant vegetation, noting the creek and bushland along the southern boundary may potentially have higher biodiversity values. Farmland nearby with similar vegetation is shown in the lighter green colour.

A key tenet of the planning scheme is to simplify and standardise its approach and nomenclature. Assigning different meanings and intention to the term 'low density residential area' potentially creates confusion and uncertainty. This should be avoided.

16.4 Findings

The Committee finds:

- The Strathmore Drive land is capable of accommodating increased density for conventional residential purposes.
- The landscape within the site is not of state significance and the draft SPP and proposed landscape planning controls should be modified accordingly.
- Land in the LDRZ proposed for conventional residential purposes will be adversely impacted by the application of SLO10, consequently, it should be removed from the site.
- In order to achieve conventional residential development, there needs to be a further site specific Amendment process.
- There are no landscape or biodiversity issues that would preclude Strathmore Drive land being considered for urban purposes.

16.5 Recommendations

The Committee recommends:

- 17. Delete Significant Landscape Overlay 10 from the land at 125 and 135 Strathmore Drive, Jan Juc.**
- 18. Include the land at 125 and 135 Strathmore Drive, Jan Juc in the protected settlement boundary to facilitate conventional residential development on this site.**

17 Bellbrae and hinterland

17.1 Bellbrae

(i) Background

Bellbrae is located approximately five kilometres west of Torquay-Jan Juc, and 24 kilometres south of Geelong. Bellbrae is a small settlement inland of Torquay–Jan Juc between the Spring Creek FRA which is approximately two kilometres west, and the nationally heritage-listed Great Ocean Road which is to the south. The Spring Creek Valley separates Bellbrae from Torquay–Jan Juc.

The township is defined primarily by low scale residential development, set within large, well vegetated lots. Non-residential land uses include the Bellbrae Primary School, Cemetery and Reserve. Streets within Bellbrae are mostly unsealed, contributing to its rural-bush character.

The key issue to be resolved is:

- Whether any change is required to the existing planning provisions which apply to Bellbrae.

(ii) Evidence and submissions

The *Background Settlement Strategy* proposes to strengthen the existing planning provisions for Bellbrae. This is to be undertaken as part of a future implementation process.

These changes include refining new Township Zones that would seek to protect Bellbrae by:

- retaining the village within the current Township Zone
- reviewing the existing planning provisions about the achievement of neighbourhood
- character objectives, landscaping, building site coverage and permeability requirements
- retaining the green break from Bellbrae to Torquay–Jan Juc and to the Addiscott Road Estate.

The Proponent submitted the DAL process is not undertaking any rezoning of land within Bellbrae²⁴⁷. It said that the proposal before the Committee is confined to the inclusion of Bellbrae within a protected settlement boundary and consideration of whether there is broad support for proposed landscape controls. Any rezonings or future controls would be implemented by Council as part of a future amendment.

Mr Woodland noted that Bellbrae is not identified for further growth. He considered it to be located in a sensitive, natural environment and in landscape settings that were assessed as being of state or national significance. Balancing these considerations, his evidence was that there was sufficient justification to confirm the settlement boundary without need to undertake more detailed assessments.

²⁴⁷ Documents 58, 104 and 260

Mr Hazell's evidence was generally consistent with Mr Woodlands. His opinion was that generally the controls proposed for Bellbrae are reflective of existing conditions. He noted his support for the draft SPP because it did not promote settlement-related development in areas closer to regional scale bushfire hazards and bushfire hazards more generally.

Mr Hazell also observed that the draft SPP included an emphasis to discourage the removal of vegetation and/or seek to integrate development with vegetation. He cautioned that while Bellbrae is mostly not within the BMO, its future planning needs to carefully consider increased bushfire risk arising from regional scale hazards to its west and south-west. This included the potential for ember ignited grassfires and localised fires within the village (for example, from gardens, parks and roadside vegetation). However, he considered the correct application of Clause 13.02-1S would be to apply defendable space to developments in Bellbrae in a manner similar to the BMO.

Mr Hazell explained that given the bushfire risk, the draft SPP should recognise that land outside the BMO in Bellbrae would need to consider bushfire, including through Clause 13.02-1S. This would include reinforcing a defined edge to landscape hazards (in this case, grasslands) and supporting a lower fuel settlement over time.

Surf Coast supported the designation of Bellbrae in a protected settlement boundary. It noted this approach was consistent with its current planning scheme and identification of Bellbrae as a village of limited growth within the existing settlement boundary to preserve the village's rural and bush character.

There was strong community sentiment expressed through various submissions for Bellbrae to remain a village with a clear green break separating it from Torquay–Jan Juc. The protected settlement boundary was strongly supported.

(iii) Discussion

The Landscape Assessment Review observed that the settlement is 'virtually indiscernible' within the surrounding State significant landscape due to native vegetation surrounding the village, the small number of dwellings, and the large land holdings,²⁴⁸. The report emphasised the importance of maintaining a non-urban break between Torquay and Bellbrae.

The Township Zone applies to all private land in the settlement. It seeks to ensure development respects the neighbourhood character of the area. There are large areas of native vegetation at the southern edge of the settlement covered by Schedule 1 to the VPO which seeks to protect or minimise vegetation loss. A BMO applies to a portion of the land at the southern edge of the settlement. Schedule 24 to the DDO is applied to the village. Development in Bellbrae must achieve the relevant design objectives.

The draft SPP identifies that Bellbrae is proposed to be contained in a protected settlement boundary to restrict any further growth of the settlements, and defines it as:

Village: a small settlement with a low population. Bellbrae and Breamlea are small settlements and designated for minimal change with no further greenfield growth²⁴⁹.

²⁴⁸ Volume 2

²⁴⁹ Draft SPP

The hinterland surrounding Bellbrae is zoned Farming with an area further to the south zoned Rural Living, the area is known broadly as Addiscott Estate in in the RCZ.

SLO7 applies to the south facing hill slope, at the northern entry to Bellbrae. SLO7 describes the township as nestled within a canopy of trees and outlines the importance of the sense of enclosure within the landscape, and views to the north²⁵⁰.

The key purpose of the existing SLO7 is to protect the rural landscape setting of the northern entry by ensuring development is sensitively sited and designed. A permit is required for buildings and works, and native vegetation removal. Application requirements are included in the schedule, together with decision guidelines that are linked to the landscape character objectives.

Given the focused and specific nature of Schedule 7 and the fact that potential for development still exists on the northern slopes outside Bellbrae, no changes are proposed to SLO7.

The draft SPP identifies the immediate hinterland surrounding Bellbrae and west of the Great Ocean Road as being defined as the Surf Coast Western Hinterland. SLO8 is proposed to be applied to protect viewsheds from the heritage-listed Great Ocean Road.

Land south of Bellbrae and east of the Great Ocean Road is within the Great Ocean Road and Coastal Environs: Bells Beach to Point Addis, where it is proposed to apply SLO10.

The Committee supports the application of the protected settlement boundary to Bellbrae to preserve the low scale bush-village nature of the settlement. The containment of the village will provide for a valued and important landscaping green-break between the Spring Creek Valley to Torquay-January Juc and south to the Addiscott Road Estate.

(iv) Findings

The Committee finds:

- Consistent with the draft SPP, a protected settlement boundary is appropriate to be applied to Bellbrae.

17.2 615 Great Ocean Road, Bellbrae

(i) Background

Mr O'Brien (S2733) raised a number of issues regarding his property at 615 Great Ocean Road, Bellbrae (O'Brien land) but was principally concerned with its inclusion in SLO10²⁵¹.

The O'Brien land comprises a 130-acre farming and agribusiness/tourism property which is currently located in the FZ and the RCZ and is subject to the VPO and a BMO²⁵². The location of the property is outlined in red in Figure 10.

²⁵⁰ Background Settlement Paper

²⁵¹ Document 272

²⁵² Submission 2733

Figure 10 615 Great Ocean Road, Bellbrae

Source: Document 275

(ii) Submissions and evidence

Mr O'Brien did not support the inclusion of his property within SLO10. He raised concerns with the draft SPP and aspects relating to the Addiscott Road Estate outlined in the Background Settlement Paper²⁵³.

Mr O'Brien referred to the C121 Panel process which contemplated changes to the SLO initiated by Surf Coast. He submitted this was a similar approach to the current proposal by the draft SPP to apply SLO10 to the site. Amendment C121 proposed to rezone the O'Brien land from FZ to RCZ and to introduce a SLO relating to controls for Bells Beach. Through that Amendment process, Mr O'Brien objected to having his property included in the area to which planning policies and controls formulated specifically for Bells Beach applied.

²⁵³ Document 291

At this Hearing, Mr O'Brien contended that the draft SPP had ignored the findings of the C121 Panel which accepted the landscape on the O'Brien land was distinctly different from the Bells Beach viewshed and hinterland which is now contemplated as the Great Ocean Road and Coastal Environs: Bells Beach to Point Addis landscape. He argued that, based on the significant work and submissions to Amendment C121, the application of SLO10 to his land was neither justified nor appropriate.

Mr O'Brien submitted the draft SPP would result in a future SLO10 which, he contended, represented further planning creep, by progressively extending the coverage of planning policies that apply to the Bells Beach viewshed and Bells Beach hinterland, to a wider area that includes his property. He preferred to see the O'Brien land as a farming property that related to the Great Ocean Road environs and to other farming zoned land to the north extending to Bellbrae, rather than to Bells Beach.

Mr O'Brien contended there were issues with the landscape assessment methodology and the use of the term 'state' significance in Volume 1. He observed that during her evidence, Ms Scott stated that SLO10 is to apply to a coastal landscape within which dwellings are tucked away and hidden from Point Addis to Bells Beach.

Mr O'Brien submitted a similar approach to landscape sensitivity in and around his site should be taken. He referred to Ms Scott's approach to sensitivity analysis at Mt Duneed, where although classified as of regional significance, a SLO was not recommended due to the existing zoning and overlays²⁵⁴. Mr O'Brien submitted the FZ carried a low threat to landscape and the RCZ provided even more protection.

During Mr Wren's cross examination in relation to the O'Brien land, Ms Scott gave evidence that the property was significant and should remain in the SLO10. She asserted that the justification for the extent of the SLO10 set out in her background work was sound²⁵⁵. Ms Scott noted that zoning primarily regulates the use of land, while the SLO would provide additional guidance for decision makers about landscape significance protection objectives.

Mr O'Brien made further submissions to the draft SPP and the Background Settlement Document (including with track-changes to documents)²⁵⁶.

(iii) Discussion

The Committee understands Mr O'Brien's concerns and his frustration that there has been further strategic work which identifies further controls to apply to the land following the recent work and outcomes of C121. In particular, the Committee notes that the 2017/18 work undertaken through that amendment seemed comprehensive in relation to the land.

It can be observed that, having considered evidence and submissions in relation to the O'Brien land, the C121 Panel concluded that substantial parts of it appeared to bear little relationship to Bells Beach or its hinterland. The C121 Panel also observed that the Addiscott and Bones Road frontages of the O'Brien land comprised part of an access route to Bells Beach.

²⁵⁴ Volume 2, page 28

²⁵⁵ Claire Scott Landscape Assessment Review Volume 2, page 11-12

²⁵⁶ Document 292 and 293

However, while the C121 Panel explored issues of landscape for the site and its immediate area, the Committee must also have regard to the declaration of the DAL for the area.

Expert evidence presented to the Committee was that the O'Brien land was significant or highly significant and should be subject to SLO10. However, the Committee was not provided with complete schedules to the SLO in a form that identifies the full range of provisions, including any exemptions. Accordingly, it is unclear whether there has been any analysis undertaken to identify what additional benefit or control would result from the application of SLO10 to the O'Brien land.

The Committee observes that there are significant parts of the O'Brien's land that are not visible from key viewpoints, from sensitive parts of the Bells Beach hinterland or from the approaches to Bells Beach. This was affirmed during the Committee's site inspections.

Recommendations relating to implementation of the SLO are contained in Chapter 23. In summary, the Committee has not been provided with sufficient justification to undo the work of Amendment C121 in relation to the O'Brien land, and therefore it finds that application of SLO10 to the site is not warranted.

(iv) Findings and recommendations

The Committee finds:

- Applying SLO10 to 615 Great Ocean Road is neither warranted nor strategically justified.

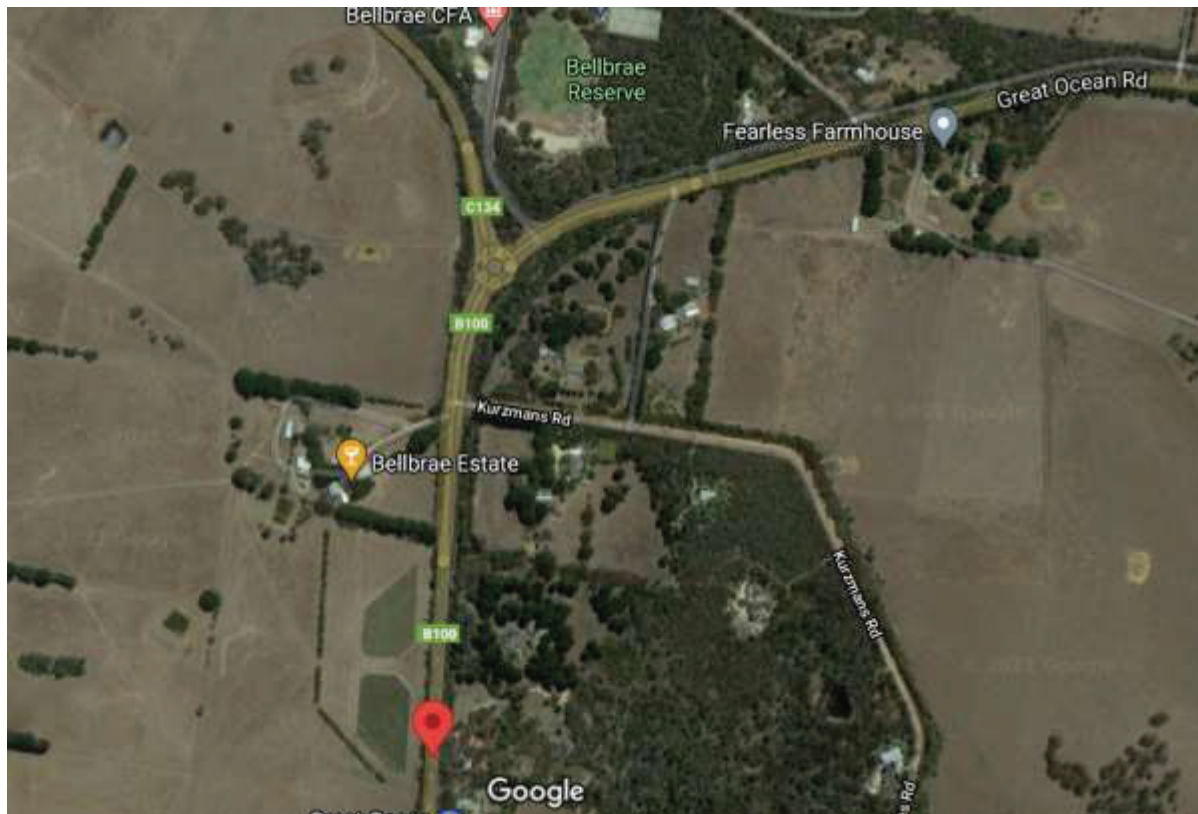
The Committee recommends:

- 19. Delete Significant Landscape Overlay 10 from the land at 615 Great Ocean Road, Bellbrae.**

17.3 Bellbrae Estate

(i) Background

Bellbrae Estate is a small winery located in the FZ at 520 Great Ocean Road, Bellbrae, as shown in Figure 11. The site is located in the Surf Coast Western Hinterland and is part of the broader area where SLO8 is proposed.

Figure 11 Bellbrae Estate Location

Source: Google Maps

(ii) Submissions

Mr Macdougall for the Bellbrae Estate Winery submitted the following concerns:

- the framework is not appropriate for cleared farmland and is likely to adversely affect the viability and sustainability of local farmers
- SLO8 has not considered the severe impact on farmers of additional red tape, prioritising a fleeting view of rural land over the farmers livelihood, and the regional agricultural economy
- SLO8 does not distinguish adequately between land significance and character within identified areas
- there is insufficient flexibility to consider economic impacts and viability of farmers
- no rationale was provided for including cleared farmland which is not visible from the Great Ocean Road and for land that has none of the attributes which qualified the region as a declared area.

Mr MacDougall submitted the draft SPP should not be applied to cleared farmland. Further, he submitted SLO8 has not adequately considered the severe impacts on farmers and the regional agricultural economy, noting that very little, if any, consultation with the farming community had occurred.

He noted many farmers need to supplement their agricultural income with other sources of income due to a variety of reasons, including poor soil quality and rising costs. He noted that potentially agri-tourism, using only the farmers' produce is not realistically viable even though encouraged in the draft SPP.

His view was that the draft SPP:

- does not 'recognise, conserve or enhance' productive rural land
- needs flexibility to accommodate the vastly different landscapes, in particular low significance landscape such as cleared farmland
- competing priorities should be clarified, in particular an exception for agricultural businesses to prioritise viability, while minimising environmental impacts
- much of the land cannot be seen from the Great Ocean Road, yet SLO8 will apply
- farmers will potentially be required to undertake site analysis, landscape plans and visual impact assessments as part of a permit application for buildings such as a modest hay shed (additional requirements for permit for buildings, including agricultural buildings greater than 100 square metres), the time and cost of which would be prohibitive.

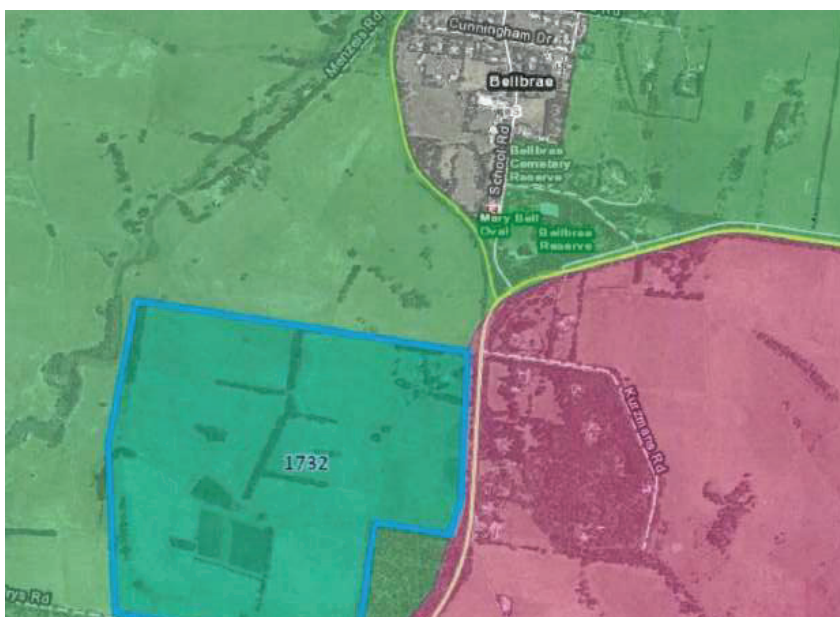
He recommended that the draft SPP:

- exclude cleared farmland from inclusion in the draft SPP
- recognise:
 - the desirability of agri-tourism and greater flexibility with less stringent application of draft SPP is required to facilitate new development
 - the need to see buildings from the road to encourage customers (i.e cellar door)
 - existing vegetation screening and buffers
- be amended to support productive rural land
- apply the Surf Coast Rural Hinterland Strategy to cleared farmland.

The draft SPP identified SLO8 is required to protect the Surf Coast Western Hinterland as future development could be detrimental to the valued landscape setting. Protecting view corridors and viewsheds from the Great Ocean Road was needed with special consideration required for developments close to the road. Similar protection was required from other roads within the hinterland including Grossmans Road, Gundrys Road and Elkington Road.

Figure 12 shows the site as largely cleared land in proposed SLO8, with SLO10 opposite.

Figure 12 SLO8 (green) and SLO10 (mauve) at Bellbrae Estate, 520 Great Ocean Road (blue)



Source: Submission of Bellbrae Estate, document 246

Ms Scott's work in Volume 2 identified the landscape on the hinterland side of the Great Ocean Road to be:

- generally low to moderate state significance
- some areas of dry heathy woodland of moderate to high state significance.

The draft SPP identified that agricultural land contributed to the rural landscape and recognised agriculture as important to the local economy. Table 2, Schedule 8 of the Proposed Landscape Planning Controls report included:

- decision guidelines to assist in particular:
 - the visual impact of buildings or works on the significance of the Surf Coast Western Hinterland area.
- Permit requirements for buildings or works if:
 - a structure is higher than 5 metres
 - new building exceeds 100 square metres or an extension is greater than 50 square metres
 - works located within 100 metres of the Great Ocean Road
 - a building is used for agriculture.

(iii) Discussion

The Committee acknowledges tensions may arise between the business needs of farmers and the draft SPP with its clear emphasis on protecting landscape and views.

As Ms Scott noted, the purpose of the SLOs is to assess and guide the siting and design of proposed buildings and works which have relevance in the hinterland region. But potentially the application of the new controls may become a burden for farmers for development that would otherwise represent a reasonable expectation within the FZ (i.e. a hay shed to support the ongoing agricultural use of the property). The burden would arise from potentially triggering the need for a planning permit for such development, as well as the extensive application requirements and need for a visual impact assessment which would be required to support such an application.

The Committee is persuaded that this is a possible outcome of the controls, however, given the limited detail provided at the Hearing with respect to the final drafting of controls, it remains unsure what, if any, impacts the SLOs will have on landowners.

The impact of the proposed SLOs on the farming community was emphasised during the Bellbrae Estate submission. The Committee's view is that, given that farmers and landowners in the rural areas may be adversely affected by the introduction of the new SLOs (on top of existing overlays), further work should be undertaken with respect to the application of SLO8, including what exemptions may apply.

Having viewed the Bellbrae Estate and its surrounds, it is noted that much of the hinterland side of the Great Ocean Road already has an extensive buffer of dry heathy woodland and other landscape buffer forms, essentially shielding and hiding farm activity and the broader panoramic landscape views from passing motorists (Figure 13).

Figure 13 Great Ocean Road landscape buffer along hinterland side

Source: Google Maps

Views to Bellbrae Estate are partially obscured by remnant roadside vegetation. Potentially greater flexibility in the decision guidelines and in the permit application process would appear to be desirable where buildings and works would be extensively obscured by landscape buffer strips along the major roads through the SLO8 region.

(iv) Findings and recommendation

The Committee finds:

- The SLO8 controls should be further refined to include broader exemptions. The controls should not place an unreasonable burden on the development of agricultural related infrastructure.
- The application of SLO8 should be reconsidered and should not apply to sites that are cleared, or that are already adequately protected by other controls; for example, the RCZ, VPO or existing SLOs.

The Committee recommends:

- 20. Undertake targeted consultation with affected landowners and farmers regarding Significant Landscape Overlay 8 (if the primary recommendation of the Committee to not support Significant Landscape Overlay 8 is not accepted).**
- 21. Review Significant Landscape Overlay 8 to provide for greater simplicity and flexibility for agricultural uses (if the primary recommendation of the Committee to not support Significant Landscape Overlay 8 is not accepted).**

17.4 555 Great Ocean Road, Bellbrae

(i) Background

The owners recently purchased 555 Great Ocean Road and plan to redevelop and expand the existing plant nursery, café, gift shop, gallery (Figures 14 and 15) into a tourist-based

facility including a function room and accommodation. The site is located on the western edge of proposed SLO10.

This land is in the FZ and is subject to VPO1 (small wedge on the western side) and the BMO.

Figure 14 555 Great Ocean Road Locality Plan



Source: Document 147

Figure 15 555 Great Ocean Road street frontage



Source: Google Maps

The key issues to resolve are:

- Whether the application of SLO10 is appropriate for the land at 555 Great Ocean Road.
- Alternatively, whether SLO8 should apply to the land.

(ii) Submissions

The landowner submitted that SLO8 should apply to their land rather than SLO10, as it is more appropriate that the same control applies to land on both sides of the Great Ocean Road. They submitted that SLO10 is not relevant to this location in terms of protecting ocean and coastal viewsheds. They contended this would improve the draft SPP, enhance its strategic intent and minimise potential confusion as the purpose of SLO10 control does not align with the actual attributes of the subject land.

Ms Scott's work (Volume 2) identified that SLO10 generally applied from the Jan Juc settlement boundary extending inland to the Great Ocean Road and in particular, to the Bells Beach to Point Addis landscape, based on:

- state and nationally significant landscapes
- visibility and proximity to the Great Ocean Road
- visibility and viewing patterns, and viewing experience from the full extent of all roads that travel through the landscape
- importance of indigenous remanent vegetation
- role of area as a 'green break'.

The landowner submitted that it would make sense for the same SLO Schedule to apply on both sides of the Great Ocean Road in this area, given its distance from the coast and nationally significant landscapes.

(iii) Discussion

The Committee acknowledges that a boundary between SLO8 and SLO10 is required and there is considerable variation in topography and landscape types through which the Great Ocean Road traverses.

The land at 555 Great Ocean Road, Bellbrae is approximately three kilometres from the coastline where there are no ocean views, and the landscape form appears to be consistent with the dry heathy woodland of the Surf Coast western hinterland. While there are similarities in the SLO8 and SLO10, the Committee's opinion is that the selected SLO Schedule should be representative of what is generally experienced on the site, to minimise potential confusion and to align with the specific landscape in question.

Alternatively, strengthened objectives could be included within the Schedule to better explain the basis for its application to particular land, and to help avoid potential confusion for the public, land owners, and authorities.

The Committee considers that SLO8 (if it remains) may be more appropriate to apply to the land to encourage development outcomes that are consistent with the other side of the Great Ocean Road.

(iv) Findings and recommendation

The Committee finds:

- Application of SLO8 on both sides of the Great Ocean Road is appropriate. This would be representative of the landscape under consideration and ensure consistent development outcomes in this area.

The Committee recommends:

- 22. Delete Significant Landscape Overlay 10 from land at 555 Great Ocean Road, Bellbrae.**

17.5 Littleford property

(i) Background

Ms Littleford seeks to develop a parcel of land (Crown Allotment 27C) toward the end of Point Addis Road as an Eco-resort style development. She sought that the draft SPP be amended to facilitate this development.

The site is located in the RCZ and subject to the BMO and SLO1.

The key issue to resolve is:

- Whether the land should be considered for a potential tourist facility.

(ii) Submissions

Ms Littleford seeks to develop a parcel of land (Crown Allotment 27C) toward the end of Point Addis Road as an Eco-resort style development or something similar due to the site's "*stunning coastal landscape and panoramic views*". In part, the validity of the proposal was based on the site being designated as having "*potential intensive accommodation or tourism*" in the *Geelong Regional Development Strategy* (1998). Ms Littleford considered this strategic direction should be carried through into the draft SPP.

Surf Coast submitted this proposal has no strategic basis and should not be considered through this process. Council advised the *Geelong Regional Development Strategy* (1998) is not referenced in the Surf Coast Planning Scheme. Further, the existing planning scheme controls strongly discourage intensification of use and development in this area.

(iii) Discussion

SLO10 is proposed to apply over the whole property. The draft SPP identified the land as being:

- Nationally-significant landscape: Great Ocean Road and Coastal Environs Bells Beach to Point Addis (Maps 3 and 5)
- Bushfire prone (Map 4)
- Low Coastal Heath (Map 6)
- Biodiversity values (some with 'higher' values, Map 7).

The Committee agrees this property is part of a landscape of national significance. The DAL and draft SPP process have fairly identified the significance of this coastal area and preserving the landscape and environmental conditions is a high priority.

The Committee appreciates Ms Littleford's desire to develop this property based principally on the *Geelong Regional Development Strategy* (1998). However, the broader planning framework and current policy does not support such a development at this location. The draft SPP proposes to further strengthen and protect this significant landscape and environment which appears incongruous with intensive development of this site.

(iv) Findings

The Committee finds:

- There is no strategic basis to amend the draft SPP to include 'potential intensive accommodation or tourism' at Crown Allotment 27C, Point Addis.

18 Land south of Armstrong Creek Growth Area

18.1 Background

The Committee received submissions from various landowners located between the Armstrong Creek UGA and Mount Duneed Road/Lower Duneed Road.

Some wanted their land to be considered a potential investigation site, while other landowners along Whites Road wanted their properties to be removed from this process.

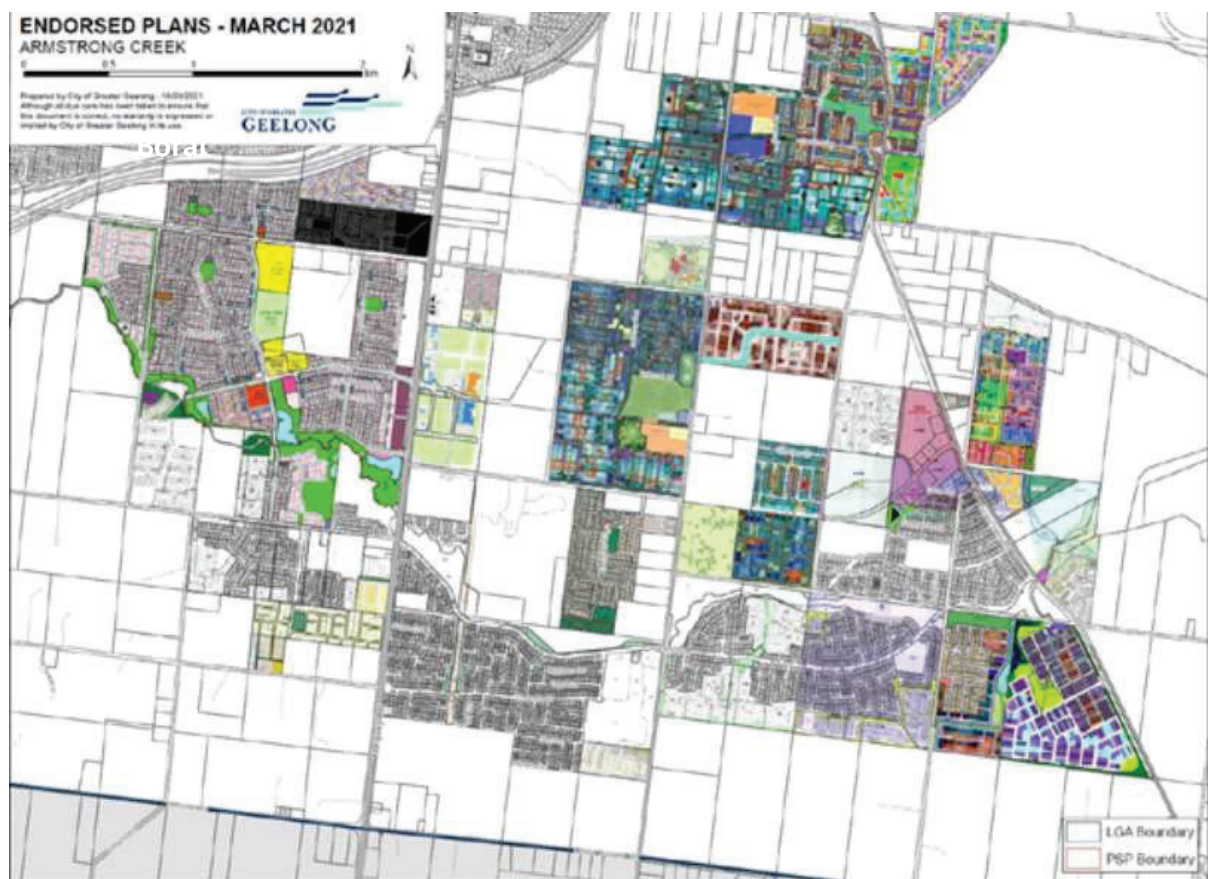
The area broadly extends north of Lower Duneed Road, from Boral in the west, through to Barwon Head's Road in the east.

Broadly the areas are contained within the FZ, with the Boral site at the western end located in the SUZ7 (Extractive Industries). These areas are not subject to any overlays.

The draft SPP notes the northern boundary of the declared area abuts the Armstrong Creek UGA, however the final location of the settlement boundary is subject to further strategic planning work and consultation led by Greater Geelong. The draft SPP and framework plan identifies this area as a green break with the protected settlement boundary to be implemented subject to local strategic planning work by Greater Geelong.

Figure 16 shows the general extent of this land, which is the area of land to the south of Armstrong Creek shown in white.

Figure 16 Locality of land to the south of Armstrong Creek



Source: Document 118

The key issue to be resolved is:

- Whether the extent of these landholdings should be included in the draft SPP as a potential investigation area.

18.2 Submissions and evidence

Ms Scott's review (Volume 2) identified the Thompson Valley Green Break as forming an integral part of the wider landscape of the Mount Duneed Plain and surrounds, but that it was not of State significance.

In relation to the land between the Armstrong Creek UGA boundary and Mount Duneed Road, she recommended a protected, long term settlement boundary align with Armstrong Creek and that no additional residential subdivision should occur beyond this boundary.

The land south of Armstrong Creek Growth Area was identified within the *Background Settlement Paper* which described the area as:

The northern border of the Surf Coast declared area is aligned with the Armstrong Creek Urban Growth Area. The strategy maintains the current policy direction for Armstrong Creek's role as a growth area within the current extent of the Urban Growth Zone.

It also proposes a consultation process for Greater Geelong City Council to review the appropriateness of the proposed settlement boundary in this location and to address any significant anomalies, once Amendment C395 has been completed.

The Proponent's submission was that the intent of the SPP was to include a protected settlement boundary for Armstrong Creek once the necessary strategic planning work has been completed. It contended that it would be premature to determine its location at this time.

Greater Geelong advised that it is proposing a 'logical inclusions' process to resolve this matter, however there were differing opinions as to how this process should occur. Mr Milner gave evidence this should be resolved prior to approving the SPP, while Mr Woodland's evidence was that it should occur after the SPP is approved.

The Proponent maintained that it was appropriate to include land to the north of Mount Duneed/Lower Duneed Road within the DAL as part of the Thompson Valley Green Break.

Most other submissions, including those made by Greater Geelong, did not support this position.

The Proponent's position was that:

- it would be premature to seek to determine the location of the protected settlement boundary at this time.
- further strategic work and landscape impact assessment is required before the protected settlement boundary of Armstrong Creek by Greater Geelong can be finalised.

Sprague Farm Developments/DFC Services own land (approximately 65 hectares) directly south of the Armstrong Creek UGA. They submitted that as part of Greater Geelong Amendment C395, it had been concluded that there was enough reason to further assess the merits of this land for inclusion in the settlement boundary using the logical inclusion process, and that this should occur before the DAL is finalised.

Sprague Farm relied on evidence from Mr Czarny that it was appropriate to manage the urban/rural transition by facilitating development south of Armstrong Creek through providing larger allotments and landscape buffer strips along Mount Duneed/Lower Duneed Road.

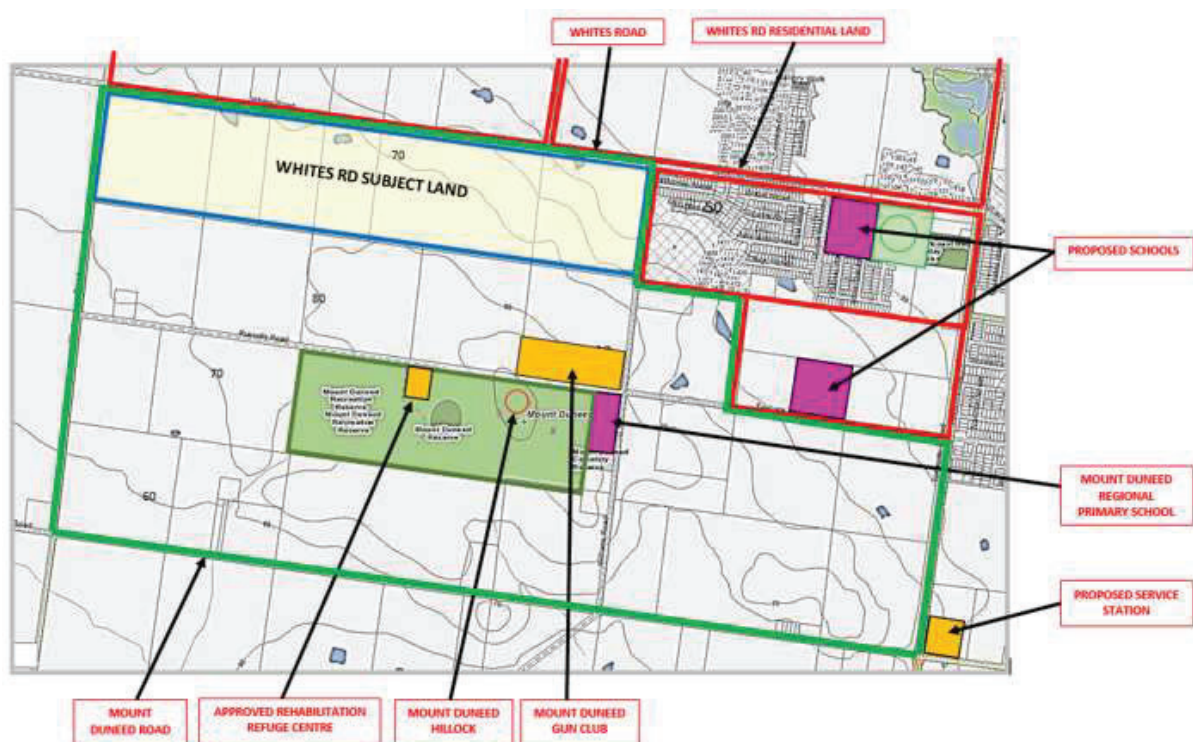
The landholder submitted that:

- the Armstrong Creek UGA boundary should be determined as soon as possible through a logical inclusions process
- the draft SPP cannot be finalised until the settlement boundary has been resolved
- in the event the draft SPP is finalised, prior to the resolution of the settlement boundary:
 - the land(s) should be shown as 'further investigation required'
 - road corridor views should only be maintained if 'significant'²⁵⁷.

Mr Ashton and Mr King (part of Mount Duneed Lower Armstrong Creek Corridor Working Group) made submissions representing to the Committee the concerns of the residents within Whites Road.

They submitted that the DAL process was the wrong process to determine these matters and their properties should not have been included within the declared area or subject to its associated restrictions as it potentially blighted their land and/or limited their future development opportunities.

Figure 17 Whites Road subject land



Source: Document 266

²⁵⁷ S2784 – summarised position

The issues raised by the Mount Duneed Lower Armstrong Creek Corridor Working Group included:

- their properties are not significant to the Surf Coast DAL, as they are essentially farmland with little to no ecological or heritage value and little impact on the Thompson Creek waterway or coastal wetlands
- there is no impact on the Duneed Road corridor views as they are on the other side of Mount Duneed
- a lack of consultation has resulted in poor planning policy and categorised these properties into a policy framework which is mainly focused on other more relevant environmentally fragile areas within the Surf Coast
- these properties should be considered as urban-rural transition zone
- these properties have no prospect as viable economic farming land.

The Boral site has an area of 1,035 hectares. Its quarry operations ceased in 2012 as it was no longer economic to continue due to the quality and depth of the resource. As such the site is largely vacant. Boral has undertaken preliminary work which it said has identified that their land is on the inter-urban break and confirmed that the Urban Growth Boundary should be amended to include a portion of their land.

The Committee notes that Greater Geelong Amendment C395 identified the Boral land for potential future urban growth, but no more strongly than this, and with no great imperative to bring the land forward for development with a sense of urgency²⁵⁸.

Mr Carey on behalf of Purdies Paddock Development supported the draft SPP, and its acknowledgement that further refinement of the settlement boundary was necessary for Armstrong Creek²⁵⁹. In his submission he stated:

Greater Geelong City Council has now established a process to properly consider whether the Land (and other land) should be included within the urban area.

It would be a waste of the work currently being undertaken by Council, and the strategic work previously undertaken which discussed the Land, if the SPP were to recommend a permanent settlement boundary along the interface with Greater Geelong²⁶⁰.

Initially, Greater Geelong did not support the inclusion of any land south of Armstrong Creek in the Surf Coast DAL and noted that many landholders expressed concerns with the process and lack of consultation prior to the declaration. Council noted the landholders were advised of inclusion in the Surf Coast declaration area after the area had been so declared, raising issues around fairness and transparency²⁶¹.

In 2019, Greater Geelong, through a Council decision, formally rejected the inclusion of the area north of Mount Duneed Road within the Surf Coast DAL. Despite this, the portion of Greater Geelong area remained in the declared area²⁶².

Through the Hearing, Greater Geelong submitted that it agreed with:

²⁵⁸ Document 153, slide 8

²⁵⁹ Document 146

²⁶⁰ Document 146, para 23 and 24

²⁶¹ Document 118, Appendix 3

²⁶² Document 118, Appendix 5

- the Armstrong Creek UGA nomination as *“Protected settlement boundary to be implemented subject to local strategic planning work”*
- the green break concept.

Greater Geelong advised that it had commenced scoping for a project which would define a long term boundary for urban Geelong. It estimated that this project would take between 18 to 24 months to complete but noted that expectations needed to be managed around adding land into the growth area just because the land is potentially developable. Its view was that the green break between Torquay and Geelong could be achieved by retaining intact Farming Zone properties between Mount Duneed/Lower Duneed Road and the southern edge of the Armstrong Creek UGA.

The previous background work undertaken by Council, and developed through various Armstrong Creek amendments, demonstrated that the current growth boundary was put in place on the basis of it being a long term and enduring boundary, but there will be a further opportunity for it to be reviewed as part of the long term boundary project.

Mr Czarny’s evidence was the Sprague Farm /DFC land should be defined as an ‘investigation area’ within the draft SPP and shown hatched on various plans. However, Mr Czarny noted this should not define or limit Greater Geelong’s investigation of the long term boundary.

Greater Geelong advised it was cognisant of Ms Scott’s work and the draft SPP, which will be considered when the Council undertakes its long term boundary review as part of its Settlement Strategy.

Greater Geelong did not agree with the Boral suggestion that its land be nominated as an Investigation Area in the draft SPP due to its strategic importance to Geelong’s future. It advised the appropriate forum for this issue to be considered is as part of the development of Council’s Settlement Strategy.

In its closing, the Proponent noted:

That the manner in which the northern boundary of the declared area with the Armstrong Creek Urban Growth Area in Geelong is addressed in the draft SPP is appropriate and that:

- a. It is premature to seek to determine the location of the protected settlement boundary at this time.
- b. That further strategic work and landscape impact assessment will be required before the protected settlement boundary of Armstrong Creek for Geelong can be finalised²⁶³.

This appears to be a shift from its earlier position on this issue.

18.3 Discussion

The Committee can appreciate the views raised by many submitters that their land may be suitable for residential development. However, based on the limited strategic planning information before the Committee, it is not appropriate to make any recommendations about their land at this point in time.

²⁶³ Document 332, para 132

The Committee is aware of the significant and robust work that Greater Geelong has undertaken in the past in relation to providing appropriate areas for residential growth. The Committee concurs with Greater Geelong's submission there are strategic planning processes in place which can facilitate the timely review for development of land for residential growth. It is acknowledged that some work has gone into identifying the area south of Armstrong Creek as prospective sites for future residential growth. Additional work would need be undertaken to demonstrate appropriateness of further urban growth.

The Committee does not believe it is necessary for the draft SPP to be deferred until the Armstrong Creek UGA is ultimately resolved. While this is an important facet of the draft SPP, the remainder of the draft SPP could proceed without adverse impact on the broader DAL. Greater Geelong is ideally placed to lead this investigation in due course (noting the timing is subject to its competing demands on strategic planning resources and time).

The Committee is perplexed that the Whites Road properties were included in the DAL declaration. It notes the confusion and lack of early engagement with residents and property owners within the precinct. Potentially, if a more robust consultation process had occurred, these properties may have been excluded and not resulted in associated stress and anxiety to the landowners.

There was clearly a failure in engaging and consulting with this community regarding this process and 'consulting' with someone after the fact is not appropriate. It appears ongoing discussions and involvement between DELWP and Council officers occurred, and the Committee notes Mr Smith ultimately acknowledged that Council officers accepted the term 'collaboration' to describe its role in the Surf Coast DAL²⁶⁴.

18.4 Findings

The Committee finds:

- The land holdings between Mount Duneed Road/Lower Duneed Road and the Armstrong Creek UGA should not be included in the draft SPP as a potential investigation area.
- Greater Geelong should determine the location of the protected settlement boundary at an appropriate time in the future.

18.5 Recommendations

The Committee recommends:

- 23. Delete reference to the land south of the Armstrong Creek Urban Growth Area in the draft Statement of Planning Policy.**

²⁶⁴ D260g

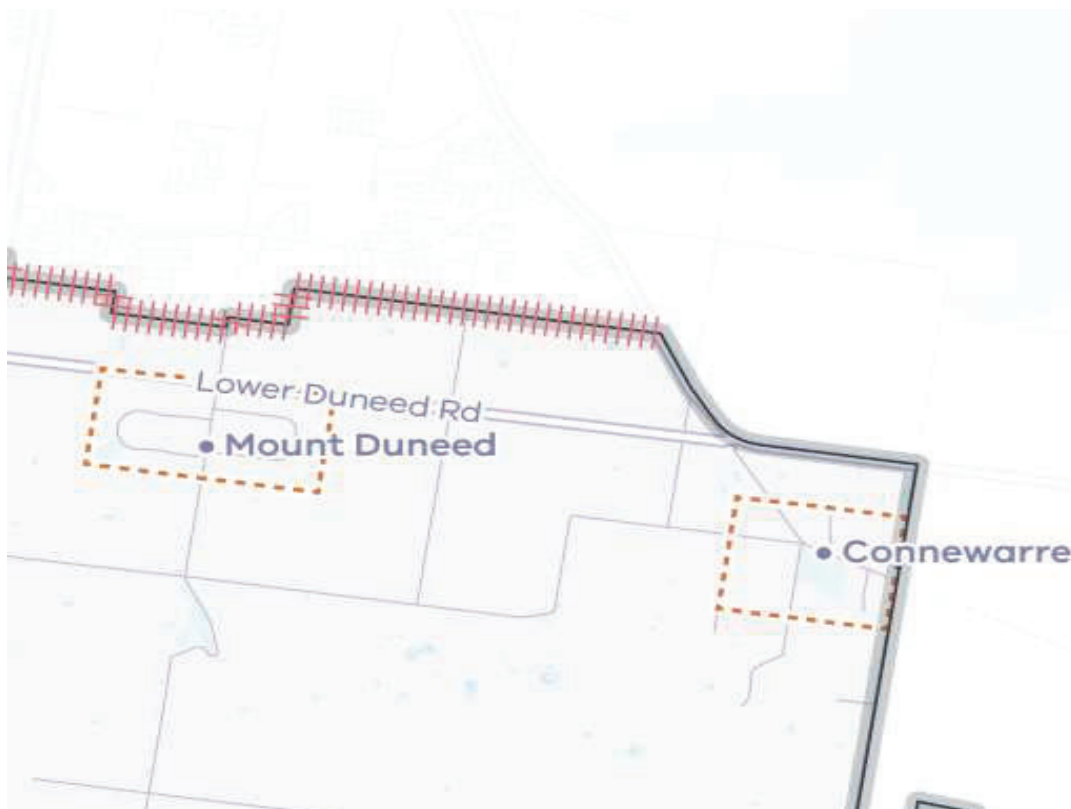
19 Mount Duneed, Connewarre and Breamlea

19.1 Mount Duneed and Connewarre

(i) Background

The hamlets of Mount Duneed and Connewarre land are located south of Lower Duneed Road in Surf Coast Shire. The hamlets form part of the green break between the Armstrong Creek UGA and Torquay in the regionally significant Mount Duneed Plain and surrounds landscape (Figure 18)²⁶⁵.

Figure 18 Mount Duneed and Connewarre location



Source: Settlement Background Paper

The draft SPP identifies Mount Duneed and Connewarre as:

Hamlet/locality: a cluster of rural residential dwellings

These settlements are not designated for growth.

Both settlements are located in the LDRZ. A small portion of land on the southern edge of Connewarre is impacted by the Salinity Management Overlay, which seeks to reduce and manage the impacts of salinity on the land.

The key issue to be resolved is:

- Whether the protected settlement boundary should apply to Mount Duneed and/or Connewarre.

²⁶⁵ Background Settlement Paper

(ii) Evidence and submissions

The Proponent submitted Mount Duneed and Connewarre are not identified as locations for future growth in current strategies. These areas have restricted opportunities for additional housing capacity due to infrastructure servicing requirements. The Surf Coast Planning Scheme at Clause 21.02-3 requires a minimum lot size of 1.0 ha through the LDRZ. It further requires green breaks between settlements (particularly Geelong and Torquay) and the coastal settlements to be maintained.

Ms Scott recommended:²⁶⁶

- the existing subdivision pattern of these areas be retained
- native vegetation in the Mount Duneed Road corridors is protected and increased, to screen the edge of residential development from view.

The Proponent noted the importance of protecting the green break between Torquay and the Armstrong Creek UGA, and that there should be no development of additional new, low density or rural living areas outside of the existing settlements of Mount Duneed and Connewarre.

Mr Woodland gave evidence that the current planning context and the limited access to infrastructure and landscape settings was a sufficient basis to apply a settlement boundary²⁶⁷.

Ms Scott's evidence in chief was consistent with this view, noting there was very little pressure for development in the area and a permanent boundary would be appropriate.

Mr Hazell gave evidence that Mount Duneed and Connewarre were at risk from grassfire, however he considered the proposed settlement boundaries of the draft SPP were favourable from a bushfire management perspective because they provided a clear basis for managing permanent hazard edge through planning decision-making.

Surf Coast did not make submissions with respect to the introduction of the settlement boundaries for Mount Duneed and Connewarre and the Committee assumes this was because the lack of objecting submissions about these two areas.

Those submissions that referred to these two hamlets supported the settlement boundaries and the need to contain growth.

(iii) Discussion

The Settlement Strategy notes Mount Duneed comprises about 80 large, low density residential lots in two semi-circular subdivision patterns either side of Horseshoe Bend Road to the south of Mount Duneed Road. It notes the Connewarre low density residential area is located at the north-eastern edge of the declared area, and it is centred on Bluestone School Road immediately to the south of Mount Duneed Road and Barwon Heads Road. It comprises about 40 lots laid out in an informal, grid pattern arrangement.

Both Mount Duneed and Connewarre have restricted land capability in terms of infrastructure servicing, with the on-site treatment of waste present in both areas.

²⁶⁶ Volume 2

²⁶⁷ Document 31

The submissions and evidence in relation to the need for a settlement boundary were unchallenged. The Committee agrees no further development external to the boundary should be contemplated, and protections are necessary to signal that future extension of these areas should not occur.

What is less clear is why the draft SPP considers that these hamlets require a settlement boundary and why they are not defined within a protected settlement boundary which is the approach in relation to Breamlea. The Committee considers that the difference is confusing and unhelpful, as a result it is considered that Mount Duneed and Connewarre be contained within protected settlement boundaries and not settlement boundaries as outlined in the draft SPP.

(iv) Findings and recommendations

The Committee finds:

- It is appropriate define protected settlement boundaries for Mount Duneed and Connewarre.

The Committee recommends:

24. Include Mount Duneed and Connewarre a protected settlement boundary.

19.2 Breamlea

(i) Background

Breamlea is located in the City of Greater Geelong. Breamlea is a secluded coastal village of about 100 houses located in the coastal dunes to the east of Torquay—Jan Juc.

The Township Zone is applied to all private land in the hamlet, and a BMO, ESO1 and DDO22 apply to this area. This means development must be compatible with identified environmental values and design and development objectives, and bushfire protection measures must be implemented. The existing planning scheme controls do not identify the village for increased dwellings or redevelopment.

The key issue to be resolved is:

- Whether Breamlea should be included in a protected settlement boundary and whether SLO9 should be applied to the village.

(ii) Evidence and submissions

The Proponent's various documents conflicted in relation to whether or not the SLO9 was proposed for the village. The draft SPP and *Background Settlement Paper* both indicated that the village would not be affected by the SLO9, while the mapping of the overlay suggested application of the SLO9 to the township.

The evidence of Mr Woodland in relation to Breamlea noted the settlement is not currently identified for growth, is located in a sensitive natural environment²⁶⁸, and is in a landscape setting assessed as being of state significance²⁶⁹. Balancing these considerations, his view

²⁶⁸ Document 32

²⁶⁹ Volume 2

was there was sufficient basis to determine the settlement boundary without the need to undertake further assessments.

Mr Hazell's evidence supported the SPP, because it did not promote settlement-related development in areas closer to regional scale bushfire hazards and bushfire hazards. Mr Hazell noted the SPP included the emphasis on Breamlea to discourage vegetation removal and sought integration for development with vegetation. However, given Breamlea is wholly located within the BMO because of defensible space requirements, it will likely result in less vegetation within loss over time if planning permits are granted.

Greater Geelong supported the designation of Breamlea in a protected settlement boundary and noted that its existing Planning Scheme does not identify Breamlea for increased dwelling density or redevelopment. Greater Geelong observed that Clause 21.06-2 includes a strategy to prevent further subdivision and medium-density housing in Breamlea.

Through the relevant submissions, there was strong community sentiment for Breamlea to remain a small village with no further growth opportunities and to protect the surrounding area from future development.

Submissions highlighted Breamlea as a unique settlement located adjacent to Breamlea Flora and Fauna Reserve and Karaaf Wetlands, which are sites of state and national ecological and Aboriginal cultural heritage significance. The Geelong Environment Council submitted "*Breamlea is a unique and beautiful coastal village with extensive wetlands and values*".

(iii) Discussion

The *Background Settlement Paper* recommended strengthening existing planning provisions for Breamlea to be undertaken as part of a future implementation process.

The changes include refining new Township Zones that would be applied to protect Breamlea by²⁷⁰:

- preventing any additional development within the dunal landscape or beyond the extent of the current Township Zone
- requiring new development to not be visible from Breamlea Beach or from the adjacent primary dune
- requiring new or replacement development in Breamlea to be nestled into the coastal vegetation, with vegetation removal minimised
- reviewing the existing planning provisions achieve the neighbourhood character objectives, and the landscape, building heights, building site coverage and permeability requirements
- including design standards to minimise the visibility of structures in the coastal environment; and the inclusion of siting and design standards.

The draft SPP identifies Breamlea is to be contained in a protected settlement boundary to restrict further growth, and defines it as:

Village: a small settlement with a low population. Bellbrae and Breamlea are small settlements and designated for minimal change with no further greenfield growth²⁷¹.

²⁷⁰ Document 59

The Committee agrees that Breamlea is a unique settlement that forms part of the State significant Torquay Coast, Coastal Saltmarsh and Woodland landscape that is highly valued by the community. It considers a protected settlement boundary is appropriate and will ensure that no further expansion of the village will occur. Any further development (infill or otherwise) should be carefully managed to prevent detrimental impacts on the fragile ecosystem surrounding the settlement.

The application of SLO9 to Breamlea is discussed in Chapter 9.

(iv) Finding

The Committee finds:

- It is appropriate to apply a protected settlement boundary to Breamlea.

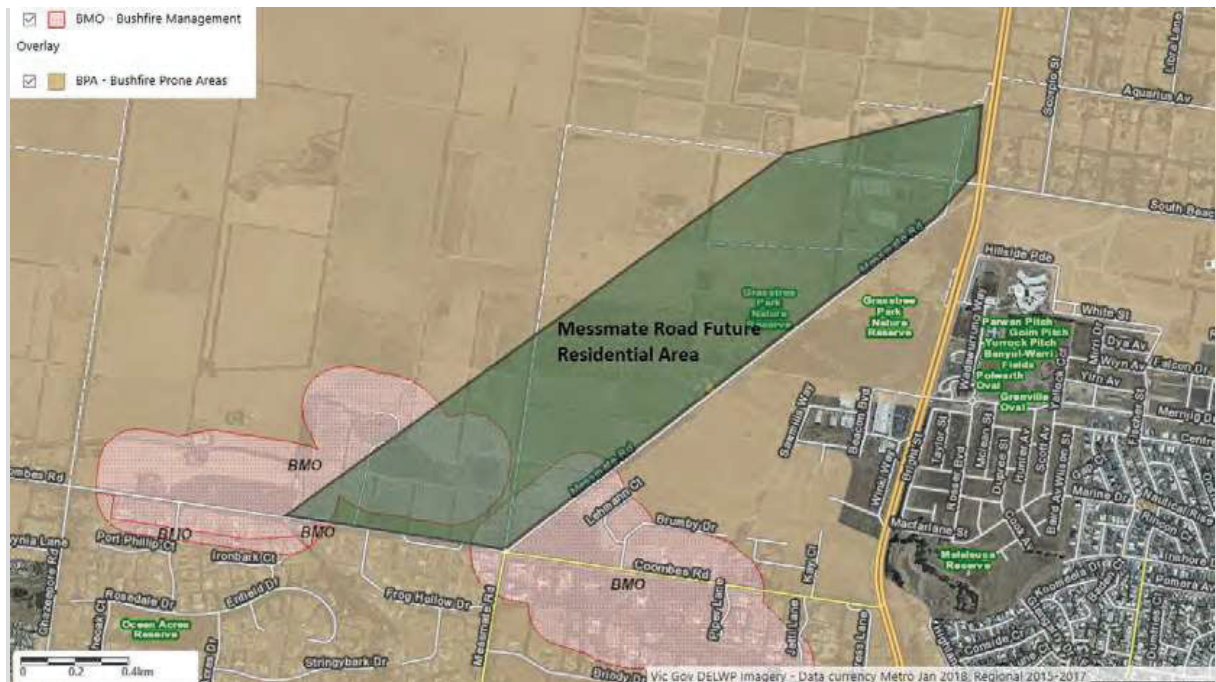
20 Messmate Road Future Residential Area

20.1 Messmate Road FRA

(i) Background

The Messmate Road FRA is located north west of Torquay – Jan Juc township within Surf Coast Shire, as shown in Figure 19.

Figure 19 Messmate Road Future Residential Area



Source: Settlement Background Paper

The Messmate Road FRA interfaces with the relatively recently developed area between Grossmans Road and Coombes Road. The land between the Messmate Road FRA and Torquay–Jan Juc contains the Grasstree Park Nature Reserve and commercial and industrial uses. It is a largely vacant parcel currently used for rural purposes.

The Messmate Road FRA is currently located with the FZ and Public Use Zone and partially subject to a BMO²⁷². The Messmate Road FRA is identified in the Surf Coast Planning Scheme as a location appropriate for future residential expansion.

The key issue to resolve is:

- The extent of the protected settlement boundary in and around the Messmate Road FRA.

²⁷² Settlement Background Paper

(ii) Submissions and evidence

The Proponent submitted the Messmate Road FRA is based on the current settlement boundary and should be contained within a protected settlement boundary²⁷³. The draft SPP outlined:

The Messmate Road future settlement area is in a landscape of regional significance and designated for urban growth that responds to this setting. Residential development will make a positive contribution to the coastal character of Torquay–Jan Juc and have a strong connection to the surrounding hinterland landscape. This will be achieved with low-rise buildings set within well-landscaped gardens and a generous transition area at the urban rural interface.

The Settlement Background Paper indicated the ridgeline will act as the boundary for urban development and more work is required to accurately identify the ridgeline. The draft SPP noted:

Development at the urban-rural interface will not extend past the ridgeline and building heights will not protrude above the ridgeline.

Alternative non-residential uses (such as sensitive eco-tourism development and community infrastructure) may also be accommodated in this area.

In its submission, the Proponent stated:

Rather than providing the level of detail which a Precinct Structure Plan or planning control would ordinarily contain to guide development outcomes, the purpose of the draft Statement of Planning Policy is to provide the underpinning for future more detail-oriented decision-making.

The evidence of Mr Woodland acknowledged the area was based on the current settlement boundary. His view was that more work should be conducted to identify the ridgeline which will act as the boundary for urban development and to limit building heights. In cross examination, Mr Woodland was asked whether the location of the urban boundary at Messmate Road should be resolved now or later. His opinion was that the location of the ridgeline should be “*locked in now*” if consensus between parties was reached but deferred to a subsequent process if further discussions were required.

Consistent with Mr Woodland’s advice was Ms Scott’s evidence that the Messmate Road FRA was appropriately included within the extent of the township boundary. Ms Scott characterised the area as being of low level landscape significance due to its altered character. She concluded that any proposed development of the area may provide the opportunity for positive landscape change, through the provision of re-vegetation, including re-vegetation of the ridgeline with appropriate indigenous species.

Mr Hazell gave evidence that:

There is no landscape bushfire reason why the land cannot be included into the protected settlement boundary. The bushfire risk at the interface to the west, if development proceeds, would be from grassfires. Grassfires can be managed through the form of development.

There is no site-scale reason why required bushfire setbacks cannot be achieved to meet planning scheme bushfire exposure requirements (12.5kw/sq.m of radiant heat) and an area of BAL:Low can be provided that will provide a place where people can

²⁷³ Document 28

be protected from bushfire (this would be in low fuel developed areas). These outcomes are required by c13.02-1S Bushfire Planning.

Mr Hazell raised concerns that the form of future development required careful management as the draft SPP envisaged elements that may not be bushfire appropriate. He referred to statements within the background documents which included reference to a “*vegetated urban fringe treatment*”²⁷⁴. His evidence was that regard should be given to a development form appropriate for managing bushfire. Mr Hazell preferred a hard edge such as a perimeter road as an effective settlement interface for bushfire hazard, consistent with recent DELWP guidelines²⁷⁵.

Surf Coast supported the inclusion of the Messmate Road FRA as a residential growth area, consistent with the existing Planning Scheme at Clause 21.08²⁷⁶. In its submission, Council offered suggested wording to ensure future development in the Messmate Road FRA does not occur on the ridgeline and further, would not be visible above it. Council raised concerns in relation to the complexity of resolving the composition of the growth area, including mechanisms to manage landscape impacts, allocation of open space and the suite of zones that might be applied.

Council’s position was that the final composition of the ridgeline should be based on survey work and cautioned against using vegetation in lieu of other mechanisms to manage the visual impact of the landscape. It contended that the use of vegetation to complement the interface was a sound principle, but that the use of vegetative screening alone was not an effective tool to manage visual impacts. It further cautioned that, due to the transient nature of vegetation, and the need to manage vegetation for the mitigation of bushfire risk, reliance on vegetation cannot be assured.

Ms Scott confirmed the scope of her work was not to finalise or detail the boundary. Surf Coast have sought to support the designation of a permanent settlement boundary but did not indicate its preference for its location. In closing, Council indicated this should be undertaken as further work, noting Council did not call evidence that would have assisted to define the boundary.

Mr Woodland suggested the further work should be undertaken only if general consensus was not reached.

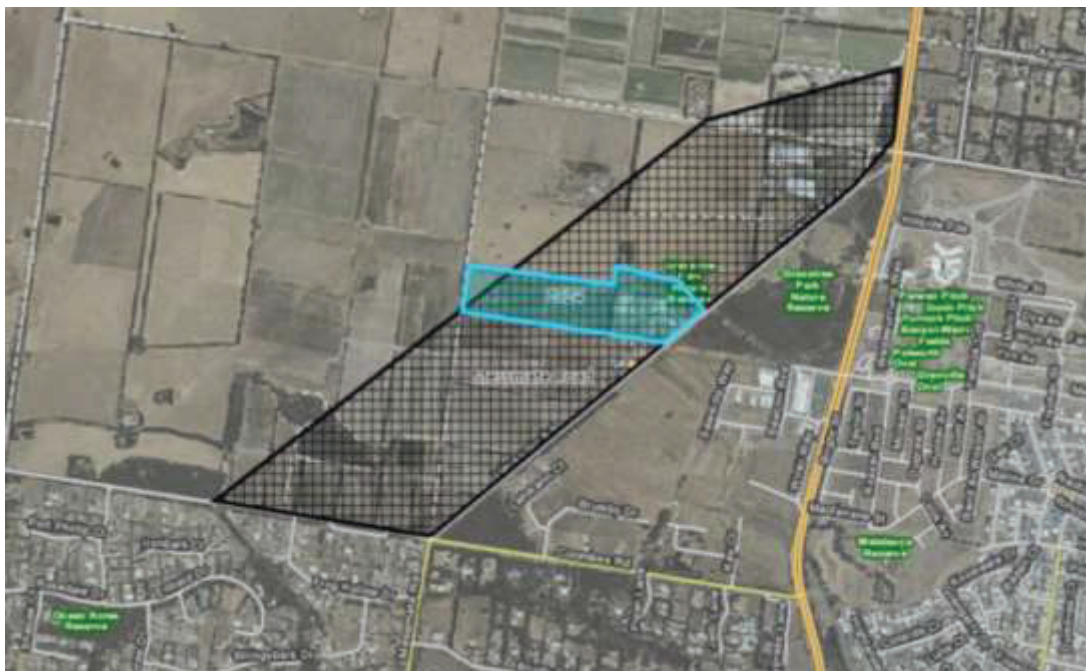
The submissions and evidence of MAKE Ventures and Anseed Pty Ltd were focused on the future of the Messmate Road FRA and the extent of the area (see Figures 19 and 20).

²⁷⁴ Settlement Background Paper

²⁷⁵ DELWP, Design Guidelines: Settlement Planning at the Bushfire Interface

²⁷⁶ Submission 3050

Figure 20 Submission no.2824 MAKE Ventures



Source: Submission 2824

Figure 21 Submitter 2795 including and north of Messmate Road FRA



Source: Submission 2795

The submission from MAKE Ventures focussed on 120 Messmate Road, one of the parcels within the Messmate Road Precinct and sought the following recommendations²⁷⁷:

²⁷⁷ Document 194

- That the settlement boundary to the rear of the land fronting Messmate Road should accord with the southern extent of the Thompson Creek Valley viewshed as depicted in Mr Schutt's evidence.
- That the boundary be defined as a settlement boundary, rather than as a protected settlement boundary, pending further review of the need for the Messmate Road Precinct to accommodate future long-term growth.
- That the interface treatment along the settlement boundary should be subject to further detailed work as part of the outline development plan for the Messmate Road Precinct, with consideration of a well-vegetated reserve straddling the ridgeline in the order of 60m in width, potentially incorporating open space, pathways or cycle trails and scattered tree planting at 15-20m spacing.

Make Ventures called evidence from Mr Schutt on landscaping and visual impacts. Mr Schutt presented a visual impact assessment for the land that detailed the site and its characteristics²⁷⁸. His evidence outlined the area he considered constituted the ridgeline at the Messmate Road FRA which was plotted using two metre contour data. Mr Schutt's evidence was the land south of the ridgeline was outside the Thompson Creek Valley and therefore not within its visual catchment. He considered the ridgeline provided a logical boundary for development within the FRA. He explained the refinement of the boundary would maintain the green break between Armstrong Creek and Torquay²⁷⁹. During questioning by the Proponent on the extent of development within the Messmate Road area, Mr Schutt opposed urban development extending north of the ridgeline to include the Anseed land.

From the evidence, Ms Scott and Mr Schutt agreed that parts of the MAKE Ventures and a small area of the Anseed land are suitable for future urban development. These areas were located south of the ridgeline. Through cross examination, Ms Scott stated she was instructed that more work was being conducted to identify the ridgeline which would act as the boundary for urban development. No further submissions were provided from Surf Coast or the Proponent in this regard.

Both Ms Scott and Mr Schutt agreed that it was important the preferred built form in relation to the ridgeline be resolved prior to development in the Messmate Road area being permitted. This would ensure consistency with current local policy and strategy contained in the draft SPP that high points and ridgelines should remain free from development, such that views to elevated areas of landscape revealed the natural form of topography and vegetation against the sky, rather than being dominated by built form.

Both Mr Schutt and Ms Scott gave evidence there could be an appropriate treatment of ridgeline with a 60 metre vegetated buffer straddling the ridgeline. This included the opportunity for development setbacks from the ridgeline, and alternative treatments along the height of the ridge. Ms Scott accepted the revised alternative wording to the strategy relating to the issue of the ridgeline proposed by MAKE²⁸⁰.

Anseed's submission focussed on its site at 1350 Surf Coast Highway, a site with an area of 144 hectares currently used as a turf farm. The submission sought the inclusion of its site into the broader Messmate Road FRA. Anseed submitted the draft SPP and its proposed

²⁷⁸ Document 40

²⁷⁹ Document 30 page 19

²⁸⁰ Document 30, Appendix B

protected settlement boundary was undertaken on the basis of landscape values alone, without having resolved broader settlement questions such as the future of Spring Creek and without having taken into account other critical factors²⁸¹.

The site is located partially within the proposed Messmate Road FRA, but the submission sought to have further land holdings included into the FRA. Anseed called planning evidence from Ms Rigo who considered the site to be a logical inclusion in the protected settlement boundary due to its configuration and interrelationship with the Messmate Road FRA. It was her evidence that future development could be undertaken on the Anseed site in a manner respectful of the ridgeline and adjacent development extents.

Other submissions made in relation to the precinct supported the establishment of biolinks and connectivity between existing and new areas of development such as Grasstree Park Nature Reserve and Messmate Road²⁸².

(iii) Discussion

The draft SPP proposed to include the Messmate Road FRA in the protected settlement boundary. It designated this area as suitable for sympathetic urban growth comprising low-rise buildings set within well landscaped gardens and a generous transition area at the urban-rural interface.²⁸³ Alternative non-residential uses (such as sensitive eco-tourism development and community infrastructure) were identified as appropriate in this area.

Generally, the Messmate Road FRA was not a contested matter. It generated little interest from the community and the contested issues were landowner submissions and evidence about opening the area up further to the north for future development.

The draft SPP proposes the introduction of a protected settlement boundary, with the ridgeline acting as the boundary for urban development. However, further work is required to accurately define the ridge. Ms Scott confirmed the scope of her work was not to finalise or detail the boundary. Surf Coast have sought to support the designation of a permanent settlement boundary but did not indicate its preference for its location. In closing, Council indicated this should be undertaken as further work, noting Council did not call evidence that would have assisted to define the boundary.

Mr Woodland suggested the further work should be undertaken only if general consensus was not reached.

The Committee finds it unusual that a settlement boundary is proposed, but that its location remains in question at this stage of the process.

The Committee found the evidence of Mr Schutt thorough and helpful. He had clearly undertaken a detailed investigation of the area and provided advice that clearly defined the ridgeline. In this case and in the absence of any detailed work presented by the Proponent or Surf Coast, the Committee accepts and supports the work undertaken by Mr Schutt.

The Committee does not accept the position advanced in evidence by Ms Rigo, nor does it accept the submissions by Anseed in support of including the full extent of its land within an

²⁸¹ Document 195

²⁸² Submissions 3045, 2896 and 2903

²⁸³ Draft SPP

area for future investigation. This for two reasons. First, the Committee is not satisfied the position to extend the boundary further north is strategically sound and it does not consider it to be supported by the planning scheme. Second, it is not considered the land has been the subject of any specific landscape assessment or analysis, especially as it is located at a highly visible point in proximity to the highway.

Taking these two reasons together, the Committee accepts the designation of this area in the DAL elevates issues of landscape. Accordingly, the Committee considers it is premature to include the Anseed land within the protected settlement boundary or to identify it as an area suitable for future investigation at this time. However, it is noted that, consistent with Mr Woodland's advice, should the Proponent not accept the Committee's findings in relation to Spring Creek, it will be necessary for further areas to be explored.

(iv) Findings and recommendations

The Committee finds:

- The ridgeline should be defined in accordance with the evidence of Mr Schutt.
- The Anseed land should not be included in the Messmate Road FRA nor should the Anseed land be included in the protected settlement boundary.

The Committee recommends:

- 25. Finalise the boundary for the Messmate Road Future Residential Area through closer definition of the ridgeline (based on the evidence of Mr Schutt).**

20.2 Intrapac Property

(i) Background

Intrapac Properties requested the settlement boundary extend to land north-west of the Messmate FRA area, north to Blackgate Road and west to Ghazeepore Road as shown in Figure 23²⁸⁴. The site is currently located in the FZ and is not subject to any overlays.

²⁸⁴ Document 245 and Submission 2691

Figure 22 Intrapac landholdings

Source: Intrapac Property submission (D245)

The *Background Settlement Paper* identifies this location for agriculture and did not identify it for future residential growth. The Draft SPP and framework plan identified this area as a green break.

The key issue to resolve is:

- Whether land the Intrapac land should be recognised as an investigation area for future residential development.

(ii) Submissions and evidence

Ms Scott did not specifically analyse this property, but it is considered reasonable to use the Messmate Road FRA site assessment (adjacent properties). That assessment identified the land as generally part of the regionally significant Mount Duneed Plain and surrounds landscape where protecting natural ridgeline and landscape values from encroaching development is appropriate. She noted that any further development north of the area into the green break between Torquay-Jan Juc and Geelong should be prevented.

Intrapac Property submitted its landholdings/interests be further investigated for future development. Key reasons included:

- future housing supply is unclear
- future settlement has ability to generate net community benefit
- allow for robust assessment of land capacity
- allow for appropriate interface and transition areas.

(iii) Discussion

The Committee recognises that significant strategic work in the past has identified the Messmate FRA areas as being appropriate for future residential growth, including the identification within existing planning provisions. As previously outlined, these areas are the subject of necessary further work to identify its outer boundary.

The submission of Intrapac Properties was not supported by evidence or detailed information. There has been no evidence or detailed analysis to the Committee that has

demonstrated why and how this area should be included as a prospective site for future residential growth.

No detailed planning study, landscape analysis or a broader assessment of the surrounding locality has been undertaken to determine the merits of such a proposal. The Committee does not have sufficient planning information before it to reach a definitive conclusion that the site should be included as an investigation area.

(iv) Findings

The Committee finds:

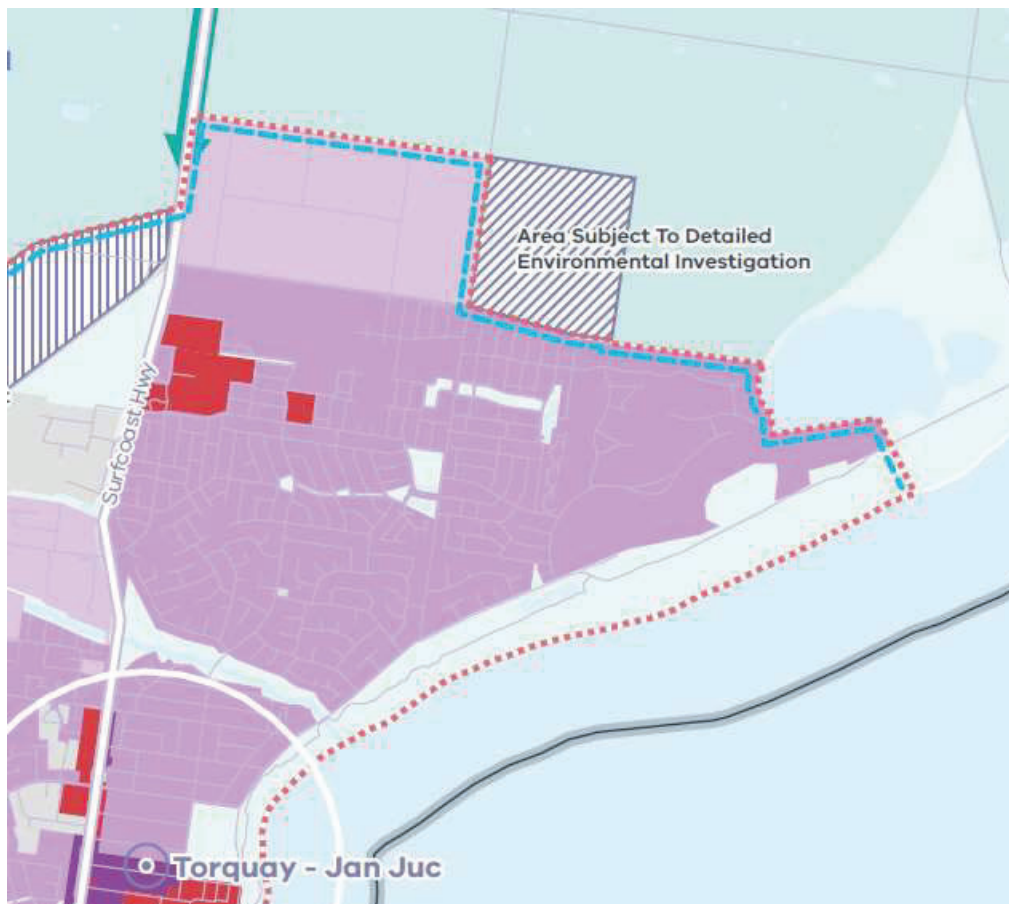
- Intrapac Properties landholding/interests should not be included in the SPP as a potential investigation area.

21 Torquay North East Investigation Area

21.1 Background

The TNEIA is located east of Horseshoe Bend Road, close to the Torquay North Neighbourhood Activity Centre as shown in Figure 23.

Figure 23 Torquay North East Investigation Area Location



Source: Draft SPP Insert from Protected Settlement Boundary Maps (10 and 11)

The TNEIA site is currently located in the FZ and is not subject to any overlays. The site is agricultural land which is currently used for flower production and other rural activities.

The area is noted in the draft SPP as a future residential investigation area, which is consistent with the Surf Coast Planning Scheme at Clause 21.08.

The key issues to be resolved are:

- whether the TNEIA is suitable for residential development
- whether the area should be included in the protected settlement boundary
- the extent of the area for consideration as an investigation area, including the 'Lambidgee' land to the north.

21.2 Submissions and evidence

The Proponent's submission was the TNEIA should be excluded from the settlement boundary at this time due to the lack of resolution regarding a way forward to manage

stormwater adversely impacting the Karaaf wetlands. Despite the land being noted in the Surf Coast Planning Scheme as a potential investigation area, Council submitted the site should not be developed for residential purposes.

The evidence of Ms Scott was the site, if considered in isolation, is of local landscape significance. She noted the site and its hedgerow along Horseshoe Bend Road provided 'visual green relief' immediately adjacent to the built-up edge of Torquay. She observed there would be a visual landscape impact associated with residential development on this land but given the altered landscape character and low landscape significance, this should not preclude the TNEIA being included within the settlement boundary.

Her evidence was that any future residential development should not mimic the development which has occurred immediately to the south, where she observed there is minimal permeability and landscaping and maximal building footprint. This has resulted in a landscape and neighbourhood character which she considered to be incongruous with the surrounding significant natural landscape setting.

The evidence of Mr Woodland was the TNEIA should remain outside of the protected settlement boundary and any change could wait until the 10 year draft SPP review in light of the lack of certainty around the site's stormwater issues.

The Proponent's background report by Ecology and Heritage Partners determined the TNEIA has little to no ecological value and, on that basis, is suitable for future development²⁸⁵. The Report suggested while the TNEIA has minimal ecological features of note or concern, any development application in the area must "*heavily consider the ecological significance of the Breamlea Flora and Fauna Reserve*", the extent of existing disturbance from upstream development, as well as opportunities for enhancing biodiversity²⁸⁶. Further investigations would be required for any suggested change of use and development on this land, including potential for impacts on Matters of National Environmental Significance which may require referrals under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Professor Fletcher provided some commentary on the Karaaf Wetlands, Breamlea Flora and Fauna Reserve and related hydrological considerations²⁸⁷. This included response to other submitters and expert evidence (particularly Mr Trengove and Dr Dutson), concurring with ecological concerns for the Karaaf Wetlands in the absence of further work to mitigate potential impacts should areas upstream be further developed.

Professor Fletcher explained that he did not have a view on whether the TNEIA should be developed or not, rather his evidence was directed at considering stormwater impact on the Karaaf wetlands from any further residential development.

Mr Tomkinson submitted the TNEIA should be included in the protected settlement boundary as it had been identified there were no significant landscape, ecology, heritage or bushfire issues²⁸⁸. Further, he submitted the site:

- has a slight fall making it suited to residential use

²⁸⁵ Ecological Opportunities and Constraints Assessment

²⁸⁶ Ecological Opportunities and Constraints Assessment, page 32

²⁸⁷ Document 29

²⁸⁸ Submission 2866

- has utilities and services already available
- can be connected to the public transport routes
- has community services and facilities nearby.

While acknowledging there was concern with the safety and operation of the Pintail Dam, Mr Tomkinson advised the dam is safe, having been assessed by Southern Rural Water experts. He submitted it is planned to be decommissioned and relocated well away from existing residential development, to the north west corner of Blackgate Road and Minya Lane (subject to approval).

Mr Harding made a submission on behalf of Lambidgee Farm, which is a rural allotment immediately north of the TNEIA²⁸⁹. He submitted this site warranted further investigation for residential development, in particular to provide an opportunity for modest, economic growth and diverse housing stock while achieving the important environmental outcomes highlighted in the draft SPP.

Other submissions regarding the TNEIA did not support future development due to potential adverse impacts on the Karaaf wetlands flora and fauna, increased congestion and other matters associated with increased growth and its impact on the broader community (note these are discussed in Chapter 13).

The SCEG advised Parks Victoria has commenced a process of nominating the Karaaf wetlands for inclusion in Victoria's RAMSAR register, noting its significance *"The salt marshes form critical habitat for a number of state and federal-listed threatened species, including migratory shorebirds, as well as the critically endangered Orange-bellied Parrot, for which DELWP is responsible for actions under a nationally agreed recovery plan."*²⁹⁰ The submission from Parks Victoria did not make reference to this, although it did suggest references to conservation reserves be enhanced in the SPP²⁹¹.

21.3 Discussion

The draft SPP proposes to exclude the TNEIA from the protected settlement boundary as further technical work is required to determine whether stormwater flows can be adequately managed to avoid further adverse impacts on the Karaaf wetlands fauna and flora. If the TNEIA is included within the settlement boundary further work will be needed:

- to define the acceptable development extent and how its visual impact can be managed
- to determine if the loss of agricultural land (in terms of future economic potential and job creation) is suitable for residential development
- understand the potential impact on Torquay airport operations
- review the future of the Pintail dam.

The issue as it relates to hydrology is discussed in Chapter 13.2. The area has no known significant environmental, cultural heritage or natural resource constraints.

It is not proposed that a SLO would apply to this land.

²⁸⁹ Submission 2800

²⁹⁰ Document 81

²⁹¹ Submission 3045

The broader site may be suitable for residential development at some time, but based on the limited information before the Committee, it is not appropriate for that development to occur now. The outstanding matter to resolve is a stormwater management strategy to protect the Karaaf wetlands. Placing a hold on further work until the stormwater strategy can be resolved is prudent, resulting in delaying the evolution and progression of this site from agricultural land to residential purposes.

Potentially, other land surrounding the TNEIA for future residential development may be appropriate, such as Lambidgee Farm north of the TNEIA. This could assist in providing modest, economic growth and diverse housing while still achieving the important environmental outcomes highlighted in the draft SPP.

It is acknowledged that some work has gone into identifying the TNEIA as a prospective site for future residential growth, and while surrounding and nearby land appears homogeneous, a more detailed planning study that reviews the broader area should be undertaken to determine the merits of such a proposal. The Committee does not have sufficient planning information before it to reach a definitive conclusion as to whether the site should be included in the protected settlement boundary at this time.

21.4 Findings and recommendations

The Committee finds:

- The TNEIA may have potential for residential development in the future due to uncertainty about stormwater management and impacts on the Karaaf wetlands, however it should be retained as a potential Investigation area.

The Committee recommends:

- 26. Retain the Torquay North East Investigation Area in the draft Statement of Planning Policy Framework Plan.**

22 Central Torquay

22.1 Background

The *Settlement Background Paper* identifies locations with opportunities for urban consolidation. It sets out the rationale for defining built form controls for commercial and residential areas to better protect and enhance places of important heritage, landscape and environmental value and the preferred character of settlements. It notes the prevalent vegetation character of Torquay-Jan Juc is an important contributor to township character and to how it relates to its surrounding landscape. The supporting landscape work recommended the inclusion of vegetation, landscaping and permeability requirements as a variation to the schedules of the Residential and Township zones, to ensure a more successful settlement-to-landscape relationship.

The SPP states that Torquay- Jan Juc has unique values and distinctive attributes that make the Surf Coast a desirable place to live, work and visit. It further notes the sustainable management of growth in Torquay–Jan Juc means exploring opportunities for urban consolidation ahead of developing greenfield areas. The SPP identifies, and seeks to provide a framework for, residential change areas and activity centres within Central Torquay based on the *Settlement Background Paper*.

The key issues to be resolved are:

- Activity Centre designation
- how the draft SPP reflects development opportunities in Central Torquay.

22.2 Evidence and submissions

The Proponent’s background reports sought to identify the unique values of Torquay-Jan Juc and Bellbrae, and to establish preferred township character statements and framework plans for each location. The Ethos Urban report contained an overview of the existing zoning and built form controls that apply to the townships and made recommendations for modification to zones and built form controls in various locations. The report identified that one of the main threats to the township character of Torquay (and ‘old’ Torquay in particular) is larger scale development and further subdivision of the residential areas²⁹².

In his evidence, Mr Woodland said that old Torquay is the preferred location for infill development under existing policy. He noted the housing capacity analysis contained within the *Settlement Background Paper* adopted an assumption that between 30 and 50 per cent of lots in this area will be developed as infill housing²⁹³.

Mr Woodland was concerned the background documents had not fully demonstrated how a balance could be struck between valued character, enhancing landscape attributes and residential growth in Central Torquay with respect to the changes it recommended. He did not consider there was sufficient justification for the proposed built form actions described in the draft SPP. He expressed the view that the proposed landscape planning controls did not include any proposed changes to zones or built form controls within the settlement

²⁹² Township Character Study

²⁹³ Document 31

boundaries, and the Coastal character statement and associated strategies contained within the draft SPP provided relatively broad descriptions of the preferred future neighbourhood character of the settlements. Mr Woodland speculated that the content of the *Background Settlement Strategy* and the SPP had not relied on the Ethos Urban report, as they drew more from the analysis and recommendations contained in the reports prepared by Claire Scott Planning.

On page 39 of his evidence Mr Woodland opined:

I consider that further analysis is needed in relation to the Township Character Assessment (Ethos Urban) and proposed township statutory controls (Claire Scott volume 3) before determining what changes might need to be made to zoning and built form controls under the planning scheme. This analysis should assess in greater detail those specific elements of built form and character that need to be retained in future in order to preserve/create a desired future character, as well as whether achieving this preferred character is likely to have any implications on the realisation of infill housing yields assumed under the Settlement Background Paper.

Mr Hazell's evidence was that the activity centres and substantial changes areas designated within the draft SPP are well separated from regional and landscape scale bushfire hazards and have immediate access to low fuel areas. Accordingly, Mr Hazell considered there were limited bushfire issues associated with these areas. Further, he was of the opinion that the incremental change areas designated in the draft SPP were unlikely to increase bushfire risk.

In relation to the minimal change areas designated in the draft SPP for Torquay-Jan Juc, Mr Hazell's evidence was more qualified. Mr Hazell identified the minimal change areas identified were generally on the periphery of the settlement and included low density residential areas. He pointed out these areas were more at risk from bushfire hazards because they included locations which:

- lie to the north and north-west of the settlement, where there is a landscape bushfire risk from grasslands
- are located south-west of the settlement where the landscape bushfire risk is from regional scale hazards further to the west and south-west
- adjoin the permanent bushfire hazard edge to the settlement
- bushfires and grassfires can impact on the edges of settlement areas and where hazardous fuels are within settlements, a moving bushfire can enter.

In addition to the potentially vulnerable location of these minimal change areas with respect to potential bushfire hazards, Mr Hazell was of the view the draft SPP promoted the protection of vegetation and encouraged additional vegetation in minimal change areas. His main concern was in relation to the minimal change areas to the south-west of Torquay-Jan Juc (generally around Bells Boulevard).

Surf Coast submitted the residential change areas and the intentions for each area caused some confusion²⁹⁴. While Surf Coast supported some of the policy direction in relation to zone choices and some of the preferred heights proposed, it highlighted that in some instances the draft SPP signalled a departure from existing adopted policy positions in relation to location of commercial development in and around Central Torquay. Council noted the Background Settlement Paper directions differed from those in the Township

²⁹⁴ Submission 3050

Character report by Ethos Urban. It submitted further work would be required prior to changing zones or height restrictions, including at a minimum, a visual impact assessment prior to height changes.

The concerns focussed on a range of direct conflicts between existing policy directions of the Council and the draft SPP. During the Hearing, Surf Coast outlined it is currently in the process of preparing the draft *Torquay – Jan Juc Retail and Employment Land Use Strategy*. The purpose of that work is to set directions for key employment precincts, including retail, commercial and industrial in Torquay and Jan Juc over the next 15 years²⁹⁵. This Strategy is currently on public exhibition²⁹⁶.

Mr Merrett submitted the Committee should resolve a current misalignment of the residential change area through the current process²⁹⁷. He warned the removal of residential character areas would erode the policy guidance of the draft SPP. He submitted there was a risk that a rush of inappropriate development applications might result given that interim planning controls have highlighted changes. His submission focused on the need for the Neighbourhood Residential Zone to be applied to land along The Esplanade, marking it as a minimal change area which he considered to be consistent with the objectives of the SLO proposed for adjacent land.

There were limited other submissions made by the general community in relation to new residential character areas outlined within Central Torquay.

22.3 Discussion

Although not a key focus of the Hearing, residential change areas within Central Torquay and controls proposed by the draft SPP are important. The Committee agrees the draft SPP should provide a robust strategic framework and should contemplate future land use and planning within the declared area.

The draft SPP notes the coastal character of Torquay-Jan Juc is highly valued by the community. What is less clear is how development should respond sensitively to this character. It is further unclear how the changes proposed by the residential change areas will be able to achieve these attributes. The background work has undertaken an audit of existing controls and tried to resolve issues of character, placing less weight on existing design and development controls²⁹⁸.

The Committee supports Mr Woodland's observations that limiting the township's proposed settlement boundaries, specifically by excluding Spring Creek, would have an impact on potential development of Central Torquay through the need for significant infill to meet required housing needs. The Background Report assumed that a significant number of available dwellings within the existing settlement will be redeveloped for infill housing²⁹⁹. The Committee considers it is uncertain that the market will be able to adequately deliver

²⁹⁵ Document 150

²⁹⁶ Document 149

²⁹⁷ Submission 2592

²⁹⁸ Township Character Assessment, Ethos Urban

²⁹⁹ Settlement Background Paper

sufficient infill development, which would undoubtedly have an impact on the ability to respond to unmet housing demand for the township.

At the Hearing, Surf Coast predominantly focused on issues relating to Spring Creek and did not explore fundamental issues relating Central Torquay regarding inconsistencies and departure from local policy directions. From the Committee's review of various policy documents, there appears to be inconsistencies between the controls proposed by Ms Scott, the Township Character Assessment and Surf Coast's existing Clause 21.08 which should be resolved prior to setting new policy directions relating to housing. The fact that Surf Coast is currently working through a separate process to identify employment, industrial and commercial needs is instructive, and indicates that the full repercussions for future growth (urban or commercial) have not been resolved at this time. The Committee considers it likely that the *Torquay and Jan Juc Retail Employment Land Strategy* may result in potential changes to land use, and possibly have further impacts on typology of housing to be concentrated in or away from these areas.

The focus on Spring Creek has distracted from what is possibly a significant change in policy concerning how Central Torquay could, or should be directed to grow. It is not clear whether the community have fully appreciated what impact an increased reliance on infill development would have on the renowned character of Torquay. Little evidence was provided to satisfy the Committee that due regard was given to the impact infill will have on the character of Torquay or how it can be appropriately managed through consistent and appropriately applied controls.

The Committee considers this to be an unfortunate position. The controls which have been proposed are not fully resolved and the issues have not been appropriately ventilated. It is concerned that discussion about residential areas change areas in a high level policy document are an overreach from the guidance that the SPP should provide. It is considered there is a need for the SPP to be flexible enough to assist Councils and RPE in providing guidance, while allowing for growth and change.

The Committee is not persuaded by arguments put by some submitters that the deletion of the residential change areas would result in the SPP being a toothless tiger. It is the Committee's view that a final SPP should set a framework for the protection of the area based on a 50-year vision, with the ability for 'tinkering' with controls as part of a local response, rather than it being set in stone.

Given apparent inconsistencies and the limited flexibility of the SPP, the Committee recommends the deletion of any reference on the final framework plan to all residential change areas in Central Torquay. Directions as to where minimal, incremental or substantial growth should occur, ought be based on a residential housing assessment, and this must be founded on population projections, land availability as well as a proper consideration of activity centre planning.

The Committee is not persuaded that this work has been adequately undertaken at this time to robustly identify residential change areas within the township.

The evidence of Mr Woodland that controls and recommendations for future work relating to specific elements of built form and character in Central Torquay-Jan Juc require further analysis is accepted by the Committee. Importantly, it is considered the work undertaken to inform the future settlement within Central Torquay are useful documents, and with further

work and consideration, could form part of future policy direction on housing, along with the outcomes of the *Torquay and Jan Juc Retail Employment Land Strategy*. That is a matter for Surf Coast.

22.4 Findings and recommendations

The Committee finds:

- There is insufficient information in the draft SPP to provide context for the activity centres, tourism precincts and residential change areas in Central Torquay-Jan Juc.

The Committee recommends:

- 27. Remove all discussion in Settlements about Torquay-Jan Juc district town from the draft Statement of Planning Policy, apart from the Coastal character statement.**

PART D: IMPLEMENTATION

23 Implementation

23.1 Introduction

The Proponent outlined the proposed process for implementation of the draft SPP in its Part A submission and advised:

The Minister will prepare an amendment to the Surf Coast and Greater Geelong planning schemes to reflect inclusion of the SPP in the Victoria Planning Provisions and establish the SPP as a policy document and to align the two planning schemes with the objectives, strategies and requirements of the SPP.

This is expected to be achieved through an amendment to Clause 11.03-5S (Distinctive Areas and Landscapes), identifying the SPP as a relevant policy document. Clause 51 (Specific Sites and Exclusions) and its Schedule, will also be amended to introduce new clauses which will refer to the SPP and require consideration of its provisions. There will also be changes to the Surf Coast and Greater Geelong Planning Scheme maps to specify the location of protected settlement boundaries³⁰⁰.

The Committee notes the Proponent's intention is not to incorporate the draft SPP into the scheme, but rather amend local policy. It is not clear to the Committee whether the draft SPP is proposed to be cited as a policy document or how the framework plan is to be introduced into the Planning Scheme.

The Committee had the benefit of expert evidence from Mr Woodland and Mr Milner. Both are very experienced planning practitioners. Both gave expert evidence that the form of the draft SPP required significant review. Both had difficulty in explaining how the SPP would be implemented and how it would work in practice. Neither gave the Committee confidence that it would work.

The Committee asked Mr Woodland a number of questions at the conclusion of his evidence relating to implementation, the planning reform program being carried out by DELWP, Spring Creek and integrating planning and landscape outcomes. While noting he could not say with authority, Mr Woodland advised the PPF would need to be amended to incorporate the draft SPP, following which there would be local policy updates and resolution of the settlement boundaries. He considered the draft SPP itself would need to be *"cut down, especially the chapter on settlements"*.

In responding to the Committee about where the SPP will be implemented, Mr Woodland indicated it could be referenced under Clause 11 or 12. He suggested it would be useful for this Committee to make recommendations about the most practical way to give effect to the draft SPP, as well as how it might be introduced in the scheme and used by the Responsible Authority. Mr Woodland did not consider the draft SPP was in a form that could easily be integrated in the Planning Scheme.

He noted that neither the draft SPP or the SLOs are finalised or ready for implementation. He saw the key elements of the draft SPP being the objectives and strategies and commented the draft maps should not sit in the approved version. Mr Woodland indicated

³⁰⁰ Document 58

he did not consider the delineation of the townships would be dealt with in the way they have been and considered some of the townships were more dynamic.

Mr Milner was critical that the draft SPP did not address or comment on the VPP or local policy in the Planning Scheme. He emphasised the planning context is layered, complicated and must be integrated with locationally specific land use policies and legislation. In response to questioning from the Committee, he gave evidence that the draft SPP would introduce additional “*red tape to an already complex system*”. He considered the drafting of the policy to be significant, and he was of the view that the draft SPP seemed to be written more for use as a consultation document (with casual conversational language), rather than a strategic planning policy of the highest order.

The Committee acknowledges that Surf Coast is a declared area. It understands the requirement for preparation of an SPP is a relatively new concept. It accepts there is a need for the development of a clear, direct, and targeted SPP to guide RPE decision making. The Committee considers the current draft SPP to be too long, too vague and that it fails to provide a level of guidance for RPE that cannot be already drawn from the existing planning schemes. The proposed document is not in a format that should be implemented directly into the scheme as an incorporated document or otherwise. It is difficult to navigate as the structure is inconsistent and there is no numbering system.

The current planning and policy framework include many mechanisms by which distinctive landscape and areas can be managed and protected, which in many cases are complimented by other legislation. The Committee is concerned that the draft SPP does not properly recognise or reflect this. In some instances, the draft SPP conflicts with existing controls within the Planning Schemes. Further, the draft SPP introduces additional, unnecessary layers of control.

Throughout the Hearing, the Committee sought further information from the Proponent to understand how the draft SPP might operate and what impact it would have on the land to which it was applied. However, little further information was provided.

The final SPP should provide guidance to RPE and all users of the planning system. The framework for future decision making must be specific and build on the existing controls that apply to the declared areas. Importantly it should not introduce additional red tape or confusion into the planning framework, especially as there is a concurrent planning reform process being undertaken to reduce planning delays and red tape.

A review of the draft SPP should be undertaken to reconcile what each policy domain is seeking to achieve and whether it is already being achieved by existing state policy or controls, or through other regulations (i.e. *Aboriginal Heritage Act 2006*).

The Surf Coast SPP should only include material that is:

- relevant, necessary and proportional to good decision making
- clear and unambiguous in its application and intent
- consistent with the PE Act, the VPP (including state and local planning policy), particular provisions, ministerial directions and PPNs.

It should also provide guidance as to when a change to the SPP or directions within it might be contemplated (such as a change to settlement boundaries).

The Surf Coast SPP should not include material or language that is:

- more appropriate for inclusion in a consultation document
- repetitive, or which replicates that which is already included in State VPP provisions (zones, overlays, particular and general provisions), the PPF and/or local schedules.
- inconsistent with state policy (including statewide and regional policy) or controls.

Table 9 (draft Statement of Planning Policy) and Table 10 (Significant Landscape Overlays) provide a summary of the key findings and recommendations of the Committee. Where appropriate, the Committee has provided the relevant Recommendation number against particular issues. Not all of the findings of the Committee have a specific recommendation, however Tables 9 and 10 must be read as the complete recommendations of the Committee.

The Committee recommends:

- 28. Adopt Tables 9 and 10 as the final position of the Committee in relation to its review, findings and recommendations of the draft Statement of Planning Policy, the Significant Landscape Overlays and their proposed implementation.**

23.2 Draft Statement of Planning Policy

The summary response and key recommendations of the Committee in relation to the draft SPP are provided in Table 9:

Table 9 Summary of changes to the draft SPP

Issue	Committee Comment	Advice
Introduction:		
About Victoria's peri-urban areas	No issue.	No change.
About the declared area	No issue.	No change.
About the draft Surf Coast SPP	Some material to be removed post this report. Not sure about import and utility to RPE of UN Sustainable Development Goals.	Remove introduction on page 12. Review whether UN Goals, should be part of State policy.
State and regional policy context	Selected references only, question need for this, could create impression only these are significant. The draft SPP will evolve over time and the policy context will be updated, therefore not necessary in the final document.	Delete this section.
Implementation	Convoluting and confusing.	Revise this to provide it in diagrammatic step form so it reads as a very clear and understandable process.
Implementation by RPE	Unclear who the relevant RPE	Identify and include the list

	are.	of who the final RPE for the Surf Coast SPP.
Monitoring and review	No issue.	No change.
Have your say	Now redundant.	Delete.
Wadawurrung Statement of significance	Could include more information on how it is proposed to engage with Wadawurrung Traditional Owners as a partner.	Retain, but strengthen.
Our vision:		
Vision statement	Concern with how it will be monitored and realised. Recommend the introduction of a 10 year implementation plan/vision to demonstrate what might be achieved over a shorter period.	Review to include a vision for the next 10 years so that it reads in a more meaningful way. This visioning process should be underpinned by robust community consultation.
Declared area framework plan:		
Maps General	Most important part of the draft SPP. Maps need to be clearer with better colour contrast. Many maps will end up being heavily contested through the amendment and permit processes due to lack of guidance and clarity.	Prepare the maps using GIS so that their details can be examined when necessary. Revise the presentation quality of all maps.
Maps General	Simplify and reduce number of maps with preference for one consolidated map to form the Framework Plan.	Revise the presentation quality of all maps.
Maps General	Update the draft SPP and following maps as recommended by the Committee.	Update to: Delete the reference to ' <i>Further investigation required</i> ' for Spring Creek land. Include all of the Spring Creek Valley, one kilometre west of Duffields Road in protected settlement boundary. (Recommendations 11, 12, 13, 14, 15, 16) Include land at 125 and 135 Strathmore Drive in the protected settlement

		<p>boundary.</p> <p>(Recommendation 18)</p> <p>Delete any settlement boundary referring to land south of Armstrong Creek.</p> <p>(Recommendation 23)</p> <p>Delete '<i>settlement boundary</i>' and include Mount Duneed and Connewarre in '<i>protected settlement boundary</i>'.</p> <p>(Recommendation 24)</p> <p>Revise settlement boundary around Messmate Road Precinct, south of the ridgeline</p> <p>(Recommendation 25)</p> <p>Retain the Torquay North East Investigation Area in the Framework Plan</p> <p>(Recommendation 26)</p>
Map 3	This map should form the basis for a single Framework Plan.	Update consistent with suggestions within this table.
Environmental risks and resilience policy domain	No issue.	No change.
Map 4		Remove reference to the settlement boundaries from plan.
Landscape policy domain	No issue.	No change.
Map 5 and 6	<p>Confusion about both maps being within the document. Map 5 highlights the landscapes of significance which is considered to be the more significant plan for guiding and informing decision makers and RPE.</p> <p>It is noted that these landscape areas are reflected on Map 3.</p>	<p>Delete map 6.</p> <p>Remove reference to the settlement boundaries from map 5.</p>
Environment and Biodiversity policy domain	<p>No mention of Bellarine Yellow Gums or other threatened species.</p> <p>No mapped biodiversity linkages to capture or protect</p>	<p>Update objectives and strategies to protect threatened species.</p> <p>Note that at the 10 year review, seek to identify and</p>

	key areas.	map key biodiversity linkages. Update to include scientific basis of the areas of biodiversity (Recommendation 7)
Map 7		Remove reference to the settlement boundaries from Map. Amend to clearly show boundaries of Biodiversity Values (Recommendation 6) Amend to identify conservation reserves and biolinks (Recommendation 8)
Aboriginal Cultural Heritage	Opportunity to simplify and reduce content.	Delete definition of a registered aboriginal party.
Historic Heritage	Opportunity to strengthen strategies to reflect surfing culture.	Update 5.3 to as follows: <i>'Support and protect the declared area's rich surfing and historic heritage values'</i> . (Recommendation 9)
Tourism, agriculture and natural resources	CFA preferred to not include reference to <i>'well suited to tourism cluster'</i> in an area of high bushfire risk.	Revise mapping and words to reflect CFA comments in Document 106.
Map 8	It is unclear exactly what the block blue areas are. It is unnecessary for the draft SPP to deal with matters relating to Central Torquay-Jan Juc. Simplify and remove reference to Central Torquay.	Delete reference and call out map relating to inner Torquay- Jan Juc. Overlay the areas identified for tourism activities onto the Declared Framework Plan. Remove reference to the settlement boundaries from Map.
Strategic Infrastructure	DoT submitted that references to the Transit Corridor be removed because the alignment is not resolved. It is considered appropriate to retain the text on page 51 because they are general	Update Framework Plan to clarify the corridor is indicative. Amend wording on page 51 to refer to a corridor but remove reference to the future alignment of the

	enough to provide vision that a link will occur, but not specify the exact alignment.	proposed transport Armstrong Creek – Torquay corridor. (Recommendation 10)
Map 9	Map not helpful for decision makers and could be removed from the draft SPP. Relevant information could be better incorporated into the overall Framework Plan.	Delete Map 9 and include the important elements i.e. hospital and road corridors into the Declared Framework Plan.
Settlements		
Settlements	Opportunity to reduce the text and keep to information critical for decision making.	Retain coastal character statement for Torquay-Jan Juc, however, delete reference in coastal character statement (page 56) where it relates to: <i>Activity Centres</i> <i>Substantial residential change areas</i> <i>Incremental residential Change areas</i> <i>Minimal residential change areas</i> <i>‘Future settlement and low density ecologically sustainable development areas’</i> <i>Delete page 57</i> <i>Delete page 58</i> <i>Delete page 59</i> <i>Delete page 60 and top of page 61.</i> Retain strategies and objectives outlined at Objective 8 (bottom page 61) <i>Delete Strategy 8.4.</i> Revise Strategy 8.7 to read: <i>Within the protected settlement boundary for Torquay–Jan Juc, provide appropriate transitions between urban and rural areas.</i> Delete Map 10

		Delete Map 11 Delete Map 12 Delete Map 13 Delete Map 14 Delete Map 15 (Recommendation 27)
References	Unnecessary in a policy document.	Delete References.

23.3 Significant Landscape Overlays

The summary response and recommendations of the Committee in relation to the proposed Significant Landscape Overlays are provided in Table 10:

Table 10 Summary response and recommendations of proposed SLOs

Issue	Committee Comment	Advice
All SLOs		
Terminology	Mr Woodland proposed to include words specific to the cultural importance of the landscape to traditional owners ³⁰¹ .	Accepted – controls should be revised as recommended by Mr Woodland.
Objectives	Mr Woodland suggested that each of the SLOs contain objectives as follows: <ul style="list-style-type: none"> <i>To limit the impact of development on significant native vegetation.</i> <i>To encourage the retention of other native vegetation to help soften the visual impact of development when viewed from off-site.</i> 	Accepted – controls should be revised as recommended by Mr Woodland.
Requirements	Mr Woodland's evidence was that with respect to the requirements to submit site analysis, landscape plans and visual impact assessments that they should be worded so as to provide discretion for the responsible authority to waive any of these requirements where it sees this as being appropriate (for example, when associated with relatively minor buildings or works). Source – Document 260b	Accepted – controls should be revised as recommended by Mr Woodland.
Decision Guidelines	Mr Woodland's evidence was that the decision guidelines for each of the proposed SLOs could be improved to more clearly address the landscape, siting and design issues identified in the Landscape Character Assessment report. This includes: <ul style="list-style-type: none"> Decision guidelines should provide more direct guidance on the expected design outcome where appropriate. 	Accepted – controls should be revised as recommended by Mr Woodland.

³⁰¹ Document 260b

- Decision guidelines should provide clear guidance to the decision maker.
- Further guidance should be provided in relation to building design and materials.
- Further guidance could be provided in relation to vegetation removal. Source – Document 260b

Exemptions	Parks Victoria Geelong and Ms Scott suggested that further exemptions for public authorities be included in all SLO's.	<p>Include the following exemption:</p> <p><i>A permit is not required for:</i></p> <ul style="list-style-type: none"> • <i>Works undertaken by a public authority relating to watercourse management or environmental improvements, or for the maintenance or installation of simple, non-structural infrastructure (such as gravel pathways, or similar); and</i> • <i>Minor works by or on behalf of the public land manager consistent with an approved management plan, but excluding built structures such as large viewing decks, toilet blocks, recreational buildings or structures, or similar.</i>
Planning Practice Note	Required to assist understand the implementation of the SLOs.	This is ongoing work. (Recommendation 5)

SLO 8

Application more generally	Concerned that there were only three such sites 'tested' during evidence, the subjective nature of the landscape significance assessment and approach taken to applying the SLOs might affect other sites on closer inspection, when viewed at a finer grained scale.	Delete. (Recommendation 1)
Application at Spring Creek	When tested, the Spring Creek FRA was downgraded from a State to regional significance landscape. The validity of this landscape assessment work was brought further into question during cross examination in relation to other sites not proposed to be covered by SLOs.	Remove from Spring Creek FRA. (Recommendation 1)
Boundary	Not persuaded that the Great Ocean Road is the clear delineation for SLO8 given the vegetation extents and interrelationship across the road of the landscapes.	Boundaries should be reviewed.
Public consultation	Concerns that there were limited submissions in relation to the landscape controls, particularly from landowners in farming/rural areas. This indicated that there may be little awareness of its proposed application through a section 20(4) planning scheme amendment perhaps given there was no exhibited planning scheme amendment.	Undertake further consultation with a fully drafted set of Overlay Schedules. (Recommendation 20, 21)
Drafting	Concern that there are not enough exemptions for agricultural related structures. Ms Scott suggested that the statement of nature and key elements of landscape be updated to read: <i>The Surf Coast Western Hinterland is a well-known and highly valued coastal hinterland landscape adjacent to which the iconic Great Ocean Road travels, towards Anglesea and beyond ...</i> <i>... The topographic complexity, existence of intact remnant coastal heathland and proximity to the Great Ocean Road all contribute to it being a visually sensitive landscape of regional to state significance.</i>	Provisions should be refined to include broader exemptions for structures including hay sheds / agricultural sheds. Accepted – revised controls should include wording as recommended by Ms Scott.
Landscape character objectives	Ms Scott recommended additions to objective four, as follows: <ul style="list-style-type: none"> To minimise the visual and environmental impacts of development on Spring Creek and its tributaries. 	Accepted – controls be revised as recommended by Ms Scott.
Application requirements	Ms Scott and Mr Hazell recommended the following additions to the requirements for a landscape plan:	Accepted – controls be revised as

	<i>A landscape plan that specifies locally appropriate vegetation species, and details how the site will be remediated after the development, with consideration of bushfire risk.</i>	recommended.
Decision Guidelines	Ms Scott recommended revision of the decision guidelines these are summarised in Document 260c.	Accepted in part – revision of decision guidelines should be balanced with comments of Mr Woodland (document 260a).
SLO9		
Central Torquay	There is little benefit applying the SLO to coastal reserves into Central Torquay given the exemptions for land managers. This area is unlikely to have developments proposed.	Should not extend into Central Torquay along coastal reserves. (Recommendation 3)
Breamlea	The mapping includes extent of SLO9 over the Breamlea village. However, in words and discussion within the draft SPP it states that the overlay will not apply.	The overlay should not apply to Breamlea. As a result, the SLO mapping should be updated. (Recommendation 2)
Statement of nature and key elements of landscape	Ms Scott recommended that there be minor changes to the overview in Document 260b.	Accepted – controls should be revised as recommended by Ms Scott.
Application requirements	Ms Scott recommended that there be revision to the SLO9 application requirements in Document 260b.	Accepted – controls should be revised as recommended by Ms Scott.
Decision guidelines	Ms Scott recommended changes to the decision guidelines in Document 260b. Mr Woodland also made suggestions with respect to how the SLO decision guidelines should be written to include guidance on the expected outcomes in Document 260a.	Accept in part, revision of decision guidelines should be balanced with comments of Mr Woodland.
SLO10		
Significance	Should only apply to landscapes classified as ‘nationally significant’.	Review application and include only on nationally significant landscapes. (Recommendation 4)
Application	It is considered the Proponent has not undertaken adequate assessment of the impacts of the application of the SLO to the three sites as noted in Chapter 17 and it leads the Committee to question its broad application on land in the Farming Zone that is not of national significance.	Remove SLO10 from 125-135 Strathmore Drive. (Recommendation 17) Remove SLO10 from

		615 Great Ocean Road. (Recommendation 19) Remove SLO10 from 555 Great Ocean Road. (Recommendation 22)
Statement of nature and key elements of landscape	<p>Ms Scott revised her wording and advice regarding the statement of nature and key elements of landscape in Document 260b.</p> <p>The proposed changes help highlight key attributes and focus on cultural elements. The proposed wording is unnecessarily verbose and should be refined.</p>	Accepted in part. Revision of the decision guidelines should be refined to be shorter and more targeted language.
Application requirements	<p>Ms Scott revised her suggested wording and advice regarding the application requirements to strengthen the elements of landscape in Document 260b.</p> <p>The proposed changes help highlight key attributes and focus on cultural elements. The proposed wording is unnecessarily verbose and should be refined. While most of the wording is acceptable the language is not targeted or something easily understood in terms of how a planning application can demonstrate compliance. Such statements include: <i>'and details how the site will be remediated after the development'</i>; and <i>'consideration of the impact of the proposal on the foreground of views as well as distant views and visibility.'</i></p> <p>It is considered that the language is vague and not targeted for decision makers.</p>	<p>Accepted in part. Revision of the decision guidelines should be balanced with the comments of Mr Woodland in terms of being targeted and achievable. Document 260a</p> <p>Reference to <i>remediation</i> and <i>distant views</i> should not be incorporated into the controls.</p>

23.4 Planning Practice Note

During closing submissions, the proponent invited the Committee to consider and make suggestions in relation to the contents of a PPN that will guide decision making and review processes in accordance with section 46AZI and future amendments to the SPP.

The Committee finds itself in a situation where a draft PPN has not been provided and until closing had not been aware of DELWP's intent to such a document. Given the lack of information, it is considered there is little benefit in making further comment on a draft document not completed and not before it.

The only guidance that can be provided is that the document should outline a test or threshold for compelling the change or alteration of protected settlements. It is noted that land supply, future trends and planning policy should be part of this test. The need for

certainty is paramount for the future delivery of housing and growth within the Declared Areas; both for community and landowners.

It is suggested that a PPN to guide best practice draft SPP be developed and tested to guide future policy development.

23.5 Response to Terms of Reference

The Terms of Reference for the Committee require it to provide “provide advice on Statements of Planning Policy (SPP) for the declared areas of Bass Coast, Bellarine Peninsula and Surf Coast pursuant to Division 3 of Part 3AAB – Distinctive Areas and Landscapes of the Act” and advise:

- a) *The rigour of any policy proposed in a draft SPP...in meeting the objects of section 46AN of the Act:*
 - a. *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; and*
 - b. *to enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas; and*
 - c. *to enable the integration of policy development, implementation and decision-making for declared areas under Statements of Planning Policy;*
 - d. *to recognise the connection and stewardship of Traditional Owners in relation to land in declared areas.*
- b) *Any other planning policy and implementation related matter referred by the Minister for Planning.*

Table 11 summarises how and where in this report the various requirements of Terms of Reference have been addressed. It should be noted however, that this report contains significant information and it is very difficult to single out where in the report particular matters are discussed. The report should be read as a whole in response to the Committee’s Terms of Reference of the Committee and the letter of referral from the Minister.

Table 11 Summary response Terms of Reference

Clause	Terms of Reference	Report chapter
3a	<p>Advise on the rigour of any policy proposed in a draft SPP in meeting the objects of section 46AN of the Act:</p> <ul style="list-style-type: none"> - 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 - to enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas - to enable the integration of policy development, implementation and decision-making for declared areas under Statements of 	Chapters 6 to 23

	Planning Policy - to recognise the connection and stewardship of Traditional Owners in relation to land in declared areas	
3b	Any other planning policy and implementation related matter referred by the Minister for Planning	Chapters 5 to 23
29a	An assessment of relevant state and local policy for each referred matter	Chapters 5 to 23
29b	Recommendations to the Minister for Planning on the referred matter	Executive summary, Chapter 23
29c	An assessment of submissions to the Standing Advisory Committee	Chapters 6 to 23
29d	Any other relevant matters raised in the course of any Standing Advisory Committee hearings	All chapters
29e	A list of persons who made submissions considered by the Standing Advisory Committee	Part 2 report, Appendix B
29f	A list of persons consulted or heard	Part 2 report, Appendix C

As noted in Chapter 5.1, State policy at Clause 71.02-3 states:

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

*Planning and responsible authorities should endeavour to **integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.** However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.* (Committee bolding)

This Clause provides for integrated decision making and is the key test of how competing planning issues must be reconciled. It has been front and centre of the deliberations of the Committee at all times in considering the Surf Coast DAL.

The issues that the Committee has had to deal with are many and are complex. The Committee generally supports the draft SPP and the application of the SLOs to protect landscapes of significance that have been well founded.

Bushfire considerations are pre-eminent and without dispute.

Balancing conflicting policy objectives is more difficult. While the Committee has not been able to undertake a considered test of net community benefit, it has had significant regard to net community benefit and sustainable development in the interests of present and future generations, noting generations are usually categorised within a 25 year time frame. The SPP has a 50 year vision, which covers two generations.

Torquay-Jan Juc will continue to be a much sought after place to live and it is on the basis of planning for sustainable development for future generations that the Committee has made its recommendations in the way it has after a balanced consideration of the submissions and evidence.

Planning and Environment Act 1987

Advisory Committee Report – Part 2 (Appendices)

Surf Coast Statement of Planning Policy

**Distinctive Areas and Landscapes Standing Advisory
Committee**

25 June 2021

Planning and Environment Act 1987

Advisory Committee Report – Part 2 (Appendices) pursuant to section 151 of the Act

Surf Coast Statement of Planning Policy

Distinctive Areas and Landscapes Standing Advisory Committee

25 June 2021



Kathy Mitchell, Chair



Tanya Burdett, Member



Shannon Davies, Member



Peter Edwards, Member



Ian Hamm, Member

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Appendix A Terms of Reference

Terms of Reference

Distinctive Areas and Landscapes Standing Advisory Committee

A Standing Advisory Committee appointed pursuant to section 151 of the *Planning and Environment Act 1987* (the Act) to provide advice on Statements of Planning Policy (SPP) for the declared areas of Bass Coast, Bellarine Peninsula and Surf Coast pursuant to Division 3 of Part 3AAB – Distinctive Areas and Landscapes of the (the Act).

Name

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

1. The Standing Advisory Committee is to have members with the following skills:
 - 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 Standing Advisory Committee will include an appointed Chair and Deputy Chairs.

Purpose

3. The purpose of the Standing Advisory Committee is 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:
 - a) the rigor of any policy proposed in a draft SPP, referred by the Minister for Planning, in meeting the objects of Section 46AN of the Act:
 - o *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; and*
 - o *to enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas; and*
 - o *to enable the integration of policy development, implementation and decision-making for declared areas under Statements of Planning Policy;*
 - o *to recognise the connection and stewardship of Traditional Owners in relation to land in declared areas.*
 - b) any other planning policy and implementation related matter referred by the Minister for Planning.

Background

Distinctive Areas and Landscapes Program

4. In May 2018, the Victorian Government amended the Act 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.
5. Section 46AP of the Act enables the government 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;
 - e) strategic infrastructure or built form of significance;
 - f) an attribute prescribed for the purposes of this section.
6. Once declared, a SPP must be prepared for the area in consultation with each responsible public entity (RPE) for the area; the local community any other person or entity that the Minister considers may be affected by the SPP such as Traditional Owners.
7. An SPP will include a 50-year vision, strategic 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 also provides the opportunity to designate long term settlement boundaries as protected settlement boundaries.
8. A protected settlement boundary is a defined limit to urban expansion, like Melbourne's urban growth boundary. Any change to a protected settlement boundary identified in a SPP must be ratified by both houses of parliament.
9. RPEs are different agencies and bodies responsible for managing public land in the declared area, including councils. They must have regard to the SPP when developing their own policies, taking action or making decisions in relation to the declared area. The Minister for Planning must seek their endorsement of the draft SPP before the document is finalised for determination by the Governor in Council.
10. Four areas have been declared a distinctive area and landscape. The Macedon Ranges region was the first area declared under the legislation and has acted as a pilot project. Surf Coast was declared in September 2019, and Bass Coast and Bellarine Peninsula were declared in October 2019.
11. The government's distinctive areas and landscapes program delivers the government's commitment to protect the Surf Coast and Bellarine Peninsula from overdevelopment and implements Policy 7.1.2 of *Plan Melbourne 2017-2051* and Victoria's Regional Growth Plans to strengthen the protection of state significant attributes found in the peri-urban areas of Melbourne and regional cities.

Method

General

12. The Minister for Planning, or delegate, may refer relevant matters to the Standing Advisory Committee for independent advice.
13. Each referral will be accompanied by a letter of referral to the Committee Chair, outlining the matters referred. The letter of referral will be a public document.
14. The Standing Advisory Committee may inform itself in any way it sees fit, and must consider all relevant matters, including and not limited to:
 - a) relevant provisions of the Act, the Victoria Planning Provisions, *Plan Melbourne 2017 - 2050*, *Metropolitan Planning Strategy* and the relevant Regional Growth Plans

Terms of Reference | Distinctive Areas and Landscapes Standing Advisory Committee

- b) the relevant Planning Schemes, including any adopted plans, strategies or planning scheme amendments
 - c) the draft SPP for each of the declared areas of Bass Coast, Bellarine Peninsula and Surf Coast
 - d) any background documents released with the draft SPP
 - e) the views of Traditional Owner groups
 - f) the views of the relevant Councils
 - g) the views of RPEs
 - h) the views of the Department of Environment, Land, Water and Planning (DELWP) and other relevant agencies
 - i) any submissions and evidence received.
15. The Standing Advisory Committee may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.
16. The Standing Advisory Committee may seek legal, technical or expert advice on any matter or referral that it sees fit.

Notice

17. DELWP must liaise with the Standing Advisory Committee to agree on the following as relevant:
- a) the public exhibition dates
 - b) direction hearings dates
 - c) public hearing dates
- The agreed dates are to be included on all notices.
18. DELWP will be responsible for giving notice and inviting written submissions within a 40 business-day notice period where relevant.
19. The Standing Advisory Committee is not expected to carry out any public notification or referral, but may do so if it considers it to be appropriate.
20. All submissions are to be collected by the Office of Planning Panels Victoria (PPV) in accordance with the Guide to Privacy at PPV. Electronic copies of submissions will be provided to DELWP and each relevant council.
21. Petitions and pro-form letters will be treated as a single submission and only the first name to appear on the first page of the submission will receive correspondence on Standing Advisory Committee matters.
22. The Standing Advisory Committee must consider all relevant submissions.

Hearing:

23. At the discretion of the Standing Advisory Committee, the matter may be assessed 'on the papers', or through targeted consultation or agency forums without the need for a public hearing.
24. For relevant matters, the Standing Advisory Committee may carry out a directions hearing and public hearing following the giving of notice of a draft SPP or other related planning policy matters.
25. The Standing Advisory Committee may conduct hearings, workshops, forums or other meetings using video conferencing or similar technology as necessary.
26. The Standing Advisory Committee may meet and invite others to meet with them when there is a quorum of at least two Standing Advisory Committee Members including the Chair or Deputy Chairs.
27. The Standing Advisory Committee will regulate its own proceedings. It may limit the time of parties appearing before it and may prohibit or regulate cross-examination.

Outcomes

28. The Standing Advisory Committee must produce a written report or reports for the Minister for Planning.

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29. The Standing Advisory Committee's report must address the following:
- a) An assessment of relevant state and local policy for each referred matter.
 - b) Recommendations to the Minister for Planning on the referred matter.
 - c) An assessment of submissions to the Standing Advisory Committee.
 - d) Any other relevant matters raised in the course of any Standing Advisory Committee hearings.
 - e) A list of persons who made submissions considered by the Standing Advisory Committee.
 - f) A list of persons consulted or heard.
30. The report or reports of the Standing Advisory Committee may be submitted in stages depending of the timing of the matters referred to it.
31. Following the completion of the report the Standing Advisory Committee may deliver an oral briefing to DELWP staff, or the Minister for Planning.

Submissions are public documents

32. The Standing Advisory 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.
33. Any written submissions or other supporting documentation provided to the Standing Advisory Committee must be available for public inspection until the submission of its report, unless the Standing Advisory Committee specifically directs that the material is to remain 'in camera'.
34. 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.

Timing

35. The Standing Advisory Committee is required to submit its report in writing as soon as practicable and no later than 40 business days from the completion hearings.

Fee

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



HON RICHARD WYNNE MP
Minister for Planning

Date: 28 / 06 / 2020

Appendix B List of submitters

No.	Submitter	No.	Submitter	No.	Submitter
1	Robert Shaw	2	Luke Wakeman	3	Maria Indrawan-Santiago
4	Anna Scott	5	Jarrold Karpala	6	Jane Keyte
7	Elizabeth Cameron	8	Nathan Godsmark	9	Jordan Smith
10	John Herbertson	11	Robert Michael Dalton	12	Liam Ball
13	Kit Wilson	14	Liam Mansbridge	15	Duncan Watt
16	Marietta Ryan	17	Lyn Nicola	18	Chrissy, Heath, Paige and Koby Torney
19	Janelle Meyes	20	Teresa Stancato	21	Russell Colin Lees
22	Karen Dean	23	Peter Cannon and Patricia Blane	24	Ann McKie Heylbut
25	Yolli Fisher	26	Raymond Douglas Heylbut	27	Leigh Clark
28	Mark McColl	29	Michael Hill	30	Francis Austin Swain
31	Peter Colin Richards	32	Mary-Anne Lewis	33	Lorraine Leavold
34	Heather Mitchell	35	Adrian Alexander Gaff	36	Michelle de Sa
37	James Cowan-Clark	38	Cameron Grant	39	Stephen Fenwick
40	Paul Hunt	41	Jack Davis	42	Marg Hales
43	Catherine Kavanagh	44	Peter Trengove	45	Sophie Pashley
46	Christopher Wemyss	47	Stanley Rogers	48	Heather Howlett
49	Benjamin Baker	50	Natarsha Baker	51	Lindsay Dudgeon
52	Adele Williams	53	Catherine Lee	54	Angus Cullenward
55	Emma Reynolds	56	Kelli Nicola-Richmond and Edward Richmond	57	Leigh Clark
58	Aurelia Kemp	59	Fiona Spence	60	Mark Annetts
61	Jakob Falkbring	62	Petra Buckley	63	Anika Schneider
64	Lynn Touzel	65	Karen Palmieri	66	Jennifer Joy Coutts
67	Jamie Wheelahan	68	Frances Overmars	69	Graham Coulton
70	James Agustin	71	Janelle Langton	72	Whitney Phillips
73	Zac Ford	74	Kirsty Zahra	75	Sally Deacon
76	Karyn Folwell	77	Hayden Torney	78	Christine Patricia Hill
79	Tim Sonogan	80	John Frederick West Lau	81	David Campbell
82	Jessamine Welsh	83	Toby Griffin	84	Fiona Morris
85	Sally Anne Taylor	86	Lani Williams	87	Florence Dellebeke
88	Tania Young	89	Eve Hannah Fisher	90	Jill M. Kavanagh
91	Alan Graham Sherlock	92	Luke Stuss	93	John Tatnell

94	Andrew Lee	95	Stephen Stanway	96	Sergey Ponomarenko
97	Anne Maree Sullivan	98	Hayley Dickson	99	Shannon Bourke
100	Christine Schang	101	John Alexander Walker	102	Marian Smedley
103	Graham Holtshausen	104	Kathy Seoane	105	Alan Craig Schmidt
106	Yvonne Van Der Ploeg	107	Monica Thomson	108	Anthony John & Nada Joan Smark
109	Pia de Bruyn	110	Ray Casemoreq	111	Tanya Croker
112	Darren Colley	113	Jane Whileman	114	Michael Gibbons
115	Lucy Maddock	116	Jennifer Sherlock	117	Russell Kline
118	Thomas Bell	119	Alexandra Horat	120	Toby Jeavons
121	Christopher Carroll	122	Michael Francis Jolley	123	Erica Margaret Vernon
124	Carly Rantall	125	Ian Micallef	126	Maddison Knight
127	Rhondda Millen	128	Tracey Newnham	129	Kay Stocker
130	Will Robertson	131	Clare White	132	Jenny Searle
133	Shauna Burford	134	Andrew Morgan Wemyss	135	Andrew Collins
136	Bronwyn Hicks	137	Katrina Molloy	138	Rosemary Etherton
139	Jessie Morphet	140	Joshua Agius	141	James Clyne
142	Nicola Clyne	143	Joanne Tinning	144	Richard Anglin
145	Georgia Coulloupas	146	Stephanie Vernon	147	Kate Gillan
148	Christine and Denis McConnell	149	Pauline Maher	150	Pamela Wallasvaara
151	Brieuc Wilmart	152	Preston Vernon	153	Carol Joy Gilby
154	Denise O'Connor	155	Peter O'Connor	156	Lucas Nutbean
157	Ian Frederick Edwards	158	Karen Maree Lowe	159	Darren Watkins
160	Samantha McGowan	161	Michael Baker	162	Loretta Kingston-Brown
163	Kerin Galbally	164	Aaron Kopanica	165	Julie Calabro
166	Yves Nininahazwe	167	Debra Beaton	168	Adam Fratantaro
169	Hugh Sheehan	170	Julia Gutbrod	171	Kristen Rudduck
172	Clare White	173	James Wood	174	Karen Brassington
175	Natasha Meynink	176	Cameron James Robinson	177	Lesley McQuinn
178	Dave Evans	179	Neil Jeffs	180	Kathy Cinque
181	Petronella Brookshaw	182	Kate Eddiehausen	183	Kris Eric
184	Gael Wright	185	Lissie Doyle	186	Fiona Tabart
187	Greig Sutton	188	Steve Mayhew	189	Matthew Turner
190	Jeni Martin	191	Colin Robert Fowler	192	John Anthony Rippon
193	John Bradbury	194	Andrew Jablonski	195	Carla Jablonski
196	Joanna Hocking	197	Sharon Shields	198	Gary James and Derkina Jantina Crothall

199	Peter Jackson	200	Yvonne Sumner	201	Stewart Guthrie
202	Sylvia Lorraine Oliveri	203	Andrew Weavers	204	Gary Wakefield
205	Heidi Ann Rozec	206	Sarah Oxford	207	Denise Leanne Dows
208	Wes Dows	209	Cindy Lorraine Skehan	210	Isaak Dury
211	Brigitte Mawdsley	212	Therese Hume	213	Raymond Giddins
214	Dianne Dyer	215	Kate Weston	216	Jane Guthrey
217	Olivia Naughtin	218	Darryl Stewart	219	Kristin Bitmead
220	Tim Naughtin	221	Kylie Pepper	222	Chris Ewan
223	Fiona McPherson	224	Nicholas Jones	225	Richard Jennings
226	Jessica Ferry	227	John & Raelene Stewart	228	Chris Meakes
229	Shura Ford	230	Fiona O’Riley	231	Lauren Berridge
232	Matthew Palmieri	233	Alex Barker	234	Greg Minter
234	Greg Minter	235	Adrian Ford	236	Andrew Sakko
237	Patrick Armstrong	238	Jack Parsons	239	Georgia McElvaney
240	Shane Cleary	241	Larissa Ham	242	Neville Stanley
243	Mary Veal	244	Thomas Martin Kadera	245	Kristie Michelle Kadera
246	Simon Home	247	Judith Davies	248	Patricia Bundy
249	Ferne Millen	250	Heather Leslie	251	Sue Calder
252	Naomi Roberts	253	Xavier Davies	254	Timothy Abetz
255	Lauri Dawson	256	Samara Richmond	257	Felicity Royle
258	Renae Kerr	259	Chris Robinson	260	Bal Thandi
261	Gideon Doble-Appleton	262	Jeannie Ward	263	Edwin Nairn Hunter
264	Kelli Terese Lloyd	265	Celia Clarke	266	Alastair James Shaw
267	Benjamin Nicholson	268	Nerissa Jayne Nicholson	269	Nicole Smith
270	Georgia Babidge	271	Neil Protheroe	272	Max O'Connor
273	Judy Anneke Sedger	274	Jack Davis	275	Craig Thornton
276	Sarah Jones	277	Isabelle Asfar	278	Kimberly Nutt
279	Trent Ludlow	280	Toby Collins	281	Daniel Bound
282	Alyssa Maryte Bond	283	Carl Money	284	Charles Spiteri
285	Joshua Thompson	286	Dionne Thompson	287	David Robin Kelman
288	Fay Shirley Price	289	Stephanie Armistead	290	Sally Bowen
291	James Wilson	292	Heath Selleck	293	Lynette Isabel Wilson
294	Fiona Wilson	295	Robert Wilson	296	Renato Carbonelli
297	Jason Wells	298	Wayne Robert Harris	299	Rachael Sorbara
300	Laura Spencer	301	Magnolia Beer	302	Sondita Mein
303	Christopher Haworth	304	Michael Anderson	305	Kavan Threadgold
306	Monique Fouche	307	Adam Nolan	308	Mark Edwin Hunter

309	Nick Harvey	310	Aaron Richards	311	Simon Riley MacGregor and Sophie Brooke Marshall
312	Mark Andrew Hanna	313	Hamish McFarlane	314	Denise Emery
315	Ian McCarthy	316	Fazal Rizvi	317	Bryan Wakefield
318	Marika Threadgold	319	Alexander Schmidt	320	Bronwyn Leigh Wakefield
321	Penny Byrne	322	Morris Wynne Price	323	Jennifer Venner
324	Geoffrey Alan Andrewartha	325	Carmen Clifford	326	Aleisja Henry
327	Kathleen Madden	328	Bronwyn Joy Richardson	329	Richard Barlow
330	Alison Wills	331	Colin John MacDonald	332	Margaret MacDonald
333	Brianna Morgan	334	Lyn Wight	335	Aaron Gleeson
336	Charlotte Oppenheim	337	Philip Stockton	338	Sarah Gleeson
339	Glenn Waters	340	Paul Conway	341	Roslyn Griffiths
342	Aidan Roberts	343	Karen Shum	344	Jane Kight
345	Victoria Long	346	Samantha Greenshields	347	Plastic Wise Torquay
348	Ella Rose Foord	349	Vanessa Manczak	350	Robyn Thompson
351	Ingrid Daniell	352	Clifton Spencer Daniell	353	Tony Wills
354	Richard John Porter	355	Timothy White	356	Penelope MacLagan
357	Alex Scrivener	358	Bruce Adams	359	Christopher James
360	Skye Hueneke	361	Terrence Brookshaw	362	Gerard McCarthy
363	Jessie Law	364	Peter Knight	365	Deidre Pike
366	Sandra Jennings	367	C Pat	368	Ella Faunce Bazzano
369	Tina Knights	370	Pamela Wallasvaara	371	Kay Faunce
372	Jarrold Wright	373	Sandra Hailey	374	Grace Patrick
375	Michelle Simmonds	376	Laura Trott	377	Elizabeth Clarke
378	Margaret Jean Setterfield	379	James Robert Setterfield	380	Guy Wight
381	Brett Wilson	382	Oliver Wilson	383	Imelda Stanley
384	Ken Andrew	385	Alex Warren	386	Christine Harris
387	Emma Gilmour	388	Sarah Denness	389	Martin Stewart
390	Trevor Barnett	391	Jani Dovjak	392	Peter Thomas
393	Michelle Timms	394	Michelle Piggott	395	Jessica Clement
396	Hannah Robertson	397	Adam Ferraro	398	John James Dean
399	Phillip Charles Sweeney	400	Joseph John Annetts	401	Richard Bayles
402	Yvonne Sumner	403	Chris Brown	404	Erin Littlewood
405	Josh Conn	406	Helen Joy Shepherd	407	Stephen Burton
408	Rosemary Barnett	409	Yvonne Hunter	410	Karen Boase
411	Grayme Galbraith	412	Debra Galbraith	413	Timothy Barr

414	Danielle Anawati	415	Anthea Sholl	416	Shane Bartil
417	Jesse Gray	418	Joanna Wiltshire	419	Robert Gist
420	Robert Wilson	421	Rhonda Maree Collins	422	Geoffrey George Collins
423	Rewilding Freshwater Creek	424	Marianna Keane	425	Megan Beasley
426	Robert Oliver Packett	427	Anthony Jones	428	Neil Gordon Miller
429	Jennifer Appleton	430	Hugh Gorman	431	Geoffrey Clive Grayling
432	Francesca Martin	433	Paul Elshaug	434	Cherie Elshaug
435	Marie Hollonds	436	Rosemary and Irwin Faris	437	Rupert Irwin
438	Shane Curry	439	Peter Koopman	440	Robin Irwin
441	Stefanie Morgan	442	Thiago Couto	443	Anna Krzeminska
444	Barbara Young Harding	445	Vijay Moody-Ratcliffe	446	David Ian Matthews
447	Stephen McConnell	448	Jasmine McConnell	449	Casey Egan
450	Tom van de Ven	451	Marisa Schlichthorst	452	Jackson Perry
453	Melissa O'Shanassy	454	Alan Anderson	455	Gay Bell
456	Dorothy Anderson	457	Erin Gray	458	Linda Sunderland
459	Amelia Green	460	Jayson Moran	461	Alan Miles
462	Leiset O'Reilly	463	Matthew Benson	464	Philippa Tepper
465	Loretta Petrera	466	Evelyn Hunt	467	Rose Carollo
468	Ken Dawson	469	Michael Brennan	470	Stuart Spark
471	Denise Frame	472	David Rae	473	Catherine Jane Osborne Howie
474	Kelli Lavelle	475	Cassie Nesbitt	476	Narelle Craven
477	Adam Stanley	478	Julia Cullity	479	William Butler
480	Scott Cameron	481	Gabriel Federico-Matthews	482	Joel Grist
483	Anne Milligan	484	Karl Symonds	485	Anneliese Hurrell
486	Graham Wiltshire and Pam Smith	487	Louise Gertzel	488	Sean Cavanagh
489	Catherine Leigh-Smith	490	Darren Watkins	491	Mennoty Pty Ltd
492	James Crawley	493	Brent and Catherine McGregor	494	Jacob Chaplin
495	Elliot Henkel	496	Mitch Evans	497	Chris Tabak
498	Zoe Clark	499	Nige Parsons	500	Rebecca Draper
501	Ros Barwell	502	Caine Cherubin	503	Tania Huxtable
504	PJ & PF Cassidy	505	Kirby Smith	506	William Butler
507	Sarah Badelow	508	Jennifer Ryan	509	Rosemary Anne Heintz
510	Katie Traill	511	Courtney Roosje	512	Keith William Steel
513	Mary Rose Coleman	514	Richard Muntz	515	Rosemary Sheridan Carollo

516	Jill Hyslop	517	Amy Lissek	518	Brenda McCorkell
519	Emma Cahill	520	David Thomas Challis	521	Russelle Beardon
522	Elizabeth Beyer	523	Shani Hill	524	Debra Terese Crampton
525	Stephanie Metz	526	Alex Lines	527	Ross Liversidge
528	Craig Thomas	529	Russell Packett	530	Susan Sheppard
531	Christopher James Lyons	532	Paul Kearns	533	Michael De Robbio
534	Bernadette Collins	535	Rae Wilson	536	Greg Wilson
537	Eric Thomas Miller	538	Kylie Home	539	Laurie Marshall
540	Kerry Marshall	541	Vanessa Caruso	542	John Teague
543	Trevor John Rayner	544	Isabelle Mildenhall	545	Elizabeth Ann Rayner
546	Marley Dalziel	547	Alison Anderson	548	Rosalind Haines
549	Mark Williams	550	Marie-claire Marks	551	Peter Anthony Roberts
552	Steve Dawes	553	Anthony O'Connor	554	Kerrie Williams
555	Loyonette Barbara Burford	556	Paul Weekes	557	Lucy Henningam
558	David Neilson	559	Anthony Egan	560	Wendy Little
561	Anthony Christie	562	David Warren	563	Shaun Morzinek
564	Siwan Rees	565	Bridgette Carey	566	Tim Wright
567	Nicole Matthews	568	Riccardo Zen	569	Torquay Coasters Cycling Group
570	Richard Mackie	571	Bart Martin	572	Stephen Patrick Robinson
573	Norm Lesley Schultz	574	Cornelia Cook	575	Warwick & Julie Peel
576	Julie Ann Torney	577	Kevin Arnold	578	Maryann Kuit
579	Nathan Sayers	580	Lucy Natalia Alexandra Selenitsch	581	Bruce Harvey
582	Kara Dellebeke	583	Janet McAdam	584	Geoffrey John Hall
585	Christopher Hair	586	Peter White	587	Jacqueline Rowe
588	Hayley Tehan	589	Chloe Godau	590	Richard Thomas White
591	Mark Reeves	592	Wendy Donnelly	593	Sarah Biram
594	Josh Rudd	595	Nathan Brock	596	Emily Brock
597	Carmel McCarthy	598	Kathryn Junor	599	Geoffrey Cartwright
600	Robyn Schmidt	601	Kate Messenger	602	Christopher Healy
603	Janet Thomas	604	Robert Ian Edwards	605	Kristyn Burns
606	Phyllis Edwards	607	Dani McNamara	608	Glenn Romanis
609	Neil Keyte	610	C Benson	611	Nicolo Bolognesi
612	Rachel Goldlust	613	Annette Curry	614	Jonathan Northorpe
615	Joseph Holzer	616	Richard Crocker	617	Chris Huxtable

618	Matilda Moody-Ratcliffe	619	Elyse Faroe	620	Kerryn Mandersloot
621	Craig Smith	622	Taryn Rau	623	Jessica Townsend
624	Antony Eugene Twining	625	Madeline	626	Freya Barnes
627	Wendy Greeve	628	Mari Portaro	629	Sue Kunjka
630	Marian Charlton	631	Carl Tracey	632	Jeremy Smith
633	George Carman	634	Rodney G Foord	635	Lawrence Harry St Leger
636	Terrance Raymond Mervin	637	John Franklin	638	Anne and John Monagle
639	Chris Anderson	640	Anne McMillan	641	Peter Donelly
642	Roman Goeppert	643	Miyuki Masuda	644	Clare McAuliffe
645	John Jacoby	646	Kit Robinson	647	Jett Robinson
648	Louise Robinson	649	Stuart Robinson	650	Terence Dowling
651	Roger A Hunt	652	David Green	653	Janice Jessen
654	Rebecca Gibson	655	Benjamin Wallace	656	Murray Lloyd Riggs
657	Michele Ann Riggs	658	Emma Flick	659	Paul Butler
660	Michelle Chandler	661	James White	662	Vikki Maree Davey
663	Amanda Leckie	664	Stephen McConnell	665	Jonas Lobitz
666	Jonathan Roger Claydon	667	Anthea Stahl	668	Debbie Hannah
669	Sheridan Jones	670	Simone Martin	671	Sarah Van de ven
672	Des Callahan	673	Adriana Carrington	674	Fay Loone
675	Conan Forsyth	676	Stephen John Mulcahy	677	Amelia Condon
678	Renee Fitzell	679	Cameron Pine	680	Lisa Anderson
681	Laura Winch	682	Jessica Barr	683	Charlotte Barr
684	Taryn Scanlon	685	Henry Tinsley	686	Leigh Stuckey
687	Amber Bonney	688	Craig Favaloro	689	Sarah Newland
690	Allen James Loone	691	Liz Charles	692	Naomi Lawrance
693	Matthew Elder	694	Frances Nininahazwe	695	Barbara Hollander
696	Stephen Smith	697	Scott Pond	698	Andrew Osborn
699	Khan Harris Moore	700	Matthew Curry	701	Lloyd Stubber
702	Fiona McCord	703	Dianne O'Dwyer	704	Chloe Benincasa
705	Ella Foord	706	Sarah Rothwell	707	Martine Holberton
708	Palmer Flitton	709	Casey Hannan	710	George Omachen
711	Anita Knight	712	Carolyn Grigg	713	Neal Latto
714	Graeme Samuel Biggins	715	Andrea Harvey	716	Alison McAdam
717	Elizabeth Vass	718	Anna Leaming	719	Grace Leaming
720	Matt Martin	721	Gaelle Maeva Florantin Tait	722	Jan Morgan
723	Claire Lawrence	724	Anthony Seraiocco	725	Lisa Ham

726	Torquay Improvement Association	727	Colleen Alison Cocks	728	Gillian Searle
729	Philip Nosedá	730	Damian Mark Cocks	731	Zac Jurilj
732	Helen Torley	733	Manta Nominees Pty Ltd	734	Sharon Jones
735	Chrissie McPhan	736	Sue Rodgers	737	Lee Howard
738	Niall Logue	739	Christine Branch	740	Amanda Hough
741	Rodney Hyett	742	City of Greater Geelong	743	John Bradbury
744	Kalya Perry	745	Greer Meehan	746	Daniel Hercott
747	Ute Raabe	748	Brooke Jaworski	749	Julia Darling
750	Jack McCauley	751	Markham Dower	752	Jenny Bennett
753	Susan Firth-McCoy	754	Judith Miles	755	Delwyn Hanns
756	Jeremy Minter	757	Darren Burhan Fahroedin	758	Karyn Delmenico-Voss
759	Miles Barraclough	760	Karen D'Souza	761	Brendan Walsh
762	Brendan Walsh	763	Brennon Reusch	764	Philip Laurence Williams
765	David Purdue	766	Kirsten Walsh	767	Julian Beattie
768	Keegan FitzGerald	769	Neil Ridgway	770	Aaron Lawson
771	Lily Travers	772	Andrew Rowe	773	Marcus Foster
774	Merinda Kelly	775	Peter Rudd	776	Simone O'Brien
777	Christine Rudd	778	Anouk Martin	779	Les Norman
780	Alan Newbould	781	Rowena Clapham	782	Thomas Crawford
783	Gabriel Mary Fuller	784	Olivia Swann	785	Stephanie Binnion
786	Peter Schmidt	787	Annette Jouce	788	Peter Douglas Rau
789	Linda Schmidt	790	Wendy Leitmanis	791	Lisa Hunwick
792	Christopher Blake	793	Bill Higgins	794	Rosemary Hitchen
795	Michael Hitchin	796	Al Newbould	797	Steve O'Connor
798	Glenys and John Jardine	799	Michelle Clearson	800	Yvette Christoe
801	Cassi Benning	802	Maree Ridgway	803	Kerry Hancock
804	Micheal Cook	805	Andrew Slejko	806	Anne Traeger
807	Kathleen Javen	808	Paul Murphy	809	Zoe Murphy
810	Timothy Patrick Denton	811	David Morgan	812	Donna Foster-Travers
813	Isabel Zwaan	814	Jonah McRae Palmer	815	Yvonne Slater
816	Sam Campbell	817	Lynne Patricia Raidme	818	Favel Parrett
819	Lauren Hughes	820	Elizabeth Diffen	821	Joseph R Diffen OAM JP
822	Claire Leigh Gittings	823	Peter Hayden	824	Rhona Diane Johnson
825	Deborah Sue Arnold	826	Frances Grimshaw	827	Roger Francis McAuliffe
828	Michael Cains	829	Marc Duval	830	Michelle Johnson

831	John D Cameron	832	Peter Godfrey Garland	833	Felicity Bowles-Casemore
834	Stephen Riddle	835	Alison Creevey	836	Raven Wanders
837	Sherree Dalton	838	Ian Wallace	839	Suzanne McConnell
840	Stephen Christofi	841	Elizabeth Kate Gordon	842	Darren Lewis
843	Christine Brackin	844	Vicki Clearihan	845	Andrew Middlehurst
846	Kathleen Trotter	847	David Neal	848	Gary Neil Pond
849	Jeremy Anderson	850	David Geoffrey Morgan	851	Bianca
852	Warren Barnes	853	Natalie Knite	854	Zoe Lewis
855	Alison Witcombe	856	Courtney Skontra	857	Paul Green
858	Peter Leonard Mitchell	859	Leanne Mills	860	Heath Wallace
861	Andrew David Westlake	862	Kathleen Mitchell	863	Cheryl Dianne Duncan
864	Kathy Haslem	865	Jill Wheatland	866	April Meddick
867	Matthew Campbell	868	Joel Farnan	869	Jason Crawford
870	Megan Crawford	871	Rowena Martinich	872	Diethard (Tim) Kottek
873	Kersten Wrobel	874	Rosemary Thompson	875	Geoffrey Carran
876	Hayley Wilson	877	Tracey Rose	878	Murray James Ellis
879	Jacqueline Prendergast	880	Lynda Lochland	881	Jennifer Sumner
882	Cheryl Merritt	883	Madeleine Morello	884	Elizabeth Hede
885	David Cottingham	886	Cormac Hanrahan	887	Christine Anne Gibbins
888	Leigh Indian	889	Lea Selleck	890	Liz Burger
891	Gabriel Herry	892	Taylor Simone Hunwick	893	Michelle Kim
894	Garth Hammonds	895	Stephen Oakes	896	Carl Jongebloed
897	Kamala Arn	898	Pat and Neville Seiffert	899	Steve Gale
900	Geoff Hammonds	901	Maria Cartwright	902	Natalie Makohon
903	Kim Crosbie	904	Elizabeth Oxspring	905	Darren Oxspring
906	Hercules Lathouras	907	Hong Zhu	908	Flynn Daniell
909	Perry Mills	910	Ben Goldsworthy	911	Charlotte Guthrie
912	Chelsey Curtis	913	Glen Hunwick	914	Julia Lutz
915	Erin Gleeson	916	Celia Bolton	917	Scott Leibhardt
918	Rosie Hughes	919	Karen Donaldson	920	Timothy John Collyer
921	Adam Leslie	922	Sarah Treacy	923	Jo Denson
924	Craig Howell	925	Kim Collins Burrell	926	Brodie Diamond
927	Margaret Tozer	928	Stuart Borwick	929	Terry Leson
930	Philip Pilgrim	931	Talia Mills	932	Celia Bolton
933	Gavin Delgrosso	934	Chris Bushfield	935	Helen Day
936	Thomas Mifsud	937	Jennifer Adler	938	Steven Buckland
939	Ian Denness	940	Jen Buckland	941	Simone Kolarik

942	Patricia Contessotto	943	Carl Costin	944	Vicky Dunmore
945	Rob and Robyn Schofield	946	Florence Dellebeke	947	Glenys Joy Zimmer
948	Ollie Watson	949	Olivia Brandimarti	950	Finn McConnell
951	Louise Dahlenburg	952	Sonja Stockton	953	Neil Johnson
954	Lulu Glendenning-Beel	955	Lucy O'Grady	956	Laurence John Cuttiford
957	Ray Gilby	958	Tessa Calder	959	Rebecca Spencer
960	Julia Margaret Curran	961	Sarah Minter	962	David Thacker
963	Andrew Flitton	964	Annie Runnalls	965	Ryan Stone
966	Ross Borwick	967	Carol Borwick	968	Bruce Anderson
969	Victoria Rossiter	970	Michelle Stammers	971	Gordon Anthony Stammers
972	Linda O'Brien	973	Izabela Newbould	974	Laurie Haslem
975	Anne Africa	976	Julie Vautier	977	Claire Borwick
978	David Robert Coldrey	979	Ella Grace Warren	980	Iris Hilda Dennehy
981	Rachel Richardson	982	Martin Pizze	983	Lesley Jeavons
984	Darlia Jane Dafter	985	Megan Vernon	986	Paul Carollo
987	Darcey Kelleher	989	Virginia Stelzer	990	Dylan McRae-Palmer
991	Joanne Wood	992	Susan Cahir	993	Danielle Rowarth
994	Fee Crawford	995	Mark Trinham	996	Jeff Willersdorf
997	Jacqueline Arnott	998	Riley Cantwell	999	Gillian Pritchard
1000	Georgina Bundy	1001	Sarah Butler	1002	Shane Thompson
1003	Fiona Thompson	1004	Loris Janette Kumnick	1005	Daryl Leslie Mahon
1005	Daryl Leslie Mahon	1006	John Raymond Long	1007	Geraldine Couch
1008	Phoebe Lawless-Pyne	1009	Raymond Mangion	1010	Sophie Hickey
1011	Peter Brookes Atkinson	1012	Anne Hunt	1013	Jemma Ugrin
1014	Johnathan Ugrin	1015	Phil Chadwick	1016	Rhonda Willersdorf
1017	Alan Jones	1018	Carole Jones	1019	Caitlin Ovens
1020	Christine Howell	1021	Jeremy Lawless-Pyne	1022	Kim Lawless-Pyne
1023	Joey Remenyi	1024	Talia Avenell	1025	Charles Fivaz
1026	Sheena Scholten	1027	Brenden Bulley	1028	Maximillian Rudd
1029	Scott Knite	1030	Hayley Groves	1031	Cassidy Howard
1032	Joel Begg	1033	Victoria McCaffrey	1034	Lynn Maree Watson
1035	John Stephenson	1036	Frank O'Shanassy	1037	Scott Cornish
1038	Elin Louise Flick	1039	Jason & Leslie Fry	1040	Andrea Millen
1041	Jenny Bradshaw	1042	Sharen Mierzejewski	1043	Kelly Pritchard
1044	Richard Mierzejewski	1045	Dara Simkin	1046	Lewis Dean
1047	Chris Jensen	1048	Rowan Pritchard	1049	Thaedra Frangos

1050	Simone Shaw	1051	Kristi Beattie	1052	Caleb Hurrell
1053	Jillian Chapman	1054	Zhi Feng Sim	1055	Catherine Aline Watson
1056	Chloe Messner	1057	Kylie Roberts	1058	Matt Aquilina
1059	Joel Armitage	1060	Anthony Charles Phelps	1061	Samuel James Lancaster
1062	Fiona Spence	1063	Justin Rizzari	1064	Jeremy Fuller
1065	Margaret Hawke	1066	Benjamin Dowd	1067	Alice Rose Creevey
1068	Phil Roache	1069	Jo Murray	1070	William Campbell
1071	Naomi Wells	1072	Katie Bishop	1073	Lucy Packham
1074	Roger and Pamela Haebich	1075	Kathryn McRae	1076	Lisa-Anne Matthews
1077	Ian Andrew Renard	1078	Graeme Murrell	1079	Nikki Lyons
1080	Patricia McEntee	1081	Lynette Piggott	1082	Malcolm Leigh-Smith
1083	Sandra McManus	1084	Melanie Falkiner	1085	Kaz Walsh
1086	Zeb Walsh	1087	Pete Buckland	1088	Andrew Franklin
1089	Bernadette Zen	1090	Doxia Baris	1091	Fergus Ewan
1092	Gail Giddins	1093	Greg Higgins	1094	Frank Nott
1095	Nick Clearihan	1096	Glenda Shomaly	1097	Raymond Giddins
1098	Gail Rooney	1099	David L Harding	1100	Arlene Elizabeth Ewan
1101	ACNL Engineers Pty Ltd	1102	Pauline Anne Webb	1103	Douglas Edward Webb
1104	Susan Blackbell	1105	Hannah Kruse (Liston)	1106	Victor Eke
1107	Brendan Mooney	1108	Julia McKenzie	1109	Alexander Kruse
1110	Melanie Rockman	1111	Kirsty Bromfield	1112	Laura Elizabeth Molzahn Rees
1113	Caitlin Foster	1114	William King	1115	Liam Perkins
1116	Demmi Burgess	1117	Alan Evans	1118	Alex Warren
1119	Geoffrey Fulton	1120	Lauren Bos	1121	Matt Ward
1122	Margaret Hodgson	1123	Joseph Holzer	1124	Bianca Tepper
1125	Sharon Jones	1126	Jane Jones	1127	Winsome Batchelor
1128	Roslyn Griffiths	1129	Nathan Edwards	1130	Charles Spiteri
1131	Belinda Herde	1132	Les Littleford	1133	Heather Morgan
1134	Kay Arnold	1135	Simon Hawkins	1136	Elizabeth Hamilton
1137	Emma Crocker	1138	Kieran O'Dwyer	1139	David Birrell
1140	Samuel Milne	1141	James Gerard Mulligan	1142	Barbara Begg
1143	Aileen Ibrihim	1144	Vanessa Whittem	1145	Catherine Dawson
1146	Melanie Rothman	1147	Courtney Bradshaw	1148	Elizabeth Eric
1149	Asher French	1150	Stuart Nixon	1151	James Kearney
1152	Jan Lierich	1153	Pamela Montgomery	1154	Jack Mills

1155	Hilary Brand	1156	Alexandra Kimberley Kopke	1157	Fred Preston
1158	Anne-Maree Quinlan	1159	William Shaw	1160	John Murnane
1161	Paul Joseph Quinlan	1162	Alison Henry	1163	Sam Elshaug
1164	Nic Wood	1165	Penny Stragalinos	1166	Peter Allan May
1167	Andrew Stephens	1168	Jacob Johnson	1169	Wendy Faragher
1170	Sophie Black	1171	Dallas Watt	1172	Jane Burge
1173	Jaya Gaillard	1174	Therese Jess	1175	John Jess
1176	Michael Naughton	1177	Jessica Prendergast	1178	Louise Johnson
1179	Ross Burrage	1180	Peter Mares	1181	Jeremy Phillip Monteath
1182	Roger Moulday	1183	Bronwyn Merritt	1184	Phil Hunter
1185	Steven Quick	1186	Tina Szanto	1187	Tony Smales
1188	Kaye Baillie	1189	Kate Wynn	1190	Anthony Harold Jeavons
1191	Rodney Woodruff	1192	Helen Mulcahy	1193	Adam Martin
1194	Kathleen Craven	1195	Satinder Randall	1196	Ella Sweeney
1197	Nazm Singh	1198	Anita Kate Rankin	1199	Nitasha Randall
1200	Samantha Coy	1201	Gail Susanne Slykhuis	1202	Simon Taylor
1203	Adrienne Turnock	1204	Christopher Haworth	1205	Melissa Cox
1206	Ian Hobbs	1207	Michelle Rippe	1208	Gregory John
1209	Benjamin Roderick Young	1210	Robyn Gaeth	1211	Johanne Walker
1212	Gary David Plumridge	1213	Zachariah Smith	1214	Jazmin Smith
1215	Shelley Johnston	1216	Cameron Archibald McLean	1217	Jody Petroni
1218	Danielle Petroni	1219	Michael Egan	1220	Natalie Sheridan
1221	Phillip Ronald Stammers	1222	Bindy Sheehan	1223	Tania Allison Egan
1224	Raymond William and Gail Kinloch Frost	1225	Dianne Draper	1226	Michael Andrew Belton
1227	John Oakley	1228	Janet Biram	1229	Kim Myers
1230	Protect Spring Creek	1231	Caillin O'Shanessy	1232	Kylie Moreau
1233	Bridgeward Grove Olives and Art	1234	Sebastian Moreau	1235	Jonathan Bryce Armstrong
1236	Sonja Maree Armstrong	1237	Val Coulson	1238	Miranda Luby
1239	Margaret Maria Helliwell	1240	Patrick Oxspring	1241	Claire Formby
1242	Joseph Henry Graffam	1243	Mary Rose Avent	1244	Simon Piasente
1245	Brian Kuit	1246	Lyn Rankin	1247	Janet Nyhof
1248	Chris Leibhardt	1249	Susan Cahir	1250	Gayle Anne Neighbour
1251	Kay Rose	1252	Carlie Ronning	1253	Rod Rankin
1254	Robyn Dawkins	1255	Russell Harris	1256	Chloe Wong You Cheong

1257	Sarah Anne Gale	1258	Andrew Jens	1259	Michael Collins
1260	Graeme Russell Taylor	1261	Fiona Hili	1262	Robert Meynink
1263	Linda Emonson	1264	Humans in Geelong Inc	1265	Geelong Sustainability
1266	Peter Greck	1267	Gabe Fenaughty	1268	Jeremy Ham
1269	Meredith Telfer	1270	Donald Grimmer	1271	John Herbert Walker
1272	Elizabeth Anne Cole	1273	Leigh Giddins	1274	Timothy Paul West
1275	Thomas Dunn	1276	Claudia Alejandra Velasquez Lecaros	1277	Leah Hall
1278	Karan Dawson	1279	Alison Wills	1280	Mikaele Tabuanivalu
1281	Michael Drake	1282	Graeme Stockton	1283	Grant Darryl Norris
1284	Dukbeau Enterprises Pty Ltd	1285	Michael Hennessy	1286	Margie Hennessy
1287	William John Herman Voorhoeve	1288	LaVonne Molloy	1289	John Slykhuis
1290	Cara Johnson	1291	Kristi Doyle	1292	Alex Bennett
1293	Belinda Lane	1294	Joy Cynthia Sutton	1295	Michael Towner
1296	Robyn Evans	1297	Deborah Tate	1298	Marlene Humplk
1299	Michael Gordon & Deborah Anne Russell	1300	Irene Brackin	1301	Catherine MacDonald-Parker
1302	Graeme Victor Mills	1303	Adrian Hart	1304	John Farnan
1305	Spiros Digenis	1306	Charles Brooks	1307	Cecilia Digenis
1308	Jess Meadows	1309	Eve Wickson	1310	Sue Crowhurst
1311	Kerry Borg	1312	Graham Ronald Blight	1314	Jennifer Benyan
1315	Kerryn Viner	1316	Richard Sargeant	1317	Natasha McKenzie
1318	Genevieve Ladd	1319	Megan Cantwell	1320	Janet Stewart
1321	Cooper Willingham	1322	Nic Gemmill	1323	Trevor Hodson
1324	Kate & Robbie Cuthill, Marg & Reg Smythe	1325	Michele Barnes	1326	Zachary Churton
1327	Adam Lane	1328	Danielle Churton	1329	Surf Coast inland Plains Landcare Network
1330	Mr. P King	1331	Miyo Fallshaw	1332	Chris Rankin
1333	Julie Maria Hodor	1334	Jane Rafe	1335	Elizabeth Rush
1336	Andrew Fallshaw	1337	Andrew Fallshaw	1338	Karen Jepsen
1339	Sonja Leon	1340	Kelly Favaloro	1341	Amanda Jane Buckley
1342	RJ Berry	1343	Ian McNeil	1344	Natalie Egerton
1345	Kate Gluning	1346	Grant Baker and Judy Simkin	1347	Joanna Remenyi
1348	Stephanie Kreskas	1349	Clara Sheppard	1350	Julie-Anne Frederiksen
1351	Tyron Hug	1352	Lynda Gusbeth	1353	Phil Kidd
1354	Jacqueline Portaro	1355	Lionel Legros	1356	Jacqueline Dunlop

1357	Amanda Chase	1358	Meredith Liddle	1359	Anthony Peter Trezise
1360	Jan Ross	1361	Tim Dyck	1362	Linda Winn
1363	Shane Holman	1364	Emma Flannery	1365	Sue Currie
1366	Rosheen Green	1367	Dan Condon	1368	Christine Mios
1369	Mark Robertson	1370	Callan Young	1371	Andrew Gaylard
1372	Paul Ross	1373	Stuart Cruickshank	1374	Steven Swann
1375	Whim Walker	1376	Malcolm Corp	1377	Tasoula Metaxas
1378	Lyndelle Zuccolin	1379	Caitlin Jane McNamara	1380	Kate Donkers
1381	Peter Condon	1382	Michelle McKenzie	1383	Magdalena Jantacova
1384	Claire Summers	1385	Kirsten Bunworth	1386	Bradley Saffin
1387	Aisha Buckle	1388	Chris Doolan	1389	Patricia Saffin
1390	Lisa Clarey	1391	Peter Sloman	1392	Elysia Craven
1393	Melanie Giddins	1394	Bianca Seymour	1395	Peter Bistak
1396	Melinda Bald	1397	Virginia Spiteri	1398	Belinda Cook
1399	Jan Demaerel	1400	Sarah Fardy	1401	Sara Cook
1402	Sarah Hunter	1403	Michelle Conn	1404	Jessica Dorney
1405	Emma Morrissey	1406	Philip Oude-Vrielink	1407	Christin Lisa Ryan
1408	Rebecca Lofts	1409	Jeffrey Wapling	1410	Mandy McHugh
1411	Graeme	1412	Deanne Dunne	1413	David Smith
1414	Deb Ann	1415	Christopher John Lewis	1416	Chalisa Morrison
1417	Duane Lucas	1418	Tracey Nixon	1419	Peter Hogan
1420	Rebecca Ann Lacny	1421	Kanella Hatzicostas	1422	Nicole Gilders
1423	Alice Prowse	1424	Emma Fyfield	1425	Geoffrey Di Felice
1426	Lesley Elizabeth Condon	1427	Regina Margarita Brigitte Hunt	1428	Ray Nussio
1429	Matthew Nussio	1430	Kristy Berryman	1431	Louise McLean
1432	Jasmine Condon	1433	Vicky Anne Chandler	1434	Caroline Bartolo
1435	Saranyu Pearson	1436	Joshua Cameron Millen	1437	Kerry Barrett
1438	Peter Samuel Hall	1439	L Hain	1440	Jennifer Hurley
1441	Lexie Wills	1442	David Lang	1443	Glenn Osboldstone
1444	Randell Glover	1445	Helen Pallot	1446	Karen Balcombe
1447	Sarah Seraiocco	1448	Jacqui Pollard	1449	Amy Gillett
1450	Caitlin Pendlebury	1451	Camille Snow	1452	Elizabeth McNamara
1453	Libby Coker	1454	Julie-Anne Mulheron	1455	Daniel Grigg
1456	Chris Maddock	1457	Tamba Rose	1458	David Westmoreland
1459	Leesa Farrell	1460	Alistair Merritt	1461	Nik Orvis

1462	Michael Spiteri	1463	St Quentin Consulting on behalf of Fortress Holdings Pty Ltd	1464	Jordan Moore
1465	Andrew McCauley	1466	Vaughn McCarthy	1467	Simon Lofts
1468	Jeffrey Searle	1469	Sally Gretchen Warmington	1470	Dorothy Sims
1471	Martina Currie	1472	Kaitlyn du Preez	1473	Ant Williams
1474	Carla Crofts	1475	Danny McCarthy	1476	Cathleen Sheridan
1477	Lorenzo Lorefice	1478	Helen J Forrest	1479	Michael McLean
1480	Scott Edmonds-Wilson	1481	Leanne Montague	1482	Anne Nairn
1483	Lesley Anne Jolley	1484	Jillian Turner	1485	Helen Williams
1486	Georgia McDowall	1487	Elizabeth Charles	1488	Christine Ann Simmon
1489	Cathy O'Loughlin	1490	Dennis Pearson	1491	Gary Manton
1492	Kevin McNamara	1493	David Chivers	1494	Melissa Nicholas
1495	Damian Chappell	1496	Nandalie Cormack	1497	Emily Collett
1498	Jessica Preston	1499	Samuel Perovich	1500	Julie Mangan
1501	Fiona Allpress	1502	Danielle Johnson	1503	Andrew Robertson
1504	Andrea Mangan	1505	Melissa O'Neill	1506	Maryann Jones
1507	Christine Hurley	1508	Vicki Morzinek	1509	Chris Collins
1510	Nerissa Jaye Hede	1511	John Topic	1512	Andrew Roche
1513	Colin Symes	1514	Amy Tsiantas	1515	Marcel Shields
1516	Cameron Inness	1517	Candice McDonald	1518	Sally Hunt
1519	Rachel Bowen	1520	Deborah Hooper	1521	Jennifer Gleeson
1522	Sarah Bruyn	1523	Rebecca Hosking	1524	Charlie Cole
1525	India Wren	1526	Kent Staines	1527	Stephanie Parsons
1528	Kathryn Lucas	1529	Kelsey Dunlop	1530	Kornelia Pytlak
1531	Lee Heron	1532	Ruth Creati	1533	Jessica Pickering
1534	Gretta Connell	1535	Mark Gleeson	1536	Jacqueline Adams
1537	Gillian Patten	1538	Belinda Greskie	1539	Gary Ronald Caesar
1540	Hollie Gray	1541	Michele Hayes	1542	Steve Stahl
1543	Thomas Barton	1544	Mark Burgess	1545	Natalie Argus
1546	Edward Sixsmith	1547	Elizabeth Steel	1548	Georgia Dodd
1549	Rachel Cameron	1550	Lisa Anderson	1551	Ashleigh Frost
1552	Michelle Buggy	1553	Natalie Martin	1554	Fleur Freeland
1555	Fran Lalor	1556	Nadege Benetrix	1557	Aeron Stephenson
1558	Mark Orton	1559	Stephen Iannazzo	1560	Jacobus Merckx
1561	Mel Iannazzo	1562	Meg Toth	1563	Misty Barth
1564	Sandro Ferreira	1565	Renee Carter	1566	Alexis Marsh

1567	Ben Lusby	1568	Ben Herde	1569	Hayley Galbraith
1570	Bianca Jenkinson	1571	Joanne McAuliffe	1572	Patrick and Pauline Cassady
1573	Donald Hooper	1574	Kathryn Stewart	1575	Patricia Rizvi
1576	Brenden Long	1577	Ashley McAllister	1578	Emma Burriss
1579	Andy Towell	1580	Elizabeth McColl	1581	Kerry Clarke
1582	Alexander Marks	1583	Maddy Prowse	1584	Susan Cahir
1585	Edward Waller	1586	Susan Cahir	1587	Richard Facey
1588	Judith Mahon	1589	Barbara Paolini	1590	Rebecca Scott
1591	Stacey-Lea Gibson	1592	Carl Strachan	1593	Hermann Stelzer
1594	Scott Harding	1595	Liz Sweeney	1596	Maya Goda
1597	Christopher James Nunan	1598	Kristine Stephens	1599	Katherine Marsh
1600	Hilary Hayton	1601	Nadine Rudkin	1602	Tom Shugg
1603	Dianne Swann	1604	Vincent Lauwerier	1605	Oliver Grant
1606	Milly Orrico	1607	Timothy Le Nevez	1608	Vicki Ryan
1609	Nicholas Barda	1610	Sarah Bumpstead	1611	Kathy Pape
1612	Helen Robarts	1613	Roderick Barr	1614	Amanda Vranken
1615	Andrew Montague	1616	Patrick Cahir	1617	Sharon Valentino
1618	Tess Hurrell	1619	Lana Rafferty	1620	Gretel Van Wyngaarden
1621	Jo McEwan	1622	Margo Hobba	1623	Rhiannon Mendelson
1624	Justin Stark	1625	Robert Walker	1626	Kayleigh
1627	Craig Brisndon	1628	Olivia Morden	1629	Narelle Brinsdon
1630	Lucy Burke	1631	Katherine Edwards	1632	Heidi Storey
1633	Julie Stevens	1634	Herbert Adler	1635	Hamish Kingma
1636	Clare Amos	1637	Callista Evans	1638	Gayle Ianniello
1639	Renee Smith	1640	Tamsen Franklin	1641	Nicole Gill
1642	Rachael Moore	1643	Julian George Cape	1644	Richard Webbe
1645	Joel Crothers-Stomps	1646	Paul Palmer	1647	Kate Hebbard
1648	Susan Gout	1649	Brooke Frances	1650	Courtney Webb
1651	Rebekah Adams	1652	Katie Lucas	1653	Lisa Waldron
1654	Lucy Stevens	1655	Megan Hutchins	1656	Peter Miller
1657	Aaron Quinnell	1658	Ignatius Rudd	1659	Emma Hunt
1660	John Coyne	1661	Mia Young	1662	Linda Howell
1663	Megan Tate	1664	Sue Dean	1665	Campbell Young
1666	Bianca Capicchiano	1667	Fiona Coyne	1668	Rachel
1669	Louis Green	1670	Joel Riddle	1671	Mia Young
1672	Connor Williamson	1673	Aaron Tau	1674	June Dennehy

1675	Emily Hamilton	1676	Krystina Simpson	1677	Helen Shepherd
1678	Jaimee Tierney	1679	Matthew Jacoby	1680	Hannah O'Loughlin
1681	Melanie Davies	1682	Jenny	1683	Jacqui Simon
1684	Hugh Webb	1685	Bradley Finn	1686	Rhys Lehmann
1687	Tom Parry	1688	Tamara Rogers	1689	The Spirit of The Ocean Inc.
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1693	James Brine	1694	Tiffany Edwards	1695	Christine Bowles
1696	Sharna McMahon	1697	Dallas McDonald Heaton	1698	Tara Webster
1699	Seth Whale	1700	Allison Messenger	1701	Patrick Jonathan Stitt
1702	André Douglas	1703	Josh Young	1704	Thomas Fogaty
1705	Phill Madigan	1706	Susan & Rod Daley	1707	Hannah Holloway
1708	Alex MacDonald	1709	Ellison Bloomfield	1710	Christine Ann Rippon
1711	Alison Gusbeth	1712	Richard Nasso	1713	Sarah Tomlinson
1714	Georgina Campbell	1715	Mandy Bird-Hickey	1716	Pauleen Shirlow
1717	Julie Thomson	1718	Stephanie Purdue	1719	Elizabeth Taylor
1720	Alison Hunter	1721	John Robert Rose	1722	Mike Atkinson
1723	Patricia May Lloyd	1724	Jessica Watts	1725	Ryley Norris
1726	Karina Donkers	1727	Melissa Taylor	1728	Catherine Bajada
1729	Ian and Helen Convery	1730	Léo Terrando	1731	Jill Sutherland
1732	Bellbrae Estate	1733	Jacqueline Dyson	1734	Billy Fox
1735	Nicholas Gregory Horton	1736	Claire Bevan	1737	Marguerite van Engelen
1738	Warren Bennett	1739	David Alan Jones	1740	Chris Haines
1741	Simon Holt	1742	Susan Hall	1743	Elise Chaudhry
1744	Norman Stanley Browning	1745	Katrina Hyland	1746	Matt Hofman
1747	Peter Ashton	1748	Fino Rudd	1749	Xavier Rudd
1750	Andrew Riseley	1751	Devon McGillicuddy	1752	William Shellard
1753	Peter George Vander Sluys	1754	Torquay Coast Action	1755	Naomi Madigan
1756	Nathan Orenstein	1757	Nicholas Halliwell	1758	Jason Freshwater
1759	Hayley Scrivener	1760	Sally-Anne Edge	1761	Ryan Ogden
1762	Geoff Rodgers	1763	Rowan Prendergast	1764	Beverley Mills
1765	Greg Robinson	1766	Peter Smith and Adelaide Barbon	1767	Brigid Papaix
1768	Clark Coleman	1769	Cheryl Kay Annetts	1770	Nicolas Papaix
1771	Nicole Lovett	1772	Frances Mills	1773	Jake Pucar
1774	Lia Vice	1775	David Collins	1776	Benjamin Herrgott

1777	Travis Wright	1778	Glenn Ian Rees	1779	James Patterson
1780	Mathew Hocking	1781	Phillip Gardiner	1782	Brietta Foott
1783	Lauren Gail Harris	1784	Margaret Joy Dawson	1785	Melissa Capolicchio
1786	Gary Ferguson	1787	Jan Eden	1788	Dr Margaret Mazzolini
1789	Heidi Fog	1790	Louisa Hayton	1791	Trent Mills
1792	Andrew Diamond	1793	Nicholas Walsh	1794	Michael Pitman
1795	Charlie Horoch	1796	Sarah Pitman	1797	Louise Johnson
1798	Sandra Barton	1799	Carollyn Williams	1800	Renee Pascouau
1801	Daniel Richard Beck	1802	Julie McNamara	1803	Margaret Jacobs
1804	Marg Foulkes	1805	Sally Ann White	1806	Stephen Yewdall
1807	Chad	1808	Jane Utting	1809	Angus Leslie Cormick
1810	Jaime Ghys	1811	Laura Perry	1812	Brett Girvan
1813	Stephanie Gemmill	1814	Kali Davis	1815	Anthea Sholl
1816	Christoper Sinclair	1817	Amanda Bowker	1818	Emer Mary Oxspring
1819	Daisy Guest	1820	Warren Ruplal	1821	Joan Margaret Duval
1822	Terrence Cliff	1823	James Mackinnon	1824	Robyn Berry
1825	Judith Faye Dickie	1826	Paul Maddock	1827	Colin Robert Hibberd
1828	Lenny Cox	1829	Emma Yee	1830	Jessica Townsend
1831	Jennifer Petersen	1832	Fiona McCord	1833	Natalie Deidda
1834	Michael Dowling	1835	Sally Fox	1836	Bronwyn Withers
1837	Timothy Upson	1838	Neil Beamish	1839	Geoffrey Paul Maguire
1840	Rachel Millier	1841	Ryan Millier	1842	Devon Plumley
1843	Zoe Roloff	1844	Marumi Smith	1845	Jacqueline Aarons
1846	Colin Edgar	1847	Ella Hopgood	1848	Alexander McPhail
1849	Brian Currie	1850	Emma Jackman	1851	Nicole Kerger
1852	Diane Kerr	1853	Jason Kerr	1854	Suzanne Ball
1855	Lindsay Fitzclarence	1856	Marilyn Edgar	1857	Marilyn Edgar
1858	Alan John Rushworth	1859	Barbara Jens	1860	Stuart Thomas Maxwell
1861	Gabi Hayward	1862	Caroline Gordon-Johnson	1863	Helen Valenrine
1864	Daniel McLoughlan	1865	Vanessa Browne	1866	Jacqueline Dreessens
1867	Scott McClimont	1868	Jessica Milligan	1869	Jeffrey Horoch
1870	Samuel Bean	1871	Evie Bean	1872	Stewart Bean
1873	Peter Crowcroft	1874	Carolyn Bean	1875	Cassandra Jane Curnow
1876	Nic Hill	1877	Isabelle Turner	1878	Emma Hayward
1879	Luke Hayward	1880	Mary Micallef	1881	Chris Robinson
1882	Joedie Robinson	1883	Jessica Glew	1884	Bronwen De Pomeroy
1885	Tim Byrne	1886	Michael Gorman	1887	Shane Korth

1888	Kelly Binyon	1889	Matt Freeman	1890	Simon McCarty
1891	Ryan Jackson	1892	Bronwen Hart	1893	Tarl Hart
1894	Marine Young	1895	Stephen Carrier	1896	Joel Grist
1897	Nathan Cartledge	1898	Grace Cartledge	1899	Jodie Lewis
1900	John McIntyre	1901	Leonie Jean Goldsmith	1902	Sarah Prendergast
1903	Joshua Robinson	1904	Eva Derksen	1905	Marie Knight
1906	Norman and Jeanette Drayton	1907	Dianne Elizabeth Schultz	1908	Peter Carruthers
1909	William Lance Potter	1910	Ann Bullen	1911	Meredith Bain
1912	Julianna Robinson	1913	Andrew Williams	1914	Lesley Anne Evans
1915	John Addison Henley	1916	Richard Henry Hall	1917	Marion Henley
1918	Natalie Roche	1919	Lauren Prestas	1920	Andrea Collins
1921	Bruce Marriage	1922	Leanne Holmes	1923	Monika Ewen
1924	Ebony McGrath	1925	Michael and Patricia Dobson	1926	Pauline Wiggs
1927	Harriet Smith	1928	Scott Kirby	1929	Jessica Stone
1930	Kylie Willingham	1931	Birdlife Australia's Friends of the Hooded Plover Breamlea	1932	Belinda Gladman-Nuske
1933	The Breamlea Association	1934	Shane Davis	1935	Mark Foord
1936	Alison Margaret Deane	1937	Robyn Mawdsley	1938	Jane Bailey
1939	Laura Wilson	1940	Hayley McPhan	1941	Michael Beck
1942	Rowan Hanley	1943	Gavin Doolan	1944	Cameron Macaulay
1945	Brendan Donohoe	1946	Emily Bogue	1947	Annie Hams
1948	Charlotte Almond	1949	Clare White	1950	Lachlan Paterson
1951	Amelia Paterson	1952	Diane Anderson	1953	Functional Nutritionist
1954	David Aytan	1955	Thomas William Collier	1956	Kellie Whiskin
1957	Helen Butterworth	1958	Stuart Lyndont Spark	1959	Jeannine Kathryn Riddle
1960	Mary Dokos	1961	Gary John Riddle	1962	Rod Lees
1963	Phillip Langdon	1964	Philip Dodd	1965	Sean Cole
1966	Lloyd James	1967	Shill Outdoor Construct	1968	Rachel Mather
1969	Russell Adams	1970	Richard Grenville Long	1971	Melissa Geraldine Hill
1972	Shane Colin Foster	1973	E H Hill	1974	Margaret Elizabeth Dahlenburg
1975	Bruce Wookey	1976	Dannielle Barr	1977	Samuel Lander
1978	Nicole Ward	1979	Christopher John McPhan	1980	Ethel Danielle de Haas
1981	Jonathan Muller	1982	Peter Bennett	1983	Alexandra El Adam
1984	Ngaire Young	1985	Rodd Missen	1986	Narelle Missen
1987	Damien Schmidt	1988	Luciana Graziela Araujo	1989	Jay Martin

		Cuoco	
1990	Peter John Moutray	1991	Walter Wiggs
1993	Elizabeth Hurley	1994	Hannah Martin
1996	Amelia Clifford	1997	Martin Box
1999	Peter Baker	2000	Colin Charles Caddy
2002	Gillian Louise Finlayson	2003	Jarret Grout
2005	Jeff Watt	2006	Christopher John Hollenkamp
2008	Tim Jack	2009	Mark Franklin
2011	Sandra Gillson	2012	John Robert Robinson
2014	Darren Palmer	2015	Heather Joan Bowe Dennis
2017	Angelique Blucher	2018	Neil Ralph Tucker
2020	Nicole Hulme	2021	Graham John Travers
2023	Phil Wrochna	2024	Grady Clifford
2026	Peter Bailey	2027	Fabio Bruno Stradijot
2029	Lleeanne Lyle	2030	Dianne Stevens
2032	Jennifer & Robert Jensen	2033	Kim Bailey
2035	Michelle Baird	2036	Jan Bruegemeier
2038	Noel Goldsmith	2039	Carol Meade
2041	Pamela Newton	2042	Olivia Griffiths
2044	Lenore Joy Ford	2045	Nicholas Leslie Redman
2047	Michael John Heeley	2048	Bernadette Bowman
2050	Tom Wigan	2051	Junko Miwa
2053	Wendy Kathleen Jacobs	2054	Alison Taylor
2056	Gerard Biddle	2057	Kathryn Furness
2059	Courtney Smith	2060	Lisa Chandler
2062	Sandra Marguerite Price	2063	Julie Ann Carpenter
2065	Cameron Gray	2066	Sandra Williams
2068	Bill Dekleris	2069	Bill Dekleris
2071	Ben Wright	2072	Peter Earl
2074	Mark Dinning	2075	Hannah Tracey
2077	Rebecca Bowker	2078	Margaret
2080	Melissa Ferris	2081	Andrew Wilson
2083	Jean Ross	2084	Melissa Ferris
2086	Gerry Verdoorn	2087	Annaleise Reid
2089	Fergus Jacoby	2090	Lucinda Garnett
2092	Yiming Xu	2093	John Douglas Harrison
		1992	Steven Goldstein
		1995	Kim Jackson
		1998	Emma Fenty
		2001	Paul Finlayson
		2004	Susan Sheppard
		2007	Evelyn Hollenkamp
		2010	Josephine Franklin
		2013	Chela Edmunds
		2016	Anne Thompson
		2019	Ana Diaz Green
		2022	Giuliana Talbot
		2025	Claire Osborn
		2028	Peter Whelan
		2031	Steve Rogers
		2034	David Smith
		2037	Sarah Timms
		2040	Timothy Stephen Elliott
		2043	James Walsh
		2046	Xiaoping Wang
		2049	Jennifer Margaret Garlick
		2052	Ingrid Flood
		2055	Danielle Marnock
		2058	Hayden Williams
		2061	Mark von Nagy
		2064	Martine Oderio
		2067	Rebecca Jane Malone
		2070	Amanda Wright
		2073	James Turner
		2076	Leonie Molloy
		2079	Paul Goonan
		2082	Cooba Dylewski
		2085	Paul Martonhelyi
		2088	Georgie Carroll
		2091	Kaitilin Lowdon
		2094	Anna Pemberton

2095	Emily Bowker	2096	Laurence O'Keefe	2097	Caitlan Hannah
2098	Michael John Lambkin	2099	David Eric Schneeberger	2100	Bridget Jacoby
2101	Cordelia Lean	2102	Alex Tarr	2103	Janet Hilary Kaiser
2104	Lindsey Telling	2105	Ella Cordell Radford	2106	Ryan Wood
2107	Maylee Fox	2108	Grace Gleeson	2109	Vincent and Maree Kelly
2110	Simon Tait	2111	Sienna Young	2112	Adam Joseph Karpala
2113	Gerald Baldock	2114	Raymond Neville Giddins	2115	Lynne Murray
2116	Mark Clatworthy	2117	Ann Maree Cooper	2118	Sue Lynch
2119	Brenda Provan	2120	Jeremy Robinson	2121	Glenn Steven Morgan Harvey
2122	Robyn Maddock	2123	Melanie Hunt	2124	Raechel Murray
2125	Amie Reusch	2126	Jacqueline Price	2127	Wayne Robert Tozer
2128	Dino Imbriano	2129	Chris Bitmead	2130	Natalie Morrissey
2131	Marni Stewart	2132	Emily Lens	2133	Margaret Baker
2134	Dorothy Cremona	2135	Nathan Swan	2136	Penny Dunlop
2137	Julie Fox	2138	Pamela Ann Brewin	2139	Andrew Blizzard
2140	Benjamin Raymond	2141	Darrel Christopher Brewin	2142	Marjorie McKenzie
2143	Marian Young	2144	Robyn Ann McAuliffe	2145	Amie Lauren Herring
2146	Gillian Hutchison	2147	Nicole Kees	2148	Michelle Jensen
2149	Diane Wood	2150	Julia McKenzie	2151	Neil Ashworth
2152	Fiona Brennan	2153	Elise Hartley	2154	Luke Hynes
2155	Sophia Lamb	2156	Matthew Stadler	2157	Christopher Knight
2158	Tim Lawes	2159	Peter Marshall	2160	Peter Barton
2161	Alice Kilpatrick	2162	John Pinnis	2163	Graeme Robert Plant
2164	Amelia Cooper	2165	Kerry Robinson	2166	Bianca C
2167	Paul David Brewster	2168	Geoff Chandler	2169	Jessica Arnold
2170	Joye Pinnis	2171	Deborah Slater	2172	Ben Grant
2173	Eric William Noble	2174	Lyndel Kay Littlefield	2175	Peter Conquest
2176	Paul Furtado	2177	Gabrielle Stevens	2178	Hamish MacDonald
2179	Jennifer Conn	2180	Steven Grossman	2181	Lynda Green
2182	Adam Hamilton	2183	Lincoln Stevens	2184	Emanuela Tricarico
2185	Bruna Tricarico	2186	Simon Pilkington	2187	Brian Ibrihim
2188	David Bond	2189	Dana Robinson	2190	Gabrielle Maria Derrick
2191	Sally Torney	2192	Michael James Wilson	2193	Rebecca Nixon
2194	Jo Bourke	2195	Shirley Margaret Murnane	2196	Julia Brangwyn
2197	Alan Korzeniewski	2198	Graham Crapp	2199	Jake Bailey
2200	Norma Adams	2201	Alexandria Elizabeth Redman	2202	John Bennison

2203	Linda Brown	2204	Bernard Michial Murnane	2205	Alexander Korzeniewski
2206	Catherine Franklin	2207	Thomas Charlie Oxspring	2208	Ruby Athanatos
2209	John Franklin	2210	Aileen Korzeniewski	2211	Travis Knights
2112	Lenka Eckhardtova	2213	Rob Aitken	2214	Gary Beddome
2215	Shawn Burley	2216	Raymond Busby	2217	Julie Blake
2218	Elisha Dalli	2219	John and Kim Layton	2220	Noreen Bourke
2221	Peter MacDonnell	2222	Christian College Geelong	2223	Linda Diggins
2224	Sally Watt	2225	Maxwell Kellett	2226	Meredith De Leenheer
2227	Yvette Grant	2228	Gail Boadle	2229	Aaron Murnane
2230	Wendy Reeves	2231	Brynnie Rafe	2232	Cohen Emmerson
2233	Helen Victoria Clutterbuck	2234	Kate Wisbey	2235	Judith Harvey
2236	Rory Allen Sain	2237	Rita Crump	2238	Sue Tatnell
2239	Tom Hughes	2240	Colin Geoffrey Brown	2241	Jeff Gibson
2242	Dianne Dendle	2243	Peter Currie	2244	Matthew Patullock
2245	Alison Watson	2246	Dean Clift	2247	Wendy Maree Smith
2248	Peter Theodore Cribb	2249	Deidre Anne Hayden	2250	Daniel Broadbridge
2251	Rebecca Gilbert	2253	Mollie Watson	2254	Greg Peters
2255	Amber Jones	2256	Jodie Hayes	2257	Gayle Roche
2258	Nicole Azzopardi	2259	Deirdre Carmichael	2260	Bronwen Wright
2261	John Newton Ellis	2262	Kevin Alexander Smith	2263	Catfish Creative
2264	Louise Amber Petch	2265	Margaret Box	2266	Jessie Morphet
2267	Anne Staig	2268	Joy Anne Lewis	2269	Nick Harvey
2270	Rachelle Garrard	2271	Jack Wilby	2272	Cassie Capuano
2273	Daniel Willsmore	2274	Daniel Willsmore	2275	Meredith Seaman
2276	Tania Tucker	2277	Hannah Allen	2278	Pita Nakaroti
2279	Margaret Wapshott	2280	Kieran James Glazier	2281	Gregory Mervyn Matthew
2282	Travis Laird	2283	Elaine Van Der Meer	2284	Robert Grant Wilson
2285	Leigh Bridges	2286	Melanie Hayden	2287	Nivea Meireles Leite
2288	David John O'Meara	2289	Brian Mahoney	2290	Leighton John Howes
2291	Gerard O'Callaghan	2292	Sarah Richardson	2293	Bryan Joseph Derrick
2294	Sarah Russell	2295	Patrick Brown	2296	Raphael Siket
2297	Ian McCartney	2298	David Spedding	2299	Stephen Cox
2300	Jill Korevaar	2301	Fiona Conroy	2302	Mary Eke
2303	Leo Hollands	2304	Leah Penny	2305	Susan Barlow-Clifton
2306	Donna Nolan	2307	Michael F Barrow	2308	Rodney John Ellis
2309	Dean Kellett	2310	Megan Avison Parker	2311	Julie Taranto

2312	Helen Paull	2313	Sandra McPhan	2314	Jay Wilson
2315	Millie Paterson	2316	Shona Hosking	2317	Kurt Sussmilch
2318	Thomas Hamilton	2319	Adrian Hebbard	2320	Ben Osmond
2321	Maggie Bufe	2322	Diane Ellis	2324	Paula Shepherd
2325	Chloe Eve Bowen	2326	Elisha Muller	2327	Sam Webb
2328	Heather Tinney	2329	Adam Aleksandrowicz	2330	Philip Brett Avery
2331	Martin Hamer	2332	Kim Clatworthy	2333	Adrian Currie
2334	Drew Muller	2335	Rosemary Carruthers	2336	Andrew Moffitt
2337	Gemma Moffitt	2338	Matthew Jensen	2339	Mark Bish
2340	Christopher Michael Kemp	2341	Shanelle Biskup	2342	Tyson Russell
2343	Erika Turner	2344	Luke McInerney	2345	Markus Tschech
2346	Peter Howard Hughes	2347	Graeme Brown	2348	Callum Martin
2349	Janine Ellen Keith	2350	Rebecca Thompson	2351	Denise Lesley Stephens
2352	Hamish Black	2353	Ben Pratt	2354	Harry Coleman
2355	Phillip Anthony Pickering	2356	Rebecca Goschnick	2357	Susan Martinez-Warncke
2358	Zoe Lorenz	2359	Alison Hawthorne Ford	2360	Aaron Birss
2361	Toni Ristevski	2362	Nicole O'Dwyer	2363	David Benyan
2364	Peter Smith	2365	James Russell	2366	Bart Spanjer
2367	Chloe Hall	2368	Kerry Griffin	2369	Lynda O'Flaherty
2370	Geoffrey Ramus	2371	Deborah Wilson	2372	Carl Witham
2373	Tonia Ramus	2374	Nick Dungan	2375	Kate Anderson
2376	Murray Kelly	2377	Susan Carolyn Webley	2378	Belinda Russell
2379	Jordan Brown	2380	Leah Jenkinson	2381	Susan Booth
2382	John Spierings	2383	Joanne Louise Ambrosi	2384	Sally Elizabeth Burrell
2385	Scott Howley	2386	Luke Studd	2387	Grace King
2388	Peter Griffiths	2389	Patrick and Ann Casey	2390	Joe and Cate Remenyi
2391	John Cockbill	2392	Grenville Irving & Patricia Frances Nicholson	2393	Najat Baqtatouche
2394	Sandra Catherine Trembath	2395	Marilyn Murnane	2396	John De Witt
2397	Adam Fox	2398	J Oscar Owens	2399	Patrick Joseph Murnane
2400	Kylie O'Toole	2401	Greta & Mark Wyeth	2402	Robert Webb
2403	Stephen Scammell	2404	Darren Evans	2405	Jasmine Salveson
2406	Lois Perrett	2407	David McNicol	2408	Anna Agnes Straughair
2409	Terence & Joan Murphy	2410	Carolyn Veith	2411	Mary Murphy
2412	Robyn Berry	2413	Joy and Matthew Coco	2414	Lilas Monniot-Kerr

2415	Saul Davies	2416	Glenn Ross	2417	Jan Farnan
2418	Emily Berry	2419	Casper Bjerring Petersen	2420	Scott Rockwell
2421	John Foss	2422	Paul Garrard	2423	Martin John Porter
2424	Beryl McCasker	2425	Libby Doughty	2426	Robin Rochester
2427	Jae Fahroedin	2428	Marilyn Young	2429	Boral Recycling Pty Ltd
2430	Shari Maver	2431	Kevin Mathie	2432	Sean Sammon
2433	Rory Tonkin	2434	Robert McReynolds	2435	Chris Rule
2436	Susan Wardrop	2437	Barry Desmond Lierich	2438	Julie Shiels
2439	Laura Rose Ward Donegan	2440	Capricorn Branch Surfrider Foundation	2441	Tracy Shields
2442	Greg Howell	2443	Rosetta Mills	2444	Colin Rule
2445	Stuart	2446	Jenifer Singer	2447	Chris Middleton
2448	Benjamin Morrison	2449	Daryl Riddle	2450	Chris Dawson
2451	Lisa Harris	2452	Jen Plant	2453	Oscar Saffin
2454	Jack Taylor	2455	Anne Horrigan-Dixon	2456	Emma Mitchell Architects
2457	Debbie Reynolds	2458	Paul Ryan	2459	Noah Alexander Neate
2460	Stephen Richards	2461	Submission withdrawn	2462	Judith Warren
2463	TendaCo	2464	Spencer Leighton	2465	Megan Skewes
2466	Dirk Dukker	2467	Antoine Dufour	2468	Eve Delgrosso
2469	Danawa at Spring Creek Community Garden	2470	Peter Lister	2471	Colleen Jones
2472	Sharon Coles	2473	Karen Ray	2474	Louise Aughterson
2475	John Leslie Mitchell	2476	Patrick Brown	2477	Franzi Kastner
2478	Jeremy Grigg	2479	Nivea Leite	2480	Alex White
2481	Georgia Gray	2482	A Naylor	2483	Rowena Frost
2485	Alisha Lyon	2486	Mark Naylor	2487	Uli Bauer
2488	Kris Kyle	2489	Sonia Harris	2490	Simon Steele
2491	Daryl Lyon	2492	Tim Rickman	2493	Shad Celan
2494	Karl Naylor	2495	Anne Celan	2496	B-Alternative Pty Ltd
2497	Marnie Gardiner	2498	Regina Sawyer	2499	Regina Sawyer
2500	George Vasey	2501	Janet Gardiner	2502	Amanda Scammell
2503	Belinda Vasey	2504	Ebony Hunt	2505	Sandra Morden
2506	Ellie Joyce	2507	Jye Bates	2508	Shannessy Adams
2509	Rose Naughton	2510	Adam Stott	2511	Lesley Hendy
2512	Peter John Carpenter	2513	Lee Fitzgerald	2514	Simon Loone
2515	Michael Paley	2516	Madison Fraser	2517	John David Perry
2518	Kerran Fahroedin	2519	Kerri Hillgrove	2520	Sharon Miller

2521	Aaron Troy Creighton	2522	Leah Sumner	2523	Anne Elizabeth O'Loughlin
2524	Alex Harvey	2526	Tristan Stephens	2527	Mary Ferguson
2528	Ryder Benson	2529	Sue Littleford	2530	Con Pape
2531	Rob McVernon	2532	Justin Bakaitis	2533	Raphael Buttonshaw
2534	Michael Forkgen	2535	Tracey Carroll	2536	Allan Charles Hillgrove
2537	Jennifer Phillips	2538	Friends of Pt. Addis and the Ironbark Basin	2539	Andrea Chappell
2540	Rene Schnabel	2541	Jeremy and Anne Johnson	2542	Larissa Ham
2543	Jeremy O'Brien	2544	Julia Anne O'Brien	2545	Ashlee Johnston
2546	Stephanie Migge	2547	Linda Wylie	2548	Ann Sztetek
2549	Russell Evans	2550	Lynn Jennison	2551	Gabrielle Mary Melican
2552	Lea Burford	2553	Lindsay Martin	2554	Codie Wills
2555	Jeff Hausler	2556	Laurel Adams	2557	Darren Grenfell
2558	Ange Parrish	2559	David Maddock	2560	Jacob William Ford
2561	Mark Stockdale	2562	Jonathan Maddock	2563	Marty Walsh
2564	Jess Maddock	2565	Emma Kate Ford	2566	Christopher Carroll
2567	Kaye Batson	2568	Juliette Duffy	2569	Lee Firns
2570	Aleisha Victoria	2571	Fergus Neal	2572	Lynton Smith
2573	Jane Jackson	2574	Alexander Peter Mazzolini	2575	Tim Vernon
2576	Mark Rosser	2577	Sharyn Livy	2578	Anne Bourne
2579	Neville John	2580	Surfers Appreciating Natural Environment	2581	Anne Tresider
2582	Katrina Barraclough	2583	Lucas William Rosson	2684	Annika Stradijot
2585	Benjamin James Power	2586	Melissa Boyd	2587	Matthew Taft
2588	Peyton McCarthy	2589	Scott Valle	2590	Bonnie Beasant
2591	Kerri Valle	2592	David Merrett	2593	Wild Child
2594	Marita Gilmour	2595	Suzie Meadows	2596	Michele Donegan
2597	Sipcam Pty Ltd	2598	Cindy Normoyle	2599	Clarence Smith
2600	Bro Ma	2601	Katy Kennedy	2602	Emma Lee Davis
2603	Margaret Coldrey	2604	Carly Thierry	2605	Fiona Thompson
2606	Darren Scammell	2607	Claire Nontapan	2608	Denis Holtgreffe
2609	Bronwyn Spark	2610	Linley Hurrell	2611	Cindi Thornton
2612	Emily Fielding	2613	Emma Watts	2614	Peter O'Keefe
2615	Matthew Mills	2616	Benjamin Carr	2617	Jennifer Travers
2618	Robert Cyril George Tyler	2619	Margaret Knight	2620	Simon Mims
2621	JM Homes Surf Coast	2622	Deb Doyle	2623	Jennifer Abel
2624	Oliver Parsons	2625	Tom Butler	2626	Dakota Whitten

2627	Christopher Golden	2628	Rachel O'Neill	2629	Sharni Ryan
2630	Brad Cribb	2631	Philip Grant	2632	John Oswald
2633	Amber Hearh	2634	Glen Barton	2635	Linda Stenson
2636	Lind Stenson	2637	Isabella Stacey	2638	Geoff and Carolyn Blyth
2639	Monique Baeck	2640	Lucy Cordell	2641	Daniel Heane
2642	Emily Runnalls	2643	Dianne McQuinn	2644	Simon Livingstone
2645	Ronald Clarke	2646	Kat de Prada	2647	Joan Marie Clarke
2648	David Michael Gardner	2649	Joel Bowen	2650	Bo Carter
2651	Francesca Kaye	2652	Will Hersbach	2653	Grant Edwin Rau
2654	Cornelis Hendrikus Engelen	2655	Shirley Spiteri	2656	Jack Stratfold
2657	Jessica Heane	2658	Renée Burchell	2659	Grace Day
2660	Alistair Lawson	2661	Jackson Stevenson	2662	Warren May
2663	Leanne Reinke	2664	Craig & Karla Clarke	2665	Richard Grossman
2666	Tamara Melis	2667	Dino Filippin	2668	Lee Hathaway
2669	Roger Sceney	2670	Emma Stephens	2671	Rachael Shaw
2672	Ed Dimech	2673	Chris Barr	2674	Carolyn Grace Paterson
2675	Chris Ryan	2676	Judy Birrell	2677	Eliza Helm
2678	Linda Fay Stephens	2679	Andrea Scammell	2680	Sara Rule
2681	Richie Melis	2682	Sheree Dough	2683	Latoya Ponchi
2684	Corey F	2685	Tyson Rodgers	2686	Daniel Rule
2687	Janette Rule	2688	James Melis	2689	Lynton Smith
2690	Helen Dawes	2691	Intrapac Property	2692	Julie Orton
2693	Torquay Museum Without Walls	2694	Deborah Law	2695	Elizabeth Rodgers
2696	Cinzia Troiani	2697	Anneliese Tepper	2698	Cheryl Baulch
2699	Saskia Stomps	2700	James Donald	2701	Paul Weatherley
2702	Matt Willocks	2703	Gemma Willocks	2704	Fred Pfeffer
2705	Shane Michael Thomson	2706	Samuel Luke Cross	2707	Wayne Roberts
2708	Jake Sebastian Scott	2709	Marisa Scott	2710	Dayn Leigh Scott
2711	Christine Shaw	2712	Nicci Marris	2713	Robert William Brown
2714	Louise Philpott	2715	Anita Barnacle	2716	Jesse Qill
2717	Jennifer Kyle	2718	Geelong Paediatric Group	2719	Fleur Thomson
2720	Benjamin Peck	2721	Fleur Thomson	2722	Anthony Jansen
2723	Wilcon Projects Pty Ltd	2724	Shane McKenzie	2725	Holly McVerry
2726	Maree Abate	2727	Carol Lee Bosch	2728	Nate Ashford
2729	David Inguanti	2730	Sari Ashford	2731	Leza Ashford

2732	Travis Ashford	2733	David O'Brien	2734	Ian Anderson
2735	Andrew Mierisch	2736	Sara Melton	2737	Terri Moyle
2738	Michael Collins	2739	Sonya Zwolinski	2740	Robert Levinson
2741	Kristen Fagg	2742	Department of Transport, Barwon South West Region	2743	Gary John Dunne
2744	Helen Gibbins	2745	Susannah Stone	2746	Julian Charles
2747	Clinton Fraser	2748	Surfrider Foundation Australia	2749	David Lucas
2750	Cameron Walsh	2751	Kath Kidd	2752	Mary Josephine Hanly
2753	Ronald Lowe	2754	Stephen Costley	2755	Melinda Louise Wellard
2756	Meagan McAlpine	2757	John Lee	2758	Bradley Saunders
2759	Matt Fox	2760	3228 Residents Association Inc.	2761	Rewilding Freshwater Creek
2762	Matt Turner	2763	Surfrider Foundation Australia	2764	Peele Greg
2765	Anthony Kesisoglou	2766	Tim Day	2767	Anthony Sheppard
2768	Martin Reid	2769	Jade Kearney	2770	Ian Dyer and Janet Hoggart
2771	Geoffrey and Christine Saunders	2772	Darren Jarman	2773	Emma Barr
2774	George Appleby	2775	Chris Tewierik	2776	David Attard
2778	Torqair Pty Ltd	2779	Demir Aliu	2780	Janine McMillan
2781	Gianluca Corelli	2782	Penny Roberts	2783	Jodie Maree Bath
2784	DF (Sprague Farm) Developments Pty Ltd	2785	Archer Daniell	2786	Committee for Geelong Ltd
2787	Allan Bernardi	2788	Jacquelle Gorski	2789	Michelle Wright
2790	Miranda Pritchard	2791	Surf Coast Energy Group	2792	David Makohon
2793	Eduard Nyhof	2794	Mycraft Constructions	2795	Anseed Pty Ltd
2796	Linda Cherubin	2797	Ann Elizabeth McCaffrey	2798	Jonathan David Simmons
2799	Robert Archbold	2800	Willana Urban Pty Ltd	2801	Elizabeth Mackinnon
2802	David Kingsley Bell	2803	Torquay Coast Action Inc	2804	Stephen Dean
2805	Greater Torquay Alliance Inc	2806	Heather Grossman	2807	Garry Noel Bath
2808	Anthony Brenner	2809	Peter Donelly	2810	Nathaniel Etherington
2811	Jackie Brenner	2812	Michael Alexander Burnside	2813	Robert Bullen
2814	Sean Christopher Doherty	2815	Rebecca Hull	2816	Samala Bouvier
2817	Torquay and District Landcare Group	2818	Nicole Mas	2819	Anne Stephenson
2820	Tania Bartlett	2821	Georgina von Einem	2822	Richy Bennett

2823	Neville Matthews	2824	MAKE Ventures	2825	Cherry Nuguid
2826	Christine Ramm	2827	Breamlea Coastcare	2828	Christine Brice Hall
2829	Sally Northfield	2830	Louise O'Brien	2831	Ann O'Connor
2832	Gaurav Kakkar	2833	Rewilding Freshwater Creek	2834	Meredith Taylor
2835	Gail Pritchard	2836	Natalie Dalziel	2837	Christian College Geelong
2838	Roger Brock Thomson	2839	Shona Wee	2840	Neneta Singer
2841	Kevin Ingwersen	2842	Melisa Thompson	2843	Tabitha Lowdon Photography
2844	Jack McCoy	2845	Claire Thomson	2846	Kevin Wee
2847	Donald Ernest Lester	2848	Rural Estates (Torquay) Pty Ltd	2849	Tracie Meade
2850	Kathy Scanlon	2851	Robin and William Burnett	2852	Ruby Dwyer
2853	Karen Lane	2854	Laurie Joesika	2855	Jennifer Mary Welsh
2856	Blake Schwartz	2857	Meredith Shears	2858	Dean De Landre
2859	Pamela St Leger	2860	Amanda Carson	2861	Trevor Pritchard
2862	Brian Harold Simpson	2863	Susan Ingwersen	2864	Adrienne Dillon
2865	Darren Gibbons	2866	Land Development Consulting Pty Ltd	2867	Andrew Nugent
2868	Naomi Singer	2869	Digby Williamson	2870	Paul Thompson
2871	Max and Janeane Keith	2872	Neil Campbell	2873	Lindy Thoms
2874	Claire Manton	2875	Andrew Townley	2876	Julie Morris
2877	Tiffany Looker	2878	Paul Bleazby	2879	Zeally Bay Sourdough
2880	Kate Archbold	2881	Russell Barton Badham	2882	Wayne Mack
2883	Mathew Donaldson	2884	Zeally Investments Pty Ltd and Duffields Road Pty Ltd	2885	Ross Martin
2886	Kathrinn Baxter	2887	Joanna Arnold	2888	Ivor Morgan
2889	Annabelle Kingston Brown	2890	Kate Schifftan	2891	Ayscha Hill-Williams
2892	Adam Hill-Williams	2893	Terry Reid	2994	Judy Rankin
2895	Jade Songer	2896	Geelong Field Naturalists Club Inc	2897	Kevin Hunt and Alison Hunt
2898	David and Glennis Branagh	2899	Aaron Lewtas	2900	Timothy Connolly
2901	Hayley Kruse	2902	Darryl Stone	2903	Jodie Oliver
2904	Griet Desomer	2905	Donald Lawrie	2906	Jeremy Mein
2907	Vivian Roy Watson	2908	Gerard Cook	2909	Cameron Murray
2910	Kevin Vanhaelen	2911	Geelong Environment Council	2912	Scott Hives
2913	Pascale Gagnon	2914	Tim Shakespeare	2915	Nicholas Dion
2916	Marg Scott	2917	Stephen Schutt	2918	David Hamilton

2919	Kym Fraser	2920	Dale Geoffrey Tepper	2921	Torquay Fitness and Lifestyle
2922	Sharon Murphy	2923	Stacie Bobele	2924	Pete Raidme
2925	Hamish Paterson	2926	Neville & Patricia Seiffert	2927	Natasha Woods
2928	Surfrider Foundation Surf Coast Branch	2929	Craig Billows	2930	Michael Kenny
2931	Lucinda Buckley	2932	Jone Zhou	2933	David Baker
2934	Alice Callagher	2935	Yu Peng	2936	Yi Liang
2937	Emilia Stacey	2938	Liangxu Che	2939	Jianyi Li
2940	Yingxie	2941	Xuan Jiang	2942	Timothy Christopher Page
2943	Ian Mack	2944	Neville Wilson	2945	Darren
2946	Samuel Snipe	2947	Long	2948	Hanxu
2949	Mark Ford	2950	Thomas Bailey	2951	Ryne Mack
2952	Liz Pattison	2953	Surfrider Foundation Surf Coast Branch	2954	Geri Mack
2955	Monty Gilmour	2956	Margaret Bath	2957	Yvonne Steel
2958	Krista Bonfantine	2959	Robert Neal	2960	Ryan Falcone Hess
2961	Pauline Edith Braithwaite	2962	Andrew Gordon Coverdale Smith	2963	Kate Lynch and Craig Delaney
2964	Julia Schwind	2965	Simon Baird	2966	DFC Services Pty Ltd
2967	Mack Property Development Pty Ltd	2968	Anna Feery	2969	Daniel Feery
2970	Helen Johnston	2971	Gregory Joseph Donegan	2972	Paul Kelly
2973	Anthony David Phillips	2974	Sarah Louise Donegan	2975	Ross Buchanan
2976	Gerald Briody	2977	Raymond Gemmell	2978	Danawa Community Garden (Torquay)
2979	Rebecca Spedding	2980	Lewis Wicks	2981	Errol Morris
2982	Yvonne Billows	2983	Niamh O'Farrell	2984	Joanna Robinson
2985	Jo Ryan	2986	Indri James	2987	Jo Baldrey
2988	Peter John Doak	2989	Con Lannan	2990	Declan O'Farrell
2991	Tracey Sanderson	2992	Jane Sutherland	2993	Paul Conway
2994	Evan Crick	2995	Heather Ansell	2996	Sue Crick
2997	Sue O'Shanassy	2998	Isaac Poole	2999	Gideon Marcus
3000	Julie Macrow	3001	Maddie Frayne	3002	Urban Development Institute of Australia, Victoria Division
3003	Timothy Macrow	3004	Andrew Fraatz	3005	Kate de Beer
3006	Clare Archer	3007	Nina Kelleher	3008	Neil Dendle
3009	Ann Tarpey	3010	Howard Tarpey	3011	Georgia Brown
3012	Carollyn Lee	3013	Michelle Levenspiel	3014	Bret Levenspiel
3015	Jennifer Mar Welsh	3016	Sarah Mundine	3017	Alan Baker

3018	Deborah Ashley	3019	James Symington	3020	Bernard Illott
3022	Robyn Margaret Porter	3023	Jacqueline Illott	3024	Jennifer Norman
3025	Darren Cheeseman	3026	Gregory Mack	3027	Kerrie Millier
3028	Emily Darlison	3029	William Fox	3030	Joanne Bailey
3031	Anita Dieker	3032	Mary Doyle	3033	Andrew James Vivian
3034	Kaylene Potter	3035	Megan Faragher	3036	Linda Brown
3037	Colin Cox	3038	Christine Facchini	3039	Jock Gilbert
3040	Graham James Stephens	3041	Ann Cormack	3042	Russell Bruce Cormick
3043	Damien Mifsud	3044	Rosemary Fay Warby	3045	Parks Victoria
3046	Jan Calaby	3047	Peter John Brighton	3048	Colin Robert Hibberd
3049	Genene Priest	3050	Surf Coast Shire Council	3051	John Francis Sanderson
3052	Annie Davis	3053	Kevin Millier	3054	John Hamish Alexander Ross
3055	Michael Fitzgerald	3056	Curtis Slaven	3057	Chris Montgomery
3058	Andy Meddick MP	3059	Leanne Turnbull	3060	Grainne Elizabeth O’Gallagher
3061	Julie Hands	3062	Matthew Roberts	3063	Stephen John Prendergast
3064	Jeremy Thompson	3065	Alison Logie	3066	Brian Lawrence Happ
3067	Donna Sceney	3068	Michael Frederick Estcourt	3069	Neil McQuinn
3070	Jack Hannan	3071	Andrew Clark	3072	Monica Winston
3073	Janine Coombs	3074	Jennifer Dalton	3075	Nicolas Fyfield
3076	Susan Wardrop and Judith Townley	3077	Richard and Helen Poon	3078	Monica Butler
3079	Blair Hart	3080	Shona Hosking	3081	Silvia Schreiber
3082	Brett Stanley	3083	Megan Myers	3084	Simon Sawyer
3085	Vivian McWaters	3086	Melanie Roberts	3087	Anika Mack
3088	Nicole Fraser	3089	Grant Brooker	3090	Bernadette Field
3091	Michael Paterson	3092	Michelle O’Connor	3093	555 Great Ocean Road Pty Ltd
3094	Meagan Paterson	3095	Tylah Davies	3096	William Welsh
3097	David Fyfe	3098	Rachel Fyfe	3099	Duncan Russell-Smith
3100	Jorja Mack	3101	Andrea Shaw	3102	Samantha Tabe
3103	John Beardall	3104	Emma Bitmead	3105	Katherine
3106	Pamela Mack	3107	Melissa Warburton	3108	Jessy Canvert
3109	Rebekah Abela	3110	Elizabeth Anne Conning	3111	Matthew Aarons
3112	Michelle Kovacic	3113	Alexis-Jon Keeton	3114	Lynette Smith
3115	Anna Louise Sutton	3116	Margot Matthews	3117	David Sutton
3118	Haneesh	3119	Amanda Edgar	3120	John McIntyre

3121	Purdies Paddock Pty Ltd	3122	Valda Connelly	3123	Margaret Mary McQueen
3124	Margaret Mary McQueen	3125	Jack Garnett	3126	Jaclyn Schulze (Bennett)
3127	Robert McKeown	3128	David Turnbull	3129	Christine Walker
3130	Rodney Daley	3131	Steven Marshall	3132	Wendy Denholm
3133	Matthew Roche	3134	Arthur Crofts	3135	Richard Gordon
3136	Andrew C Murdoch	3137	June Marks	3138	Maxine Flakemore
3139	Jenny Knott	3140	Carolyn Chalton	3141	Anne Georgiou
3142	Yvonne Elizabeth Hall	3143	Lorraine Williamson	3144	Sean O'Brien
3145	Sue Bridson	3146	Stuart Roger Hawken	3147	Andrew Townley
3148	Gershom Radbourn	3149	Susan Kaye Howard	3150	Andrew Townley
3151	Murray Jenkinson	3152	Jamie Walker	3153	Sarah Norred
3154	Fletcher Scott	3155	Baylee Stevenson	3156	Glenn Tate
3157	Louise Tracey	3158	Xavier Morello	3159	Kelly Hindle
3160	Geelong and Region Members Branch - National Trust of Australia (Victoria)	3161	Macedon Ranges Shire Council	3162	Peter King
3163	Country Fire Authority				

Appendix C Parties to the Hearing

Submitter	Represented by
Minister for Planning	<p>Marita Foley SC and Melissa Chorn of Counsel instructed by the Victorian Government Solicitors Office, who called expert evidence from:</p> <ul style="list-style-type: none"> - Kevin Hazell of KH Planning Services in bushfire risk assessment - Tim Fletcher of the University of Melbourne in hydrological assessment - Claire Scott of Claire Scott Planning in landscape character and values - Mark Woodland of Echelon in strategic planning and landscape character
Surf Coast Shire Council	Louise Hicks and Natalie Blok of Counsel on direct brief, with Karen Hose and Michelle Warren
City of Greater Geelong Council	Peter Smith and Jani Chalmers
Macedon Ranges Shire Council	Edwin Irvine
Department of Transport, Barwon South West Region	Jozef Vass
Andy Meddick MP	
The Hon. Libby Coker, Federal Member for Corangamite	
Intrapac Properties	Nat Anson of Urbis
Willana Urban Pty Ltd	Stuart Harding
Landholdings South of Grossmans Road	Keith Grossman
Heather Grossman	David King of Kings Lawyers
Land Development Consulting Pty Ltd	Mark Tomkinson
Urban Development Institute of Australia (Victoria Division)	Greg Bursill
Mennoty Pty Ltd	John Cicero of Best Hooper Lawyers
Vincent and Marie Kelly	Chris Marshall of Cardno
The Sands Owners Corporation	Andrew McCauley
Boral Recycling Facility Pty Ltd	Brian Haratsis of Macroplan
555 Great Ocean Road	John Carey of MinterEllison
Purdies Paddock Pty Ltd	John Carey of MinterEllison
Christian College Geelong	Greg Tobin of Harwood Andrews

Mack Property Development Group	<p>Paul Chiappi of Counsel instructed by Norton Rose Fulbright, who called expert evidence from:</p> <ul style="list-style-type: none"> - David Crowder of Ratio Consultants in planning - Aaron Harvey of Biosis in ecology/biodiversity - Brendan Papworth of Papworth Davies in landscape
Fortress Holdings Pty Ltd	<p>Chris Wren QC of Counsel, with Matthew Allen, instructed by St Quentin Consulting, who called evidence from:</p> <ul style="list-style-type: none"> - Allan Wyatt of XURBAN in landscape
DF (Sprague Farm) Developments Pty Ltd	<p>Emily Porter of Counsel, instructed by Planning and Property Partners, who called expert evidence from:</p> <ul style="list-style-type: none"> - Rob Milner of Kinetica in strategic planning - Craig Czarny of Hansen Partnership in landscape design - Steve Schutt of Hansen Partnership in landscape and visual impacts
The Camerons/DFC Services Pty Ltd	Chris Taylor of Planning and Property Partners
Rural Estates (Torquay) Pty Ltd	Emily Porter of Counsel, instructed by Planning and Property Partners
Make Ventures	<p>Emily Porter of Counsel, instructed by Planning and Property Partners, who called expert evidence from:</p> <ul style="list-style-type: none"> - Steve Schutt of Hansen Partnership in landscape and visual impacts
Anseed Pty Ltd	<p>Emily Porter of Counsel, calling expert evidence from:</p> <ul style="list-style-type: none"> - Sandra Rigo of Hansen Partnership in planning
Zeally Investments Pty Ltd and Duffields Road Pty Ltd	<p>Stuart Morris QC and Geoff Lake of Counsel, instructed by Best Hooper Lawyers, who called expert evidence from:</p> <ul style="list-style-type: none"> - Lincoln Kern of Practical Ecology in ecology - Justin Ganly of Deep End Services in economics - Rob Milner of Kinetica in strategic planning - Steve Mueck of Biosis in biodiversity and cultural heritage - Erica Walther of Biosis in cultural heritage
Torquay District Landcare	Murray Johns
Torquay Museum Without Walls	Christine Barr
Breamlea Coast Care	Pam St Leger and Ann O'Connor
Rewilding Freshwater Creek	Mary Rose Alma Coleman
Surfrider Foundation Australia	Damien Cole

Surfers Appreciating the Natural Environment	Charles Brooks
The Spirit of the Ocean	Camm Strutt
Bellbrae Estate	Richard Macdougall
Greater Torquay Alliance	Joanne Lardner of Counsel, instructed by Darren Noyes-Brown
Geelong Environment Council	Joan Lindros
3228 Residents Group Inc	Andrew Cherubin and Sue O'Shanassy
Surfrider Foundation Surf Coast Branch	John Foss
Surf Coast Energy Group	<p>Sarah Varney of Counsel, instructed by Graeme Stockton who called expert evidence from:</p> <ul style="list-style-type: none"> - Mark Trengove of Ecological Services in flora, fauna and planning - Guy Dutson in fauna and planning - Stephen Prendergast in social research
David O'Brien	(Partially) represented by Chris Wren QC (for cross examination of witnesses only)
Lyndel and Justin Littlefield	
Richy Bennet	
Roslyn Griffiths	
Margaret Dawson	
Peter Ashton	
Peter King	
Simon Loone	
Jeff Hausler	
Peter Donelley	
David and Glennis Branagh	
Dale Tepper	
David Merrett	
Andrew Townley	
Sue O'Shanassy	
Peter Brighton	
Stephen Prendergast	
William Welsh	
John Foss	
Michael Baker	

Geoffrey Collins

Matthew Benson

Lawrence St Leger

Diethard Kottek

Perry Mills

Bruce Anderson

Gordon Anthony Stammers

Brian Kuit

Graeme Stockton

Charles Brooks

Jacqueline Dunlop

Jodie Oliver

Margot Hobba

Brigid Papaix

Cassandra Curnow

Matthew Pattulock

John Spierings

Ms Naylor

Gary Dunne

Matt Fox

Jacquelle Gorski

Robert Bullen

Roger Thomson

Phillip Ronald Stammers

Peter Miller

Julian Charles

Warwick Peel

Appendix D Document list

No.	Date	Description	Presented by
1	21/12/20	Letter of referral to DALSA – Surf Coast SPP	Minister for Planning
2	25/01/21	Minister for Planning – confirmation of advocates and experts	Ms Toole, VGSO for Minister for Planning
3	27/01/21	Hearing notification letter	Ms Mitchell, Committee Chair
4	28/01/21	Procedural matter for Directions Hearing	S2592
5	08/02/21	Procedural matter for Directions Hearing	Ms Minney, Best Hooper for Duffields Road and Zeally Investments Pty Ltd, S2884
6	“	Procedural matter for Directions Hearing	Mr Allen, Brilliant Group for Fortress Holdings Pty Ltd, S1463
7	10/02/21	Procedural matter for Directions Hearing	Planning & Property Partners for S2824, S2784, S2848 and S2966
8	“	Request to lodge late submission	Macedon Ranges Shire Council
9	17/02/21	Directions and Timetable (V1)	Ms Mitchell
10	18/02/21	Extension request to file strategic planning evidence	Ms Toole
11	19/02/21	Extension request granted	Ms Mitchell
12	“	Nominated site inspection locations	Mr Haratsis, Macroplan for Boral Recycling Pty Ltd, S2429
13	22/02/21	Confirmation of representation by Best Hooper Lawyers	Ms Minney
14	“	Email and map regarding unaccompanied site inspection	S3096
15	24/02/21	Email to parties requesting confirmation of request to be heard	Ms Mitchell
16	“	Nominated site inspection locations	Mr Carey, MinterEllison for S3121 & S3093
17	25/02/21	Nominated site inspection locations	Mr Truong, Norton

No.	Date	Description	Presented by
			Rose Fulbright for Mack Property Development Pty Ltd S2697
18	“	Nominated site inspection locations	S2875
19	“	Nominated site inspection locations	Mr Smith for City of Greater Geelong S742
20	26/02/21	Nominated site inspection locations	S2809
21	“	Nominated site inspection locations	Mr Tobin, Harwood Andrews for Christian College Geelong S2837
22	“	Nominated site inspection locations	Mr Loader, Tract for Anseed Pty Ltd, S2795
23	“	Nominated site inspection locations	S1465
24	“	Nominated site inspection locations	Ms O’Shanassy, 3228 Residents Association Inc, S2760
25	“	Nominated site inspection locations	Planning & Property Partners for S2824, S2848, 2784 & 2966
26	26/02/21	Collated site inspection nominations	Ms Mitchell
27	02/03/21	Email filing evidence	Ms Toole
28	“	Expert witness statement of Mr Hazell	“
29	“	Expert witness statement of Mr Fletcher	“
30	“	Expert witness statement of Ms Scott	“
31	“	Expert witness statement of Mr Woodland	“
32	“	Letter to Committee in regard to submission of Macedon Ranges Shire Council	“
33	“	Letter to the Committee	Mr Jones, Wadawurrong Traditional Owners Aboriginal Corporation
34	“	Response to matters requiring clarification	Ms Toole
35	03/03/21	Nominated site inspection locations	Ms Hose, Surf Coast Shire Council, S3050
36	04/03/21	Expert witness statement of Mr Wyatt	Mr Allen
37	05/03/21	Expert witness statement of Mr Prendergast	Mr Stockton, Surf Coast Energy Group,

No.	Date	Description	Presented by
			S2791
38	“	Expert witness statement of Mr Dutson	“
39		Expert witness statement of Mr Trengove	“
40	“	Expert witness statement of Mr Schutt	Planning & Property Partners for MAKE Ventures, S2824
41	“	Expert witness statement Mr Crowder	Mr Truong
42	“	Expert witness statement of Mr Harvey	“
43	“	Expert witness statement Mr Papworth	“
44	“	Letter filing evidence	Ms Minney
45	“	Expert witness statement of Ms Walther	“
46	“	Expert witness statement of Mr Kern	“
47	“	Expert witness statement of Mr Milner	“
48	“	Expert witness statement of Mr Mueck	“
49	“	Expert witness statement of Mr Ganly	“
50	“	Letter filing evidence and requesting extension to file evidence of Mr Milner	Planning & Property Partners for DF (Sprague Farm) Developments & The Camerons, S2784, 2966
51	“	Expert witness statement of Mr Czarny	“
52	“	Expert witness statement of Mr Schutt	“
53	“	Expert witness statement of Ms Rigo	Mr Loader, Tract for Anseed Pty Ltd S2795
54	06/03/21	Expert witness statement of Mr Milner	Planning & Property Partners for DF (Sprague Farm) Developments & The Camerons, S2784, 2966
55	09/03/21	Evidence in reply of Ms Scott	Ms Toole
56	“	Evidence in reply of Mr Hazell	“
57	“	Evidence in reply of Mr Fletcher	“
58	“	Part A Submission	“
59	“	Surf Coast statutory implementation package – Claire Scott report Volume 3	“
60	“	Correspondence to parties	Ms Mitchell

No.	Date	Description	Presented by
61	“	Zoom user guide	“
62	“	Guide to presenting at the Hearing	“
63	“	Unaccompanied site inspection itinerary	Ms Toole
64	“	Maps to accompany site inspection itinerary	“
65	“	Hearing Book Index	“
66		Hearing Book	“
67	“	Evidence in reply of Mr Ganly	Ms Minney
68	“	Evidence in reply of Mr Milner	“
69	10/03/21	Updated expert witness statement of Mr Trengrove	Mr Stockton
70	11/03/21	Timetable (V2)	Ms Mitchell
71	“	Evidence in reply of Mr Woodland	Ms Toole
72	12/03/21	Opening submission	Mr Tobin
73	“	Opening submission	Ms Warren, Surf Coast Shire Council, S3050
74	“	Opening submission	Mr Smith
75	“	Opening submission	Ms Minney
76	“	Opening submission	Mr Truong
77	“	Opening Submission	Mr Cherubin, Greater Torquay Alliance S2805
78	“	Opening submission	Ms O’Shanassy
79	15/03/21	Email regarding nominated site inspection location	Ms Hose
80	“	Opening submission	Ms Toole
81	“	Opening submission	Mr Stockton
82	“	Greater Geelong Housing Framework Plan 2036 - Map	Mr Smith
83	“	Surf Coast Shire Council meeting agenda – 19 January 2021	Ms Minney
84	“	Surf Coast Shire Council meeting minutes – Tuesday 19 January 2021	“
85	16/03/21	Email outlining changes to Hearing Book	Ms Toole
86	“	Updated Hearing Book Index	“
87	“	Declaration of Mr Hazell to giving evidence remotely	Ms Toole

No.	Date	Description	Presented by
88	“	Declaration of Ms Scott to giving evidence remotely	“
89	“	Declaration of Mr Fletcher to giving evidence remotely	“
90	“	PowerPoint presentation of Mr Fletcher	“
91	“	City of Greater Geelong Council minutes for adoption of Amendment C395ggee	Mr Smith
92	“	Letter from the Minister for Planning approving Amendment C395ggee	“
93	“	Planning and Environment Act 1987 – Part 46AV	Mr Tobin
94	17/03/21	Email regarding representation of submitters 2784 and 2966	Mr McKendrick
95	“	PowerPoint presentation of Ms Scott	Ms Toole
96	“	Extract from C114 Panel report	Ms Minney
97	“	Extract from Surf Coast Shire Council meeting agenda -28 March 2017	“
98	“	Extract from Surf Coast Shire Council minutes - 24 October 2017	“
99	“	Final PSP considered by Surf Coast SC at meeting on 24 October 2017	“
100	18/03/21	Site itinerary marked up with changes	Ms Toole
101	“	Amended site itinerary	“
102	“	Video of Fortress Holdings property	Mr Wren QC
103	“	Request to lodge a late submission	Ms Coxon for the Country Fire Authority
104	19/03/21	Response to questions raised on 15 March 2021	Ms Toole
105	“	Email accepting the late submission of the CFA	Mr Grear, Executive Director, Planning Implementation and Heritage, DELWP for the Minister for Planning
106	“	Submission of the CFA	Ms Coxon
107	“	Attachment 1 – Vegetation over time on Grossmans Road	“
108	22/03/21	Site maps	Ms Toole
109	23/03/21	High resolution Landscape character types and area maps - Volume 1	Ms Toole

No.	Date	Description	Presented by
110	“	High resolution 2003 landscape character types and areas maps – Volume 1	“
111	“	High resolution significant viewing area maps – Volume 1	“
112	“	High resolution Surf Coast declaration area landscapes of significance maps	“
113	“	High resolution final significance area maps – Volume 2	“
114	“	High resolution proposed SLO maps – Volume 2	“
115	“	Witness statement of Mr Woodland for Amendment C114	Ms Hose
116	23/03/21	Response of Mr Hazell to submission of the CFA	Ms Toole
117	“	Part B Submission	Ms Toole
118	“	Submission	Mr Smith
119	“	Submission	Mr Butler for Department of Transport S2742
120	“	Submission	Mr Meddick MP S3058
121	“	Spring Creek Community Urban Woodland Concept – Surf Coast Energy Group	“
122	“	Submission	Mr Irvine for Macedon Ranges Shire Council S3161
123	“	Submission	Ms Hose
124	“	Council recommended flow chart pathway for the Surf Coast declared area	“
125	“	Greater Geelong Planning Scheme - Schedule 2 to Clause 42.02 Vegetation Protection Overlay – VPO2	“
126	“	Greater Geelong Planning Scheme – Schedule 8 to Clause 37.01 – Special Use Zone – SUZ8	“
127	25/03/21	Submission addendum	“
128	“	Zeally and Duffields' corrections opening submissions	Ms Minney
129	26/03/21	Submission	Mr Tomkinson for Land Development Consulting Pty Ltd S2866

No.	Date	Description	Presented by
130	“	Santospirito water map of Torquay - August 2017	“
131	“	Aerial map of Torquay – March 2021	“
132	“	Aerial map of Torquay ridgeline – March 2021	“
133	“	Aerial contour map of Torquay – March 2021	“
134	“	Letter to Committee and Practice Note 42	Mr King, Kings Lawyers for S2806
135	“	Summary of background technical document recommendations	Ms Toole
136	“	Letter in response to Committee request for Council recommendations	Mr Smith
137	“	Maps by landowner	Ms Toole
138	“	Aerial map by landowner	“
139	“	Aerial map by landowner – enlarged with submission numbers	“
140	29/03/21	Further Directions	Ms Mitchell
141	“	PowerPoint presentation	Mr Harding for Willana Urban Pty Ltd S2800
142	“	Submission	Ms Littlefield on behalf of S2174
143	“	Timetable Version 3	Ms Mitchell
144	“	Submission	Mr Marshall for Cardno TGM for S2109
145	“	Submission	Ms Minney for Mennoty Pty Ltd S491
146	“	Submission	Mr McCauley for The Sands Owners Corporation S1465
147	30/03/21	Submission	Mr Carey, MinterEllison for 555 Great Ocean Road Pty Ltd S3093
148	“	Submission	Mr Carey, MinterEllison for Purdies Paddock Pty Ltd S3121
149	“	Council minutes – 23 February 2021	Ms Hose

No.	Date	Description	Presented by
150	“	Torquay and JAN Juc Retail Employment Land Strategy	“
151	“	Surf Coast Shire Council recommendations – SPP and landscape controls	“
152	“	Submission	Mr Haratsis, Macroplan for Boral Recycling Facility Pty Ltd S2429
153	“	Former cement works quarry executive report – March 2021	“
154	“	Submission	Mr Tobin
155	31/03/21	Email regarding discrepancies between document 109 and 110	Mr Brighton S3047
156	“	Mt Atkinson and Tarneit Plains PSP <i>(large file, please request through Planning Panels Victoria)</i>	Mr Tobin
157	“	Mt Atkinson and Tarneit Plains PSP extracts <i>(large file, please request through Planning Panels Victoria)</i>	“
158	“	Mt Atkinson and Tarneit Plains PSP guidelines – part two	“
159	“	Mt Atkinson and Tarneit Plains PSP – note on non-government schools	“
160	“	Spring Creek lot sizes	“
161	06/04/2021	Declaration – B Papworth	Mr Truong
162	“	Declaration – D Crowder	“
163	“	Declaration – A Harvey	“
164	“	Witness Presentation of B Papworth	“
165	07/04/21	Written submission of Mack Property Developments Pty Ltd	“
166	“	Video – views from Duffield’s	Ms Lardner for Greater Torquay Alliance
167	“	Video – views from Great Ocean Road	“
168	“	Video – views from Grossmans	“
169	“	Photos of Duffield a) Photo location Duffield’s	“
170	“	Photo of Great Ocean Road a) Photo locations Great Ocean Road	“

No.	Date	Description	Presented by
171	“	Photos of Grossmans a) Photo locations Grossmans	
172	08/04/21	Advice from Ms Scott about mapping	Ms Toole
173	“	Instructions to engage Mr Aaron Harvey	Mr Truong
174	“	Response to further Direction re changes sought	Mr Allen
175	“	Letter responding to matters raised in hearing	Ms and Mr Littlefield
176	“	Attachment 1 – map 3	“
177	“	Attachment 2 – Point Addis – Geelong Region Map	“
178	“	Submission	Fortress Holdings
179	“	Video – travelling south down Strathmore Drive	“
180	“	Declaration of Allan Wyatt	“
181	“	Images displayed in cross examination of Brendan Papworth	Mr Brighton
182	“	Spring Creek Structure Plan, March 2018	Ms Hose
183	“	Spring Creek Native Vegetation Plan, August 2018	“
184	“	Letter from DELWP re Spring Creek Native Vegetation Plan, 31 May 2018	“
185	09/04/21	Submission of DF (Sprague Farm) Developments Pty Ltd	Mr Iser, Planning and Property Partners
186	“	Submission of Rural Estates (Torquay) Pty Ltd	“
187	“	Submission of group of landowners (Sprague Farm) Developments Pty Ltd, Rural Estates (Torquay) Pty Ltd, Make Ventures Pty Ltd and Anseed Pty Ltd	“
188	“	Submission of Cameron Family	“
189	“	Property Report – 413 to 491 Charlemont Road, Armstrong Creek	“
190	12/04/21	Email attaching plans and links relating to decision of VCAT proceeding P1512016	Ms Chalmers for City of Greater Geelong
191	“	Email with links to decision of VCAT proceeding P1512016	Ms Hose
192	13/04/21	Amended submission	Mr Iser
193	“	Note to the Committee regarding the Surf Coast Shire Councils role for the DAL process	Ms Hose
194	“	Submission	Mr Iser
195	“	Submission	Mr Loader
196	14/04/21	Correction to information provided in document 190	Ms Chalmers

No.	Date	Description	Presented by
197	“	Email confirming order of witnesses	Ms Minney
198	“	Signed Witness declaration of Ms Walther	“
199	“	Signed Witness declaration of Mr Ganly	“
200	“	Signed Witness declaration of Mr Kern	“
201	“	Signed Witness declaration of Mr Mueck	“
202	“	Presentation of Mr Milner	“
203	15/04/21	Growing Winchelsea Shaping Future Growth	Ms Hose
204	“	Winchelsea Growth Area Outline Development Plan	“
205	“	Clause 21.09 Surf Coast Planning Scheme	“
206	16/04/21	Letter to Dr Jones of the Wadawurrung Traditional Owners Aboriginal Corporation	Ms Mitchell
207	“	Email filing submissions	Ms Minney
208	“	Submission	“
209	“	Terramatrix Bushfire Assessment Report	“
210	“	Surf Coast Shire Council meeting minutes dated 19 January 2021	“
211	“	Letter from VGSO to Best Hooper in regard to document request	“
212	“	Landscape Assessment of Mr Wyatt	“
213	“	Surf Coast Shire Council meeting minutes – Appendix 2 dated October 2017	“
214	“	Surf Coast Shire Council agenda dated 24 October 2017	“
215	“	Spring Creek Funding Agreement	“
216	“	Letter from DELWP to Surf Coast Shire Council dated 23 October 2018	“
217	“	Minister Wynne press release dated 30 October 2018	“
218	“	Arboricultural Assessment Exhibition Gazetted	“
219	“	Biodiversity Offsets Exhibition Gazetted	“
220	“	Amendment C114 CC Biodiversity Assessment Exhibition Gazetted	“
221	“	Amendment C114 CC Environmental Assessment Exhibition Gazetted	“
222	“	Amendment C66 Torquay Landscape Assessment 21.06.2013 - Barry Murphy	“

No.	Date	Description	Presented by
223	“	Amendment C114 Biodiversity Assessment Exhibition Gazetted	“
224	“	Brief to Counsel assisting seeking legal opinion	Ms Mitchell
225	“	Email to individual submitters	“
226	19/04/21	Further directions	“
227	“	Instructions to Mr Milner dated 16 July 2020	Ms Minney
228	“	Instructions to Mr Milner dated 5 February 2021	“
229	“	Instructions to Mr Ganly	“
230	“	Submission	Ms Barr for Torquay Museum Without Walls
231	“	Photos	Ms O’Connor for Breamlea Coastcare
232	“	Speaking notes	“
233	“	SL09 with suggested amendments	“
234	“	Submission	Mr Charles for Surfers Appreciating the Natural Environment
235	“	Various photos and government gazette	“
236	“	Timetable version 4	“
237	“	Email filing letter of appreciation from John Thwaites	“
238	“	Presentation	Mr Foss for Surfrider Foundation Surf Coast
239	20/04/21	Great Ocean Road National Heritage database	Ms Lardner
240	“	Submission	“
241	“	McMillin v Mornington Peninsula Shire Council	“
242	“	Foster v Port Phillip Shire Council	“
243	“	Submission	Ms O’Shanassy for 3228 Residents Association Inc.
244	“	Presentation	“
245	“	Summary of recommendations to supplement submission	Mr Anson for Intrapac Property
246	“	Email and maps	Mr Macdougall for Bellbrae State

No.	Date	Description	Presented by
247	21/04/21	Submission	Mr Stockton for Surf Coast Energy Group
248	“	Presentation	“
249	“	Letter of support from Dale Tepper	“
250	“	Letter of support from Stewart Guthrie	“
251	“	Letter of support from Trust for Nature Group	“
252	“	Letter of support from Torquay Coast Action Group	“
253		SLO8 – Allens Linklaters version	“
254	“	Submission	Ms Varney for Surf Coast Energy Group
255	“	Presentation	Mr Prendergast for Surf Coast Energy Group
256	“	Letter from Dr Jones in response to Committee letter dated 16 April 2021	Dr Jones
257	“	Presentation of Mr Dutson	Mr Dutson for Surf Coast Energy Group
258	22/04/21	Various social media snapshots tendered during cross-examination of Mr Prendergast	Mr Lake
259	“	Signed witness declaration for giving evidence remotely	Ms Varney
260	23/04/21	Response to further directions dated 19 April 2021	Ms Toole
260a	“	Surf Coast Draft SPP Future Work Table	“
260b	“	Response to M Woodland recommendations	“
260c	“	Response to C Scott recommendations	“
260d	“	Response to K Hazell recommendations	“
260e	“	Response to T Fletcher recommendations	“
260f	“	Table regarding status of RPE feedback on draft SPP	“
260g	“	Email from P Smith dated 21 April 2021	“
261	“	Presentation	S2809 Mr Donnelly
262	“	Submission	S635 Mr St Leger
263	“	Speaking notes	S635 Mr St Leger
264	“	Submission	S3096 Mr Welsh
265	“	Submission	S2875 Mr Townley
266	“	Submission	S3162 Mr King

No.	Date	Description	Presented by
267	“	Submission	S2592 Mr Merrett
268	“	Presentation	S3063 Mr Prendergast
269	“	Memorandum of advice from Mr Tweedie	Ms Mitchell
270	“	Further directions	“
271	“	Submission	S2997 Ms O’Shanassy
272	“	Submission	S2733 Mr O’Brien
273	“	Aerial images and maps	“
274	“	Evidence prepared by Ecology and Heritage partners for Amendment C121	“
275	“	615 Great Ocean Road Planning Evidence - David Barnes	“
276	“	Bushfire Management Statement - 615 Great Ocean Rd Bellbrae	“
277	“	Amendment C121 Viewshed Analysis Report 2017	“
278	“	Glenkeen 2017 Farm Plan 6	“
279	“	Glenkeen aerial 1947	“
280	“	Glenkeen aerial 1984	“
281	“	Amendment C121 Explanatory Report	“
282	“	P Stott proposed LDRZ	“
283	“	Glenkeen Paddock areas	“
284	“	Panel Report Amendment C121	“
285	“	Plan set 24 June 2020	“
286	“	Planning Permit 17_0113	“
287	“	Map Addiscott and Gundry Road	“
288	“	Gundrys Road aerial	“
289	“	Barwon Water aerial map of Bellbrae	“
290	“	News article - Alpaca wool beanies	“
291	26/04/21	<i>Closing</i> submission	“
292	“	Suggested changes to the draft Surf Coast SPP	“
293	“	Suggested changes to the proposed landscape controls	“
294	“	Suggested changes to the settlement background paper	“
295	“	Submission	S1747 Mr Ashton
296	“	Submission	S3047 Mr Brighton

No.	Date	Description	Presented by
297	“	Presentation	S2997 Ms O’Shanassy
298	“	Response to questions raised by Mr Lake	Ms Hose
299	“	Attachment to document 298	“
300	“	Community woodland explanatory note to Committee	S1282 Mr Stockton
301	“	Spring Creek Sustainable Landscapes Plan	“
302	“	Respect Point Impossible documentary	Mr Foss for Surfrider Foundation Surf Coast Branch
303	“	Wellbeing of Future Generations Bill (January 8, 2021)	S872 Mr Kottek
304	“	Speaking notes	S2382 Mr Spierings
305	“	Growing Pains: The Crisis in Growth Area Planning – Chapter 29 (September 2020)	“
306	“	Submission	S3106 Mr Brooks
307	“	Article: Ash Wednesday Fire 1983	“
308	27/04/21	Closing submission	S2421 Mr Foss
309	“	Submission	S1282 Mr Stockton
310	“	Torquay Structure Plan 2007	S463 Mr Benson
311	“	Spring Creek Urban Growth Framework Plan 2008	“
312	“	Letter to the Committee seeking further advice from Counsel Assisting	Mr Allen for Fortress Holdings
313	“	Speaking notes	S3162 Mr King
314	“	Poem – Long Surf Coast Highway	S641 Mr Donelly
315	“	Email in regard to representation	S575 Mr Peel
316	“	Submission	“
317	“	Closing submission	Mr Tomkinson
318	28/04/21	Submission	S2759 Mr Fox
319	“	Closing submission	Mr Stockton for the Surf Coast Energy Group
320	“	Closing submission	Mr Allen for Fortress Holdings
321	“	Closing submission	Ms Minney
322	“	Closing submission	Mr Noyes-Brown for Greater Torquay Alliance

No.	Date	Description	Presented by
323	“	Closing submission	Mr Foss for Surfrider Foundation Surf Coast
324	“	Closing submission	Ms O’Shanassy for 3228 Residents Association
325	“	Extract of Surf Coast Shire Council meeting minutes 22 April 2009	“
326	“	Speaking notes	S2788 Dr Gorski
327	“	Closing submission	Mr Smith
328	“	Closing submission	S2838 Mr Thomson
329	“	Submission	S2813 Mr Bullen
330	“	Closing submission	Ms Hose
331	“	Submission	S2243 Mr Currie
332	“	Closing submission	Ms Toole
333	“	Appendix 1 to closing submission	“
334	29/04/21	Speaking notes	S575 Mr Peel
335	“	Attachment to document 330 - Native Vegetation Offsets Policy Adopted Council Meeting 270318	Ms Hose
336	“	Speaking notes and recommendations	S2822 Mr Bennet
337	03/05/21	Correspondence in relation to Amendment VC185	Ms Toole
338	04/05/21	Recommended changes	S2806 Ms Grossman