

20 August 2021

The Hon Richard Wynne MP  
Minister for Planning  
Level 16, 8 Nicholson Street  
East Melbourne VIC 3002

By email: [richard.wynne@parliament.vic.gov.au](mailto:richard.wynne@parliament.vic.gov.au)

Dear Minister

### Submission: Draft Bellarine Peninsula Statement of Planning Policy

The Urban Development Institute of Australia, Victoria (UDIA Victoria) welcomes the opportunity to make a submission in response to the draft Bellarine Peninsula Statement of Planning Policy (SPP).

UDIA Victoria is the peak body representing the urban development industry. We are a non-profit advocacy, research and educational organisation supported by a membership of land use and property development organisations, across the private sector and Victoria's public service. We are committed to working with both industry and Government to deliver housing, infrastructure, and liveable communities for all Victorians.

UDIA Victoria has made previous submissions in relation to the Distinctive Areas and Landscape (DAL) process, which are set out at **Attachment A**.

The challenge facing the Victorian Government regarding the appropriate management of Victoria's growth, in context of conserving and enhancing our significant landscapes, has been highlighted by COVID-19, which has increased demand for regional housing. Many of our members consider that this represents a structural shift that will increase regional growth over the medium to long-term.

UDIA Victoria urges the Minister for Planning to consider the issues and recommendations outlined below prior to finalising the Bellarine SPP.

#### 1. Appointment of Standing Advisory Committee

A Standing Advisory Committee has been established to consider submissions to DAL processes, with the ability to advise on draft Statements of Planning Policy and any other planning policy and implementation matter referred to it by the Minister for Planning.

The Standing Advisory Committee's Terms of Reference provide that it 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....*" (our **emphasis**).

Unlike the process already established for the Surf Coast DAL, the Standing Advisory Committee has not been directed to independently consider submissions. This is of great concern to UDIA Victoria and its members. The independent review of submissions is a feature of Victoria's planning system that ensures its transparency and integrity.

We consider the absence of the Standing Advisory Committee from the Bellarine DAL process undermines the integrity and rigor of that process, and contradicts the process already established

for the Surf Coast DAL.

The circumstances of the Bellarine DAL are not sufficiently different as to justify a departure from the process adopted with the Surf Coast DAL. We also consider that it would be a breach of natural justice if a referral is not made to the Standing Advisory Committee to hear submissions and evidence on the Bellarine DAL.

*Action: UDIA Victoria requests that refer the Bellarine SPP to the Standing Advisory Committee, to hear submissions as soon as possible.*

## 2. Planning Scheme Amendment Process

The Draft SPP is the key policy document guiding strategic policy and scheme provisions. The final form of the Planning Scheme Amendment and the final policies and controls to be applied are critical because they determine how the land use and development regulations operate.

As is stands, there is no clear proposal for the form of the scheme amendment. Some elements are articulated and others are not. There are many concepts and proposals for different changes to the planning scheme, which could take different forms. It is also unclear how reference to the DAL will be made a relevant matter to be taken into account particularly in the context of planning permit applications.

UDIA Victoria submits that when a full draft Planning Scheme Amendment is completed it should be placed on exhibition at the end of the process so that the final wording of policy can be reviewed more closely.

*Action: That further consultation be carried out on any draft Planning Scheme Amendment before it is finalised and approved.*

## 3. Review Process

UDIA Victoria welcomes a 10-yearly review of the SPP. We submit that this review should be clearly written into the City of Greater Geelong Planning Scheme when it is amended. It is desirable that the SPP and the planning scheme also articulate what actions meet the test that would bring forward a 10-year review of the SPP.

*Action: That the requirement for the 10-year review be clearly written into the City of Greater Geelong Planning Scheme.*

## 4. Land Supply and House Price Impacts

With the recent significant growth in the demand for housing in regional Victoria - particularly in lifestyle locations – housing affordability is deteriorating.

Whilst we appreciate that the City of Greater Geelong has indicated in its Settlement Strategy that it wishes for the majority of growth to take place in the established urban areas of Geelong, as well as within one of its three growth areas, UDIA Victoria is concerned that this limits choice on the Bellarine Peninsula.

Lot sales in Geelong's greenfield estates over the past 12 months have been particularly strong – registering 3,770 sales in the 12 months to June 2021. Residential building approvals have accelerated beyond those figures. At present, there are nine active estates on the Bellarine

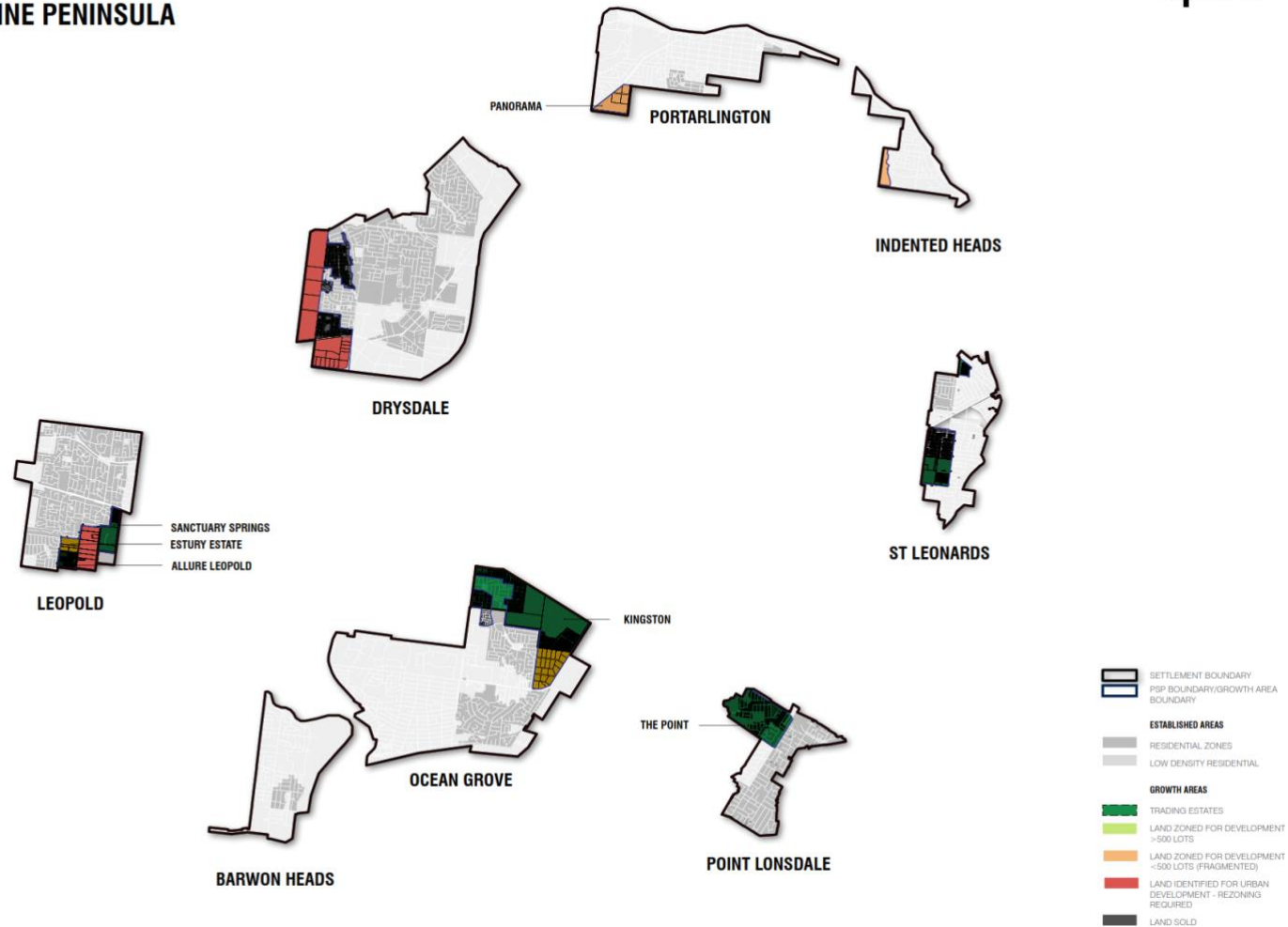
Peninsula. These active estates are shown on **Plan 1**:

- Lonsdale Shores.
- Bay Breeze.
- Kingston.
- Stretton Torquay.
- The Point.
- Sanctuary Springs.
- Seaside Estate.
- Oakdene.
- Estuary.

## Plan 1: Bellarine Land Development Status

spire

### BELLARINE PENINSULA



Based on typical growth rates most of the Bellarine Peninsula, land estates will trade out between one to two years. Kingston will likely be the the only active trading estate. While Plan 1 indicates that there is some future land supply in Jetty Road and Leopold, the rezonings and development approvals to allow land sales to occur would be at least three years away and the land is fragmented.

The reduction in estates and available land will add to land price pressure on the Bellarine Peninsula and as a consequence the role of the Bellarine in augmenting supply and competiiton in the Geelong land market will diminish.

The introduction of protected settlement boundaries on the Bellarine Peninsula with the same rigidity as the Urban Growth Boundary around metropolitan Melbourne will place a significant constraint on the supply of land and will inevitably result in a significant decline in housing affordability.

UDIA Victoria submits that the draft SPP should avoid establishing a protected settlement boundary around all townships. Instead, there should be a further review of the long-term settlement boundaries for Leopold, Drysdale / Clifton Springs and Ocean Grove before a permanent boundary is installed. Further details of this are outlined below.

UDIA Victoria also submits that Government should fast track rezoning of the balance of the land identified for residential use on the Bellarine Peninsula to meet demand and maintain downward pressure on prices.

*Action: That the Government provide additional resources to the Victorian Planning Authority (VPA), the Department of Environment, Land, Water and Planning (DELWP) and the City of Greater Geelong (CoGG) to fast track the rezoning of the balance of greenfield land on the Bellarine Peninsula.*

## 5. Settlement Boundary Review

The draft SPP indicates that the resolution of the protected settlement boundary along the majority of the western edge of the declared area is to be resolved following further strategic work.

Whilst UDIA Victoria welcomes the ability for additional land to be considered for strategically based growth, it is unclear from the draft SPP when, how, and by whom this review process will occur. UDIA Victoria submits that further detail should be clearly articulated within the draft SPP regarding the process, responsibility and timing of this review.

We also note the panel report on Amendment C395 to the Greater Geelong Planning Scheme included a recommendation that the process to define the long term or permanent settlement boundary should be robust, transparent, evidence-based and start from existing structure planning in the planning scheme.

To this end, UDIA Victoria submits that the SPP should clearly articulate short, medium and long-term processes for managing Geelong's southern urban boundary, not just the western boundary that is within the Bellarine Peninsula.

The current process proposed by the CoGG for Logical Inclusions is restrictive and does not apply to the Bellarine Peninsula's towns. For example, Page 77 of the Settlement Strategy provides:

*"Distinctive Areas and Landscapes*

....

*The City considers the Distinctive Areas and Landscapes the most appropriate process to determine long term boundaries for the Bellarine.*

*If long term boundaries are not resolved, the City will need to determine long term boundaries via a separate consultative process for the district towns with regard to the Statement of Planning Policy.*

### ***Defining the Boundary***

*A long-term settlement boundary should be largely based on existing residential zones and strategic plans, as these have been developed over a number of years, with extensive community consultation and peer review.*

*We expect the process to define a long-term settlement boundary would be similar in approach to the 'logical inclusions' process used to refine Melbourne's urban growth boundary. This would include*

- establishing assessment and decision criteria such as land that: supports an enduring and robust long-term boundary, assists infrastructure provision to land already identified for residential development and is contiguous with an existing urban area.*
- confirming the appropriateness of current boundaries for urban Geelong and district towns on the Bellarine Peninsula (no changes to other towns)*
- a consultation and submissions process*
- referrals to infrastructure and service agencies*
- independent oversight and*
- consultations with the Minister for Planning."*

The Settlement Strategy proposes an appropriate process, including independent oversight.

We understand that the CoGG considers the current DAL process will apply permanent protected settlement boundaries to all of the towns on the Bellarine Peninsula, without the process described in the Settlement Strategy being completed. This is an unacceptable outcome and an alternative approach should be adopted.

In particular, the SPP should be amended to provide for a further review in the future to determine the permanent town boundary for the three district towns: Leopold, Ocean Grove and Drysdale / Clifton Springs. It may be appropriate for the Leopold review to align with the further proposed review relating to Geelong's eastern boundary.

*Action: That the SPP be amended to provide for a more significant strategic review of Geelong's Southern Boundary in the future.*

*Action: That the SPP be amended to provide for a final strategic review for Leopold, Drysdale / Clifton Springs and Ocean Grove before a permanent settlement boundary is finally adopted.*

## **6. Ocean Grove / Wallington**



There is a particularly strong case for a further strategic of Ocean Grove, with a failure to do so potentially leading to poor community outcomes. The 2007 Ocean Grove Structure Plan identified the land north of Ocean Grove and south of Wallington as being within a future investigation area (refer 2007 Structure Plan Diagram below).



UDIA Victoria understands that the 2015 Ocean Grove Structure Plan removed the potential for the land in question to be subject to a **future targeted investigation**. The draft SPP appears to have been drafted to resemble the settlement boundary illustrated in the 2015 Ocean Grove Structure Plan.

UDIA Victoria understands that the land in question holds little agricultural, biodiversity or aesthetic value. In addition, the land in question is sandwiched between two settlements – being Ocean Grove and Wallington. As such, a settlement boundary should not be prescribed around the northern boundary of Ocean Grove and the southern boundary of Wallington.

Rather, UDIA Victoria submits that the land in question should be the subject of a future dedicated strategic investigation to determine the merits of all or part of it being brought into a projected settlement boundary.

There are key community issues to consider including provisions of community, education and other services for the existing community that would be negated without consideration of township expansion as has been part of the town's long-term strategic planning. There is a risk that the town remains now permanently incomplete. The background reports undertaken for the SPP do not address these more nuanced community building issues. The case for a further strategic review is therefore particularly strong in this instance.

Further, we note that Clause 21.14 of the planning scheme proposes a review of the Structure Plan for Ocean Grove, which would include its settlement boundaries, during the course of this year. As

part of Amendment C395, that was not changed. That review, as part of any planning scheme amendment process, would have included referral of submissions to a Panel. The introduction of a protected settlement boundary would make this review superfluous.

*Action: That the SPP be amended to provide for a future strategic review of Ocean Grove and to determine the final form of the town boundary.*

## 7. Neighbourhood Character Interventions

UDIA Victoria is concerned about the inflexible statutory controls proposed for the Bellarine townships which will have adverse consequences. The SPP proposes to rezone the towns from the General Residential Zone to the Neighbourhood Residential Zone and to apply new Schedules to adjust Clause 54 and Clause 55 development standards.

We note these controls are contained in more than 500 pages of reports exhibited and are not highlighted properly in the main SPP document. This reinforces the need for a further process with a scheme amendment before any such controls are finalised. Some of the concepts discussed in the background documents are deeply flawed and alternatives exist.

The background documents do not provide for a nuanced analysis of the causes of the issues, exploration of options to address and manage the issue, and to make recommendations for action. Further, there are differences in the towns and the location and impact of the limited future town expansions that are possible. A more refined approach would be more appropriate.

The SPP takes a one size fits all approach without any testing or modelling of outcomes. These requirements will reduce lot yields and reduce densities as housing products will not be able to locate on standard allotments.

The yields achieved in the remaining greenfield areas would be reduced by about one third. That will put services planning at risk in the towns and create a series of unintended consequences.

For example, the SPP proposes imposition of one canopy tree per 175 square metres of lot area, one in each secluded private open space and one canopy tree per five metres of lot frontage, excluding the crossover, and each tree surrounded by 20 square metres of permeable area with a minimum radius of three metres. Without screw pile foundations or other specific treatments, which add significant cost, canopy tree roots can be expected to impact house slab foundations.

The following extract from one of the background reports set out the proposed policy:



- Apply the Neighbourhood Residential Zone (NRZ) to the Bellarine Peninsula townships as recommended by the township character assessment (Ethos Urban, 2019).
- In residentially zoned areas yet to be developed, as a priority, introduce a schedule to the NRZ including objectives and decision guidelines, and variations to Clauses 54 and 55 relating to building site coverage (decreased maximum), permeability (increased minimum) and vegetation requirements, as follows:
  - The provision of a minimum of one canopy tree per 175 square metres of the site area, that will reach a minimum mature height that equals the height of the proposed development, including:
    - a minimum of one canopy tree within each area of secluded private open space; and
    - a minimum of one canopy tree within the front setback per 5 metres of width of the site (excluding the width of one driveway).
  - Each tree should be surrounded by 20 square metres permeable surface with a minimum radius of 3 metres. Up to 50% of the permeable surface may be shared with another tree.

These are very specific recommendations and there is no demonstration of the merits and what the outcomes will be. UDIA Victoria has been working with the State Government and councils to boost tree canopy cover in public streets from 10 per cent, to 15 per cent, to more than 30 per cent - and we understand that this will be a feature of the new PSP Guidelines when they are adopted. Additional street canopy would go a long way to resolving the impact of new development on township character.

The SPP also proposes larger lots on the township edges at the rural interface, for example:

8.5 Ensure development at the periphery of settlements provides an urban-to-rural transition and is designed to integrate with the landscape character and environmental and biodiversity values.

And:

Accordingly, provision for an urban-rural transition area should be included in the development plan for Jetty Road Stage 2. Edge treatments could include low-density residential development with additional space around dwellings for vegetation, smaller building footprints with substantial vegetation, or a generous vegetated buffer to obscure residential and other development on the town's edge. Materials and finishes that temper visibility (such as darker materials and materials that weather naturally) should also be used. Areas needing such edge treatments are referred to in the *Draft Bellarine Peninsula SPP* as urban-rural transition areas.

We consider these controls are partly the result of an overreaction to the following issues:

- Newer and developing areas contain no objectives or requirements relating to landscape character, permeability or vegetation and have the potential to significantly impact the overall character of the settlement area, and its relationship to the coast and rural hinterland
- Once newer areas are developed, there remains little or no opportunity to influence landscape character



We appreciate there is a need achieve a balance between landscape and neighbourhood character, and residential development. However, there are a range of design responses and tools available to address the issue. The character controls as currently proposed would be highly problematic if applied without amendments.

Further, the impacts of a reduction in yield will be significant.

The existing Jetty Road stage 1 Development Plan Schedule provides:

*“A target minimum net residential density of 15 dwellings per hectare across the whole growth area with medium density housing (20 dwellings per hectare) encouraged within 400 metres of the Neighbourhood Activity Centre, close to public transport, near public parkland and within mixed use areas. Net residential densities are to include local roads and parks but exclude the primary road network, sub-regional parks and activity centres.”*

This is consistent with the Jetty Road Growth Plan which provides:

**Principle 9: Provide residential densities to support a comprehensive range of commercial and community facilities.**

**Objective 9.1:**

Housing should achieve a minimum gross residential density of 15 dwellings per hectare across the whole growth area as per Clause 21.08 of the City of Greater Geelong Planning Scheme.

**Objective 9.2:**

Medium density housing, being a density of 20 dwellings per hectare, is to be encouraged within 400m of the neighbourhood centre, close to public transport, near public parkland, within mixed use areas and above shops within activity centres.

These density policies are at odds with the SPP and the service planning implications are unclear. Reduction in yield will also impact housing affordability which is already under pressure from the SPP limiting growth on the Bellarine Peninsula.

UDIA Victoria submits that a more sophisticated approach to the development of landscape character and tree canopy provisions may be adopted as part of future rezonings.

*Action: That the SPP be adjusted to remove the Neighbourhood Character Controls and instead a future process, led by the CoGG, be devised for future growth pockets to determine the most appropriate character response.*

**Contact**

We thank you for the opportunity to engage in this important consultation process and look forward to discussing the matters raised in this submission with DELWP. Please contact Dr Caroline Speed, UDIA Victoria Policy and Research Director by emailing [caroline@udiavic.com.au](mailto:caroline@udiavic.com.au) to arrange a suitable time to do so.

Yours sincerely



Matthew Kandelaars  
Chief Executive Officer  
Urban Development Institute of Australia, Victoria

## ATTACHMENT A: PREVIOUS SUBMISSIONS

28 January 2021

Standing Advisory Committee  
Distinctive Areas and Landscapes Program  
Department of Environment, Land, Water and Planning  
8 Nicholson Street  
EAST MELBOURNE VIC 3002

By email: [planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)

Dear Standing Advisory Committee,

### **UDIA Victoria Submission: Draft Surf Coast Statement of Planning Policy**

The Urban Development Industry of Australia, Victoria Division (UDIA Victoria) is a non-profit advocacy, research and educational organisation supported by a membership of land use and property development organisations, across the private sector and Victoria's public service. We are committed to working with both industry and Government to deliver housing, infrastructure, and liveable communities for all Victorians.

The challenge facing the Victorian Government around the appropriate management of Victoria's growth, in context of conserving and enhancing our significant landscapes, has been highlighted by COVID-19, which has increased demand for regional housing. Many of our members consider that this may be a structural shift that will increase regional growth over the medium- to long-term.

We commend the State Government on the work it has done to provide the Draft Surf Coast Distinctive Area and Landscape (DAL) documents, including a draft Statement of Planning Policy (SPP), draft landscape controls, a number of technical reports, and establishment of an Advisory Committee to consider submissions. Independent review of submissions is a feature of Victoria's planning system that ensures its integrity and support.

However, as previously communicated in our submissions in relation to the DAL process, our members have several concerns that the program has very real potential to undermine the integrity of Victoria's planning system. Please refer to our Policy Position – *Distinctive Areas and Landscapes Program: Threatening the Integrity of Victoria's Planning System* – [by clicking here to access it on the UDIA Victoria website.](#)

### **Key issues: Draft Surf Coast SPP**

With specific regard to the draft SPP, UDIA Victoria urges the Minister for Planning and the Distinctive Area and Landscapes Standing Advisory Committee to consider the following issues and recommendations to the Surf Coast SPP document before it is finalised.

#### **1. Municipal Boundaries**

- The draft SPP crosses several municipal boundaries and it is inferred that changes to localised planning schemes will be the responsibility of the relevant Councils.
- UDIA Victoria recommends that changes to each planning scheme should be managed by the State Government through the Department of Environment, Land, Water and Planning (DELWP) or the Victorian Planning Authority (VPA) and be concurrently considered. This will

ensure issues are treated in a timely and consistent manner throughout the DAL region.

- As the Surf Coast and Bellarine DALs are contiguous and their timeframes are closely aligned, the Bellarine DAL process should also be finalised through the same planning scheme amendment process. This will ensure an integrated and strategic approach is taken across the wider region.

## **2. 10-Yearly Review**

- UDIA Victoria welcomes a 10-yearly review of the SPP and recommend this review should be clearly written into both planning schemes. It is desirable that the SPP and the planning scheme also articulate what actions meet the test that would bring forward a 10-year review of the SPP.

## **3. Economic Development**

- UDIA Victoria is concerned that there is insufficient clarity in relation to economic development for the region. There is a paucity of discussion and focus on regional economic development in a 50-year visionary document.

## **4. Settlement Boundary South of Armstrong Creek Growth Area**

- The draft SPP indicates that the resolution of the Settlement Boundary south of Armstrong Creek is to be resolved following further strategic work to be led by Greater Geelong.
- When Council originally conceived the logical inclusion process, it was for a different purpose – a strategy that was initiated a long time before the DAL process emerged with potentially far greater long-term consequences for managing growth in southern Geelong. It is worth noting that Victoria's urban development industry was surprised that the Surf Coast DAL intruded into southern Geelong. We question the merits of the spatial boundary of the DAL and recommend that it should only affect land in the Surf Coast municipality. We have not yet seen a sound basis for its impact into Greater Geelong, or for how that impact might be properly managed.
- UDIA Victoria considers that the SPP should clearly articulate short-, medium- and long-term processes for managing Geelong's southern urban boundary. A logical inclusions process on its own would, by definition, be inadequate.
- There are a broad range of issues inherent in planning for long-term growth such as: major physical opportunities and constraints, landscape and inter-urban breaks, transport networks, open space and community infrastructure networks as well as extractive industry interest areas. These decisions are appropriately led and made by the State Government through DELWP and the VPA working in concert with the Council.
- There are two potential strategic pathways for managing the long-term growth of southern Geelong. One is a minor change process akin to logical inclusions. Another is a longer-term, more strategic assessment of securing and providing certainty to the outer boundaries of urban growth. UDIA Victoria is concerned that without State Government leadership, a Council led process will take a narrower and more short-term view of growth capacity and benefits.
- The G21 Plan and the Northern and Western growth Area Framework plan preparation processes occurred over many years and were based on extensive technical review and

investigation. There needs to be flexibility for similar processes to occur in southern and south western Geelong over time to ensure the most appropriate strategic outcomes.

## 5. Investigation Area North-East of Torquay

- Whilst UDIA Victoria welcomes the ability for additional land to be considered for strategically based growth, it is unclear from the draft SPP when, how and by whom this review process will occur.
- Further details should therefore be clearly articulated within the SPP around the process, responsibility and timing of this review.

## 6. Torquay Transit Corridor

- UDIA Victoria supports timely resolution of the Torquay Transit Corridor. There is a lack of public information around the location and details of the corridor that must be addressed.
- The Armstrong Creek Urban Growth Plan and the Armstrong Creek East PSP provides for this transit corridor to enter the DAL area from the north, about 400m east of the Surf Coast Highway. The DAL plan shows the corridor being located on the Surf Coast Highway. This appears to be an error and should be adjusted or clarified for the sake of consistency.

## 7. Spring Creek

- UDIA Victoria submits that the PSP for the Spring Creek area should be approved. The PSP is appropriate, as supported by an independent planning panel. The Draft SPP should have included this as the preferred outcome, or else at least as an option. No valid arguments have been made in the documents to support or counter the findings of the planning panel for Amendment C114 to the Surf Coast Planning Scheme.
- In addition, Option 1 suggests that an ecologically sustainable development option is being considered. However, there are no details as to what this means.
- We highlight that the SPP cannot ignore a fully transparent process that critically analysed the appropriateness of the development of the Spring Creek Corridor, and having weighed up all factors (including community views), chose to support its full redevelopment.
- Torquay/Jan Juc is identified as a District Town within the Regional Growth Plan and it goes on to describe its planned growth in the following manner:

*“Torquay/Jan Juc is the largest coastal centre in the region, acting as the gateway to the Great Ocean Road and home to an international surf industry. It has a strong relationship with Geelong, and provides services to smaller coastal and hinterland towns. Residential growth will occur in existing areas identified in council’s planning strategies. Community infrastructure and educational facilities will be provided to support planned growth. Transport infrastructure will be improved, with a connection to the Geelong Ring Road and long-term plans to upgrade the transit link from Geelong/Armstrong Creek to Torquay.”*

- The panel for Amendment C66 to the Surf Coast Planning Scheme notes that (see page 74):  
*“... it was not put to the Panel that there are environmental values of State or National significance that would preclude carefully planned development of the Spring Creek Valley west of Duffields Road. The existing environmental values consist primarily of the creek environs and some areas of remnant vegetation.*



*These values are similar to those already widespread in rural coastal areas of the Surf Coast. Other areas of development around Torquay will impact on similar values (and no doubt have already as Torquay has grown over the past forty years).*

*The Panel is satisfied that these values can be managed through development by careful design and open space planning. The opportunities for reinforcing environmental values through creek planting for wildlife corridors and creating open space linkages should be crystallised if development occurs."*

Moreover, it states that:

*"There is no doubt that the Spring Creek Valley is an attractive landscape. This was put by submitters as either supportive of a development form that will be marketable and pleasant to live in; or as a precious local resource that should be protected from development.*

*The Panel has considered the submissions and evidence on this issue in relation to:*

- *Inherent values of the landscape*
- *Views down the Valley from Bellbrae*
- *Views of the Valley from the Great Ocean Road.*

*The Panel considers that whilst attractive, the landscape of the Valley is not of such significance to prevent development, but rather is a significant input to the design of any eventual development. It is not recognised in national, state or local (such as a Significant Landscape Overlay in the planning scheme) planning controls as having particular significance. It can be considered to be similar in many ways to already developed areas such as Jan Juc or the Spring Creek Valley east of Duffields Road."*

- The Spring Creek PSP has been more than a decade in the making. The Panel considered all views and evidence put, for and against, and recommended that the development proceed. There is nothing within the exhibited materials that would rule out development of the site. This is evidenced by the Draft SPP itself in its content and in the proposal to allow ecologically sustainable development in that same area.

## **8. Tourism and the Visitor Economy**

- Objectives 6A and 6B outline a "sustainable" and "strong" visitor economy compatible with environmental values, and Map 8 outlines large areas well suited to tourism activities. The draft SPP refers to the established need to increase length of stay (instead of day trips).
- UDIA Victoria submits that there is a material and well understood undersupply of visitor related accommodation in the region. For example, as set out in the strategic master plan for G21 Region visitor economy 2015-25.
- We therefore recommend that tourism elements referred to as being encouraged in the specified rural areas should be clearly defined to include accommodation. Accommodation is essential to the long-term health and wellbeing of the visitor economy.

## **9. Strategic Infrastructure Assets**

- UDIA Victoria submits that relevant maps within the SPP should be amended to show the specific location of strategic infrastructure assets (such as recycled water pipes) to ensure there is a relationship between objectives such as "support recycled water use" and the

declared area. Greater clarity is sought around the role of key infrastructure assets and the timing of their extension to service relevant parts of the region. It would be instructive of the plans indicated, for example, the 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. This could be misleading to planners who refer to the document.

#### 10. Landscape Controls Impact on Rural Operations or Intensive Agriculture

- UDIA Victoria highlights the need for careful consideration around the unintended consequences of the proposed landscape controls. More specifically, to ensure they do not detrimentally inhibit the existing operation of strategic infrastructure assets or their ongoing maintenance or potential augmentation.
- This will ensure that that assets can continue to be utilised for existing and future urban development and rural operations (e.g. for intensive agriculture).

#### 11. Great Ocean Road Authority

- UDIA Victoria is concerned that there is minimal reference to the role of the Great Ocean Road Authority and its statutory role.

In addition to the aforementioned key issues, UDIA Victoria is concerned that insufficient time is available for industry and community stakeholders to adequately prepare for the hearing scheduled to occur from March 2021.

Given the importance of upholding the integrity of the Victorian Planning System, UDIA Victoria **requests that that the proposed Advisory Committee hearing be postponed 1-2 months to allow sufficient preparation time for stakeholders.** As it stands, the proposed hearing dates will make it difficult for affected parties to produce the level of evidence they wish to present. Deferring the hearing start date would encourage a more rigorous process that can enable optimal long-term outcomes for the Surf Coast region.

We thank you for the opportunity to engage in this important consultation process and look forward to discussing the matters raised in this submission with your Department and the Advisory Committee. Please contact Dr Caroline Speed, UDIA Victoria Policy and Research Director by emailing [caroline@udiavic.com.au](mailto:caroline@udiavic.com.au) to arrange a suitable time to do so.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Angela Gaedke'.

Angela Gaedke  
Acting Chief Executive Officer  
Urban Development Institute of Australia, Victoria  
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18 December 2019

The Hon. Richard Wynne MP  
Minister for Planning, Housing and Multicultural Affairs  
8 Nicholson Street  
East Melbourne VIC 3002

Via email: [richard.wynne@parliament.vic.gov.au](mailto:richard.wynne@parliament.vic.gov.au)

Dear Minister Wynne,

**UDIA Victoria Policy Position: Distinctive Areas and Landscape Program – Threatening the Integrity of Victoria’s Planning System**

The Victorian Division of the Urban Development Institute of Australia (UDIA Victoria) is a non-profit advocacy, research and educational organisation supported by a membership of land use and property development organisations, across the private sector and Victoria’s public service. We are committed to working with both industry and Government to deliver housing, infrastructure and liveable communities for all Victorians.

Please find attached the UDIA Policy Position *Distinctive Areas and Landscape Program – Threatening the Integrity of Victoria’s Planning System*. The Policy Position sets out a consolidated position on behalf of our members who have raised concern at the processes employed across the Distinctive Areas and Landscapes program and calls for a suite of actions in response.

We note the importance of these issues to be dealt with holistically by you, as Minister for Planning, and Minister responsible for the Distinctive Areas and Landscape program, in order to protect and uphold the integrity of the Victorian Planning System.

We would welcome an opportunity to meet with you to discuss this matter further. To arrange, please contact Georgia Moore, on 9832 9604 or alternatively via email at [georgiam@udiavic.com.au](mailto:georgiam@udiavic.com.au).

Yours sincerely,

A handwritten signature in blue ink that reads 'Danni Hunter'. The signature is fluid and cursive, with a long horizontal stroke extending from the bottom of the name.

**Danni Hunter**  
**Chief Executive Officer**

Urban Development Institute of Australia (Victoria)  
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Cc. Julian Lyngcoln, Deputy Secretary Planning, DELWP

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## Background

The Victorian Government, through the Department of Environment, Land, Water and Planning (DELWP), is implementing a Distinctive Areas and Landscapes (DAL) Program following the passage through Parliament of the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018*.

The legislation is now found in Part 3AAB of the *Planning and Environment Act 1987*, and the DAL Program is intended to deliver on the Plan Melbourne policy to, “Protect and enhance valued attributes of distinctive areas and landscapes” in Melbourne’s green wedges and peri-urban areas.

The legislation requires that within one year of declaration of a DAL by the Governor in Council, a Statement of Planning Policy (SPP) is prepared. A critical element of this is the designation of long-term protected settlement boundaries to the area, with Planning Scheme Amendments proposing boundary changes requiring ratification by both houses of Parliament.

At the time of writing, a Statement of Planning Policy has been prepared for the Macedon Ranges DAL and endorsed by Macedon Ranges Shire Council. It is currently awaiting endorsement from other relevant responsible public entities ahead of approval by the Governor in Council.

The Surf Coast (Torquay-Jan Juc and surrounds), Bellarine Peninsula and Bass Coast DALs have been declared and DELWP have commenced work on the preparation of draft Statements of Planning Policy, which will be required to be completed throughout 2020.

The Macedon DAL process to date has been highly political, with the resulting SPP taking an inconsistent approach to the inclusion of investigation areas within settlement boundaries, leaving parts of the well-serviced Woodend area excluded from the settlement boundary despite its capacity to accommodate growth in the medium-long term. The subsequent declaration of the Surf Coast DAL has also been highly politicised, with public announcements prior even to the commencement of a public consultation process flagging predetermined outcomes contrary to existing planning controls and the well-advanced Spring Creek Structure Plan planning scheme amendment.

Proposed DAL area boundaries have been unclear during pre-declaration consultations, and in the case of the Surf Coast, part of the City or Greater Geelong was included in the Surf Coast DAL without prior notice or consultation with the affected community.

The Bellarine Peninsula declaration has coincided with the planning panel process for the proposed introduction of the Geelong Settlement Strategy to the Greater Geelong Planning Scheme, with debate on contested sites highlighting the importance of ensuring an opportunity for independent review of any proposed protected settlement boundaries. While the Geelong Settlement Strategy proposes that a logical inclusions process would occur before permanent settlement boundaries were contemplated, the DAL process does not provide an avenue for background technical reports to be reviewed and tabled or for

evidence to be presented and independently reviewed as would ordinarily be the case in a logical inclusions planning scheme amendment process.

## Policy Position

### The current DAL process threatens the integrity of Victoria's Planning System

The Victorian Auditor-General's Report, Managing Victoria's Planning System for Land Use and Development (March 2017), stresses that assessments informing planning decisions must be *"transparent, based on evidence and address all relevant planning matters"*. To allow for such assessments, the report notes,

*"planning schemes must be clearly focused, and policies must clearly express the state's planning priorities and objectives. The planning schemes must be supported by effective and efficient processes for their implementation. **This must all be done transparently, within the constraints of a politicised environment, to help ensure the community's confidence and trust in the planning system to deliver sustainable outcomes.**"*

*The planning system provides a strategic and policy framework to integrate and balance often conflicting policy objectives and economic, social, and environmental considerations. It seeks to ensure that there **are fair, orderly, responsive and transparent processes** to manage the economically productive and sustainable use of land in Victoria"* (emphasis added).

### Issues with the current process

The processes surrounding the declaration and preparation of Statements of Planning Policy for declared areas appear to be purely politically motivated, with publicly reported announcements indicating predetermined outcomes ahead of any consultation:

- Decision-making processes are opaque;
- There is a failure to recognise existing zoning undertaken through robust, proper planning processes, and the raft of technical studies and strategic planning work undertaken to date in specific areas to guide appropriate growth;
- Submission are not made public nor responded to, and there is no avenue for independent review of proposed outcomes by a panel or advisory group;
- There are no third-party rights; and
- The ability of well-serviced areas to accommodate planned growth is restricted.

## Proposed amendments

To address the lack of transparency in the current process for preparing Statements of Planning Policy introducing protected settlement boundaries, and in order to uphold the integrity of the Victorian Planning System, UDIA Victoria recommends the Minister for Planning implement the following process improvements and positive changes to restore and maintain community and industry confidence:

1. **The public provision of the following materials on the DELWP website as part of Phase 1 consultation for any future DAL declaration, and immediately for all live DAL processes where declaration has already occurred:**
  - A clear map and definition of the area under investigation for declaration as part of the public engagement process;
  - A summary of the strategic guidance already in place for the area (such as Regional Growth plans);
  - A list of relevant existing controls in place for the proposed DAL;
  - A list of any live and proposed strategic planning process that may be affected by any declaration and subsequent Statement of Planning Policy, and a strategy for how the two related processes will be managed; and
  - A list of any technical studies proposed to inform the declaration and SPP preparation, and
  - Copies of all technical studies and background documents already completed.
2. **Specific industry engagement** under Section 46AW(c) of the Planning and Environment Act 1987, during the public engagement processes at the pre-declaration (Phase 1), pre-draft Statement of Planning Policy (Phase 2), and draft Statement of Planning Policy (Phase 3) stages. This would be consistent with consultation processes undertaken for other matters of planning policy. We propose that DELWP provide an opportunity for joint industry, DELWP and Council workshops at each stage – to inform decision-making.
3. **At each stage, DELWP must:**
  - Provide a consultation period of at least one month, to allow potential submitters sufficient time to prepare evidence to support their submissions; and
  - Prepare and publicly release a consultation report outlining submissions and responses to issues.
4. **Following release of a draft SPP and receipt of submissions, an Independent Advisory Committee must be appointed to hear submissions regarding township settlement boundaries.**
5. **SPPs must consistently include investigation areas *within* protected settlement boundaries**, to allow for further refinement through a standard Planning Scheme Amendment process without requiring ratification by Parliament. These should be merits based strategic planning decisions tied



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## UDIA Victoria – Policy Position

### Distinctive Areas and Landscapes Program: Threatening the Integrity of Victoria's Planning System

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to Victoria's growth plan, not political decisions.

6. All SPPs must include policy consideration of the challenges and opportunities of the area in question, relating to how it may play a role in positively accommodating population growth.
7. The preparation of further guidance (in the form of a Planning Practice Note):
  - To identify how future planning policy changes and potential conflicts with the Statement of Planning Policy will be managed; and
  - To document the standard processes relating to DAL declarations and implementation of Statements of Planning Policy.

## Contact UDIA Victoria

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