

Hon. Richard Wynne

Minister for Planning
Level 16, 8 Nicholson Street
EAST MELBOURNE VIC 3002
via email: richard.wynne@minstaff.vic.gov.au &
planning.implementation@delwp.vic.gov.au

20 August 2021

Dear Minister Wynne

Draft Bellarine Peninsula Statement of Planning Policy

Tract acts on behalf of Ben Collins in relation to the land at [REDACTED] and how it is affected by the draft Bellarine Peninsula Statement of Planning Policy (SPP).

The land is an island Farming Zone site enveloped by the Comprehensive Development Zone associated with the 13th Beach Resort and shares its southern boundary with the Public Resource and Conservation Zone associated with Murtnaghurt Lagoon which forms part of the RAMSAR wetland system.

The City of Greater Geelong are currently considering a tourism proposal for the site, known as Barwon Heads Farm. The proposal seeks to establish an integrated, low-scale tourism offering including a restaurant, children's farm and garden, function centre and bed & breakfast.

Our client also has longer term plans of providing further tourism accommodation on the site to support its operations and the wider tourism market on the Bellarine Peninsula and Surf Coast. Our client also sees the site having the potential to support modest rural residential living as a natural extension of the 13th Beach Resort, at some stage in the future.

Submission

The draft SPP designates this land as being within a 'Green break' area on Map 14 (refer to **Appendix B**) which are identified as 'potential location for agricultural, natural resources and/or nature-based tourism land uses that protect and enhance significant landscape features.'

The glossary contained in the SPP defines a 'green break' as:

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

While we accept that the site may possess the qualities to be defined as a green break, it is highly unique in comparison to other extensive and contiguous areas of green break. The site being enveloped by the CDZ sets it apart from the other rural areas.

Clause 22.06 contemplates the delivery of tourism activities in FZ areas by default, however it does not provide sufficient weight to compensate for the policy shift proposed under the draft SPP. Additionally, it is not clear how Clause 22.06 and its strategic narrative will be translated from the Local Planning Policy Framework and Municipal Strategic Statement to the new Planning Policy Framework as part of DELWP's Smart Planning Program.

Considering the above, we suggest the mapping is amended to include site-specific support for tourism development in accordance with the Structure Plan to provide clear expectations for the landowner, community, and Council.

Procedural Matters

As established throughout this submission, the draft SPP constitutes a substantial policy shift that requires rigorous justification to be advanced and independently assessed.

Unlike the process already established for the Surf Coast DAL, an Advisory Committee has not been directed to independently consider submissions for the Bellarine Peninsula. The independent review of submissions is as feature of Victoria's planning system that ensures its transparency and integrity.

We consider the absence of the appointment of an Advisory Committee for the Bellarine DAL undermines the integrity and rigor of the 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 consider that it would be a breach of natural justice if an advisory committee was not appointed to hear submissions and evidence.

We submit that an independent Standing Advisory Committee should be appointed to consider all written submissions received, convene a public hearing and advise the Minister for Planning on the robustness of the draft SPP and any proposed planning controls in meeting the objectives of Section 46AN the Planning and Environment Act 1987.

Conclusion

We support the broad principles of the draft SPP and commends DELWP for its work to date in this regard.

However, as outlined in this submission, there are several issues which we believe must be revisited in order to safeguard longstanding strategic direction for tourism.

We thank DELWP for the opportunity to make this submission and we look forward to presenting further submissions in due course.

Yours sincerely

