

**Preliminary Submission in Response
Ocean Grove “Collendina Hotel” Site
for the
Bellarine Peninsula Distinctive Areas Landscape Program
Draft Bellarine Peninsula Statement of Planning Policy (issued 28 June 2021)**

Background

The site at [REDACTED] (“Site”) is currently within the settlement boundary for Ocean Grove.

The 10.04 hectare Site is widely recognised as the location of the Ocean Grove “Collendina” Hotel – a large format 1960’s pub with a licence for 1,320 patrons. There are attached function and reception rooms, beer gardens and other facilities. The site is well known for hosting large scale live music performances. It has significant local and extended community support.

There are also 21 self-contained motel rooms and cabins licenced for 73 guests on the Site, some of which are occupied under long-standing residential tenancies going back some 20 years.

In 2002 planning permits were issued, and development commenced in 2005, to utilise the majority of the Site for a 130-home Retirement Village consisting of 2, 3 and 4 bedroom Retirement Villas. A 2008 amendment to this permit approved the addition of a four storey 120 bed Aged Care Facility in the south eastern corner of the site directly facing the sand dunes. The existing Pub complex and surrounding areas were retained for future redevelopment.

Urban infrastructure was constructed on the Site including Flood and Stormwater Quality Management, Power, Gas, Water, NBN and Roadway works to support the approved development. Significant filling of the site and other earthworks were also undertaken. Stockpiled fill is stored on-site to complete base level earthworks. These alleviate any previous potential flood risk.

Most of the development undertaken on the Site remains, including a row of 11 partially completed residential units facing Bonnyvale Rd.

Although the site is now zoned Farming under the Greater Geelong Planning Scheme, the site has not had any farming uses for well over 100 years, historically being the location of part of the Collendina Racecourse dating back to the late 1800’s and eventually becoming a training track in the inter-war years before being developed as a Pub/Motel/Resort complex in the 1950’s and 1960s.

The Site's inclusion in the Settlement Boundary for Ocean Grove is due to its existing urban nature, current urban uses and potential for further urban development. It has been so included since Settlement Boundaries were introduced into the Planning Ordinances.

Detailed Submission to Follow

We are currently engaging various independent experts to prepare evidence to consider the following matters:

- Should the Site be retained within the Settlement Boundary for Ocean Grove?
- Should the indicated Urban Rural Interface be relocated inland of the northern and eastern boundaries of the Site?
- Is there any/sufficient planning and landscape evidence within the Draft SPP to justify the contention that residential development should be excluded as a potential use on the site while tourism related uses are allowed?

As agreed with DEWLP officers, further submissions and supporting evidence including these expert reports will be provided after restrictions are lifted to enable onsite appraisals by qualified professionals retained by us.

Procedural Fairness & Natural Justice

A Standing Advisory Committee has been established to consider submissions to DAL processes. [Distinctive Areas and Landscapes Standing Advisory Committee | Engage Victoria](#)

“The Minister for Planning has appointed an independent Standing Advisory Committee known as the Distinctive Areas and Landscapes Standing Advisory Committee (the Committee). The Committee can advise on draft Statements of Planning Policy and any other planning policy and implementation matter referred to it by the Minister for Planning.”

*“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....” (our **emphasis**)*

Unlike the process previously 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 a feature of Victoria's planning system that ensures its transparency, integrity and robustness. It assures the community that best practice standards of governance and decision-making are followed. It leads to better decisions.

The failure to announce the appointment of an Advisory Committee or other Independent Panel for the Bellarine DAL undermines the process as well as contradicts the procedure for the Surf Coast DAL. The Surf Coast DAL advisory committee heard a large volume of expert evidence and submissions that directly contradicted the positions of DEWLP experts and conclusions. This should reassure the Minister for Planning that specific change

recommendations require *in practice as well as in theory* independent oversight and reporting, especially when the proposal involves an alteration to arrangements previously supported for 30 years as is the case with the Ocean Grove Collendina Hotel Site.

We consider that it would be a breach of natural justice and stated government policy and obligations if an advisory committee/independent panel was not appointed to hear submissions, consider alternative expert testimony and test the evidence and assertions relied on by DEWLP to propose the exclusion of the site from the settlement boundary.

In relation to our site, the prejudice arising from any lack of independent review is especially significant because **DELWP proposes an unexpected and untested change** to the long-standing position for our site. Any fair and just process that might have contemplated such a change would have involved us receiving a specific invitation to comment on the preliminary thoughts before the draft was formally issued and then having an Independent Planning Review Panel established if there was disagreement. This is established practice.

Our situation is completely different to that of other proponents that are seeking to expand a current Settlement Boundary. It might be argued that they have had some opportunity to have their positions tested either in the recent C395GEE process or for the various Bellarine town-based Structure Plan processes which had Independent Review Panels.

Position

We reject all the untested and clearly incorrect conclusionary assertions made in relation to our Site contained at page 116 of the Settlement Background Paper published effectively simultaneously with the Draft SPP in June 2021.

Our primary contention is that the Site should remain in the settlement boundary with no more onerous requirements than those contained within existing planning controls to allow our site master plan process to continue towards preliminary community consultation.

If despite our primary contention, it is still proposed to remove the Site from the settlement boundary, the proposal should be referred to a specific independent panel (or the more general advisory committee if one is to be convened) to test the evidence behind the assumptions made by the proponents of change and receive expert evidence and submissions from us in contradiction.

[REDACTED]

20 August 2021