



19 August 2021

Andrew Grear
Executive Director, Planning Implementation and Heritage
Department of Environment, Land, Water and Planning
PO Box 500
EAST MELBOURNE VIC 3002

Lodged via online portal

Dear Andrew,

DRAFT BELLARINE PENINSULA STATEMENT OF PLANNING POLICY

Lascorp Investment Group Pty Ltd (**Lascorp**) owns/controls (via its related entities) the following properties that are affected by the draft Bellarine Statement of Planning Policy:

- Leopold Commercial Pty Ltd owns/controls –
 - [REDACTED], being the land being all of the land described in Certificate of Title Volume 9240 Folio 426 and known as Lot 1 on TP871478U
 - [REDACTED] being the land being all of the land described in Certificate of Title Volume 9240 Folio 427 and known as Lot 2 on PS123094
- [REDACTED]
- Kingston Retail Pty Ltd owns/controls –
 - [REDACTED] (also known as [REDACTED]) and being all of the land described in Certificates of Title Volume 12098 Folios 718 and 721 and known as Lots 1 and 4 on PS805378L
 - [REDACTED] (also known as [REDACTED]) being part of the land described in Certificate of Title Volume 12098 Folios 724 known as Part Lot F on PS805378L.

- Kingston Medical Pty Ltd owns –
 - [REDACTED]
being all of the land described in Certificate of Title Volume 12098 Folios 720 known as Lot 3 on PS805378L

(collectively, [REDACTED]).

The following submission is set out in three parts:

- Part 1 relates to the process by which the draft Bellarine Peninsula Statement of Planning Policy is being considered by the Minister for Planning;
- Part 2 relates to matters affecting Ocean Grove; and
- Part 3 relates to matters affecting Leopold.

Part 1

Lascorp has previously made submissions to the early phases of the Bellarine Peninsula Distinctive Areas Landscape consultation process and has been an active participant in submissions to the City of Greater Geelong and the independent Planning Panels appointed to consider Amendments C393 and C395.

In particular, Lascorp sought recommendations from the C395 (Settlement Strategy) Panel to the following effect in relation to the Leopold Site –

- an endorsement of the recommendations of the Panel in Amendment C393 (refer below) on the basis that the Planning Authority had directed policy matters relevant to activity centre planning specifically to that Panel;
- specific acknowledgement that planning for the Leopold Activity Centre should include identified land for retail development to the west of Clifton Street (expert evidence supporting this outcome was provided to the Panel);
- further acknowledgement that settlement and activity planning requires a broader focus than retail planning.

Further, at the C395 Panel, Lascorp raised its concern that Amendment C395 contemplated 'long-term' (or permanent) settlement boundaries when, for Leopold, the Planning Authority had not undertaken sufficient long term planning studies.

Lascorp submitted that whilst there is no sound basis to include a permanent settlement boundary, if one was to be included, there is a sufficient basis to recommend that it provide room to the west and north of the Leopold Subregional Activity Centre to support long term activity centre expansion and activity centre catchment areas.

It also submitted that any suggestion that there ought to be a 'long term' or 'permanent' Settlement Boundary fixed in place for Ocean Grove as part of Amendment C395 should be rejected by the Panel.

The C395 Panel (on page 97) noted the following –

“there is no doubt an exercise to be undertaken which involves the joint consideration of township boundaries and retail provision, but that is not a task for this Panel or this Amendment. The Panel has commented extensively on the need to settle township boundaries in Chapter 4 but the ‘where, when and how’ are matters for the Planning Authority to determine in consultation with DELWP through the DAL process or other process as discussed by the Panel”.

The Draft Bellarine Peninsula Statement of Planning Policy (**SPP**) now proposes protected settlement boundaries for townships on the Bellarine Peninsula, including Leopold and Ocean Grove.

The SPP does not include the Leopold Site within the protected settlement boundary.

The SPP includes the Ocean Grove Site within the protected settlement boundary but it restricts the growth area.

The Frequently Asked Questions on the Engage Victoria website in respect of the SPP note the following –

“What happens after submissions close?”

Following the close of submissions, DELWP will review all submissions and prepare a report to the Minister for Planning for consideration.

The SPP will be finalised and provided to responsible public entities and Ministers responsible for those entities for endorsement in accordance with section 46AX of the Act.

Once endorsed, the SPP will be submitted to the Governor in Council for approval. It will become effective on the date a notice is published in the government gazette.

Will submissions be referred to the Distinctive Areas and Landscapes Standing Advisory Committee?

The Minister for Planning has not asked the Distinctive Areas and Landscapes Standing Advisory Committee to review submissions received on the draft Bellarine Peninsula SPP at this stage. The Committee was set up to advise on any matters that the Minister deemed necessary.

The Minister and DELWP are open to hearing all views of community members and interested stakeholders.

Lascorp is concerned that –

- the Planning Authority has not undertaken, or shared, sufficient long term up to date planning studies to support the proposed protected settlement boundaries.
- there is no formal independent panel hearing or advisory committee hearing proposed to review the draft SPP and consider submissions from affected parties via a transparent process.
- Once the SPP is approved, any amendment to an SPP that seeks to change a protected settlement boundary must be ratified by both Houses of Parliament which is an arduous, difficult and uncertain process.

Lascorp requests that the submissions to the SPP be referred to an independent third party review process so that the submitters can be heard and the impacts can be properly and transparently considered.

This is especially so where, as here, Lascorp has a significant interest in land in both Leopold and Ocean Grove and will be directly and significantly affected by the approved SPP. The fact that the SPP will significantly affect Lascorp's interest (among the interests of many others) provides a compelling reason why the submissions to the SPP, and the draft SPP itself, should be the subject of expert and independent analysis. The provision of a mechanism to make submissions, while welcome, does not enable parties like Lascorp to properly and comprehensively present its case, including by providing expert evidence in support of the submissions that it seeks to advance. The importance of the SPP, the wide-ranging effect of its terms and the fact that future amendment will be difficult means that it would only be consistent with the principles of orderly planning, and fairness, to have the SPP rigorously and independently assessed. To deprive parties like Lascorp of a proper opportunity to present their case, and for the Minister to be properly informed by the analysis of an expert and independent committee, may will serve only to undermine the process and may result in unnecessary and protracted disputation.

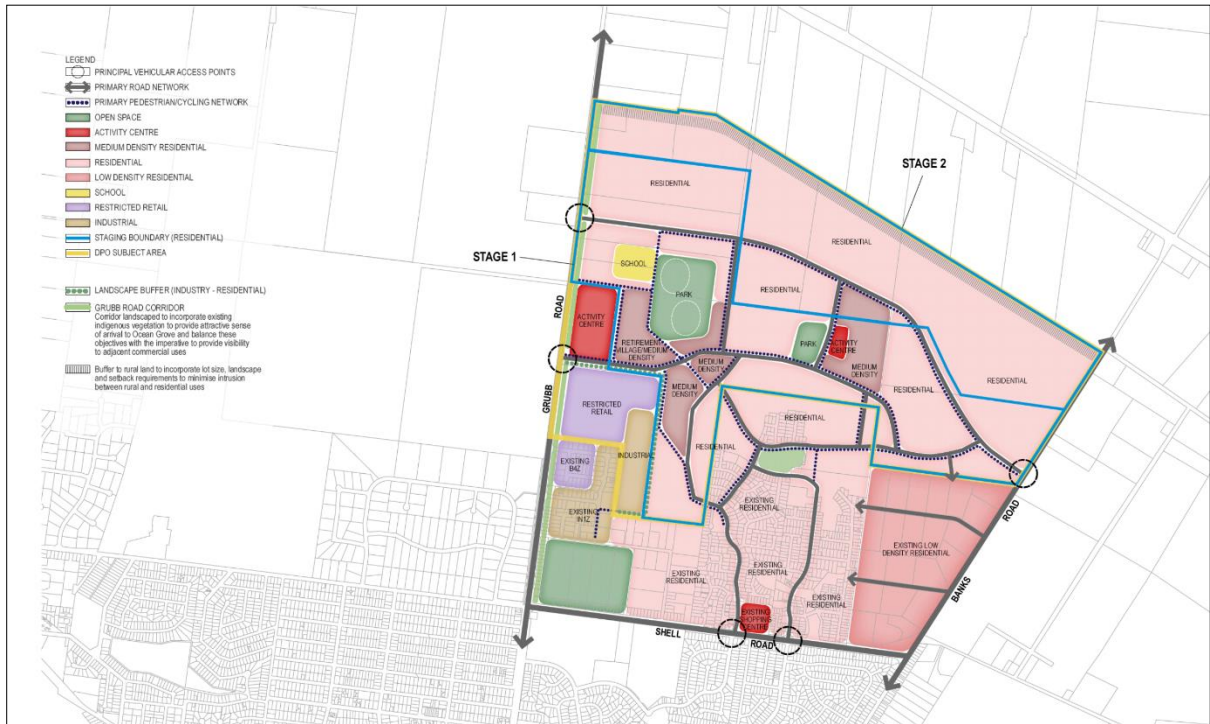
Lascorp has taken the opportunity to prepare a submission in order to impress upon the Department the need for a further, independent process of assessment. The SPP is an important document. It will have serious and significant implications. The process of providing a written submission does not enable Lascorp to comprehensively and authoritatively present its case. It should be permitted an opportunity to do so given the stakes involved. The fact that Lascorp provides this submission is not a concession that the process is both sufficient and/or fair. The following submissions should be understood in the context of these overarching comments.

Part 2 – Ocean Grove

As stated above, Lascorp owns the [REDACTED] neighbourhood activity centre. The centre currently comprises:

- A full-line supermarket (Woolworths) of ~4,000sqm;
- Approximately 4,800sqm of speciality retail tenancies;
- Dan Murphys;
- Service Station;
- Gymnasium; and
- Approximately 760sqm of office floor-space.

The land is included in the Commercial 1 Zone and a Development Plan Overlay (Schedule 22) applies which nominates the land as an Activity Centre as part of the Ocean Grove Growth Area Master Plan:



To the extent that our land is zoned and designated for activity centre purposes, we support its inclusion within the Protected Settlement Boundary set out in the Draft Bellarine Statement of Planning Policy.

Part 3 - Leopold

The draft Statement of Planning Policy provides the following overview of the Leopold township:

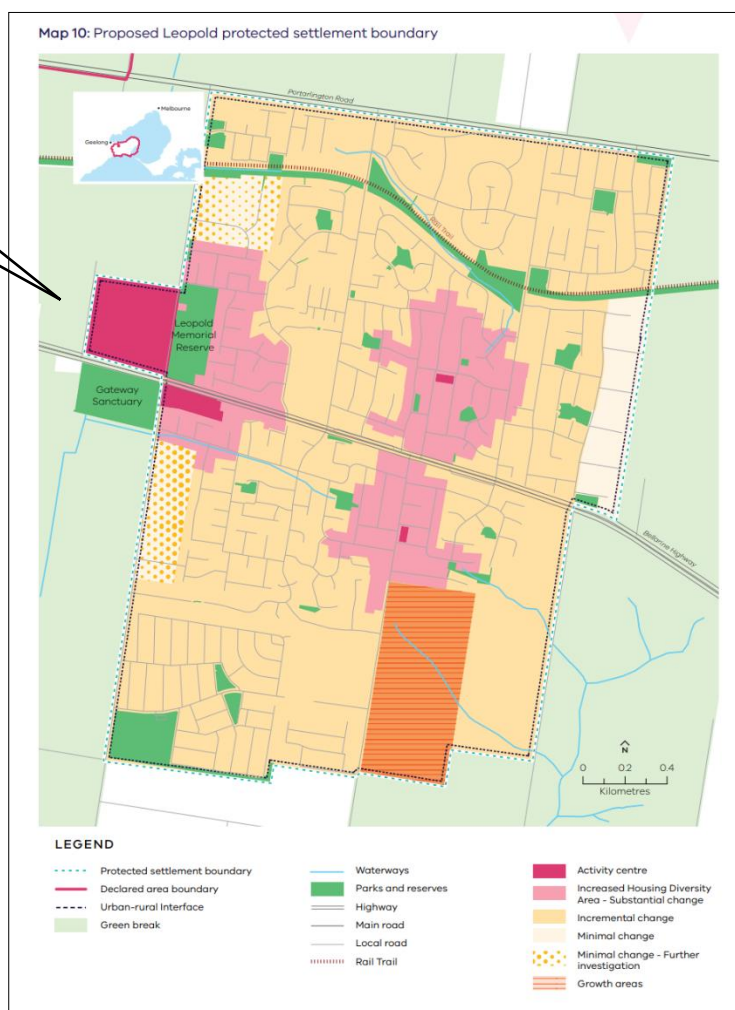
Known as the gateway to the Bellarine Peninsula, Leopold is a district town providing diverse housing and retail and community services for the declared area's residents and visitors. It is a compact, urban community set on a hillside within the regionally significant Bellarine Northern Coast and Central Hills landscape, characterised by undulating, rural hinterland. Its setting offers sweeping views across the rolling, agricultural land to Corio Bay, Lake Connewarre and the You Yangs.

On the western edge of the town, the Leopold Subregional Activity Centre offers commercial space and retail services to the declared area. The Ash Road and Dorothy Street commercial strips are neighbourhood activity centres servicing the local community.

Future growth will be carefully managed through infill and greenfield development within the proposed protected settlement boundary. Residential infill development within increased housing diversity areas surrounding activity centres will provide a greater degree of housing diversity. Development within established residential areas will be more incremental and respond to the predominantly low-scale character of the town, and it will preserve remnant native vegetation in the private and public realm. Low-density residential areas not identified for increased residential densities will provide a transitional urban-edge treatment and will experience minimal change. Greenfield development will occur in designated areas south-east of the town and will be designed sympathetically to protect the adjoining, sensitive Lake Connewarre foreshore and Reedy Lake.

Our land in Leopold is located outside the proposed Protected Settlement Boundary set out in the Draft Bellarine Statement of Planning Policy, and is shown as a “green break” on Map 10, reproduced below:

Subject site



A “green break” is defined 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). (p. 71, Glossary).

Elsewhere in the draft Statement of Planning Policy, a “green break” is defined as a *potential location for agricultural, natural resources and/or nature-based tourism land uses that protect and enhance significant landscape features* (p. 23, 46)

Page 45 of the draft notes:

The open, rural, farming landscape makes up a large proportion of the Bellarine Peninsula’s highly valued green breaks. These green breaks contribute to the declared area’s landscape significance, identity and amenity, and they are an important part of its character and attraction to locals and visitors. The continued protection of these green breaks and support for a working farmed landscape is a key part of the vision for the declared area. This will ensure the long-term certainty of secure agricultural land, supporting a sustainable economy.

There are a number of policies that apply to “green breaks”, including:

- 2.3 Reserve green breaks between settlements for conservation, agriculture, nature-based tourism and natural resource purposes that prioritise the protection and enhancement of the significant landscapes and landscape characters.
- 2.4 Ensure any development allowed in green breaks between settlements responds to the surrounding landscape character and maintains the visual dominance of the natural landscape by:
 - being sited so buildings are responsive to the landscape and use established vegetation or new vegetation buffers to screen development when viewed from the public realm
 - providing setbacks from road corridors and publicly accessible land
 - using building forms, design detailing and materials and colours that immerse buildings within the landscape, so they are not visually dominant.
- 6b.3 Direct urban use and development to within settlement boundaries and ensure development outside settlement boundaries does not compromise the rural, environmental and landscape values of the green breaks

In terms of the settlement boundary, the 'Settlement Background Paper' notes as follows:

*The existing settlement boundary is justified. It contains Leopold's growth and helps protect the distinctive attributes of the town and its surrounds from urban encroachment. The boundary is longstanding, **reviewed by an independent panel** and is likely to be well understood by the community. It should be a protected settlement boundary, to give the community long-term certainty.*

...

*Overall, the panel supported the settlement boundary as designated in the current structure plan. **While it found some sites could be considered in the next review of the structure plan, policies have since changed: Leopold is no longer a designated growth area and growth is being directed away from the Bellarine Peninsula. The land supply analysis found there is sufficient land within the existing settlement boundary to accommodate growth commensurate with a district town.***

...

There is also provision for the Leopold Sub-regional Activity Centre to expand to the north (within the existing settlement boundary), as Figure 15 shows. This land is currently zoned Farming Zone, with a Development Plan Overlay (DPO30) that clearly articulates the intent for future expansion of the activity centre. As such, this area was not considered as part of this assessment. The City of Greater Geelong Retail Strategy 2016–36 commits the council to review the schedule, to improve urban design outcomes. (p. 92-93)

*The planning panel that considered Amendment C393 also considered the direction of future development of the sub-regional activity centre. The panel found the centre's current floorspace cap of 30,000 m² is appropriate, and it supported the centre's future expansion to the Farming Zone land to the north, which Figure 16 shows. **The panel found investigation of the expansion of the centre west beyond Clifton Avenue should not be precluded, but this would represent an expansion of the settlement boundary of Leopold. As previously explained, the assessment considered such an expansion and has found that the current western settlement boundary at Clifton Avenue is appropriate.***

As part of Amendment C393, the council accepted the panel's findings in part that a review of the existing DPO30 and the approved development plan is appropriate, particularly given the location of the major hardware retailer and the centre's existing built form. Such a review would consider urban design improvements and strategies to transition the centre to a true

activity centre with a diverse range of uses. The assessment supports such a review, to explore opportunities to better integrate the main-street concept for Melaluka Road and to provide for higher-density housing in or adjacent to the centre where possible.

Reviewing DPO30 would assist in designating planning controls to the sub-regional activity centre. (p. 100)

Our submission is as follows.

We request that our land be **included in the Protected Settlement Boundary** for Leopold for the following reasons:

1. Our land is included in the Farming Zone, and there are no Overlays that designate the land as being “significant” in terms of its contribution to the landscape.
2. The zoning of the land means that there will be no immediate use or development for urban purposes that arises from the inclusion of the land in the boundary.
3. A rezoning of the land would be required in order to facilitate urban uses or development and to this end the suitability or otherwise of the land to accommodate urban purposes can be tested on its merits having regard to the circumstances that apply at the time.
4. The inclusion of the land inside the Protected Settlement Boundary allows for the future “review of policy” that was recommended by the Panel in Amendment C393 (p. 29-31):

The Panel considers the key issue is whether it is appropriate for current policy with respect to the direction of future development of the Leopold sub-regional centre be reviewed. Potential complementary development such as accommodation/residential is not directly relevant to the current Amendment.

The Panel accepts recommendations made by previous Panels which underpin the current policy position. While it is not the role of this Panel to review the work of previous Panels, it accepts that recommendations made were appropriate to the circumstances at the time.

*Notwithstanding, the Panel concludes that **an acceptable case has been made for a review of policy which supports the future direction of development of the centre.** The reasons are as follows:*

- *Circumstances have changed*
- *Bunnings has been approved and has been developed in a location within the existing site which is not consistent with Council policy*
- *In current policy, such development was planned to be immediately north of its actual location.*

*The Panel is of the opinion that **enough has changed since the Council decision to develop land to the north to warrant a review of existing policy.** There is no evidence that there has been any interest in developing the Perez land.*

5. It is not the case that the Panel supported the proposed Protected Settlement Boundary proposed for Leopold. The proposed boundary appears ‘finite’ given the legislative framework that is required to amend it. The assumptions that informed the approval of Amendment C393 and C395 include that the existing ‘farming’ land on Melaluka Road can accommodate future activity centre expansion are misinformed, given that the land has been designated for retail purposes for more than 7 years, the land has been marketed on

several occasions but not sold, and an obvious limitation on the suitability of the site for retail needs given its location on a secondary road.

6. Our land exhibits key features which distinguish it as highly suitable for future urban development, including:
 - Its location at the western edge of Leopold, holding a “**gateway**” position at the entry to the township which is recognised through the DAL consultation documentation. The site marks the westerly approach from the Geelong CBD and can be carefully planned to create a built form and landscaping outcome which is fitting of this position. The western boundary of the Bunnings outlet has provided a stark entry to the township, with minimal vegetation and a major promotion sign on the western façade of the building. Our land can provide a purpose-designed township entry.
 - An **extensive highway frontage** of over 200 metres that is a key attractor for a range of tenants. The highway frontage would encourage traffic to the primary road network and diverts cars and trucks away from the secondary road network and within residential areas. The highway would be the primary access route to the centre for Geelong-based visitors, and from the Bellarine Peninsula townships of Ocean Grove, Barwon Heads, Queenscliff and Point Lonsdale.
 - Its **large land area** of more than 12ha, and proportions which enable a considered and efficient built form layout to be established. The C393 Panel also acknowledged that car parking is important in this activity centre given it has a limited walkable catchment, and the large land area will ensure that adequate car parking is available.
 - Its **side frontage to Clifton Street**, enabling consideration of north-south and east-west connectivity and walking / cycling connections that were proposed by the UDF but entirely disregarded by the Bunnings development approved by Council. The Bunnings development turns its back on the gateway location and makes minimal contribution to vehicle, walking and cycling connections that were a feature of the UDF.

In summary:

- Lascorp respectfully submits that the importance and potential significance of the SPP, and its impact on the interests of parties like Lascorp, justify and require the referral of the SPP and the submissions received to an independent committee appointed to hear submissions and evidence in relation to the SPP.
- Subject to that qualification, Lascorp supports the inclusion of its land within the Protected Settlement Boundary in Ocean Grove and submits that its land should also be included within the Protected Settlement Boundary for Leopold.
- Lascorp would welcome a further opportunity to comprehensively present its case in support of these contentions.

If you would like to discuss this submission further please contact me on 0409 369 000.

Please note that the Engage Victoria Platform for lodgement of this submission includes a number of questions which are required to be answered prior to lodgement. These questions have been answered on behalf of Lascorp on the assumption that the “declared area” is the Bellarine DAL Declared Area in the SPP (including the Leopold Site and the Ocean Grove Site). If

there are any inconsistencies between the responses to the questions and this submission, this submission takes precedence.

Yours sincerely,

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