Draft Surf Coast Statement of Planning Policy – Frequently Asked Questions

What is the status of the Surf Coast Statement of Planning Policy?

Public consultation on the draft Surf Coast Statement of Planning Policy (SPP) and proposed landscape planning controls is now open from Thursday 19 November 2020 to 4.00 pm Friday 22 January 2021. These documents can be found at www.engage.vic.gov.au/distinctive-areas-and-landscapes-program/surf-coast

This is an opportunity for you to have your say. We want to know what you think about the draft SPP and proposed landscape planning controls for the Surf Coast declared area.

Written public submissions are invited during this time and can be lodged through Engage Victoria: www.engage.vic.gov.au/dalsac

How have the draft Surf Coast SPP and proposed landscape planning controls been prepared?

DELWP has prepared the draft Surf Coast SPP and proposed landscape planning controls together with Traditional Owners the Wadawurrung, the Surf Coast Shire, the City of Greater Geelong, responsible public entities and other government agencies. Both documents have been informed by two phases of public engagement, the Surf Coast and Greater Geelong planning schemes, local councils’ strategic planning work and further technical studies by DELWP.

The technical studies and summaries of previous phases of engagement can be found at www.engage.vic.gov.au/distinctive-areas-and-landscapes-program/surf-coast

What is being proposed for public consultation?

The draft Surf Coast SPP and proposed landscape planning controls propose long-term protections for the declared area’s unique coastal environments, hinterland areas and townships.

Protected settlement boundaries are proposed for Torquay-Jan Juc, Bellbrae, Breamlea and Armstrong Creek Urban Growth Area to protect their valued coastal and rural hinterland settings, while enabling growth in preferred locations. Settlement boundaries are proposed for the Mount Duneed and Connewarre areas. This will provide greater certainty about opportunities for housing, tourism and infrastructure investment that will help create jobs and a strong local economy.

The proposed landscape planning controls seek to better protect the state and nationally significant landscapes found along the coast and surrounding Torquay-Jan Juc.

What is the Statement of Planning Policy?

The draft Surf Coast SPP will guide the future use and development of land in the Surf Coast declared area.
for the next 50 years.

An SPP coordinates decision making for land use and development, achieving integrated management, infrastructure and development outcomes.

An SPP contains three main components:

- a 50-year vision which identifies the values and attributes that the community wants to protect
- policy objectives and strategies to achieve the vision
- a declared area framework plan specifying areas for conservation, long-term protected settlement boundaries, and areas for change within established areas.

Once the SPP is approved it will be operational immediately and form part of the Victoria Planning Provisions. The Surf Coast and Greater Geelong planning schemes will be updated and it will be enforced through the Planning and Environment Act 1987 (the Act).

**Why has an SPP been prepared?**

In 2018, the Act was amended to provide for the protection of ‘distinctive areas and landscapes’. The Act has four objectives:

- to recognise the importance of distinctive areas and landscapes to the people of Victoria and to protect and conserve their unique features and special characteristics;
- to enhance the conservation of the environment in declared areas including unique habitats, ecosystems and biodiversity;
- to enable the integration of policy development, implementation and decision-making through Statements of Planning Policy, and
- to recognise the connection and stewardship of Traditional Owners.

Declaring an area triggers the requirement for an SPP to be prepared and implemented. This ensures that the area is protected and enhanced for current communities and generations to come.

**What are the proposed landscape planning controls?**

Landscape planning controls are proposed to implement the draft Surf Coast SPP.

Significant Landscape Overlays (SLOs) are proposed to protect the state and nationally significant landscapes found along the coast and surrounding Torquay-Jan Juc.

SLOs are proposed for the following areas:

- Surf Coast Western Hinterland (SLO8) applying to the state-significant landscape extending inland to the west and south-west of Torquay–Jan Juc. This SLO is proposed for inclusion in the Surf Coast Planning Scheme.
- Torquay–Jan Juc Coast and Breamlea Saltmarshes (SLO9) applying to the state-significant landscape
along the Bass Strait coast and extending north-east from Torquay–Jan Juc. This SLO is proposed for inclusion in the Surf Coast Planning Scheme and Greater Geelong Planning Scheme.

- Great Ocean Road and Coastal Environs: Bells Beach to Point Addis (SLO10) applying to the state-and nationally significant landscape extending south-west from Jan Juc along the coast. This SLO is proposed for inclusion in the Surf Coast Planning Scheme along with associated amendments to the existing SLO1.

Where is the Surf Coast declared area?

On 19 September 2019 parts of the Surf Coast Shire and City of Greater Geelong were declared as a distinctive area and landscape. For further information about the declaration process and the assessment of the Surf Coast declared area please review the Surf Coast Declaration Assessment Report.

How will submissions be considered?

The Minister for Planning has established the Distinctive Area and Landscapes Standing Advisory Committee (Advisory Committee) and requested that it consider all submissions received through this phase of consultation. The Advisory Committee will provide the Minister for Planning with advice on the draft Surf Coast SPP and proposed landscape planning controls.

The Advisory Committee process will be run by Planning Panels Victoria, similarly to a planning panel, in accordance with its Terms of Reference. The Terms of Reference for the Committee are available here [www.engage.vic.gov.au/dalsac](http://www.engage.vic.gov.au/dalsac). The submission process is independently managed by Planning Panels Victoria (PPV).

If you would like any further information about making a submission or the Advisory Committee process, please call the information line on 136 186 (open 8am to 6pm, Monday to Friday) or email Planning Panels Victoria at planning.panels@delwp.vic.gov.au.

Will there be public hearings?

Yes, the Advisory Committee will hold a Directions Hearing on Thursday 11 February 2021. Its Public Hearings will commence from Monday 15 March 2021 and are likely to go for several weeks. If you would like to appear before the Advisory Committee, you must make a written submission and complete the relevant sections on the online form. All submissions will be treated as public documents. Hearings are likely to be held in both Torquay and Melbourne convened in person, or by videoconference if COVID-19 restrictions remain.

What happens after the Advisory Committee hearings?

Upon receipt of the Committee report, the Minister for Planning may seek the advice of DELWP on its recommendations and for the draft Surf Coast SPP and proposed landscape planning controls to be updated and finalised.

The Minister for Planning is required to seek endorsement of the final draft SPP by responsible public
entities and Ministers responsible for those entities in accordance with section 46AX of the Act. Once endorsed, the Governor in Council’s approval of the final Surf Coast SPP can be sought.

Once approved, the Surf Coast SPP will become operational and form part of the standard provisions of the Victoria Planning Provisions, with immediate effect. Planning scheme amendments will also be progressed to implement it into the Surf Coast and Greater Geelong planning schemes, to provide a consistent approach to land use planning and development across the declared area.

**How have COVID restrictions been considered in the design of public consultation?**

To protect the health and safety of our community and stakeholders, and to slow the spread of coronavirus, the consultation process has been designed in line with public health advice and relevant COVID-19 restrictions provided by the Department of Health and Human Services.

Online public information sessions will run during the public consultation period. These sessions will inform the community and stakeholders about the consultation process, draft Surf Coast SPP and proposed landscape planning controls and provide an opportunity to ask any questions. A schedule of sessions is available on the Engage Victoria website.

Additionally, all landowners and occupiers within the Surf Coast declared area will be notified by mail of the draft Surf Coast SPP and proposed landscape planning controls and invited to provide written submissions.

**What is proposed to protect the township character of settlements in the declared area?**

The relaxed, coastal and rural character of settlements in the declared area is highly valued and will be protected through the management of built form outcomes, including building heights, building site coverage, site permeability, landscaping and external materials.

For Torquay-Jan Juc, the draft Surf Coast SPP proposes that the settlements retain a strong connection with its coastal and rural landscape setting, through the dominance of vegetation, the visibility of the natural contours of the land and views of the coast and the high-quality design of new developments.

Bellbrae and Breamlea are designated for minimal change with no further greenfield growth.

The draft Surf Coast SPP is intended to guide these built form outcomes and provide the policy direction for future planning scheme amendments.

**Where will future growth be directed within the declared area?**

Torquay–Jan Juc 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. Urban development 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.
Further outward greenfield growth 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 resources.

Specific residential areas within Torquay – Jan Juc have been identified which are capable of accommodating additional infill development while protecting township character. Infill development is proposed to be directed to substantial change areas around activity centres, in the core of Torquay and along the Surf Coast Highway. Torquay–Jan Juc’s remaining residential areas are proposed for incremental or minimal housing change. All new development in the settlement will be required to respond to its valued coastal character and support the strong relationship between the settlement and its landscape setting.

**What does the draft SPP mean for Spring Creek and Surf Coast Planning Scheme Amendment C114?**

A protected settlement boundary is proposed for Torquay–Jan Juc, with two options proposed for the Torquay-Jan Juc settlement boundary at the Spring Creek area. This area is subject to a proposed Precinct Structure Plan through Amendment C114 to the Surf Coast Planning Scheme. The options proposed are:

- Option 1 is for the Spring Creek area to be designated for low density ecologically sustainable development and included within the protected settlement boundary for Torquay-Jan Juc.
- Option 2 is for the Spring Creek area to be designated outside the protected settlement boundary and forming part of the surrounding green break between Torquay–Jan Juc and Bellbrae.

This phase of public consultation on the draft Surf Coast SPP gives the public an opportunity to have their say on these two options. The written submissions received will be considered when preparing the final SPP.

The final SPP will inform the Minister for Planning’s decision on Amendment C114 and the Spring Creek PSP.

**How is the draft SPP Option 1 for the Spring Creek area different to what has previously been proposed in Amendment C114?**

Option 1 proposes a low density ecologically sustainable development in the Spring Creek area, with the location of the current settlement boundary as set out in Clause 21.08 of the Surf Coast Planning Scheme retained.

Under this option, development would need to be designed in a manner that recognises its location within a state significant landscape and which responds to its landscape character, Aboriginal cultural heritage and the setting of the Great Ocean Road. For instance, the density of development in the most-prominent areas (such as along the Great Ocean Road frontage or on the prominent hilltops) would need to be reduced to allow more space for protecting existing vegetation and planting new vegetation. Development would need to be designed to fit in with the surrounding rural hinterland and coastal character: lot sizes, building site coverage, building heights, external materials, permeability and landscaping would need to be carefully...
considered so as not to appear incongruous with the significant landscape setting. Future development in this area could provide an effective transition between the urban area of Torquay-Jan Juc to the rural landscape to the west.

**How is the draft SPP Option 2 for the Spring Creek area different to what has previously been proposed in Amendment C114?**

Under Option 2, the existing settlement boundary of Torquay–Jan Juc currently identified in the Surf Coast Planning Scheme would be shifted back to Duffields Road. The Spring Creek area would form part of the green break between Torquay–Jan Juc and Bellbrae. The land would be rezoned to a rural zone and future residential growth would be accommodated elsewhere within the Torquay–Jan Juc urban area, within the Surf Coast Shire local government area and/or the region.

**How does the draft Surf Coast SPP affect the area north of Lower Duneed Road and Mount Duneed Road?**

The municipal boundary between Surf Coast Shire and the City of Greater Geelong follows the alignment of the Lower Duneed Road and Mount Duneed Road.

The draft Surf Coast SPP identifies the need for a protected settlement boundary for the Armstrong Creek Urban Growth Area to provide long-term certainty of the green break between Geelong and Torquay-Jan Juc.

The City of Greater Geelong Settlement Strategy (2019) includes an action to undertake a review of the southern boundary alignment of the Armstrong Creek Urban Growth Zone (UGZ). The finalisation of this boundary will be informed by strategic planning work led by the City of Greater Geelong in consultation with DELWP and relevant agencies after the Minister’s determination of Amendment C395ggee – Settlement Strategy and Northern and Western Geelong Growth Areas Framework Plan.

The implementation of this protected settlement boundary will be progressed through an authorised planning scheme amendment (or another option is progressed via a Ministerial s20(4) amendment given Council’s consultation with local landowners & relevant agencies). Once this work is completed, the indicative boundary in the Surf Coast SPP will be updated to reflect the final boundary.

For more information on Amendment C395, please visit [www.geelongaustalia.com.au/amendments/item/8d6f0bcb1cecc127.aspx](http://www.geelongaustalia.com.au/amendments/item/8d6f0bcb1cecc127.aspx)

**What is the difference between a settlement boundary and a protected settlement boundary?**

In accordance with section 46AV of the Act, a declared area framework plan that forms part of a SPP may specify settlement boundaries, or it may designate specified settlement boundaries as protected settlement boundaries. Section 3 of the Act defines:
• a settlement boundary: in relation to a plan of an area, as the boundary marking the limit of urban development in that area

• a protected settlement boundary: a settlement boundary in a declared area that is protected under a SPP.

How are settlement boundaries and protected settlement boundaries amended?

Section 46AZC states that the Minister for Planning must not approve an amendment to a planning scheme that is inconsistent with a SPP. As such, once a SPP is approved, a settlement boundary can only be amended through the SPP review process.

A SPP must be reviewed at least every 10 years. A review may reassess the location of a settlement boundary if there are compelling reasons to do so. Any proposed change to a settlement boundary in a SPP must be strongly supported by evidence and requires a rigorous planning scheme amendment process involving community consultation.

To amend a protected settlement boundary, the same process to amend a settlement boundary in a SPP applies. However, any amendment to a SPP that seeks to change a protected settlement boundary must also be ratified by both Houses of Parliament. Therefore, a protected settlement boundary provides the highest level of protection.

How will the Statement of Planning Policy be implemented?

Implementation of the SPP requires a whole of governance approach, involving government, Traditional Owners, businesses, landowners/occupiers and the broader community.

The Distinctive Areas and Landscapes legislation aims to enable the integration of policy development, implementation and decision-making for declared areas under SPPs. It seeks to achieve better co-ordination between responsible public entities (RPEs) that operate in the declared area.

An implementation program is being put in place for SPPs. This will include establishing required governance, providing guidance for RPEs, and undertaking monitoring to inform the required 10-year review. It may include establishing action plans for RPEs.

How will the Statement of Planning Policy be monitored and reviewed?

The SPP must be reviewed at least every 10 years, and any proposed changes (other than minor or technical corrections) require endorsement by responsible public entities and approval by the Governor in Council. It can be reviewed earlier than this, however an earlier review will only be considered if further strategic planning work has been completed.

The responsibility for monitoring and review rests with the Minister for Planning involving RPEs, DELWP and other government agencies, Traditional Owners and the broader community.
What is the relationship between the Distinctive Areas and Landscapes project and the Great Ocean Road legislation?

The Great Ocean Road and Environs Protection Act 2020 recognises the state significance of the Great Ocean Road and its landscapes. It establishes the Great Ocean Road Coast and Parks Authority and provides for the establishment of an overarching strategic planning framework for the region.

The strategic planning framework applies to the Great Ocean Road region. It overlaps with the Surf Coast declared area that includes Torquay–Jan Juc. The Great Ocean Road and Environs Protection Act 2020 requires the plan to not be inconsistent with a SPP for a distinctive area and landscape under Part 3AAB of the Planning and Environment Act 1987. As such, the objectives and strategies in the final Surf Coast SPP will be reflected in the Great Ocean Road Strategic Framework Plan.

Glossary of terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declared Area</td>
<td>The Declared Area is an area to which an order under section 46AO of the Planning and Environment Act 1987 applies. Declaring an area indicates that it contains a concentration of distinctive attributes that are under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area. Declaring an area triggers the requirement for a Statement of Planning Policy to be prepared.</td>
</tr>
<tr>
<td>Declared Area Framework Plan</td>
<td>A declared area framework plan provides a spatial framework for decision-making in relation to the future use and development of land. It integrates environmental, social, cultural and economic factors for the benefit of the community, encourage sustainable development and identifies areas for protection and conservation. It may also specify settlement boundaries and/or protected settlement boundaries.</td>
</tr>
<tr>
<td>Great Ocean Road Strategic Framework Plan</td>
<td>The Great Ocean Road Strategic Framework Plan is being developed to manage coastal towns, landscapes and resources along the Great Ocean Road in an integrated manner, including locations such as Anglesea, Lorne, Aireys Inlet and Apollo Bay, of the Surf Coast Shire.</td>
</tr>
<tr>
<td>Green break</td>
<td>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).</td>
</tr>
<tr>
<td>Incremental change area</td>
<td>An area where housing growth occurs within the context of existing or preferred neighbourhood character. Planning Practice Note 90: Planning for Housing (PPN90) has further details.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
</tr>
<tr>
<td>Minimal change area</td>
<td>An area with neighbourhood, heritage, environmental or landscape characteristics that are sufficiently special to a municipality, metropolitan Melbourne or Victoria to warrant protection. <em>Planning Practice Note 90: Planning for Housing (PPN90)</em> has further details.</td>
</tr>
<tr>
<td>Protected settlement boundary</td>
<td>A settlement boundary in a declared area that is protected under a SPP. Any amendment to a SPP that seeks to change a protected settlement boundary must be ratified by both Houses of Parliament. A protected settlement boundary is a long-term settlement boundary intended to protect the valued attributes of the rural hinterland surrounding the settlement by containing its growth.</td>
</tr>
</tbody>
</table>
| Responsible Public Entity | An agency or body responsible for managing land in the declared area. In the context of a declared area, a Responsible Public Entity (RPE) is any of the following:  
- the Secretary (within the meaning of the *Conservation, Forests and Lands Act 1987*)  
- the water corporation responsible for the area in which the declared area is located  
- a municipal council whose municipal district contains land in the declared area  
- Parks Victoria  
- the Victorian Planning Authority  
- a catchment management authority for a catchment and land protection region that contains land in the declared area  
- the Roads Corporation of Victoria  
- Victorian Rail Track  
- any committee of management or trustees in relation to land in the declared area  
- any Traditional Owner Land Management Board in relation to land in the declared area  
- any other public entity prescribed to be a RPE in relation to the declared area. |
| Statement of Planning Policy (SPP) | Statement of Planning Policy means a Statement of Planning Policy approved under Part 3AAB of the *Planning and Environment Act 1987* in relation to a declared area. It will be reviewed every 10 years and may be amended accordingly. |
| Substantial change area | An area where housing intensification will occur that results in a substantially different scale and intensity of housing compared to other areas of a municipality, including an area in and around an activity centre or along a public transport corridor and a strategic development area. *Planning Practice Note 90: Planning for Housing (PPN90)* has details. |
Amendment C114 to the Surf Coast Planning Scheme proposes to implement a precinct structure plan (PSP), a development contributions plan and a native vegetation precinct plan to support the urban development of the Spring Creek Valley out to 1 km west of Duffields Road. In April 2019, the Minister for Planning decided to defer his final decision Amendment C114 pending the outcomes of the Surf Coast SPP process.

Further information on Amendment C114 here: [https://www.surfcoast.vic.gov.au/Property/Planning/Land-use-planning/Amendments-in-progress/Amendment-C114](https://www.surfcoast.vic.gov.au/Property/Planning/Land-use-planning/Amendments-in-progress/Amendment-C114)

| Traditional Owners | An Aboriginal group with Country in a declared area. The Wadawurrung are the Traditional Owners of the Surf Coast declared area. |