

BELLARINE DISTINCTIVE AREAS AND LANDSCAPES

COMMENTS ON

DRAFT STATE PLANNING POLICY, 2021

By the

Bellarine Landcare Group representing 285 members

President: [REDACTED]

Lead author: [REDACTED]

Bellarine Environment Centre,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Contents

Summary

Abbreviations and definitions

1 Introduction

2 Directions under the *Planning and Environment Act 1987* (Vic)

3 Key values and threats to values of the Bellarine Peninsula

4 The Declared Area Framework Plan – broad aspects

5 The Framework Plan – policy domains, objectives and strategies

6 Conclusion

Case studies

A1 Cumulative effects and incremental loss to development

A2 Failures with current Planning Overlays and Covenants

A3 Issues with Offsets

A4 Pressure on Settlement Boundaries

A5 Failure to implement laws and regulations for protection of waterways and Ramsar wetlands

A6 Review of the BDA&L declaration and SPP

A7 Rail Trail Conflicts

References

ABBREVIATIONS and DEFINITIONS

Abbreviations

BDA&L	Bellarine Distinctive Area and Landscape
CoGG	City of Greater Geelong
DA&L	Distinctive Area and Landscape, as defined in the <i>Planning and Environment Act 1987</i> , Part 3AAB
DELWP	Department of Environment, Land, Water and Planning
Draft SPP	Draft Bellarine Peninsula Statement of Planning Policy, 2021
ESD	Ecologically Sustainable Development
FFG Act	<i>Flora and Fauna Guarantee Act 1988</i>
RCZ	Rural Conservation Zone
SPP	State Planning Policy
The Act	The <i>Planning and Environment Act 1987</i> (Vic)
VCAT	Victorian Civil and Administrative Tribunal
UNSDGs	United Nations' Sustainable Development Goals
VPO	Vegetation Protection Overlay

Definitions

Biolinks	Corridors of native vegetation that link areas of indigenous biodiversity, thus allowing movement of native flora and fauna across the landscape and increasing the resilience and potential diversity of the linked ecosystems.
Ecological carrying capacity	The level of use of a resource (ecosystem) that it can bear, in the long term and at a reasonable level of management, without degrading the resource and reducing its capacity to support that and other use in the long term.
Ramsar wetlands	Sites listed under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, Iran, 2 February 1971)

SUMMARY

Bellarine Landcare is the leading member (285) based, community group working with Bellarine landholders for more than 25 years to revegetate and conserve remnant vegetation. Much of the tree lined fencelines and revegetated water ways and Rail Trail are in part due to Bellarine Landcare (Landholders helping landholders) and our very productive indigenous plant Nursery. And the coastline under the stewardship of Bellarine Catchment Network and the numerous coastcare groups.

Broadly, the lack of local knowledge in the document is of concern. Our iconic endemic Bellarine Yellow Gum, listed under the *Flora and Fauna Guarantee Act*, is not listed as a key threatened species, yet it along side remnant Red gums, Manna gums and Swamp gums are the epitome of the distinctive rural landscape attempting to be immortalised in this document. Nor is there a single image of rolling hills of farmland; with brilliant yellow Canola or wavy green grain crop; or a single cow, sheep or horse and a majestic paddock tree in the 25 images across 75 pages.

The *Planning and Environment Act 1987* makes clear that the objectives of a Distinctive Area and Landscape declaration are focused on the aesthetic, heritage and environmental/biodiversity values of the area, and threats to these values.

The Draft SPP for the Bellarine Distinctive Area and Landscape (BDA&L) provides an broad picture of the natural, aesthetic and cultural values that were the bases of the declaration of the BDA&L. It recognises that much has already been lost and what remains is under substantial threat. Most threats are well identified.

There are large synergies between these values of the Bellarine Peninsula. Native ecosystems, including soil and water biodiversity, underpin the other values. Threats also interact to magnify their impacts. The greatest immediate threat to the distinctive values of the Bellarine Peninsula is urban sprawl; with its associated demands for clearing of native vegetation, more and wider roads, car dependency and greenhouse gas emissions, increased and polluted runoff, littering and other illegal activities. Urban development that is sympathetic to the character of existing townships and contained within well-planned settlement boundaries can minimise this threat. The alternative is progressive conversion of the Bellarine Peninsula into a grey, sprawling suburb.

A critical strategic gap of the BDAL is the exclusion of Pointt Henry and the Alcoa 575/Moolap Strategic Framework.. Point Henry and its hinterland should be a part of the Bellarine Distinctive Area and Landscape.

The proposed Framework Plan is the driving heart of the proposed SPP. We find much to applaud in it. Its key fault is that it is much too discretionary. The requirement that only regard need be given to Strategies (actions) allows purely token consideration of these proposed actions. We have plenty of evidence of current planning regulations, covenants and other directives being set aside for the commercial benefits of private interests. Examples of these are given in the **Case Studies**. Without mandated actions to protect the distinctive values of the Bellarine Peninsula we have no expectation of the SPP having much more than cosmetic value and the distinctive features of the area being destroyed by 'Multiple land use changes over time'.

The Framework Plan needs clear and measurable targets supported by accurate mapping of key values such as remnant vegetation, Ramsar and connected wetlands, biodiversity corridors, species listed under the FFG Act, heritage features and desirable vistas. These will provide solid bases for future review of the SPP. Targets and objectives give direction to actions and allow accountability. In the end, however, it is actions that will determine whether the values of the Bellarine Peninsula will survive. Mandated actions and resources to ensure they are implemented are essential to ensure the SPP has a chance of serving its purpose.

In Section 5 of these Comments we look at each Policy Domain and the Objectives and Strategies proposed for them. Many of the strategic actions are excellent and, if made binding, will have a fair chance of achieving the objectives of their Policy Domain. A few need strengthening to provide firm direction. We suggest changes to the wording of these. We indicate which Strategic actions need to be mandated to be effective and what additional ones are needed.

- For the Policy Domain *Environmental Risk and Resilience*, we propose three additional Strategic actions.
- For the Policy Domain *Landscapes*, we propose one additional Strategic action.
- We find that the treatment of the Policy Domain *Environment and Biodiversity* is skimpy and inadequate, considering its fundamental importance and underpinning of other values. Laws, regulations and policies that deal with conservation need to be implemented (e.g. under the Water Act, the FFG Act, and Ramsar protocols). Strategies in the Draft SPP are generally good, though some need stronger wording. We also list 16 additional Strategic actions to address the protection and improvement of the Bellarine's depleted environment and biodiversity.
- We believe the right people to comment on *Aboriginal Cultural Heritage* are the Wadawurrung people themselves. The key Strategy we suggest is providing resources to increase their capacity to do this and meet the desire of the wider community to learn from them.

- We find the object and strategies for *Historic Heritage* to be good. We add that there is a need for education on, and enforcement of, the Heritage Act. We add one further Strategic action.
- To the Policy Domain *Tourism, Agriculture and Natural Resources*, we recommend promotion of agroforestry. Proposed strategies are generally good. We propose the development and application of a modern Land Capability Assessment system to direct land uses to the land best able to support them.
- The Policy Domain *Settlement* is an area of major concern. If it is well managed, there can be increase in population without the destruction of the very factors that draw people to the Bellarine Peninsula, forcing them into car dependence and destroying key conservation and aesthetic values. Strong regulation and determined implementation will be needed.

The introduction to this section is excellent. It advocates a preference for in-fill development, buildings of a scale compatible with existing townships, better transport options, good management of runoff, separation of housing from places of high wildfire risk and inclusion of urban parks and biolinks within settlements. Strategies given are good, but additions are needed to express matters raised in the introductory section. We propose 14 additional Strategic actions, including determination of development applications in the light of cumulative impacts of developments rather than in isolation.

We also emphasise the importance of containing all future urban development within Settlement Boundaries and including open space and biolinks within these.

1 INTRODUCTION

The Bellarine Landcare Group appreciates this opportunity to comment on the Draft State Planning Policy for the Bellarine Peninsula Distinctive Area and Landscape – the Draft SPP. The Group’s members consider that the *Planning and Environment Act 1987* provides an excellent framework for management of Distinctive Areas and Landscapes (DA&Ls). Most aspects of the Draft SPP are commendable. We applaud the detailed and thoughtful descriptions of the values of the Bellarine Peninsula and threats to these values. Many useful strategies are proposed. However the likely effectiveness of the SPP is seriously compromised by its being excessively discretionary. Most Strategies need to be made binding and several need stronger wording.

We propose some strengthening of the wording of Strategies (effectively strategic actions) and additional strategic actions that fill gaps in the Draft SPP. We also indicate which Strategic actions must be made binding if the final SPP is to be effective.

Even if deficiencies in are remedied, the SPP, as with other planning provisions, will only be as useful as its effective implementation. Resources and commitment are needed so that government agencies take responsibility for ensuring implementation of government's laws and regulations. Requirements for effective implementation need to be met.

2 DIRECTIONS UNDER THE *PLANNING AND ENVIRONMENT ACT 1987* (Vic), (as amended at 2021)

2.1 Objectives of DA&L Declaration

Part 3AAB, Division 1 of the Act states that the objectives for declared Distinctive Areas and Landscapes are:

- (a) *to recognise the importance of distinctive areas and landscapes to the people of Victoria and to protect and conserve the unique features and special characteristics of those areas and landscapes; and*
- (b) *to enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas; and*
- (c) *to enable the integration of policy development, implementation and decision-making for declared areas under Statements of Planning Policy; and*
- (d) *to recognise the connection and stewardship of traditional owners in relation to land in declared areas.*

Objectives of DA&L are clearly focused on the unique aesthetic, heritage and environment / biodiversity values of the area and recognition of the connection and stewardship of traditional owners. Economic (commercial) developments are not included in objectives. That does not preclude these from being considered as context of the stated objectives. However they are not the purpose of the declaration.

2.2 Bases of declaration of a DA&L

There are two broad requirements for an area to be declared a DA&L (Section 46AP):

- I. A high representation of a suite of natural, aesthetic and heritage features; and
- II. Serious threat of irreversible damage to these features.

Table 1 of the *Draft Bellarine Peninsula Statement of Planning Policy* (DELWP2021) states the values for which the Bellarine Peninsula was declared a DA&L. Threats may be as follows (our emphasis):

- (2) *The Minister must be satisfied that an area is under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area in order to recommend that the area be declared as a distinctive area and landscape, whether that threat arises from—*
 - (a) *land use conflicts; or*
 - (b) *multiple land use changes over time; or*
 - (c) *any other land use threat prescribed for the purposes of this section.*

Within the BDA&L, the Bellarine Landcare Group members have identified many threats that fall under (2) (a) and (b), for example road widening at the expense of roadside vegetation, destruction and fragmentation of native vegetation, incursion of built and recreational development into conservation areas, altered runoff resulting from urban development and demands for changed fire control methods.

These are all largely linked to urban sprawl, particularly where it is allowed to extend beyond current township boundaries. We note that, among the values that are the bases for declaration of the BDA&L, there is no inclusion of potential for urban development. There is therefore no case, under the declaration of the BDA&L, for urban development to be treated as a value of the area. Development that is harmonious with the listed values, particularly the character of existing settlements, is compatible with the DA&L declaration, especially where there is already the necessary infrastructure to avoid future excessive financial, environmental and social costs. Suburban style sprawl is a threat rather than a value.

Current planning laws and policies do not address incremental loss of environment, heritage and landscape values. This Draft SPP provides only a vague, non-binding strategy to address this (Strategy 1.7). Accumulation of impacts is a threat particularly associated with strong pressure for urban development on the Bellarine Peninsula. It can happen with other land use changes as well, for example provision of facilities for recreation and tourism. Case Study A1 provides specific evidence of this problem and the urgent need for the SPP to deal with it.

2.3 State Planning Policy

2.3.1 Purpose of the SPP

Purpose of the SPP for a declared DA&L is (Division 3, S46AU):

To create a framework for the future use and development of land in the declared area to ensure the protection and conservation of the distinctive attributes of the declared area.

Land development is therefore relevant to the SPP. It is inevitable and so its consequences must be considered.

2.3.2 The declared area Framework Plan

The SPP is required to include a Framework Plan (S46AV). The Framework Plan must:

State the parts of the Statement that are binding on responsible public entities and the parts that are in the nature of recommendations to which responsible public entities are only required to have regard.

This requirement allows all, part, or none of the Framework Plan to be mandated. We note that there is no reason under the Act why actions necessary to achieve the objectives of a declared DA&L should not be binding on Responsible Public Entities.

This Framework Plan is to (our emphasis):

- (a) *Provide a framework for decision-making in relation to the future use and development of land in the declared area ...[integrating] environmental, social, cultural and economic factors for the benefit of the community and encourages sustainable development and identifies areas for protection and conservation of the distinctive attributes of the declared area; and*
- (b) *may specify settlement boundaries in the declared area or designate specific settlement boundaries in the declared area as protected settlement boundaries.*

Important emphases in part (a) are the integration of factors for the benefit of the community, not limited private interests, and the importance of Sustainable Development. Thus priority should be giving to those values of the declared area that have led to its being declared a DA&L. Reference to sustainable development presumably requires development that is consistent with our national Ecologically Sustainable Development (ESD) Strategy, as well as relevant objectives of the United Nations Sustainable Development Goals (UNSDGs). The National ESD Strategy defines ESD as development which:

Uses, conserves and enhances the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased' (Department of Agriculture, Water and the Environment, 2020).

The draft Framework Plan lists UNSDGs 'Development Goals' it considers relevant to the Framework Plan. It is important to bear in mind that these, though important, do not take the place of the Objectives of DA&L Declaration as listed in the Act. The Framework Plan should remain focused on nature, heritage and landscape conservation in areas where these are under threat

2.3 Implementation

Later sections of the Part of the Act dealing with DA&Ls relate to implementation and enforcement of the SPP. These are important: there is a history within the Bellarine Peninsula of planning provisions being set aside or ignored to allow suburban-style urban development at the expense of the values for which the area has been declared a DA&L. Implementation of the SPP, as drafted, will be hampered by the non-binding nature of strategies (actions) in the Framework Plan. See Case Studies A1 and A2 for example of the readiness with which planning provisions are circumvented and pressure to continue to do this.

It will also be hampered if adequate financial and human resources are not provided to ensure implementation of the Framework Plan. Vested interests frequently have significant resources to pursue their narrow interests (See Case Study A7). The public good needs matching resources, legal structures and commitment to balance these.

3 KEY VALUES and THREATS TO VAUES OF THE BELLARINE PENINSUA

The values listed in Table 1 are well described in the *Draft Bellarine Statement of planning Policy* (DELWP 2021). As these have already formed part of the basis for the declaration of the BDA&L, comment on them is not appropriate here. An addition of nature based tourism and recreation to Attribute 4 has effectively been made in the Draft SPP under the *Declared Area Framework Action Plan*.

Table 1: Attributes qualifying Bellarine Peninsula declared area as a Distinctive Area and Landscape (reproduced from DELWP 2021, Table 1)

Item	Attribute
1.	Outstanding environmental significance
2.	Significant geographical features, including natural landforms
3.	Heritage and cultural significance
4.	Natural resources or productive land of significance*
5.	Strategic infrastructure or built form of significance

* 'Productive land of significance', as listed in the Draft SPP, refers to tourism, extractive industries and soil-based agriculture of moderate to high intensity.

An important aspect of these values, not emphasised in the Draft SPP, is that protection of most of them is synergistic: protecting and restoring native biodiversity, wetlands, coasts and productive soils sustains beautiful landscapes and nature based tourism and recreation. They also add to the charm of our towns and villages, which historically have had modest dwellings close to native vegetation, wetlands and coastal reserves. Roads lined by native vegetation are more than access routes; they add beauty to these roads and landscapes and the pleasure to travellers. Enlightened farmers are well aware of the value of native flora and fauna, wetlands and waterways to productive farming. They are among those most active in restoring these natural values and biolinks connecting them.

Some of the threats to these values are discussed in the Draft SPP, but critical ones are down-played. Those emphasised under 'Environmental Risks and Resilience', climate change, changed fire and hydrological regimes and over use, certainly threaten the values of the BDA&L. However, the most immediate and arguably greatest threat is not listed although it clearly falls under *land use conflicts*. This is the progressive expansion of urban development beyond current town boundaries. This creeping expansion of densely packed housing over rural areas conflicts with use of land for nature and heritage conservation, and landscape protection. It also threatens productive agricultural land, much of which has already been lost forever to urban development. It is insidious as it involves precisely what the Act describes as *multiple land use changes over time*, each change modest in its effect but the total impact destructive of the values that the SPP is supposed to protect (see Case

Studies A1,A2 and A5). It can frustrate efforts to restore damaged ecosystems and cultural values as well as wreak destruction on the surviving remnants vegetation.

Threats, like values, reinforce each other. Urban sprawl leads to car dependency and increased greenhouse emissions. Houses encroaching on native vegetation lead to demands for vegetation clearing in the name of building sites, fire protection and better roads. Increased hard surface alter quantity and quality of runoff. This adversely impact waterways, nearby farmland and wetlands. Increasing demand for water places pressure to divert water from the environment and farming to town supply.

Sensitive urban design within current town boundaries can minimise adverse impacts of urban development and provide more liveable towns. Treatment of storm water from towns can even provide a supply of useful water.

If we want to keep the distinctive values of the Bellarine Peninsula and also demand suburban-style development over large tracts of the Peninsula, then the vision of the BDA&L is doomed to failure. We must face reality – there are limits to what our land can give us. The SPP needs to ensure that future demands placed on the Bellarine Peninsula are constrained within its ability to meet these demands.

4 THE DECLARED AREA FRAMEWORK PLAN – Broad aspects

The proposed ‘Framework Plan’ is the part of the Draft SPP which gives Bellarine Landcare Group members greatest concern. The claim is that incorporation of the SPP into planning procedures:

Will provide a consistent approach to land use planning and development across the declared area (DELWP 2021,p.15)

This is wishful thinking. Consistent decision making in line with declared policies, particularly any aimed at conservation of natural or heritage values, has not been a hallmark of past land use decisions. Case studies at the end of these comments illustrate this. The proposed Framework Plan, while having many admirable strategies, does not give confidence that there will be better decision making in the future. It is too discretionary to do this.

4.1 Measurable Targets

In the first place, a Plan needs **clear and measurable targets over an appropriate time frame**. This is particularly so given that the SPP must be reviewed at least every ten years. For clear direction and effective review the Framework Plan needs targets against which achievements can be assessed. Targets should relate to maintaining and improving the values for which the Bellarine Peninsula has been

declared a DA&L. For each Policy Domain objectives could be developed into targets by making them more specific and adding timelines and criteria for measuring success. Targets for 5 and 10 years would be appropriate. See also Case Study A6 in relation to meaningful consultation during review.

There need to be additional maps added to the SPP to indicate clearly the location of the key values of the BDA&L. These should form part of the targets by providing a base-line for protection of the Peninsula's distinctive valued. Maps should show current areas of indigenous vegetation, location of species and communities listed under the *Flora and Fauna Guarantee Act 1988*, wetlands and connecting waterways, major biolinks, significant geographic features and vistas, and places of heritage and cultural significance.

Tables can be added to maps to indicate the condition of the values at each mapped area. At the 5 and 10 year intervals these values can be mapped again as one of the criterion for determining success of the SPP.

4.2 Binding Action

The most basic problem with the Framework Plan is that it is much too discretionary. It provides no certainty that any effective actions will be taken to protect the values of the Bellarine Peninsula. While visions, objectives and targets are essential to give direction, ultimately it is actions that decide if anything happens.

The blanket decision has been made that only the Objectives relating to each Policy Domain will be binding: Strategies, or actual actions, will merely be matters to which the Responsible Public Entity 'must have regard'. No logical reason is given for such a sweeping demotion of all strategic actions to directives that can be *regarded* and then disregarded where the Responsible Public Entity chooses to do so. We have seen plenty of evidence that this is likely to happen. Obligations to implement Trust for Nature covenants, landscape overlays, protection of Ramsar wetlands, and even legal requirement under the Water Act and Environment Protection Act have all been set aside in the interests of urban development and private financial gain (see Case Studies A1, A2,A5 for examples). 'Having regard to' a proposed action is not a strategic action. If the Responsible Public Entity or VCAT wants to, they can easily provide token regard and then go right ahead and ignore the recommended action. The result will be further destruction by stealth of the very values for which the Bellarine Peninsula has been declared a DA&L.

We believe that the Framework Plan must ensure that critical strategies / actions are mandated. Actions must also be stated in clear and unequivocal terms that make clear what is required of decision makers. Many strategies in the proposed Framework Plan are well framed and clear in what they require; others are less so and leave room for multiple interpretation even if they are made binding.

Excessive discretion in implementing strategies in the Framework Plan will lead to a further problem – inconsistent decision making. This will exacerbate current lack of confidence in the planning system and perceived lack of justice and transparency. We already have experience of this. The result is conflict, wasted time, high costs of legal challenges, community protests, erratic development and business dealing with delays and uncertainties.

4.3 Accountability

There must also be effective accountability for ensuring that strategic actions are implemented. Currently it all too often lies with members of the community to identify where breaches of laws and regulations have occurred and seek a remedy (for example, see Case Studies A5 and A7). It is not appropriate that the community must be the watchdog to ensure that government agencies abide by laws and commitments made by government. Nor is it an effective way to ensure that the objectives of legislation are achieved. There is an urgent need for government agencies to have appropriate resources, including realistic staffing numbers, to ensure effective compliance / enforcement of planning decisions and permit conditions.

5 THE FRAMEWORK PLAN – Policy Domains, Objectives and Strategies

The Bellarine Landcare Group accepts the *Policy Domains* used to develop the Framework Plan. We indicate below where some are subsidiary in nature to those directly related to the objectives of the BDA&L declaration. We have presented most of our assessment of Strategies in table form in an effort to make it easy to follow.

5.1 Environmental risks and resilience

5.1a Identified Risk

Stated Risk	Level of risk to the Bellarine’s environmental values	Modification needed
Climate change, leading to	Major	Add ‘increase of weed, pests and disease.’

Rising sea levels, coastal erosion, storm surges and flooding Bushfires	Substantial along coast. Other forms of erosion are also a moderate threat to inland areas Moderate where reasonable preparation is made. If all wildfires are considered and these are not well managed, the level of risk increases to major.	Grass and scrub fires are likely to be more of an issue due to the great extent of highly flammable exotic grasses, and rapid movement of grass fires.
Water security	Major, with high impact on ecosystems	Groundwater and the interconnection of all water systems should be considered, as should increased runoff and pollution from urban developments and additional roading.
Human Impacts	Severe	This 'risk' needs major expansion. The listed impacts are important, but more a reflection of increased population with little effort to restrain and direct its consequences. It also needs better data on which to base strategies and planning.

The section on 'Human Impact' needs to be underpinned by data. While tourism is projected to increase 30% by 2027 (7.5 million visits), no reference has been made in the Draft SPP to predicted population growth. These data, and their reliability, are required to determine how future housing and services can be accommodated within existing settlement boundaries.

The section should also refer to intensification of agriculture, roading, interruption of drainage systems and, especially, urbanisation. Aspects of this risk are dealt with under 'Settlements', so cross referencing can cover some of the impacts. Illegal activities also need to be expanded. Littering is only one of these.

With regards to *Human Impacts*, future land use should take much greater cognisance of the capability of the land to sustain particular uses and direct these to the land best suited to a defined use. This is harmonious with the philosophy of Australia's First People, who live collaboratively with the land, rather than attempting to impose demands on it. We can do this if we determine the characteristics of the soils, landform, hydrology, climate and natural vegetation, and work with these. A *Land Capability Assessment* system was developed in the 1980s with the aim of doing this (e.g. Lindsay and Rowe 1988). It proved valuable but has fallen out of use. It needs further development, particularly in light of climate change. With improvement in the system and training of people to use it, land capability

assessment could be a valuable tool in aligning land use with the characteristics of the land. In particular, all high quality agricultural land should be identified and reserves for its productive values. Regionally valuable agricultural land is often identified in growth plans or rural strategies, but planning schemes do not always refer to these strategies. A modernised Land capability assessment for primary production on the Bellarine Peninsula would provide the information to rectify this.

5.1b Strategies

Strategy (action)	Comment	'Binding' or 'to be considered'?
1.1 Through bushfire risk-based planning, prioritise the protection of human life over all other considerations.	Extend to cover all types of wildfire, and add health and ecological requirements in management. Placing Strategy 1.5 next would be useful	Binding
1.2 Avoid new development or sensitive land uses in areas at high risk of bushfire, coastal and riverine flooding, coastal erosion and in areas adjacent to waterways and estuaries.	Excellent. Add – provide buffers of low-flammability native vegetation around built development	Binding
1.3 Mitigate coastal erosion risks by restoring natural systems and building infrastructure as appropriate, and by adapting to irreversible occurrences of coastal erosion when making future land use and development decisions.	Excellent	Binding
1.4 Ensure coastal and waterway infrastructure is designed to minimise impacts on existing environmental features including vegetation, habitat, natural landforms and natural flows of water.	Excellent	Binding
1.5 Utilise Wadawurrung biocultural knowledge and practices to better manage bushfire risk.	Excellent , but an addition is needed: the capacity of Wadawurrung people to provide this knowledge needs to be increased, so that they can fulfil their role in this Strategy.	Binding
1.7 Consider cumulative impacts and implement best-practice integrated water management and water-sensitive urban design for new development, to minimise negative impacts on waterways, wetlands, beaches and the marine environment.	Good. Cumulative impacts are very important and it is excellent to introduce this hazard. Wording needs strengthening. Change 'Consider' to 'Determine' and add 'and off site impacts'	Binding

	The term 'Best-practice' can introduce problems of who decides what is best practice and whether or not the criteria are consistent with latest knowledge and sound conservation principles*. This strategy could be expanded to include 'energy efficient' to 'water-sensitive design'.	
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* Custodianship of best practice measures could be given to independent research institutions, recognised as the leading agencies in each area. Alternatively, an independent organisation such as the CSIRO could be given the task of collating, maintaining and keeping up-to-date the relevant measures.

1.8 Improve the energy, water and waste performance of development and infrastructure to achieve a zero-carbon future by implementing best-practice, environmentally sustainable design practices including waste management and the use of renewable energy technology.	Good , but needs strengthening. Change 'Improve' to 'Set standards' and 'zero-carbon future' to 'zero net carbon emissions for these developments by 2035'	Binding
1.9 Reduce greenhouse gas emissions by encouraging safe, active transport within and between settlements by providing and maintaining accessible and convenient public transport, walking and cycling infrastructure.	Good , but needs strengthening and addition. Replace 'encouraging' with 'providing for and encouraging'; add 'ensure future urban developments is sited to permit most efficient provision of low energy transport.'	Biding
1.10 Maintain and increase vegetation tree canopy cover across the declared area to aid carbon sequestration and to reduce heat island effects in urban areas.	Excellent , if modified slightly. Change 'vegetation tree cover' to 'native vegetation cover'. Add 'reduce polluted runoff, provide biolinks and improve mental health of residents.'	Binding
1.11 Avoid disturbing coastal acid sulphate soils by limiting stormwater run-off and excessive earthworks, particularly around the Barwon River and associated water bodies, along the north coast and west of Portarlington.	Excellent	Binding

We recommend the following additional Strategic actions.

1.12 No works will be allowed that speed up or substantially divert natural water		Binding
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flows. Stormwater drains will have holding basins to slow water movement to rates that could be expected in natural areas. Any diversion will return water back to the areas that it would have gone to before the works.		
1.13 A modern system of land capability assessment will be developed to align land use with the characteristics of the land and guide future land use decisions.	This is an innovation that will require research and development funding and committed academic resources.	To be considered
1.14 Prime land for agriculture, horticulture and agroforestry will be retained for these purposes.	This strategy depends on mapping of this land in terms its capability. Best available information and current distribution of farms can be used in the interim.	Binding

5.2 Landscapes

5.2a Objective

The objective is well worded. It could easily be expanded to make a measurable target.

5.2b Strategies

Strategy (action)	Comment	'Binding' or 'to be considered' ?
2.1 Provide protection that accords with the level of landscape significance, with the greatest level of protection provided for the state-significant Bellarine Peninsula Southern Coast landscape.	Reasonable. Importance to locals might modify this.	To be considered
2.2 Protect the coastal and hinterland settings of settlements by containing urban growth and development within settlement boundaries.	Good , though add; 'Investigate where draft settlement boundaries should be contracted so greenfield development does not adversely impact landscape quality.'	Binding
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.	Good. Add 'existing' after 'Reserve'. The term 'green breaks' suggests that the substantial rural landscape is a small and secondary to dominant settlements. A better term is required to remove this urban focus.*	Binding

* The term 'green swathes' or 'rural land', or another term that encapsulates the dominance of farm, forest and wetlands would reflect better the overarching importance of these to the values of the Bellarine Peninsula.

<p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Add fourth dot point - all urban development will be contained within settlement boundaries. There should be no further urban development or subdivision outside designated settlement boundaries. The proposed settlement boundaries make more than adequate provision for future urban development if this is well designed. Development outside them is anathema to retaining and restoring the values for which the Bellarine Peninsula has been declared a DA&L and to minimising threats including greenhouse emissions and progressive degradation of the region.</p>	<p>Remove unless change as indicated. If the latter, make Binding'.</p>
<p>2.5 Ensure development does not protrude above hilltops and ridgelines, so natural contours and vegetation remain visible.</p>	<p>Questionable. So long as new developments are confined within settlement boundaries there will only be a few places where this is an issues</p>	<p>Binding for within designated settlement boundaries.</p>
<p>2.6 Manage development and infrastructure to retain the dominance of views to the rural hinterland and/or coast from main movement corridors and public areas with access to significant views within the landscape.</p>	<p>Good. Change 'Manage' to 'Design and manage'. Add 'Retain and improve native roadside vegetation to enhance views and visual quality of the area.'</p>	<p>Binding</p>
<p>2.7 Conserve and increase native coastal and indigenous vegetation, particularly along waterway corridors and within vegetation reserves, by revegetating land in keeping with the ecological vegetation classes to strengthen landscape character.</p>	<p>Excellent. Add 'and roadsides' after 'waterway'.</p>	<p>Binding</p>

We recommend the following additional Strategic action.

<p>2.8 Telecommunication towers will be sited to minimise impacts on landscapes. They will be co-location wherever possible and protect views and panoramas.</p>	<p>This Strategy is in line with the Telecommunication Code of Practice.</p>	<p>Binding</p>
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5.3 Environment and Biodiversity

5.3a Objective

The object of this Domain is reasonable, although understates the importance of the environment and biodiversity to all other values. Given how little of the original biodiversity remains, and its degraded condition, 'preserve' would be a better word than 'conserve'. 'And extend' should be added to 'enhance'. Furthermore, there is a need to recognise that biodiversity is not just birds, bees and flowers. The importance of soil and water as basic parts of the environment and biodiversity needs greater recognition.

5.3b Strategies

Some strategies under this section are weak. Without stronger wording, even if made binding, these strategies will guarantee little effective action.

Strategy (action)	Comment	'Binding' or 'to be considered'?
3.1 Encourage landowners and occupiers to undertake environmentally responsible management practices to ensure the long-term protection and restoration of significant indigenous vegetation and biodiversity and the integrity of ecosystems.	Vague: add 'and assist' after 'Encourage'. Some indication of how this will be done is needed, such as – education, information, grants, facilitation of conservation covenants.	Binding
3.2 Ensure that land use, development and land management practices seek to achieve a net gain in the overall extent and condition of natural habitats in the declared area's terrestrial, waterway and marine environments.	General thrust is good but wording is weak. Remove 'seek to'	Binding if change adopted
3.3 Encourage ecological restoration works to connect areas of high environmental and biodiversity value, including increasing connections between identified biodiversity features and areas.	General thrust is good but wording is weak. Change 'Encourage' to 'Support and undertake'. As with 3.2, approaches to achieve connections should be indicated.	Binding with changes
3.4 Reinforce the role of waterway corridors (within and between settlements) and coastlines as biolinks for native plants and animals.	Vague and ambiguous. A strategy along the lines of: 'Maintain and improve waterway corridors as biodiversity links - though weed and pest management, planting of native vegetation, appropriate water	Binding with alterations

	regimes and prevention of access by threatening activities.	
3.5 Discourage use and development that would impact or threaten the health and function of areas of identified biodiversity and ecological value including biodiversity connections.	General thrust is good but wording is weak. Change 'Discourage' to 'Prevent', and add to the end 'including areas of restored habitats.'	Binding with alterations
3.6 Minimise downstream stormwater impacts by implementing integrated, sustainable stormwater management practices (such as the harvesting, reuse and recycling of water) including the consideration of cumulative impacts on waterways and natural ecological processes.	Good. This can be strengthened by replacing 'the consideration of' with 'determining' and adding to the end 'and instituting controls and management to prevent these.'	Binding
3.7 Utilise Wadawurrung biocultural knowledge and practices in the management of biodiversity and ecological and environmental values.	Excellent. Add 'Provide resources to allow collection of this knowledge and for Wadawurrung people to collaborate in, and provide instruction on, natural resource managers in its use.'	Binding, so long as Wadawurrung people are able to support this strategy
3.8 Minimise the negative impacts of weeds and pest animals on environmental and biodiversity values by developing and implementing best-practice land management plans.	Excellent. See comment on Strategy 1.7 in relation to 'best-practice' Add to the end 'on both private and public land, and ensuring enforcement of weed and pest management obligations under the <i>Catchment and Land Protection Act 1994</i> .'	Binding

We recommend the following additional Strategic actions.

3.9 VCAT will not overturn any decision that a Responsible Public Entity makes to retain native ecosystems and landscapes of value.	See <u>Case Studies A1 and A2</u>	Binding
3.10 Ramsar guidelines will be applied to the whole catchments of the Ramsar wetlands, as requires by Australia's commitment to the Ramsar treaty	See <u>Case Study A5</u>	Binding
3.11 Use of 'Off-sets' will not be used as a mechanism to allow clearing of native vegetation for any new land use change, as no suitable off-sets are practical within the Bellarine Peninsula.	See <u>Case Study A3</u>	Binding

3.12 An offset may be used for native vegetation within an area that has been approved for development within an urban boundary before this SPP came into force. This will be conditional on the offset establishing new vegetation with similar ecological value and species, and of area at least equivalent in size to that to be cleared.	Offsets should be a last resort, after all other options are exhausted.	Binding
3.13 Conservation covenants will be enforced and not subject to alteration for private gain or public convenience.	See <u>Case Study A1</u>	Binding
3.14 Education will be provided on conservation values and approaches to incorporating native plants into farm planning to all new residents in rural areas.		Binding
3.15 Areas of remnant vegetation, of specific ecological importance (including the Ramsar sites) will be designated for protection, with locations for appropriate biolinks (vegetation corridors) to connect these mapped vegetation areas.		Binding
3.16 Indigenous Grasslands and understory vegetation will be given the same consideration as trees and shrubs in biodiversity protection.		Binding
3.17 Both public land managers and private owners will be encouraged, through information, education and appropriate incentives, to manage native vegetation on their land for their ecological values.	Appropriate encouragement should obviate the need for this action to be binding.	To be considered
3.18 Protect and enhance endangered species on private land by negotiating management agreements with landholders and providing incentives such as rate rebates and funding assistance.		Binding
3.19 Develop, implement and monitor management plans, with clear targets for biodiversity protection, for Crown Land reserves and publicly owned freehold, giving priority to retention and protection of biodiversity on this land.	See <u>Case Study 7</u> for an example of private interests dominating public land management.	Binding

3.20 Accurately map remnant indigenous vegetation and include mapped areas in <i>Vegetation Protection Overlays</i> to ensure long-term protection of this vegetation.*		Binding
3.21 Ensure protection of species and communities listed under the FFG Act in accordance with directions within the Act and <i>Flora and Fauna Management Plans</i> under the Act.**	Accurate mapping of the locations of FFG Act listed species and communities is essential to fulfill this legal obligation	Binding
3.22 Encourage planting of indigenous vegetation to restore lost biodiversity and form biolinks, using financial support, a mechanism to register their location with the Responsible Public Entity and prohibition of the removal of registered vegetation.	In particular, threatened Bellarine Yellow Gums require individual protection and need to be connected by planting individuals and revegetating corridors.	Binding
3.23 Protect both remnant and replanted indigenous vegetation on the Rail Trail from disturbance as a biolink of regional importance and high aesthetic value..	See <u>Case Study A7</u> for the threat from private commercial interests over-riding conservation values and community interest.	Binding
3.24 Map and protect remaining large and very large hollow-bearing trees on public and private land.	This responds to FFG Act Action Statement 192 (Department of Sustainability and Environment 2003)	Binding

* A high proportion of remaining native vegetation on private land currently has little protection with the highest amount being placed in the weakest Farm Zone and not in the strongest Rural Conservation Zone (RCZ). Few areas of native vegetation are covered by Vegetation Protection Overlays (VPOs), so that lowest levels of protection are given to vegetation of the highest bioregion significance. Within Farm Zones patches of remnant vegetation and FFG Act listed species can be mapped and protected in as per RCZ and VPO requirements. Incentives, as per Strategy 3.17 should go hand-in-hand with this approach.

** For example, populations of Growling Grass Frogs at Point Richards and Frederick Mason Creek require better protection of water quality through regulating and restricting development, particularly where it is likely to interrupt corridors to neighbouring feeding and breeding sites.

5.4 Aboriginal cultural heritage – Wadawurrung Country

The Bellarine Landcare Group considers the best and appropriate people to comment on this aspect of the BDA&L are the Wadawurrung people themselves. Our only comments are that these strategies should be binding and that the Wadawurrung people need adequate support if they are to offer the knowledge, wisdom and training they are being asked to give.

5.5 Historic heritage

5.5a Objective

The objective is well expressed. A useful addition would be to add:

‘Ensure knowledge and enforcement of *the Heritage Act 2017* (Vic).
 Many people know of the *Aboriginal Heritage Act*, but are unaware that there are similar strong obligations under the *Heritage Act*.

5.5b Strategies

.Strategy (action)	Comment	‘Binding’ or ‘to be considered’?
5.1 Ensure that significant historic heritage places within the declared area are identified and protected using best-practice conservation and management techniques, particularly to enable these places to adapt to long-term climate change impacts.	Good. Better worded in pro-active terms, i.e.’ Identify significant historic heritage places within the declared area using’ See comment on Strategy 1.7 in relation to ‘best-practice’	Binding
5.2 Minimise the visual impacts of buildings and works on heritage places by ensuring the siting and design of development and infrastructure respect the unique historic heritage character of the declared area.	Good	Binding
5.3 With the community, promote post-colonial historic heritage relating to the military, maritime, early pastoral settler, shared history, tourism, transport and coastal identity of the declared area by providing interpretive signage and sustainable tourism facilities.	Good. There is plenty of enthusiasm in the community for this, although resources and professional experts provided to sort family anecdotes from reliable information.	To be considered –
5.4 Ensure historic heritage values are considered in the planning, design and delivery of land use and development proposals, including for infrastructure.	Good. Change ‘considered’ to ‘given due weight’.	Binding

We recommend the following additional Strategic actions.

5.5 Identify sites which have local community cultural heritage value (e.g. the Mannerim Memorial Indigenous Garden) are identified and give them the same protection as listed historic sites of regional or greater significance.		Binding
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5.6 Tourism, agriculture and natural resources

To the extent that this Domain aims to support economic and commercial activities, it lies outside the objectives of the declaration of the BDA&L (see Section 2.1).

However, it is reasonable to consider these aspects of the Bellarine Peninsula as they have obvious interactions with the BDA&L values listed in the Draft SPP, Table 1. Furthermore, farming and more intensive horticulture contribute substantially to the landscape quality of the Peninsula. Many well managed farms host high biodiversity; vineyards and olive farms are attractive to both locals and visitors.

If natural resource use is well managed and within the ecological carrying capacity of the land, it is complementary to BDA&L values. However objectives and strategies here should not be concerned with promoting economic and private commercial benefit. **There are other processes to do that.** The focus in this section should be on ensuring that these activities are conducted in such ways that the the BDA&L values are not compromised and that commercial and recreational uses pay their dues to the natural and heritage environments that support them.

Agroforestry deserves particular encouragement, where it is undertaken on cleared land and uses indigenous species. It offers the following benefits in the face of climate change:

- 1) Conservation of soil water and moderation of runoff;
- 2) Improved microclimate and shade and shelter for farm and native animals;
- 3) Soil protection, improved condition and nutrient recycling;
- 4) Pests and disease control by hosting native birds and other predators of pest species.

As indicated in Section 5.1, adequate assessment of the capability of the land for these uses is a desirable basis for its capacity to sustain these uses and direct them to appropriate areas.

Objective 6A (visitor economy) does this quite well.

Objective 6b (agriculture and natural resources) should remove its emphasis on a 'strong economy' and focus on the need for commercial enterprises to protect natural and cultural values.

Strategies are generally consistent with a focus on conservation values. With some strengthening of the language all but possibly strategies 6a.2 and 6b.1 should be binding. For strategies 6a.2 and 6b.1, 'to be considered' is appropriate as there is considerable enthusiasm in the community for these actions. Facilitation is what is required rather than enforcement.

Strategy 6b.3 should replace 'Direct' with 'Restrict' and conclude with curtailing of development outside settlement boundaries.

5.7 Strategic infrastructure – transport, water security and community infrastructure, and essential services

As with the preceding theme, infrastructure does not fit directly into the objectives of the declaration of a DA&L, although it is listed among the values for which the Bellarine Peninsula was declared (Table 1). Its relevance to the SPP should lie in the obvious need for, and presence of, such infrastructure, and its potential to both enhance and detract from conservation, aesthetic and cultural values. Focus should be on ways to ensure that its maintenance and future development support the DA&L values of the Bellarine Peninsula.

Transport infrastructure, if well designed, can add to the aesthetic and environmental quality of our area. Roadside vegetation supports important remnant biodiversity and provides linkages (biolinks) between larger natural ecosystems. The Bellarine Rail Trail and adjacent heritage railway track offer major recreational attractions and biolinks, as well as a useful route for commuter cyclists. Maintenance of the railway line must not interfere with the native vegetation, nor detract from the aesthetic value of the walking trail.

The Draft SPP makes the excellent point that there is an over-dependence on car transport on the Peninsula and we need infrastructure that allows a shift to greater use of public and active transport. Settlement development (next section) must play a large part in facilitating this.

Water security infrastructure (provision of water for human use) is being addressed in Barwon Water's *Water for Our Future* process (Barwon Water 2020). There should be coordination of this process with this SPP. Barwon Water should be required to take due account of the consequences of its decisions on conservation and aesthetic values on the Bellarine Peninsula. Of particular importance are impacts on waterways, wetlands and lakes, and the groundwater that is intimately connected to them. This is especially so, considering their international significance. The draft Framework Plan has well made the point that better use needs to be made of 'waste' and storm water, using them as resources rather than a source of pollution and inappropriate water regimes.

Community infrastructure and essential services are only marginally related to the broad objectives of the DA&L process, except as they may impact on the values for which DA&Ls are declared. In the main, these should be dealt with by other processes.

5.7a Objective

The draft objective for infrastructure only partly meets the objectives for DA&L in the Act. It needs to add 'and enhance appreciation and maintenance of the natural, aesthetic and cultural values of the Bellarine Peninsula.'

5.7b Strategies

The majority of the strategic actions, as drafted, address well the addition that we propose to the objective. Strategies 7.1, 7.2, 7.6 and 7.7 (with 'Encourage' replaced by 'facilitate') should all be 'binding' actions.

Strategy 7.3 deals with a matter best left to Barwon Water. It is not closely related to the over-arching objectives of the DA&L process, unless it is extended to include management of these assets to ensure protection of associated environmental, aesthetic and cultural values. It should be 'considered'.

Strategy 7.4 also is only marginally related to the objectives of DA&L declaration. It could have a place if extended to require that such infrastructure includes;

- wetlands for capture and decontamination of stormwater, and
- vegetated buffers between developments and natural ecosystems and waterways.

If these points were added the strategy should be binding.

Strategy 7.5, as it stands, should be removed. Pressure to widen roads at the expense of roadside and neighbouring native vegetation is considerable and this strategy adds to this pressure. There needs to be a requirement that maintenance, location and new transport connections are in harmony with the values for which the BDA&L has been declared. The Strategy needs such addition if it is to be included in the SPP. With these, it should be binding.

5.8 Settlements

Members of the Bellarine Landcare Group believe that unrestrained urban sprawl is the greatest threat to the distinctive values of the Bellarine Peninsula. As the Draft SPP says:

The settlements of the Bellarine Peninsula are highly desirable places to live, work and visit, given the lifestyles they offer and their proximity to Geelong and Melbourne. (DELWP 2021, p. 52)

Yet, as the Draft SPP states, the declared area is under pressure from over development. If this continues unrestrained it will destroy the very values that draw people to the Peninsula. The individual charm of existing towns and villages will give way to suburban-style, grey-roofed, oversized houses surrounded by hard surfaces, with householders condemned to high energy bills and car dependency.

To be effective, the BDA&L must prioritise environmental values over urban development. There are international examples of success; limits to urbanisation can be achieved. For example, in England only 8.8% of land has been built over, three quarters is in agriculture and 14.5% is classed as natural (Buxton and Butt 2020).

The introductory sections to this Domain make a number of excellent points and propositions that could, if effectively implemented, ensure a moderate increase in residential development and services compatible with the values of the area.

We particularly want to endorse the intention of ensuring that settlement development will:

- Provide housing at a scale in keeping with the settlement and landscape character (p 52);
- Make good use of in-fill within existing town boundaries (p.54);
- Retain existing vegetation. Native vegetation is assumed – exotic pines and Cyprus trees do not enhance habitats or landscapes and present an increased fire risk. (p 54);
- Retain significant environmental and landscape attributes at the urban edge and in ‘greenfield’ developments within settlement boundaries (p. 54);

We add that there is great opportunity for synergies in urban parks between recreation, nature conservation, pleasing landscapes and water conservation. This may be most obvious with golf courses, but attractive landscaping with native vegetation adds comfort and pleasure, as well as habitat and biolinks, in other recreation reserves. ,

As we mention earlier, the designation of the rural and natural landscapes between townships as ‘green breaks’ is unfortunate: it gives the impression that farms and native bushland are mere ‘breaks’ between more important and dominant towns. Rather, the townships are embedded in a rural landscape. We suggest the alternative terms of ‘green swathes’ and ‘rural landscapes’ be used to emphasise the importance of these to the Peninsula’s values and liveability.

The sections on ***District Towns*** and ***Villages*** (pp. 54-58) present an attractive picture and sound concepts. They could be used to develop targets. At present they describe aspirations rather than assured outcomes. Recent development on the Bellarine Peninsula gives our members no reason to expect these outcomes unless there are strong and mandated actions in the final Framework Plan to achieve these outcomes. Where there are land use conflicts the City of Greater Geelong (CoGG) commonly prioritises development over other values, and has not been slow to amend regulations to facilitate this. Even where the CoGG has been in favour of restraining inappropriate development the Victorian Civil and Administrative Tribunal (VCAT) has made decisions in favour of development that have been contrary to regulations for protection of conservation values (see [Case Study A1](#)).

It is not necessary that all applications for damaging developments be allowed or that each one has a large impact. The issue is the consequence of multiple land use changes over time. These accumulate to degrade and fragment natural ecosystems,

water regimes, landscapes and cultural values. Consequently, the Bellarine Landcare Group strongly recommends that all the Strategies in this draft section be strengthened and provide binding direction to Responsible Public Entities

5.8a Objective

The Bellarine Landcare Group commends the binding objective for Settlements.

5.8b Strategies

The Bellarine Landcare Group recommends that all the listed Strategies be made binding. We propose some changes to strengthen wording and add several additional strategic actions.

Strategy (action)	Comment	'Binding' or 'to be considered'?
8.1 Direct urban development to a hierarchy of settlements, through designating areas for change and clearly defining protected settlement boundaries.	Excellent	Binding
8.2 Implement protected settlement boundaries for all district towns and villages in the declared area, Armstrong Creek, Moolap and the eastern urban Geelong suburbs abutting the declared area.	Good. Add 'Urban development outside these settlement boundaries is not to be permitted.'	Binding
8.3 Ensure development is designed to respect the identity, heritage and coastal character of settlements.	Excellent	Binding
8.4 Direct the majority of residential development to activity centres, areas identified for substantial change or identified greenfield development areas.	Good: Add to end 'within settlement boundaries.'	Binding
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.	Good – add 'native vegetation is retained and linked by additional planting.'	Binding
8.6 Ensure development in settlements maintains and enhances view lines of the rural hinterland, coast and foreshore.	Excellent	Binding
8.7 Avoid development within settlements in high-risk locations, actively reducing the risks associated with climate change impacts and natural hazards.	Excellent.	Binding
8.8 Facilitate commercial development, community services, visitor accommodation, infrastructure and facilities within town and activity centres.	Modify to 'Require that commercialare contained within town and activity centres.'	Binding, with change
8.9 Ensure development in all settlements achieves best-practice environmentally	Excellent. Needs spelling out of what is 'best-practice', and the	Binding

sustainable design and development for the full life of the development.	requirement to upgrade this as new knowledge becomes available. .	
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We recommend the following additional Strategic actions.

8.10 Development applications will be assessed at the landscape and catchment scale, with cumulative impacts of developments determining whether or not any new development is approved.		Binding
8.11 Higher density residential development will be encouraged within <i>Town and Activity Centres</i> and <i>Increased Housing Diversity Areas</i> by favouring Strata Title and apartment style housing that is modest in size, well designed for liveability and retains significant outdoor space.	This type of housing reduces pressure for urban sprawl, provides a sense of community and is well suited to the small and many older households that are common in this region. Good design principles to suit our region need to be developed for the building codes as well as for planning.	To be considered
8.12 Within township boundaries, biolinks will be included in all new developments and established between disconnected patches of native vegetation where in-fill development is occurring.		Binding
8.13 Within greenfield development ensure that 40% of the area is under native vegetation (retained or established) to provide for water infiltration and stormwater capture, areas for relaxation and aesthetically pleasing built areas.'		Binding
8.14 Settlement boundaries will not be subject to expansion for any future urban development.	<u>Case Study A4</u> demonstrates the ever-present pressure by developers to expand beyond planned township boundaries. It may be necessary to seek amendment to enshrine this strategy in the Act to prevent <i>Cumulative land use changes over time</i> .	Binding
8.15 Provide vegetated buffers between developments and areas of remnant native vegetation, streams and wetlands to protect the remnant vegetation and the development. Where remnant vegetation	Some low growing native plants are known to be fire retarding.	Binding

may pose a fire hazard the vegetation in the buffer should be fire retarding.		
8.16 Make provision within settlements for walking and cycling tracks and public gardens, for the benefit of the physical, social and mental health of residents		Binding
8.17 Where a development will lead to increased traffic on major roads, the developer will bear the cost of this expansion of roads. Provision for additional or wider roads must be made, as far as possible, within the development. No clearing of native vegetation from existing roadsides will be permitted		Binding
8.18 Rural-living style development will be confined to existing nodes for this style of development	These nodes need to be included in maps	Binding
8.19 Specifications for rural living areas (minimum land areas, number of dwellings, type of activities allowed) will not be varied to allow greater density of dwellings or loss of biodiversity, heritage or landscape values.		Binding
8.20 Fully protect designated areas and artefacts (e.g., trees) of importance to Indigenous people from damage by any land use change.		Binding
8.21 Encourage the landscaping of recreational reserves within urban areas with native vegetation, connected where practical.	There is evidence of enthusiasm for this approach already. Advice and encouragement is probably all that is needed.	To be considered

5.8c Settlement Boundaries

Defining of settlement boundaries is a useful tool. There can be no case for urban development beyond these on the Bellarine Peninsula as they are already very extensive. In fact, as mapped in the Draft SPP, they may be too extensive. Along the coastal strip they encroach upon much of the remnant coastal vegetation and nearby wetlands and interrupt connections between ecosystems. To the east of the main town of Ocean Grove the proposed settlement boundary covers much of the catchment of productive farm land and wetlands linked to internationally recognised Ramsar wetlands. Extensive further urban development within this rural landscape is likely to create more impermeable surfaces. This will increase both quantity and pollution of runoff into these important wetlands, compromise agricultural production and lead to increase flooding of down-slope roads. These examples illustrate the need to reconsider draft settlement boundaries or add firm conditions to development within them.

There should be no further urban development adjacent to the Ocean Grove Nature Reserve, which protects a wide-ranging and dispersive fauna such as echidnas and woodland birds.

Even more important is ensuring that these boundaries are enforced and not extended in the future. Case Study A4 shows these to be under pressure already. Any concession to developers who seek to flout the settlement boundaries will set a precedent that will be hard to resist in the future. Urban development outside settlement boundaries must be prevented if the BDA&L is to survive.

6 CONCLUSION

The Draft SPP for the BDA&L has much to commend it. Its description of the area is excellent. The heart of the SPP is the Framework Plan. It is this that will provide direction and, if well-conceived, give Responsible Public Entities the duty and authority to drive effective protection of the Bellarine's distinctive values.

Natural ecosystems and biodiversity underpin other key values of the Bellarine Peninsula, particularly its landscapes and Indigenous culture, and status as host of internationally important wetlands. They make it attractive for visitors and residents alike. Climate change, weed and pest invasion, and altered fire and water regimes threaten the Bellarine's values — but the most immediate and significant threat is urban sprawl. Well designed and located expansion of housing can cater for an increased population without despoiling the Bellarine Peninsula; the spread of suburban-style developments over much of the rural landscape will be a creeping plague that destroys the very character and value of the region.

The SPP for the BDA&L needs to be strong, with clear, unambiguous and binding strategies to protect the natural environment, landscapes and heritage values, and to prevent urban development from destroying these values.

CASE STUDIES

A1 Cumulative effects and incremental loss to development

Neither the current planning laws and policies, nor the Draft SPP address in any effective way, incremental loss of environment, heritage and landscape values. Applications for developments are substantially assessed and approved individually and separately. If the total of all proposed developments on an interconnected area were considered, it is likely that many would not be approved. An example of this is the Oakdene and Kingston Estate developments in Ocean Grove. Together their impacts on the Freshwater Lake system is massive, with estimates of up to 26% increase in freshwater entering the system annually (Spiire 2011 *Banks Road and Kingston Downs Holistic Drainage Strategy*) and a total increase in storage water volume in the Lake of 40% (Geelong City Council unpublished correspondence, 2019).

The Holistic Drainage Report was published 10 years ago. Since then the scope and density of developments in the catchment have increased without further investigation into the effects on the fragile and internationally important lake systems below them. The CoGG and the developers have acknowledged that there will be no upgrades to the Freshwater Lake catchment to handle these increases in water volumes, or moderate them to allow replication of the natural wet / dry cycles of the Lake. Nor have the impacts of increasing runoff with continued urban development on flooding of down-slope roads been considered.

Another lake connected to Freshwater Lake, which has also seen the effects of these developments, is the Ramsar listed Lake Victoria. It has received increasing volumes of fresh water from Ocean Grove housing developments and has greater fluctuations of salinity. Salinity hit a record low level in April 2019 (Waterwatch Portal). These changes to the Lake's water regime will continue to be exacerbated as the Oakdene, Kingston Estates and other developments expand in the catchment of the lakes' system.

Other examples of cumulative degradation of the Bellarine Peninsula include:

- Widening of roads and the destruction of remnant indigenous vegetation alongside roadways (e.g. Grubb Road, Shepherd's Lane, Knight's Road, Old St. Leonards Road, Manifold Road)..
- Inappropriate industrial-type activities in rural areas, such as sand mining and truck depots. Even when the CoGG refuses these VCAT often overrides this decision.
- Allowing inappropriate buildings in our coastal villages, such as three or more storey buildings currently under discussion in Portarlington.
- Erection of telecommunication towers without regard to landscape value. VCAT's default position seems to be to approve the towers regardless of amenity and impact on landscape value, as in the case described in VCAT Reference P1097/2018 Hearing Date: 4 February 2019.

There need to be landscape scale considerations put in place when these developments are being approved and assessment of the catchment-wide impacts of multiple developments.

A2 Failures with current Planning Overlays and Covenants

Existing planning overlays are not consistently enforced. Overlays for the Lake Connemare escarpment include a *Significant Landscape Overlay* and *Cultural Heritage Overlay*. These should have prevented major disturbance to the escarpment and development that is contrary to the character and cultural values of the landscape. They did not prevent the building of a large neo French Provincial resort with formal gardens on the edge of Lake Connemare. This involved major excavation of the land, native vegetation removal, and altered runoff. Subsequent to the initial development there have been applications to enlarge the original resort and these have also been allowed. These developments were in the middle of an area under a *Trust for Nature Conservation Covenant* and involved destruction of the covenanted vegetation. For the benefit of the developer, the size of the covenanted area was substantially reduced.

When the CoGG and many local residents opposed some of the development at the site, VCAT allowed it to proceed. The experience of our members is that VCAT seems to have the power to override planning overlays. The CoGG and community members do not have sufficient resources to endlessly oppose developments that are contradictory to the CoGG's planning provisions and other instruments to prevent destructive developments.

The CoGG landscape overlay (SLO 10: Lake Connewarre escarpment), which includes statements regarding the importance of protecting remnant vegetation and constraining visibility of development in the landscape, has been enforced for several landholders. Where a developer has sufficient financial and legal resources it seems even the strictest planning laws can be set aside.

A3 Issues with Offsets

One Bellarine Landcare Member gave his personal experience as an example of problems with **Offsets** for native vegetation clearance. Ten years ago he became host to an offset. This allowed old growth Moonahs to be bulldozed for a subdivision. The offset protects Moonah trees on his property, which were already protected by a conservation covenant. Thus there was no actual replanting to compensate for lost mature vegetation. He did, in fact, plant several hundred more trees, but it will be centuries before they provide equivalent habitat. He concludes that offsets should not be permitted to allow the destruction of native vegetation on the Bellarine Peninsula. Rather, such destruction should generally be prohibited altogether. Where clearing is needed specifically for safety reasons, or permission has already been approved for a development which is proceeding, an offset may be considered. But as there is little scope for an offset on the Bellarine Peninsula, this should be a last resort. Saving existing vegetation must be the option of first choice.

A4 Pressure on Settlement Boundaries

Changes in town boundaries have happened in the past and Bellarine Landcare Group members are not confident that mandated Settlement Boundaries in the Draft SPP will stand against future demands from developers to relax boundaries. Cameron Ling, a spokesperson for the local developers of Oakdene, is already exerting pressure for further urban development on the western side of Grubb road, north of the Ocean Grove Nature Reserve. The area is not within the proposed Settlement Boundary for Ocean Grove. That is not deterring the development company from exerting pressure to change this in its own interest and against great community opposition (see the *Bellarine Times*, Vol 14. No 30, 22 July 2021 and *Bellarine Times*, Thursday, 12 August, 2021, p. 5). There is ample space for urban expansion within the proposed Settlement Boundary, and therefore no case to flout this boundary except the profits of a private company. If the Settlement Boundary is breached at such an early stage of the BDA&L declaration this will set a precedent that undermines the whole object of these boundaries and any orderly planning controls. A way must be found to prevent expansion of Settlement Boundaries defined in the SPP.

A5 Failure to implement laws and regulations for protection of waterways and Ramsar wetlands

One example of such failure is the encroachment of the Drysdale landfill onto Frederick Mason Creek by CoGG. This occurred with the support of the Corangamite Catchment Management Authority and the Environment Protection Authority, despite these agencies all being made aware of the environmental values of the area and the illegality of ignoring them. Frederick Mason Creek runs into Ramsar-listed Swan Bay and is a *Designated Waterway* under the Water Act (*Water Act 1989* By-law No 4 Waterways Protection 2014 Part 2). Further, Australia is a signatory to the Ramsar Convention on Wetlands of International Significance. Ramsar policy states that actions must be on a catchment basis and that all parts of the Ramsar ecosystem must be respected.

It took years of community action for the CoGG to accept its obligations under the Water Act the *Environment Protection Act 1970* and Ramsar guidelines and begin the process to close and rehabilitate the landfill area. A system is needed where it is not incumbent upon the community to fight battles with governments to abide by their own laws and respect the commitments they have made on the world stage.

A6 Review of the BDA&L declaration and SPP

While future review and consultation are not the immediate concern of Stage 3 of the DA&L process, our members raise some points that have come out of the earlier Stage 2. These are relevant to the future of the BDA&L.

So far community consultation appears to be tokenistic or captured by “loud” vested interest groups. A practical way to deal with this is to have total transparency over the process, inputs, outputs and consequent decisions. This will be facilitated if all SPPs specifically and overtly describe the parties that will benefit from any policy or proposed changes, the parties (including future generations) that are disadvantaged and those who are not impacted.

A7 Rail Trail Conflicts

The Bellarine Rail Trail reserve hosts a recreation path for walking and cycling, a railway line used to run vintage tourist trains and an important corridor of native vegetation and animals dependent on it. The Draft SPP mentions the Rail Trail Reserve for its biodiversity significance and value as a biolink. Vegetation has been enhanced by planting done by Bellarine Catchment Network and Landcare community volunteers.

The rail corridor is leased by VicTrack to the Bellarine Tourist Railway, which is the land manager. DELWP is responsible for vegetation and biodiversity protection and the CoGG is responsible for the Rail Trail recreation path. This means multiple areas of responsibility and accountability for land management and differing regulatory mechanisms for compliance. The overall management by Bellarine Tourist Railway, coupled with a recent State Government grant to expand the Railway group’s tourism activities, resulted in the removal of areas of significant native vegetation and soil disturbance by the group to meet its concept of improving the rail services within the corridor. Extensive earthworks and associated native vegetation removal occurred at Mannerim Crossing to accommodate a Track Infrastructure Ballast siding and compound. These will be highly visible from the public realm and severely compromise the Mannerim Memorial as a tranquil place of community remembrance. The works are clearly in breach of Draft SPP objectives and strengthen the case for giving urgent protection to public land identified as providing significant biodiversity connections.

It is ironic that community groups and DELWP are actively pursuing protection and restoration of indigenous vegetation while the designated land manager, through its recent actions, is compromising areas of biodiversity in the railway corridor. It is not acceptable that a public land manager should actively work against the intent of the BDA&L declaration and the public good. The present management arrangement is historical, dating from the late 1970s when the Bellarine Railway commenced operations. It requires urgent review. Failure to consider the concerns of the wider community reflects the powerful influence of tourism agencies and commercial self-interest.

DELWP’s plan to revise landscape protection on public land once the BDA&L SPP is finalised should address conflicts in the Railway Corridor. Much has changed since the railway group commenced operations in the early 1980s. It is not appropriate that the management of the rail corridor, a public asset, should remain in the hands of a commercial company with objectives that are incompatible with the wider values of this public space.

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